



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 21st December, 2017

1. The Senate met at 11:10 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 20th December, 2017.
Question was put and the Votes and Proceedings were approved.
3. **Announcement:**
Wedding Fatiha:
The Senate President read a letter from Senator Kabiru I. Gaya (Kano South) as follows:



SEN. DR. (ARC) KABIRU I. GAYA
Kano South Senatorial District
Vice President, Inter-Parliamentary Union (IPU) African Group
Chairman, Senate Committee on Works

20th December, 2017

*His Excellency,
The President of the Senate,
Senate of the Federal Republic of Nigeria,
National Assembly,
Abuja.*

NOTIFICATION OF WEDDING FATIHA

With full of gratitude to Almighty Allah, I am pleased to inform and invite you, Your Excellency and my Distinguished Colleagues to the wedding Fatiha of my son (ANAS KABIRU GAYA and SADIYA KABIR AHMED) schedule to take place on Friday, 22nd December, 2017 at Annur Jumu'at Mosque, Wuse II, Abuja by 2:00pm Insha Allah.

I will highly be honoured if your Excellency and my Distinguished Colleagues will be able to grace the occasion.

In a situation whereby your unflinching commitment hinders your participation, your prayers to the couples will be paramount.

*Yours faithfully,
(Signed)*

*Senator Arc. (Dr.) Kabiru I. Gaya
(Vice President IPU AK Group)*

4. Petition:

Rising on Rule 41, Senator Isah H. Misau (*Bauchi Central*) drew the attention of the Senate to a petition from J. M. Jai & Co. on behalf of Global Links Oil and Gas Limited, against the Nigerian Ports Authority (NPA), over the activities of Nepal Oil and Gas. 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. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Shehu Sani (*Kaduna Central*) drew the attention of the Senate on the demise of Alhaji Gidado Idris, former Secretary to the Government of the Federation (SGF) who passed away on the 16th December, 2017 at the age of 82. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes with sadness the demise of Alhaji Gidado Idris who passed away on the 16th December, 2017 at the age of 82;

also notes that He was a honest and accomplished civil servant, he was at several times a District Officer for Benue and Sardauna Province, also Principal Secretary to Late Premier of the Northern Nigeria, Permanent Secretary in the Ministries of Aviation and Finance among others; Secretary to the Constitutional Drafting Committee that ushered in the Second Republic and also the former Clerk to the National Assembly;

aware that Alhaji Gidado Idris pioneered and saw to the success of many Federal Government policies and programmes; and

acknowledged that Alhaji Gidado Idris was Secretary to the Government of the Federation (SGF) of late Sani Abacha administration.

Accordingly resolves to:

observe one minute silence in honour of the deceased.

Debate:

Proposed Resolution:

Question: That the Senate do observe one minute silence in honour of the deceased — *Agreed to.*

Resolved:

That the Senate do observe one minute silence in honour of the deceased (*S/Res/144/03/17*).

One minute silence accordingly observed in honour of the deceased.

6. Presentation of Bills.

(i) Chartered Institute of Forensic and Investigative Auditors in Nigeria (Establishment, etc.) Bill, 2017 (SB. 584) — *Read the First Time.*

(ii) Federal Capital Territory Property and Conveyancy Bill, 2017 (SB. 555) — *Read the First Time.*

- (iii) Agriculture Industry and Modernization Bill, 2017 (SB. 588) — *Read the First Time.*
- (iv) Federal Referral Hospital (Establishment, etc.) Bill, 2017 (SB. 589) — *Read the First Time.*
- (v) National Health Commission (Establishment, etc.) Bill, 2017 (SB. 590) — *Read the First Time.*
- (vi) Federal Capital Territory College of Nursing and Midwifery Bill, 2017 (SB. 591) — *Read the First Time.*
- (vii) Export Prohibition Act CAP E22 LFN 2004 (Repeal) Bill, 2017 — *Read the First Time.*

7. Committee on Foreign Affairs.

Report on the Diplomatic Immunities and Privileges (Regional Episcopal Conference of West Africa) Order No. 11, 2016.

Motion made: That the Senate do receive the Report of the Committee on Foreign Affairs on the Diplomatic Immunities and Privileges (Regional Episcopal Conference of West Africa) Order No. 11, 2016 in accordance with the provisions of Section 21 of the Diplomatic Immunities and Privileges Act, Cap. D9 LFN 2004 (*Senator Monsurat J. A. Sunmonu — Oyo Central*).

Question put and agreed to.

Report Laid.

8. Executive Communication.

Confirmation of Nominations.

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, on the confirmation of the nominations of the Resident Electoral Commissioners for the Independent Electoral Commission (INEC):

S/N	Name	Designation	State
1.	Elder Monday Udoh Tom	Commissioner	Akwa-Ibom
2.	Baba Abba Yusuf	Commissioner	Borno
3.	Eric Olawale	Commissioner	Osun
4.	Dr. Uthman Abdulrahman Ajidagba	Commissioner	Kwara
5.	Mr. Segun Agbaje	Commissioner	Ekiti
6.	Dr. Cyril Omorogbe	Commissioner	Edo
7.	Yahaya Bello	Commissioner	Nasarawa
8.	Dr. Emmanuel Alex Hart	Commissioner	Rivers
9.	Mohammed Magaji Ibrahim	Commissioner	Gombe

(Senate Leader).

Question put and agreed to.

Request accordingly referred to the Committee on Independent National Electoral Commission to report within two (2) weeks.

9. Confirmation of Nomination.

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Ibrahim Rufa'i Imam as Grand Kadi of Sharia Court of Appeal, Federal Capital Territory, Abuja (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Judiciary, Human Rights and Legal Matters to report within two (2) weeks.

10. Federal Polytechnic Mpu, (Establishment, etc.) Bill, 2017 (SB.528).

Motion made: That a Bill for an Act to establish the Federal Polytechnic Mpu, Enugu State to provide full-time courses in technology, applied science management and other fields of studies and to make provisions for the general administration of such polytechnic (*Senator Ike Ekweremadu — Enugu West*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

11. Vigilante Group of Nigeria (Establishment, etc.) Bill, 2017 (HB. 718) - Concurrence:

Motion made: That a Bill for an Act to Establish the Vigilante Group of Nigeria (VGN) Charged with the Responsibilities to, among Others, Provide Community Policing, Maintenance of Law and Order and Community Service for Nigerians and for Related Matters be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Establish the Vigilante Group of Nigeria (VGN) Charged with the Responsibilities to, among Others, Provide Community Policing, Maintenance of Law and Order and Community Service for Nigerians and for Related Matters (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH THE VIGILANTE GROUP OF NIGERIA (VGN) CHARGED WITH THE RESPONSIBILITIES TO, AMONG OTHERS, PROVIDE COMMUNITY POLICING, MAINTENANCE OF LAW AND ORDER AND COMMUNITY SERVICE FOR NIGERIANS AND FOR RELATED MATTERS (HB.718).

PART I — ESTABLISHMENT AND GOVERNING BOARD OF THE GROUP

Clause 1: Establishment of the Vigilante Group of Nigeria.

- (1) There shall be established for the Federation a body to be known as Vigilante Group of Nigeria.
- (2) It shall be a body corporate with perpetual succession and a common Seal, with power to hold and dispose of property (landed or otherwise) and can sue and be sued in its corporate name.
- (3) There is also established in each State and in each Local Government of the Federation Vigilante Group of Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Establishment of Vigilante Group of Nigeria Governing Board.

- (1) There is hereby established a board to be known as the Vigilante Group of Nigeria Board (in this Bill referred to as "the Board") which shall be responsible for the administration of the Vigilante Group of Nigeria Act.
- (2) Membership of the Board shall comprise of:
 - (a) the Minister in charge of Police Affairs who shall be the Chairman;
 - (b) one other person not below the rank of an Assistant Director to represent the Ministry in charge of Police Affairs;
 - (c) the Commandant General of the Vigilante Group of Nigeria;
 - (d) the legal adviser to the Ministry charged with the responsibility for matters relating to Police Affairs;
 - (e) two other persons to represent public interest who shall be full-time members, to be appointed by the President;
 - (f) one other person to serve as the Secretary to the Board.
- (3) A member of the Board other than an *ex-officio* member shall hold office for a period of four years and shall be eligible for re-appointment for another period of four years and no more.
- (4) Notwithstanding the provisions of subsection (3) of the section, a member of the Board other than an *ex-officio* member may:
 - (a) at any time resign his appointment by giving notice in writing of his resignation addressed to the Minister;
 - (b) shall vacate his office if the Minister is satisfied that:
 - (i) the member has absented himself from two consecutive meetings of the Board without permission of the chairman; or
 - (ii) the member by reason of mental or physical infirmity or any other cause is incapable of discharging the duties of his office.

Schedule.

- (5) The supplementary provisions set out in the Schedule to this Bill, shall, in addition to the provisions contained in the Immigration and Prisons Services Board Act have effect with respect to the proceedings of the Board under this Bill and the other matters contained therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Powers of Board.

- (1) The Board shall be responsible for:
 - (a) providing the general policies and guidelines relating to major expansion programmes of the Group;

- (b) the overall management and general administration of the Group;
 - (c) recruiting volunteers and regular members of the Group;
 - (d) organising basic development and refresher courses for members of the Group; and
 - (e) fixing with the approval of the Minister, the terms and conditions of service of members and employees of the Group, including their remuneration.
- (2) The Board shall have power to do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Group.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

PART II — FUNCTIONS OF THE GROUP, ETC.

Clause 4: Functions.

In addition to such other functions as may be conferred upon it by this Bill or any other law, the Vigilante Group shall:

- (a) assist the Nigeria Police and other security agencies in prevention and detection of crime, the apprehension of offenders, the protection of lives and property and the preservation of law and order;
- (b) protect and preserve public utilities;
- (c) maintain law and order in all social gatherings;
- (d) establish links with other Services in intelligence gathering and dissemination;
- (e) responding to distress alarms of residents of the community;
- (f) carry out other lawful duties as may from time to time be assigned to it by the Government.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Community Service

The functions of the Vigilante Group in community shall include mobilizing labour for and supervising community development activities in:

- (a) clearing of drainages and sewages.
- (b) putting in place measures to minimize or prevent flooding in communities.
- (c) putting in place measures to prevent erosion.

- (d) putting in place measures to counter drought and desertification.
- (e) prevention of bush-burning, fire incidences and arson.
- (f) putting in place measures to prevent drowning in rivers, wells and beaches.
- (g) assist in clearing and maintaining remote (feeder) roads linking various communities and markets;
- (h) clearing of oil spillage in oil producing communities.
- (i) instilling and engendering security culture in various communities like street gate within wards, voluntary patrol and protection of crops.
- (j) provision of security on market days which includes surveillance, protection of commodities and vehicles.
- (k) securing places of worship within the communities.
- (l) check-mating pick-pocket, swindlers, illicit drug dealers and substandard and expired products.
- (m) raising public awareness against abduction, kidnapping, cultism and violence against women and children.
- (n) advocating for and instilling national values and ethics of discipline, integrity, dignity of labour, social justice, religious tolerances, self-reliance and patriotism in the members of the communities.
- (o) encouraging environmental sanitation and prevention of water pollution

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Roles in Conflicts and Disasters.

The Vigilante Group shall be involved in preventing and managing conflicts and disasters as follows:

- (1) Preventing conflicts and disasters through:
 - (a) public enlightenment on the possible causes of conflicts, especially on issues of witchcraft, ethnic crisis, land disputes, religious crisis, ritual killings, cultism, farmer-herdsman crisis, religious extremism, youth gangsterism, etc;
 - (b) putting in place a system to prevent rumor-mongering, misinformation, misguidance or anything likely to ignite violence or conflict in whatever form throughout Nigerian communities;
 - (c) in collaboration with relevant agencies, establish Early Warning Signs and Vulnerability Indices for conflicts and disasters in all Nigerian Communities and disseminating same to all stakeholders;

- (d) designing and implementing robust societal reorientation and attitudinal change programmes throughout the nation towards a culture of preventing violent conflicts and disasters.
- (2) During conflict times and in conflict areas, to assist the military and other law enforcement agencies in the following ways:
 - (a) identifying culprits and locating their hideouts and also identifying strategies used by perpetrators of the conflicts and the victims or vulnerable people to the conflict for proper actions;
 - (b) assisting victims to escape through identified routes, providing possible protection, first aid, psychological support and any available material support. In so doing, the Vigilante Group shall collaborate with relevant government agencies;
 - (c) providing support to the military and other paramilitary agencies in identifying terrains, providing scouts from Vigilante Group to accompany the military or paramilitary to the hideouts of the perpetrators of conflicts;
 - (d) perform any task that is incidental or ancillary in aiding the military and paramilitary as may be required by them on issues mentioned in this subsection.
- (3) The role of the Vigilante Group in post-conflict management includes:
 - (a) making preliminary assessment of safety and security of affected areas as prelude to any damage assessment or relocation of displaced persons;
 - (b) preservation of properties and public utilities and guarding same from further damage, destruction, theft or vandalism pending the return of the members of the community to their homes;
 - (c) helping in clearing debris, rebuilding homes and public utilities, reviving economic activities such as markets, shops and transport systems;
 - (d) help in reintegrating returnees back to their normal lives, providing psychosocial support to traumatized persons and providing reassurance to the community on safety and security;
 - (e) assist government and other agencies in facilitating peace and reconciliation in affected areas for lasting peaceful coexistence;
 - (f) mobilize youth and able-bodied members of post-conflict communities towards rebuilding communities and creating jobs.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

PART III — COMMAND STRUCTURE

Clause 7: Command Structure.

- (1) The Service shall be under the command of the Commandant General. While State and Local Government commands shall be under the State and Local Government Commandant.
- (2) Members of the Service shall bear such ranks as may be assigned to them by the service in the following order:
 - (a) **National Headquarter Command:**
 - (i) Commandant General (National);
 - (ii) Deputy Commandant General (National);
 - (iii) Deputy Commandant General (Administration);
 - (iv) Deputy Commandant General (Finance);
 - (v) Deputy Commandant General (Operations);
 - (vi) Deputy Commandant General (Logistics);
 - (vii) Deputy Commandant General (Training);
 - (viii) Deputy Commandant General (Intelligence);
 - (ix) Deputy Commandant General (Provost);
 - (x) Assistant Commandant General (South-East);
 - (xi) Assistant Commandant General (South-South);
 - (xii) Assistant Commandant General (South-West);
 - (xiii) Assistant Commandant General (North-Central);
 - (xiv) Assistant Commandant General (North-East);
 - (xv) Assistant Commandant General (North-West);
 - (xvi) Assistant Commandant General (Planning, Research and Statistics);
 - (xvii) Assistant Commandant General (Group Education);
 - (xviii) Assistant Commandant General (Legal Services);
 - (xix) Assistant Commandant General (Communications and ICT);
 - (xx) Assistant Commandant General (Special Task Force and Joint Operation);
 - (xxi) Assistant Commandant General (Marine Safety);
 - (xxii) Group Commandant (Counter-Terrorism);

- (xviii) Group Commandant (Small arms and light weapons control);
- (xvii) Group Commandant (Inter-governmental affairs);
- (xxv) Group Commandant (Disaster and Risk Management);
- (xxvi) Group Commandant (Human Resources);
- (xxvii) Deputy Group Commandant (Public Relations);
- (xxviii) Deputy Group Commandant (Peace and Conflict Management);
- (xxix) Deputy Group Commandant (Border Security);
- (xxx) Assistant Group Commandant (Marine Group);
- (xxxi) Assistant Group Commandant (Bush and Forest Surveillance);
- (xxxii) Assistant Group Commandant (Medical Services).

(b) State Command:

- (i) State Commandant;
- (ii) Deputy State Commandant;
- (iii) Assistant State Commandant (Administration);
- (iv) Assistant State Commandant (Finance);
- (v) Assistant State Commandant (Operations);
- (vi) Chief Group Superintendent (Markets and Motor-Parks Security);
- (vii) Chief Group Superintendent (Places of Worship Security);
- (viii) Chief Group Superintendent (Schools Security);
- (ix) Chief Group Superintendent (Protection of Public Utilities);
- (x) Group Superintendent (Drainages and Sewages);
- (xi) Group Superintendent (Erosion Control);
- (xii) Group Superintendent (Drought and Desertification Control);
- (xiii) Group Superintendent (Bush-burning, Fire Incidences and Arson);
- (xiv) Group Superintendent (Oil Spillage);
- (xv) Deputy Group Superintendent (Protocol);
- (xvi) Deputy Group Superintendent (Anti-Robbery);

- (xvii) Deputy Group Superintendent (Patrol and Guards);
- (xviii) Deputy Group Superintendent (Public Relations);
- (xix) Deputy Group Superintendent (Surveillance);
- (xx) Deputy Group Superintendent (Provost);
- (xxi) Deputy Group Superintendent (Gender);
- (xxii) Assistant Group Superintendent (Finance);
- (xxiii) Assistant Group Superintendent (Stores).

(c) Local Government Command:

- (i) Local Government Commandant;
- (ii) Deputy Local Government Commandant;
- (iii) Assistant Group Superintendent (Administration);
- (iv) Assistant Group Superintendent (Operations);
- (v) Assistant Group Superintendent (Finance);
- (vi) Chief Group Inspector (Surveillance);
- (vii) Chief Group Inspector (Patrol and Guard);
- (viii) Chief Group Inspector (Special Duties);
- (ix) Senior Group Inspector (Pollution and Environmental Sanitation);
- (x) Senior Group Inspector (Narcotics Control);
- (xi) Senior Group Inspector (Women);
- (xii) Group Inspector (Road Traffic);
- (xiii) Group Inspector (Crimes);
- (xiv) Group Sergeant (Provost);
- (xv) Group Sergeant.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Membership of the Group.

The Group shall consist of such number of volunteers and regular members as may, from time to time, be recruited by the Board to meet the requirements of the Group.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

- Clause 9:**
- (1) The service may consider and promote from time to time officers and members who are qualified to be elevated to the next rank.
 - (2) The Group:
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and
 - (c) shall have its headquarters in the Federal Capital Territory, Abuja

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

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

PART IV — UNIFORMS, EQUIPMENTS AND RANKS

Clause 10: Uniforms.

- (1) There shall be uniforms for the Vigilante Group, which shall be subject to change, as follows:
 - (a) Dark-maroon jacket, shirt, trousers and skirts;
 - (b) Dark-red beret;
 - (c) Black belt for general duties;
 - (d) White belt for provost officers;
 - (e) Black boots;
 - (f) White lanyard for officers and dark-maroon lanyard for members.
- (2) Subject to Subsection (1), the Commandant-General is hereby empowered to make Regulations for uniforms and their use.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 11: Equipment.

- (1) The Government shall provide for the Vigilante Group equipment as are necessary for its administrative and operational needs. Such equipment shall include the following:
 - (a) Operational and utility vehicles;

- (b) Communication gadgets including walkie-talkies, masts, boosters, radio-messaging equipment, 'caller unit group' (CUG);
 - (c) Other operational and administrative equipment like rain coats, rain boots, access control system equipment, torch-lights, reflective jackets, blankets, whistles and other equipment deemed necessary;
 - (d) Detective equipment like hand-held metal detectors, walk-through detectors, baggage scanners, close circuit television (CCTV) cameras, bomb detectors and vehicular bomb detectors and other Explosive Ordnance Disposer (EOD);
- (2) The Commandant-General shall make Regulations on the use of equipment including safety measures in handling sensitive equipment

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 12: Ranks and Insignia.

- (1) The Commandant General — Coat of Arms, two Stars at the Centre and Vigilante Group of Nigeria logo.
- (2) Deputy Commandant General — Coat of Arms, a Star at the Centre and Vigilante Group of Nigeria logo.
- (3) Assistant Commandant General — Coat of Arms, one Bar at the Centre and Vigilante Group of Nigeria logo.
- (4) Group Commandant — Coat of Arms and Vigilante Group of Nigeria logo.
- (5) Deputy Group Commandant — a Star and Vigilante Group of Nigeria logo.
- (6) Assistant Group Commandant — Vigilante Group of Nigeria logo.
- (7) Chief Group Superintendent — Coat of Arms and one Star.
- (8) Group Superintendent — Coat of Arms.
- (9) Deputy Group Superintendent — three Stars.
- (10) Assistant Group Superintendent I — two Stars.
- (11) Assistant Group Superintendent II — one Star.
- (12) Chief Inspector — four Bars.
- (13) Senior Inspector — three Bars.
- (14) Inspector — two Bars.
- (15) Group Sergeant — three V.
- (16) Corporal — two V.

(17) Lance Corporal — one V.

(18) Operative.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

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

PART V — FINANCIAL PROVISIONS

Clause 13: Funds of the Group.

- (1) The Group shall establish and maintain a fund into which monies shall be paid and credited:
 - (a) take off grants, annual subventions and budgetary allocations received from the Government of the Federation;
 - (b) such monies as may be appropriated to the Group from time to time by the National Assembly;
 - (c) such monies as may from time to time, lent, deposited with or granted to the Group by the Government of the Federation, States or local government
 - (d) grants, gifts or donations from international organizations and donor agencies;
 - (e) all other funds which may, from time to time, accrue to the Group.
- (2) The Group may receive donations from other organizations after due consultation with the necessary agencies.
- (3) The officers and members shall be paid full salaries on such terms and conditions as may be prescribed as it is in the Federal Civil Service Commission or any related agency.
- (4) The Group shall be paid from security vote and overhead costs, such allowances as are reasonably necessary for the upkeep of its National Secretariat and for meeting of its incidental expenses like, but not limited to the day to day running of the Group.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 14: Pensions.

- (1) The service in the Group shall be approved service for the purposes of the Pensions Act and, accordingly, regular members and employees of the Group shall be entitled to pensions, gratuity and other retirement benefits as are prescribed under the Pensions Act.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

- (3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Federal Government, other than the power to make regulations under section 23 of the Act, is hereby vested in and shall be exercisable by the Group and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 15: Expenditure of the Group.

The Commission may, from time to time, apply the proceeds of the Fund established in section 11 of this Bill —

- (a) to the cost of administration of the Group;
- (b) to the payment of salaries, fees, or other remuneration or allowances, gratuities payable to the officers and other employees of the Group, so that no payment of any kind under this paragraph (except such as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Federal or State Government;
- (c) for the maintenance of any property vested in the Group ; and
- (d) for and in connection with all or any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 16: Annual Estimates and Accounts.

- (1) The Group shall, not later than 31st October in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Group Fund) during the next succeeding year.
- (2) The Group shall keep proper accounts in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 17: Annual Report.

The Group shall prepare and submit to the Federal Executive Council through the Minister, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Group during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Group for that year and the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 18: Power to Accept Gift.

- (1) The Group may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Group shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions of the Group.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 19: Power to Borrow.

- (1) The Group may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) The Group shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Group shall not borrow the sum without the prior approval of the Minister.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 20: Investment. Act Cap. T22, LFN, 2004.

The Group may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 21: Exemptions from Tax.

- (1) The Group shall be exempted from the payment of any income tax on any income accruing from investments made by the Board for the Group.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Group or the Board.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

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

PART VI — DISCIPLINE

Clause 22: Discipline of Group Members.

A Group member who —

- (a) performs his duties in contravention of the objects of the Group;
- (b) takes part in any subversive activity, including mutiny and disturbance of public peace;
- (c) abets, incites, conceals or condones the commission of any offence;
- (d) takes part in an illegal assembly of persons with intention to breach public peace, destroy property or assault any person or group of persons;
- (e) having knowledge that an offence or an illegal act is about to be committed, fails to inform his superior officer;
- (f) takes part in a strike; and
- (g) offers violent assault on his superior officer;

commits an offence and is liable on conviction to imprisonment for a term of not less than one year.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

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

PART VII — LEGAL PROCEEDINGS

Clause 23: Limitation of Suits Against Group.

- (1) Subject to the provisions of this Bill, the provisions of the Public officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Group.
- (2) Notwithstanding anything contained in any other enactment, no suit against any member of the Board or the Commandant-General or any other officer or employee of the Group for any act done in pursuance or execution of this Bill or any other enactment or law, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced:
 - (a) within three months after the act, neglect or default complained of; or
 - (b) in the case of a continuation of damage or injury, within six months after the ceasing thereof.
- (3) No suit shall be commenced against a member or the Board or the Commandant-General or any other officer or employee of the Group before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Group by the intending plaintiff or his agent.

- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state:
- (a) the cause of action;
 - (b) the particulars of claim;
 - (c) the name and place of abode of other intending plaintiff; and
 - (d) the relief which the plaintiff claims.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 24: Service of Documents.

A notice, summons or other document required or authorized to be served on the Group under the provisions of this Bill or any other enactment or law may be served by delivering it to the Commandant-General or by sending it by registered post and addressed to the Commandant-General at the principal office of the Group.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 25: Restriction on Execution Against Property of the Group.

- (1) In any action or suit against the Group, no execution or attachment of process in the nature thereof shall be issued against the Group unless a notice of not less than 3 months of the intention to execute or attach has been given to the Group.
- (2) Any sum of money, which may, by the judgment of any Court, be awarded against the Group shall, subject to any directions given by the court where notice of appeal against the judgment has been given, be paid from the general reserve fund of the Group.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 26: Indemnity of Officers.

A member of the Board or the Commandant-General or any officer or employee of the Group shall be indemnified out of the assets of the Group against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Commandant-General, officer or other employee of the Group.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 27: Secrecy.

- (1) A member of the Board or the Commandant-General or any other officer or employee of the Group shall —
 - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board as the Commandant-General, officer or employee of the Group;
 - (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Bill; or
 - (c) not disclose any information referred to under paragraph (b) of this subsection except when required to do so by any court or in such other circumstances as may be prescribed by the Board, from time to time.
- (2) Person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than ₦50,000 or imprisonment for a term not exceeding two years.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 28: Power to Obtain Information.

- (1) For the purpose of carrying out the functions conferred on the Group under this Bill, the Commandant-General or any other officer or employee of the Group authorised in that behalf —
 - (a) shall have a right of access to all the records of any person or authority affected by this Bill for the specific purpose of discharging his duties under this Bill; and
 - (b) may by notice in writing served on any person or premises, require that person or authority to furnish information on such matters as may be specified in notice.
- (2) The person or authority served with the notice under subsection (1) shall furnish information it's required under subsection (1) of this section and comply with the notice a reasonable time.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 29: Directives by the Minister, etc.

- (1) The Minister may give to the Group or the Commandant-General such directives:
 - (a) of a general nature or relating generally to matters of policy with regard to the exercise of its functions; or

- (b) with respect to the maintenance and securing of public safety and order, as he may consider necessary, and the Group or the Commandant-General shall comply with the directives or cause them to be complied with.
- (2) Subject to the provisions Subsection (1) of this section, a Governor of a State may give to a State Command, such directives with respect to the maintenance and security of public safety and order in the State as he may consider necessary and it shall be the duty of the State Commandant shall comply with the directives or cause them to be complied with.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 30: Regulations.

The Board may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effects to the provisions of this Bill and for the due administration of its provisions.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 31: Transitional Management.

- (1) Notwithstanding any provisions of this Bill, on the commencement of this Bill, the Inspector-General of Police shall subject to the approval of the Minister appoint a serving Police Officer not below the rank of a:
 - (a) Commissioner of Police to serve as the Chief Executive Officer and Accounting Officer of Vigilante Group in the Federation;
 - (b) Chief Superintendent of Police to serve as the Chief Executive Officer of the Vigilante Group in every State of the Federation and Federal Capital Territory, Abuja; and
 - (c) Assistant Superintendent of Police as Chief Executive of the Vigilante Group in every Local Government Area in the Federation.
- (2) All Officers appointed under this Section shall serve for 5 years starting from the date specified as transition period, after which their tenure shall expire or deemed to have expired.
- (3) The transition period indicated in this Section shall apply regardless of the actual date of appointment.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 32: Interpretation.

In this Bill, unless the context otherwise requires:

"Vigilante Group of Nigeria" means the Group established under this Bill.

Question: That the words "Vigilante Group of Nigeria" defined in the Interpretation to this Act, put and agreed to.

"Community Service" shall include those listed in section 5 of this Bill.

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

"Commandant General" means the Commandant of the Vigilante Group in Nigeria

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

"Deputy Commandant General" means the Deputy to the Commandant General

Question: That the words "Deputy Commandant General" defined in the Interpretation to this Act, put and agreed to.

"Assistant Commandant General" means the Assistant to the Commandant General

Question: That the words "Assistant Commandant General" defined in the Interpretation to this Act, put and agreed to.

"Zonal Commandant" is the officer responsible for any of the six geopolitical zones of Nigeria.

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

"State Commandant" means the Commandant of the Vigilante Group at the State level.

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

"Officer" means an officer from the ranks of the Commandant General to Assistant Superintendent of the Vigilante Group.

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

"Minister" means Minister responsible for Police Affairs.

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

"Member" means a non-commissioned member below the rank of Assistant Superintendent of the Vigilante Group.

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

"Rank and File" has the same meaning as members.

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

"State" means any State of the Federal Republic of Nigeria.

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

"Zonal Office" means the Vigilante office in each of the geopolitical zones of Nigeria.

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

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 33: Citation.

This Bill may be cited as the Vigilante Group of Nigeria (Establishment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

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

SCHEDULE

ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Section 2 (2)

Proceedings

1. (1) The Board shall, for the purpose of this Bill, meet not less than three times in each year.
- (2) The board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the board for such period as it thinks 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 Board and shall not count towards a quorum.

Committees

2. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, its functions under this Bill as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office in the committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

3. (1) The fixing of the seal of the Group shall be authenticated by the signature of the Chairman or any other person authorised generally or specifically to act for that purpose by the Board and the Commandant-General.
- (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 made or executed on behalf of the Board by the Commandant-General or any person generally or specially authorised to act for the purpose by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall receive in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Vigilante Group of Nigeria (VGN) Charged with the Responsibilities to, among Others, Provide Community Policing, Maintenance of Law and Order and Community Service for Nigerians and for Related Matters and approved as follows:

Clauses 1- 33 — As Recommended

Schedule — As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

12. Subsidiary Legislation (Legislative Scrutiny) Bill, 2017 (HB. 13) - Concurrence:

Motion made: That a Bill for an Act to Make it Mandatory for the National Assembly to Scrutinise and Approve Subsidiary Legislation Before it Becomes Enforceable and to Provide for Matters Incidental Thereto be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Make it Mandatory for the National Assembly to Scrutinise and Approve Subsidiary Legislation Before it Becomes Enforceable and to Provide for Matters Incidental Thereto (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO MAKE IT MANDATORY FOR THE NATIONAL ASSEMBLY TO SCRUTINISE AND APPROVE SUBSIDIARY LEGISLATION BEFORE IT BECOMES ENFORCEABLE AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO.

Clause 1: Application to Subsidiary Legislation:

Except otherwise provided in the Constitution, where by an Act of the National Assembly, power on any matter within the legislative competence of the National Assembly is conferred on a person to make Subsidiary Legislation, the provision of this Bill shall apply notwithstanding any contrary provision in the Act or any other law.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Procedure of Scrutiny.

A Subsidiary Legislation made by a person under a power conferred by an Act of the National Assembly shall be —

- (a) laid before both Chambers of the National Assembly;
- (b) be published in the official Gazette or the National Assembly Journal; and
- (c) come into force at the expiration of twenty-one sitting days after being so laid unless National Assembly before expiration of the twenty-one days invalidates the instrument by a resolution.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Effect of Non Compliance with the Bill.

- (1) A Subsidiary Legislation shall not be valid unless it is made in compliance with the provisions of this Act.
- (2) Failure to observe a requirement imposed by this or any other Act as to the publication of a Subsidiary Legislation or the laying before National Assembly shall invalidate the instrument, but the National Assembly may resolve by a vote of two-thirds majority of each Chamber that an instrument in respect of which such requirement has not been observed shall come into operation or shall not be deemed to have come into operation on a specified date.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Commencement of Instrument.

- (1) Where an instrument is made after the passing but before the coming into operation of the enactment under which it is made, the instrument, whether or not it is previously published, shall not come into operation before the date on which the said enactment comes into operation.

- (2) A Subsidiary Legislation may provide that it shall come into operation on a date earlier than the making thereof, not being a date earlier than the coming into operation of the enactment under which it is made.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Amendment and Revocation.

- (1) Where an Act confers power to make a Subsidiary Legislation, the Act shall, unless the context otherwise requires, be deemed also to confer power, exercisable by the like authority and in the like manner, to amend or revoke the instrument.
- (2) Where a Subsidiary Legislation is amended by an Act or further Subsidiary Legislation the Attorney-General may authorise the reprinting of the whole or a part of the instrument in a form which gives effect to the amendments; and when published by authority the instrument or the parts as so reprinted shall be conclusive evidence of the provisions of the amended instrument or part.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Interpretation.

In this Act unless the context otherwise requires —

"Act" or "Act of the National Assembly" means any law made by the National Assembly and includes any law which takes effect under the provision of the Constitution as an Act of the National Assembly.

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

"approving authority" means a person authorized by law to recommend, determine, fix or approve fee or salary.

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

"Attorney General" means Attorney-General of the Federation.

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

"National Assembly" means Senate and the House of Representatives.

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

"person" includes corporate body.

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

"power" includes function and duty.

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

"public officer" means a member of staff of the public service as defined by the Constitution.

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

"Subsidiary Legislation" means an instrument made, whether directly or indirectly, under a power conferred by an enactment.

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

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 7: Citation.

This Bill may be cited as the Subsidiary Legislation (Legislative Scrutiny) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the 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 a Bill for an Act to Make it Mandatory for the National Assembly to Scrutinise and Approve Subsidiary Legislation Before it Becomes Enforceable and to Provide for Matters Incidental Thereto and approved as follows:

Clauses 1- 7 — 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.

13. Courts and Tribunals Fines and Financial Penalties Bill, 2017 (HB. 642) - Concurrence:

Motion made: That a Bill for an Act to Make Provisions for a System of Standard Scale of Fines and Financial Penalties Imposed by Courts, Tribunals and Other Judicial Bodies be read the Second Time (Senate Leader).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Make Provisions for a System of Standard Scale of Fines and Financial Penalties Imposed by Courts, Tribunals and Other Judicial Bodies (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO MAKE PROVISIONS FOR A SYSTEM OF STANDARD SCALE OF FINES AND FINANCIAL PENALTIES IMPOSED BY COURTS, TRIBUNALS AND OTHER JUDICIAL BODIES.

Clause 1: The Standard Scale of Fines and Financial Penalties.

- (1) There shall be a Standard Scale of fines for offences, which shall be known as 'the Standard Scale'.
- (2) The Standard Scale is as shown below:

<i>Level on the scale</i>	<i>Maximum Amount of fine</i>
1	₦25,000
2	₦50,000
3	₦100,000
4	₦250,000
5	₦500,000
6	₦1,000,000
7	₦5,000,000
8	₦10,000,000
9	₦25,000,000
10.	₦100,000,000

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Where any enactment (whether contained in an Act passed before or after this Bill):

- (a) provides that a person convicted of an offence shall be liable on conviction to a fine or a maximum fine be reference to a specified level on the Standard Scale; or
- (b) confers power by subordinate instrument to make a person liable on conviction of an offence (whether or not created by the instrument) to a fine or maximum fine by reference to a specified level on the standard scale it is to be construed as referring to the Standard Scale as provided in Section 1 (2) of this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Nothing in this Bill shall prevent or prohibit an Act of the National Assembly from imposing an indefinite fine outside of the Standard Scale.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Citation.

This Bill may be cited as the Courts and Tribunals Fines and Financial Penalties Bill, 2017.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the 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 a Bill for an Act to Make Provisions for a System of Standard Scale of Fines and Financial Penalties Imposed by Courts, Tribunals and Other Judicial Bodies and approved as follows:

Clauses 1- 4 — 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.

14. Radiographers (Registration, etc.) Act (Amendment) Bill, 2017 (HB. 676) - Concurrence:

Motion made: That a Bill for an Act to Amend the Radiographers (Registration, etc.) Act, Cap. R1, Laws of the Federation of Nigeria, 2004 and for Related Matters be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Amend the Radiographers (Registration, etc.) Act, Cap. R1, Laws of the Federation of Nigeria, 2004 and for Related Matters (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE RADIOGRAPHERS (REGISTRATION, ETC.) ACT, CAP. R1, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS.

Clause 1: Amendment of the Principal Act, Cap. R1, Laws of the Federation of Nigeria, 2004.
The Radiographers (Registration, etc.) Act Cap. R1, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Principal Act" is amended as set out in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Amendment of Section 14.

- (i) Section 14 (1) as amended now to read thus:
"any person including X-ray technicians, medical imaging technologists dispensing ionizing radiation or radiant energies and not being registered on any register maintained under section 8 of this Act, who holds himself out to be so registered or uses any name, title, description or symbol, calculated to lead any person to infer that he is so registered, shall be guilty of an offence".
- (ii) Section 14 (2) of the Principal Act is amended thus:
 - (a) in subsection (2) line 2 by deleting ₦100 and ₦200 and inserting ₦300,000 and ₦600,000 respectively.
 - (b) in subsection (2) line 2 by deleting "not exceeding" and inserting not less than.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Amendment of Section 16.

Section 16 (3) of The Principal Act is to be amended thus:

- (i) Subsection (a) by deleting not exceeding ₦100 and inserting not less than ₦300,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (ii) Subsection (b) by deleting not exceeding ₦1,000 and inserting ₦500,000.
- (iii) (3) That for already certified practitioners duly registered by the RRBN and qualified for the award of academic fellowship of the Nigerian Institute of Radiographers, late payments for induction will attract in addition to the original fees, a penalty of five thousand Naira (₦5,000) only.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Amendment of Section 17: Legal Proceedings.

Section 17 of the Principal Act read thus:

- (1) No suit shall be commenced against the Board before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Board by the intending plaintiff or his agent and the notice clearly and explicitly states —

- (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending plaintiff; and
 - (d) the relief which he claims.
- (2) The notice referred to in subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Board under the provisions of this Act or any other enactment or law, may be served by (a) the cause of action:
- (a) delivering the same to the Director-General;
 - (b) sending it by registered post addressed to the Director-General at the head office of the Board.
- (3) In any action or suit against the Board, no execution or attachment or process in the nature thereof shall be issued against the Board, but any sums of money which may, by judgment of the court, be awarded against the Board shall, subject to any directives given by the Board, be paid from the fund of the Board.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 5: Amendment of Section 26.

Section 26 of the Principal Act is amended by in the shoulder note by deleting the words, "to the Court of Appeal".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Citation.

This Bill may be cited as the Radiographers (Registration etc.) (Amendment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the 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 a Bill for an Act to Amend the Radiographers (Registration, etc.) Act, Cap. R1, Laws of the Federation of Nigeria, 2004 and for Related Matters and approved as follows:

Clauses 1- 6 — 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.

15. Medical Residency Training Bill, 2017 (HB. 982) - Concurrence:

Motion made: That a Bill for an Act to Regulate the Medical Residency Training Programme in Nigeria and for Related Matters be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Regulate the Medical Residency Training Programme in Nigeria and for Related Matters (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REGULATE THE MEDICAL RESIDENCY TRAINING PROGRAMME IN NIGERIA AND FOR RELATED MATTERS.

PART I — REGULATORY BODY

Clause 1: Regulatory body.

National Medical Postgraduate College of Nigeria shall be the regulatory body

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 2: Structure.

- (1) The Medical Residency Training Programme shall be in two continuous phases, namely:
 - (i) Junior Residency (Registrar Cadre)
 - (ii) Senior Residency (Senior Registrar Cadre)
- (2) All Medical Practitioners and Dental Surgeons who have graduated from accredited Medical School and have passed their primary examination from National Medical Postgraduate College of Nigeria or its equivalent, and applied for positions in Residency Programme shall be absorbed by the Residency Training Programme.

- (3) There shall be a comprehensive accessible database for all accredited Residency Training Programmes in the various Specialty (and/or subspecialty) and location where these trainings are being done by the National Postgraduate Medical College of Nigeria and its equivalent like the West African College of Surgeons and Physicians:
 - (a) Admission into the Residency Training Programme should be Automatic.
 - (b) Accreditation — two years for partial and five years for full accreditation.
- (4) Curriculum and scheme of the Residency Training Programme;
 - (a) there shall be a National Curriculum and Scheme of work for the Residency Training Programme to be used by all accredited Institutions in Nigeria.
 - (b) the National Postgraduate Medical College shall have the responsibility to produce the curriculum and Scheme in consultation with the West African College of Surgeons and the West African College of Physicians.
 - (c) such Curriculum and Scheme shall be reviewed every four (4) years.
 - (d) the National Postgraduate College shall have a comprehensive online version of the curriculum and scheme.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 3: Requirements for Entry into the Residency Training Programme (General Requirements).

- (1) Applicants shall possess a Basic Medical Degree; MB.BS, MB.CH.B, BDS or its equivalent.
- (2) Applicants must have passed the primary examination by the National Postgraduate Medical College or its equivalent.
- (3) Applicant shall be required to show evidence of payment of Annual practicing fees and Certificate of Annual Practice Registration before he/she will be allowed to practice in a Residency Training Institute as mandated by the Medical and Dental Council of Nigeria (MDCN).
- (4) Applicant shall possess a discharge certificate/exemption from the National Youth Service Corps.
- (5) Applicant has passed the Primary examination or its equivalent.
- (6) Applicant shall be required to pass a medical examination of fitness and a security screening by the Chief Staff Medical officer and the Chief Security Officer of the Residency Training Institute.
- (7) Such employment shall be in accordance with the tenure for Residency Training Programme.

- (8) Such employment shall also be in line with the scheme of service for employment of doctors of such Cadre by the Federal Ministry of Health, and other agencies of government.
- (9) The resident Doctor so employed must possess professional indemnity certificate from a reputable insurance company.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 4: Tenure of Part I Residency Training Programme

- (a) The duration of PART I RESIDENCY TRAINING shall be contained in the online data base of all accredited Residency Training Institutions approved by the National post graduate College.
- (b) A Resident shall be removed from the programme if he fails the Part 1 fellowship Examination more than twelve (12) months after the date of his eligibility to first sit for the Part 1 examination.
- (c) A resident will proceed to Part 2 Residency Training Programme if he passes the Part 1 Fellowship examination.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

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

PART II — RESIDENCY TRAINING PROGRAMME

Clause 5: Specific Requirements.

- (1) Applicants must have passed the Part I/Membership examination.
- (2) Applicant must receive the award of membership certificate from the examining Post Graduate College.
- (3) Transition/promotion/advancement shall be seamless continuation for those successful at the PART I examinations within the standardized period as contained the approved template and in line with the career progression for resident doctors and the scheme of service of medical officers of such Cadre.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 6: Tenure of Part II Residency Programme.

- (1) The duration of PART II RESIDENCY TRAINING shall be as contained in the online data base of all accredited Residency Training Institutes approved by the commission:
 - (a) a Resident shall be removed from the programme if he fails the Part II Fellowship examination not exceeding eighteen (18) months after the date of his eligibility to first sit for the Part II examination;

- (b) a Resident shall withdraw from the programme six (6) months after the Resident passes the P ART II Fellowship Examination of any of the Postgraduate Medical Colleges. The appointment of the Resident terminates with this withdrawal;
- (c) a Resident shall withdraw from the programme if he fails to measure up to the terms and conditions as in the letter of appointment;
- (d) in either case (a) or (b) above, Resident will seek for a job of his own and if the Resident succeeds in getting public service appointment, will be entitled to add unto his service record, the period of Residency Training for seniority in the service, gratuity and pension;
- (e) if a Resident is already in the employment of the Hospital, the terms, and conditions of in-service training in the Public Service apply;
- (f) a Resident on bond cannot exit the programme without fulfilling the bond conditions.

Conduct of Residents: Professional Conduct of Residents

- (2) All matters of confidentiality in clinical practice apply to Resident's conduct.

Salaries and other Benefits

- (3) Residents' salary entry point for this appointment is as contained in the Scheme of Service.
- (4) Resident shall be entitled to an annual increment in salary and shall be entitled to promotion subject to passing the examination of each level of the programme.
- (5) Other conditions of Service are in accordance with the Public Service.

Termination of Appointment

- (6) Termination of appointment of Resident by either party shall be effected upon the service of one (1) months' notice or, in the alternative, payment of one (1) months' salary in lieu of notice or as in 4 (b) and 6(a), (b) and (c).

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

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

PART III — SPONSORSHIP

Clause 7: Sponsorship.

- (1) All Resident Doctors shall be entitled to sponsorship of two update courses for Part I and two update courses for Part 2.
- (2) All Resident Doctors shall be entitled to sponsorship of one examination in Part 1 and one examination in Part 2.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 8: Funding of the RTP.

- (1) All payments accruing to Resident Doctors shall be made through the IPPIS platform.
- (2) Funds for the Residency Training Programme shall be made available through:
 - (i) National Budgetary allocations should be made to the Ministry of Health for Residency Training.
 - (ii) 20% Internal funding from Residency Training Institutions.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

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

Clause 9: Interpretation.

In this Act, unless the context otherwise requires —
"FMOH" means the Federal Ministry of Health of Nigeria.

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

"RTP" means Residency Training Programme.

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

"RTI(s)" means Residency Training Institution(s); Hospitals that have been accredited to carry-out Residency Training.

Question: That the word " RTI(s)" defined in the Interpretation to this Act, put and agreed to.

"Resident" means Resident Doctors; a trainee Doctor appointed under the Residency Training Programme, resident dental Surgeon.

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

"Residency" means Postgraduate Specialist Training for Medical Practitioners and Dental Surgeons to be certified as specialists in a specialized branch of Medicine or Dentistry.

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

"MDCN" means Medical and Dental Council of Nigeria.

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

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *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 Medical Residency Training Bill, 2017.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the 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 a Bill for an Act to Regulate the Medical Residency Training Programme in Nigeria and for Related Matters and approved as follows:

Clauses 1- 10 — 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.

16. Committee on Trade and Investment.

Report on the 2017 Budget of Corporations and Agencies of Government of the Federal Republic of Nigeria.

Motion made: That the Senate do consider the Report of the Committee on Trade and Investment on the 2017 Budget of Corporations and Agencies of Government of the Federal Republic of Nigeria:

S/N	Committee	Government Owned Enterprises (GOE)
(i)	Trade and Investment	- Corporate Affairs Commission; - Oil and Gas Free Zone Authority; - Financial Reporting Council; and - Nigerian Export Promotion Council.
(a)	Corporate Affairs Commission.	(<i>Senator Suleiman O. Hunkuyi — Kaduna North</i>).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That a total revenue sum of Fifteen Billion, Seventy-six Million, Three Hundred and Thirty-three Thousand, Seven Hundred and Thirty-eight Naira and Fifty-four Kobo (₦15,076,333,738.54) only as well as a total expenditure of Thirteen Billion, Five Hundred and Sixty-six Million, Three Hundred and Ninety-two Thousand, One Hundred and Fifty-one Naira and Eighty Kobo (₦13,566,392,151.80) only be approved to the Corporate Affairs Commission in 2017 Financial Year — *Agreed to.*

Resolved:

That a total revenue sum of Fifteen Billion, Seventy-six Million, Three Hundred and Thirty-three Thousand, Seven Hundred and Thirty-eight Naira and Fifty-four Kobo (₦15,076,333,738.54) only as well as a total expenditure of Thirteen Billion, Five Hundred and Sixty-six Million, Three Hundred and Ninety-two Thousand, One Hundred and Fifty-one Naira and Eighty Kobo (₦13,566,392,151.80) only be approved to the Corporate Affairs Commission in the 2017 Financial Year (S/Res/145/03/17).

(b) Oil and Gas Free Zone Authority.

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That a total revenue sum of Six Billion, Four Hundred and Twenty-two Million, Two Hundred and Fifty-eight Thousand, Two Hundred and Eleven Naira and Twenty-nine Kobo (₦6,422,258,211.29) only as well as a total expenditure of Five Billion, Two Hundred and Eighteen Million, Seven Hundred Thousand Naira (₦5,218,700,000.00) only be approved to the Oil and Gas Free Zone Authority in the 2017 Financial Year — *Agreed to.*

Resolved:

That a total revenue sum of Six Billion, Four Hundred and Twenty-two Million, Two Hundred and Fifty-eight Thousand, Two Hundred and Eleven Naira and Twenty-nine Kobo (₦6,422,258,211.29) only as well as a total expenditure of Five Billion, Two Hundred and Eighteen Million, Seven Hundred Thousand Naira (₦5,218,700,000.00) only be approved to the Oil and Gas Free Zone Authority in the 2017 Financial Year (S/Res/146/03/17).

(c) Financial Reporting Council.

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That a total revenue sum of One Billion, One Hundred and Five Million, Five Hundred Thousand Naira (₦1,105,500,000.00) only as well as a total expenditure of One Billion, Three Hundred and Seventy-three Million Naira (₦1,373,000,000.00) only be approved to the Financial Reporting Council in the 2017 Financial Year — *Agreed to.*

Resolved:

That a total revenue sum of One Billion, One Hundred and Five Million, Five Hundred Thousand Naira (₦1,105,500,000.00) only as well as a total expenditure of One Billion, Three Hundred and Seventy-three Million Naira (₦1,373,000,000.00) be approved to the Financial Reporting Council in the 2017 Financial Year (S/Res/147/03/17).

(d) Nigerian Export Promotion Council.

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That a total revenue sum of Ninety-three Million, Three Hundred and Fifty Thousand Naira (₦93,350,000.00) only be approved to the Nigerian Export Promotion Council in the 2017 Financial Year — *Agreed to.*

Resolved:

That a total revenue sum of Ninety-three Million, Three Hundred and Fifty Thousand Naira (₦93,350,000.00) only be approved to the Nigerian Export Promotion Council in the 2017 Financial Year (S/Res/148/03/17).

17. Conference Committee.

Report on the Nigerian Financial Intelligence Agency (Establishment, etc.) Bill, 2017 (SB. 535).

Consideration of Report deferred to another Legislative Day.

18. Committee on Anti-Corruption and Financial Crimes.

Report on the Unlawful Arrest of Innocent Chukwuma by the Economic and Financial Crimes Commission (EFCC).

Motion made: That the Senate do receive and consider the Report of the Committee on Anti-Corruption and Financial Crimes on the Unlawful Arrest of Mr. Innocent Chukwuma, Chairman and Managing Director of Innoson Motors by the Economic and Financial Crimes Commission (EFCC) (*Senator Chukwuka G. Utazi — Enugu North*).

Question put and agreed to.

Report presented.

By the leave of the Senate, the final Report of the Committee on another legislative Day.

19. Committee on Works.

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

Consideration of Report deferred to another Legislative Day.

20. Committee on Capital Market:

Report on the Demutualization Bill, 2017 (SB. 531):

Motion made: That the Senate do consider the Report of the Committee on Capital Market on the Demutualization Bill, 2017 (*Senator Mustapha Bukar — Katsina 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 FACILITATE THE DEVELOPMENT OF NIGERIA'S CAPITAL MARKET BY ENABLING THE CONVERSION AND RE-REGISTRATION OF THE NIGERIAN STOCK EXCHANGE FROM A COMPANY LIMITED BY GUARANTEE TO A PUBLIC COMPANY LIMITED BY SHARES AND FOR RELATED MATTERS, 2017.

Clause 1: Conversion of the Exchange of Public Company Limited by Shares.

- (1) The Exchange may, in the overriding interest of the development of the capital market and in accordance with prevalent international practices and standards as well as the development of the economy of Nigeria as a whole, convert and re-register from a company limited by guarantee to a public company limited by shares.
- (2) Notwithstanding any provision of the Companies and Allied Matters Act or the Memorandum and Articles of Association of the Exchange, The Exchange is empowered to adopt any process, procedure, structure or plan as may be deemed fit by its Council for the purpose of converting to a public company limited by shares, provided that the prior authorization of the Securities and Exchange Commission has been obtained and all the procedures and requirements of the Demutualization Rules of the Securities and Exchange Commission have been complied with.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 2: Tax Implication of the Conversion and Re-registration Process.

- (1) The provisions of this section shall apply for the purposes of the conversion and re-registration of the Exchange to a public company limited by shares.
- (2) Notwithstanding any other provision of this Bill and subject to this section, The Exchange may be re-registered as a public company limited by shares if-
 - (a) a special resolution that it should be so re-registered is passed by the General Meeting of the Exchange in accordance with the Articles of Association of the Exchange; and
 - (b) an application for re-registration is delivered by the Exchange to the Commission together with the documents prescribed in subsection (4) of this section.
- (3) The special resolution shall -
 - (a) alter the Memorandum of Association of the Exchange so that it states that it is to be a public company limited by shares;
 - (b) make such alterations in the Memorandum of Association of The Exchange as are necessary to bring it into conformity with the requirements of Section 27 of the Companies and Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004 with respect to the memorandum of a public company limited by shares; and
 - (c) make such alterations in the Articles of Association of the Exchange as are requisite in the circumstances.
- (4) The application shall be made to the Commission under cover of a letter signed by the President of The Exchange, the Chief Executive Officer of The Exchange and the Secretary of the Exchange together with the following documents -
 - (a) a printed copy of the Memorandum and Articles of Association of the Exchange as altered in pursuance of the special resolution;

- (b) a copy of a written statement by the Council Members and the Secretary of the Exchange certified on oath by them, and showing that the paid up capital of The Exchange as at the date of the application is not less than 25 per cent of the authorized share capital as at that date;
 - (c) a copy of the balance sheet of the Exchange as at the date of the special resolution or the preceding 9 months, whichever is later;
 - (d) a declaration under oath by the President of the Exchange, the Chief Executive Officer of The Exchange and the Secretary of The Exchange -
 - (i) that the special resolution required under this section has been passed; and
 - (ii) that the net assets of the Exchange are not less than the aggregate of the paid up share capital and undistributable reserves of the Exchange; and
 - (e) a copy of any prospectus or statement in lieu of prospectus delivered within such time as the Securities and Exchange Commission may prescribe, but nonetheless not being a period less than the preceding 12 months from the date of conversion and re-registration.
- (5) The Commission shall, upon compliance with the provisions of this section -
 - (a) retain the application and other documents delivered to it under this section;
 - (b) immediately register the application and other documents; and
 - (c) immediately issue to the Exchange a certificate of incorporation evidencing the registration of The Exchange as a public company limited by shares.
- (6) Upon the issue to the Exchange of the certificate of incorporation under this section -
 - (a) the Exchange shall by virtue of the issuance of the certificate of incorporation become a public company limited by shares;
 - (b) any alterations in the Memorandum and Articles of Association of the Exchange set out in the resolution shall take effect accordingly; and
 - (c) The Exchange shall subsequently comply with applicable provisions of the Companies and Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004 and the Investments and Securities Act, Cap I24, Laws of the Federation of Nigeria, 2004 in relation to public companies.
- (7) The certificate shall be prima facie evidence that -
 - (a) the requirement of this Bill in respect of conversion and re-registration and of matters precedent and incidental thereto have been complied with; and
 - (b) The Exchange is a public company limited by shares.
- (8) The Commission shall forthwith notify the Attorney-General of the Federation of the conversion and re-registration.

- (9) From the effective date of this Bill, no provision of the Companies and Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004, the Investments and Securities Act Cap I24, Laws of the Federation of Nigeria, 2004 and/or any regulations made under either law or any other law applicable in Nigeria shall be interpreted as limiting, inhibiting, or restricting the Exchange from converting and re-registering to a public company limited by shares and upon the conversion and re-registration of the Exchange from a company limited by guarantee to a public company limited by shares, all income, assets, property and liability of the Exchange held prior to the commencement of this Bill shall continue without any restriction, limitation, or inhibition whatsoever to be the income, assets, property and liabilities of the Exchange as a public company limited by shares.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 3: Tax obligation.

- (1) The Exchange and its members shall not have any obligation to pay tax which may arise in connection with and/or as a result of the conversion and re-registration of the Exchange to a public company limited by shares.
- (2) Upon the conversion and re-registration of the Exchange to a public company limited by shares, the Exchange may only be liable to pay tax on subsequent profits earned by the Exchange after such conversion and re-registration.
- (3) The members of the Exchange, upon the conversion and re-registration of The Exchange to a public company limited by shares, may only be liable to pay tax on dividends declared by The Exchange.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 4: Completion.

For the purposes of this Bill, conversion and re-registration shall be deemed to have been completed on the date that the Registrar General of the Commission issues a new certificate of incorporation to The Exchange as a public company limited by shares.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 5: Claims Review Panel.

- (1) The Exchange shall establish, for the purposes of this Bill, a Claims Review Panel which shall consist of -
 - (a) a Chairman, who shall be a lawyer with not less than 15 years of experience working in the Nigerian Capital Market; and
 - (b) 4 members who shall have not less than 10 years of experience working in the Nigerian Capital Market.

- (2) The appointment of the Chairman and the members of the Panel shall be made by the Council.
- (3) The Panel shall have the power to review and determine any assertion by any person to any rights in the shares of The Exchange, such assertion having been made anytime between the coming into force of this Bill and 6 years after conversion of The Exchange from a company limited by guarantee to a public company limited by shares.
- (4) The Panel shall have power to adopt any rules or procedures for its proceedings provided that at all times such rules or procedures shall comply with the principles of fair hearing as enshrined in the Constitution.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 6: Procedure.

- (1) Where a person is of the view that he is entitled to any shares in The Exchange, such a person shall inform the Council of such entitlement through a letter setting out the number of shares to which he believes he is entitled and provide such documentary evidence as may be sufficient to establish his right to the shares claimed.
- (2) The Council shall within 30 days of receipt of a letter, notify the Claimant of the Council's decision as to whether the Claimant has any rights to shares in The Exchange.
- (3) A Claimant may, within 14 days after receiving notification of the decision of the Council on a claim, notify the Council of his intention to challenge the findings of the Council before the Panel.
- (4) Upon receipt of notice of a Claimant's intention to challenge the findings of the Council before the Panel, the Council shall within 14 days convene the Panel and shall provide the Chairman and each member of the Panel with all documents considered by the Council in making its finding on the assertion of the Claimant, including the minutes of the meeting of the Council at which the claim was considered.
- (5) For the purpose of exercising its powers under this Bill, the Panel shall be properly constituted by the Chairman and any 2 members of the Panel sitting together.
- (6) The Panel may, after the review of any claim, direct that the Claimant is -
 - (a) entitled to the number of shares claimed;
 - (b) entitled to a lesser number of the shares claimed; or
 - (c) not entitled to any shares in the Exchange.
- (7) No Claimant shall be entitled to resort to a law court unless such Claimant has had recourse to the remedies under the Claims Procedure as set out in this section.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 7: Miscellaneous.

The Registrar General, or such other person as is authorized by him is hereby empowered to convert and re-register The Exchange and to take all such actions which are expedient for the purpose of implementing the provisions of this Bill, including but not limited to the registration of any amendments to the Memorandum and Articles of Association of The Exchange and the registration of the statement of authorized share capital, the return on allotment of shares and any resolution of The Exchange.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 8: Interpretation.

In this Bill, unless the context otherwise requires -

"Claimant" means any person claiming an interest in any shares of The Exchange;

"Commission" means the Corporate Affairs Commission established under the Companies and Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 (as Amended);

"Council" means the National Council of the Exchange;

"Council Member" means the directors of The Exchange, who by virtue of the Memorandum and articles of Association of The Exchange, are referred to as the Members of the Council;

"Member" means a member of The Exchange immediately before the conversion and re-registration of The Exchange from a company limited by guarantee to a company limited by shares;

"Panel" means the Claims Review Panel established under Section 5 of this Bill;

"President of The Exchange" means the President of the National Council of The Nigerian Stock Exchange or the Chairperson of the Board of Directors of the Nigerian Stock Exchange;

"Registrar General" means the Registrar General of the Corporate Affairs Commission;

"Re-registration" or "re-register" refers to the process culminating in the registration of The Exchange as a public company limited by shares by the Corporate Affairs Commission;

"Secretary of the Exchange" means the Secretary of The Nigerian Stock Exchange;

"Securities and Exchange Commission" means the Securities and Exchange Commission established under the Investments and Securities Act, Cap I24, Laws of the Federation of Nigeria, 2004;

"The Exchange" means the Nigerian Stock Exchange Limited by Guarantee; and

"Tax" means Companies Income Tax, Withholding Tax, Value Added Tax, Capital Gains Tax, Stamp Duties, and such other tax as may be imposed under Nigerian law.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

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

Clause 9: Short Title.

This Bill may be cited as the Demutualization of the Nigerian Stock Exchange Bill, 2017.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Mustapha Bukar — Katsina North*) — *Agreed to.*

Question that Clause 9 do stand part of the 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 Capital Market on a Bill for an Act to Facilitate the Development of Nigeria's Capital Market by Enabling the Conversion and Re-registration of the Nigerian Stock Exchange from a Company Limited by Guarantee to a Public Company Limited by Shares and for Related Matters, 2017 and approved as follows:

Clauses 1- 9 — 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.

21. Committee on Capital Market:

Report on the need to determine the status of Unclaimed ₦90b Dividends in Securities for Nigerian Investors.

Motion made: That the Senate do consider the Report of the Committee on Capital Market on the need to determine the status of Unclaimed ₦90b Dividends in Securities for Nigerian Investors (*Senator Mustapha Bukar — Katsina North*).

Report presented.

Question put and agreed to.

Debate:

By the leave of the Senate, Report referred to the Committee for further financial recommendations on the Unclaimed ₦90b Dividends in Securities for Nigerian Investors.

22. Joint Committee on Land Transport; Marine Transport; and Aviation:
Report on the National Transport Commission Bill, 2017 (SB. 242):

Consideration of Report deferred to another Legislative Day.

23. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 16th January, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:43 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.