



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 18th January, 2018

1. The Senate met at 10:41 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 17th January, 2018.
Question was put and the Votes and Proceedings were approved as amended.
3. **Privileges of the Floor:**
Motion made: That the Senate do invoke Rule 17(1)(e) and (k) to admit the Governor of Anambra State and his entourage; Honourable Members of the House of Representatives to the Floor for the purpose of witnessing the Oaths-taking of Senator-Elect Victor Chukwunonyelum Umeh (*Senate Leader*).
Question put and agreed to.
Governor of Anambra State and his entourage; Honourable Members accordingly admitted.
4. **Oaths:**
Senator-Elect, Victor Chukwunonyelum Umeh (*Anambra Central*) took and subscribed to Oaths of Allegiance and Membership as required by law.
5. **Message from Mr. President:**
The Senate President announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

FCT Appropriation Act 2017 (Amendment) Bill, 2018:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

16th January, 2018

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**FEDERAL CAPITAL TERRITORY APPROPRIATION
ACT, 2017 (AMENDMENT) BILL, 2018**

By Executive Correspondence dated July 20, 2017, I forwarded the Federal Capital Territory Appropriation Bill, 2017, to the National Assembly for consideration.

The Bill as passed was communicated to me on December 22, 2017. I assented to same on December 29, 2017. Accordingly, the Act had only three days of operation from 29th to 31st December, 2017. Unless the Act is amended to extend the implementation beyond December 31, 2017 as therein contained, the operations of the Federal Capital Territory will be hampered.

I therefore forward herewith the Bill to extend the implementation of the F.C.T. Appropriation Act to March 31, 2018 or such other time as the 2018 F.C.T Appropriation would come in effect, whichever is earlier.

Please accept, Mr. Senate President the assurances of my highest consideration.

*Yours Sincerely,
(Signed)*

Muhammadu Buhari

6. Announcements:

(a) Conference Committee:

The Senate President named the following Senators as Conferees on Constitutional Review Bills:

(i)	Senator Ike Ekweremadu	—	Chairman
(ii)	Senator Ahmad I. Lawan	—	Member
(iii)	Senator Enyinnaya H. Abaribe	—	Member
(iv)	Senator Bala Ibn Na'Allah	—	Member
(v)	Senator Dino Melaye	—	Member
(vi)	Senator Magnus N. Abe	—	Member
(vii)	Senator Biodun C. Olujimi	—	Member

(b) Acknowledgment:

The Senate President acknowledged the presence of Staff and Students of Al-Mohass International School, Gwagwalada, Abuja who were at the gallery to observe Senate Proceedings.

7. Petitions:

- (a) Rising on Rule 41, Senator Aidoko A. Ali (*Kogi East*) drew the attention of the Senate to a petition from Tanzila Petroleum Company Limited, against Petroleum Product Pricing Regulatory Agency (PPPRA), over delay in payment of subsidy. 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.

- (b) Rising on Rule 41, Senator Samuel O. Egwu (*Ebonyi North*) drew the attention of the Senate to a petition from his constituent, O. J. Omoke (NDA/10532), against the Nigerian Defence Academy, over unlawful withdrawal from the Academy. 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.

- (c) Rising on Rule 41, Senator Donald O. Alasoadura (*Ondo Central*) drew the attention of the Senate to a petition from his constituent, Lot Samuel Akintoye, against the United Bank for Africa (UBA) Plc, over his wrongful dismissal. 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.

8. Motion:

Rescission of Senate Resolution (S/Res/150/03/18).

That the Senate do rescind its Resolution of Wednesday, 17th January, 2018 on the suspension of Plenary Sitting on Wednesday, 24th and Thursday, 25th January, 2018 to hold Security Summit on the security situation in the country; and

That the Senate do approve two (2) weeks extension to enable the Committee fix an appropriate date for the Security Summit within the period [Rules 53(6)].

Question put and agreed to.

Resolved:

That the Senate do rescind its Resolution of Wednesday, 17th January, 2018 on an suspend Plenary Sitting on Wednesday, 24th and Thursday, 25th January, 2018 to hold Security Summit on the security situation in the country; and

That the Senate do approve two (2) weeks extension to enable the Committee fix the appropriate date for the Security Summit within the period [Rules 53(6)](S/Res/152/03/18).

9. Committee on Women Affairs and Social Development:

Report on the Nigeria's Participation at the 61st Session of the Commission on the Status of Women (UN-CSW-61):

Motion made: That the Senate do receive the Report of the Committee on Women Affairs and Social Development on Nigeria's Participation at the 61st Session of the Commission on the Status of Women (UN-CSW-61) held at the United Nation Headquarters, New York, 13th - 24th March, 2017 (*Senator Binta Masi Garba — Adamawa North*).

Question put and agreed to.

Report Laid.

10. Committee on Tertiary Institutions and TETFUND:

Report on the Modalities of Establishing Federal Polytechnics, Federal Colleges of Education and Universities across Nigeria:

Motion made: That the Senate do receive the Report of the Committee on Tertiary Institutions and TETFUND on the Modalities of Establishing Federal Polytechnics, Federal Colleges of Education and Universities across Nigeria (*Senator Barau I. Jibrin — Kano North*).

Question put and agreed to.

Report Laid.

11. National Road Funds (Establishment, etc.) Bill, 2018 (HB. 49 & 163) - Concurrence:

Motion made: That a Bill for an Act to Establish the National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters, 2018 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 National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters, 2018 (*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 NATIONAL ROADS FUND FOR THE PURPOSE OF FINANCING ROUTINE AND PERIODIC MAINTENANCE OF NATIONAL ROADS AND FOR OTHER RELATED MATTERS, 2018.

Consideration of Report deferred for further Legislative Action by the Committee on Works.

Chairman to report progress.

(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 National Roads Fund for the Purpose of Financing Routine and Periodic Maintenance of National Roads and for Other Related Matters, 2018 and deferred further consideration of the Bill for further legislative action by the Committee on Works.

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

12. Stamp Duties Act (Amendment) Bill, 2017 (HB. 889) - Concurrence:

Motion made: That a Bill for an Act to Establish the Stamp Duties Act (Amendment) Bill, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Finance to report within one (1) week.

13. Conference Committee:

Report on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2018 (SB. 88):

Motion made: That the Senate do adopt the Conference Committee Report on the Environmental Managers Registration Council of Nigeria (Establishment, etc.) Bill, 2018 (*Senator Bareehu O. Ashafa — Lagos East*).

Report presented.

Question put and agreed to.

Report accordingly adopted.

(Deputy Senate President in Chair)

14. **Committee on Trade and Investment:**
Report on the Oil and Gas Export Free Zone Act CAP D5 LFN 2011 (Amendment) Bill 2018 (SB.06):

Consideration of Report deferred to another Legislative Day.

15. **Committee on Judiciary, Human Rights and Legal Matters:**
Report on the Revised Edition (Laws of the Federation of Nigeria) Bill, 2018 (SB. 391):
Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Revised Edition (Laws of the Federation of Nigeria) Bill, 2018 (*Senator Babajide C. Omoworare — Osun East*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE PERIODIC REVISION OF THE LAWS OF THE FEDERATION OF NIGERIA AND FOR RELATED MATTERS.

Clause 1: Power of the Commission to Periodically Revise Laws of the Federation of Nigeria.

The Nigerian Law Reform Commission shall, at the expiration of a period of 10 years after the last revision of the Laws of the Federation of Nigeria cause a revision exercise of the Laws of the Federation of Nigeria or any part thereof, in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

Clause 2: Contents of the Revised Edition, etc.

(1) Subject to the provisions of this section and Section 3 of this Bill, the revised edition shall contain:

(a) all Federal enactments in force on the appointed day, and all subsidiary instruments made thereunder and in force on the appointed day;

(b) all Federal enactments which have been enacted or promulgated but not yet brought into operation on the appointed day and all subsidiary instruments made thereunder; and

(c) a table of contents, a chronological table of enactments and an index.

(2) The Commission may in its discretion retain, as if it were part of a Federal enactment, any portion of any enactment which is included in the revised edition, if, in its opinion, such portion (in this Bill referred to as "the State Law") cannot conveniently be omitted from the revised edition or if, in its opinion, the retention of such portion would be of utility to the Government of any State, notwithstanding that such portion of the enactment does not have effect as a Federal enactment.

- (3) The Commission shall, in the preparation of the revised edition, take no account of any earlier revised edition of the Laws of the Federation including the revised edition prepared under the Revised Edition, Laws of the Federation Act, 1990 but the Committee Commission shall proceed as if no such edition had ever been prepared.
- (4) The Commission may cause a different form of printing to be used including any electronic or digital form, so far as it is practicable, in respect of those enactments included in the revised edition which in its opinion are:
 - (a) Federal enactments;
 - (b) State laws.
- (5) Nothing in this Bill shall empower the Commission to make any alteration or amendment in the matter or in the substance of any Federal enactment, without the approval of the National Assembly.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

Clause 3: Power of the Attorney-General of the Federation to Authorize Omission of Certain Enactments.

- (1) The Attorney-General of the Federation may by Order specify a Schedule of enactments which it shall not be necessary for the Committee to include in the revised edition upon the grounds that such enactments are:
 - (a) obsolescent;
 - (b) of a temporary nature;
 - (c) under revision with a view to replacement; or
 - (d) of restricted or personal application.
- (2) Enactments, omitted in accordance with Subsection (1) of this section, shall have the same force and validity as if they had not been omitted in the revised edition.

Committee's Recommendation:

Leave out the provision in Clause 3 (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

Clause 4: Powers of the Commission.

In the preparation of the revised edition, the Commission shall have the powers set out in the Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

Clause 5: Validity and Operation of the Revised Edition.

- (1) The revised edition when brought into force in accordance with Section 6 of this Bill, shall be and be taken by all courts and for all purposes whatsoever to be the authentic edition of Federal enactments enacted on or before the appointed day.
- (2) Nothing in this section shall be construed to imply the validity of any enactment included in the revised edition where such enactment is inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Babajide C. Omoworare — Osun East*) — Agreed to.

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

Clause 6: Bringing into Force of the Revised Edition.

- (1) Each volume of the revised edition shall be submitted to the National Assembly for its consideration and approval by a Simple Majority of each House and the Revised Edition of the Laws of the Federation of Nigeria shall come into force.
- (2) When the revised edition has been printed and bound, the Attorney-General shall cause it to be published in the Federal Gazette within Thirty (30) days.
- (3) One copy of each volume of the revised edition shall be dated and signed by the Chairman and members of the Commission and shall be sealed with the public seal of the Federation and the copy shall be transmitted to the Chief Justice of Nigeria who shall deposit the same among the records of the Supreme Court of Nigeria.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Babajide C. Omoworare — Osun East*) — Agreed to.

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

Clause 7: Expenses.

The Accountant-General of the Federation shall, upon warrant addressed to him by the Minister of Finance, make payment of all expenses for and incidental to the preparation, printing and publication of the revised edition.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Babajide C. Omoworare — Osun East*) — Agreed to.

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

Clause 8: Act to be reprinted as introduction to the revised edition.

This Act or any Order for the appointment of the Committee shall be reprinted as an introduction to any of the revised edition of the Laws of the Federation of Nigeria.

Committee's Recommendation:

Leave out the provision in Clause 8 (*Senator Babajide C. Omoworare — Osun East*) — Agreed to.

Clause 9: Repeal, etc.

- (1) The Revised Edition (Laws of the Federation of Nigeria) Act, 1990 is repealed.
- (2) The repeal of the enactment referred to in Subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

Clause 10: Interpretation.

In this Act, unless the context otherwise requires:

"appointed day" means 31st day of December, 2004 for the Laws of the Federation of Nigeria, 2004 and in respect of subsequent revisions any day as the Attorney-General of the Federation may appoint by Order published in the Federal Gazette;

"Commission" means the Nigerian Law Reform Commission;

"enactment" means any provision of an Act and includes any subsidiary instrument made under such Act;

"Federal enactment" means:

- (a) any enactment which is or has effect as if it were a law enacted by any Federal legislature in Nigeria with respect to any matter within its competence; and
- (b) any Decree promulgated by any previous Military Government with respect to any matter whatsoever;

"the revised edition" means the revised edition of Federal enactments to be prepared under the authority of this Act;

"subsidiary instrument" means any order, rules, regulations, notices, rules of court or bye-laws;

"State" means a State as provided under Section 318 of the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

Clause 11: Citation.

This Bill may be cited as the Revised Edition (Laws of the Federation of Nigeria) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Babajide C. Omoworare — Osun East*) — *Agreed to.*

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

SCHEDULE

Section 4

Powers of the Commission

1. The Commission shall have power to:
 - (a) omit all enactments which have:
 - (i) been expressly and specifically repealed;
 - (ii) expired or have become spent; or
 - (iii) had their full effect.
 - (b) omit all repealing enactments contained in Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (c) omit all preambles to Acts where such omissions can, in the opinion of the Commission, conveniently be made;
 - (d) omit all enacting clauses;
 - (e) omit all enactments prescribing the date when an Act or part of an Act is to come into operation, where such omission can, in the opinion of the Commission, conveniently be made;
 - (f) omit all amending enactments or parts thereof where the amendments effected thereby have been embodied by the Commission in the Act to which they relate;
 - (g) alter the order of any section of any enactment, and in all cases, where it may appear to be necessary to re-number any section;
 - (h) alter the form or arrangement of any section of any enactment by transferring words, by combining any such section in whole or in part with another section or other sections or by dividing it into two or more subsections;
 - (i) divide enactments whether consolidated or not, into Parts or Divisions;
 - (j) transfer any provision contained in an enactment from the enactment to any other enactment to which the Commission considers that it more properly belongs;
 - (k) arrange the enactments, whether consolidated or not, in any sequence or group that may be convenient;
 - (l) supply or alter marginal notes;
 - (m) supply or alter tables of contents;
 - (n) correct cross-references;
 - (o) correct grammatical and typographical errors in any enactment and for that purpose make verbal additions, omissions or alterations not affecting the meaning of any enactment;
 - (p) do all things relating to form and method which appear to the Commission necessary for the perfecting of the revised edition.

Question that the Provision of the Schedule 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 Judiciary, Human Rights and Legal Matters on the Revised Edition (Laws of the Federation of Nigeria) Bill, 2018 and approved as follows:

Clauses 1- 11 — 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.

**16. Joint Committee on Land Transport; Marine Transport; and Aviation:
Report on the National Transport Commission Bill, 2018 (SB. 242):**

Consideration of Report deferred to another Legislative Day.

**17. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Arbitration and Conciliation Act CAP A18 LFN 2004 (Repeal and Re-enactment) Bill,
2018 (SB. 427):**

Consideration of Report deferred to another Legislative Day.

**18. Committee on Judiciary, Human Rights and Legal Matters:
Report on the Emergency Powers (Repeal and Re-enactment) Bill, 2018 (SB. 182):**

Consideration of Report deferred to another Legislative Day.

19. Adjournment:

Motion made: That the Senate do now adjourn till Tuesday, 23rd January, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:36 p.m.

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