



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 23rd May, 2017

1. The Senate met at 10:35 a.m. The Deputy Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 18th May, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcement:**

Acknowledgment:

The Deputy Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Staff and Students of the American International School, Abuja;
- (ii) Staff and Students of the British Oasis Academy, Bwari Road, Abuja;
- (iii) Staff and Students of Fou'ad Lababidi Islamic Academy, Wuse, Abuja; and
- (iv) Staff and Students of Rare Gem Academy, Tafa L.G.A, Niger State.

4. **Petitions:**

- (i) Rising on Rule 41, Senator Clifford A. Ordia (*Edo Central*) drew the attention of the Senate to a petition from Tola Faoye & Associates on behalf of Nze F. Okechukwu, over wrongful dismissal from the Service of Nigerian Navy. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Mao A. Ohuabunwa (*Abia North*) drew the attention of the Senate to a petition from his constituent, Elder Chief A. E. Obiaka on behalf of Mbala Town Development Union, over handling of Mmam River Dam and Irrigation Project by the Anambra-Imo River Basin Development Authority. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator Obinna J. Ogba (*Ebonyi Central*) drew the attention of the Senate to a petition from Dr. Ifeanyi P. Ubah, over arbitrary detention, injustice and oppression by the Directorate of State Security (DSS). He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Chukwuka G. Utazi (*Enugu North*) drew the attention of the Senate to two (2) petitions from:
- (a) Constable Romanus Ugwu, over wrongful dismissal by the Nigeria Police; and
 - (b) J. C. Ene Esq on behalf of Mr. Benjamin Ogbobe, over wrongful dismissal by the Nigeria Police.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

5. Privileges:

Rising on Rule 15, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate to publications of ThisDay Newspaper and Punch online both of 22nd May, 2017 alleging that he was prevented from entering his hometown, Gashua by his people. He stated that in all his eighteen years in the National Assembly, he received patronage, love, trust, and mutual respect from his Constituents. On the alleged date of incidence, he was in Katsina State attending a function. The published stories were untrue, malicious and wicked. His Constituency, family, friends and colleagues were embarrassed by the publications. He further explained that the publications impugned on his privilege as a Senator of the Federal Republic of Nigeria. He demanded for immediate retraction of the report and an unreserved apology from the publishers.

Newspaper laid and matter referred to the Joint Committee on Ethics, Privileges and Public Petitions; and Media and Public Affairs, to report within one (1) week.

6. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Dino Melaye (*Kogi West*) drew the attention of the Senate to the exploitation of subscribers by the Abuja Distribution Company of Nigeria and other DISCOs across Nigeria through estimated billing despite the epileptic power supply. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

7. Committee on Poverty Alleviation and Social Welfare:

Report on the Constituencies Projects (Budgetary Provisions) Bill, 2017 (SB.103):

Motion made: That the Senate do receive the Report of the Committee on Poverty Alleviation and Social Welfare on the Constituencies Projects (Budgetary Provisions) Bill, 2017 (*Senator Malam A. Wakili — Bauchi South*).

Question put and agreed to.

Report Laid.

8. Motions:

(a) *Worrisome dimension of Cyber-Crime and Insecurity- urgent need for concerted efforts to secure Nigeria's Cyberspace:*

Motion made: That the Senate notes that the positive posture of ICT revolution is being dampened by malicious activities of criminal elements in society which invade the cyberspace, presenting risks to businesses, national economies and security such as malicious use of the social media, identity theft, electronic fraud, data damage or alteration, espionage, etc;

aware that these elements have developed several hacking technics, one of the most recent being Ransomware known as WannaCry Worm or WannaCrypt which infects computer operating systems and networks, encrypt files and ask for ransom;

worried that cyber-attacks are taking a dangerous dimension all over the world, for instance the Lloyds Banking Group and Barclays Bank of UK suffered 48-hour online attack from 11th to 13th of January this year, in which the criminals attempted to block about 20 million accounts, bombarded Lloyds, Halifax and Bank of Scotland with millions of fake requests designed to grind the groups' systems to a halt and asked for a huge ransom in bit coins to end the attacks which were being prevented by the Denial of Access System (DOS);

further worried that on the 12th May, 2017 at least 200,000 targets in over 150 countries were hit by cyber-attacks which the Internet Protocol suggested to have originated from the Middle East particularly from Syria and Iran, as well as from Kenya, supposedly using a Malware known as Lazurus to compromise systems in banking and information networks, with no dear evidence yet as to how the act was perfected, and that the criminals are already targeting Nigeria;

alarmed about revelations from studies that over 70% of hacking attempts so far, i.e. about 3,500 cyber-attacks on the Nigeria ICT space, have been successful resulting in loss of over \$450 million and that government servers are currently under serious threat;

further alarmed about Oversight findings of the Senate Committee on ICT and Cybercrime which reveal that ICT shortfall in the country is enormous, that Nigeria's cyber space is porous and that the system lacks a well- structured and effective approach to cybercrime control;

concerned that in view of voluntary and involuntary insider compromise, together with poor information technology standards in the country, Nigeria's security and financial system could be an easy prey to the heightened threatening ramifications of e-crime; and

further concerned that there is an urgent need to up-scale Nigeria's consciousness towards protection of the country's cyber space.

Accordingly resolves to:

- (i) urge the National Security Adviser to alert all security agencies and financial institutions in the country about the current and threatening dimensions of cyber-attacks; and
- (ii) mandate the Committee on ICT and Cybercrime to immediately convoke a National Stakeholder Conference on Cyber Security with a view to stimulating a collective reflection among relevant stakeholders and articulating a national and broad-based approach to keeping the country ahead of the challenge (*Senator Buhari Abdulfatai — Oyo North*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the National Security Adviser to alert all security agencies and financial institutions in the country about the current and threatening dimensions of cyber-attacks — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committee on ICT and Cybercrime to immediately convoke a National Stakeholder Conference on Cyber Security with a view to stimulating a collective reflection among relevant stakeholders and articulating a national and broad-based approach to keeping the country ahead of the challenge — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the National Security Adviser to alert all security agencies and financial institutions in the country about the current and threatening dimensions of cyber-attacks: and
 - (ii) mandate the Committee on ICT and Cybercrime to immediately convoke a National Stakeholder Conference on Cyber Security with a view to stimulating a collective reflection among relevant stakeholders and articulating a national and broad-based approach to keeping the country ahead of the challenge (S/Res/177/02/17).
- (b) ***Need to ensure Affordable and Accessible Mental Health Care for Nigerians.***

Consideration of Motion deferred to another Legislative Day.

(c) ***Calabar Football Viewing Centre Tragedy:***

Motion made: That the Senate notes with great concern the death of several youths in Nyangassang Community in Atimbo area of Calabar on 22nd April, 2017 after a High Tension Cable that belongs to Port Harcourt Electricity Distribution Company (PHEDC) fell and electrocuted them at a Football Viewing Centre;

further notes that this sad incident threw Nigeria, other football loving nations and organizations into mourning;

observes that President Muhammadu Buhari through his Media Aide condoled the families of the deceased and expressed sadness over the death of the football fans;

further observes that the leadership of the National Assembly also condoled the deceased families and Cross River State Government for the tragic loss;

aware that football is a game of unity that contributes in taking restive youths off the streets;

further aware that the Federation of International Football Association (FIFA) as a body that takes safety at football venues seriously also expressed sadness over the unfortunate electrocution of football fans in Calabar;

acknowledges that Manchester United, the football club whose fans were affected by the electrocution, had through its twitter handle condoled with the friends and families of the victims of the tragedy; and

concerned that the Port Harcourt Electricity Distribution Company (PHEDC) as a successor company of PHCN should be responsible for regular checks of its electrical installations in all areas of its operation.

Accordingly resolves to:

- (i) observe a minute silence for the 7 persons who lost their lives in the tragic event;
- (ii) urge all Electricity Distribution Companies to carry out regular checks and maintenance of their installations so as to forestall tragedies such as this; and
- (iii) mandate the Committee on Power, Steel Development and Metallurgy to invite the Nigeria Electricity Regulatory Commission, Nigeria Electricity Management Services Agency and the Port Harcourt Electricity Distribution Company to ascertain the remote and immediate causes of the accident and report its findings and recommendations to the Senate (*Senator Gershom O. Bassey — Cross River South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do observe a minute silence for the 7 persons who lost their lives in the tragic event — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge all Electricity Distribution Companies to carry out regular checks and maintenance of their installations so as to forestall tragedies such as this — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do mandate the Committee on Power, Steel Development and Metallurgy to invite the Nigeria Electricity Regulatory Commission, Nigeria Electricity Management Services Agency and the Port Harcourt Electricity Distribution Company to ascertain the remote and immediate causes of the accident and report its findings and recommendations to the Senate — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe a minute silence for the 7 persons who lost their lives in the tragic event;
- (ii) urge all Electricity Distribution Companies to carry out regular checks and maintenance of their installations so as to forestall tragedies such as this; and
- (iii) mandate the Committee on Power, Steel Development and Metallurgy to invite the Nigeria Electricity Regulatory Commission, Nigeria Electricity Management Services Agency and the Port Harcourt Electricity Distribution Company to ascertain the remote and immediate causes of the accident and report its findings and recommendations to the Senate (*S/Res/178/02/17*).

One minute silence accordingly observed in honour of the deceased.

(d) *Urgent need to investigate the alarming rate of Rape and Sexual Assault against Women, Children and vulnerable people across the Country:*

Motion made: That the Senate notes the frightening increase in cases of Sexual violence, notably rape where more than half of the victims are minors, children below the age of consent;

further notes that in most of these cases, the perpetrators are usually familiar neighbors, employers of labor and close family members;

concerned that the activities of these sexual predators constitute a serious security threat to the larger segment of our society and are severely under reported;

worried that the perversion is spreading across the country, with both the male and female gender as victims especially in view of the poor prosecution and conviction numbers being turned out;

further worried with statistics released by the Lagos State Government, as reported in Thisday Newspaper on April 24, 2017, stating that 1,480 cases of domestic violence ranging from rape, child abuse, sexual abuse, assaults, defilement, and matrimonial issues in a space of two years;

recalls a publication by Human Rights Watch of 6th November, 2016 alleging that government officials raped and sexually abused women and girls who survived Boko Haram violence which incidence has not been legally concluded to serve as a deterrent;

disturbed that on a nearly daily basis our newspapers are awash with reports of rape and other sexual violence;

observes that these acts portray the country in bad light and are alien to both our cultural and religious orientation as a people; and

recalls that the 7th Senate had passed the Violence Against Persons (Prohibition) Act 2015 and the 8th Senate has passed the Sexual Offences in Tertiary Institutions Prohibition Bill, 2016 to combat these perversions.

Accordingly resolves to:

- (i) urge the Inspector General of Police to investigate and prosecute cases of sexual abuse, violation and violence in line with the provisions of the extant laws of the federation;
- (ii) mandate the Committees on Health; Women Affairs; and Judiciary, Human Rights and Legal Matters to engage relevant stakeholders with a view to resolving these issues;
- (iii) further urge the National Human Rights Commission (NHRC), National Agency for Prohibition of Trafficking in Persons (NAPTIP) and Paramilitary Agencies to establish functional help desk to provide assistance and support to victims as well as handle such cases; and
- (iv) urge all heads of courts to revisit the sentencing policy on all sexual offences and domestic violence to address it with the seriousness it deserves (*Senator Bala Ibn Na' Allah — Kebbi South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Inspector General of Police to investigate and prosecute cases of sexual abuse, violation and violence in line with the provisions of the extant laws of the federation — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate the Committees on Health; Women Affairs; and Judiciary, Human Rights and Legal Matters to engage relevant stakeholders with a view to resolving these issues — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do further urge the National Human Rights Commission (NHRC), National Agency for Prohibition of Trafficking in Persons (NAPTIP) and Paramilitary Agencies to establish functional help desk to provide assistance and support to victims as well as handle such cases — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge all heads of courts to revisit the sentencing policy on all sexual offences and domestic violence to address it with the seriousness it deserves — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Inspector General of Police to investigate and prosecute cases of sexual abuse, violation and violence in line with the provisions of the extant laws of the federation;
- (ii) mandate the Committees on Health; Women Affairs; and Judiciary, Human Rights and Legal Matters to engage relevant stakeholders with a view to resolving these issues;
- (iii) further urge the National Human Rights Commission (NHRC), National Agency for Prohibition of Trafficking in Persons (NAPTIP) and Paramilitary Agencies to establish functional help desk to provide assistance and support to victims as well as handle such cases; and
- (iv) urge all heads of courts to revisit the sentencing policy on all sexual offences and domestic violence to address it with the seriousness it deserves (*S/Res/179/02/17*).

(e) ***The Continued Voters Registration Exercise; Matters Arising:***

Consideration of Motion deferred to another Legislative Day.

(f) ***Undue Dramatization of the Fight against Corruption in Nigeria:***

Motion withdrawn.

(g) ***Non usage of coin currencies in Nigeria and its negative effects on the economy:***

Motion made: That the Senate notes that according to the Central Bank of Nigeria (CBN), all currencies shall be legal tender in Nigeria at their face value and that as at now comprises of three coin denominations and eight note denominations, the coins are 50kobo, ₦1 and ₦2, while the note denominations are ₦5, ₦10, ₦20, ₦50, ₦100, ₦200, ₦500 and ₦1,000;

further notes that in Nigeria there are two types of retail payments, the highly repetitive small value transactions such as urban transportation, sweets, cigarettes, kola nuts, vegetables, sachet water etc, as well as less frequent but high value transactions such as clothing, footwear, raw foodstuff, electronics etc;

observes that coin currencies globally are designed to cater for the highly repetitive transactions because of the nature and conditions under which they happen, such as crowded markets, bus stations, congested traffic and varying weather conditions, including rainy, sunny and humid conditions in which notes are ill-suited for them;

further observes that countries regularly upgrade their coinage to keep pace with the prices of this category of retailer items;

aware that the overwhelming majority of Nigerians engage in the highly repetitive small value transactions due to their income and locations;

observes that even in developed countries like the United Kingdom, the United States of America (USA), Japan, China, the European Union (EU) and the entire United Arab Emirate (UAE), coins are used as means of exchange through cash transactions;

worried that although the country's currencies are in notes and coins, indications are that coins are fast going out of fashion and into extinction in Nigeria;

further worried that a survey recently conducted by experts reveals that in the early 90's, coins were in use and considered good money in Nigeria, and now it is the only country in the entire West African sub-region where there is a total absence of coins in the economy;

further aware that one of the reasons the United States one cent coin has never been phased out is due to the inflationary ramifications of such a move. Experts believe that coin denominations are important to the economy as it controls the devaluation of a nation's currency;

further observes that coins as currency are more durable than the notes and the Apex Bank stands to save a lot from the minting of notes that easily get mutilated;

disturbed that children born in Nigeria in the early millennium, may hardly connect their history to the use of coins which even the older generations presently consider them as relics of a glorious past;

regrets that coins disappear in Nigeria because the face value of the metal used in producing it is lower than its intrinsic value. Thus, people will always take it to black/goldsmiths and turn it to jewelry and other ornaments;

further worried that despite the huge budget by the CBN on sensitizing Nigerians on the need to accept coins, the transaction chains were broken as banks and customers reject the currency. Thus, promoting corruption and escalating inflation to the extent of diminishing the value of the coins;

saddened that local retainers keep rejecting the coins because commercial banks won't accept them as deposit, even when they are reflected on paper, and the CBN still recognizes them as legal tender;

believes that since the three coin denominations of 50kobo, ₦1 and ₦2 have lost their value due to inflation, the conversion of the lower currency notes into coins will facilitate retail transactions in the country, like we have in other developed economies.

Accordingly resolves to:

- (i) urge the Central Bank of Nigeria (CBN) to intensify its sensitization campaign and other efforts at bringing back coins into circulation in our markets;
- (ii) urge the Central Bank of Nigeria (CBN) to redesign our coins to cater for the highly repetitive transactions of our economy;
- (iii) urge the Central Bank of Nigeria (CBN) to convert the lower currency notes into coins to be used side-by-side with the notes in order to facilitate retail transactions in the country; and
- (iv) urge the Central Bank of Nigeria (CBN) to sanction any commercial bank that refuses to collect coins from customers as deposit (*Senator Mustapha Bukar — Katsina North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the Central Bank of Nigeria (CBN) to intensify its sensitization campaign and other efforts at bringing back coins into circulation in our markets — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do urge the Central Bank of Nigeria (CBN) to redesign our coins to cater for the highly repetitive transactions of our economy — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Central Bank of Nigeria (CBN) to convert the lower currency notes into coins to be used side-by-side with the notes in order to facilitate retail transactions in the country — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do urge the Central Bank of Nigeria (CBN) to sanction any commercial bank that refuses to collect coins from customers as deposit — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Central Bank of Nigeria (CBN) to intensify its sensitization campaign and other efforts at bringing back coins into circulation in our markets;
- (ii) urge the Central Bank of Nigeria (CBN) to redesign our coins to cater for the highly repetitive transactions of our economy;
- (iii) urge the Central Bank of Nigeria (CBN) to convert the lower currency notes into coins to be used side-by-side with the notes in order to facilitate retail transactions in the country; and
- (iv) urge the Central Bank of Nigeria (CBN) to sanction any commercial bank that refuses to collect coins from customers as deposit (*S/Res/180/02/17*).

9. Committee on Industries:

Report on the Nigerian Independent Warehouse Regulatory Agency (Establishment, etc.) Bill, 2017 (SB. 255):

Motion made: That the Senate do consider the Report of the Committee on Industries on the Nigerian Independent Warehouse Regulatory Agency (Establishment, etc.) Bill, 2017 (*Senator Buhari Abdulfatai — Oyo North*)

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN INDEPENDENT WAREHOUSE REGULATORY AGENCY AND OTHER RELATED MATTERS, 2017

PART I - ESTABLISHMENT OF THE NIGERIAN INDEPENDENT WAREHOUSE REGULATORY AGENCY AND ITS GOVERNING BOARD

Clause 1: Establishment of the Nigerian Independent Warehouse Regulatory Agency and its Governing Board.

- (1) There is established a body to be known as The Nigerian Independent Warehouse Regulatory Agency (in this Act referred to as "the Agency").
- (2) The Agency:
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) May sue or be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

- Clause 2:**
- (1) There is established for the Agency, a Governing Board (in this Act referred to as 'the Board') with overall responsibility for the control of the management of the affairs of the Agency.
 - (2) The Board shall consist of —
 - (a) A Chairman;
 - (b) The Registrar-General of the Agency;
 - (c) a representative of each of the following, not below the rank of an Assistant Director —
 - (i) the Federal Ministry of Trade and Investment;
 - (ii) the Federal Ministry of Agriculture and Rural Development;
 - (iii) the Federal Ministry of Finance;
 - (iv) the Federal Ministry of Justice;
 - (v) the Central Bank of Nigeria;
 - (vi) the Securities and Exchange Commission;
 - (d) Two representatives of association of farmers in Nigeria; and
 - (e) a representative of "Manufacturers Association of Nigeria
 - (f) a representative of National Insurance Commission
 - (g) a representative of Bankers Committee of Nigeria
 - (h) one representative of the Federation of Commodities Association of Nigeria
 - (i) a representative of the Warehouse Operators of Nigeria
 - (3) The members of the Board referred to in subsection (2), paragraphs (a) and (b) of this section shall be appointed by the President on the recommendation of the Minister and shall be persons of proven integrity with cognate experience and qualifications of not less than ten years in the relevant fields.

- (4) the appointment of Chairman and members of the Board shall be on part time except the Registrar General whose appointment shall be on full time.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: The Chairman and other members of the Board, not being an ex-officio member, shall hold Office for a term of four years and may be re-appointed for another term of four years and no more.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

- Clause 4:**
- (1) The provision of section 3 of this Act notwithstanding, a member of the Board shall cease to hold office as a member if —
 - (a) he resigns his appointment as a member of the Board by notice under his hand addressed to the President through the Minister;
 - (b) he becomes of unsound mind;
 - (c) he becomes bankrupt or makes a compromise with his creditors;
 - (d) he is convicted of a felony or of an offence involving dishonesty or corruption;
 - (e) he becomes incapable of carrying on the functions of his office either arising from an infirmity of mind or body;
 - (f) he has been found guilty of contravening the Code of Conduct for public officers or of gross misconduct in relation to his duties;
 - (g) in the case of a person possessing a professional qualification, is disqualified by a competent authority;
 - (h) in the case of a person who becomes a member by a virtue of the office he occupies, he ceases to hold such office; and
 - (i) The President is satisfied that it is not in the interest of the Agency or the public for the person to continue in office.
 - (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so as to represent the same interest as his predecessor.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: The Members of the Board shall be paid such remuneration and allowances as maybe prescribed by the Revenue Mobilization Allocation and Fiscal Commission from time to time

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART II — POWERS AND FUNCTIONS OF THE BOARD OF THE AGENCY

- Clause 6:** (1) The Board has powers to —
- (a) formulate the general policy guidelines for the Agency;
 - (b) supervise the management of the property, funds and income of the Agency and other concerns and affairs of the Agency;
 - (c) issue operational guidelines for the administrative structure of the Agency;
 - (d) ensure the implementation of the Performance Management System in the Agency;
 - (e) employ and determine the terms and conditions of the employees of the Agency; and
 - (f) Do such other things as are necessary in the carrying out of its responsibilities under this Act.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

- Clause 7:** (1) The functions of the Agency are to —
- (a) license Warehouses in accordance with the provision of this Act;
 - (b) regulate the operations of a licensed Warehouse Operators under this Act;
 - (c) classify licensed Warehouses into categories;
 - (d) certify licensed Warehouses operators including Warehouse Inspectors, Samplers, Graders and Weightiest;
 - (e) provide requisite training for licensed certified Warehouse Operators and persons employed in licensed Warehouses;
 - (f) promote awareness and use of Warehouse Receipts;
 - (g) hold regular consultations with Warehouse Operators in the development of appropriate policy on Warehouse operations under this Act and build consensus on policy issues and measures;
 - (h) promote and co-ordinate inflow of credit and grants to the sector and establish linkages that will attract investment from other countries;
 - (i) publish periodically the names and addresses of licensed Warehouses and provide classification of their licenses;
 - (j) publish the results of investigations made on any matter pertaining to Warehouse operations;

- (k) ensure that licensed Warehouses maintain Prescribed acceptable minimum standards of storage and operations;
 - (l) promote the trade ability of Warehouse Receipts;
 - (m) create electronic linkages between the Warehouse Receipts Registry and existing commodity exchanges;
 - (n) provide advice and support on regulation of weights and under the Weights and Measures Act in collaboration with the responsible Agencies;
 - (o) In consultation with the Standards Organization of Nigeria, develop and implement quality standards to enable appropriate value to be placed on each agricultural product by-product for storage act license warehouse;
 - (p) regularly advise Federal and State Governments on policies and programs to promote the effective use of Warehouse Receipts framework, including mechanisms to support establishment of agro product processing centres in proximity to licensed Warehouses;
 - (q) in consultation with the Minister, develop and implement a program to support the setting up of processing centres and increased capacity for processing of stored agricultural products by licensed Warehouse Operators; and
 - (r) Carry out such other activities as are necessary for the effective discharge of all or any of the functions of the Agency under this Act.
- (2) For the purpose of carrying out the functions listed in subsection (1) of this section, the Agency has powers to —
- (a) enter into and investigate activities and operations in licensed Warehouses;
 - (b) examine directly or through licensed Agents the operations, books, and accounts of licensed Warehouses to ensure that their operations are in conformity with prescribed minimum standard, with respect to weighing and codification of commodities;
 - (c) suspend, revoke or terminate (as the case may be) the operations of the licensed Warehouse following an investigation into the operations of a Warehouse operator after affording the licensed holder the opportunity of being heard; and
 - (d) Take steps to ensure the attendance of witnesses and production of records and information in carrying out and investigation into a Warehouse operations.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART III — STAFF OF THE AGENCY

- Clause 8:**
- (1) The Registrar General of the Agency shall be appointed by the President on the recommendation of the Minister.
 - (2) The Registrar General is the Chief Executive Officer of the Agency.
 - (3) The Registrar General is responsible for the management of the funds, property and business of the Agency and for the day to day administration, organization and control of the staff of the Agency.
 - (4) The Registrar General, at such intervals as the Board may determine, is responsible for keeping the Board informed of the business of the Agency.
 - (5) The Registrar General shall hold office for a term of four years and may be reappointed for another term of four year and no more.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

- Clause 9:**
- (1) The Secretary of the Agency shall be appointed by the Board on such terms and conditions as the Board may determine provided that such person to be appointed shall be qualify to serve in such capacity under the company and allied matters act.
 - (2) The Secretary is responsible for —
 - (a) issuing notices of meetings of the Board;
 - (b) keeping records of proceedings of the Board;
 - (c) keeping records of all the activities of the Agency; and
 - (d) superintending over the management of the affairs of the Central Registry.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

- Clause 10:**
- (1) The Board shall appoint from time to time such other staff as may be required for the purpose of the efficient performance of the functions of the Agency.
 - (2) The conditions of service of the staff of the Agency with respect to remuneration, pension, or other benefits on retirement or termination of the officers shall be as provided for in the Public Service of the Federation.
 - (3) The Board may, on inception, take staff on secondment from other departments of government that possess related skills and experience needed to achieve the objectives of the Agency.

- (4) The Board may delegate any of its powers of appointment under this section to the Registrar General, subject to such terms and conditions as the Board may determine.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

- Clause 11:**
- (1) Service in the Agency shall be pensionable and subject to the Pension Reform Act.
- (2) Nothing in this section shall preclude the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

- Clause 12:**
- (1) The Agency may engage the services of experts and consultants for purpose of carrying out any of its function where special competence expertises are required.
- (2) Experts or consultants engaged by virtue of the provision of this section may be paid such fees and allowances and afforded such facilities as the Agency, with the approval of the Board, may determine.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

PART IV — LICENSING PROCEDURE

- Clause 13**
- (1) A person shall not operate a commercial Warehouse without a valid license issued by the Agency.
- (2) The Agency may, upon application in the prescribed form, issue to a Warehouse keeper a license for the operation of a commercial Warehouse in accordance with the provisions of this Act.
- (3) In issuing a license under subsection (2) of this section, the Agency shall satisfy itself that —
- (a) the Warehouse is suitable for the proper storage of the particular goods for which a license is required;
- (b) the Warehouse keeper meets the conditions for eligibility to operate a licensed Warehouse of the kind applied for as may be prescribed in regulations issued pursuant to this Act; and

- (c) The Warehouse keeper agrees, as a condition to the granting of the license, to comply with and abide by the provisions of regulations made pursuant to this Act.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

- Clause 14:**
- (1) The Agency may by regulations provide for a transitional period, not exceeding two years for all existing commercial Warehouse Operators to fully comply with and bring their operations in line with the provisions of this Act.
- (2) Where an existing Warehouse Operators referred to in subsection (1) of this section continues to receive and warehouse commodities or designated good, without a license after a period of six months from the date specified in regulations made by the Agency such commercial Warehouse Operator must conspicuously display a notice, in the form and manner prescribed in regulations that it is neither bonded nor licensed.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

- Clause 15:**
- (1) A person requiring a license under this Act may apply to the Agency in the manner prescribed in regulations made pursuant to this Act.
- (2) The Agency shall, before granting a license —
- (a) inspect or authorize the inspection of the Warehouse in respect of which a license is applied for, to determine the suitability of the Warehouse for the storage of the particular goods for which the license is required; and
- (b) Publish the application in two national newspapers requesting for objections in accordance with rules prescribed in regulations made pursuant to this Act.
- (3) The Agency shall, upon being satisfied that a Warehouse is suitable for the storage of the goods in the license classification and fulfilment of all other conditions grant a Warehouse license to the applicant in the classification applied for upon payment of the prescribed fees.
- (4) The applicant shall thereafter annually pay the prescribed fee to the Agency on or before each anniversary of the granting of the license.
- (5) Every Warehouse Operator shall display the license issued by the Agency in a conspicuous place at the entrance of the Warehouse or at any other place on the premises during working hours as regulations may prescribe.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: The validity of a license shall be twelve months or such other periods, not exceeding three years, as the Agency may from time to time determine and renewable on terms and conditions as may be specified in regulations.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17:

- (1) A license shall not be issued by the Agency unless the applicant has satisfied all of the conditions prescribed in this Act and regulations made pursuant to this Act in respect of the type and category of license applied for.
- (2) Prior to issuing a license under this Part, the Agency shall ensure that —
 - (a) the applicant is in possession of a Warehouse, whether as a lessee or owner;
 - (b) in the case of a lease, regulations shall prescribe the minimum lease period;
 - (c) upon inspection, the Warehouse is suitable for warehousing of the category of goods or products with all required appurtenances;
 - (d) the devices for safe storage of the goods or products in respect of the particular class of license applied for are available;
 - (e) the applicant's director or manager or its principal officers have requisite experience and track record for Warehouse operations and has not been convicted by a court of competent jurisdiction or indicted in any disciplinary proceedings on allegations of criminal action involving dishonesty or financial impropriety and professional misconduct in the last preceding seven years;
 - (f) the Warehouse and the goods or products to be kept therein are fully insured in respect of fire, theft and burglary or any other damage;
 - (g) the applicant is financially capable of conducting the business of warehousing; and
 - (h) The applicant or Warehouse Operator gives the requisite undertaking to abide by all conditions for grant of the license and to comply fully with regulations issued under this Act.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

- Clause 18:** (1) A Warehouse Operator applying for a license to operate a Warehouse shall, as a condition for the granting of the license, execute and submit to the Agency, for filling, a bond in the form and substance acceptable to the Agency to secure the faithful performance of the applicant's obligations as a Warehouse Operator.
- (2) Where the Agency determines that a previously approved bond is, or for any cause is or has become insufficient, it may require an additional bond or bonds to be given by the Warehouse Operator concerned, conforming with the requirements of this section, and, unless the additional bond is given within the time fixed by a written demand for it by the Agency, the license of the Warehouse Operator may be suspended or revoked by the Agency.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

- Clause 19:** A person injured by the breach of any obligation in respect of which a bond is given, under section 18 of this Act, is entitled to sue in person on the bond in court, to recover the damages sustained by the breach.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

- Clause 20:** (1) Upon the filling and the approval by the agency of a bond in compliance with the requirements of the Act, for the operation of a licensed warehouse, the warehouse may be designated as a licensed warehouse.
- (2) Save as provided under this Act, a warehouse shall not be designated as a licensed warehouse on less a license has been issued as stated under section 25 of this Act.
- (3) An individual who contravenes the provision of subsection 2 of this section commit an offence and liable on conviction to a term of imprisonment of not less than three years or a fine of Three Million Naira or to both fine and imprisonment.
- (4) A body corporate who contravenes the provision of section (2) of this section commit an offence and liable on conviction to a fine of Ten Million Naira."

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

- Clause 21:** (1) A Commercial Warehouse Operator shall be obliged to ensure its warehouse structure and facilities for its own benefit.

- (2) A depositor of commodities or goods in a commercial warehouse above a value stipulated by the Agency in the rules shall at the point of deposit in a licensed warehouse, do one of the following —
 - (a) provide evidence of at least an all risk insurance coverage for the commodity or goods deposited;
 - (b) request the Warehouse Operator to insure the commodities or goods deposited on its behalf and at its cost; or
 - (c) Give written undertaking to secure insurance of the goods deposited in its name and in its favour.
- (3) The requirement for depositor insurance shall not in any way reduce the warehouse Operators duty of care over commodities or goods deposited in the warehouse.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

- Clause 22:**
- (1) An applicant for a license to operate a Warehouse under this Act, shall as a condition for the grant, file or cause to be filed with the Agency the name or list of commodities of goods proposed to be warehoused and a copy of the proposed schedule of charges as a Warehouse Operator.
 - (2) A licensed Warehouse Operator shall not make a change in the charges unless a notice of the change and its reasons have been filed and approved by the Agency.
 - (3) Where the Agency receives a proposal for change of charges, it shall afford the Warehouse Operator an opportunity to give reasons for the requested changes within one month of the receipt of the request and grant or refuse approval not later than two months from the date of the request.
 - (4) A refusal for the request for fee variation by the Agency shall be in writing addressed to the applicant containing all reasons for the refusal.
 - (5) A person aggrieved by the decision of the Agency on any matter relating to change of charges under this section may appeal to the Board.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

- Clause 23:**
- (1) The Agency may revoke, suspend, or refuse to grant a license as considered appropriate after granting to the Warehouse Operator the opportunity of being heard on the matter for any violation of the provisions of this Act.
 - (2) A person aggrieved with the decision or action taken by the Agency in subsection (1) of this section may appeal to the Board.

- (3) Where a license is revoked, suspended or has expired, the Warehouse Operator shall terminate, in the manner prescribed by the Agency, all arrangements covering the receiving, storing, shipping, conditioning, or handling of commodities in the Warehouse covered by the license.
- (4) Without prejudice to the provision of subsection (3) of this section, the Warehouse Operator shall be permitted, under the direction or supervision of the Agency to deliver commodities previously received either to the holders of Warehouse Receipts or to other bonded Warehouses.
- (5) During the period of suspension of a license, the Warehouse Operator may, under the direction or supervision of the Agency, operate the Warehouse and may only receive commodities for storage, conditioning, shipping, or handling during the term of such suspension as may be prescribed in regulations made by the Agency.
- (6) The Agency shall by regulations prescribe procedures for the renewal of licenses prior to their expiration.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

- Clause 24**
- (1) The Agency may appoint or otherwise authorize persons or groups of persons as inspectors ("Warehouse Inspectors").
 - (2) The Agency shall prescribe in the regulations qualifications of persons to be appointed as a Warehouse Inspectors.
 - (3) A Warehouse Inspector appointed pursuant to the provisions of this Act has powers to inspect premises and goods kept in a Warehouse to ensure that a Warehouse Operator observes the provisions of this Act and its regulations and the terms and conditions contained in a license issued by the Agency under this Act.
 - (4) A Warehouse Inspector or any other person with written authorization may at any reasonable time during the day, enters into a Warehouse premises for the purpose of ensuring that the provisions of this Act and its regulations are adhered.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

- Clause 25**
- The Agency shall ensure that —
- (a) reliable data containing the identity of Warehouse owners, Warehouse Operators, licensed inspectors, reports of inspection of Warehouses as and a list of all revoked licenses are made available, on request, by any person or furnished periodically to the public;

- (b) its audited accounts and annual performance reports are made public;
- (c) in carrying out its operations under this Act, it is guided by the principles of accountability and transparency; and
- (d) It holds regular stakeholder consultations on its operations, policy and application of its Rules and Regulations.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

PART V — WAREHOUSE RECEIPTS

Clause 26: A Warehouse Receipt shall only be issued by a Warehouse Operator duly authorized and licensed to do so under this Act.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

- Clause 27:**
- (1) A Warehouse Receipt drawn and issued by a Warehouse Operator shall be prima facie proof of the holder having proprietary rights in the goods.
 - (2) A person acquires proprietary rights in the goods, in relation to a Warehouse Receipt, if that person is entitled to the ownership of the goods —
 - (a) in return for a binding commitment to extend credit or for extension of an immediately available credit, whether or not drawn;
 - (b) as security for or in total or partial satisfaction of a pre-existing claim;
 - (c) by accepting delivery under a pre-existing contract for purchase;
 - (d) In return for any consideration sufficient to support a pre-existing contract.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

- Clause 28:**
- (1) A Warehouse Receipt shall only be printed by the Agency or at its order and shall be in the form prescribed by the Agency in regulations made pursuant to this Act.
 - (2) A Warehouse Receipt shall be supplied exclusively to licensed Warehouse Operators by the Agency.

- (3) A Warehouse Receipt shall bear such security features as may be prescribed in regulations made by the Agency.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

- Clause 29:** (1) The Warehouse Receipt shall contain —
- (a) the name of the Warehouse Operator;
 - (b) the location of the Warehouse where the goods are stored;
 - (c) the date of issue of the receipt;
 - (d) the consecutive number of the receipt;
 - (e) a statement as to whether the goods received shall be delivered to the bearer or another person named or order;
 - (f) the rate of storage charges;
 - (g) a description of goods and packages containing the goods, showing the quantity, numbers or weights of the goods inside their packages or any other fuller description as the Agency may, from time to time, prescribe in regulations;
 - (h) the grade or class of commodity received and the standard description according to the official classification of the commodity made pursuant to any subsisting law and rules in force, except where the receipt conspicuously embodies a bold imprint that it is not negotiable;
 - (i) statement of amount of advances made or liabilities incurred for which the Warehouse Operator claims a lien or any arising contingent liabilities, and if the precise amount of those advances made or for those liabilities incurred is, at the time of the issue of the receipt, unknown to the Warehouse Operator or to the agent of the Warehouse Operator, a statement of the fact that advances have been made or liabilities are incurred and disclosing the purpose or nature of such liabilities;
 - (j) if the goods are to be packed, processed, substituted or otherwise transformed whilst in the Warehouse, a statement to that effect and a description of the nature, size and quantity of what shall be the product of the packing, processing or transformation;
 - (k) the expiry date of the goods, if any or any other information of the nature of the goods which does not impair the Warehouse Operator's obligation to deliver on the duty of care of the Warehouse Operator;
 - (l) provision for endorsement of transfer by negotiation or charges on value of goods;

- (m) signature of the Warehouse Operator; and
 - (n) Any other information as the Agency may from time to time prescribed in regulations.
- (2) A Warehouse Operator shall be liable to the person injured by information contained in a Warehouse Receipt, for damages caused by the omission of any term required to be included in the Warehouse Receipt under this Act.
- (3) A Warehouse Operator may insert in receipts any other terms and conditions which are not contrary to the provisions of this Act or its regulations or which are not ordinarily void.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

- Clause 30:**
- (1) A Warehouse Receipt marked on its face as negotiable and issued to the bearer or to the order of a named person shall be known as a "Negotiable Warehouse Receipt" and be transferable by endorsement and delivery.
 - (2) Words shall not be inserted into a Negotiable Warehouse Receipt capable of rendering such receipt non-negotiable.
 - (3) The Board may prescribe in the regulations the procedure and limits of negotiation of a Negotiable Warehouse Receipt.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

- Clause 31:** A Warehouse Receipt marked on its face as "Non-Negotiable" and issued to a named person shall be treated as a "Non-Negotiable Warehouse Receipt" and be transferable only by assignment and delivery.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

- Clause 32:** An alteration to a Warehouse Receipt shall be regarded as —
- (a) immaterial if the alteration does not affect the prior proprietary rights of the holder or convey a false information or misrepresentation;
 - (b) authorized when made with an implied or direct permission or connivance of the Warehouse Operator and which renders a Warehouse Operator and the perpetrator liable under the provisions of this Act; or

- (c) Unauthorized when made without fraudulent intent, and made without an implied or direct permission or connivance of the Warehouse Operator and which renders the Warehouse Operator liable according to the terms of the Receipt.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

- Clause 33:**
- (1) A purchaser of a Warehouse Receipt for value without notice of alteration shall acquire the same proprietary rights against the Warehouse Operator which the purchaser would have acquired if the receipt had not been altered at the time of purchase.
 - (2) A purchaser of a Warehouse Receipt shall be regarded to have had notice of alteration, if before the purchase of the Warehouse receipt, the purchaser or his agent took part or influenced the alteration of the Warehouse Receipt.
 - (3) A purchaser of an altered Warehouse Receipt who has been found or could reasonably be imputed with possession of notice of alteration commits an offence under this Act and liable to be proceeded against under this Act in the same way and manner as the Warehouse Operator.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

- Clause 34:**
- (1) Any loss, theft or destruction of the Warehouse Receipt shall be reported by the holder of the warehouse Receipt to the Warehouse Operator who shall immediately report the loss to the Agency through the Central Registry.
 - (2) If a negotiable Warehouse Receipt has been lost, stolen or destroyed, a duplicate may be issued by the Warehouse Operator provided that the request of the holder is accompanied by —
 - (a) a police report of the loss, theft or destruction of the receipt;
 - (b) an affidavit of loss, theft or destruction duly sworn to in a court of law;
 - (c) notice of loss, theft or destruction filed at the Central Registry in the format stipulated by regulations;
 - (d) proper and reliable identification; and
 - (e) Payment of reasonable costs of the operator to be stipulated on the face of the receipt.
 - (3) The Board may, by order published in requirements for the issuance of duplicate Receipts.

- (4) An appeal relating to the issuance or otherwise of a duplicate receipt shall be made to the Agency.
- (5) A Warehouse Operator shall not deliver goods which are subject of a loss or missing Warehouse Receipt except with prior notification to the Central Registry and issuance of a duplicate receipt in respect of the goods concerned.
- (6) A person who fraudulently obtained using an original Warehouse Receipt which has been reported missing or a Warehouse Receipt in respect of which a duplicate receipt has been issued commits an offence and liable on conviction to five years imprisonment without an option of fine.
- (7) A person who after endorsing and delivering a Warehouse Receipt to another fraudulently reports it missing and obtains a duplicate Receipt commits an offence and liable on conviction to five years imprisonment without an option of fine.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

- Clause 35:**
- (1) A Warehouse Receipt upon the face of which the word 'duplicate' is plainly placed shall be a representation and warranty by the Warehouse Operator that such Warehouse Receipt —
 - (a) is an accurate copy of the original receipt; and
 - (b) has the same rights as the original receipt issued and outstanding at the date of issue of the duplicate.
 - (2) A duplicate receipt issued shall have the same standing as the original and shall not impose upon the Warehouse Operator any less or additional liability.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

- Clause 36:** All Warehouse Receipts on commodities financed by banks shall be traded on a commodity exchange.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

PART VI — RIGHTS AND OBLIGATIONS OF A WAREHOUSE OPERATOR

- Clause 37:** A licensed Warehouse Operator may be considered for pioneer status in accordance with the provision of the Nigerian Investments Promotion Commission Act.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Buhari Abdulfatai — Oyo North*) — Agreed to.

Question that Clause 37 do stand part of the Bill, put and agreed to.

- Clause 38:**
- (1) Except as provided under this Act or any regulations made from time to time by the Agency, a Warehouse Operator shall deliver stored goods upon demand made by the holder of the Warehouse Receipt or depositor, if the holder or depositor —
 - (a) makes full payments for the Warehouse Operator's charges for storage and other services relating to the goods;
 - (b) signs relevant documents proving the delivery of the goods; and
 - (c) Satisfies the Warehouse Operator of the identity of the individual taking possession of goods or where payment in lieu of lien has not been made, after deducting the exact quantity of the goods, value of which at open market value as at that date, is equal to accrued lien due to the Warehouse Operator, plus ancillary costs if any.
 - (2) A Warehouse Operator shall not issue negotiable Warehouse Receipts for goods in respect of which the Warehouse Operator, its Directors or its staff has interest except it has obtained a license in that regard permitting the Warehouse Operator to trade in goods which he warehouses.
 - (3) A Warehouse Operator shall not trade in goods which it is licensed to store, except as may be permitted by regulations made by the Agency.
 - (4) Where a Warehouse Operator by regulation is permitted to trade in its own goods, and in fulfilling any additional condition for grant of the license, the Warehouse Operator must ensure that —
 - (a) there is a clear separation of the goods owned by it from other goods it is licensed to store;
 - (b) there are clear and transparent records available to show the demarcation of the goods;
 - (c) it issues receipt in respect of its goods indicating that the goods belong to it;
 - (d) It adheres to such other conditions as the Agency may from time to time impose by regulations.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Buhari Abdulfatai — Oyo North*) — Agreed to.

Question that Clause 38 do stand part of the Bill, put and agreed to.

- Clause 39:**
- (1) Subject to section 43 of this Act, a Warehouse Operator shall deliver the goods in accordance with the demand by a Warehouse Receipt holder or, as the case may be, the depositor.

- (2) Where a Warehouse Operator refuses to deliver the goods as demanded by the holder or depositor of a Warehouse Receipt the burden shall be upon the Warehouse Operator to establish the existence of any lawful excuse for the refusal.
- (3) Where a Warehouse Operator refuses to deliver the goods as demanded by the depositor or holder of a Warehouse Receipt because of the reason that the Warehouse Receipt was altered, the holder or depositor who had notice of alteration shall be prevented from making further demands based on any proprietary rights in the Warehouse Receipt than those provided on the altered Warehouse Receipt.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

- Clause 40:** Subject to the provisions of sections 42 and 43 of this Act, a Warehouse Operator shall deliver goods only after being satisfied that —
- (a) the person receiving the goods is lawfully entitled to the possession of the goods; and
 - (b) by the terms indicated in the Warehouse Receipt issued for particular goods, that person is entitled to delivery, either by himself or on his written authorization, to another person.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

- Clause 41:**
- (1) A Warehouse Operator shall not deliver the goods if, prior to delivery, he receives information or otherwise becomes aware that a person to whom delivery is about to be made is not legally entitled to the delivery.
 - (2) A Warehouse Operator who —
 - (a) is informed that the person who claims delivery of the goods is not in fact lawfully entitled to the possession of the goods;
 - (b) ignores the information not to make delivery of the goods, under paragraph (a) of this subsection; and
 - (c) had information or knowledge that the delivery about to be made was to a person not lawfully entitled to the possession of the goods, and proceed to deliver the goods; shall be liable for conversion to all persons having proprietary rights in or in the possession of the goods in the exact market value of the goods wrongfully delivered and on conviction to a term of five years imprisonment.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

- Clause 42:** The Warehouse Operator shall not be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of a Warehouse Receipt given for the goods at the time of the deposit of the goods, even if such receipt is negotiable, in a situation where goods have been lawfully sold or disposed of —
- (a) because of their perishable or hazardous nature; or
 - (b) to satisfy the Warehouse Operator's lien, provided that in each case the Warehouse Operator shall have given prior notice of sale to the owner or holder of the Warehouse Receipt and shall pay over to the owner sale proceeds in excess of his due lien.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

- Clause 43:**
- (1) Except as otherwise provided in this Act, where a Warehouse Operator delivers goods for which he had issued a negotiable receipt, he shall retrieve and cancel the receipt.
 - (2) Where a Warehouse Operator fails to retrieve or cancel the receipt as provided for under subsection (1) of this section, and a third party purchaser without notice acquires title to the receipt, the Warehouse Operator shall remain liable for the market value of the goods.
 - (3) A Warehouse Operator who delivers goods for which he had issued a negotiable receipt, but fraudulently failed to retrieve and cancel the receipt, commits an offence and liable on conviction to imprisonment for a term of two years and in addition shall pay the exact market value of the goods.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

- Clause 44:**
- (1) Except as otherwise provided in this Act, where a Warehouse Operator delivers part of the goods for which he had issued a negotiable Warehouse Receipt he shall —
 - (a) retrieve and cancel that receipt and issue a new receipt for the remaining goods; or
 - (b) Endorse conspicuously on the receipt the number or quantity of the goods and packages delivered.
 - (2) Upon cancellation or endorsement of a Warehouse Receipt as provided in Subsection(1) of this section, a Warehouse Operator shall immediately register the cancellation or endorsement with the Central Registry.
 - (3) A Warehouse Operator who fails to comply with the provisions of subsection (1) of this section, commits an offence and is liable on conviction to imprisonment for a term of three years and in addition liable to pay the market value of the goods not delivered.

- (4) Where a receipt is not retrieved or cancelled as provided under subsection (1) of this section and the purchaser acquires title to the receipt before or after the delivery of any portion of the goods, the Warehouse Operator shall remain liable.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: A Warehouse Operator who fails to comply with the provisions of section 35 of this Act is liable for failure to deliver goods to a person who acquires in good faith, a lost, stolen or destroyed Warehouse Receipt without notice that a duplicate receipt has been issued or goods already delivered and liable on conviction to imprisonment for a term of not less than one year.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

- Clause 46:**
- (1) A Warehouse Operator shall take all necessary precautions to ensure that the delivery of goods is made to a person who has lawfully obtained a Warehouse Receipt.
 - (2) A Warehouse Operator's title or right to the possession of goods shall only be derived —
 - (a) directly or indirectly from a transfer made by a depositor at the time of or subsequent to deposit of goods; or
 - (b) By a Warehouse Operator lien on the goods.
 - (3) Unless the title or right to possession of the goods by a Warehouse Operator is obtained in accordance with provisions of subsection (2) Of this section no title or right to possession of goods shall exonerate the Warehouse Operator from liability for refusing to deliver the goods according to the terms indicated on the Warehouse Receipt.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Subject to the provision of subsection (2) of section 46 of this Act, a Warehouse Operator shall be liable to the holder of a Warehouse Receipt for the goods named in the Receipt not been in existence or by failure of the goods delivered not corresponding with the description in the Warehouse Receipt subject only to changes that may occur in the goods, over time when stored in accordance with the conditions specified in this Act or by regulations made pursuant to this Act.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: A Warehouse Operator shall register in favour of a depositor of goods in the Central Registry every Warehouse Receipt issued by the Warehouse Operator at a fee to be approved by the Agency.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 48 do stand part of the Bill, put and agreed to.

- Clause 49:**
- (1) Except for unavoidable damages or deterioration associated with the nature and type of the goods and mode of storage provided under this Act and regulations made pursuant to this Act, a Warehouse Operator is liable for damages for loss of, or injury to the goods caused by the Warehouse Operator's failure to exercise due and reasonable care as circumstances may demand.
 - (2) The provision of subsection (1) of this section notwithstanding, the owner of the goods is required to disclose to the Warehouse Operator any peculiarity associated with the goods to be stored.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 49 do stand part of the Bill, put and agreed to.

- Clause 50:**
- (1) Unless as may otherwise be prescribed in regulations issued by the Agency, a Warehouse Operator shall keep separate the goods covered by each receipt for ease of identification and delivery of the goods.
 - (2) Where packing, processing, substitution or other transformation of goods are authorized by the depositor, the transformed products of those goods shall also be kept separate as required at all times.
 - (3) Fungible goods mixed together under subsection (2) of this section, are owned in common by the persons entitled to them and the Warehouse Operator is severally liable to each owner for that owner's share.
 - (4) Where as a result of over-issue of receipt, a mass of fungible goods is insufficient to meet all the receipts that the Warehouse Operator has issued against the goods, the persons entitled include all holders to whom over issued receipts have been issued, duly negotiated or otherwise transferred and delivered by the Warehouse Operator who shall cause an endorsement to be made on such receipt in the ratio of the quantity and quality of goods represented in each of the receipt.
 - (5) A Warehouse Operator may only commingle commodities stored in its Warehouse subject to rules and regulations made from time to time by the Agency regulating commingling of particular goods or classes of goods.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 50 do stand part of the Bill, put and agreed to.

- Clause 51:**
- (1) Subject to regulations made from time to time by the Agency, a Warehouse Operator's lien on goods deposited or the proceed of such goods shall derive from all —
 - (a) lawful charges for storage and preservation of goods;
 - (b) lawful claims for money advanced, interest, insurance, transportation, labour, weighing, and other charges and expenses in relation to such goods;
 - (c) reasonable charges and expenses incurred for notice and advertisements of sale; and
 - (d) Sale of the goods where there is default in satisfying the Warehouse Operator's lien.
 - (2) The term "Warehouse Operator's Lien" used in subsection (1) of this section is the right of a Warehouse Operator to recoup fees and charges for services rendered or supplied or repayment of sums advanced in accordance with the provisions of subsection (1) of this section and the term "right of lien" shall be construed accordingly.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 51 do stand part of the Bill, put and agreed to.

- Clause 52:**
- A Warehouse Operator's Lien may be enforced subject to the provisions of section 51 of this Act —
- (a) against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and
 - (b) Against the established interest of the depositor in any other goods deposited with the Warehouse Operator, whether or not deposited by the debtor himself, provided that such exercise of lien shall only be to the extent and value of the established Debtors interest in these other goods.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 52 do stand part of the Bill, put and agreed to.

- Clause 53:**
- A Warehouse Operator shall lose the right to the lien upon the goods by —
- (a) surrendering possession of the goods; or
 - (b) Refusing to deliver the goods upon demand made in accordance with the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Where a negotiable receipt is issued for goods, the Warehouse Operator shall have no lien on goods except for charges for storage, processing or such other endorsements on the face of the receipt as may be prescribed by regulations made under this Act provided that no lien shall be exercised against a third party purchaser for value over any sums or liabilities not expressed on the face of a negotiable receipt.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 54 do stand part of the Bill, put and agreed to.

Clause 55: A Warehouse Operator who has a valid lien against the person demanding the goods may refuse to deliver the goods until the lien is satisfied.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Other remedies available under the law that a creditor may have against a debtor for the collection from a depositor of all charges and advances which the depositor has expressly or impliedly contracted with a creditor, shall also be available to a Warehouse Operator notwithstanding the Warehouse Operator's Lien on the goods.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: A Warehouse Operator's lien may be satisfied by —

- (a) the sale of a portion of the deposited goods in satisfaction of the lien and any costs associated with the sale at the prevailing market price;
- (b) other remedies allowed by law for the enforcement of alien against personal property; or
- (c) Any other action for recovery of the Warehouse Operator's claim.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58:

- (1) Where the goods are —
 - (i) perishable in nature;
 - (ii) likely to deteriorate in value;
 - (iii) in a state of foul odour;
 - (iv) corrosive and leaking;

- (v) highly inflammable or explosive; and
 - (vi) likely to cause injury to life and other property, the Warehouse Operator shall give notice to the owner or to the person in whose name the goods are stored as is reasonable and possible under the circumstances, and where the person fails to comply with the notice to remove the goods from the Warehouse, within the time so specified, the Warehouse Operator may sell the goods with or without advertising and satisfy any lien he may have on the goods.
- (2) If after reasonable efforts have been made, the Warehouse Operator is unable to sell the goods, the Warehouse Operator may dispose of the goods in any lawful manner, and shall incur no liability by reason of such disposal.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 58 do stand part of the Bill, put and agreed to.

PART VII — NEGOTIATION AND TRANSFER OF WAREHOUSE RECEIPTS

- Clause 59:**
- (1) A negotiable Warehouse Receipt is negotiated by its endorsement by the transferor and delivery to the transferee and registration of the interest transferred at the Central Registry, provided that the non registration of the transferred interest shall not at any time give any advantage to the transferor of the interest except otherwise expressly provided by regulations.
 - (2) Registration of a notice of transfer of interest shall be a notice to the whole world of the transfer.
 - (3) A negotiable Warehouse Receipt is duly negotiated when negotiated as provided in subsection (1) of this section to another person in good faith and for value.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 59 do stand part of the Bill, put and agreed to.

- Clause 60:**
- (1) A Warehouse Receipt holder acquires after negotiation as provided under this Act —
 - (a) title to the Warehouse Receipt;
 - (b) title to the goods, including, to the extent that such activities are authorized by the depositor and noted on the Warehouse Receipt, the packed, processed, substituted or otherwise transformed goods of the depositor;
 - (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the Warehouse Operator after the Warehouse Receipt was issued;

- (d) the obligation of the Warehouse Operator to hold or deliver the goods according to the terms of the Warehouse Receipt and any related storage agreement fee; and
 - (e) Liability to pay outstanding storage charges, advances and fees endorsed on the Warehouse Receipt.
- (2) Title and rights acquired under subsection (1) of this section are noted feated by the surrender of the goods by the Warehouse Operator.
- (3) Except where a Warehouse Receipt was originally issued upon delivery of the goods by a person who had no power to dispose of the goods, a lien shall not attach by virtue of any judicial process to goods in the possession of a Warehouse Operator for which negotiable Warehouse Receipt is outstanding, unless the receipt is first surrendered to the Warehouse Operator or its negotiation is enjoined by court order, and the Warehouse Operator shall not be compelled to deliver the goods in accordance with any judicial process until the receipt is surrendered to the Warehouse Operator or made a subject of litigation before a court of competent jurisdiction or arbitral tribunal.
- (4) A person who purchases a Warehouse Receipt for value without notice of the judicial or arbitral process takes the goods free of the lien imposed by the judicial arbitral process without removing the liability of the transfer or to any claim against him in that respect.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 60 do stand part of the Bill, put and agreed to.

- Clause 61:**
- (1) A Warehouse Receipt once issued creates a charge on the goods deposited at the Warehouse.
 - (2) A Warehouse Receipt does not confer any right in goods against a person who before the issue of the receipt had a legal interest or perfected security interest in such goods and who neither delivered nor entrusted the goods or any bill of lading, Warehouse Receipt delivery order or other document of title covering the goods to the depositor with actual or apparent authority to ship, store, pack, process, transform or sell the goods; nor acquiesced in the procurement by the depositor or his or her nominee of any Warehouse Receipt or other document of title covering the goods.
 - (3) A buyer in the ordinary course of business of fungible goods sold and delivered by a Warehouse Operator who is also in the business of buying and selling such goods, takes free of any claim under a Warehouse Receipt even though it has been duly negotiated.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 61 do stand part of the Bill, put and agreed to.

- Clause 62:**
- (1) A transferee of a negotiable Warehouse Receipt who has taken the Warehouse Receipt by purchase, delivery and or registration acquires the title and rights which the transferor had or had actual authority to convey.
 - (2) In the case of a non-negotiable Warehouse Receipt, it shall not be registrable or tradable on a commodity exchange and is only transferable with prior notice in writing to the Warehouse Operator that issued it, the endorsement of both the transferee and the Warehouse Operator on the face of it and delivery to the transferee.
 - (3) A Warehouse Operator shall not issue a negotiable Warehouse Receipt in respect of goods already covered by a non-negotiable receipt except the non-negotiable receipt has been retrieved and cancelled.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 62 do stand part of the Bill, put and agreed to.

- Clause 63:**
- (1) A transferee of a duly negotiated Warehouse Receipt, shall acquire against the transferor, the title to the goods.
 - (2) The title acquired by the transferee shall be subject to the terms of the agreement with the transferor.
 - (3) The court may order a Warehouse Receipt to be transferred where it is proved that there was an agreement to that effect between the transferor and the transferee.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 63 do stand part of the Bill, put and agreed to.

- Clause 64:**
- (1) The transferee of a negotiable Warehouse Receipt for value and in good faith shall have the right to compel the transferor of such receipt to endorse the receipt in a case where the endorsement is essential for registration of the transferred interest.
 - (2) All negotiable Warehouse Receipts transferred shall be endorsed and the endorsed interest registered at the Central Registry.
 - (3) The endorsement, delivery or registration of a Warehouse Receipt in good faith shall not make the transferee liable for any default or fraudulent acts on the receipt occasioned by the Warehouse Operator or previous endorsers.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 64 do stand part of the Bill, put and agreed to.

- Clause 65:**
- (1) The negotiation of transfer by delivery, endorsement and registration of new interest in the Warehouse Receipt for value, shall be an adequate proof or warranty for a third party purchaser for value without notice that the person who negotiates, transfers, delivers and in the case of non-negotiable warehouse receipts assigns that Warehouse Receipt does so because —
 - (a) the receipt is genuine; and
 - (b) Has a legal right to negotiate, transfer or deliver the Warehouse Receipt.
 - (2) The transfer of goods in a contract between the parties relating to a Warehouse Receipt implies that the goods involved are merchantable and fit for that particular purpose.
 - (3) Warranty shall not be implied in respect of other liabilities endorsed on the Warehouse Receipt.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 65 do stand part of the Bill, put and agreed to.

PART VIII — ESTABLISHMENT OF THE CENTRAL REGISTRY

- Clause 66:** There is established a Central Registry for Warehouse Receipts (in this Act referred to as "the Central Registry") which shall be operated by the Agency and located in the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 66 do stand part of the Bill, put and agreed to.

- Clause 67:**
- (1) The Secretary to the Agency shall be the Registrar of the Central Registry and responsible for registering Warehouse Receipts or any transaction relating to a Warehouse Receipt issued under this Act.
 - (2) The Agency may, with the approval of the Board, appoint a deputy Registrar and other officers to assist the Registrar in the discharge of its duties under this Act, provided that both the Registrar and the deputy Registrar shall be legal practitioners of not less than ten years post call experience.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 67 do stand part of the Bill, put and agreed to.

- Clause 68:**
- (1) The Registrar shall receive and register Warehouse Receipts issued under this Act and register any cancellation, modification, or endorsement to the Warehouse Receipts and do all such other things as the Board or the Agency may from time to time direct.
 - (2) A Warehouse Operator issuing a negotiable Warehouse Receipt shall at the cost or fee prescribed by the Agency cause the Warehouse Receipt to be registered at the Central Registry.
 - (3) An original duplicate copy of a Warehouse Receipt delivered by a Warehouse Operator to the Registrar for registration or otherwise may be registered in the manner prescribed by regulations.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 68 do stand part of the Bill, put and agreed to.

- Clause 69:**
- (1) A Warehouse Receipt issued in accordance with the provisions of this Act shall be delivered to the Registrar for registration within fourteen days of issuance and transfer of interest shall be registered subject to regulations by the Agency within three working days of delivery and endorsement.
 - (2) A Certificate of Registration signed by the Registrar shall be conclusive evidence of registration of interest in a Warehouse Receipt.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 69 do stand part of the Bill, put and agreed to.

- Clause 70:**
- (1) The Registrar shall maintain a Register containing in a consecutive or chronological order all transactions carried on at the Central Registry.
 - (2) Provision shall be made at the Central Registry for on-line operations.
 - (3) The Agency may by regulations prescribe the modalities for on-line transactions at the Central Registry.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 70 do stand part of the Bill, put and agreed to.

- Clause 71:** The Agency shall make such regulations and rules as are necessary for the day to day operations of the Central Registry.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 71 do stand part of the Bill, put and agreed to.

PART IX — RESOLUTION OF DISPUTES

- Clause 72:
- (1) Where a dispute exists relating to a Warehouse Receipt transaction exists between the depositor and Warehouse Operator, such dispute shall, first be referred to the Agency for settlement.
 - (2) In the settlement of a dispute the Agency may, afford the parties to such dispute, an informal hearing, to determine if a real dispute exists.
 - (3) Where the Agency is not able to resolve a dispute it shall refer the dispute to the Arbitral Panel (referred to in section 73 of this Act) within twenty-one days of receipt of the notice of dispute.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

- Clause 73:
- (1) For the purpose of resolving disputes under this Part, an Arbitral Panel shall be set up by the Agency in accordance with the provisions of the Arbitration and Conciliation Act Cap 18 Laws of the Federation of Nigeria, 2004.
 - (2) The Arbitral Panel shall determine any dispute referred to it by any of the party to the dispute or the Agency.
 - (3) The Arbitral Panel shall conclude hearing on a matter referred to it and deliver a decision within Ninety (90) working days from the date of referral.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

- Clause 74:
- If more than one person claims title to goods covered or purported to be covered by a Warehouse Receipt, the Warehouse Operator is permitted to delay the delivery until the Warehouse Operator has ascertained the validity, within a reasonable time, of the adverse claims or to bring an action to compel all claimants to interplead including compelling the interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

PART X — OFFENCES AND PENALTIES

- Clause 75:
- (1) A person, who, after the commencement of this Act and the expiration of the designated period under subsection 910 of section 14 of this Act, operates a commercial Warehouse without obtaining a license as required

under this Act, commits an offence and liable on conviction to a term of imprisonment not exceeding five years, or to a fine not below Three Million Naira or to both fine and imprisonment.

- (2) A person who continues to operate a commercial Warehouse after the suspension or revocation of its operating license in accordance with the provisions of this Act commits an offence and liable on conviction to a term of imprisonment not exceeding five years or to a fine not exceeding Two Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: A Warehouse Operator, its employee, agent, or servant who issues or aids in the issuance of a receipt knowing that the goods for which such receipt is issued have not been received by the Warehouse Operator, or are not under his direct control at the time of issuing such receipt, commits an offence and liable on conviction to a. term of imprisonment not exceeding five years or to a fine not exceeding Five Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 76 do stand part of the Bill, put and agreed to.

Clause 77: A Warehouse Operator, its employee, agent or servant who fraudulently issues or aids in the fraudulent issuance of a receipt for goods knowing that the receipt contains a false statement, commits an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine of not less than One Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

- Clause 78:** (1) A Warehouse Operator, its employee, agent, or servant, who issues or aids in the issuance of a duplicate or additional negotiable receipt for the same goods or any part thereof which is outstanding an uncanceled, without plainly placing on the face of the Warehouse Receipt the word "Duplicate" commits an offence and liable on conviction to imprisonment for a term not exceeding five years or to a fine of not less than One Million Naira or to both fine and imprisonment.
- (2) The provision of this section shall not apply where a duplicate of a Warehouse Receipt is issued in accordance with the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 78 do stand part of the Bill, put and agreed to.

- Clause 79:** (1) Where there are deposited with or held by a Warehouse Operator goods of which he or his agent or servants are employees, owners without appropriate licensing, either solely or jointly or in common with others then such Warehouse Operator, his employees, agents or servants who, aware of this ownership and issues or aids in issuing a negotiable receipt for such goods without the license to do so, commits an offence and on conviction be liable to a term not exceeding three years or to a fine not below five million Naira or to both fine and imprisonment.
- (2) A Warehouse Operator licensed to trade in goods which he stores, who fails to comply with the terms and conditions of such license shall be liable to a fine of the sum imposed by the Agency and revocation for its license to operate a commercial warehouse or such other conditions as the Agency may impose.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 79 do stand part of the Bill, put and agreed to.

- Clause 80:** A Warehouse Operator, or any of its employee, agent or servant who delivers goods out of the possession of such Warehouse Operator, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such receipt is outstanding and uncanceled, without obtaining possession of that Warehouse Receipt at or before the time of such delivery, and cancelling same, shall be liable to imprisonment for a term not exceeding two years, or to a fine of not less than five hundred thousand Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 80 do stand part of the Bill, put and agreed to.

- Clause 81:** A person who —
- (a) deposits goods to which he has no title, or upon which there is a lien or mortgage;
- (b) takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of lien or mortgage; commits an offence and liable on conviction to imprisonment for a term not exceeding seven years or to a fine not exceeding Five Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 81 do stand part of the Bill, put and agreed to.

Clause 82: A person who obstructs a Warehouse Inspector or any other authorized person in the exercise of the power conferred upon him by this Act or who neglects or refuses to produce to a Warehouse Inspector or any other authorized person, any goods, documents, book of accounts or other such records, commits an offence and liable on conviction to imprisonment for three months or to a fine not exceeding Five Hundred thousand Naira.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 82 do stand part of the Bill, put and agreed to.

Clause 83: A person who falsifies, tampers with or in any way alters a registered document, interest or records of the Central Registry commits an offence and liable on conviction to imprisonment for a term not exceeding seven years or to a fine of not less than Five Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: A person who aids or abets the commission of an offence under this Act commits an offence and liable on conviction to imprisonment for a term of three years or a fine in the same amount as prescribed for the offence or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 84 do stand part of the Bill, put and agreed to.

Clause 85: A person who contravenes any of the provisions of this Act, to which no specific penalty is provided shall be liable on conviction for every such offence to imprisonment for a term not exceeding two years or to a fine not below One Million Naira or to both fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 85 do stand part of the Bill, put and agreed to.

PART XI — FINANCIAL PROVISIONS

Clause 86: The funds of the Agency shall consist of —

- (a) such sums of money as may be appropriated by the National Assembly;
- (b) moneys borrowed by the Agency;
- (c) moneys derived from the sale of Warehouse Receipt books; and

- (d) Any other monies received by or donated or made available to the Agency for the purpose of performing its functions under this Act.
- (e) Any other monies, gift or grants received by or donated or make available to the agency for the purpose of performing its functions by this Act.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 86 do stand part of the Bill, put and agreed to.

Clause 87: The Agency shall perform its functions in accordance with sound and internationally accepted financial principles.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: The Agency shall open and maintain such bank accounts as are necessary for the performance of its functions in accordance with extant rules and regulations of the Federal Government.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: The Agency may, with the approval of the Board, borrow such sums of moneys as may be required for the efficient discharge of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 89 do stand part of the Bill, put and agreed to.

- Clause 90:**
- (1) The Director-General shall, not later than four months before the end of each financial year, prepare and submit to the Board for approval, estimates of income and expenditure of the Agency for the next following financial year and may, at any time before the end of each financial year, prepare and submit to the Board for approval any estimate supplementary to the estimates of the current year.
 - (2) No expenditure shall be made out of the funds of the Agency unless that expenditure is part of the expenditure approved by the Board under the estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.
 - (3) Such estimates as approved under subsection 1 of this section shall be presented to the National Assembly for annual budgetary appropriation.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 90 do stand part of the Bill, put and agreed to.

- Clause 91:**
- (1) The Board shall ensure that the Agency keeps proper accounts and records of its transactions and affairs.
 - (2) The Board shall also ensure that —
 - (a) all monies received by the Agency are properly accounted for;
 - (b) all payments of monies are correctly made and properly authorized; and
 - (c) Adequate control is maintained over the Agency's property and its expenditure.
 - (3) The Board shall cause to be prepared for each financial year, and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Agency during that financial year, comprising of a balance sheet, a profit and loss account and application of funds statement.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 91 do stand part of the Bill, put and agreed to.

- Clause 92:**
- (1) The accounts of the Agency shall, in respect of each financial year, be audited by the Auditor General of the Federation or by an auditor appointed by the Auditor General of the Federation.
 - (2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts referred to in subsection (3) of section 93 of this Act is submitted for auditing.
 - (3) The Auditor General of the Federation or any auditor appointed by the Auditor General of the Federation shall have access to all books of accounts, vouchers and other financial records of the Agency and is entitled to any information and explanation required in connection with such books, vouchers or records.
 - (4) The Auditor General of the Federation shall, within two months after the receipt of the statement of accounts referred to in subsection (2) of this section, audit the accounts and deliver to the Board the audited account together with the Auditor's report.
 - (5) The Board, shall as soon as possible upon receiving the audited account deliver to the Minister a copy of the audited accounts together with the auditor's report referred to in subsection (4) of this section and cause the audited account and report to be published in two national daily newspapers.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 92 do stand part of the Bill, put and agreed to.

- Clause 93:**
- (1) The financial year of the Agency shall be in accordance with the Financial Year Act or in accordance with any other legislation passed by the National Assembly for that purpose.
 - (2) Except that the first financial year of the Agency may be a shorter period commencing on the date on which the Agency is established and ending as nearly as close as is possible to the financial year end for that particular year, but not later than four months thereof, but if established any time from October in any year the first financial year end shall be the financial year end for the next year.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 93 do stand part of the Bill, put and agreed to.

- Clause 94:** The Board shall not later than three months after the end of a financial year ensure that it prepares, and widely publishes an annual performance report containing and reflecting an assessment of the Agency's performance of its goals for the year, complaints received and dealt with and such other issues as the Minister may from time to time direct the Board to report to the public.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 94 do stand part of the Bill, put and agreed to.

- Clause 95:** The Agency shall cause to be prepared and submit to the Board within three months after the end of each financial year, an annual report on the activities and operations of the Agency for that financial year.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 95 do stand part of the Bill, put and agreed to.

- Clause 96:** The Minister may issue directives of a general nature or relating generally to particular matters, but not any particular individual person or to any particular case, with regard to the exercise by the Agency of its functions.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 96 do stand part of the Bill, put and agreed to.

PART XII — MISCELLANEOUS PROVISIONS

Clause 97: The revocation or termination of a license pursuant to the provisions of this Act shall not affect the validity of receipts issued under the license, and the Warehouse Operator shall continue to comply with the provision of this Act with regard to receipts validly issued.

Committee's Recommendation:

That the provision in Clause 97 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 97 do stand part of the Bill, put and agreed to.

- Clause 98:**
- (1) Subject to regulations issued from time to time by the Agency, a Warehouse Operator shall subject to other provisions of this Act, ensure that goods in its custody are at all times insured against all common perils such as but not limited to loss by fraud, theft, fire, employee infidelity, disasters including drought, flooding, sabotage, internal explosion, windstorm and any other disasters or perils and such other perils as the Agency may determine by regulations made under this Act.
 - (2) A Warehouse Operator shall keep exposed in a conspicuous place in the Warehouse, a notice in bold letters stating briefly the conditions under which the goods are insured under this Act.
 - (3) A Warehouse Operator shall take prompt steps as may be necessary and proper to collect any money which becomes due under a contract of insurance entered into by the Warehouse Operator for the purpose of fulfilling the insurance and bonding requirements under this Act, and shall as soon as the money is collected, promptly pay any person entitled to receive the money.
 - (4) A Warehouse Operator shall where appropriate for the purpose of fulfilling the insurance and bonding requirements under this Act, pay premiums, permit inspections and make reports as may be required under the terms of its contracts with insurance and bonding companies.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 98 do stand part of the Bill, put and agreed to.

- Clause 99:** The Agency or its appointed agent may inspect any licensed Warehouse with a view to investigating and ascertaining the —
- (a) storage facilities in the Warehouse;
 - (b) classification of goods;
 - (c) weighing arrangement;
 - (d) certification of goods; and
 - (e) compliance with the provisions of this Act

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 99 do stand part of the Bill, put and agreed to.

- Clause 100:**
- (1) The Board may, by notice published in the Gazette classify a licensed Warehouse in accordance with its —
 - (a) single or group of commodities which it is licensed to store;
 - (b) ownership;
 - (c) location;
 - (d) surroundings;
 - (e) capacity;
 - (f) conditions or other qualities; and
 - (g) Such other classification as the Board may from time to time prescribe.
 - (2) The Board may prescribe different types of licenses that may be issued relating to different classes of Warehouses with a view to Maintaining standards.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 100 do stand part of the Bill, put and agreed to.

- Clause 101:**
- The Agency shall, in consultation with the Board, by notice published in the Gazette, prescribe the fees to be charged in respect of —
- (a) licenses issued under the Act;
 - (b) renewal of licenses;
 - (c) issue of negotiable Warehouse Receipt books; and
 - (d) Carrying out and performing such other functions conferred on it under this Act or by regulations made pursuant to this Act.

Committee's Recommendation:

That the provision in Clause 101 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 101 do stand part of the Bill, put and agreed to.

- Clause 102:**
- A member of the Board or any employee or other person performing any function of the Agency under the direction of the Board shall not be personally liable for any civil proceedings or for any act or omission carried out in good faith, in accordance with the law, rules and regulations and in the regular performance of his or her functions.

Committee's Recommendation:

That the provision in Clause 102 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 102 do stand part of the Bill, put and agreed to.

- Clause 103:** (1) The Board may make regulations generally for the carrying out of the provisions and purposes of this Act and may, in particular make regulations —
- (a) prescribing the procedures and limits of negotiation of a negotiable Warehouse Receipt;
 - (b) prescribing a standard format of a Warehouse Receipt;
 - (c) determining the standards or requirements for allowing a Warehouse Operator to sell or dispose of goods, which are perishable or hazardous;
 - (d) determining the manner of keeping depositors goods in a Warehouse;
 - (e) determining goods which may be mixed in the Warehouse receipt;
 - (f) prescribing ways of recovering the Warehouse Operator's Lien by sale of goods;
 - (g) prescribing conditions for the registration of the Warehouse;
 - (h) prescribing conditions that may be inscribed on the Warehouse license;
 - (i) prescribing Warehouse registration and license application procedure;
 - (j) prescribing Warehouse registration and license appeal procedure;
 - (k) prescribing the qualifications of the employees that may be employed by a Warehouse Operator;
 - (l) prescribing procedure for dispute resolution pursuant to this Act; and
 - (m) Allowing Warehouse Operators to trade in goods they are licensed to store and prescribing detailed and strict conditions for such trade if and when allowed.
- (2) Regulations made pursuant to subsection (1) shall be published in the Official Gazette.

Committee's Recommendation:

That the provision in Clause 103 be retained (*Senator Buhari Abdulfatai — Oyo North*) — *Agreed to.*

Question that Clause 103 do stand part of the Bill, put and agreed to.

Clause 104: Interpretation.

In this Act, unless the context otherwise requires:

'Agency' means the Nigerian Independent Warehouse Regulatory Agency established under section 1 of

Question: That the word "Agency" be as defined in the Interpretation to this Act, put and agreed to.

this Act; 'appropriate authority' or Minister means the Minister in charge of trade and investment;

Question: That the words "appropriate authority" be as defined in the Interpretation to this Act, put and agreed to.

'Arbitral Panel or Panel' means the panel established under section 73;

Question: That the words "Arbitral Panel or Panel" be as defined in the Interpretation to this Act, put and agreed to.

'Board' means the governing board of the Agency established under section 2 of this Act;

Question: That the word "Board" be as defined in the Interpretation to this Act, put and agreed to.

'bond', has the meaning ascribed to it by section 18 of this Act;

Question: That the word "bond" be as defined in the Interpretation to this Act, put and agreed to.

'Central Registry' means the Central Registry established under section 66 of this Act;

Question: That the words "Central Registry" be as defined in the Interpretation to this Act, put and agreed to.

'commodity' under this Act includes raw, conditioned, agricultural produce, solid minerals or products in liquid or gaseous form and such other goods as the Agency shall from time to time, following a viability study and after stakeholder consultation with approval of the Minister designate as commodities for storage in commercial Warehouses.

Question: That the word "Commodity" be as defined in the Interpretation to this Act, put and agreed to.

'commingle' means the storage of commodities by class, under circumstances other than identity preserved;

Question: That the word "commingle" be as defined in the Interpretation to this Act, put and agreed to.

'conditioning' include the process of drying and cleaning of commodities;

Question: That the word "Conditioning" be as defined in the Interpretation to this Act, put and agreed to.

'court' means the Federal High Court.

Question: That the word "court" be as defined in the Interpretation to this Act, put and agreed to.

'depositor' means any person who deposits a commodity in a Warehouse for storage, handling, or shipment, or who is the owner or legal holder of an outstanding Warehouse Receipt or who is lawfully entitled to possession of the commodity;

Question: That the word "depositor" be as defined in the Interpretation to this Act, put and agreed to.

'delivery' means voluntary transfer of possession from one person to another;

Question: That the word "delivery" be as defined in the Interpretation to this Act, put and agreed to.

'fungible goods' means goods of which any unit, from its nature or by mercantile custom, treated as equivalent of any other unit;

Question: That the words "fungible goods" be as defined in the Interpretation to this Act, put and agreed to.

'goods' for the purposes of this Act shall mean commodities

Question: That the word "goods" be as defined in the Interpretation to this Act, put and agreed to.

'holder' means a person who is in possession of a Warehouse Receipt whether negotiable or non- negotiable, and who has proprietary interest in the goods;

Question: That the word "holder" be as defined in the Interpretation to this Act, put and agreed to.

'identity preserved' means the handling of a commodity in such a manner that guarantees the return of the actual quality and quantity of the commodity to the depositor;

Question: That the words "identity preserved" be as defined in the Interpretation to this Act, put and agreed to.

'license' means a license issued under this Act and includes any renewals and amendments of the license except where the context otherwise requires;

Question: That the word "license" be as defined in the Interpretation to this Act, put and agreed to.

'licensed Warehouse' means any Warehouse for which the Agency, subject to other terms and requirements of the Act, has issued a license;

Question: That the words "licensed warehouse " be as defined in the Interpretation to this Act, put and agreed to.

'Minister' means the Minister responsible for trade and investment;

Question: That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.

'order' means an order by endorsement on the Warehouse receipt;

Question: That the word "order" be as defined in the Interpretation to this Act, put and agreed to.

'person' means any individual, corporation, two or more persons having a joint or common interest, or other legal or commercial entity;

Question: That the word "person" be as defined in the Interpretation to this Act, put and agreed to.

'prescribe' means prescribe in the regulations;

Question: That the word "prescribe" be as defined in the Interpretation to this Act, put and agreed to.

"President" means the President of the Federal Republic of Nigeria;

Question: That the word "president" be as defined in the Interpretation to this Act, put and agreed to.

'revocation' means the permanent removal of a Warehouse Operator's license by the Agency pursuant to the powers conferred on it under this Act;

Question: That the word "revocation" be as defined in the Interpretation to this Act, put and agreed to.

'suspension' means the temporary removal of a license actuated by any action or measure taken pursuant to the provisions of this Act;

Question: That the word "suspension" be as defined in the Interpretation to this Act, put and agreed to.

'Warehouse' or 'commercial Warehouse' under this Act mean any building, structure or other protected enclosure approved by the Agency to be used or useable, for the storage or conditioning of commodities or buildings used for storage purposes or including operation of a Warehouse which issue or purport to issue Warehouse receipt;

Question: That the words "Warehouse" or "Commercial Warehouse" be as defined in the Interpretation to this Act, put and agreed to.

'Warehouse Operator' means a person registered under this Act engaged in the business of operating a Warehouse for receiving, storing, shipping or handling of commodities for compensation and includes the agent or employee the scope of whose actual or apparent authority renders such person to exercise rights or become liable under the Act; and includes directors and shareholders of a limited liability company licensed under this Act.

Question: That the words "Warehouse Operator" be as defined in the Interpretation to this Act, put and agreed to.

'Warehouse Receipt' means a document of title to specific goods of a certain quality and quantity stored in a licensed, bonded and named Warehouse which may be negotiable or non-negotiable.

Question: That the words "Warehouse Receipt" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 104 be retained (*Senator Buhari Abdulfatai — Oyo North*) — Agreed to.

Question that Clause 104 do stand part of the Bill, put and agreed to.

Clause 105: Citation.

This Act may be cited as the Warehouse Receipts and Other Related Matters Bill, 2017.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator Buhari Abdulfatai — Oyo North*) — Agreed to.

Question that Clause 105 do stand part of the Bill, put and agreed to.

SCHEDULE
MEETINGS OF THE BOARD

1. Convening Meetings

- (1) The Chairman shall convene the first meeting of the Board as soon as is practicable after the appointment and inauguration of the Board and thereafter the Board shall meet for the transaction of business at times and places that may be decided upon by the Board but the Board shall meet once every three months.
- (2) The Chairman or, in the absence of the Chairman, a member of the Board appointed by the Board to act as Chairman may from time to time call a special meeting of the Board, or shall call a special meeting upon a written request by a majority of the members of the Board.
- (3) The Chairman shall preside at all meetings of the Board and in his or her absence, the members present may appoint a member from amongst themselves to preside at that meeting.

2. Quorum

The quorum at a meeting shall be four members.

3. Decision Making

Questions proposed at a meeting of the Board shall be decided by a majority of votes of members present and if there is equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

4. Disclosure of Interest

- (1) A member of the Board who has any pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Board.

- (2) A disclosure of interest under subparagraph (1) of this paragraph shall be recorded in the minutes of the meeting of the Board and the member making the disclosure shall not, unless the Board otherwise determines in respect of that matter —
 - (a) be present during any deliberation on the matter by the Board; and
 - (b) Take part in the decision making of the Board on the matter.
- (3) For the purpose of the making of a decision by the Board under subparagraph (2) of this paragraph the member who has made the disclosure shall not —
 - (a) be present during the deliberations of the Board for the making of that determination; and
 - (b) Influence any other member or take part in the making of the determination by the Board.

5. Co-option of Persons to Meetings of the Board

- (1) The Board may co-opt any person to any meeting of the Board to assist it on any matter if the Board is satisfied that such person's qualifications and experience are likely to benefit the Board.
- (2) A person co-opted to assist the Board under subparagraph (1) of this paragraph is entitled to take part in the proceedings of the Board at the meeting concerning the matter in connection with which he or she is co-opted, but is not entitled to vote or take part in other proceedings of the Board.

6. Minutes of Meetings

- (1) The Board shall cause the minutes of its meetings to be recorded and kept and the minutes of each meeting shall be reviewed and adopted by the Board at the next meeting and signed by the Chairman of the meeting.
- (2) The Chairman of the Board shall submit to the Minister a copy of the minutes of each meeting as soon as the minutes have been reviewed and adopted.

7. Board to Regulate its Own Procedure

Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

8. Seal of the Agency

- (1) The Common seal of the Agency shall be such device and in such form as the Board may determine and shall be authenticated by the signatures of the Registrar General and the Secretary.
- (2) In the absence of the Registrar General, the person performing the functions of the Registrar General shall sign.
- (3) The signature of the Registrar General shall be independent of the signing by any other person as a witness.
- (4) Every document purporting to be an instrument issued by the Agency and to be sealed with the seal of the Agency authenticated in the manner prescribed in subparagraphs (2) and (3) of this paragraph shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.
- (5) The seal of the Agency shall be kept in the custody of the Secretary.

Question that provisions of this Schedule stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Industries on the Nigerian Independent Warehouse Regulatory Agency (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 105 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Committee on Sports and Youth Development:

Report on the National Sports Commission (Establishment, etc.) Bill, 2017 (SB. 155):

Motion made: That the Senate do consider the Report of the Committee on Sports and Youth Development on National Sports Commission (Establishment, etc.) Bill, 2017 (*Senator Obinna J. Ogba — Ebonyi Central*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE NATIONAL SPORTS COMMISSION TO BE CHARGED WITH THE RESPONSIBILITY OF SPORTS ADMINISTRATION AND OTHER MATTERS INCIDENTAL THERETO, 2017.

Clause 1: Establishment of the National Sports Commission.

There is hereby established a body to be known as the National Sports Commission (in this Act referred to as "the Commission") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Membership of the Commission.

- (1) The Commission shall consist of the following members-
 - (a) the Minister who shall be the Chairman and the Chief Executive officer of the Commission;
 - (b) the Director-General of the Commission;
 - (c) the President of Nigerian Olympic Committee (NOC);
 - (d) one representative of collegiate Sports (NUGA, NIPOGA and NICEGA);
 - (e) the President of National Association of Women in Sport (NAWIS);
 - (f) the Head of schools sports in the Federal Ministry of Education;
 - (g) representative of National Association of physical education, recreational sports and dance (NARHER-S-D)
 - (h) Six chairmen of States Sports Councils representing the sports zones to serve on rotational basis of 2 years per State:
 - (i) zone 1 Ibadan;
 - (ii) zone2 Benin;
 - (iii) zone 3 Enugu;
 - (iv) zone 4 Bauchi;
 - (v) zone 5 Jos; and
 - (vi) zone 6 Kaduna.
 - (i) representative of Institutional Sports (Navy, Air force, Army, Police and Paramilitary); and
 - (j) 3 members from private sector.
- (2) The Chairman and members of the Commission shall be appointed by the President.
- (3) A member of the Commission shall hold office for a period four years beginning with the date on which he was appointed and shall not be eligible for re-appointment.
- (4) A member of the Commission other than the Chairman may by notice in writing addressed to the President through the Chairman, resign his office and that member shall, on the day of the receipt of the notice by the President, cease to be a member.
- (5) The Chairman may resign his membership by notice in writing addressed to the President and unless the President rejects the notice, the Chairman shall, on the day of the receipt of the notice by the President, cease to be a member.

- (6) Members of the Commission except the chairman shall receive no remuneration but may be paid such travelling and other allowances as may" from time to time be approved by the President.
- (7) The provisions of the Schedule to this Act shall have effect with respect to the constitution and procedure of the Commission and other matters mentioned therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Functions of the Commission.

- (1) The functions of the Commission shall be-
 - (a) to encourage the development and organisation of and participation in sports in Nigeria;
 - (b) to co-ordinate and integrate efforts to raise the standard of performance in sports throughout Nigeria;
 - (c) to maintain every stadium owned or controlled by the Federal Government and to direct all activities relative thereto.
- (2) The Commission shall, in all international relations affecting sports, have the sole right to make, on behalf of the States Sports Councils, any necessary arrangements for competitions, technical assistance, recruitment of coaches and for any such other matters as the Commission may think fit.
- (3) Without prejudice to the generality of subsection (1) of this section, it shall be the duty of the Commission-
 - (a) to promote, in co-operation with other sports bodies or sports groups, the physical fitness and general well-being of all persons in Nigeria;
 - (b) to organise, or assist financially or otherwise, the participation in sports at inter-State, national and international levels;
 - (c) to train Nigerians to become sportsmen and instructors in sports;
 - (d) to conduct and encourage research into all matters relating to sports;
 - (e) to provide and maintain sports centres and facilities for the training of Nigerians as instructors and organisers of sports;
 - (f) to ensure the participation of all sportsmen where required in inter-State, national, or international competitions.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Powers of the Commission to enter into contracts, to hold property and to invest.

- (1) The Commission may enter into such contracts as may be necessary or expedient for giving effect to the provisions of this Act.
- (2) Subject to the approval of the President, the Commission may acquire and hold such movable or immovable property as may be necessary or expedient for giving effect to the provisions of this Act and may, for the same purpose, sell, lease, mortgage; or otherwise alienate or dispose of any property so acquired and held.
- (3) The Commission may invest its funds in such manner and to such extent as it thinks necessary or expedient.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Powers of the Commission to Borrow.

Subject to the approval of the President, the Commission may, for the purpose of giving effect to this Act, borrow such sums of money as it may require in the exercise of its functions under this Act.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Office of the Director-General and Secretary to the Commission.

- (1) There shall be a Director-General who shall also be the Secretary to the Commission.
- (2) Notwithstanding subsection (1) of this section, the Director-General may designate any other member of the staff of the Commission to act as the secretary to the Commission either generally or in any special case.
- (3) The Director or any person appointed pursuant to subsection (2) of this section, to act 'as secretary shall not be entitled to vote on any question before the Commission unless he is so entitled as a member thereof.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Appointment of Director-General and other staff.

- (1) The Director-General who shall be the chief Administrative officer of the Commission, shall be appointed by the President, and shall be responsible for the day to day administration of the Commission.

- (2) Subject to the approval of the President, the Commission may appoint such staff and agents as it may deem necessary for the efficient performance of the Commission's duties under this Act.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Application of Pension Reform Act 2004.

- (1) It hereby declared that the service in the Commission shall be Pensionable under the Pensions Act subject to the provisions of Pensions Reforms Act, and accordingly, employers of the Commission shall, in respect of their services in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed thereunder.
- (2) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Removal from office of Members of the Commission.

- (1) If it appears to the Commission that a member of the Commission should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Commission shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the President, and if the President approves the recommendation he may declare, in writing, the office of that member vacant.
- (2) Without prejudice to subsection (1) of this section-
- (a) any member who is absent from two consecutive ordinary meetings of the Commission shall file his explanation in writing with the secretary for consideration by the Commission and if the explanation is not accepted by the Commission, the Commission shall recommend to the President that the member be removed from office and the President may declare, in writing, the office of that member vacant;
- (b) where the Commission is satisfied that the continued presence on the Commission of any member is not in the interest of Nigeria or of sports or of the Commission, the Commission may recommend to the President that member be removed, and the President may declare, in writing; "the office of "that member vacant.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Annual reports and estimates.

- (1) The Commission shall on or before 1 st October each year prepare and present to the President a report of its proceedings and operations during the period of twelve months ending on 31st December in that year, and the report shall be accompanied by a certified copy of the audited accounts of the Commission for that period.
- (2) A copy of every such report together with the audited accounts shall be laid before the National Council of Ministers as soon as may be after the presentation thereof to the President;
- (3) The Commission shall not later than 1st August in each year or as soon thereafter as the President may in a proper case allow, submit to the President for approval its estimates of revenue and expenditure in respect of the year beginning with 1st January in the following year.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Accounts and audit.

The Commission shall keep proper accounts, in a form which conforms with accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the same from time to time but not less frequently than annually for auditing by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Funds and resources of the Commission.

- (1) The funds and resources of the Commission shall consist of—
 - (a) such funds as may from time to time be provided by the Federal Government;
 - (b) such funds as may be collected or received by the Commission from other sources either in the execution of its functions or in respect of any property vested in the Commission; and
 - (c) such interests as may accrue to the Commission from investments made by virtue of this Act.
- (2) No funds shall be raised internationally by the Commission without the approval of the Minister.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Non-liability of Members.

No member of the Commission shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Powers to make standing orders.

- (1) The Commission may, within the scope of its authority under this Act, make standing orders relating to any internal and domestic matters placed by this Act under its control and, particularly to the matters mentioned in paragraph 9 of the Schedule to this Act.
- (2) All such standing orders shall be in writing and shall come into force when sealed with the seal of the Commission, unless some other date for commencement be therein prescribed.
- (3) Nothing in subsection (2) of this section shall make it obligatory for the Commission to publish any or all of the said standing orders in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Powers of President to give directives etc.

- (1) Subject to the provisions of this Act, the President may give general or specific directives to the Commission and the Commission shall comply with and give effect to any such directives.
- (2) The Commission shall give to the President such information and returns relating to its activities actual or proposed as the President may from time to time require.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Commission relationship with National Sport Association.

- (1) Subject to the provisions of this section, the Commission may set up national sports associations for each kind of sport and may appoint chairmen and other members thereof; accordingly all matters relating to the constitution, affiliation, recognition, of international competitions and to officers of national sports associations shall be submitted for approval to the Commission.

- (2) Subject to the approval of the President, it shall be the duty of the Commission to supervise and, where in the opinion of the Commission it is necessary to do so, take over and manage for such a period as the Commission may think fit the affairs of any national sports association.
- (3) No Government financial assistance shall be given to national sports associations except through the Commission which shall determine the amount and the terms of the grant; and no new grants shall be made in any case until the audited accounts of the previous year, if any, have been submitted and accepted by the Commission.
- (4) Without prejudice to subsection (2) of this section, the Commission shall not interfere with the general administration of national sports associations set up under this Act but may give directions when in its opinion it is necessary to do so.
- (5) For the purposes of this section, "National Sports Association" means the body responsible for the administration and organisation of a particular sport on a national basis in Nigeria and recognised as such by the Commission.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Quorum and procedure of bodies established by this Act.

Subject to the provisions of this Act and any standing orders made thereunder, the quorum and procedure of any body of persons established by this Act shall be as may be determined by that body.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Interpretation.

In this Act, unless the context otherwise requires-

"Chairman" means the Chairman of the Commission appointed in accordance with section 2(1) of this Act;

Question: That the word "Chairman" be as defined in the Interpretation to this Act, put and agreed to.

"Commission" means the National Sports Commission established by virtue of section 1 (1) of this Act;

Question: That the word "Commission" be as defined in the Interpretation to this Act, put and agreed to.

"the Director-General" means the Director-General appointed pursuant to section 7(1) of this Act;

Question: That the words "the Director-General" be as defined in the Interpretation to this Act, put and agreed to.

"functions" includes powers and duties;

Question: That the word "functions" be as defined in the Interpretation to this Act, put and agreed to.

"member" means a member of the Commission;

Question: That the word "member" be as defined in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister responsible for sports;

Question: That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.

"national sports association" has the meaning assigned to it by section 16(5) of this Act;

Question: That the words "national sports association" be as defined in the Interpretation to this Act, put and agreed to.

"Nigeria Olympic Association" means the Olympic Association of Nigeria recognised as such by the Commission;

Question: That the words "National Olympic Association" be as defined in the Interpretation to this Act, put and agreed to.

"sports" includes any game or recreational activity approved by the Commission for the purposes of this Act;

Question: That the word "sports" be as defined in the Interpretation to this Act, put and agreed to.

"secretary" means secretary to the Commission appointed in accordance with section 7(1) of the Act;

Question: That the word "secretary" be as defined in the Interpretation to this Act, put and agreed to.

"Zonal Sports Offices" means bodies established in each of the six geopolitical zones of the federation charged with responsibility for sports within each zone and recognised as such by the Commission;

Question: That the words "Zonal Sports Officers" be as defined in the Interpretation to this Act, put and agreed to.

"Universities Games Association" means the Games Association of the universities functioning in Nigeria and recognised as such by the Commission.

Question: That the words "Universities Games Association" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Citation.

This Act may be cited as the National Sports Commission Bill, 2017.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Obinna J. Ogba — Ebonyi Central*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

SCHEDULE**SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.*****Tenure of office of members, etc.***

1. (1) Where a vacancy occurs in the membership of the Commission, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the same authority as his predecessor.
- (2) The Commission may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

2. (1) The Commission shall appoint three standing committees which shall carry out such functions as the Commission may delegate to them and which shall be designated as follows-
 - (a) the Finance and Establishments Committee;
 - (b) the Facilities (Structures and Equipment) Committee; and
 - (c) the Sports Development Committee;and, subject to the foregoing, the Commission may appoint such other committees to advise it on the exercise and performance of its functions under this Act as it may from time to time consider necessary.
- (2) Every such committee shall consist of-
 - (a) a Chairman who shall be appointed by the Commission from among the members of the Commission;
 - (b) not more than five other persons (whether or not they are members of the Commission), so however that any non-member of the Commission co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.
- (3) In this paragraph "Chairman" means Chairman of a committee.

Proceedings of the Commission

3. (1) The Commission shall meet for that conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than twice a year.
- (2) The Chairman may at any time, and shall at the request in writing of the President or of not less than four members one each from a different zone, summon a meeting to be held within fourteen days from the date the notice is given.
- (3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.
4. (1) Where the Commission or a committee of the Commission desires to obtain the advice of any person on any particular matter, it may co-opt that person as a member for a meeting whether or not expressly convened for the purpose of considering that matter.
- (2) A person so co-opted shall not be entitled to vote nor shall he count towards a quorum.
5. (1) Every question put before the Commission at a meeting shall be decided by a majority of votes of the members present and voting.
- (2) Ten members, six of whom shall be chairman of Sports Councils representing the six zonal offices, shall form a quorum at any meeting of the Commission.
- (3) The Chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.
6. The Chairman shall preside at all meetings of the Commission, but if he is absent from any meeting of the Commission, the members present shall elect one of their members to preside at that meeting.
7. Subject to the provisions of this Act, the Commission may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

8. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorised by it for that purpose.
- (2) Any member of the Commission or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or the committee, shall forthwith disclose his interest to the Commission or the committee and shall not vote on any question relating to such contract or arrangement.
9. (1) The common seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.

- (2) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Commission to act for that purpose.
 - (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
10. The Six Zonal Sports offices are:
- (1) zone 1 - Ibadan comprising: Oyo, Ogun, Ondo, Osun, Lagos and Ekiti States;
 - (2) zone 2 - Benin comprising: Edo, Delta, Rivers, Cross River, Bayelsa and Akwa Ibom States;
 - (3) zone 3 - Enugu comprising: Abia, Imo, Ebonyi, and Anambra States;

Amendment Proposed:

Leave out the provision in 10(3) and *insert* the following instead thereof:

- “(3) zone 3 - Enugu comprising: Enugu, Abia, Imo, Ebonyi, and Anambra States;” (*Senator Kabiru G. Marafa — Zamfara Central*).

Question that the amendment be made, put and agreed to.

- (4) zone 4 - Bauchi comprising: Adamawa, Gombe, Borno and Taraba States;

Amendment Proposed:

Leave out the provision in 10(3) and *insert* the following instead thereof:

- “(4) zone 4 - Bauchi comprising: Bauchi, Adamawa, Gombe, Borno, Yobe and Taraba States;” (*Senator Kabiru G. Marafa — Zamfara Central*).

Question that the amendment be made, put and agreed to.

- (5) zone 5 - Jos comprising: Plateau, Nasarawa, Benue, Kwara, Niger, Federal Capital Territory, Kogi States;
- (6) zone 6 - Kaduna comprising: Kaduna, Kano; Katsina, Jigawa, Kebbi, Sokoto, and Zamfara States.

Question that provisions of this Schedule as amended stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Sports and Youth Development on National Sports Commission (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 19	—	As Recommended
Schedule	—	As Amended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Committee on Works:

Report on the Federal Roads Authority (Establishment, etc.) Bill, 2017 (SB. 219):

Consideration of Report deferred to another Legislative Day.

12. Committee on Works:

Report on the National Road Funds (Establishment, etc.) Bill, 2017 (SB. 218):

Consideration of Report deferred to another Legislative Day.

13. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 24th May, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:19 p.m.

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.