



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 19 December, 2017

1. The House met at 11.19 a.m. Mr Speaker read the Prayers.

2. **Votes and Proceedings**

Mr Speaker announced that he had examined and approved the *Second Votes and Proceedings* of Tuesday, 5 December, 2017.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcements**

(a) **Visitors in the Gallery:**

Mr Speaker recognised the presence of the following visitors in the Gallery:

- (i) Members of *House of Parliament, (Students' Union), Benue State University*, Makurdi, Benue State;
- (ii) Members of *Kano State Youth Salvation Forum*, Kunkiyar Inuwar Matasan Jihar Kano, Kano State; and
- (iii) Members of *Niger State Comrades Forum*, Minna, Niger State.

(b) **Conference Committee on the Nigerian Financial Intelligence Unit Bill, 2017:**

Mr Speaker announced the Membership of the Conference Committee as follows:

- | | | | |
|-----|---------------------------|---|-----------------|
| (1) | Hon. Kayode Oladele | — | <i>Chairman</i> |
| (2) | Hon. Nkem-Abonta Uzoma | — | <i>Member</i> |
| (3) | Hon. Emmanuel Udende | — | <i>Member</i> |
| (4) | Hon. Mohammed Nur Sheriff | — | <i>Member</i> |
| (5) | Hon. Idagbo Ochiglegor | — | <i>Member</i> |
| (6) | Hon. Abdulsamad Dasuki | — | <i>Member</i> |

(c) **Election of Hon. Samuel Ikon as the Treasurer, Commonwealth Parliamentary Association (CPA) Africa Region:**

Mr Speaker read a communication from Hon. Samuel Ikon (*Etinan/Nsit Ibom/Nsit Ubium Federal Constituency*) informing the House of his unanimous election as Treasurer of the Commonwealth Parliamentary Association (CPA) Africa Region on Wednesday, 25 October, 2017.

4. **Admittance into the Chamber**

Motion made and Question proposed, "That the House do admit the Governor of Imo State, His Excellency, Owelle Rochas Okorocha and his entourage into the Chamber for the purpose of observing proceedings of the House, pursuant to Order Nineteen, Rule 8 (1) (x) of the Standing Orders of the House of Representatives" (*Hon. Pemi Gbajabiamila — House Leader*).

Agreed to.

5. **Defection**

Mr Speaker read a communication from Hon. Raphael Nnanna Igbokwe (*Ahiazu/Ezinihitte Federal Constituency*), announcing his defection from the People's Democratic Party (PDP) to All Progressives Congress (APC).

6. **Petitions**

- (i) A petition from Talatu A. and 27 others, on alleged forceful eviction of occupants of former Nitel Building in No. 315, Tafawa Balewa Square, Moloney Street, Onikan, Lagos State, by one Itua Eigbe, was presented and laid by Hon. Yakub Abiodun Balogun (*Lagos Island Federal Constituency*); and
- (ii) A petition from David Okolo and 1135 others, on alleged criminal activities of officers of the Special Anti-Robbery Squad (SARS), was presented and laid by Hon. Orker-Jev Emmanuel Yisa (*Buruku Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

7. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**

- (i) ***Need to Urge the Hon. Minister of Information and Culture and the National Broadcasting Commission (NBC), to Suspend the Proposed Commissioning of the Digital Switch over Transmission in Kwara State and adhere to the House Resolution on Strict Compliance to the Federal Government White Paper on Digital Switch over Transmission in the Country:***
Hon. Agbonayinma Ehiozuwa Johnson (*Egor/Ikpoba/Okha Federal Constituency*) introduced the matter and prayed the House to:
 - (a) consider and approve the matter as one of urgent public importance; and
 - (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Urge the Minister of Information and Culture and the National Broadcasting Commission (NBC) to Suspend the Proposed Commissioning of the Digital Switch over Transition in Kwara State and Adhere to the House Resolution on Strict Compliance to the Federal Government White Paper on Digital Switch Over Transition in the Country:

The House

Notes that the digital Switch over is the process of changing from Analogue to Digital Television Broadcasting. On June 2016, an *Ad-hoc* Committee was set up to investigate the process of digital broadcast switch over in Nigeria, following the adoption of House Resolution (**HR. 24/2016**) on a motion titled "Urgent Need to investigate the process of digital (Broadcast) switch over in Nigeria;

Also notes that the Committee in the course of investigation observed that the DSO process was not implemented in line with the Federal Government White Paper on digital "transition in Nigeria and the process was riot. driven by any legal framework as recommended by the International Telecommunication Union (ITU). The Committee also discovered that the sale of the 700 MHz bandwidth to MTN was not formally approved by the President;

Observes that the Standard Organisation of Nigeria the body mandated by Law to coordinate and develop standard for products and services in Nigeria was not carried along in the DSO project from its conception, this has allowed for the installations of obsolete and substandard equipment into the DSO project. The implementation of obsolete and moribund equipment in the DSO project as can be seen in the pilot scheme launched in Plateau State achieved digital switch over only in (9) LGAs of the (17) in the State;

Also observes that the report of the Committee notes that the quality of delivery and service is below par. Equipment deployed on the DSO project were discovered to be outmoded lacking in redundancy. Investigation shows that Integrated Television Services (ITS) which was given ₦1.7 Billion an unlicensed and unregistered signal distributor has no backup to equipment failure;

Worried that the deliberate disregard of the resolution of the House by the Minister of Information in going ahead with launch of the DSO in Kwara will not augur well for DSO Broadcast Era, the moment other neighbouring countries connect to the DSO obligation for member states will lead to signal interference because of old and obsolete equipment that has been used in the DSO project in Nigeria;

Also worried that the deliberate failure by the Minister of Information and Culture to adhere to the Resolution of the House that for DSO process to progress there must be total reversal to and strict compliance to the Government White Paper is predicated on corruption and impunity which must be condemned by the House and Nigerians.

Resolves to:

Urge the Minister of Information and Culture, the Director-General of National Broadcasting Commission, to suspend the commissioning of the Digital Switch Over (DSO) in kwara State and adhere to the House Resolution on Strict Compliance to the Federal Government White Paper on Digital Switch Over Transition and discard obsolete equipment that is being used in the DSO project in the country (*Hon. Ehiozuwa Johnson Agbonayinma — Egor/Ikpoba/Okha Federal Constituency*).

Debate.

Amendment proposed:

Leave out the Prayer, and *insert* a new Prayer as follows:

"That the House urge all relevant government agencies to adhere to the implementation of the Report of the Ad-hoc Committee on Digital Switch over earlier considered and passed by the House, to save the country from possible embarrassment arising from litigation by aggrieved parties over the non-implementation of the White Paper" (*Hon. Abdulrahman Shuaibu — Mubi North/Mubi South/Maiha Federal Constituency*).

Question that the amendment be made — Agreed to.

Main Question on the Motion — Negatived.

(ii) *Need to Intervene in the Hijab Controversy Between the Nigerian Law School and Amasa Firdaus (A Law School Graduate):*

Hon. Danburam Abubakar Nuhu (*Kano Municipal Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Need to Intervene in the Hijab Controversy Between the Nigerian Law School and Amasa Firdaus (a Law School Graduate):

The House:

Notes that Ms Amasa Firdaus was a law graduate from the University of Ilorin and admitted into the Nigerian Law School as a pre-requisite before a call to bar;

Also notes that after the completion of the required program at the Nigerian Law School, she was due to be called to bar on Tuesday, 12 December, 2017;

Further notes that Firdaus was denied a call to bar by the Nigerian Law School for refusing to take off her headscarf;

Observes that the President of the Nigeria Bar Association and the Sultan of Sokoto have raised questions about the legality of the decision of the Nigerian Law School to deny the law graduate from being called to the bar;

Also observes that the controversy has attracted international media coverage such as Aljazeera and on the social media across the globe;

Further observes that even United Kingdom and United States of American as well as other African countries allow the use of headscarf (hijab) by female Muslims during graduation ceremony and presentation of certificates. In Kenya, for example, the Chief Justice of Kenya participated in a group photograph of two female muslims who used headscarf during the graduation of Law graduates. The picture and other similar pictures are all over the social media to create awareness on the matter;

Again observes that despite the use of the headscarf by the student she had the law wig on top of the headscarf which still showed compliance with the tradition of the Nigerian Law School and decency according to her religious belief;

Still observes that the provisions of the 1999 Constitution of Nigeria as amended section 38 provides that **‘every person shall be entitle to freedom of thought, conscience and religion, including freedom to change his religion of belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance’**. This section supersedes any provision by any government agency or institution to contravene this section 38 of the constitution;

Concerned that Article 8 of African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. A9) LFN, 2004, provides support to the section 38 of the Nigerian Constitution as amended reads '**freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be subjected to measure restricting the exercise of these freedoms**'. Yet the Nigerian Law School which is responsible to train law graduates flouts these provisions;

Worried that, given the aforementioned provisions of the 1999 Constitution of Nigeria as amended and the African Charter on Human and Peoples' Rights, it can be deduced that the Fundamental Human Right of the graduate of the Nigerian Law School has been violated.

Resolves to:

Mandate the Committees on Justice, and Judiciary to investigate and make appropriate recommendations which may include the ultimate recognition of and compliance with the rule of law above any tradition or practice and report back within two (2) weeks for further legislative action (*Hon. Danburam Abubakar Nuhu — Kano Municipal Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Ms Amasa Firdaus was a law graduate from the University of Ilorin and admitted into the Nigerian Law School as a pre-requisite before a call to bar;

Also noted that after the completion of the required program at the Nigerian Law School, she was due to be called to bar on Tuesday, 12 December, 2017;

Further noted that Firdaus was denied a call to bar by the Nigerian Law School for refusing to take off her headscarf;

Observed that the President of the Nigeria Bar Association and the Sultan of Sokoto have raised questions about the legality of the decision of the Nigerian Law School to deny the law graduate from being called to the bar;

Also observed that the controversy has attracted international media coverage such as Aljazeera and on the social media across the globe;

Further observed that even United Kingdom and United States of American as well as other African countries allow the use of headscarf (hijab) by female Muslims during graduation ceremony and presentation of certificates. In Kenya, for example, the Chief Justice of Kenya participated in a group photograph of two female muslims who used headscarf during the graduation of Law graduates. The picture and other similar pictures are all over the social media to create awareness on the matter;

Again observed that despite the use of the headscarf by the student she had the law wig on top of the headscarf which still showed compliance with the tradition of the Nigerian Law School and decency according to her religious belief;

Still observed that the provisions of the 1999 Constitution of Nigeria as amended section 38 provides that **‘every person shall be entitle to freedom of thought, conscience and religion, including freedom to change his religion of belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance’**. This section supersedes any provision by any government agency or institution to contravene this section 38 of the constitution;

Concerned that Article 8 of African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. A9) LFN, 2004, provides support to the section 38 of the Nigerian Constitution as amended reads **‘freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be subjected to measure restricting the exercise of these freedoms’**. Yet the Nigerian Law School which is responsible to train law graduates flouts these provisions;

Worried that, given the aforementioned provisions of the 1999 Constitution of Nigeria as amended and the African Charter on Human and Peoples' Rights, it can be deduced that the Fundamental Human Right of the graduate of the Nigerian Law School has been violated.

Resolved to:

Mandate the Committees on Justice, and Judiciary to investigate and make appropriate recommendations which may include the ultimate recognition of and compliance with the rule of law above any tradition or practice and report back within two (2) weeks for further legislative action (**HR. 195/2017**).

8. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Federal Capital Territory (FCT) Outdoor Signage and Advertisement Agency Bill, 2017 (HB. 1256).
- (2) Federal Polytechnic, Owaza-Asa, Abia State (Establishment) Bill, 2017 (HB. 1257).
- (3) Chartered Institute of Social Work Practitioners (Establishment) Bill, 2017 (HB. 1258).
- (4) Federal University of Agriculture, Kabba (Establishment) Bill 2017 (HB. 1259).
- (5) Federal Colleges of Education Act (Amendment) Bill, 2017 (HB. 1260).

9. Presentation of Report

Committees on Petroleum Resources (Upstream), and Public Procurement:

That the House do receive the Report of the Committees on Petroleum Resources (Upstream), and Public Procurement on the Investigation into the \$260 Million Contract Awarded by the National Petroleum Investment Management Services (NAPIMS) (**HR. 53/2016**).

Order read; deferred by leave of the House.

10. Consolidation of Bills:

Motion made and Question proposed, “That a Bill for an Act to Amend the Federal Character Commission Act, Cap. F7, Laws of the Federation of Nigeria, 2004 to give Married Women Option of Indigeneship; and for Related Matters (HB. 1190), and a Bill for an Act to Amend the Federal Character Commission Act, Cap. F7, Laws of the Federation of Nigeria, 2004 to Provide for the Establishment of Federal Character Tribunal for the Prosecution of Violations of the Federal Character Act; and for Related Matters (HB. 1203) be now consolidated” (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

11. **A Bill for an Act to Provide for the Protection of the Identity of Officers, Agents, Sources of Information, Informants and Methods of Operation of National Security Agencies from Unlawful Disclosure; and to Protect their Establishments, Facilities and Equipment against Unauthorized Access and to Provide for the Promotion and Enhancement of National Security; and for Related Matters (HB. 830) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for the Protection of the Identity of Officers, Agents, Sources of Information, Informants and Methods of Operation of National Security Agencies from Unlawful Disclosure; and to Protect their Establishments, Facilities and Equipment against Unauthorized Access and to Provide for the Promotion and Enhancement of National Security; and for Related Matters (HB. 830) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Question Agreed to.

Bill read the Third time and passed.

12. **A Bill for an Act to Establish a Regulatory Framework for the Water Resources Sector in Nigeria, provide for the Equitable and Sustainable Development, Management, Use and Conservation of Nigeria's Surface Water and Groundwater Resources; and for Related Matters (HB. 1021) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish a Regulatory Framework for the Water Resources Sector in Nigeria, provide for the Equitable and Sustainable Development, Management, Use and Conservation of Nigeria's Surface Water and Groundwater Resources; and for Related Matters (HB. 1021) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Question Agreed to.

Bill read the Third time and passed.

13. **A Bill for an Act to provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and or Digital Media; and for Related Matters (HB. 490) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to provide for the Protection of Human Rights Online, to Protect Internet Users in Nigeria from Infringement of their Fundamental Freedoms and to Guarantee Application of Human Rights for Users of Digital Platforms and or Digital Media; and for Related Matters (HB. 490) be now read the Third Time" (Hon. Femi Gbajabiamila — House Leader).

Debate.

Amendment Proposed:

Pursuant to Order Twelve, Rule 10 (4), *leave out* Clause 25 of the Bill —

"There is attached to this Bill a Directory of all current Service Providers in Nigeria responsible for holding personal data" (Hon. Chukwuemeka Ujam — Nkanu East/Nkanu West Federal Constituency).

Question that the amendment be made — Agreed to

Question that the amendment made stand part of the Bill — Agreed to.

Bill read the Third time and passed.

14. **A Bill for an Act to Establish the Chartered Institute of Entrepreneurs to Regulate and Control the Practice of Entrepreneurship in Nigeria; and for Related Matters (HB. 1239) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Chartered Institute of Entrepreneurs to Regulate and Control the Practice of Entrepreneurship in Nigeria; and for Related Matters (HB. 1239) be now read a Second Time" (Hon. Femi Gbajabiamila — House Leader).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

15. **A Bill for an Act to Amend the Hydro Electric Power Production Areas Development Commission Act, 2010 to make Provisions for Reduction of Percentage on Revenue Generated by any Company or Authority from the Operations of Hydro Electric Dams; and for Related Matters (HB. 1213) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Hydro Electric Power Production Areas Development Commission Act, 2010 to make Provisions for Reduction of Percentage on Revenue Generated by any Company or Authority from the Operations of Hydro Electric Dams; and for Related Matters (HB. 1213) be now read a Second Time" (Hon. Femi Gbajabiamila — House Leader).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee of the Whole.

16. **A Bill for an Act to Establish the Federal University, Birnin-Kebbi, Kebbi State to ensure Equity and Access to Tertiary Education in the Country, the University is a Conventional University with Restricted and Limited Programmes and Focused Facilities; and for Related Matters (HB. 1161) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Federal University, Birnin-Kebbi, Kebbi State to ensure Equity and Access to Tertiary Education in the Country, the University is a Conventional University with Restricted and Limited Programmes and Focused Facilities; and for Related Matters (HB. 1161) be now read a Second Time" (Hon. Abdullahi Umar Faruk — Bunza/Birnin Kebbi/Kalgo Federal Constituency).

Debate.

Question that the Bill be read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

17. Call to Investigate the Fraudulent Award of Contracts Amounting to ₦42 Billion on Rural Electrification Schemes in some Federal Universities

Motion made and Question proposed,

The House:

Notes that the Rural Electrification Access Program in the Federal Universities is a pilot scheme designed by the Federal Ministry of Power, Works and Housing to electrify eight (8) Federal Universities in the first instance and later replicate same across the remaining Universities;

Also notes that the sum of Nine Billion, Five Hundred Million Naira (₦9,500,000,000) was appropriated for the projects in the 2017 Appropriation Act;

Aware that the projects, which were supposed to be spread across the six geo-political zones of the country were not evenly distributed, but mainly concentrated in some zones to the disadvantage of the others, which is against the principle of federal character enshrined in Section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999;

Also aware that the projects, which were initially approved at ₦9.5 billion in the Appropriation Act, were later awarded at the total cost of ₦42 billion in violation of the Public Procurement Act;

Concerned that the contracts were selectively awarded to two (2) contracting companies that do not have any records of achievements in the fields which is tantamount to further violation of the Public Procurement Act;

Resolves to:

- (i) urge the Federal Ministry of Power, Works and Housing to stop forthwith further procurement processes on the projects, pending the outcome of investigation; and
- (ii) mandate the Committees on Power and Public Procurement to investigate the matter and report back within three (3) weeks for further legislative action (*Hon. Darlington Nwokacha — Isialangwa North/Isialangwa South Federal Constituency*).

Debate.

Amendment Proposed:

In Prayer (ii), immediately after the word “Procurement”, insert the words “Tertiary Education and Services” (*Hon. Onuigbo Samuel Ifeanyi — Ikwunano/Umuahia North/Umuahia South Federal Constituency*).

Question that the amendment be made — Negatived.

Main Question on the Motion — Agreed to.

The House:

Noted that the Rural Electrification Access Program in the Federal Universities is a pilot scheme designed by the Federal Ministry of Power, Works and Housing to electrify eight (8) Federal Universities in the first instance and later replicate same across the remaining Universities;

Also noted that the sum of Nine Billion, Five Hundred Million Naira (₦9,500,000,000) was appropriated for the projects in the 2017 Appropriation Act;

Aware that the projects, which were supposed to be spread across the six geo-political zones of the country were not evenly distributed, but mainly concentrated in some zones to the disadvantage of the others, which is against the principle of federal character enshrined in Section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999;

Also aware that the projects, which were initially approved at ₦9.5 billion in the Appropriation Act, were later awarded at the total cost of ₦42 billion in violation of the Public Procurement Act;

Concerned that the contracts were selectively awarded to two (2) contracting companies that do not have any records of achievements in the fields which is tantamount to further violation of the Public Procurement Act;

Resolved to:

- (i) urge the Federal Ministry of Power, Works and Housing to stop forthwith further procurement processes on the projects, pending the outcome of investigation; and
- (ii) mandate the Committees on Power and Public Procurement to investigate the matter and report back within three (3) weeks for further legislative action (HR. 196/2017).

18. Consideration of Reports

A Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation, 1944 into Nigerian Law, to Establish the Nigerian Search and Rescue Service; and for Matters Connected Therewith (HB. 319) (Committee of the Whole):

Motion made and Question proposed, "That the House do resumed consideration on a Bill for an Act to Incorporate Annex 12 to the Convention on International Civil Aviation, 1944 into Nigerian Law, to Establish the Nigerian Search and Rescue Service; and for Matters Connected Therewith (HB. 319) and approve the recommendations therein" (Hon. Ayi Essien Ekpenyong — Calabar South/Akpabuyo/Bakassi Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO INCORPORATE ANNEX 12 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944, INTO NIGERIAN LAW, TO ESTABLISH THE NIGERIAN SEARCH AND RESCUE SERVICE AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH (HB. 319)

Clause 1: Principal Objectives of Bill.

The principal objectives of this Bill are to —

- (a) incorporate the Convention into Nigerian law; and
- (b) established the Nigerian Search and Rescue Service (NISAR) to act on behalf of the Ministry as the authority responsible for the application of the Convention binding on Nigeria regarding aeronautical search and rescue operations (Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency).

Question that Clause 1 stands part of the Bill — Agreed to.

Clause 2: Incorporation of Convention.

- (1) The Conventions contained in the schedule is hereby enacted into law in Nigeria.
- (2) Subject to paragraph (b), the Minister may from time to time by notice in the Gazette amend the schedule to reflect any change made to the Convention by the International Civil Aviation Organization, as the case may be (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Establishment and objective of Nigerian search and Rescue Service.

- (1) NISAR is hereby established.
- (2)
 - (a) The objective of NISAR is to ensure a co-ordinated and effective aeronautical search and rescue service within the Nigerian search and rescue regions;
 - (b) Any person appointed in terms of this Bill or concerned with the carrying out of the provisions thereof shall perform his or her functions pursuant to the object of NISAR (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Composition of NISAR.

- (1) NISAR is made up of representatives from those government departments and commercial and voluntary organizations which are signatories to the NISAR manual, contemplated in this section, and which are able to contribute services and facilitates for use by NISAR, including representatives of:
 - (a) the Ministry;
 - (b) the Nigerian Civil Aviation Authority;
 - (c) the Air Traffic and Navigation Services Company Limited;
 - (d) the Nigerian Armed Forces;
 - (e) the Nigerian Police Force.
- (2) NISAR has:
 - (a) an executive committee;
 - (b) an aeronautical committee.
- (3) The executive committee consists of:
 - (a) the persons appointed in terms of subsection (7); and
 - (b) if necessary, such other members as may be nominated by the head of NISAR, and appointed by the Minister either permanently or on an ad hoc basis.

- (4) The executive committee shall:
 - (a) determine and put into effect the policy of NISAR; and
 - (d) determine the size and composition of the other committee of NISAR depending on the area of specialist of the different members of NISAR.
- (5) The aeronautical committee shall assess the policy of NISAR, and make recommendations to the executive committee whenever any change is necessary.
- (6) The executive committee is accountable to the Minister and the other committees of NISAR are accountable to the executive committee.
- (7) The Director-General shall appoint suitable persons from among the members of NISAR to serve as:
 - (a) the head of NISAR, who is the chairperson of the executive committee responsible for search and rescue operations by NISAR;
 - (b) the head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee;
 - (c) the head of maritime search and rescue operations, who is the chairperson of the maritime committee.
- (8) The different head contemplated in subsection (7) shall ensure that search and rescue operations are conducted in accordance with laid down standards and recommended practices as reflected in the NISAR Manual and as considered the norm in terms of international agreements (*Hon. Essien Ekpennyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Functions of NISAR.

- (1) NISAR shall within its means and capabilities co-ordinate its resources to search for, assist and, where appropriate, effect a rescue operation for:
 - (i) survivors of aircraft crashes or forced landings;
 - (ii) survivors of any military aircrafts accident or incident if such aircraft is not engaged in an act of war.
- (2) The functions set out in subsection (1) (a) exclude salvage operations.
- (3) NISAR, with the concurrence of the Minister, may call on any provider of a telecommunication service as contemplated in the lease or otherwise make available telecommunication facilities.
- (4) NISAR shall perform its functions in a manner which promotes efficient, economic and effective use of all resources.
- (5) In performing its functions, NISAR shall endeavor to co-operate with the National Emergency Management Agency established in terms of any law providing for the management of disasters.

- (6) NISAR may perform its functions outside Nigeria (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Amendment Proposed:

In subclause (5), line 1, immediately after the word “shall” *leave out* the words “endeavour to” (*Hon. Lawan Abubakar — Yola North/Yola South/Gire Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 5 as amended, stands part of the Bill — Agreed to.

Clause 6: Meetings of NISAR.

- (1) NISAR shall meet at such times as the executive committee may determine in other to:
- (a) discuss proposals and take decisions regarding the effective application of this Bill;
 - (b) discuss possible proposals to the Minister regarding amendments to this Bill; or
 - (c) discuss any other matter which the executive committee deems necessary.
- (2) The head of NISAR shall preside at any meeting of NISAR.
- (3) The executive committee shall determine the rules of procedure at any meeting of NISAR (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Amendment Proposed:

Leave out all the words in subclause (1) (b) (*Hon. Kayode Oladele — Egbado North/Imeko Afon Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 6 as amended, stands part of the Bill — Agreed to.

Clause 7: Meeting of Committee.

- (1) The first meeting of any committee of NISAR after the commencement of this Bill shall be held at the time and place determined by the Director-General and all meetings thereafter shall be held at the time and places that the committee determines.
- (2) The chairperson of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson.
- (3) All members of a committee shall be notified in writing of any meeting of that committee.
- (4) A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee.

- (5) In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.
- (6) The chairperson of a committee shall designate a person to act as chairperson if he or she is unable to act as chairperson.
- (7) Each committee shall meet at least twice a year (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Personnel.

All administrative work in connection with the performance of the functions of NISAR shall be carried out by officers in the Department designated for that purpose by the Director-General (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Clause 9: Search and Rescue Regions.

- (1) The Minister shall, by notice in the Gazette as well as in relevant maritime and aeronautical publications, publish the search and rescue regions within which search and rescue services will be provided.
- (2) The search and rescue regions contemplated in subsection (1) shall cover the area of responsibility of Nigeria laid down by the International Civil Aviation Organization (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Clause 10: Rescue co-ordination centres and sub-centres.

- (1) Subject to subsection (2), the Minister shall designate —
 - (a) organizations or institutions to act as aeronautical rescue co-ordination centres;
 - (b) organizations or institutions to act as aeronautical rescue sub centres under the auspices of rescue co-ordination centres;
 - (c) a maritime or aeronautical search and rescue region for which each rescue co-ordination centre is responsible; and
 - (d) organizations or institutions to act as registrars and custodians of registers of emergency beacons contemplated in section 17.
- (2) Any designation contemplated in subsection (1) shall be:
 - (a) done in accordance with an agreement reached with the applicable organization or institution; on
 - (b) published by the Minister by notice in the gazette as well as in relevant aeronautical publications.

- (3) The organizations of institutions designated in terms of subsection (1) (a) and (b) shall, with the concurrence of the executive committee of NISAR, appoint their respective chiefs.
- (4) Each chief of a rescue co-ordination center or rescue sub centre shall establish and preside over an operational committee to discuss, evaluate and effect operational procedures.
- (5) Operational committees shall consist of persons representing organization controlling the resources available to that rescue co-ordination centre or rescue sub centre (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Clause 11: Functions of Rescue Co-Ordination Centers and Sub-Centres.

- (1) A chief of a rescue co-ordination centre or any person authorized by him or her is responsible for coordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region.
- (2) A chief of a rescue sub centre shall support the chief of a rescue co-ordination centre in carrying out assigned duties in particular area or instance.
- (3) The designation of a search and rescue region contemplated in section 11 (1) (c) does not preclude a rescue co-ordination centre from:
 - (a) operating in another regions; or
 - (b) performing the tasks of another rescue co-ordination centre (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Requisitioning of Aircraft.

- (1) Subject to subsection (2), the Minister may for purposes of any aeronautical search and rescue operation:
 - (a) requisition any civil aircraft;
 - (b) request the assistance of any military aircraft; or
 - (c) instruct any holder of a Nigeria aircraft flight crew license to assist in the operation.
- (2) In a case where the Minister contemplates requisitioning a civilian aircraft instructing a civilian holder of a Nigerian aircraft flight crew license, the Minister may do so only if:
 - (a) human life is in immediate and grave danger; and
 - (b) there are no other means available to conduct the operation.

- (3) Any person who, without lawful reason, fails to give effect to a requisition or to comply with an instruction contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Recovery of certain expenses.

- (1) If any search and rescue operation is undertaken by NISAR or connection with any occurrence caused by the unlawful act or omission of any person, the Minister may recover from that person the whole or an portion of the expenses incurred by NISAR in connection with that operation.
- (2) The ministry may, after having recovered the expenses contemplated in subsection (1) compensate any person who has incurred any loss or damage as a result of the operation (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Clause 14: NISAR manual and responsibilities of Signatories thereto.

- (1) NISAR shall compile a manual regarding search and rescue service and operations and matters connected therewith and keep that manual up to date.
- (2) The responsibilities of the signatories to the NISAR manual contemplated in section 5 (1) shall be set out in the manual and be executed in accordance with it (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Search and Rescue Measures Regarding Aircraft.

- (1) Subject to this Bill, any search and rescue action shall be undertaken in accordance with the NISAR manual.
- (2) Where an aircraft has failed to reach its destination or is reported missing, NISAR shall forthwith institute search and rescue action if the flight plan was filed prior to departure and the flight in question was:
- (a) between aerodromes where air traffic services are provided, unless otherwise indicated on the flight plan or through aeronautical publications or notices;
 - (b) conducted in airspace with which air traffic control services are provided, except for flights crossing a route at right angles; or
 - (c) a flight to an aerodrome where air traffic services are not provided, if search and rescue action is specifically requested by the pilot-in-command.
- (3) Search and rescue action shall be instituted in respect of all flights for, which flights plans were filed in when such action is specifically requested by the pilot in-command.
- (4) Search and rescue action may be instituted:

- (a) in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or mission is received from any source.
- (5) In an event contemplated in subsection (4), authorization by the head of NISAR or his or her assignee shall be obtained prior to the commencement of a search and rescue operation and he or she shall be kept informed of the progress made and the termination of the search and rescue action (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Clause 16: Registration of emergency beacons.

- (1) The owner of any aircraft required to carry emergency locator beacons in terms of the Civil Aviation Authority Act, 2006, shall register such emergency locator beacons with the organizations or institutions designated in terms of section 11 (1) (d).
- (2) The owner of any aircraft or vessel registered or licensed in Nigeria and which carries emergency locator beacons although not required to do so by law, shall register such emergency locator beacons with the organizations of institutions designated in terms of section 11 (1) (d) (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Filing or Disaster Management and Aerodrome Emergency Plans.

All aerodrome management shall file their emergency plans and any amendments thereto with the aeronautical rescue co-ordination center (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Delegation and Assignment.

The Minister may:

- (a) delegate any power conferred or assign any duty imposed upon the Minister by this Bill to an officer of the Department, except the power to publish notices or to make regulations; and
- (b) at any time, withdraw a delegation or assignment effected in terms of this section (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Report.

- (1) NISAR shall furnish the Minister with a report on its activities:
 - (a) at least once a year; and
 - (b) whenever required by the minister.

- (2) The minister shall table a copy of NISAR's annual report in Parliament within 30 days after it has been received by him or her (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Clause 20: Regulations.

- (1) The Minister may, by notice in the gazette, make regulations regarding —
- (a) the conditions which shall be complied with where a person from another country which is a party to the conventions wishes to enter Nigeria for purpose of any search and rescue operation;
 - (b) anything which shall or may be prescribed in terms of this Bill;
 - (c) any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this Bill.
- (2) Any regulation made under subsection (1) (a) shall be made with the concurrence of the Minister of Interior (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Clause 21: Repeal of Section 6 (f) of the National Emergency Management Agency Act, Cap. N34, Laws of the Federation, 2004.

Section 6 (f) of the National Emergency Management Agency Act, Cap. N34, Laws of the Federation of Nigeria, 2004 is hereby repealed (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Interpretation.

- In this Bill, unless the context indicates otherwise, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and:

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that the meaning of the word "aircraft" be as defined in the interpretation to this Bill — Agreed to.

"Authority" means the Nigerian Civil Aviation Authority (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).

Question that the meaning of the word "Authority" be as defined in the interpretation to this Bill — Agreed to.

"Director General" means the Director General, Nigerian Civil Aviation Authority.
"executive committee" means the executive committee of NISAR contemplated in section 5 (2) (a) (*Hon. Essien Ekpenyong Ayi — Calabar South/Akpabuyo/Bakassi Federal Constituency*).