



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 16th November, 2017

1. The Senate met at 10:46 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 15th November, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

(a) **2018 Budget Debate Contribution:**

The Senate President announced that 2018 Budget Debate will commence on Wednesday, 22nd - Thursday, 23rd November, 2017. Senators are by this notice urged to register their respective date of contributions by the entrance of the Chamber.

(b) **Acknowledgment:**

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

(i) Staff and Students of Cherryfield College, Jikwoyi, Abuja;

(ii) Staff and Students of Grace of God Nursery/Primary/Secondary School, Mararaba, Nasarawa State; and

(iii) Staff and Students of Dependable International School, Abuja.

4. **Petitions:**

(i) Rising on Rule 41, Senator Yusuf A. Yusuf (*Taraba Central*) drew the attention of the Senate to a petition from his constituent, Hon. Bello B. Abubakar on behalf of Barup Village, Sardauna Local Government Area of Taraba State, against intruders from the Republic of Cameroun, over insecurity. 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 Chukwuka G. Utazi (*Enugu North*) drew the attention of the Senate to a petition from his constituent, Ugwu Ifekwoaba JC, against the Nigerian Army, over wrongful withdrawal from training. 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 Matthew A. Urhoghide (*Edo South*) drew the attention of the Senate to a petition from Rayfield Associates on behalf of Global Spectrum Energy Services Limited, against the Nigerian Ports Authority (NPA), over breach of contractual obligation. 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.

5. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do receive the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (a) Mr. Jolomi Arenyeka and two (2) others, against Petroleum Technology Development Fund (PTDF) for wrongful disengagement from the Service;
- (b) Colonel Chidi Kalu Ukoha, against the Nigerian Army for his wrongful retirement from the Army;
- (c) Dr. Isah Mohammed Ahmed, against Kano Electricity Distribution Company (KEDCO) for alleged victimization, intimidation and refusal to pay his retirement benefits; and
- (d) Njemanze & Njemanze & Co. on behalf of Senior Staff of National Health Insurance Scheme (NHIS), against the Scheme for cancellation of their 2016 Promotion Examination (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Reports Laid.

6. Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes

Report on the Proceeds of Crimes Bill, 2017 (SB. 376):

Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes on the Proceeds of Crimes Bill, 2017 (*Adjourned Consideration 26th October, 2017 — Clause 109*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO MAKE COMPREHENSIVE PROVISIONS FOR THE CONFISCATION, FORFEITURE AND MANAGEMENT OF PROPERTIES DERIVED FROM UNLAWFUL ACTIVITIES AND FOR CONNECTED MATTERS, 2017

PART VII - INVESTIGATION, SEARCH AND SEIZURE

Clause 110: Application of this Part.

- (1) This Part applies to all relevant organisations in the conduct of investigations, searches, and seizures in connection with the recovery of proceeds of unlawful activities under the applicable Acts.

- (2) In addition to existing powers in existing legislation, a relevant organisation may apply the provisions of this Part as they relate to the operation of the relevant organisation.
- (3) For the purpose of this Part —
 - (a) a forfeiture investigation is an investigation into whether property constitutes or is derived from the proceeds of an unlawful activity or is the instrumentality of an offence; and
 - (b) a confiscation investigation is an investigation into whether a person has benefited from unlawful activity.
- (4) A relevant organisation shall, in its application of this Part, inform the Agency of any investigation, search or seizure being conducted by it.

Committee's Recommendation:

That the provision in Clause 110 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 110 do stand part of the Bill, put and agreed to.

Clause 111: Making Production Orders.

- (1) The Court may, on an ex-parte application made to it by the Agency or relevant organisation, make an order requiring the production of specified material within a specified period, if the Court is satisfied that each of the requirements for the making of the order is fulfilled.
- (2) The requirements for making the order are, there are reasonable grounds to suspect, that —
 - (a) a person has property constituting or derived from the proceeds of an unlawful activity;
 - (b) a person has derived a benefit from an offence or unlawful activity; and
 - (c) the material sought, by itself or together with other material, is likely to be of substantial value into a specified investigation

Committee's Recommendation:

That the provision in Clause 111 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 111 do stand part of the Bill, put and agreed to.

Clause 112: Application for a Production Order.

- (1) An application for a production order shall confirm that —
 - (a) the order is sought for the purposes of investigation;
 - (b) a person specified in the application appears to be in possession or control of the material; and
 - (c) the material sought for is not subject to legal privilege.
- (2) In consideration of legal privilege or any other claimed client privilege, the following items shall not be subject to that privilege —
 - (a) any material in relation to —
 - (i) the purchase or sale of property,

- (ii) the purchase or sale of any business,
- (iii) the purchase or sale of any high-value item,
- (iv) any investment,
- (v) any matter concerning the payment of any tax,
- (vi) any matter concerning the transfer of any funds whatsoever,
- (vii) any client account,
- (viii) the formation or conduct of any trust,
- (ix) any paid fees or retainer fees, and
- (x) anything produced in the furtherance of any unlawful activity.

- (3) An application for a production order may be made to a Judge in Chambers.

Committee's Recommendation:

That the provision in Clause 112 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 112 do stand part of the Bill, put and agreed to.

Clause 113: Access to Material Sought.

- (1) A production order is an order either requiring —
 - (a) the person specified in the application as appearing to be in possession or control of the material to produce the material to an authorised officer for him to take away; or
 - (b) the person mentioned in paragraph (a) of this subsection to give an authorised officer access to the material within the period stated in the order.
- (2) The period stated in a production order may be a period of seven days beginning on the day on which the order is made, except it appears to the Court making the order that a longer or shorter period would be appropriate in the particular circumstances.
- (3) A matter to which the Court shall have regard for the purposes of deciding whether an earlier time is appropriate under subsection (2) of this section are —
 - (a) the urgency of the situation; and
 - (b) any hardship that may be caused to the person required by the production order to produce documents or make documents available.

Committee's Recommendation:

That the provision in Clause 113 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 113 do stand part of the Bill, put and agreed to.

Clause 114: Contents of Production Orders.

A production order shall —

- (a) specify the form and manner in which the documents are to be produced; and

- (b) set out the effect of section 122 of this Act.

Committee's Recommendation:

That the provision in Clause 114 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 114 do stand part of the Bill, put and agreed to.

Clause 115: Powers Under Production Orders.

An authorised officer may inspect, take extracts from, or make copies of a document produced or made available under a production order.

Committee's Recommendation:

That the provision in Clause 115 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 115 do stand part of the Bill, put and agreed to.

Clause 116: Retaining Produced Documents.

- (1) An authorised officer may retain a document produced under a production order for as long as is necessary for the purposes of this Act.
- (2) The person to whom a production order is given may require the authorised officer to —
 - (a) certify in writing a copy of the document retained to be a true copy and give the person the copy; or
 - (b) allow the person to do one or more of the following —
 - (i) inspect the document,
 - (ii) take extracts from the document, and
 - (iii) make copies of the document.

Committee's Recommendation:

That the provision in Clause 116 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 116 do stand part of the Bill, put and agreed to.

Clause 117: Document in Possession, etc. of Government Department.

- (1) A production order may be made in relation to material in the possession or control of a government department.
- (2) A production order —
 - (a) so made may require any officer of the department, whether named in the order or not, who may for the time being be in possession or control of the material to comply with it; and
 - (b) containing the requirement referred to in paragraph (a) of this subsection shall be served as if the proceedings were civil proceedings against the department.
- (3) Where a production order contains the requirement referred to in subsection (2)(a) of this section —
 - (a) the person on whom it is served shall take all reasonable steps to bring it to the attention of the officer concerned; or

- (b) any other officer of the department who is in receipt of the order shall take all reasonable steps to bring it to the attention of the officer concerned.
- (4) Where the production order is not brought to the attention of the officer concerned within the period stated in the order, the person on whom it is served shall report the reasons for the failure to the Court that issued the order.

Committee's Recommendation:

That the provision in Clause 117 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 117 do stand part of the Bill, put and agreed to.

Clause 118: Computer Information.

Amendment Proposed:

Immediately after the word “information” in the side note *insert* the words “ and other Electronic Storage Devices” (*Senator Ike Ekweremadu — Enugu West*).

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

- (1) This section applies where any of the material specified in an application for a production order consists of information contained in a computer.

Amendment Proposed:

Immediately after the word “computer” in line 2, *insert* the words “and other Electronic Storage Devices” (*Senator Ike Ekweremadu — Enugu West*).

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

- (2) Where an order requires a person to produce a material to an authorised officer for him to take away, it has effect as an order to produce the material in a form in which it can be taken away by him and in which it is visible and legible.
- (3) Where an order requires a person to give an appropriate officer access to a material, it has effect as an order to give the officer access to the material in a form in which it is visible and legible (*Senator David Umaru — Niger East*).

Question that Clause 118 as amended do stand part of the Bill, put and agreed to.

Clause 119: Prohibition of Privilege Against Self-incrimination.

A person shall not be excused from producing a document or making a document available under a production order on the ground that —

- (a) to do so would tend to incriminate or expose the person to a penalty; or
- (b) producing the document or making it available would breach an obligation, whether imposed by an enactment or otherwise, of the person not to disclose the existence or contents of the document.

Committee's Recommendation:

That the provision in Clause 119 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 119 do stand part of the Bill, put and agreed to.

Clause 120: Making False Statements in Applications.

A person who in connection with an application for a production order makes a statement which —

- (a) is deliberately false or misleading, or
- (b) deliberately omits any matter or thing without which the statement is misleading, commits an offence and is liable on conviction to a fine of not less than one million naira or to imprisonment for a term of not less than twelve months or to both.

Committee's Recommendation:

That the provision in Clause 120 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 120 do stand part of the Bill, put and agreed to.

Clause 121: Order to Grant Entry.

- (1) This section shall apply where the Court makes a production order requiring a person to give an authorised officer access to the material on any premises.
- (2) The Court may, on an application made to it by an authorised officer and specifying the premises, make an order to grant entry in relation to the premises.
- (3) The order to grant entry under this section, is an order requiring any person who appears to an authorised officer to be entitled to grant entry to a premises, to allow the authorised officer to enter the premises to obtain access to the material.

Committee's Recommendation:

That the provision in Clause 121 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 121 do stand part of the Bill, put and agreed to.

Clause 122: Offences of Actions Detrimental to the Investigation.

- (1) This section applies where a person knows or suspects that an authorised officer or any other officer of a relevant organisation is acting, or is about to act, in connection with an investigation under section 110 of this Act, or a money laundering investigation within the provisions of the Money Laundering (Prohibition) Act.
- (2) A person commits an offence where he —
 - (a) makes a disclosure which is likely to be detrimental to the investigation; or
 - (b) falsifies, conceals, destroys or disposes of, or causes or permits the falsification, concealment, destruction or disposal of, documents which are relevant to an investigation.
- (3) A person does not commit an offence under subsection (2)(a) of this section, where —
 - (a) he does not know or suspect that a disclosure is likely to be detrimental to an investigation; or
 - (b) the disclosure is made in the exercise of a function under this Act or in compliance with a requirement imposed under —
 - (i) or by virtue of this Act,

- (ii) the Money Laundering (Prohibition) Act, or
 - (iii) the Terrorism (Prevention) Act.
- (4) A person does not commit an offence under subsection (2)(b) of this section where he does not —
- (a) know or suspect that the documents are relevant to the investigation; or
 - (b) intend to conceal any facts disclosed by the documents from an authorised officer.
- (5) A person found guilty of an offence under subsection (2) of this section is liable on conviction to a fine of not less than five million naira or imprisonment for a term of not less than two years or to both.

Committee's Recommendation:

That the provision in Clause 122 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 122 do stand part of the Bill, put and agreed to.

Clause 123: Search and Seizure Warrants.

- (1) The Court may, on an ex-parte application made to it by the Agency or relevant organisation, issue a search and seizure warrant where it is satisfied that each of the requirements for the making the order is fulfilled.
- (2) The requirements for the issue of a search and seizure warrant under subsection (1) of this section are that —
 - (a) the requirements for the issue of a production order under section 111 of this Act are satisfied;
 - (b) an investigation as specified in section 110 of this Act is being conducted;
 - (c) there are reasonable grounds to believe that there is on the premises —
 - (i) material likely to be of substantial value, by itself or together with other material, to the investigation,
 - (ii) material relating to a specified person which is likely to be of substantial value, whether by itself or together with other material, to the investigation, but that the material cannot at the time of the application be particularised,
 - (iii) property forming or derived from the proceeds of unlawful activity, or
 - (iv) an instrumentality of an offence, which may be destroyed or dissipated unless an authorised officer can secure immediate access to the premises in order to preserve the property;
 - (d) a production order made under section 111 of this Act in relation to material held on the premises has not been complied with; or
 - (e) it would not be practicable to make an order under section 111 of this Act in relation to the material sought because —

- (i) it is not practicable to communicate with any person entitled to produce the material,
 - (ii) it is not practicable to communicate with any person entitled to grant entry to the premises,
 - (iii) it is not practicable to communicate with any person entitled to grant access to the material,
 - (iv) the investigation might be seriously prejudiced except an authorised officer could secure immediate access to the material, or
 - (v) entry into the premises will not be granted except a warrant is produced.
- (3) A search and seizure warrant shall not confer the right to seize material that is subject to legal privilege.
- (4) In considering legal privilege, the items listed in section 112(2) of this Act shall not be entitled to that privilege under this section.
- (5) Where an authorised officer has entered premises in execution of a warrant issued under this section, he may —
 - (a) seize and retain any material, other than an item subject to legal privilege which is likely to be of substantial value, whether by itself or together with other material, to the investigation;
 - (b) make a photographic or video record of the premises and its contents;
 - (c) inspect, make copies of, take extracts from any book, record or document;
 - (d) search any person who is in or on the premises, and for the purpose of the search, detain the person and remove him to such place as may be necessary to facilitate the search, and seize and detain any article found on him; or
 - (e) stop, search and seize any vehicle or conveyance.
- (6) A search warrant issued under this Part shall authorise a person named in the warrant and any accompanying person to —
 - (a) enter the premises or any part of the premises by force where necessary;
 - (b) detain any person found in or on any premises or in any conveyance for the purpose of the search; and
 - (c) search for and seize any property under the direction of the authorised officer in charge of the search.
- (7) A person shall not be searched under this Act except by a person who is of the same gender as the person to be searched.
- (8) A warrant may authorise persons to accompany any authorised officer who is executing it.

- (9) An accompanying person under subsection (8) of this section has the same powers as the officer whom he accompanies in respect of the —
 - (a) execution of the warrant; and
 - (b) seizure of anything to which the warrant relates, provided that he may exercise those powers only in the company and under the supervision of an authorised officer.
- (10) A copy of a search warrant together with the details of the persons conducting the search shall be handed to the person who appears to be in charge of the premises or left in a conspicuous place where the premises is unattended.

Committee's Recommendation:

That the provision in Clause 123 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 123 do stand part of the Bill, put and agreed to.

Clause 124: Seizure of Property.

- (1) Where, in the course of an investigation mentioned in section 110 of this Act, an authorised officer or officer of a relevant agency has reasonable grounds to suspect that any movable or immovable property is —
 - (a) material which is mentioned in section 123(2)(c)(i) and (ii) of this Act;
 - (b) property which is mentioned in section 123(2)(c)(iii) of this Act; or
 - (c) an instrumentality which is mentioned in section 123(2)(c)(iv) of this Act, he shall seize the property.
- (2) A list of all movable or immovable property seized pursuant to subsection (1) of this section and the location where the property was discovered shall be prepared and signed by the officer effecting the seizure.
- (3) A copy of the list referred to in subsection (2) of this section shall be served as soon as possible, on the owner of the property and on the person from whom the property was seized, if not the owner.
- (4) Where it is not practicable or otherwise desirable to remove seized property, it may be left in the custody of the person from whom it is seized subject to an undertaking that the property shall be surrendered to the Agency on demand.
- (5) A person who has committed to an undertaking within the provisions of subsection (4) of this section shall remain committed to that undertaking until—
 - (a) notified in writing by the Agency or person authorised by the Agency that he is relieved of the commitment; or
 - (b) he is served with a notice of a restraint order under section 57 of this Act in connection with the property.
- (6) Any person who commits to an undertaking within the provisions of subsection (4) of this section commits an offence where he fails to surrender, on demand, property subject to the undertaking or otherwise fails to comply with any term or condition imposed under that subsection.
- (7) A person found guilty of an offence under subsection (6) of this section shall on conviction be liable to a fine not less than three times the value of the property subject to the undertaking or a term of imprisonment of not less than two years or to both.

Committee's Recommendation:

That the provision in Clause 124 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 124 do stand part of the Bill, put and agreed to.

Clause 125: Retention of Seized Property.

Where any property is seized under this Act, the seizure shall be effected by removing the property from the custody or control of the person from whom it is seized and placing it under the custody of the Agency or such person or authority as the Agency may determine.

Committee's Recommendation:

That the provision in Clause 125 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 125 do stand part of the Bill, put and agreed to.

Clause 126: Obstructing the Execution of a Search and Seizure Warrant.

A person who —

- (a) refuses an authorised officer access to any premises, or fails to submit to a search by a person authorised to search him under this Act;
- (b) assaults or obstructs any authorised officer or any accompanying person mentioned in section 123 (6) of this Act in the execution of the search and seizure warrant;
- (c) conceals or attempts to conceal from, an authorised officer or any accompanying person mentioned in section 123 (6) of this Act, any book, document, or article, in relation to which the officer has reasonable grounds for suspecting or believing that an offence under an applicable Act has been or is being committed, or which is liable to seizure under this Act;
- (d) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or
- (e) destroys anything to prevent its seizure or securing of the thing, commits an offence and is liable on conviction to a term of imprisonment not less than two years without the option of a fine.

Committee's Recommendation:

That the provision in Clause 126 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 126 do stand part of the Bill, put and agreed to.

Clause 127: Customer Information Orders.

- (1) The Court may, on an application made to it by the Agency or an authorised officer, make a customer information order if he is satisfied that each of the conditions for making of the order is fulfilled.
- (2) The conditions for the issue of a customer information order are that —
 - (a) a person specified in the application is subject to an investigation of the type specified in section 110 of this Act;
 - (b) that a specified person has —
 - (i) property constituting or derived from the proceeds of an unlawful activity, or

- (ii) derived a benefit from unlawful activity;
 - (c) the person named in the application for the order is subject to —
 - (i) a money laundering investigation within the provisions of the Money Laundering (Prohibition) Act, or
 - (ii) a terrorist financing investigation under the Terrorism (Prevention) Act);
 - (d) the person specified in the application holds all or some of the property mentioned in subsection (2)(b) of this section;
 - (e) in the case of a money laundering investigation, there are reasonable grounds for suspecting that the person specified in the application for the order has committed a money laundering offence;
 - (f) in the case of a terrorism financing investigation, there are reasonable grounds for suspecting that the person specified in the application for the order has committed a terrorism financing offence;
 - (g) in the case of any investigation, there are reasonable grounds for believing that customer information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought;
 - (h) that the material is sought for the purpose of the investigation; and
 - (i) the order is sought against the financial institution or financial institutions specified in the application.
- (3) An application for a customer information order may specify —
- (a) all financial institutions;
 - (b) a particular description or descriptions of financial institutions; or
 - (c) a particular financial institution or institutions.
- (4) A customer information order is an order that a financial institution covered by the application for the order shall, on being required to do so by notice in writing given by an authorised officer, provide any such customer information as it has relating to the person specified in the application.
- (5) A financial institution, which is required to provide information under a customer information order, shall provide the information to an authorised officer in such manner and at or by such time, as may be required by the officer.
- (6) Where a financial institution on which a requirement is imposed by a notice given under a customer information order requires the production of evidence of authority to give the notice, the financial institution is not bound to comply with the requirement unless evidence of the authority has been produced to it.

Committee's Recommendation:

That the provision in Clause 127 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 127 do stand part of the Bill, put and agreed to.

Clause 128: Meaning of Customer Information.

- (1) "Customer information", in relation to a person and a financial institution, is information whether the person holds, or has held, an account or accounts at the financial institution, whether solely or jointly with another and, if so, information as to the matters referred to in —
 - (a) subsection (2) of this section where the person is an individual; or
 - (b) subsection (3) of this section where the person is a company or limited liability partnership or a similar body whether incorporated or otherwise established within Nigeria or elsewhere.
- (2) The matters referred to in subsection (1)(a) of this section are —
 - (a) the account number or numbers;
 - (b) the person's full name;
 - (c) his date of birth;
 - (d) his most recent address and any previous addresses;
 - (e) the date or dates on which he began to hold the account or accounts and where he has ceased to hold the account or any of the accounts, the date or dates on which he did so;
 - (f) any evidence of his identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering;
 - (g) the full name, date of birth and most recent address, and any previous addresses, of any person who holds, or has held, an account at the financial institution jointly with him; and
 - (h) the account number or numbers of any other account or accounts held at the financial institution to which he is a signatory and details of the person holding the other account or accounts.
- (3) The matters referred to in subsection (1)(b) of this section are —
 - (a) the account number or numbers;
 - (b) the person's full name;
 - (c) a description of any business which the person carries on;
 - (d) the country or territory in which it is incorporated or otherwise established and any number allocated to it by virtue of relevant legislation;
 - (e) any number assigned to it for the purposes of value added tax in Nigeria;

- (f) its registered office and any previous registered offices, whether in Nigeria or elsewhere;
- (g) the date or dates on which it began to hold the account or accounts and, where it has ceased to hold the account or any of the accounts, the date or dates on which it did so;
- (h) evidence of its identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering and terrorist financing; and
- (i) the full name, date of birth and most recent address and any previous addresses of any person who is a signatory to the account or any of the accounts.

Committee's Recommendation:

That the provision in Clause 128 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 128 do stand part of the Bill, put and agreed to.

Clause 129: Penalties.

- (1) A financial institution who without reasonable excuse fails to comply with a requirement imposed on it under a customer information order, commits an offence under this Act and is liable on conviction to a fine of not less than ten million Naira.
- (2) Where in compliance with a customer information order, a financial institution —
 - (a) makes a statement which it knows to be false or misleading in a material particular; or
 - (b) recklessly makes a statement which is false or misleading in a material particular, the financial institution commits an offence and is liable on conviction to a fine of not less than ten million naira.

Committee's Recommendation:

That the provision in Clause 129 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 129 do stand part of the Bill, put and agreed to.

Clause 130 Supplementary Provisions Relating to Customer Information Orders.

- (1) A customer information order has effect in spite of any restriction on the disclosure of information, however imposed.
- (2) An application for a customer information order may be made ex-parte to a Judge in Chambers.
- (3) An application to discharge or vary a customer information order may be made to the Court by —
 - (a) the Agency;
 - (b) an officer of a relevant organisation; or
 - (c) the person affected by the order.

- (4) On application by a person mentioned in subsection (3) of this section, the Court may —
 - (a) vary the order; or
 - (b) discharge the order.
- (5) The officer who applied for a customer information order need not be the same officer who makes an application to discharge or vary the order.
- (6) An officer of the Agency or authorised officer shall not make an application for a customer information order or an application to vary the order unless authorised to do so by the Director - General of the Agency.

Committee's Recommendation:

That the provision in Clause 130 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 130 do stand part of the Bill, put and agreed to.

Clause 131: Account Monitoring Orders.

- (1) The Court may, on an ex-parte application made by the Agency or authorised officer, make an account monitoring order where it is satisfied that each of the conditions for making the order is fulfilled.
- (2) The conditions for making the order that —
 - (a) a person specified in the application is subject to an investigation of the type specified in section 110 of this Act;
 - (b) that a specified person has —
 - (i) property constituting or derived from the proceeds of an unlawful activity, or
 - (ii) derived a benefit from unlawful activity;
 - (c) the person named in the application for the order is subject to —
 - (i) a money laundering investigation within the provisions of the Money Laundering (Prohibition) Act, or
 - (ii) a terrorism financing investigation under the Terrorism (Prevention) Act;
 - (d) the person specified in the application holds all or some of the property mentioned in subsection (2) (b) of this section;
 - (e) in the case of a money laundering investigation, there are reasonable grounds for suspecting that the person specified in the application for the order has committed a money laundering offence;
 - (f) in the case of a terrorism financing investigation, there are reasonable grounds for suspecting that the person specified in the application for the order has committed a terrorism financing offence;
 - (g) in the case of any investigation, there are reasonable grounds for believing that customer information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought; and

- (h) that the information is sought for the purpose of the investigation.

Committee's Recommendation:

That the provision in Clause 131 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 131 do stand part of the Bill, put and agreed to.

Clause 132: Meaning of Account Information and Monitoring Orders.

- (1) Account information is information relating to an account or accounts held at the financial institution specified in the application by the person so specified, whether solely or jointly with another.
- (2) The application for an account monitoring order may specify information relating to —
 - (a) all accounts held by the person specified in the application for the order at the financial institution so specified;
 - (b) a particular description or descriptions of accounts so held; or
 - (c) a particular account or accounts, so held.
- (3) An account monitoring order is an order that the financial institution specified in the application for the order shall, for the period stated in the order, provide account information of the description specified in the order to an authorised officer in the manner, and at or by the time or times, stated in the order.
- (4) The period stated in an account monitoring order shall not exceed the period of ninety days commencing from the day the order is made.
- (5) Nothing in subsection (4) of this section shall prevent further applications for account monitoring orders in respect of accounts that have been subject to previous account monitoring orders from being made.

Committee's Recommendation:

That the provision in Clause 132 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 132 do stand part of the Bill, put and agreed to.

Clause 133: Supplementary Provisions Relating to Account Monitoring Orders.

- (1) An account monitoring order has effect in spite of any restriction on the disclosure of information however imposed.
- (2) An application for an account monitoring order may be made ex-parte to a Judge in Chambers.
- (3) An application to discharge or vary an account monitoring order may be made to the Court by —
 - (a) the Agency;
 - (b) an authorised officer of a relevant organisation; or
 - (c) a person affected by the order.
- (4) On application by a person mentioned in subsection (3) of this section, the Court may —
 - (a) vary the order; or

- (b) discharge the order.
- (5) The officer who applied for an account monitoring order need not be the same officer who makes an application to discharge or vary the order.
- (6) An officer of the Agency or authorised officer shall not make an application for an account monitoring order or an application to vary such an order unless authorised to do so by the Director - General of the Agency or in the case of a terrorism financing investigation, the chief executive of the relevant organisation in charge of that investigation.

Committee's Recommendation:

That the provision in Clause 133 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 133 do stand part of the Bill, put and agreed to.

Clause 134: Evidence Overseas.

- (1) This section shall apply where the Director-General is carrying out an investigation referred to in section 110 (1) or (2) of this Act.
- (2) The Director-General may issue a letter of request where he reasonably believes that there is evidence in a country or territory outside Nigeria as to—
 - (a) whether a property constitutes or is derived from the proceeds of an unlawful activity or is the instrumentality of an offence;
 - (b) whether a person has benefited from unlawful activity; and
 - (c) the extent and whereabouts of the benefit from unlawful activity.
- (3) A letter of request is a letter requesting assistance in obtaining outside Nigeria such evidence as is specified in the letter for use in the investigation.
- (4) The Director-General shall send the letter of request to the Attorney-General.
- (5) Where the Attorney-General believes it is appropriate to do so, he may forward a letter received under subsection (4) of this section to —
 - (a) a court or tribunal which is specified in the letter and which exercises jurisdiction in the place where the evidence is to be obtained; or
 - (b) an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving letters of request.
- (6) Evidence obtained in pursuance of a letter of request shall not be used —
 - (a) by any person other than the Director-General or a person making the investigation; or
 - (b) for any purpose other than that for which it is obtained.
- (7) Subsection (6) of this section does not apply where the authority mentioned in subsection (5) of this section consents to the use.
- (8) Evidence includes documents and other materials.

Committee's Recommendation:

That the provision in Clause 134 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 134 do stand part of the Bill, put and agreed to.

Clause 135: Disclosure of Information by the Director - General.

- (1) Information obtained by or on behalf of the Director-General in connection with the exercise of any of his functions may be disclosed, where the disclosure is for the purposes of any of the following —
 - (a) any criminal investigation which has been, is being or may be carried out, whether in Nigeria or elsewhere;
 - (b) the exercise of the Director-General's functions;
 - (c) safeguarding national security;
 - (d) in connection with the collection of revenue;
 - (e) investigations or proceedings outside Nigeria which have led or may lead to the making of an external order by a court outside Nigeria where property is found or believed to have been obtained as a result of or in connection with a criminal enterprise, and is for the recovery of specified property or a specified sum of money; or
 - (f) the exercise of a designated function.
- (2) A person in receipt of a disclosure under subsection (1) of this section shall not further disclose the information in contravention of the conditions imposed at the time of disclosure.
- (3) Information that is held by or on behalf of a permitted person, whether it was obtained before or after the coming into force of this Act, may be disclosed to the Director-General for the purpose of the exercise by the Director-General of his functions under this Act.
- (4) The permitted persons referred to in subsection (3) of this section are the —
 - (a) Inspector-General of Police;
 - (b) Director of the Nigerian Financial Intelligence Centre;
 - (c) Chairman of the Economic and Financial Crimes Commission;
 - (d) Chairman of the Independent Corrupt Practices and Other Related Offences Commission;
 - (e) Chairman of the National Drugs Law Enforcement Agency;
 - (f) Executive-Secretary, National Agency for the Prohibition of Traffic in Persons and other related matters;
 - (g) Executive - Chairman of the Federal Inland Revenue Service;
 - (h) Comptroller-General of the Nigeria Customs Service;
 - (i) Chairman of the Code of Conduct Bureau; and

- (j) Director of Public Prosecutions of the Federation.
- (5) The Attorney-General may by order designate as permitted persons, other persons who exercise functions, which he believes are of a public nature.
- (6) The power to authorise a disclosure under subsection (3) of this section may be delegated, either generally or for a specified purpose.

Committee's Recommendation:

That the provision in Clause 135 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 135 do stand part of the Bill, put and agreed to.

PART VIII - ADMINISTRATION

Clause 136: Powers and Duties of the Agency in Respect of Property Seized.

This Part sets out the powers and duties of the Agency in respect of property, in this Part referred to as "controlled property", seized and put under the control and custody of the Agency by a Court order made under section 52 of this Act.

Committee's Recommendation:

That the provision in Clause 136 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 136 do stand part of the Bill, put and agreed to.

Clause 137: Preserving Controlled Property.

- (1) The Agency may do anything that is reasonably necessary for the purpose of preserving the controlled property, including —
 - (a) becoming a party to any civil proceedings affecting the property;
 - (b) ensuring that the property is insured;
 - (c) realising or otherwise dealing with any of the property that is securities or investments; and
 - (d) where any of the property is a business —
 - (i) employing, or terminating the employment of persons in the business, and
 - (ii) doing anything necessary or convenient to carry on the business on a sound commercial basis.
- (2) The Agency shall, for the purposes of exercising its functions under subsection (1) of this section, engage persons competent and qualified in the relevant area of business.

Committee's Recommendation:

That the provision in Clause 137 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 137 do stand part of the Bill, put and agreed to.

Clause 138: Rights Attaching to Shares.

The Agency may exercise the rights attaching to any of the controlled property that are shares, securities, stocks, bonds or debentures as if the Agency were the registered holder of the shares, securities, stocks, bonds or debentures, to the exclusion of the registered holder.

Committee's Recommendation:

That the provision in Clause 138 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 138 do stand part of the Bill, put and agreed to.

Clause 139: Destroying or Disposing of Property.

The Agency may —

- (a) destroy the controlled property or any part of it on the grounds of public interest, health or safety; or
- (b) dispose of the controlled property or any part of it, by sale or other means to avoid deterioration or loss of value.

Committee's Recommendation:

That the provision in Clause 139 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 139 do stand part of the Bill, put and agreed to.

Clause 140: Notice of Proposed Destruction or Disposal.

- (1) The Agency shall give written notice of the proposed destruction or disposal to —
 - (a) the owner of the controlled property; and
 - (b) any other person whom the Agency has reason to believe may have an interest in the property.
- (2) The notice referred to under subsection (1) of this section shall state the date, venue and time of the proposed destruction or disposal.
- (3) A person who has been so notified may object in writing to the Agency within fourteen days of receiving the notice.

Committee's Recommendation:

That the provision in Clause 140 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 140 do stand part of the Bill, put and agreed to.

Clause 141: Procedure where Person Objects to Proposed Destruction or Disposal.

- (1) Where, in spite of an objection detailed in section 140 (2) of this Act, the Agency wishes to continue with a proposed destruction or disposal that has been objected to, the Agency shall apply to the Court that made the order covering the controlled property for an order that the Agency may destroy or dispose of the property.
- (2) The Court shall make an order to destroy the controlled property on the grounds of public interest or health and safety.
- (3) In making an order for the destruction of controlled property, the Court shall take into account whether it is in the public interest to destroy the controlled property, including —
 - (a) the use to which the property would be put if it were sold;
 - (b) whether the cost of restoring the property in a saleable condition would exceed its realisable value;
 - (c) whether the cost of sale would exceed its realisable value; and

- (d) whether the sale of the property would otherwise be proper.
- (4) The Court shall make an order to dispose of the controlled property where, the —
 - (a) property is likely to lose value; or
 - (b) cost of controlling the property until it is finally dealt with by the Agency is likely to exceed, or represent a significant proportion of, the value of the property when it is finally dealt with.
- (5) The Court may also make an order requiring that a specified person bear the costs of —
 - (a) controlling the controlled property until it is finally dealt with by the Agency; or
 - (b) an objection to a proposed destruction or disposal of the property.

Committee's Recommendation:

That the provision in Clause 141 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 141 do stand part of the Bill, put and agreed to.

Clause 142: Proceeds from Sale of Property.

Any amount realised from any disposal of the controlled property under section 140 of this Act shall be deemed to be —

- (a) covered by the restraint order that related to its property disposed of; and
- (b) where the restraint order covered the property disposed of, on the basis that the property was proceeds of unlawful activity or was an instrumentality of unlawful activity, the amount realised shall continue to be proceeds of that unlawful activity or an instrumentality of that unlawful activity.

Committee's Recommendation:

That the provision in Clause 142 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 142 do stand part of the Bill, put and agreed to.

Clause 143: Discharge of Confiscation Orders by Credits to the Confiscated and Forfeited Properties Account.

Where the Agency credits money to the Confiscated and Forfeited Properties Account as required by section 147 of this Act in satisfaction of a person's liability under a confiscation order, the person's liability under the order is, to the extent of the credit, discharged.

Committee's Recommendation:

That the provision in Clause 143 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 143 do stand part of the Bill, put and agreed to.

Clause 144: Agency to Return Income Generated from Controlled Property.

Where the restraint order relating to the controlled property ceases to be in force and the property is returned to its owner, the Agency shall pay to the owner the income generated from the property less all reasonable expenses incurred by the Agency in respect of the property.

Committee's Recommendation:

That the provision in Clause 144 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 144 do stand part of the Bill, put and agreed to.

Clause 145: Agency is not Liable for Loss, etc.

- (1) Except where the Court is satisfied that the Agency is negligent in respect of taking custody and control of a property, the Agency is not liable for —
 - (a) any loss or damage, sustained by a person claiming an interest in all or part of the controlled property, arising from the Agency taking custody and control of the property; or
 - (b) the cost of proceedings taken to establish an interest in the property.
- (2) In the management of controlled property, the Agency shall not pay any rates, land tax or municipal or statutory charges imposed by virtue of any law in respect of the controlled property, except out of any rents or profits that the Agency receives from the property.

Committee's Recommendation:

That the provision in Clause 145 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 145 do stand part of the Bill, put and agreed to.

PART IX - CONFISCATED AND FORFEITED PROPERTIES ACCOUNT**Clause 146: Establishment of Confiscated and Forfeited Properties Account.**

- (1) There is established a special designated account at the Central Bank of Nigeria to be known as the Confiscated and Forfeited Properties Account.
- (2) The Confiscated and Forfeited Properties Account shall be managed by the Accountant-General of the Federation.

Committee's Recommendation:

That the provision in Clause 146 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 146 do stand part of the Bill, put and agreed to.

Clause 147: Credits to the Confiscated and Forfeited Properties Account.

- (1) There shall be credited to the Confiscated and Forfeited Properties Account—
 - (a) funds realised from the proceeds of sale, management or other form of disposal of seized, attached, confiscated and forfeited assets under this Act
 - (b) proceeds of any property seized or forfeited pursuant to section 23 (2)(c) of the Code of Conduct Bureau and Tribunal Act;
 - (c) money paid to Nigeria by a foreign country —
 - (i) under any treaty or arrangement providing for mutual assistance in criminal matters,
 - (ii) as mentioned in section 41(4) of this Act, or
 - (iii) repatriation of proceeds of unlawful activity; and

- (d) amounts paid to the Agency on behalf of the Federal Government in settlement of proceedings connected with this Act.
- (2) The following are confiscated or forfeited assets, the —
 - (a) remainder of the money and amounts referred to in section 76(2) and (4) of this Act;
 - (b) amount representing proceeds from a disposition authorised by regulations made pursuant to this Act;
 - (c) amount referred to in section 92 of this Act;
 - (d) remainder of the money and amounts referred to in section 143 of this Act;
 - (e) proceeds of an unlawful activity and money confiscated or forfeited under the —
 - (i) Customs and Excise Management Act,
 - (ii) Terrorism (Prevention) Act,
 - (iii) Money Laundering (Prohibition) Act,
 - (iv) Economic and Financial Crimes Commission (Establishment, etc.) Act,
 - (v) Corrupt Practices and Other Related Offences Act,
 - (vi) National Drug Law Enforcement Agency Act,
 - (vii) Trafficking In Persons (Prohibition) Law Enforcement and Administration Act,
 - (viii) Code of Conduct Bureau and Tribunal Act;
 - (ix) Administration of Criminal Justice Act 2015; and
 - (x) any other law dealing with confiscation and forfeiture of property in force in Nigeria;
 - (f) instrumentalities of unlawful activity, including the proceeds of their disposal or confiscation under the —
 - (i) Customs and Excise Management Act,
 - (ii) Terrorism (Prevention) Act,
 - (iii) Money Laundering (Prohibition) Act,
 - (iv) Economic and Financial Crimes Commission (Establishment, etc.) Act,
 - (v) Corrupt Practices and Other Related Offences Act,
 - (vi) National Drug Law Enforcement Agency Act,

- (vii) Trafficking In Persons (Prohibition) Law Enforcement and Administration Act,
 - (viii) Code of Conduct Bureau and Tribunal Act;
 - (ix) Administration of Criminal Justice Act 2015; and
 - (x) any other law dealing with confiscation and forfeiture of property in force in Nigeria; and
- (g) amount referred to in section 34 of this Act.

Committee's Recommendation:

That the provision in Clause 147 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 147 do stand part of the Bill, put and agreed to.

Clause 148: Payments out of the Account:

The Minister of Finance shall, with the approval of the President, from time to time, apply the funds in the Confiscated and Forfeited Properties Account to —

Amendment Proposed:

Leave out the provision above and *insert* the following instead thereof:

“Subject to the simple majority of each House of the National Assembly, the President, may authorise the expenditure from time to time for funds in the Confiscated and Forfeited Properties Account to —” (*Senator Ike Ekweremadu — Enugu West*).

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

- (a) compensate any State which has suffered grave pecuniary loss on account of the offence or conduct that gave rise to the confiscation or forfeiture order;
- (b) compensate any person who has suffered grave pecuniary loss on account of the offence or conduct that gave rise to the confiscation or forfeiture order;
- (c) pay any foreign country or an agency under the provisions of any treaty agreement or scheme for mutual legal assistance;
- (d) make payments under any programme approved by the President under section 150 of this Act;
- (e) make any payment necessary to satisfy Nigeria's obligations in respect of a registered foreign forfeiture order; and
- (f) make any payment the Agency, on behalf of the Federal Government, is directed to make by an order under sections 69(2)(a) and 78(2)(d) of this Act and regulations made under section 161 of this Act (*Senator David Umaru — Niger East*).

Question that Clause 148 as amended do stand part of the Bill, put and agreed to.

Clause 149: Audit of the Confiscated and Forfeited Properties Account.

The Confiscated and Forfeited Properties Account shall be audited in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 149 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 149 do stand part of the Bill, put and agreed to.

Clause 150: Programmes for Expenditure on Law Enforcement, etc.

- (1) The President may, by notice in the Federal Government Gazette approve a programme for the expenditure of money standing to the credit of the Confiscated and Forfeited Properties Account.

Amendment Proposed:

Leave out the provision in Clause 150(1) above and *insert* the following instead thereof: "Subject to the simple majority of each House of the National Assembly, the President, may authorise the expenditure from time to time for funds in the Confiscated and Forfeited Properties Account." (*Senator Ike Ekweremadu — Enugu West*).

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

- (2) The President may approve expenditure out of the Confiscated and Forfeited Properties Account for any one or more of the following purposes —
 - (a) crime prevention measures;
 - (b) law enforcement measures;
 - (c) measures relating to treatment of drug addiction;
 - (d) measures outlined for the rehabilitation of victims of human trafficking;
 - (e) education, health, youth development, mass housing, rural electrification, agricultural reform, water and sanitation;
 - (f) measures relating to the compensation and rehabilitation of victims of terrorist activities; and
 - (g) such other development programmes as may be approved by the Federal Government (*Senator David Umaru — Niger East*).

Question that Clause 150 as amended do stand part of the Bill, put and agreed to.

PART X - JURISDICTION**Clause 151: Jurisdiction.**

- (1) The Federal High Court (in this Act referred to as "the Court") shall have jurisdiction to try offences, hear and determine proceedings arising under this Act whether or not the offence was commenced in Nigeria and completed outside Nigeria and the —
 - (a) victim is a citizen or is resident in Nigeria, in transit or has a link with Nigeria or is dealing with or on behalf of the Government of Nigeria; and
 - (b) alleged offender is in Nigeria and not extradited to any other country for prosecution.
- (2) Where a person is convicted of an offence under this Act, and —

- (a) the person has benefitted from —
 - (i) that offence,
 - (ii) any other offence of which the person has been convicted at the same trial, or
 - (iii) any criminal activity which the Court convicting the person finds to be sufficiently related to those offences; or
 - (b) in committing the offence or offences for which he has been convicted, has made use of any instrumentality to facilitate the offence or any of the offences of which he has been convicted; the Court convicting the person, upon the application of the Agency or authorised prosecutor, shall subject to its jurisdiction, make an order under section 66 or 82 of this Act.
- (3) The penalty imposed on a person convicted of an offence under this Act may be reduced in such manner as the Court deems fit where that person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons or recovery of other person's proceeds of unlawful activity.
- (4) In any proceedings under this Act, the Court shall have power, notwithstanding anything to the contrary in any other enactment, to adopt all legitimate measures that it may deem necessary to avoid unnecessary delays and abuse in the conduct of proceedings.

Committee's Recommendation:

That the provision in Clause 151 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 151 do stand part of the Bill, put and agreed to.

PART XI - GENERAL PROVISIONS RELATING TO LEGAL PROCEEDINGS

Clause 152: Onus and Standard of Proof in Relation to Recovery of Proceeds of Unlawful Activities.

- (1) Subject to the provisions of this Act, the applicant in any proceedings under this Act bears the onus of proving the matters necessary to establish the grounds for making the order applied for.
- (2) Any question of fact to be decided by the Court in any proceedings for the recovery of proceeds of unlawful activity under this Act shall be decided on the balance of probabilities.

Committee's Recommendation:

That the provision in Clause 152 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 152 do stand part of the Bill, put and agreed to.

Clause 153: Stay of Proceedings.

- (1) An application for stay of proceedings in respect of any matter brought under this Act shall not be entertained except at the stage of final judgement on the substantive matter.

- (2) The fact that criminal proceedings have been instituted or have commenced, whether or not under this Act, shall not constitute a ground for stay of proceedings under this Act.

Committee's Recommendation:

That the provision in Clause 153 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 153 do stand part of the Bill, put and agreed to.

Clause 154: Appeals Against a Confiscation or Forfeiture Order.

- (1) A person —
 - (a) against whom a confiscation order is made; or
 - (b) who has an interest in a property against which a forfeiture order is made, may appeal against the confiscation or forfeiture order in the manner set out in this section.
- (2) A person against whom a confiscation or forfeiture order was made in relation to a conviction for an offence may appeal against the order as if it were an appeal against sentence in respect of the offence.
- (3) A person may appeal against any order made under this Act, other than those referred to in subsection (2) of this section, where the —
 - (a) person had been convicted of the offence to which the order relates; and
 - (b) order relates to the sentence imposed on the person in respect of the offence.
- (4) The Agency has the same right of appeal as a person under this section in respect of the grant or refusal of an order under this Act.
- (5) This section does not affect any other right of appeal conferred on a person under the Constitution of the Federal Republic of Nigeria or any other law.

Committee's Recommendation:

That the provision in Clause 154 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 154 do stand part of the Bill, put and agreed to.

Clause 155: Property Under Effective Control.

- (1) A property may be subject to the effective control of a person whether or not the person has a —
 - (a) legal, equitable or other interest in the property; or
 - (b) right, power or privilege in connection with the property.
- (2) Any property that is held on trust for the ultimate benefit of a person is deemed to be under the effective control of the person.
- (3) In determining whether or not a property is subject to the effective control of a person —
 - (a) the effect of any order made in relation to the property under this Act is to be disregarded;
 - (b) regard may be had to —

- (i) shareholdings in, debentures over or directorships of a company that has an interest, whether direct or indirect, in the property,
 - (ii) a trust that has a relationship to the property; and
 - (iii) family, domestic and business relationships between persons having an interest in the property, or in companies of the kind referred to in sub-paragraph (i) of this paragraph or trusts of the kind referred to in sub-paragraph (ii) of this paragraph, and other persons.
- (4) For the purposes of this section, family relationships include the relationship—
 - (a) between spouses or arising from co-habitation;
 - (b) of child and parent that arise as a result of the definition of a child in section 163 of this Act; and
 - (c) traced through relationships mentioned in paragraphs (a) and (b) of this subsection.
- (5) For the avoidance of doubt, property may be subject to the effective control of more than one person.

Committee's Recommendation:

That the provision in Clause 155 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 155 do stand part of the Bill, put and agreed to.

Clause 156: Publication of Notice, etc.

Where in this Act a notice or other document is required by virtue of any provision to be published, it is sufficient if the notice or other document is published in the Federal Gazette or two widely circulated national newspapers.

Committee's Recommendation:

That the provision in Clause 156 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 156 do stand part of the Bill, put and agreed to.

Clause 157: Inconsistency with Applicable Acts.

Subject to the provisions of the Constitution of the Federal Republic of Nigeria, where a provision of this Act is inconsistent with a provision of an applicable Act, the provision of this Act shall prevail and the provision of the applicable Act shall, to the extent of the inconsistency, be void.

Committee's Recommendation:

That the provision in Clause 157 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 157 do stand part of the Bill, put and agreed to.

Clause 158: Legal Proceedings.

- (1) No civil action shall be commenced against the Agency or its authorised officers before the expiration of a period of thirty days after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —

- (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief sought.
- (2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Agency under this Act or any other enactment or law, may be served by —
- (a) delivering it to the office of the Agency; or
 - (b) sending it by registered mail to the postal address of the Agency.

Committee's Recommendation:

That the provision in Clause 158 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 158 do stand part of the Bill, put and agreed to.

Clause 159: Restriction on Execution Against Property of the Agency.

In any action or suit against the Agency, no execution shall be levied or attachment process issued against the Agency unless not less than thirty days' notice of the intention to execute or attach has been given to the Agency.

Committee's Recommendation:

That the provision in Clause 159 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 159 do stand part of the Bill, put and agreed to.

Clause 160: Indemnity of Officers of the Agency.

A member of the Board, Director-General, officer or employee of the Agency shall be indemnified out of the assets of the Agency against any proceedings brought against him in his capacity as a member of the Board, Director-General, officer or employee of the Agency where the act complained of is not beyond his powers.

Committee's Recommendation:

That the provision in Clause 160 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 160 do stand part of the Bill, put and agreed to.

PART XII - MISCELLANEOUS

Clause 161: Regulations and Guidelines.

- (1) The Attorney - General may make regulations as are necessary or expedient for the efficient implementation of the provisions of this Act and, in particular, regulations providing for the manner and procedure for the repatriation of forfeited assets referred to in section 41 of this Act.
- (2) The Agency shall with the approval of the Attorney - General, issue guidelines as may be necessary for the exercise of any of the duties, functions or powers of the Agency under this Act.

Committee's Recommendation:

That the provision in Clause 161 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 161 do stand part of the Bill, put and agreed to.

Clause 162: Consequential Amendments and Transitional Provisions.

- (1) The National Drug Law Enforcement Agency Act, Cap N30, Laws of the Federation of Nigeria, 2004 ("the Principal Act") is amended as follows —
 - (a) in section 3 (1) (c), by deleting the word 'confiscate' in line 1;
 - (b) by deleting sections 27, 28, 29 and 31;
 - (c) in section 32, by deleting paragraphs (c)(i), (ii) and (iii); (e) and (f);
 - (d) in section 33, by deleting sections (1)(b), (2) and (3);
 - (e) by deleting sections 36, 37, 38, 39, 40, and
 - (f) in section 52, by deleting the sentence, 'confiscation includes forfeiture or the permanent deprivation of property by a Federal High Court' and 'freezing means temporarily prohibiting the transfer, conversion, disposal or movement of property, asset or money or temporarily assuming custody or control of them on the basis of attachment by the Agency'.
- (2) The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 (as amended), is further amended as follows —
 - (a) in section 36 (2) by deleting the phrase "to the Victims of Trafficking Trust Fund" and by deleting 49 ,50 and 51; and
 - (b) by deleting sections 56, 57, 58 and 59;
 - (c) in section 67 (1) by substituting for the words 'Victims of Trafficking Trust Fund' the words 'Confiscated and Forfeited Properties Account';
- (3) The Economic and Financial Crimes Commission (Establishment) Act, 2004 is amended as follows —
 - (a) in section 6(d), by deleting the word 'confiscate' in line 1;
 - (b) in section 13(2)(c), by deleting the words 'forfeited under this Act' in line 2;
 - (c) by deleting sections 20, 21, 22, 24, 25(a), (c) and (d), 26(1) (b)
 - (d) by deleting section 29,33 and 34;
- (4) Without prejudice to section 6 of the Interpretation Act, the amendment of the Acts specified in subsections (1), (2), (3) and (4) of this section, shall not affect anything done under or pursuant to the amended Acts.
- (5) An agreement or arrangement in existence under the repealed enactments before the commencement of this Act shall continue to have effect subject to such modifications as may be necessary to give effect to this Act.

- (6) All proceeds of unlawful activity, instrumentalities of offences and property recovered by the relevant organisations prior to the commencement of this Act under any enactment that have not been paid to the Federal Government shall vest in the Agency.
- (7) For the purpose of subsection (7), of this section, the Agency shall appoint an auditor from the list of auditors and in accordance with the guidelines issued by the Auditor-General of the Federation to establish the nature, amount and location of the proceeds, instrumentalities and property referred to in subsection (7) of this section.
- (8) Property other than money referred to in subsection (7) shall be realised by sale or otherwise by the Agency and the proceeds paid into the Confiscated and Forfeited Properties Account.
- (9) Money referred to in subsection (7) of this section shall be paid into the Confiscated and Forfeited Properties Account.
- (10) The provisions of subsections (1) to (6) of this section shall commence six months after the date of assent by the President.

Committee's Recommendation:

That the provision in Clause 162 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 162 do stand part of the Bill, put and agreed to.

Clause 163: Interpretation.

In this Act, unless the context otherwise requires —

"abscond", in relation to a person who is alleged to have committed an offence, means—

- (a) a charge alleging that the person committed the offence has been filed in court;
- (b) a warrant for the person's arrest is issued in relation to the charge; and
- (c) at the end of the period of six months commencing on the day on which the warrant is issued —
 - (i) the person cannot be found,
 - (ii) the person is, for any other reason, not amenable to justice and, if the person is outside Nigeria, extradition proceedings have not commenced or are not pending; or
 - (iii) the person is, because he is outside Nigeria, not amenable to justice, and extradition proceedings have been commenced and subsequently those proceedings terminate without an order for the person's extradition being made;

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

"account" means any facility or arrangement through which a financial institution accepts deposits or allows withdrawals and includes —

- (a) a facility or arrangement for —
 - (i) a fixed term deposit, or

- (ii) a safety deposit box;
- (b) a credit card account;
- (c) a loan account, other than a credit card account;
- (d) an account held in the form of units in —
 - (i) a cash management trust, or
 - (ii) a trust of a kind prescribed by the regulations; and
- (e) a closed account, and it is immaterial whether an account has a nil balance or any transactions have been allowed in relation to an account;

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

"account freezing order" means an order under section 43 of this Act;

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

"affected gift" has the meaning given to it under section 87(3) of this Act;

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

"applicable Acts" includes —

- (a) the Corrupt Practices and Other Related Offences Act;
- (b) the Economic and Financial Crimes Commission (Establishment) Act;
- (c) the Money Laundering (Prohibition) Act;
- (d) the Terrorism (Prevention) Act,
- (e) the National Drug Law Enforcement Agency Act;
- (f) the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act; and
- (g) such other Acts as the Attorney-General may by order published in the Federal Gazette, designate.

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

"authorised officer" means —

- (a) a member of staff of the Agency designated by the Director - General;
- (b) member, officer or employee of a relevant organisation; or
- (c) any other person included in a class of persons declared by the regulations to be within this definition;

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

"authorised prosecutor" means a prosecutor authorised by a relevant organisation for the purpose of this Act;

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

"Attorney-General" means the Attorney-General of the Federation and Minister of Justice;

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

"benefit" includes service or advantage;

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

"books" includes any account, deed, paper, writing or document and any record of information however compiled, recorded or stored, whether in writing, on microfilm, by electronic process or otherwise;

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

"child" means a person under the age of eighteen years;

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

"civil proceedings" refers to proceedings that are civil proceedings and are not criminal proceedings, and —

- (a) the rules of evidence applicable in civil proceedings apply to such proceedings;
- (b) rules of evidence applicable only in criminal proceedings shall not apply to such proceedings;
- (c) rules of construction applicable only in criminal proceedings shall not apply to proceedings;
- (d) any question of fact to be decided by the Court in respect of such proceedings shall be decided on a balance of probabilities; and
- (e) evidence given in furtherance of such proceedings is admissible despite any rule of law or practice relating to hearsay evidence;

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

"close dependant relative" means —

- (a) the person's spouse
- (b) the person's child, or member of the person's household, who depends on the person for support;

Amendment Proposed:

Immediately after the word "Child" in line 1, *leave out* all the words (*Senator Ike Ekweremadu — Enugu West*).

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

Question: That the words "Close dependant relative" be as defined in the Interpretation to this Act, put and agreed to.

"Confiscated and Forfeited Properties Account" means the account established under section 146 of this Act

Question: That the words "Confiscated and Forfeited Properties Account" be as defined in the Interpretation to this Act, put and agreed to.

"confiscation order" means an order made under section 70 of this Act;

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

"controlled property" has the meaning given to it under section 136 of this Act;

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

"conveyance" means a mode of transportation and includes an aircraft, a vehicle and vessel;

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

"convicted for an offence" for the purpose of recovery of proceeds of unlawful activities means the person —

- (a) is convicted, whether summarily or on indictment;
- (b) is sentenced for the offence, notwithstanding that the Court in passing sentence took into account an offence of which he has not been found guilty; or
- (c) absconds in connection with the offence;

Question: That the words "Convicted for an offence" 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.

"data" includes —

- (a) information in any form; and
- (b) any programme or part of a programme;

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

"criminal enterprise" means participation, either solely or jointly with others, in any unlawful activity;

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

"data held in a computer" includes data held in —

- (a) any removable data storage device for the time being held in a computer;
- (b) data storage device on a computer network of which the computer forms a part; or
- (c) data held in any remote storage device to which data has been sent from the computer.

Amendment Proposed:

Leave out the all the interpretation of "data held in a computer: and insert the following instead thereof:

"data stored in any electronic devices" includes data held in —

- (a) any removable data storage electronic devices for the time being held in a computer;
- (b) data storage electronic devices on a computer network of which the computer forms a part; or
- (c) data held in any remote storage electronic devices to which data has been sent from the computer." (Senator Ike Ekweremadu — Enugu West).

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

Question: That the words "Data held in a computer" be as defined in the Interpretation to this Act, put and agreed to.

"data storage device" means a thing containing, or designed to contain data;

Question: That the words "Data storage device" be as defined in the Interpretation to this Act, put and agreed to.

"date of conviction" in relation to a person's conviction of an offence, means, in the case of a person —

- (a) charged with, and found guilty of, the offence, the day on which the person was found guilty of the offence; or
- (b) who absconds, the day on which the person is taken to have absconded in connection with the offence;

Question: That the words "Date of conviction" be as defined in the Interpretation to this Act, put and agreed to.

"deal" when used in relation to a person's property, includes —

- (a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt;
- (b) removing property from Nigeria;

- (c) receiving or making a gift of property; and
- (d) where property is covered by a restraint order, engaging in a transaction that has the direct or indirect effect of reducing the value of the person's interest in the property, and "dealing" is to be similarly construed;

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

"derived", in relation to a person having derived proceeds, a benefit or wealth, includes any other person who at the request or direction of the person, having derived the proceeds, benefit, or wealth directly or indirectly;

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

"Director-General" means the Director-General appointed for the Agency under section 99 of this Act;

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

"effective control" has the meaning given to it under section 155 of this Act;

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

"encumbrance", in relation to property, includes any interest, mortgage, charge, right, claim and demand in respect of the property;

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

"evidential material" means evidence relating to —

- (a) property in respect of which action has been or could be taken under this Act;
or
- (b) benefits derived from the commission of a relevant offence;

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

"exclusion order" means an order made under section 78(1) of this Act;

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

"financial institution" has the meaning given in the Money Laundering (Prohibition) Act;

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

"freezing order" has the meaning given to it in section 43 of this Act.

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

"interest", in relation to property or a thing, means —

- (a) a legal or equitable estate or interest in the property or thing; or
- (b) a right, power or privilege in connection with the property or thing, whether present or future and whether vested or contingent;

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

"instrumentality of an offence" means property used or intended to be used in or in connection with the commission of an offence, whether the property is situated within or outside Nigeria,

Question: That the words "Instrumentality of an office" be as defined in the Interpretation to this Act, put and agreed to.

"lawfully acquired", in relation to property or wealth, means that the property or wealth and the consideration for it was lawfully acquired;

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

"legal practitioner" has the meaning given to it by the Legal Practitioners Act;

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

"member" means a member of the Board including the Chairman and the Director - General of the Agency;

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

"officer", in relation to a financial institution or a corporation, means a director, secretary, executive officer or employee of a financial institution;

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

"premises" means property and structures that are on the property, including buildings, vessels, boats and vehicles whether temporary or not and whether designed for habitation or not;

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

"person's property" includes property in respect of which a person has a beneficial interest;

Question: That the words "Person's property" be as defined in the Interpretation to this Act, put and agreed to.

"permitted person" means a person referred to in section 135(4) or (5) of this Act;

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

"person's property" includes property in respect of which a person has a beneficial interest;

Question: That the words "Person's property" be as defined in the Interpretation to this Act, put and agreed to.

"proceedings are concluded" where —

- (a) the defendant is acquitted on all counts in proceedings for an offence, when he is acquitted;
- (b) the defendant is convicted in proceedings for an offence and the conviction is quashed or the defendant is pardoned before a confiscation order is made, when the conviction is quashed or the defendant is pardoned before a confiscation order is made;
- (c) a confiscation order is made against the defendant in proceedings for an offence, whether the order is made by the Court or the Court of Appeal, when the order is —
 - (i) satisfied or discharged, or
 - (ii) quashed and there is no further possibility of an appeal against the decision to quash the order;
 - (iii) when the order is satisfied or discharged, or
 - (iv) when the order is quashed and there is no further possibility of an appeal against the decision to quash the order;

Question: That the words "Proceedings are concluded" be as defined in the Interpretation to this Act, put and agreed to.

"proceeds of unlawful activity" means property —

- (a) wholly derived or realised, whether directly or indirectly, from unlawful activity, or
- (b) partly derived or realised, whether directly or indirectly, from unlawful activity, whether the property is situated within or outside Nigeria, or whether or not a person has been convicted of the offence;

Question: That the words "Proceeds of unlawful activity" be as defined in the Interpretation to this Act, put and agreed to.

"proceeds of confiscated and forfeited assets" has the meaning given to it under section 147(2) of this Act;

Question: That the words "Proceeds of confiscated and forfeited assets" be as defined in the Interpretation to this Act, put and agreed to.

"property" means real or personal property of every description, whether situated in Nigeria or elsewhere and whether tangible or intangible, and includes an interest in any such real or personal property;

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

"quashing a conviction for an offence" means —

- (a) the quashing of a conviction of a person who had been convicted whether summarily or on indictment;
- (b) the quashing or setting aside of the finding of guilt where a person had been charged with and found guilty of an offence but discharged without conviction; or
- (c) the quashing or setting aside of the conviction of a person who absconded but was later brought before a Court and discharged;

Question: That the words "quashing a conviction for an offence" be as defined in the Interpretation to this Act, put and agreed to.

"realisable property" means any free property held by the defendant or any free property held by the recipient of an affected gift;

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

"registrable property" means a property title to which is passed by registration in a register kept pursuant to a provision of any law in force in Nigeria;

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

"registration authority", in relation to property of a particular kind, means an authority responsible for administering a law in force in Nigeria providing for registration of title to, or charges over, property of that kind;

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

"related offence" means an offence the physical elements of which are similar to another offence;

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

"relevant organisation" means —

- (a) the Economic and Financial Crimes Commission;
- (b) the Independent Corrupt Practices and other Related Offences Commission;
- (c) the National Drug Law Enforcement Agency;
- (d) the Trafficking in Persons (Prohibition) Law Enforcement Agency;
- (e) the National Agency for Food and Drug Administration and Control;
- (f) the Nigeria Customs Service;
- (g) the Code of Conduct Bureau;

- (h) the Federal Inland Revenue Service; and
- (i) such other organisations as the Attorney - General may, from time to time, designate;

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

"relevant person" against whom a restraint order is made, whether or not that person is charged with an offence.

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

"restraint order" means an order under sections 51, 52, 53 or 54 of this Act that is in force;

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

"sufficient consideration" in relation to an acquisition or disposal of property, means a consideration that is sufficient and that reflects the value of the property, having regard solely to commercial considerations; and

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

"unlawful activity" means an act, omission or conduct which constitutes an offence or which contravenes any law in force in Nigeria, whether the act, omission or conduct occurred before or after the commencement of this Act or where the offence is committed in a country outside Nigeria, would also constitute an offence if it had been committed in Nigeria

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

Question that Clause 165 as amended do stand part of the Bill, put and agreed to.

Clause 164: Short title.

This Bill may be cited as the Proceeds of Crimes Bill, 2017.

Committee's Recommendation:

That the provision in Clause 164 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 164 do stand part of the Bill, put and agreed to.

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

[Section 98(7)]

Proceedings of the Board.

- (1) 1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.

2. There shall be at least three ordinary meetings of the Board in every calendar year and subject thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.
4. The quorum of any meeting of the Board shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and three other members.
5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberate vote.
7. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend, for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
9. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees.

10. The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine and report on any matter with which the Board is concerned.
11. A committee appointed under paragraph 10 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment.
12. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous.

13. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and such other person as the Board may designate.
14. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Director-General or by any person generally or specifically authorized to act for that purpose by the Board.

15. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and until the contrary is proved, be presumed without further proof, to have been properly signed or sealed.
 16. The validity of any proceeding of the Board or its committees shall not be affected by —
 - (a) any vacancy in the membership of the Board or its committees;
 - (b) reason that a person not entitled to do so took part in the proceedings; or
 - (c) any defect in the appointment of a member.
 17. Any member of the Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall —
 - (a) disclose his interest to the Board or committee; and
 - (b) not vote on any question relating to the arrangement.
- (2) Failure by any member of the Board or committee to comply with the provision of sub-paragraph (1)(a) of this paragraph may constitute a ground for removal of the member from the Board or committee.

Question that the provision of First Schedule stand part of this Bill — Agreed to.

SCHEDULE II
SENTENCES IN DEFAULT OF FAILURE TO SATISFY A
CONFISCATION ORDER

[Section 92(6)]

Amount Period.

An amount not exceeding ₦50,000 7 days

An amount exceeding ₦50,000 but not exceeding ₦150,000 14 days

An amount exceeding ₦150,000 but not exceeding ₦250,000 28 days

An amount exceeding ₦250,000 but not exceeding ₦700,000 45 days

An amount exceeding ₦700,000 but not exceeding ₦1,400,000 3 months

An amount exceeding ₦1,400,000 but not exceeding ₦2,800,000 6 months

An amount exceeding ₦2,800,000 but not exceeding ₦5,600,000 12 months

An amount exceeding ₦5,600,000 but not exceeding ₦14,000,000 18 months

An amount exceeding ₦14,000,000 but not exceeding ₦28,000,000 2 years

An amount exceeding ₦28,000,000 but not exceeding ₦70,000,000 3 years

An amount exceeding ₦280,000,000 10 years

Question that the provision of Second Schedule stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration on the Report of the Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes on the Proceeds of Crimes Bill, 2017 and approved as follows:

Clauses 110 - 117	—	As Recommended
Clause 118	—	As Amended
Clauses 119- 147	—	As Recommended
Clause 148	—	As Amended
Clause 149	—	As Recommended
Clause 150	—	As Amended
Clauses 151- 162	—	As Recommended
Clause 163	—	As Amended
Clause 164	—	As Recommended
Schedules 1&2	—	As Recommended

Pursuant to Rule 86(2) the Bill is recommitted to the Joint Committee to liaise with the Directorate of Legal Services for further Legislative Action especially areas in conflict with the Constitution.

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

7. Conference Committee:

Report on the Federal Competition and Consumer Protection Bill, 2017 (SB. 257):

Consideration of Report deferred to another Legislative Day.

8. Committee on Tertiary Institutions and TETFUND:

Report on the Federal University of Agriculture, Kabba (Establishment, etc.) Bill, 2017 (SB. 402):

Consideration of Report deferred to another Legislative Day.

9. Committee on Industries:

Report on the Nigerian Automotive Industry Development Plan (Fiscal Incentives Assurances and Guarantees) Bill, 2017 (HB. 896):

Motion made: That the Senate do consider the Report of the Committee on Industries on the Nigerian Automotive Industry Development Plan (Fiscal Incentives Assurances and Guarantees) Bill, 2017 (Senator Samuel O. Egwu — Ebonyi 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 CONFER PIONEER STATUS, TARIFF INCENTIVES, INCOME TAX RELIEF ON AUTOMOBILE AND AUTOMOTIVE COMPONENTS AND TO PROVIDE FOR THE ASSURANCES AND GUARANTEES BY THE FEDERAL GOVERNMENT TO THE AUTOMOBILE AND TYRE ENTERPRISES, UNDER THE NIGERIA AUTOMOTIVE INDUSTRY DEVELOPMENT PLAN AND FOR RELATED MATTERS, 2017

Clause 1: Objectives

The objectives of this Act are to:—

- (a) develop a sustainable and competitive automotive industry in Nigeria.
- (b) create an environment to allow existing assembly plants to survive and attract other Original Equipment Manufacturers
- (c) create an environment to allow existing assembly plants to grow and continue to attract other Original Equipment Manufacturers in particular, local content suppliers
- (d) create an environment to revive the tyre industry
- (e) Institute incentives for the development of a Nigerian automotive component industry
- (f) the Automotive sector is a key component of the Nigeria Industrial Revolution Plan developed by government to diversify Nigeria's economy and revenues through industry and manufacturing
- (g) enable a sustainable Automotive Industry through the Nigeria Automotive Industry Development Plan and its progressive fiscal framework that encourages the formation of joint ventures between multinationals and local companies through foreign direct investments, to operate assembly plants in Nigeria, transfer progressive technology and skills and locally develop the required capabilities; and
- (h) attain such other objectives to promote a viable and sustainable Automotive Industry Development in Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 2: Institutions

- (A) The Minister.

Functions and Powers of the Minister

The Minister shall:—

- (a) be responsible for the co-ordination of the activities of Automotive Industry Development and shall exercise general supervision over the restructuring in the industry;
- (b) report the development in the Automotive industry to the Federal Executive Council;

- (c) advise the Government on all matters pertaining to the Automotive industry;
 - (d) on the advice of the National Automotive Council, make such regulations as maybe necessary or expedient for the purpose of achieving the objectives of this Act, and in particular, without prejudice to the generality of the foregoing provisions:—
 - (i) to effect control on safety of automobile and tyre products, pollution control and energy saving so as to promote implementation of the Automotive Industry Development Plan;
 - (ii) to adopt international verification for standards on automotive products;
 - (iii) may by order, amend, vary, add to or replace the first schedule. Any order made under this sub-section, shall be subject to the recommendation of the National Automotive Design and Development Council or its successor and subject to the approval of the President;
 - (e) do all such things as are incidental and necessary to the performance of the functions of the Minister under this Act.
- (B) National Automotive Design And Development Council, The National Automotive Design and Development Council established under the provisions of the National Automotive Design and Development Council Act, Shall in addition to its functions therein, manage and implement the Nigeria Automotive Industry Development Plan (Fiscal, Incentives and Assurances) Act, under the Nigeria Automotive Development Plan.(Cap N8).

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 3: Pioneer Status

- (a) The automobile and Automotive Components shall be regarded as pioneer enterprises within the provisions of the Industrial Development (Income Tax Relief) Act; (Cap. 17)
- (b) The provisions of the Industrial Development (Income Tax Relief) Act, shall apply to the automobile and tyre enterprises;
- (c) The business undertaken by the automobile manufacturing including tyre enterprises and their products are hereby declared as pioneer industries and pioneer products respectively;
- (d) For the purpose of this Act, "production day" means the date of the first commercial delivery of automobile and automotive products to a purchaser of these products, upon which date the trade or business of the automobile and automotive components industry shall be deemed to commence for the purposes of the Company Income Tax Act. (Cap C21)

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 4: Income Tax Relief

Notwithstanding the provisions of section 10 of the Industrial Development (Income Tax Relief) Act, the tax relief period of the automobile and automotive component industry shall commence on the production date of the automobile and automotive component industry and shall continue for a period of ten years subject to a 5 year mid-term review to ascertain the level of implementation of the Nigeria Automotive Industry Development Plan. (Cap. 17)

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 5: Tariff Re-Adjustment.

In accordance with the Nigeria Automotive Industry Development Plan, the Tariffs in the first Schedule to this Act shall be the prescribed Tariffs for the purposes of this Act. Tariffs will be reviewed and adjusted as and when required, in accordance with the terms of the schedule.

(First Schedule)

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 6: Administration.

In order to facilitate customs administrations and make provisions for clear definitions of SKD CKD, and local content development import incentive program in terms of the Nigeria Automotive Industry Development Plan, the National Automotive Design and Development Council and the Tariff Technical Committee (TTC) shall provide for the dedication of chapter 98 in the Tariff Book. The NADDC shall be the custodian of VIN Numbers for integrity and accountability.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — *Agreed to.*

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

Clause 7: Assurances and Guarantees.

- (1) The Government hereby affirms its recognition of the need to create conditions for accelerated development of Nigeria's automotive industry, and grants assurance and guarantees that all Government's vehicle and vehicle component procurement shall be from local assembly plants, except such vehicles are of a specialized nature and hence cannot be produced in Nigeria.
- (2) The National Automotive Council shall be charged with ensuring compliance with the Federal Government's assurance under sub-section (1) of this section.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — Agreed to.

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

Clause 8: Amendment of Laws.

The laws specified in the second column of schedule 2 are hereby amended to the extent indicated in the third column thereof to provide for new matters brought about specifically by the implementation of the Nigerian Automotive Development Plan under this act.

*Second Schedule***Committee's Recommendation:**

That the provision in Clause 8 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — Agreed to.

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

Clause 9: Interpretations

In this Act, unless the context otherwise requires:—

"Federal Government" means the government of the Federal Republic of Nigeria;

Question: That the word "Federal Government" in the Interpretation to this Act, put and agreed to.

"Minister" means the Minister in charge of Industry, Trade and Investment;

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

"Ministry" means the Federal Ministry of Industry, Trade and Investment;

Question: That the words "Ministry" in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — Agreed to.

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

Clause 10: Short Title.

This Bill may be cited as the Nigerian Automotive Industry Development Plan (Fiscal Incentives, Assurances and Guarantees) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Samuel O. Egwu — Ebonyi North*) — Agreed to.

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

SCHEDULE 1

[Section 5]

Tariff Readjustment for the Automotive Industry

1. With effect from the commencement of this Act:—

- (i) Fully Built Units (FBU) cars falling under H.S Code 87.03 shall attract a duty of 35% and 35% levy;

- (ii) Fully Built Unit (FBU) Commercial vehicles falling under H.S Code 87.01 87.02, 87.04, 87.16, shall attract 35% duty without levy;
- (iii) Used vehicles will be imported at 35% duty without Levy renewable as required by the Ministry/NADDC, to manage market conditions;
- (iv) Fully Built units (FBU) agricultural Tractors under H.S Code 8701.9000.92, shall attract 0% duty without levy, until local capacity is ascertained by NAC;
- (v) Local Assembly Plants shall import their:—
 - (a) Completely Knocked Down (CKD) at 0% duty;
 - (b) Semi Knocked Down (SKD) at 10% import duty.
- (vi) All machinery and equipment imported for the purpose of vehicle assembly shall attract zero percent (0%) import duty and VAT free; and
- (viii) Local Assembly Plants shall import fully Built Unit (FBU) Cars at 35% duty and commercial vehicles at 20% without levy respectively in numbers equal to their imported CKD/SKD kit.

Duty Payable on Tyres

2. In order to revive the tyre industry, the following measures have been approved with effect from commencement of this Act:—
 - (a) Duty payable on tyres is now harmonized as below:—
 - (i) Cars tyres H.S Code 4011.1000.00 -20% duty, 5% VAT, without levy;
 - (ii) Lorry/Bus tyres, H.S Code 4011.2000.00 - 20% duty, 5% VAT.
 - (b) Importation of machinery and equipment for tyre production is now duty free and VAT free;
 - (c) Pioneer Status is hereby given to all tyre plants; and
 - (d) Local tyre manufacturing plants are to import tyres at 5% duty in numbers equal to twice their production for two years from the date of commencement of production.
3. To control under declaration of vehicle value to reduce duty paid:
 - (a) The Nigerian Customs Service shall publish the price of new vehicles annually; and
 - (b) To provide a transparent benchmark to determine the value of used vehicles, the Nigeria Customs Service shall use the value of a new vehicle depreciated by 10% per annum implying a ten (10) year period for cars and by 7% per annum implying a fifteen (15) year period for commercial vehicles. In either case, depreciation should never be below 30% of the value of the new vehicle equivalent.
4. Monitoring and Control of used and Grey Vehicle Imports All vehicle dealers and importers for sale to the public shall be licensed by the NADDC of Nigeria.

Question that the Provision of the First Schedule stand part of this Bill, put and agreed to.

SCHEDULE 2

Laws Amended

No and year of Law	Short title	Extent of Repeal
Act No. N6 of LFN 2014	National Automotive Design and Development Council 2014.	1. The amendment of section 3 to include the management and implementation of the Nigerian Industrial Automotive Development Plan
	Industrial Development (Income Tax Relief Act)	The amendment of Section 10 to provide for a tax relief period of 10 years as contemplated under Section 4 of this Act.

Question that the Provision of the Second Schedule stand part of this Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Industries on the Nigerian Automotive Industry Development Plan (Fiscal Incentives Assurances and Guarantees) Bill, 2017 and approved as follows:

Clauses 1- 10 — As Recommended

Schedules 1&2 — 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 Establishment and Public Service:

Report on the Chartered Institute of Customer Relationship Management Bill, 2017 (HB. 69):

Motion made: That the Senate do consider the Report of the Committee on Establishment and Public Service on the Chartered Institute of Customer Relationship Management Bill, 2017 (*Senator Bareehu O. Ashafa — Lagos East*).

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 CHARTERED INSTITUTE OF CUSTOMER RELATIONSHIP MANAGEMENT TO BE CHARGED WITH THE RESPONSIBILITY FOR REGISTRATION, DISCIPLINE OF ITS MEMBERS, TO REGULATE AND CONTROL THE PRACTICE OF CUSTOMER SERVICE PROFESSION AND FOR RELATED MATTERS, 2017.

**PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF
CUSTOMER RELATIONSHIP MANAGEMENT**

Clause 1: Establishment of the Chartered Institute of Customer Relationship Management, of its Functions, etc.

- (1) There is established a body to be known as the Chartered Institute of Customer Relationship Management (in this Bill referred to as "the Institute") which shall be a body corporate under that name and be charged with the general duty of —
 - (a) determining and reviewing, from time to time, the academic standards, knowledge and skills that shall be attained by persons seeking to qualify as registered members of the Chartered Institute of Customer Relationship Management (in this Bill referred to as "the Professional");
 - (b) ensuring that its members maintain a reputable and high standard of behaviour expected of any professional in customer care, customer service and customer management and customer relationship management in Nigeria and other parts of the world;
 - (c) providing for the training, education and examination of persons desiring to become professional customer service manager according to the provisions of this Bill whether in Nigeria or abroad;
 - (d) regulating the discipline and professional conduct of its members;
 - (e) promoting and projecting the welfare of its members both in Nigeria and abroad;
 - (f) arranging conferences, seminars, symposia and meeting for discussion of supplies and related matters, reading of papers and delivery of lectures, publishing copies of abridgement of papers, books, lectures, records and other memoranda instilling high standard of professional ability and knowledge by means of periodic issue of journals of the Institute and to organize post qualification courses for its members; and
 - (g) performing such functions as are incidental to the objects or as the Council may deem necessary for the attainment of all or any of these objects.
- (2) The Institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council may, from time to time, authorize.
- (3) The Institute may sue and be sued in its corporate name and may, subject to the Land Use Act, hold, acquire and dispose of any property movable or immovable.

- (4) The Institute shall, in accordance with the provisions of this Bill, ensure the establishment and maintenance of a register of fellows, honorary fellows, full members, associates, graduates, and corporate members of the Institute and the publication of their lists from time to time.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 2: Establishment and Composition of the Governing Council of the Institute.

- (1) There is established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of the following members, who are fellows and full members of the Institute —
- (a) a President of the Institute, who shall be the Chairman;
 - (b) the two Vice-Presidents of the Institute;
 - (c) a representative of the Federal Ministry of Education;
 - (d) a representative of the Consumer Protection Council a Parastatal of the Federal Government of Nigeria, supervised by the Federal Ministry of Industry Trade and Investment.
 - (e) a co-ordinator from each of the geopolitical zones of the Federation;
 - (f) immediate past President of the Institute;
 - (g) a Registrar of the Institute, who shall also be the Secretary of the Council.

First Schedule.

- (3) The provisions set out in the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 3: Election of President and Vice- President of the Institute.

There shall be for the Institute a President, and two Vice-President, who shall be full members or fellows of the Institute, to be elected by the fellow members at an annual general meeting and hold office each for a term of two years from the date of election and shall not be eligible for re-election after two terms of two years each.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 4: Qualifications for Election of the President and Vice-President

- (1) A person shall be qualified for election to the office of the President and Vice-President of the Institute if he—
 - (a) is a citizen of Nigeria;
 - (b) has attained the age of 45;
 - (c) has been educated up to at least University or Polytechnic level with a First Degree, Higher National Diploma, professional membership certificates or their equivalent;
 - (d) has paid all his dues for five consecutive years immediately preceding the year of election;
 - (e) has not been adjudged to be a lunatic or declared to be of unsound mind or adjudged or declared bankrupt; and
 - (f) a fellow of the Institute.
- (2) The President shall preside at the meetings of the Institute but in the event of death, resignation, incapacity or inability for any reason and the President can no longer perform the functions of his office, the first Vice-President shall act in his stead for the unexpired portion of the term of office.
- (3) The President and the First Vice-President shall respectively be Chairman and Vice Chairman of the Council.
- (4) If the President or Vice-President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 5: Admission to the Institute, Classes of Members and Recognition of National Service.

- (1) Subject to the provisions of this Bill, a person or body admitted to the Institute shall possess adequate knowledge of purchasing and supply and be registered as a member of the Institute in the category of —
 - (a) Fellow;
 - (b) Honorary Fellow;
 - (c) Full Member;
 - (d) Associate Member;
 - (e) Graduate Member;
 - (f) Corporate Member; and
 - (g) Student Member.
- (2) A person or body accorded by the Council the status of a member shall be enrolled as —
 - (a) a Fellow, if he is a full member of high professional standing who -

- (i) has served the institute and had not less than 10 years' experience in a senior customer service and relationship management post in a private or public organization at the time of his application or enrollment; or
 - (ii) is not currently engaged in customer service but has been employed in a senior management position in private or public organization for not less than 10 years;
- (b) Full Member if —
 - (i) he has passed all the examinations prescribed by the Council, and has a minimum of five years continuous working experience in customer service and relationship management in any private or public organization, or
 - (ii) he is a full member or a foreign customer service professional body recognized by the Council and his class of the membership is, in the opinion of the Council equivalent to that of membership of the Institute and he has a minimum of five year working experience in any private or public organization in Nigeria, and shall have passed a stipulated examination before enrollment,
 - (iii) he has updated his professional knowledge at least once in a year through the Institute's mandatory proficiency programme, or
 - (iv) he is eligible for election into any position in the Institute and has paid his fees for five consecutive years immediately preceding the year of election;
- (c) Graduate Member, if he is in possession of requisite academic qualification and has passed all the examinations prescribed by the Council;
- (d) Associate Member if he is in possession of requisite qualifications from other fields of study as may be determined from time to time by the Council and he shall not be eligible to vote or be voted for at elections of the Institute;
- (e) Honorary fellow if he is a person of distinction in the field of customer service, law, marketing, public relations, politics economy, human resources management, engineering or any similar discipline, but he shall not be eligible to vote or be voted for at any election of the Institute;
- (f) Corporate Member if it is an employer of labour and meets the criteria set by the Council for registration in that category; and
- (g) Student Member if he is pursuing a course in customer relationship management or customer service management in any institution approved by the Council but —
 - (i) he shall not be eligible to vote or be voted for at elections of the Institute, and
 - (ii) his name shall not appear in the membership register.

- (3) For the purpose of subsection (2) (f) of this section, all corporate members shall cause their staff in customer relationship management or customer service management functions to register with the Institute to foster their ethical standards and self-regulation in the customer relationship management or customer service management profession.
- (4) A person who desires to be admitted into the Institute shall make a formal application to the Registrar of the Institute on the appropriate form as shall, from time to time be prescribed by the Council and shall state under what class of membership he seeks for admission.
- (5) A person applying for membership shall, in addition to evidence of qualification, satisfy the Council that —
 - (a) he is of good character and has attained the age of 18 years; and
 - (b) he has not been convicted by any court or tribunal in Nigeria or elsewhere of an offense involving fraud or dishonesty, or such other offense as, in the opinion of the Council, would render the applicant unfit to be a member of the Institute.
- (6) The Registrar shall place before the Council all applications for admission stating in each case whether the applicant is qualified for registration in the class under which he seeks for admission and if not so qualified, whether he qualifies for admission under any other class.
- (7) Where the Council is satisfied that the person is qualified for admission:
 - (i) under the class for which he applied, the Registrar shall, upon payment of the prescribed fees by the applicant, enroll the person in that class, and issue him a certificate of membership appropriate for that class, and
 - (ii) into another class other than for which he applied, the Registrar shall, upon the person's application amend his application to state the class under which he is qualified and the Registrar shall, after the amendment and upon payment of the prescribed fees by the applicant, register him and issue a certificate of membership appropriate for that class.
- (8) Fellows, Full Members and Associates of the Institute shall be entitled to the use after their names the word "Fellow (or Honorary Fellow) of the Chartered Institute of Customer Relationship Management" respectively or the initials "FICRM", "MICRM" and "AICRM."
- (9) At the completion of the Institute's final professional examination, an eligible student shall proceed for the National Youth Service in line with the relevant law establishing it.
- (10) A holder of the final professional certificate of the Institute shall be entitled to employment in private and public service on the same rank applicable to members of other Chartered professional bodies in Nigeria.

- (11) A holder of the final professional certificate of the Institute shall, after 3 years of graduation, be eligible for a practicing certificate as a "Chartered Customer Service Management Professional" on satisfying the Institute's requirements by attending two consecutive mandatory professional assessment courses, at least once in a year and the certificate is subject to renewal every year, on a fee to be determined by the Council

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

PART II — FINANCIAL PROVISIONS

Clause 6: Funds of the Institute.

- (1) There shall be established for the Institute a fund which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund established pursuant to subsection (1) of this section —
 - (a) all fees and other monies payable to the Institute;
 - (b) such monies as may be payable to the Institute whether in the course of the discharge of its functions or otherwise; and
 - (c) such monies as may be held by the Institute of Customer Relationship Management incorporated under the Companies and Allied Matters Act, 1990 (in this Bill referred to as "the Incorporated Institute") on its ceasing to exist as provided in this Bill.
- (3) There shall be paid out of the Fund of the Institute —
 - (a) all expenditure incurred by the Council in the discharge of its functions under this Bill;
 - (b) the salaries and allowances of the Registrar and other employees of the Institute; and
 - (c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on official duties of the Council, as the Council may determine.
- (4) Subject to guidelines issued by the Council from time to time, the Institute's funds and assets shall be invested in any bond, bill or other security issued or guaranteed by the Federal Government or the Central Bank of Nigeria.
- (5) The Council may, from time to time, borrow money for the purposes of the Institute and may mortgage or charge the properties and assets of the Institute or any part thereof and may issue of debenture and other securities whether outright or as securities for any debt, liability or obligation of the Institute and any interest or charge payable on monies so borrowed shall be paid out of the Fund of the Institute.
- (6) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper records in relation to those accounts to be audited by an auditor and in accordance with the guidelines of the Federation.

- (7) The auditor, appointed for the purpose of this section, shall not be a member of the Council.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 7: Transfer to the Institute of Certain Properties, etc.

- (1) As from the commencement of this Bill —
- (a) all assets and liabilities held or incurred immediately before the commencement date, by or on behalf of the Incorporated Institute shall vest in the Institute and be held by it for the purpose of the Institute;
 - (b) the Incorporated Institute shall cease to exist; and
 - (c) subject to subsection (2) of this section, any act, matter or thing made or done by the Incorporated Institute shall be deemed to have been done by the Institute.
- (2) The provisions of Second Schedule to this Bill shall have effect with respect to the matters arising from their transfer by this section to the Institute of the properties of the Incorporated Institute and with respect to other matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

PART III — APPOINTMENT OF REGISTRAR AND OTHER STAFF AND THEIR DUTIES

Clause 8: Appointment of Registrar and Other Staff and their Duties.

- (1) The Council shall —
- (a) appoint a fit and proper person who shall be a member of the Institute to be the Registrar for the purpose of this Bill; and
 - (b) appoint such other persons as the Council may, from time to time, deem necessary to assist the Registrar in the performance of his functions under this Bill.
- (2) A person shall be qualified to be appointed to the office of the Registrar of the institute if he —
- (a) is a citizen of Nigeria;
 - (b) possesses a relevant qualification from a recognized institution of higher learning;
 - (c) has at least 10 years cognate experience; and
 - (d) possesses professional qualification of —
 - (i) Chartered Institute of Customer Relationship Management,
 - (ii) Customer Service Institute of Australian,

- (iii) Institute of Customer Service, UK,
 - (iv) Customer Service Institute of Canada and shall have held position of Deputy Registrar in any recognized institutions.
- (3) The Registrar shall prepare and maintain, in accordance with rules made by the Council, a register of names, addresses and approved qualifications and of such particulars, as may be specified in the rules, of all persons who are entitled, in accordance with the provisions of this Bill, to be registered as members of the profession in the categories of fellows, chartered members, associate members or honorary members and who in the manner prescribed by such rules, apply to be so registered.
- (4) The register shall consist of six parts one for each class of membership namely —
 - (a) Fellows;
 - (b) Full Members;
 - (c) Graduate Members;
 - (d) Associate Members;
 - (e) Corporate Members; and
 - (f) Honorary Fellows.
- (5) Subject to this section, the Council shall make rules with respect to necessary professional forms and keeping of the register and the making of entries of particulars therein —
 - (a) regulating the making of applications for enrolment or registration, as the case may be, and providing for the nature of evidence to be produced in support of applications;
 - (b) providing for the notification to the Registrar by the person to whom any registered particulars concern, of any change in those particulars;
 - (c) authorizing a registered member to have any qualification which is in relation to the relevant division of the profession, for the purpose of this Bill;
 - (d) specifying the fees, including annual subscription, to be paid in the Institute; and
 - (e) specifying anything failing to be specified under this section.
- (6) Any rule for the purpose of subsection (5) (d) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose or at the next annual general meeting, as the case may be.
- (7) The Registrar shall together to prove that a member of the Institute was so registered at the date of the edition or the list of corrections, as the case may be, and that any person not so named was not so registered.

- (8) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been, or not have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings having at all material times thereafter continued to be or not to be so registered.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 9: Qualification for Appointment and Duties of Deputy Registrar.

- (1) There shall be —
- (a) a Deputy Registrar (Academics);
 - (b) a Deputy Registrar (Administration); and
- (2) A person shall be qualified to be appointed to the office of the Deputy Registrar if he has made the criteria for the post of the Registrar except that the minimum years of experience required shall be 10 years.
- (3) The duties of Deputy Registrar shall be assigned to him by the Council through the Registrar from time to time.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

PART IV — REGISTRATION OF MEMBERS

Clause 10: Registration of Members.

- (1) Subject to section 5 of this Bill, a person shall be entitled to be registered as a member of the profession if he satisfies the Council that —
- (a) immediately before the commencement of this Bill, he holds a qualification approved for members of the Institute and has the prescribed post qualification experience;
 - (b) he is by law entitled to practice for all purposes as a procurement practitioner in the country in which the qualification was granted; and
 - (c) he holds at least one of the qualifications prescribed for the purpose of registration on the register and has complied with the other requirements prescribed under this Bill.
- (2) A person shall be entitled to be registered under this Bill if he holds such certificate as approved by the Council.
- (3) A person shall be entitled to be accredited as a member of the Institute if he produces sufficient evidence to the Council that prior to the commencement of this Bill he has been in —
- (a) correct, in accordance with the directions of the Council, any entry in the register which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;

- (b) make, from time to time, any necessary alteration to the registered particulars of registered persons;
 - (c) delete from the register the name of any registered member who died, or ceased to be a member or any member convicted of professional misconduct; and
 - (d) record the names of members of the Institute who are in default for more than six months in the payment of annual subscriptions and take such action in relation thereto as the Council may direct or require.
- (8) If the Registrar —
- (a) sends by post, e-mail, telephone or e-fax to any registered person, a registered letter endorsed to him at his address on the register inquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of dispatch; and
 - (b) upon the expiration of that period, sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of dispatch, the Registrar may remove the particulars relating to the person in question from the register, but the Council may for a reason which seems to it to be sufficient, direct the Registrar to restore to the appropriate part of the register, any particular deleted there from under this subsection.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 11: Publication of Registers of Fellows and Full Members.

- (1) The Registrar shall —
 - (a) cause the first edition of the register to be printed, published and put on sale to members of the public within one year from the date of commencement of this Bill;
 - (b) cause the first and subsequent editions of the register to be distributed to the members of the Institute and members of the public on such terms, as the Council may from time to time decide; and
 - (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute and the Registrar shall make the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be documents read active practice continuously for a period of five years as a customer relationship manager: provided that his application is sponsored by two members of the Institute who shall have been members for a minimum of five years and the application is made within period prescribed by this Bill.

- (3) An applicant for registration under this Bill shall, in addition to evidence of qualification, satisfy the Council that he —
 - (a) is of good character;
 - (b) has attained the age of 16 years; and
 - (c) has not been convicted by any court or tribunal in Nigeria or elsewhere for an offence involving fraud or dishonesty.
- (4) The Council may, in its discretion, provisionally accept a qualification produced in respect of an application for registration under this section or direct that the application be renewed within such period as may be specified.
- (5) Any entry directed to be made in the register under subsection (3) of this section, shall show that the registration is provisional and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf..
- (6) The Council shall, from time to time, publish, in the Federal Government Gazette, particulars of qualification for the time being accepted for registration under this Bill.
- (7) The Customer Service Management Professionals from abroad who reside in Nigeria and wish to practice shall, within 12 months after the commencement of this Bill, seek registration with the Institute to become members.
- (8) A person shall not be entitled to be appointed or engaged to head any Customer Service or Customer Relationship Management department of any organization unless he is duly registered as a member of the Institute qualified by examination.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 12: Approval of Qualification.

- (1) The council may approve any qualification for the purposes of this Bill and may for that purpose approve —
 - (a) any course of training of any approved institution which is intended for persons who are seeking to become or are already customer service professionals and which the Council considers relevant to confer on persons completing it, sufficient knowledge and skill for admission to the Institute; and
 - (b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section is granted to candidates reaching a specific standard at the examination indicating in the opinion of the members of the council that the candidates have sufficient knowledge and skill to practice customer service and relationship management.
- (2) The Council may, if it deems fit, withdraw any approval, given under this section in respect of any course, qualification or institution, but before withdrawing such an approval the Council shall —

- (a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled as the case may be;
 - (b) afford such persons or institutions an opportunity to make to the Council, representations with regards to the proposal; and
 - (c) take into consideration any representation made in relation to the proposal in pursuance of paragraph (b) of this subsection.
- (3) During a period in which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall be treated as having been withdrawn under this section, but the withdrawal of such an approval shall be without prejudice to the registration or eligibility for registration immediately before the approval was withdrawn.
- (4) The giving or withdrawal of an approval under this section shall have effect from such date, as the execution of the instruction signifying the giving or withdrawal of the approval as the Council may specify in the instrument, and the Council shall —
 - (a) as soon as possible publish a copy of every such instrument so executed in the Federal Government Gazette; and
 - (b) not later than 14 days before its publication, send a copy of every such instrument so executed in the Federal Government Gazette to the Minister.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 13: Supervision of Instruction and Examination Leading to Approved Qualifications.

- (1) The Council shall keep itself informed of the nature of —
 - (a) the instrument given by an approved institution to persons attending approved course of training; and
 - (b) the examinations as a result of which approved qualifications are obtained, and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions to observe such examination.
- (2) The Institute shall have powers to accredit any institution of higher learning offering courses leading to the award of Degrees, Post Graduate Diploma, Higher National Diploma and Diploma in Customer Service or Customer Relationship Management in order to maintain standard.
- (3) A person appointed under subsection (1) of this section shall report to the Council on the adequacy of —
 - (a) the instruction given to persons attending approved course of training at institutions visited by him;
 - (b) the examinations conducted in his presence; and

- (c) any other matter relating to the institutions or examinations which the Council may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (4) On receiving such a report made under this section, the Council may, if it deems fit and if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

PART V — PROFESSIONAL DISCIPLINE

Clause 14: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There shall be a body to be known as the Chartered Institute of Customer Relationship Management Disciplinary Tribunal charged (in this Bill referred to as "the Tribunal") charged with the duty of considering and determining all cases referred to it by the Investigating Panel established under subsection (3) of this section, and any other case which the Tribunal takes cognizance under this Bill.
- (2) The Tribunal shall consist of a Chairman and six other members who shall be appointed by the Council from among members of the Institute who are not members of the Council.
- (3) There shall be a body to be known as the Chartered Institute of Customer Relationship Management Investigating Panel (in this Bill referred to "the Panel") charged with the duties of —
 - (a) conducting a preliminary investigation into any case where it is alleged that a member has committed an act of professional misconduct, or should for any other reason by the subject of proceedings before the Tribunal; and
 - (b) deciding whether the case shall be referred to the Tribunal after affording such a member an opportunity of being heard either personally or by a legal practitioner of his own choice in Nigeria.
- (4) The Council shall appoint members of the Panel from members of the Institute who are not members of the Council or the Tribunal.
- (5) A person shall not be appointed as a member of the Tribunal or of the Panel unless such a person is a full member or fellow of the Institute.

Third Schedule.

- (6) The provisions of Third Schedule to this Bill shall so far as they are applicable to the Tribunal and Panel, respectively have effect with respect to these bodies.

- (7) The Council may, from time to time, make rules consistent with this Bill as to acts, conducts or omissions which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 15: Penalties for Professional Misconduct.

- (1) Where —
- (a) a person enrolled or registered under this Bill is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect; or
 - (b) a person enrolled or registered under this Bill is convicted by any court or tribunal in Nigeria or elsewhere having power to impose a term of imprisonment for an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a Customer Service and Customer Relationship Management Professional; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered, he shall be guilty of an offence and shall on the decision of the Federal High Court be convicted and liable to a term of imprisonment not exceeding five years or a fine or ₦1,000,000 or both.
- (2) The Tribunal may, if it deems fit —
- (a) give a directive reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register; or
 - (b) defer or further defer its decision as to the giving of such directive under this section until a subsequent meeting of the Tribunal but —
 - (i) no decision shall be deferred under this section for periods exceeding one year in the aggregate; and
 - (ii) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was absent as a member of the Tribunal when that decision, was deferred.
- (3) For the purpose of subsection (1) (b) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or no application for extension of time to appeal is brought in connection with the conviction.
- (4) When the Tribunal gives a directive under subsection (2) of this section, the Tribunal shall cause notice of the directive to be served on the person to whom it relates.

- (5) The person to whom a directive given under subsection (2) of this section relates may, at any time within 21 days from the date of service on him or notice of the directive, appeal against the directives to the Federal High Court and the Tribunal may appear as respondent to the appeal and for the purpose or enabling directives to be given as to the costs or the appeal of proceedings before the Federal High Court, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (6) A directive of the Tribunal under this section shall take effect where —
- (a) no appeal under this section is brought against the directive within the time limited in the appeal;
 - (b) such an appeal is brought and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of appeal;
 - (c) such appears brought and is not withdrawn or struck out, if and when the appeal is dismissed and shall not take effect in accordance with foregoing provisions of this subsection.
- (7) A person whose name is struck off the register in pursuance of a directive of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction on that behalf given by the Federal High Court on the application of that person.
- (8) A directive under this section for the striking off of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the directive (and where he has recently made such an application from the date of his last application) as may be specified in the directive.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

PART VI — MISCELLANEOUS

Clause 16: Offences.

- (1) If a person for the purpose of procuring the registration of any name, qualification or other matter —
- (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular, is guilty of an offence.
- (2) If, on or after the commencement date of this Bill, a person who is not a member of the Institute practices or holds himself out as a member in expectation of a reward or takes or uses any name, title, addition or description implying that he is a member, he is guilty of an offence.
- (3) If the Registrar or any other person employed by or on behalf of the Institute willfully makes any falsification in any matter relating to the register, he is guilty of an offence.
- (4) A person guilty of an offence under this section is liable —

- (a) on summary conviction to a fine not exceeding ₦50,000.00;
 - (b) on conviction or indictment to a fine not exceeding ₦20,000.00 or to imprisonment for a term not exceeding two years, or both such fines and imprisonment.
- (5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or attributable to any neglect on the part of any director, manager, secretary or other similar officer of the corporate body or any person purporting to act in such capacity, he, as well as the body corporate shall be deemed to have committed the offence and shall be liable to be prosecuted and punished accordingly.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 17: Regulations.

- (1) Any regulation made under this Bill shall be published in the Federal Government Gazette as soon as they are made, and a copy of the regulations shall be forwarded to the Minister not less than seven days before they are published.
- (2) The rules proposed for the purposes of this Bill shall be subject to confirmation by the Institute at its next general meeting or at any special meeting of the Institute convened for that purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rule.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 18: Rules as to Practice, etc

- (1) The Council may make rules —
 - (a) for the training of registered members of the profession or suitable persons in customer service and relationship management methods; and
 - (b) for the supervision, regulation, engagement and training of such persons;
 - (c) prescribing the amount and date for payment of the annual subscriptions, and for such purpose, different amounts may be prescribed by the rules according to whether the member of the Institute is a fellow member, full member, graduate member, associate member, corporate member or honorary fellow member;
 - (d) prescribing the form of license to practice to be issued annually or if the Council deems fit, by endorsement on an existing license;

- (e) restricting the right to practice as a member of the profession in default of payment of the amount of the annual subscriptions where the default continues for longer than such period as may be prescribed by the rules;
- (f) restricting the right to practice as a member of the profession if the qualification granted outside Nigeria does not entitle the holder in practice to be completed before a person qualifies for a licence to practice as a member of the profession; and (g) prescribing the period of practical training in the office of a member of the profession in a practice to be completed before a person qualifies for a license to practice as a member of the profession.

(2) The rules, when made, shall be published in the Federal Government Gazette.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 19: Provisions of Library Facilities, Training College Facilities, etc.

The Institute shall —

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of customer service and relationship management and such other books and publications as the Council may think necessary for the purpose;
- (b) set up an independent training school with separate management from the institute to be known as "Nigerian College of Supply Chain Management" for training of students to be qualified as Graduate Members or Chartered Members of the institute in order to maintain expected standard; and
- (c) encourage research into customer service, customer care and customer relationship management methods and such allied subjects to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 20: Interpretation.

In this Bill —

"Council" means the Council established as the governing body of the Institute under Section 2 (1) of this Bill;

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

"Corporate member" means an employer of labour that qualifies under section 5 (1) of this Bill;

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

"Enrolled" means in relation to a Fellow, Full Member, Associate, Graduate and Students, as the case may be;

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

"Fees" includes annual subscriptions;

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

"Institute" means the Chartered Institute of Customer Relationship Management established under section 1 (1) of this Bill;

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

"Investigating Panel" means the Chartered Institute of Customer Relationship Management Investigating Panel established under section 14 (3) of this Bill;

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

"Member" means a member of the Institute registered in any of the six classes of membership;

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

"President" means the overall head of the Council of the Institute;

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

"Customer Service or Customer Relationship Management Professional" means any qualified member or person registered who is into practice or employed by any organization, ministry, corporation and engaged in Customer Service, Customer Care, Service Management, Customer Relationship Management or Front Deck Management under this Bill;

Question: That the words "Customer Service or Customer Relationship Management Professional" be as defined in the Interpretation to this Act, put and agreed to.

"Customer Relationship Management" denotes the general coordination of activities that involve in Customer Service, Customer Care, Service Management, Customer Relationship Management or Front Deck Management; and

Question: That the words "Customer Relationship Management" be as defined in the Interpretation to this Act, put and agreed to.

"Tribunal" means the Chartered Institute of Customer Relationship Management Disciplinary Tribunal established under section 14 (1) of this Bill.

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

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

Clause 21: Citation.

This Bill may be cited as the Chartered Institute of Customer Relationship Management Bill, 2017.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Bareehu O. Ashafa — Lagos East*) — *Agreed to.*

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

FIRST SCHEDULE

[Section 2 (3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL***Qualification and Tenure of Office of Members***

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold for a period of two years beginning from the date of his appointment or election.
- (2) Any member of this Institute who ceases to be a member thereof shall if he is also a member of the Council, cease to hold office on the Council.
- (3) Any elected member of the Council may by notice in writing, under his hand addressed to the President of the Institute resign his office.
- (4) If for any reason there is a vacation of office by a member and —
 - (a) such member was appointed by the Minister, the Minister shall appoint another fit and proper person to replace such member; or
 - (b) if such member was elected, the Council may if the time between the unexpired portion of the term of office and the annual general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit and proper persons.

Power of the Council, etc.

2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.

Proceeding of the Council

3. (1) Subject to the provisions of this Bill, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute, the Council or any of their Committees.
- (2) Standing order shall provide for decisions to be taken by a majority of the members and in the event of equality of votes, the President of the Institute or the Chairman as the case may be, have a second or casting vote.
- (3) Standing orders made for committee shall provide for committee to report back to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council shall be 10 and the quorum of a committee of the Council shall be determined by the Council.

Meetings of the Institute

4. (1) The Council shall convene an annual general meeting of the Institute on the 30th day of October every year or such other day as the Council may, from time to time, appoint so that if the meeting is not held within one year after the previous meeting not more than 15 months shall elapse between the respective dates of the two meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time, if less than 20 members of the institute are informed by notice in writing addressed to the Registrar of the institute setting out the objects of the proposed meetings, the Chairman of the Council shall convene a special meeting of the Institute.
- (3) The quorum of any meeting of the Institute shall be 25 members and that of any special meeting of the Institute shall be 20 members.

Meetings of the Council

5. (1) Subject to the provisions of any standing order, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than seven other members, he shall summon a meeting of the Council to be held within seven days from the day on which the notice is given.
- (2) At any meeting of the Council, the Chairman or in his absence, the Vice-Chairmen in their order (first, second) shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council deems fit, but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Meetings of the committees

6. (1) The Council may appoint one or more committees to carry out on behalf of the Institute or the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council or whom not more than one-thirds may be persons who are not members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

7. (1) The fixing of the common seal of the Institute shall be authenticated by the signature of the President or any other member of the Council authorized generally or specially by the Institute to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be executed on behalf of the Institute or the Council, as the case may require, by any person generally or specially authorized to act for that purpose by the Council.

- (3) Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be executed.
8. The validity of any proceeding of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in membership, or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the committee or by reason that the person is not entitled to do so took part in the proceedings.
9. Any member of the Institute or Council, and any person holding office on a Committee of the Council, who has a personal interest in any contractor arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest to the President or Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.

Question that the provision of First Schedule stand part of this Bill — Agreed to.

SECOND SCHEDULE

[Section 7 (2)]

TRANSITIONAL PROVISIONS AS TO PROPERTIES, ETC.

Transfer of Properties

- (1) Every agreement to which the incorporated Institute was a part immediately before the commencement of this Bill, whether it is in writing or not and whether or not is of such nature that the rights, liabilities and obligations there-under could be assigned by the incorporated Institute, shall, unless the terms or subject matter make it impossible that it should have effect or been modified in the manner provided by this sub-paragraph have effect from the appointed day so far as it relates to property transferred by this Bill to the Institute as if —
- (a) the Institute had been a party to the agreement;
- (b) for any reference (however worded and, whether express or implied) to be Incorporated Institute, there were substituted as respects anything failing to be done on or alter the commencement of this Bill, a reference to the Institute; and
- (c) for any reference (however worded and whether express or implies) to a member or members of the Council of the Incorporated Institute there were substituted, as respects anything failing to be done on or after the commencement of the Act, a reference to a member or members of the Council under this Bill.
- (2) Other documents which refer, whether specifically or generally, to the Incorporated Institute shall be constructed in accordance with sub-paragraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality to the foregoing provisions of this Schedule, where, by the operation of section 7 of this Bill, any right, liability or obligation shall vest in the Institute and all other persons shall, as from the commencement of this Bill, have the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation of the Institute.
- (4) Any legal proceeding or application to any authority pending on the commencement of this Bill or against the Incorporated Institute may be combined on or after that day or against the Institute.

- (5) On the commencement of this Bill, any person holding any paid appointment in the Incorporated Institute shall hold corresponding appointment in the Institute on the same terms and conditions as to tenure or otherwise but shall not be entitled to receive remuneration both from the Incorporated Institute in respect of the same period of service.
- (6) If the law in force at the place where any property transferred by this Bill is situated provides for the registration or transfer of property of the kind question (whether by reference to instrument of transfer or otherwise), the law shall, so far as it provided for alteration of a register (but not for avoidance to transfer the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property and the institute shall transfer to the officer of the registration authority and the officer shall register the transfer accordingly.

Question that the provision of Second Schedule stand part of this Bill — Agreed to.

THIRD SCHEDULE

Section 13 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the tribunal shall be four of whom at least two shall be members of the profession.
2.
 - (1) The Council may make rules as to the selection of the Tribunal for the purposes of proceedings and the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
 - (2) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings is given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal; and
 - (d) for publishing in the Gazette notice of any directive of the Tribunal which has taken effect providing that a person's name shall be struck off a register.
3. For the purpose of any member, the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena ad testificandum and deuces tecum; but no person appearing before the Tribunal shall be compelled —
 - (a) to make any statement before the Tribunal tending to incriminate himself; or
 - (b) to produce any document or such a writ which he could not be compelled to produce at the trial of an action.
4.
 - (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all proceedings be an assessor to the Tribunal who shall be appointed by the Council on the recommendation of the Council and shall be a legal practitioner of not less than seven years standing.

- (2) The Council shall make rules to the functions of an assessor appointed under this paragraph, part in particular such rules shall contain provisions for securing —
 - (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedures or any other than is specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appear here at or, if the advice is tendered while the Tribunal is deliberating in private, that every party or person shall be informed about the advice the assessor has tendered; and
 - (b) every such party or person shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the panel shall be three.
6.
 - (1) The Panel may, at any of its meeting attended by all the members of the panels, make standing order with respect to the Panel.
 - (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedures.

Miscellaneous

7.
 - (1) A person on ceasing to be a member of the Tribunal or the Panel shall not be eligible for appointment as a member of that body.
 - (2) A person shall not, if otherwise eligible, be a member of both the Tribunal and the Panel, and a person who acted as a member of the Panel, with respect to a matter shall not act as a member of the Tribunal with respect to that case or any other case.
8. The proceedings of both the Tribunal and the Panel shall not be invalidated by any irregularity in the appointment of any member or vacancy in the membership of the bodies not by reason of the fact that any person who was not entitled to do so took part in the proceedings of the body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar appointed in pursuance of section 8 of this Bill.
10. Any expenses of the Tribunal or the Panel shall be defrayed by the Institute library facilities.

Question that the provision of Third Schedule stand part of this Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Establishment and Public Service on the Chartered Institute of Customer Relationship Management Bill, 2017 and approved as follows: