



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 25 January, 2018

1. The House met at 11.12 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 24 January, 2018.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcement**

Bereavement:

(a) Mr Speaker read the following communications from:

- (i) Hon. Rita Orji (*Ajeromi/Ifelodun Federal Constituency*), announcing the demise of Hon. Bolarinwa James (*Ajeromi/Ifelodun Federal Constituency 1999 – 2003*), which occurred on Sunday, 7 January, 2018; and
- (ii) Hon. Ibrahim Abdullahi Dutse (*Dutse/Kiyawa Federal Constituency*), informing the House of the death of Dahiru Mustapha, a former Chief Justice of Nigeria, which occurred on Monday, 22 January, 2018 at the age of 76.

The House observed a minute silence in honour of the deceased.

- (b) **Conference Committee on a Bill for an Act to Establish the Nigeria Maritime University, Okerenkoko, Delta State and for Other Related Matters (HB. 1032), 2018:**

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

- | | | | |
|-----|---------------------------|---|-----------------|
| (1) | Hon. Ossai Nicholas Ossai | — | <i>Chairman</i> |
| (2) | Hon. Mojeed Alabi | — | <i>Member</i> |
| (3) | Hon. Muhammed Musa Soba | — | <i>Member</i> |
| (4) | Hon. Dennis Agbo | — | <i>Member</i> |
| (5) | Hon. Ibrahim Baba | — | <i>Member</i> |
| (6) | Hon. Salihu Shadafi | — | <i>Member</i> |

- (c) **Conference Committee on a Bill for an Act to Further Amend the Electoral Act, No. 6 of 2010; and for Matters Connected Therewith (HB. 165, HB. 174, HB. 220, HB. 429, HB. 468, HB. 484, HB. 809 and HB. 966):**

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

- | | | | |
|-----|---------------------------|---|-----------------|
| (1) | Hon. Pawajok Edward Gyang | — | <i>Chairman</i> |
|-----|---------------------------|---|-----------------|

(2)	Hon. Mohammed Soba	—	Member
(3)	Hon. Ajayi Adeyinka	—	Member
(4)	Hon. Mohammed Tahir Monguno	—	Member
(5)	Hon. Bassey Eko Ewa	—	Member
(6)	Hon. Onyenwufe Gabriel	—	Member

4. Petitions

- (i) A petition from Mustapha Yunusa and 89 others, on the alleged non-payment of their salaries by the Federal Medical Centre Birnin Kudu, Jigawa State, was presented and laid by Hon. Magaji Da'u Aliyu (*Birnin Kudu/Buji Federal Constituency*);
- (ii) A petition from Adedipe & Adedipe (Legal Practitioners), on behalf of Ariwabai Aruera Reachout Foundation and 1 other, on the demolition of their buildings by the Federal Capital Development Authority (FCDA), was presented and laid by Hon. Brown Randolph Iwo Oruene (*Degema/Bonny Federal Constituency*); and
- (iii) A petition from Rehoboth Solicitors, on behalf of Simput Eagles Dafup and 1 other, on the alleged illegal arrest by the Department of State Security (DSS), Jos, was presented and laid by Hon. Golu Timothy (*Paskshin/Kanke/Kanam Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

5. Matter of Urgent Public Importance (Standing Order Eight, Rule 4)

Call for an Investigation into Data Collection Processes, Maintenance and Usage at the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC):

Hon. Obinna Chidoka (*Idemili North/Idemili South Federal Constituency*) introduced the matter and prayed the House to:

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

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

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

Call for an Investigation into Data Collection Processes, Maintenance and Usage at the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC):

The House:

Aware that paragraph 32 (b) Part 1 of the Third schedule to the 1999 Constitution (as amended), empowers the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) to “review from time to time the revenue allocation formulae in operation to ensure conformity with changing realities”;

Also aware that RMAFC is charged with the collection and maintenance of the integrity of data used for the computation of indices for horizontal revenue sharing in the case of the Federation Account, and both vertical and horizontal revenue sharing in respect of the 13% Derivation funds;

Notes that in 2012, RMAFC undertook review of the 2006 Horizontal and Vertical Allocation Sharing Formulae which led to collection and verification of data from the States and Local Government Areas to aid computation of the indices;

Also notes that after the 2012 review, RMAFC is expected to have engaged itself on the above stated operation after five (5) years to address the issue of conformity with changing realities;

Observed that the inability to perform this internal rules of the Commission to conduct data collection exercise required for the review of revenue allocation formulae is failure of functions of RMAFC and it is contrary to the expectations and requirements as mandated by the Act establishing RMAFC;

Also observed that contrary to the internal rules of the commission, RMAFC has failed and/or neglected to undertake this major administrative/operational function which in no distant time will generate widespread complaints and agitation across the 36 States and 774 Local Government Areas of the country involved with the sharing of allocation;

Concerned that RMAFC's failure to undertake the review of the 2012 Horizontal and Vertical Allocation Sharing Formulae after (5) years of ever-changing realities which its Act stipulates to address is not supporting good governance, especially as regards to revenue allocation;

Determined to ensure integrity in the RMAFC mandate and data collection, verification and maintenance and usage processes to assuage any unforeseen agitation and ill feelings across the 36 States and FCT and 774 Local Government Areas:

Resolves to:

Set up an *Ad-hoc* Committee to undertake an investigative hearing on the data collection, processes, verification, maintenance and usage at the RMAFC and report back within four (4) weeks for further legislative action (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Debate.

Agreed to.

The House:

Aware that paragraph 32 (b) Part 1 of the Third schedule to the 1999 Constitution (as amended), empowers the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) to "review from time to time the revenue allocation formulae in operation to ensure conformity with changing realities";

Also aware that RMAFC is charged with the collection and maintenance of the integrity of data used for the computation of indices for horizontal revenue sharing in the case of the Federation Account, and both vertical and horizontal revenue sharing in respect of the 13% Derivation funds;

Noted that in 2012, RMAFC undertook review of the 2006 Horizontal and Vertical Allocation Sharing Formulae which led to collection and verification of data from the States and Local Government Areas to aid computation of the indices;

Also noted that after the 2012 review, RMAFC is expected to have engaged itself on the above state of operation after five (5) years to address the issue of conformity with changing realities;

Observed that the inability to perform this internal rules of the Commission to conduct data collection exercise required for the review of revenue allocation formulae is failure of functions of RMAFC and it is contrary to the expectations and requirements as mandated by the Act establishing RMAFC;

Also observed that contrary to the internal rules of the commission, RMAFC has failed and/or neglected to undertake this major administrative/operational function which in no distant time will generate widespread complaints and agitation across the 36 States and 774 Local Government Areas of the country involved with the sharing of allocation;

Concerned that RMAFC's failure to undertake the review of the 2012 Horizontal and Vertical Allocation Sharing Formulae after (5) years of ever-changing realities which its Act stipulates to address is not supporting good governance, especially as regards to revenue allocation;

Determined to ensure integrity in the RMAFC mandate and data collection, verification and maintenance and usage processes to assuage any unforeseen agitation and ill feelings across the 36 States and FCT and 774 Local Government Areas:

Resolved to:

Set up an *Ad-hoc* Committee to undertake an investigative hearing on the data collection, processes, verification, maintenance and usage at the RMAFC and report back within four (4) weeks for further legislative action (**HR. 12/2018**).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Federal University of Agriculture, Kabba (Establishment, etc.) Bill, 2018 (HB. 1259).
- (2) Federal Colleges of Education Act (Amendment) Bill, 2018 (HB. 1260).
- (3) Terrorism (Prevention) Act, 2018 (HB. 1296).
- (4) National Center for Child Development (Establishment) Bill, 2018 (HB.1297).
- (5) National Emergency Management Agency Act (Repeal and Re-Enactment) Bill, 2018 (HB. 1298).
- (6) Federal Polytechnic, Ile-Oluji (Establishment) Bill, 2018 (HB.1299).
- (7) National Alternative Dispute Resolution Regulatory Commission Bill, 2018 (HB. 1300).
- (8) Maritime Academy of Nigeria Act (Amendment) Bill, 2018 (HB. 1301).
- (9) Central Bank Act (Amendment) Bill, 2018 (HB. 1302).
- (10) Federal University of Technology, Auchi (Establishment) Bill, 2018 (HB. 1303).
- (11) Federal College of Education (Technical), Onna (Establishment) Bill, 2018 (HB. 1304).
- (12) Pension Reform Act (Amendment) Bill, 2018 (HB. 1305).
- (13) Donkey Export and Killing (Prohibition) Bill, 2018 (HB. 1306).

7. A Bill for an Act to Amend the Federal Capital Territory Appropriation Act, 2017 in Order to Extend the Implementation Period of the Federal Capital Territory Appropriation Act, 2017 from 31 December, 2017 to 31 March, 2018 or until the coming into Force of the 2018 Appropriation Act, whichever occurs earlier; and for Related Matters (HB. 1294) — *Third Reading*

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Capital Territory Appropriation Act, 2017 in Order to Extend the Implementation Period of the Federal Capital Territory Appropriation Act, 2017 from 31 December, 2017 to 31 March, 2018 or until the coming into Force of the 2018 Appropriation Act, whichever occurs earlier; and for Related Matters (HB. 1294) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Munguno/Marte/Nganzai Federal Constituency*).

Question Agreed to.

Bill read the Third Time and passed.

8. **A Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Related Matters (HB. 477, HB. 878 and HB. 1053) — Third Reading**
Motion made and Question proposed, "That a Bill for an Act to Provide for the Governance and Institutional Framework for the Petroleum Industry and for Related Matters (HB. 477, HB. 878 and HB. 1053) be now read the Third Time" (*Hon. Mohammed Tahir Monguno — Munguno/Marte/Nganzai Federal Constituency*).

Question Agreed to.

Bill read the Third Time and passed.

9. **A Bill for an Act to Amend the Nigerian Research Institutes Act, Cap. N132, Laws of the Federation of Nigeria, 2004 to include the Establishment of the Shea Butter Research Institute; and for Related Matters (HB. 1271) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Research Institutes Act, Cap. N132, Laws of the Federation of Nigeria, 2004 to include the Establishment of the Shea Butter Research Institute; and for Related Matters (HB. 1271) be now read a Second Time" (*Hon. Abubakar Amuda-Kannike Garba — Ilorin East/Ilorin South Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Agricultural Colleges and Institutions.

10. **A Bill for an Act to Amend the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004 and the Police Regulations, 1968 respectively to prevent continued infraction of Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) by the requirement of Female Police Officers to request prior permission of their Commissioners of Police before undertaking Marriage; and for Related Matters (HB. 1233) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Police Act, Cap. P19, Laws of the Federation of Nigeria, 2004 and the Police Regulations, 1968 respectively to prevent continued infraction of Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) by the requirement of Female Police Officers to request prior permission of their Commissioners of Police before undertaking Marriage; and for Related Matters (HB. 1233) be now read a Second Time" (*Hon. Bassey Eko Ewa — Yakurr/Abi Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Police Affairs.

11. **A Bill for an Act to Amend the Nigerian Children Trust Fund Act, Cap. N93, Laws of the Federation of Nigeria, 2004 to harmonize the Functions of the Nigerian Children Trust Fund; and for Related Matters (HB. 1273) — Second Reading**
Motion made and Question proposed, "That a Bill for an Act to Amend the Nigerian Children Trust Fund Act, Cap. N93, Laws of the Federation of Nigeria, 2004 to harmonize the Functions of the Nigerian Children Trust Fund; and for Related Matters (HB. 1273) be now read a Second Time" (*Hon. Francis Charles Uduyok — Ikot Abasi/Mkpat Enin/Eastern Obolo Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Women Affairs .

12. **Amendment of the Standing Orders of the House of Representatives, Pursuant to Order Nineteen, Rule 7 to create a new Standing Committee**
Motion made and Question proposed;

The House:

Notes the spate of violence and other security challenges in Nigeria, ranging from kidnaping to armed robbery and deadly attacks by suspected herdsmen, etc.;

Also notes that apart from the economic losses, there are other consequences of these crises ranging from people, losing their homes, children missing out education as well as continuously contributing to ever increasing number of refugees in IDP camps with its own attendant challenges;

Further notes that the Nigerian Security Agencies have not been proactive enough to curtail or address the challenges;

Aware of the incessant ethno-religious, communal, boundary and other crisis bedeviling our country suggesting that the country stands to gain up to \$1.0 billion annually in total macroeconomic progress in a scenario of peace between farmers and pastoralists in Benue, Kaduna, Nasarawa and Plateau States alone;

Also aware of the grave economic losses associated with the Niger-Delta crisis as well as the psychopathic killings by cultist in Lagos, Edo, Kogi and other parts of the country, including the on-going kidnaping in the country;

Concerned that no country can attain meaningful development when it is constantly faced by crisis and conflicts which discourage investments;

Further aware that previous Resolutions of the House on the matter have not been complied with by the relevant Ministries, Departments and Agencies of Government;

Cognizant of our responsibility as an arm of Government to ensure the security of Nigerians as encapsulated by Section 13 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);

Desirous of the need to take proactive steps to prevent further conflicts with the attendant loss of lives and destruction of properties;

Resolves to:

Create a new Standing Committee thus:

- (i) There shall be a Committee to be known as Committee on Conflict Detection, Engagement and Resolution, consisting of not more than 15 members constituted at the commencement of the life of the House.
- (ii) The Committee's jurisdiction shall cover:
 - (a) engaging warring parties in conflict situations to achieve amicable settlement;

- (b) alerting Security Agencies on the likelihood of a conflict arising in any community in Nigeria;
- (c) liaising with relevant Committees of the House on Conflict Management;
- (d) Oversight of all matters relating to Peace and Conflict Resolution;
- (e) oversight of the Institute of Peace and Conflict Resolution;
- (f) annual budget estimates (*Hon. Sulaimon Lasun Yussuff — Irepodun/Olorunda/Osogbo/Orolu Federal Constituency*).

Agreed to.

13. **Incessant Attacks at Demsa/Lamurde/Numan Federal Constituency of Adamawa State by Unknown Gunmen**
Motion made and Question proposed;

The House:

Notes that on Sunday, 20 January, 2018, unknown gunmen attacked Kikan village in Numan Local Government Area of Demsa/Lamurde/Numan Federal constituency of Adamawa State killing 4 persons and destroying property and farmlands worth millions of Naira;

Aware that those attacks have continued sporadically despite the presence of Security personnel in the communities;

Concerned that the people of those communities have been rendered homeless, and are without food and clothing, and desirous of putting an end to those unwarranted attacks in order to restore harmony in those communities;

Resolves to:

- (i) observe a minute silence in honour of those who lost their lives in the attack;
- (ii) urge the Inspector-General of Police to beef up security in those communities to stem the tide of attacks;
- (iii) also urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected communities to ameliorate their sufferings; and
- (iv) mandate the Committee on Emergency and Disaster Preparedness to ensure implementation (*Hon. Talatu Yohanna — Demsa/Numan/Lamurde Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that on Sunday, 20 January, 2018, unknown gunmen attacked Kikan village in Numan Local Government Area of Demsa/Lamurde/Numan Federal constituency of Adamawa State killing 4 persons and destroying property and farmlands worth millions of Naira;

Aware that those attacks have continued sporadically despite the presence of Security personnel in the communities;

Concerned that the people of those communities have been rendered homeless, and are without food and clothing, and desirous of putting an end to those unwarranted attacks in order to restore harmony in those communities;

Resolved to:

- (i) observe a minute silence in honour of those who lost their lives in the attack;
- (ii) urge the Inspector-General of Police to beef up security in those communities to stem the tide of attacks;
- (iii) also urge the National Emergency Management Agency (NEMA) to provide relief materials to the affected communities to ameliorate their sufferings; and
- (iv) mandate the Committee on Emergency and Disaster Preparedness to ensure implementation (HR. 13/2018).

The House observed a minute silence in honour of the deceased.

14. Need to Renovate the Obafemi Awolowo Stadium, Ibadan, Ahmadu Bello Stadium, Kaduna and National Stadium, Abuja

Motion made and Question proposed;

The House:

Notes that the Obafemi Awolowo Stadium, Ibadan, Ahmadu Bello Stadium, Kaduna and National Stadium, Abuja were constructed at different times in 1958, 1964 and 2004 respectively to promote sporting activities and are among the major Stadia in Nigeria;

Also notes that those three Stadia were built with various capacities according to the needs and the exigencies of the period they were constructed and while the Obafemi Awolowo Stadium was constructed by the then Western Regional Government in 1958 with a seating capacity of 20,000, Ahmadu Bello Stadium was constructed by the Government of the then Northern Region in 1964 with a seating capacity of 22,000 and the National Stadium, Abuja was constructed by the Federal Government in 2003 with 60,000 seating capacity, covering the main bowl for football as well as Velodrome for professional cycling and other complimentary facilities;

Further notes that Obafemi Awolowo Stadium and Ahmadu Bello Stadium were renovated in 1995 during the aborted FIFA Youth Championship and during the 2009 Under 17 Junior Football World Cup;

Aware that after the completion of the National Stadium, Abuja in 2003, M/S Julius Berger Plc. was engaged for the maintenance of Package A, while M/S Bouygues Limited was engaged for the maintenance of Package B, but due to lack of funds, the maintenance contracts could neither be sustained nor extended beyond one year, hence, the National Stadium Complex (Packages A and B) has not undergone any major renovation/rehabilitation, thereby leaving the facilities in both packages at various stages of dilapidation;

Informed that the dilapidated condition of those Stadia is adversely affecting every facet of sporting activities in the country, little wonder that our athletes have been performing poorly in various international sporting events as they have not won tangible medals in major events like the Olympics, Commonwealth Games, Regional and even Sub-regional tournaments in the recent time;

Resolves to:

- (i) call on the Federal Government to urgently consider the renovation of the Stadia through enhanced budgetary allocations bearing in mind the role Sports could play in curbing youth restiveness, terrorism, kidnapping and a host of other vices dominating the social sphere of Nigeria today;
- (ii) also urge the Federal Government to consider setting up of a maintenance team that will ensure that the various facilities and other state of the art; and
- (iii) mandate the Committee on Sports to ensure implementation (*Hon. Goni Bukar Lawan — Bursari/Geidam/Yunusari Federal Constituency*).

Amendments Proposed:

- (i) *Insert a new Prayer (iv) as follows:*
“Call on the Federal Government to consider a Public Private Partnership Management Agreement for all Government owned stadia which will generate income for the Federal Government and ensure the maintenance of the facility to international standard” (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Question that the amendment be made — Agreed to.

- (ii) In the heading of the Motion, immediately after the word “Abuja”, insert the following words “National Stadium, Surulere, Lagos State” (*Hon. Oghene Emma — Amuwo Odofin Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Obafemi Awolowo Stadium, Ibadan, Ahmadu Bello Stadium, Kaduna, National Stadium, Abuja, and National Stadium Surulere, Lagos, were constructed at different times in 1958, 1964 and 2004 respectively to promote sporting activities and are among the major Stadia in Nigeria.

Also notes that those three Stadia were built with various capacities according to the needs and the exigencies of the period they were constructed and while the Obafemi Awolowo Stadium was constructed by the then Western Regional Government in 1958 with a seating capacity of 20,000, Ahmadu Bello Stadium was constructed by the Government of the then Northern Region in 1964 with a seating capacity of 22,000 and the National Stadium, Abuja was constructed by the Federal Government in 2003 with 60,000 seating capacity, covering the main bowl for football as well as Velodrome for professional cycling and other complimentary facilities;

Further notes that Obafemi Awolowo Stadium and Ahmadu Bello Stadium were renovated in 1995 during the aborted FIFA Youth Championship and during the 2009 Under 17 Junior Football World Cup;

Aware that after the completion of the National Stadium, Abuja in 2003, M/S Julius Berger Plc. was engaged for the maintenance of Package A, while M/S Bouygues Limited was engaged for the maintenance of Package B, but due to lack of funds, the maintenance contracts could neither be sustained nor extended beyond one year, hence, the National Stadium Complex (Packages A and B) has not undergone any major renovation/rehabilitation, thereby leaving the facilities in both packages at various stages of dilapidation;

Informed that the dilapidated condition of those Stadia is adversely affecting every facet of sporting activities in the country, little wonder that our athletes have been performing poorly in various international sporting events as they have not won tangible medals in major events like the Olympics, Commonwealth Games, Regional and even Sub-regional tournaments in the recent time;

Resolves to:

- (i) call on the Federal Government to urgently consider the renovation of the Stadia through enhanced budgetary allocations bearing in mind the role Sports could play in curbing youth restiveness, terrorism, kidnapping and a host of other vices dominating the social sphere of Nigeria today;
- (ii) also urge the Federal Government to consider setting up of a maintenance team that will ensure that the various facilities and other state of the art;
- (iii) mandate the Committee on Sports to ensure implementation; and
- (iv) Call on the Federal Government to consider a Public Private Partnership Management Agreement for all Government owned stadia which will generate income for the Federal Government and ensure the maintenance of the facility to international standard (HR. 14/2018).

Motion referred to the Committee on Sports, pursuant to Order Eight, Rule 9 (5).

15. Need to Investigate the Huge Debts Owed Indigenous Companies by International Oil and Gas Companies (IOCS)

Motion made and Question proposed;

The House:

Notes that several Indigenous Companies that had rendered services, executed contracts and/or supplied items to International Oil and Gas Companies (IOCs) operating in the country are being owed huge sums of money by those IOC's, as a result of which those Companies are going through difficult times;

Aware of the Nigerian Oil and Gas Industry Content Development Act, Cap. N124A, Laws of the Federation of Nigeria, 2004 which, among other things, provides for the development of Nigerian content, as well as supervision, co-ordination, monitoring and implementation of Nigerian content in the Oil and Gas industry in the country;

Also aware that those contracts, which run into millions of Naira or Dollars and can span over short or long durations, are very significant to and serve as the life wire to several of those companies and the main source of livelihood for the contractors;

Cognizant of the urgent need to save those indigenous firms and contractors from likely bankruptcy and liquidation by reason of the huge debts being owed them, a development that would lead to job losses with the attendant hardship it will bring in its wake;

Resolves to:

Mandate the Committee on Local Content to investigate the huge debts being owed local companies and indigenous contractors by International Oil and Gas Companies with a view to ensuring that such debts are paid promptly, and report back within four (4) weeks for further legislative action (Hon. Chinda Kingsley — Obio/Akpor Federal Constituency).

Debate.

Amendment Proposed:

In the prayer, line 1, *leave out* the words "Mandate the Committee on Local Content" and *insert* the words: "Set up an Ad-hoc Committee" (Hon. Mohammed Gololo — Gamawa Federal Constituency).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that several Indigenous Companies that had rendered services, executed contracts and/or supplied items to International Oil and Gas Companies (IOCs) operating in the country are being owed huge sums of money by those IOC's, as a result of which those Companies are going through difficult times;

Aware of the Nigerian Oil and Gas Industry Content Development Act, Cap. N124A, Laws of the Federation of Nigeria, 2004 which, among other things, provides for the development of Nigerian content, as well as supervision, co-ordination, monitoring and implementation of Nigerian content in the Oil and Gas industry in the country;

Also aware that those contracts, which run into millions of Naira or Dollars and can span over short or long durations, are very significant to and serve as the life wire to several of those companies and the main source of livelihood for the contractors;

Cognizant of the urgent need to save those indigenous firms and contractors from likely bankruptcy and liquidation by reason of the huge debts being owed them, a development that would lead to job losses with the attendant hardship it will bring in its wake;

Resolved to:

Set up an Ad-hoc Committee to investigate the huge debts being owed local companies and indigenous contractors by International Oil and Gas Companies with a view to ensuring that such debts are paid promptly, and report back within four (4) weeks for further legislative action (HR. 15/2018).

16. Need to Investigate the Award of \$195m Contract by the Federal Ministry of Transportation and the Nigerian Maritime Administration and Safety Agency (NIMASA) for Coastal Maritime Security

Motion made and Question proposed;

The House:

Notes that the Federal Ministry of Transportation and Nigerian Maritime Administration and Safety Agency (NIMASA) recently awarded a contract for security of the nation's coastal waters to a foreign firm, MESSR HSLI SECURITY LIMITED for a sum of \$195 million dollars;

Also notes that the Nigerian Maritime Administration and Safety Agency (NIMASA) is mandated by law to ensure Merchant Maritime Security in Nigeria's coastal waters;

Further notes that sometime in 2013, a similar arrangement was outsourced to an indigenous company amid outcries that the Nigerian Maritime Administration and Safety Agency (NIMASA) has the capacity to execute its mandate without its being ceded to a third party;

Aware that the present Administration terminated the contract while reaffirming the capacity of the Nigerian Maritime Administration and Safety Agency (NIMASA) to carry out its statutory mandate;

Concerned that the award of contract for the security of the nation's coastal waters to a foreign firm amounts to outsourcing of the security of the country;

Resolves to:

Mandate the Committee on Maritime Safety, Education and Administration to investigate the matter and report back within six (6) weeks for further legislative action (*Hon. Diri Douye — Yenagoa/Kolokuma/Opokuma Federal Constituency*).

Debate.

Motion withdrawn by leave of the House.

17. Need to Ascertain the State of Nigeria's Rail Transport System
Motion made and Question proposed;

The House:

Notes that the importance of an efficient rail system is unquantifiable to an economy, as it would provide the means for movement of people and goods and keep off the roads many of those heavy duty vehicles causing havoc on the roads;

Also notes that at independence in 1960, Nigeria inherited about 3,000kms of rail tracks from the British colonialists, but had only succeeded in adding less than a thousand rail tracks since then;

Aware that in its bid to revive the sub-sector, the Military Government of Late General Sani Abacha awarded a \$500 million contract to China Civil Engineering Construction Corporation (CCECC) to modernize the Lagos-Kano rail line;

Also aware that despite the loss the country incurred following the failure of CCECC to execute the contract, the Administration of President Olusegun Obasanjo re-awarded the contract to the company for the sum of \$8.5 billion;

Informed that mid-way into its execution, the Administration of late President Umaru Musa Yar'Adua split the Lagos-Kano railway rehabilitation into two, awarding the 488km Lagos-Jebba rail track to CCECC for \$81.3 million and the longer 827kms Jebba-Kano axis to Conslan West Africa at the same cost, while also signing a \$180 million contract with General Electric for the manufacture of twenty five (25) locomotives;

Further aware that the Administration of former President Goodluck Ebele Jonathan had approved the construction of the Lagos-Ibadan standard gauge rail double track with double formation under addendum No. 2, second segment of the modernization of Lagos-Kano railway project to China Civil Engineering Construction Corporation for \$1,487,782,196.00 aside the over ₦104,000,000,000 in budgetary allocations to the Nigeria Railway Corporation (NRC) during the same period;

Also informed that former President Jonathan also conveyed a change in the scope of work for the design and construction of Abuja Rail Project (Lots 1 and 3) from the initial work plan of 60.67km to 45.245km and awarded it at the cost of \$823,545.87;

Cognizant of the fact that President Muhammadu Buhari had, in April 2017, sought the approval of the National Assembly for the Federal Government to secure a loan from the China Exim Bank for the modernization of the Kano-Kaduna segment for \$1.46 billion;

Also cognizant that a contract agreement worth \$11.117 billion for the construction of the Lagos-Calabar coastal railway line has been concluded and awarded by the present Government to China Civil Engineering Construction Corporation (CCECC) to cover Port-Harcourt, Calabar, Uyo and Aba;

Concerned that in spite of the several billions of Naira expended by successive administrations for the revitalization of railway transportation, the sector has largely remained comatose;

Desirous of making the railway transport system a means of boosting job creation opportunities and reduction of accidents, as well as wear and tear on national roads network and also block all leakages that have occasioned previous disbursements of funds without commensurate results;

Resolves to:

Constitute an *Ad-hoc* Committee to carry out a holistic and thorough investigation to ascertain the state of the railway transport system, level of contracts awarded and their execution for the modernization of railway projects across the country from 2007 till date and report back within six (6) weeks for further legislative action (*Hon. Segun Alexander Adekola — Ekiti Southwest/Ikere/Ise/Oron Federal Constituency*).

Debate.

Amendment proposed:

In the Prayer, *leave out* the words “Constitute an *Ad-hoc* Committee” and *insert* the words “Committee on Land Transport” (*Hon. Mohammed Gololo — Gamawa Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the importance of an efficient rail system is unquantifiable to an economy, as it would provide the means for movement of people and goods and keep off the roads many of those heavy duty vehicles causing havoc on the roads;

Also noted that at independence in 1960, Nigeria inherited about 3,000kms of rail tracks from the British colonialists, but had only succeeded in adding less than a thousand rail tracks since then;

Aware that in its bid to revive the sub-sector, the Military Government of Late General Sani Abacha awarded a \$500 million contract to China Civil Engineering Construction Corporation (CCECC) to modernize the Lagos-Kano rail line;

Also aware that despite the loss the country incurred following the failure of CCECC to execute the contract, the Administration of President Olusegun Obasanjo re-awarded the contract to the company for the sum of \$8.5 billion;

Informed that mid-way into its execution, the Administration of late President Umaru Musa Yar'Adua split the Lagos-Kano railway rehabilitation into two, awarding the 488km Lagos-Jebba rail track to CCECC for \$81.3 million and the longer 827kms Jebba-Kano axis to Conslan West Africa at the same cost, while also signing a \$180 million contract with General Electric for the manufacture of twenty five (25) locomotives;

Further aware that the Administration of former President Goodluck Ebele Jonathan had approved the construction of the Lagos-Ibadan standard gauge rail double track with double formation under addendum No. 2, second segment of the modernization of Lagos-Kano railway project to China Civil Engineering Construction Corporation for \$1,487,782,196.00 aside the over ₦104,000,000,000 in budgetary allocations to the Nigeria Railway Corporation (NRC) during the same period;

Also informed that former President Jonathan also conveyed a change in the scope of work for the design and construction of Abuja Rail Project (Lots 1 and 3) from the initial work plan of 60.67km to 45.245km and awarded it at the cost of \$823,545.87;

Cognizant of the fact that President Muhammadu Buhari had, in April 2017, sought the approval of the National Assembly for the Federal Government to secure a loan from the China Exim Bank for the modernization of the Kano-Kaduna segment for \$1.46 billion;

Also cognizant that a contract agreement worth \$11.117 billion for the construction of the Lagos-Calabar coastal railway line has been concluded and awarded by the present Government to China Civil Engineering Construction Corporation (CCECC) to cover Port-Harcourt, Calabar, Uyo and Aba;

Concerned that in spite of the several billions of Naira expended by successive administrations for the revitalization of railway transportation, the sector has largely remained comatose;

Desiroused of making the railway transport system a means of boosting job creation opportunities and reduction of accidents, as well as wear and tear on national roads network and also block all leakages that have occasioned previous disbursements of funds without commensurate results;

Resolved to:

Committee on Land Transport, to carry out a holistic and thorough investigation to ascertain the state of the railway transport system, level of contracts awarded and their execution for the modernization of railway projects across the country from 2007 till date and report back within six (6) weeks for further legislative action (HR. 16/2018).

18. Need to Decongest Nigerian Prisons to Promote the Fundamental Rights of Inmates, International Standards and Best Practices

Order read; deferred by leave of the House.

19. Consideration of Reports

- (i) *A Bill for an Act to Amend the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004 to Provide for Competition in Nigeria, to Promote Efficiency and Expand Opportunities for Nigerian's Participation in World Markets while at the same time recognizing the Role of Foreign Competition in Nigeria; and to Related Matters (HB168) (Committee of the Whole):*

Motion made and Question proposed, "That the House do consider the Report on a Bill for an Act to Amend the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004 to Provide for Competition in Nigeria, to Promote Efficiency and Expand Opportunities for Nigerian's Participation in World Markets while at the same time recognizing the Role of Foreign Competition in Nigeria; and to Related Matters (HB168) and approve the recommendations therein" (Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE NATIONAL BROADCASTING COMMISSION ACT, CAP. N11, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR COMPETITION IN NIGERIA TO PROMOTE EFFICIENCY AND EXPAND OPPORTUNITIES FOR NIGERIAN PARTICIPATION IN WORLD MARKETS WHILE AT THE SAME TIME RECOGNIZING THE ROLE OF FOREIGN COMPETITION IN NIGERIA AND RELATED MATTERS THERETO (HB. 168)

- Clause 1: Amendment of Cap. N11, LFN, 2004.**
The National Broadcasting Commission Act (in this Act referred to as "the principal Act") is hereby amended as set out hereunder (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

- Clause 2: Amendment of Section 2 of the Principal Act.**
Section 2 subsections (1) of the Principal Act is hereby amended by inserting new paragraphs (u) and (v) as follows:

- (u) maintaining and promoting fair and efficient market conduct and effective competition in the broadcast industry in Nigeria or, in the absence of a competitive market, to prevent the misuse of monopoly or market power or anti-competitive and unfair practises by broadcasters or licenses or facilities providers or equipment suppliers in the broadcast industry;
- (v) developing codes of practice relating to content acquisition, sharing of content rights for rebroadcasting and technical standards for media industry, and monitor compliance with such codes (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

- Clause 3: Insertion of New Section.**
The Principal Act hereby amended by inserting new section 13A as follows:

"13A. Competition, Monopoly and Wholesale Offer.

- (1) The Commission shall within 90 days of the coming into force of this amendment, by publication in the National Broadcasting Code, issue one or more codes of practice and standards of performance for all or any of the following purposes:
 - (a) to maintain fair market conduct and competition in any media industry in Nigeria;
 - (b) to safeguard the public generally;
 - (c) to provide guidance in relation to the operation of any provision of this Part;
 - (d) for the regulation of activities and conduct in the media industry, and for matters connected therewith;
 - (e) generally for carrying out the purposes and provisions of this Part and for the due administration thereof.
- (2) The code of practice may, in particular specify the duties and obligations of any person, corporate entity or broadcaster in relation to its business operations in any media industry; and provide for such fees or charges as may be payable to the Commission in relation to any application or request made to it.
- (3) The Commission may, at any time, by publication in the National Broadcasting Code, add to, vary or revoke any code of practice.

- (4) A licensee shall immediately after the coming into force of this Amendment be prohibited from entering into any form of agreement contract concerted practices or take any decision which have as their object and intendment the prevention restriction or distortion of competition in or in any part of the broadcast media industry in Nigeria; and for this purpose no broadcaster or licensee shall enter into any form of broadcasting rights acquisition either in Nigeria or anywhere in the world to acquire any broadcasting right(s) in such a manner as to exclude persons broadcasters or licensee in Nigeria from acquiring same.
- (5) Any agreement or a decision which is prohibited by subsection 4 is void.
- (6) The Commission may from time to time publish guidelines or regulations which clarify the meaning of "agreement, decisions or concerted practices, which have as their object or intendment the prevention, restriction or distortion of competition" in the Nigerian broadcast industry and such guidelines or regulations may include but shall not be limited to references to:
 - (a) the relevant economic market;
 - (b) global trends in the relevant market;
 - (c) the impact of the conduct on the number of competitors in a market and their market shares;
 - (d) the impact of the conduct on barriers to entry into the market;
 - (e) the impact of the conduct on the range of services in the market;
 - (f) the impact of the conduct on the cost and profit structures in the market; and
 - (g) any other matters which the Commission is satisfied are relevant.
- (7) The Commission shall in a code of practice, publish guidelines and regulations which regulate the conduct of persons, corporate entities, affiliated companies, subsidiaries and/or Broadcaster(s) if the Commission concludes that the prior or proposed action(s) of the foregoing:
 - (a) is likely or shall cause substantial restraint of competition or tend to create monopoly in any line of business enterprise;
 - (b) the use of such shares by voting or granting proxies or otherwise shall not cause substantial restraint of competition or tend to create monopoly in any line of business enterprise.

- (8) The Commission shall publish guidelines and regulations which clarify how it shall apply the test of "dominant position" to persons, corporate entities, affiliated companies and/or licensees; and the guidelines and regulations in subsection (6) of this section may specify the matters which the Commission may take into account, including but not limited to:
- (a) the relevant economic market;
 - (b) global technology and commercial trends affecting market power;
 - (c) the market share of the licensee;
 - (d) the licensee's power to make independent rate setting decisions;
 - (e) the degree of product or service differentiation and sales promotion in the market; and
 - (f) any other matter which the commission is satisfied is relevant.
- (9) The Commission shall have the power to direct a licensee or broadcaster in a dominant position in the broadcast industry to cease a conduct in that market which has or may have the effect of substantially preventing, restricting and/or distorting competition in the broadcast industry and to implement appropriate penalties and/or remedies.
- (10) The Commission shall in a code of practice, prohibit any conduct on the part of one or more persons, corporate entities, affiliated companies, subsidiaries and/or Broadcaster(s) which amounts to the abuse of a dominant position in, or in any part of, the broadcast media industry in Nigeria if in its discretion, it may or would adversely hinder the maintenance and preservation of competition in any media industry in Nigeria.
- (11) A person, licensee and/or broadcaster is in a dominant position when, in the opinion of the Commission, that Broadcaster is able to act without significant competitive restraint from its competitors.
- (12) For the purposes of this section, the Commission shall have the obligation, in a code of practice, to specify the Broadcaster(s) whom it considers to have a dominant or non-dominant position in, or in any part of, any media industry in Nigeria.
- (13) For the purpose of ensuring the widest possible distribution and viewership of content considered critical to the success and sustainability of new entrants in the Pay TV industry in Nigeria, the Commission shall ensure access by all Pay TV platforms to premium content in the Sports and News genre to generate effective competition at the wholesale level for such genres.

- (14) In furtherance thereof, a Broadcaster, Owner and/or Exclusive licensee ("Licensee") shall offer the Sports and News programme and/or channels to other broadcasters for retail to residential and commercial subscribers in Nigeria on the following terms:
- (a) upon reasonable request in writing;
 - (b) within a reasonable time;
 - (c) on a non-exclusive basis;
 - (d) on fair and reasonable terms;
 - (e) without any undue discrimination; and
 - (f) in accordance with the requirements of this section and any direction issued by the Commission.
- (15) In determining the charges offered for supply under this section, consideration should be had to the actual cost of acquisition of the Sports and News programme and/or channels by the Owner or Exclusive Licensee ("Stipulated Prices") and the retailing thereof to each potential subscriber. In no event shall the charges exceed the Stipulated Prices thereof.
- (16) The Licensee shall provide the Broadcaster with standard terms and conditions under which offers shall be made further to this section, which shall include at least the following:
- (a) charges which do not exceed the Stipulated Prices;
 - (b) the Minimum Qualifying Criteria for potential purchasers;
 - (c) terms of payment and billing procedures;
 - (d) the duration of agreements and notice periods.
- (17) The Licensee shall comply with any direction or request for information issued by the Commission for the purpose of ensuring, monitoring or investigating compliance with this section.
- (18) In the event that a Broadcaster accepts an offer made pursuant to section, the Licensee shall use its best endeavours to enable that the Broadcaster commence retailing of the programme or channel as soon as practicable possible.
- (19) In the event of a dispute as to the Stipulated Prices, the Commission shall have the right to conduct a review of the Stipulated Prices further to a complaint by any of the parties thereof give directives, which shall be binding on all parties, within 21 days of being notified of such dispute.
- (20) The Commission shall also have the power to compel any licensee or broadcaster in the broadcast industry to license its broadcast and/or signal rights in any genre of programming to another licensee or broadcaster in Nigeria if the following circumstances are present:

- (a) if the genre of programme(s) enjoys compelling viewership by 50% of Nigerians or more;
 - (b) it relates to a product or service that is objectively necessary to be able to compete effectively on a downstream market;
 - (c) it is likely to lead to the elimination of effective competition on the downstream market; and
 - (d) the refusal is likely to lead to consumer deprivation.
- (21) The Commission in invoking its powers under subsection (20) of this section will make an assessment whether competitors can create an alternative source of efficient supply, which would be capable to be disposed in the downstream market.
- (22) The power of the Commission to compel compliance herein shall be binding on all persons, corporate entities, affiliated companies and/or broadcaster(s) irrespective of contracts executed with right owners to the contrary.
- (23) The Commission shall conduct an investigation if there are reasonable grounds for suspecting that any provision of this Part or of any code of practice has been infringed or upon the petition of a broadcaster or concerned person.
- (24) Where, following an investigation conducted under this section, the Commission considers that any provision of this Part or of any code of practice has been infringed and the Commission proposes to make a direction thereto, the Commission shall:
- (a) give written notice to the persons or corporate entities likely to be affected by such directions
 - (b) give such persons or entities an opportunity to make representatives to the Commission
- (25) without prejudice to the generality of the foregoing provision, if the Commission is satisfied that any person is infringing, likely to infringe or has infringed any provision of this Part or of any code of practice, the Commission may, in writing take one or more of the following actions:
- (a) direct one or more persons, corporate entities, affiliated companies, subsidiaries and/or broadcaster(s) to comply with that provision or cease infringing that provision;
 - (b) specify any procedure or action to be observed or taken by that person;
 - (c) impose such other direction or restriction as the Commission considers appropriate;
 - (d) require that person to modify to terminate any agreement, decision or concerted practice;

- (e) require that person to modify or cease any conduct in question; and
 - (f) provided that if the infringement related to any act or deed to overtly, purposely and/or covertly prevent or restrict any other person corporate entity, or broadcaster from entering into the media market or from obtaining a broadcasting right thereby preventing competition in Nigeria, any licensee, broadcaster or person found culpable upon investigation shall be liable to a fine not below the sum ₦10,000,000 (Ten Million Naira) in addition or apart from any requirement under Section 25 thereof
- (26) This Part shall apply to all person, corporate entities affiliated companies, subsidiaries and/or broadcaster whether resident in Nigeria or not; provided they are engaged in broadcasting in Nigeria or the owners/exclusive licensees of channels and/or programmes to be or being broadcast in Nigeria or the operators technical or other services for broadcast in Nigeria” (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Clause 4: Definition Section.

For the purposes of this section:

“Minimum Qualifying Criteria” means the minimum requirements that must be satisfied by a potential purchaser requesting supply under this section, which may include requirements relating to: (a) bank Guarantee; (b) technical standards for retail provision of content; (c) technical standards for securing wholesale supply of content; and (d) encryption and security” (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Clause 5: Citation.

This Bill may be cited as the National Broadcasting Commission Act (Amendment) Bill, 2018 (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

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

Explanatory Notes:

This Bill seeks to encourage competition in the Nigeria broadcasting industry in order to expand opportunities for Nigerian participation in world markets while at the same time recognizing the role of foreign competition in Nigeria thereby providing consumers with competitive prices and product choices (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004 to Provide for Competition in Nigeria to Promote Efficiency and Expand Opportunities for Nigerian Participation in World Markets While at the Same Time Recognizing the Role of Foreign Competition in Nigeria and Related Matters Thereto (HB. 168) (*Hon. Odebunmi Olusegun Dokun — Ogo-Oluwa/Surulere Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report a Bill for an Act to Amend the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004 to Provide for Competition in Nigeria, to Promote Efficiency and Expand Opportunities for Nigerian's Participation in World Markets while at the same time recognizing the Role of Foreign Competition in Nigeria; and to Related Matters (HB168) and approved Clauses 1- 5, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(ii) Committee on Science and Technology:

Motion made and Question proposed. "That the House do consider the Report of the Committee on Science and Technology on a Bill for an Act to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation of Nigeria, 2004 to provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority for the Promotion and Development of Renewable and Other Alternative Energy; and for Related Matters (HB. 72 and HB. 612) and approve the recommendations therein" (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE ENERGY COMMISSION OF NIGERIA ACT.
CAP. E10, LAWS OF THE FEDERATION, 2004 TO PROVIDE FOR THE ESTABLISHMENT
OF RENEWABLE AND ALTERNATIVE ENERGY DEVELOPMENT AND UTILIZATION FUND,
GRANT PRIORITY TO THE PROMOTION AND DEVELOPMENT OF RENEWABLE AND
OTHER ALTERNATIVE ENERGY; AND RELATED MATTERS (HB. 72 AND HB. 612)

Committee Recommendation:

Clause 1: Establishment of the Energy Commission of Nigeria.

- (1) There is hereby established a body to be known as Energy Commission of Nigeria (in this Bill referred to as "the Commission") which shall have the functions specified in this Bill.
- (2) The Commission shall consist of the Following departments, that is —
 - (a) Energy Information System (including Library and Computer Services);
 - (b) Energy Policy, planning and analysis;
 - (c) Energy Training and manpower development;
 - (d) Human Resources and management (HRM)

- (e) Finance and Account;
- (f) Energy Efficiency and Conservation Planning and Analysis;
- (g) Renewable Energy;
- (h) Fossil Fuels;
- (i) Nuclear Science and Technology;
- (j) Monitoring and Evaluation;
- (k) Procurement;
- (l) Legal and Enforcement;
- (m) Maintenance and Transport;
- (n) Special duties Linkages and consultancy
- (o) Linkages and Consultancy
- (p) such other department as may be approved by the Commission on the recommendation of the Director-General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 2: Membership of the Commission.

The Commission shall consist of the President, as chairman, and in the absence of the President, such other person as may be designated by him in that behalf to act as chairman and the following other members, that is —

- (a) the Ministers charged with responsibility for the following matters that, is —
 - (i) power,
 - (ii) mines and steel development,
 - (iii) petroleum resources,
 - (iv) science and technology,
 - (v) defence,
 - (vi) agriculture and rural development,
 - (vii) water resources,
 - (viii) foreign affairs,
 - (ix) finance,
 - (x) environment,
 - (xi) national planning;

- (b) the Director-General of the Commission who shall be the Secretary of the Commission (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 3: Membership of the Technical Advisory Committee.

- (1) There shall be established a technical arm of the Commission to be known as the Technical Advisory Committee which shall consist of the Director-General of the Commission as chairman.
- (2) The other members shall be professionals representing the following Ministries, Government Agencies or professional Organizations, that is to say —
- (a) petroleum resources;
 - (b) power
 - (c) science and technology;
 - (d) agriculture and rural development;
 - (e) water resources;
 - (f) finance;
 - (g) defence;
 - (h) industry, trade and investments;
 - (i) education;
 - (j) communication;
 - (k) environment;
 - (l) Solar Energy Society of Nigeria;
 - (m) Nigerian Mining and Geosciences Society;
 - (n) Centres for Energy Research and Development at the Ahmadu Bello University, Zaria; Obafemi Awolowo University, Ile-Ife; Usmanu Danfodio University, Sokoto, University of Nigeria, Nsukka; University of Benin, Benin City, University of Lagos, Lagos, University of Ilorin, Ilorin; Abubakar Tafawa Balewa University, Bauchi; and any new energy centres that may be established from time to time;
 - (o) Nigerian Society of Engineers;
 - (p) Nigerian Mining Corporation;
 - (q) Nigerian Coal Corporation;
 - (r) National Electric Power Authority;

- (s) Nigerian National Petroleum Corporation;
 - (t) National Planning Commission;
 - (u) Nigerian Electricity Regulatory Commission;
 - (v) Nigerian Atomic Energy Commission;
 - (w) Nigerian Nuclear Regulatory Authority;
 - (x) Nigerian Bar Association;
 - (y) Manufacturers Association of Nigeria;
 - (z) Nigerian Economic Summit Group;
 - (aa) transport;
 - (bb) housing;
 - (cc) mine and steel development;
 - (dd) One representative each, from the electricity Generation, Distribution and Transmission companies;
 - (ee) One representative from refinery operators;
 - (ff) Gas Aggregation Company of Nigeria;
 - (gg) Independent Petroleum Marketers Association of Nigeria;
 - (hh) Council for the Regulation of Engineering in Nigeria (COREN);
 - (ii) Standard Organization of Nigeria (SON);
 - (jj) Representative of Oil Producers Sector;
 - (kk) Nigerian Electricity Management Services Agency;
 - (ll) Nigerian Environmental Society;
 - (mm) Council of Mining Engineers and Geosciences; and
 - (nn) Budget and National Planning.
- (3) The Committee may co-opt, when necessary, any suitable Nigerian whose contribution may be needed by the Committee (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 4: 4. Proceedings of the Commission.

- (1) The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

- (2) The Commission shall meet at least two times in every year for the due performance of its functions under this Bill.
- (3) Two-third ($\frac{2}{3}$) of the members shall form a quorum at any meeting of the Commission.
- (4) Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of a member except that he shall not be entitled to vote (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 5: Functions of the Commission.

Subject to this Bill, the Commission is hereby charged with the responsibility for the strategic planning and co-ordination of national policies in the field of energy in all its ramifications and serve as the National Focal Point for Renewable Energy, Energy Efficiency and Conservation:

- (1) without prejudice to the generality of the foregoing, the Commission shall —
 - (a) serve as a centre for gathering and dissemination of information relating to national policy in the field of energy development;
 - (b) serve as a centre for solving any inter-related technical problems that may arise in the implementation of any policy relating to the field of energy;
 - (c) advise the Government of the Federation or a State on questions relating to such aspects of energy as the Government of the Federation or a State may, from time to time, refer to it;
 - (d) prepare, after consultation with such agencies of government whose functions relate to the field of energy development or supply as the Commission considers appropriate, periodic master plans for the balanced and coordinated development of energy in Nigeria and such plans shall include —
 - (i) recommendations for the exploitation of new sources of energy as and when considered necessary; and
 - (ii) such other recommendations to the Government of the Federation relating to its functions under this Bill as the Commission may consider to be in the national interest;
 - (e) lay down guidelines on the utilisation of energy types for specific purposes and in a prescribed sequence;
 - (f) inquire into and advise the Government of the Federation or of the State on the adequate funding of the energy sector including research and development, production and distribution;

- (g) collate, analyse and publish information relating to the field of energy from all sources, where such information is relevant to the discharge of its functions under this Bill;
 - (h) monitor the performance of the energy sector in the execution of government policies on energy;
 - (i) liaise with all international organisations in energy matters such as the International Atomic Energy Agency, World Energy Conference and other similar organisations;
 - (j) promote training and manpower development in the energy sector; and
 - (k) carry out such other activities as are conducive to the discharge of its functions under this Bill.
 - (l) charge such sums as is reasonable for the building of Solar Energy facilities in any community or state that requested;
 - (m) promote and encourage the manufacturers of solar energy equipment and systems;
 - (n) gather and disseminate information relating to the technology, supply, demand, and National Policies, Programmes in the field of solar energy and to link such activities with the National Energy Bank of the Commission;
 - (o) advice the Government of either the Federal or State as to grants and other financial disbursements;
 - (p) recommend and advise relevant stakeholders on the curricular of educational institutions on the efficient use of new sources of renewable energy, including programme for its mainstreaming;
 - (q) recommend for exemption from custom duties and levies such equipment and machinery necessary for the sources of renewable energy;
 - (r) promote the manufacturing of local components to facilitate the rapid growth of solar energy; and
 - (s) promote plans for tramp and supporting local experts in the field of renewable energy.
- (2) Without prejudice to the functions of the Commission specified under section 5 of this Bill, the Commission shall grant priority to new and renewable energy, energy efficiency and conservation, in order to —
- (a) facilitate a sustainable energy supply in the federation;
 - (b) reduce the social costs of energy supply to the national economy;
 - (c) promote further development of technologies for the production of final energies from renewable energy sources;

- (d) contribute to the increase in the percentage of renewable energy sources to a reasonable level
 - (e) develop and promote energy efficiency and conservation best practices
 - (f) to develop a nation-wide renewable energy infrastructure for the attainment of energy security in Nigeria;
 - (g) promote indigenous research and development by Nigeria research and tertiary institutions in the field of renewable energy;
 - (h) encourage communities to develop their own renewable energy infrastructure;
 - (i) work with relevant security agencies to ensure adequate security for all renewable energy infrastructure
- (3) In addition to the foregoing priority directed to be accorded to renewable energy, energy efficiency and conservation, the Commission shall:
- (a) work out modalities for development and promotion of standards and codes for energy efficient equipment and appliances;
 - (b) develop and formulate ways and means of providing incentives and other encouragement to individuals and bodies corporate engaged in the development of new and renewable energy sources;
 - (c) develop and promote standards for biofuels and other renewable energy products;
 - (d) commit to research, development and diffusion of new and renewable energy technologies as well as Energy Efficiency and Conservation best practices and policies.
- (4) Pursuant to the provisions set out in this Bill and especially Sections 5(1), 5(2) and (3), the Commission shall —
- (a) receive from all Ministries, Departments and Agencies in the Energy Sector, Annual report on their implementation of energy policies, plans and strategies produced under this Bill;
 - (b) monitor the Ministries, Departments and Agencies' implementation of energy policies, plans and strategies to ensure compliance;
 - (c) the Ministries, Departments and Agencies shall release relevant energy related data necessary for the monitoring, co-ordination and implementation of national strategies and policies in the energy sector to the Commission on demand;
 - (d) promote Mini-Grids from renewable energy sources; and
 - (e) develop guidelines and promote biofuels development (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 6: Commission to Act Under Direction.**

- (1) The President may give to the Commission directions of a general or special nature as to the manner in which the Commission is to exercise its powers and it shall be the duty of the Commission to give effect to any such directions.
- (2) No policy initiated by the Commission shall be implemented without prior reference to and approval by the President (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 7: Director-General and other staff of the Commission.**

- (1) There shall be appointed by the President, a Director-General who shall be responsible for the day-to-day running of the affairs of the Commission.
- (2) The other staff of the Commission shall be officers in the public service of the Federation:
 - (a) be the Chief Executive Officer of the Commission;
 - (b) organize and manage the affairs of the Commission;
 - (c) enforce the provisions of this Bill, and in particular, direct the activities of the professionals, officers, and staff of the commission;
 - (d) exercise disciplinary control over the officers and staff of the Commission; and
 - (e) manage the funds allocated to the Commission from time to time in accordance with the provisions of this Bill or any other law, financial regulation or rule in force in the Federal Republic of Nigeria;
 - (f) be paid such salaries allowances as may be specified in his letter of appointment;
 - (g) be free to manage the affairs and operations of the Commission as he thinks fit in accordance with the provisions of this Bill, and in this regard other members of the management of the Commission shall not interfere with his methods or with the manner in which he deploys the material and human resources of the Commission in order to obtain results; and
 - (h) resign his office by writing under his hand addressed to the president, Commander in-chief of the Federal Republic of Nigeria (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 8: Funds of the Commission, etc.**

- (1) The funds of the Commission shall consist of such sums as may, from time to time, be provided by the Federal Government and the State Governments.

- (2) There shall be maintained by the Commission accounts into which there shall be paid and credited:
- (a) annual subvention received from the Government of the Federation which shall not be less than 0.5% of Federation Account;
 - (b) such money as may, from time to time, deposited with or granted to the Commission by the Government of the Federation or of a State;
 - (c) grants from international agencies involved in the development of energy resources;
 - (d) all other sums which may, from time to time, accrue to the Commission.
- (3) The Commission shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall submit same from time to time, but not less frequently than annually, for auditing by the Auditor-General for the Federation.
- (4) The Commission may, from time to time, apply the funds in the account at its disposal —
- (i) the REEECF shall be utilized for the development of new and renewable energy, energy efficiency and conservation;
 - (ii) the Commission shall encourage communities to develop their own alternative energy capacity by providing matching grant to any community that desires to build a communitywide renewable energy source up to a maximum of ₦5,000,000:00 (Five Million Naira) subject to review every three years;
 - (iii) in order to ensure a national spread in its effort to increase that nation's alternative energy capacity, the Commission shall fund at least one renewable energy project with a capacity to generate at a minimum of 50KVA electricity in each of the 360 Federal Constituencies.
- (5) The Commission may, from time to time, apply the funds in the account at its disposal —
- (a) Appropriation —
 - (i) to the cost of the administration of the Commission and for the purpose of any activity carried on thereof,
 - (ii) to the payment of remunerations, allowances, benefits and expenses of members of the Commission and Technical Advisory Committee or of any Committee set up by the Commission,
 - (iii) to the payment of the salaries, allowances and benefits of the officers and servants of the Commission,
 - (iv) for the procurement and or maintenance of any property vested in the Commission or under its administration,

- (v) for and in connection with all or any of the functions of the Commission under this Bill”;
- (b) the fund shall be utilized for the development of new and renewable energy, energy efficiency and conservation, and
- (c) the modalities for the utilization of REEECF shall be worked out and administered by the Commission.
- (d) the Commission shall encourage communities to develop their own alternative energy capacity by:
 - (i) providing matching grant to any community that desires to build a communitywide renewable energy source up to a maximum of ₦5,000,000:00 (Five Million Naira) subject to review every three years
 - (ii) providing incentives to each individual home that desires to build an alternative energy source up to a maximum to be determined by the Commission and subject to review every three years.
- (6) In order to ensure a national spread in its effort to increase that nation's alternative energy capacity —
 - (a) the Commission shall develop a trade-in system where commercial and domestic consumers of electricity can trade-in their generators and receive incentives which must be applied to installing renewable energy and energy efficient devices in their businesses or homes
 - (b) the Commission shall prioritize residential areas and Small and Medium Scale enterprises in the distribution of assets for the provision of electric power through alternative energy sources (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Miscellaneous

Committee Recommendation:

Clause 9: Energy Performance Report.

- (1) The Commission shall submit to the President a sustainable Energy Performance Report every year, setting out progress made in the previous reporting period towards achieving the objectives of this Bill.
- (2) Upon the advice of the Commission, the Federal Government shall encourage State Governments or any other agencies to take steps to support the implementation of the Act.

Powers to make Subsidiary Legislation.

- (3) Subject to the provision of the constitution of the Federal Republic of Nigeria, the Federal Government through the Commission shall have powers to make rules, regulations and guidelines for carrying out the provisions of the Act.

- (4) The application of other laws relating to the field of energy are not barred by the Act, save for the constitution of the Federal Republic of Nigeria, this Bill shall prevail.

Authority to accept gifts, grants, land and equipment.

- (5) The Commission may accept gifts, grants, land, equipment or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (6) The Commission shall not accept any gift if the term or condition attached by the person or organization making the gift is inconsistent with the functions of the Commission under this Bill.

Annual Estimates Account and Audit.

- (7) The Director-General shall cause to be prepared not later than the last day of October in each financial year an estimate of the expenditure and income of the Commission during the next succeeding year and when prepared, they shall be submitted to the President for presentation to the National Assembly for approval.
- (8) The Director-General shall cause to be kept proper accounts of the Commission and proper records in relation thereto and when certified by the Commission, the accounts shall be audited by the auditors appointed by the Commission from the list and in accordance with the guidelines approved by the Auditor-General of the Federation.

Annual Report, etc.

- (9) The Director-General shall not later than three months before the end of each financial year, submit to the president the report on the activities and the administration of the Commission during the immediately preceding year, and shall include in such report audited accounts of the Commission and the auditor's report thereon.
- (10) Notwithstanding the provisions of sub-section (1) of this section, the Director-General shall, at the end of every three months, submit to the President the report on the activities and administration of the Commission" (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 10:

Penalties.

- (1) A breach of any provision of this Bill shall be an offence punishable upon conviction, where no specific penalty is prescribed therefore:
- (a) as a first offender, a fine not exceeding five hundred thousand naira or to imprisonment for a period not exceeding one year or both, such fine and imprisonment or
- (b) for subsequent convictions, to a fine not exceeding one million naira or to imprisonment for a period not exceeding three years or to both such fine and imprisonment
- (2) Any person who:

- (a) fails or refuses to furnish a return or to supply information in the manner and in time prescribed or furnishes false or incomplete information; or
- (b) willfully delays or obstructs an officer or police officer in the exercise of the powers or duties conferred or imposed on him or her under this Bill; or
- (c) refuses or fails, without reasonable cause, to give information to an officer or police officer when required to do so or gives false information;
- (d) commits an offence and is liable on conviction to a fine not exceeding five hundred thousand naira or exceeding one year or to both (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 11: Establishment of Energy Research Centres.

- (1) Without prejudice to the provisions of Section 5 of this Bill, there shall be established by the Commission, Centres of Excellence in Energy Research, Development and Extension services through public private partnership.
- (2) Subject to subsection (1) above, the establishment and existence of the following specialized Energy Research Centres of Excellence (herein after referred to as Centres) is by the provisions of this Bill guaranteed:
 - (a) Sokoto Energy Research Centre, Usmanu Dan Fodiyo University, Sokoto;
 - (b) National Centre for Energy Research and Development, University of Nigeria, Nsukka;
 - (c) National Centre for Energy and Environment, University of Benin, Benin City;
 - (d) National Centre for Energy Efficiency and Conservation, University of Lagos, Lagos;
 - (e) National Center for Hydropower Research and Development, University of Ilorin, Ilorin and
 - (f) National Centre for Petroleum Research and Development, Abubakar Tafawa Balewa University, Bauchi
- (3) Further to the discharge of its functions as provided by this Bill, the Commission shall establish such other Centres as it may deem necessary from time to time.
- (4) There shall be an Administrative Guideline governing the operation and the day to day running of the Research Centres which MUST be approved by the Commission.

"Fees" includes annual subscription (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Member" means a registered member of the Institute (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Practitioners" means Environmental Practitioners (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Tribunal" means Environmental Practitioners' Discipline Tribunal (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Register" means register of members; and (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Registrar" means Chief Executive of the Institute (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

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

Committee Recommendation:

Clause 22: Short Title.

This Bill may be cited as the Institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2018 (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

SCHEDULE

Clause 2 (3)

**SUPPLEMENTARY PROVISIONS RELATING TO THE
INSTITUTE PROCEEDINGS OF THE COUNCIL.**

1. Subject to provisions of this Bill and other applicable laws, Council may make orders regulating its proceedings or those of any committee it sets up.

2. Where standing orders made under paragraph 1 of this Schedule provide for the Council to co-opt persons who are not members of the Council, such persons may advise the Council on any matter referred to them by the Council, but shall not be entitled to vote at a meeting of the Council or count towards a quorum.
3. The Council may appoint one or more committees to carry out on its behalf such functions as the council may determine.
4. A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in accordance with the terms of his appointment.
5. A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Meetings of the Council

6. The council shall meet whenever it is considered necessary (but not less than twice a year) by giving notice to all members concerned, at least seven (7) days before the meeting.
7. The Chairman shall preside at every meeting of the Council and in his absence, the Vice Chairman shall preside.
8. Five members of the Council, other than the Chairman shall form a quorum at the meeting.
9. Unless otherwise provided in this Bill, decisions shall be by a simple majority of the votes of the members present, but in the event that equal votes are cast, the person presiding shall cast the deciding vote.

Committees

10. Subject to standing orders, the Council may appoint one or more committees to carry out on its behalf such duties as the Council may determine and make necessary reports.
11. A committee appointed under paragraph 10 of this schedule shall consist of the number of persons to be determined by the Council and not more than the one-third of those persons may be persons who are not members of the Council; a person other than a member of the Council may hold office on the Committee in accordance with the letter of appointment provided.
12. The quorum of any committee set up by the Council shall be determined by the Council.
13. The decision of the committee shall be of no effect until confirmed by the Council.

Miscellaneous

14. The fixing of the seal of the Institute shall be authenticated by signature of the Chairman and some other members authorised generally or specially by the council to act for that purpose.
15. A document purporting to be an instrument issued by the Institute and to be sealed with the seal of the Institute authenticated in the manner provided by the foregoing paragraph, or to be signed by the Chairman, shall receive in evidence and shall be deemed to be the instrument without further proof, unless there is proof otherwise.

16. 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, if made by or executed on behalf of the Council by any person authorised generally or specially by the Council to act for that purpose.
17. The validity of a proceeding of the council shall not be affected by:
- (a) a vacancy in the membership of the Council;
 - (b) by a defect in the appointment of a member of the Council; or
 - (c) by reason that a person not entitled to do so took part in the proceedings.
18. A member of the Council and a person holding office on a committee of the Council, who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Council or the committee shall forthwith disclose his interest to the council or committee and shall not vote on any question relating to that contract or arrangement (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to establish the Institute of Environmental Practitioners of Nigeria, to be charged with the responsibility of regulating and managing environmental practices in Nigeria and for other purposes related thereto (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria and for Related Matters (HB.1022) (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Environment and Habitat on a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria to be charged with the Responsibility of Regulating and Managing Environmental Practices of Nigeria; and for Related Matters (HB. 1022) and approved Clauses 1- 22, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

- (v) ***Committee on Internally Displaced Persons (IDPs), Refugees and Initiatives on North-East Zone:***

Motion made and Question proposed. "That the House do consider the Report of the Committee on Internally Displaced Persons (IDPs), Refugees and Initiatives on North-East Zone on a Bill for an Act to Repeal the National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 and Re-enact the National Commission for Internally Displaced Persons, Refugees, Stateless and other Persons of Concern, to Provide

a Framework for Durable Solutions for Victims of Displacement: and for Related Matters (HB. 603) and approve the recommendations therein” (*Hon. Muhammed Sani Zorro — Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE NATIONAL COMMISSION FOR REFUGEES ACT, CAP. N21:2004 AND RE-ENACT THE NATIONAL COMMISSION FOR INTERNALLY DISPLACED PERSONS, REFUGEES, STATELESS AND OTHER PERSONS OF CONCERN, TO PROVIDE A FRAMEWORK FOR DURABLE SOLUTIONS TO VICTIMS OF DISPLACEMENT AND FOR RELATED MATTERS (HB. 603)

PART I — ESTABLISHMENT OF THE NATIONAL COMMISSION FOR
INTERNALLY DISPLACED PERSONS, REFUGEES, STATELESS
AND OTHER PERSONS OF CONCERN

Committee Recommendation:

Clause 1: Objectives of the Commission.

The Objectives of this Commission are to-

- (a) safeguard and protect the interests and Rights of Internally Displaced Persons, Refugees, Stateless and Other Persons of Concern;
- (b) ensure proper implementation and enforcement of laws, policies and regulations relating to all persons of concern; and
- (c) give effect to the following treaties and instruments:
 - (i) United Nations Convention Relating to the Status of Refugees;
 - (ii) Protocol Relating to the Status of Refugees;
 - (iii) African Union Convention Governing the Specific Aspects of Refugees Problems in Africa;
 - (iv) African Union Convention on Human and Peoples Rights (AUCIHR);
 - (v) Economic Community of West African States Charter on Human and Peoples Rights;
 - (vi) African Union Convention on the Protection and Assistance of Internally Displaced Persons (Kampala Convention); etc.
 - (vii) ECOWAS Charter on Human and Peoples Rights;
 - (viii) The African Declaration on Statelessness;

- (3) It shall also be an offence for anyone to award an environmental job, contract or consultancy services to anyone without first ensuring and confirming that the contractor or consultant is qualified and registered with the Institute to practice as an environmental practitioner in Nigeria.
- (4) If any person, group or organization is found to be in breach of Sections 18 (2) and (3) above, such person, group or organization shall be guilty of an offence and shall be liable to a fine ofor to imprisonment foryears or not exceeding; or to both fine and imprisonment and in the case of an organization or body corporate, the Director(s) of such an organization or body corporate shall individually and collectively be vicariously liable.

Committee Recommendation:

Leave out the provisions of Clause 20 (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Agreed to.

Committee Recommendation:

Clause 21: Interpretation.

In this Bill:

"Institute" means the Institute of Environmental Practitioners of Nigeria (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Association" means the Association of Environmental Practitioners (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Environmental Practitioners" means a person who has the relevant qualification in any environmental science, disciplines, engineering and technology, sciences and related disciplines, experience, attitude and dedication towards the good health and well-being of the environment (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Question that the meaning of the words "Environmental Practitioners" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means Minister in charge of Environment (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

"Council" means Governing Council of the Institute (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 16: Fees.**

The Council shall prescribe rules and regulations, including fees to be paid for registration and other purposes under this Bill; and when and how such fees shall be paid (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 17: Honorary membership.**

The Council can admit persons to the Institute as Honorary members, provided not more than five (5) persons are admitted for a period of not less than two (2) years (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 18: Library.**

The Institute shall:

- (a) provide and maintain a library comprising of books, research materials and publications that will build the capacity of the Environmental Practitioners and other materials approved by the Council;
- (b) encourage research into environmental and other related subjects and
- (c) formulate and make rules and regulations guiding the use of the library in particular and the Institute in general (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 19: Property of the Institute.**

The Institute may own, register, transfer and receive properties in its corporate name (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Clause 20: Offences and penalties.

- (1) If any person for the purpose of registration of any name, qualification or other matter(s):
 - (a) makes a statement which he believes to be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,he shall be guilty of an offence and shall be liable to a fine ofor to imprisonment for.....years or not exceedingyears, or to both fine and imprisonment.
- (2) It shall be an offence under this Bill for anyone who is not a member and who is not registered with the Institute to solicit, procure, practice or otherwise undertake an environmental professional job or consultancy services, including the preparation of Environmental Impact Assessment (EIA) and Environmental Assessment Reports (EARs) and studies.

- (2) Any person who for the purpose of procuring registration as Environmental Practitioner —
- (a) makes false claim as to his or her qualifications or experiences;
 - (b) makes false entry or willfully falsifies the register,
- shall be guilty of an offence.
- (3) A persons who commits offence under this Bill shall be liable on conviction to:
- (a) a fine not exceeding ₦500,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment for an individual; or
 - (b) a fine of not less than ₦1,000,000 for a corporate organization (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

PART VI — MISCELLANEOUS PROVISIONS

Committee Recommendation:

Clause 15: Committees.

- (1) The Council shall appoint the following standing committees —
- (a) ~~admission and registration~~ committee;
 - (b) education and training committee;
 - (c) disciplinary committee;
 - (d) finance and general purpose committee; and
 - (e) such other ad hoc committees,
- to carry out on behalf of the Council, such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council of whom not more than one third may be persons who are members of the Council and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the letter by which he is appointed.
- (3) Membership of committee shall be drawn from registered members outside Council who are professionally competent to be so appointed and membership of any standing committee shall not be less than five and not more than seven and shall be chaired by a Council member so appointed.
- (4) A decision of a committee of the Council shall be of no effect until the Council considers and ratifies or approves it (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

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

PART V — PROFESSIONAL DISCIPLINE

Committee Recommendation:

Clause 13: Establishment of Environmental Practitioners Disciplinary Committee for professional misconduct.

- (1) There shall be established a committee to be known as the Environmental practitioners Disciplinary Committee (in this Bill referred to as “the Disciplinary Committee”) which shall be charged with the duty of considering and determining any cases of professional misconduct referred to it.
- (2) The Disciplinary Committee shall consist of a chairman and four other members of the Council of the Institute appointed by the Board.
- (3) The quorum of the meeting of the Committee shall be three members, including the Chairman or in his or her absence, his or her nominee.
- (4) The Disciplinary Committee shall conduct investigations into any allegation against any registered member of the Institute for professional misconduct or such other conduct that warrants proceedings against him or her before the Disciplinary Committee and shall make determination as to his or her guilt or innocence.
- (5) Where the Disciplinary Committee determines that a registered member is guilty of misconduct, it shall refer the matter including all its proceedings and recommendations to the Council of the Institute and the Council shall make determination as to whether the member should be —
 - (a) reprimand; or
 - (b) suspended for a period not exceeding 12 months; or
 - (c) deregistered, that is to say have his or her name removed from the register.
- (6) The Governing Council of the Institute may make rules not inconsistent with this Bill as to acts which constitute professional misconduct.
- (7) If a member is convicted of a criminal offence by a court or tribunal of competent jurisdiction, he shall have his or her name removed from or struck out of the register.
- (8) A person whose name is removed from the register in pursuance of a directive of the Governing Council under this section shall not be entitled to be registered again except in pursuance of a new directive in that behalf given by the Council upon the application of that person; not less than two years from the date on which his or her name was removed from the register (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:

Clause 14: Offences and penalties.

- (1) Any person who is not registered by the Institute but holds himself or herself out as a registered Environmental Practitioner shall be guilty of an offence.

Committee Recommendation:**Clause 10: Publication of register and its correction.**

- (1) The Registrar shall ensure that:
 - (a) the register or any corrections made therein shall be printed, published and put on sale for members of the public not later than two years from the commencement of this Act; and
 - (b) a print of each edition of the register and of each list of corrections ~~to be~~ deposited at the headquarters of the Institute, and it shall be the duty of the Council to keep the register and list so deposited, available at all reasonable times for inspection by members of the public.
- (2) A published copy of the Register and any corrections therein shall be admissible in evidence to prove registration of a person (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

PART IV — REGISTRATION**Committee Recommendation:****Clause 11: Registration of Environmental Practitioners organization.**

- (1) The Council shall register annually all qualified Environmental Practitioners and organisations and renew their registration every five years.
- (2) A person, organisation or firm shall not practice as an Environmental Practitioners or consultant in Nigeria unless registered by the Council (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 12: Rules as to practice.**

- (1) The Council may make rules for —
 - (a) prescribing the amount and date of the annual practicing fees;
 - (b) prescribing the form of license to practice to be issued;
 - (c) restricting the right to practice as a member in default continues for longer than such period as may be prescribed by the Council;
 - (d) restricting the right to practice as a member if the qualification granted outside Nigeria does not entitled the holder to practice as an environmental practitioner; and
 - (e) prescribing the period of practical training and experiences in the office of a member in practice, to be completed before a person qualifies for registration or a license to practice as environmental practitioner.
- (2) Rules when made shall, if the Chairman of the Council so direct be published in two widely circulated national dailies and in the Institute's Journal (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

- (2) The Registrar shall be the Chief Executive officer of the Institute and Secretary to the Council.
- (3) The Registrar shall prepare and maintain a Register of names, addresses and approved qualifications and other relevant particulars as may be specified in the rules made by Council, of all categories and classes of members/persons registered as Environmental practitioners in the Country.
- (4) The register shall consist of parts established according to professional disciplines approved by Council. Council shall review parts of the disciplines as need arises.
- (5) The Council may make regulations with respect to the form and keeping of the register and the making of entries therein and in particular -
 - (a) regulating the making of applications for or registration, and providing for the evidence to be produced in support of applications;
 - (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) authorizing a registered person to have any qualification which is in relation to economics, either an approved qualification so registered;
 - (d) specifying the fees, including any registration fees, to be paid to the institute in respect of the entry of names on the register and authorizing the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid.
- (6) Any rules made for the purposes of paragraph (d) of subsection (5) of this section shall not come into force until they are approved by the Annual General Meeting (AGM) (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:

Clause 9: Duties of the Registrar.

It shall be the duty of the Registrar to correct, as directed by the Council:

- (a) any wrong entry in the register;
- (b) update the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died;
- (d) record the names of members of the institute who are in debt for more than six months in the payment of annual or practicing fee and to take such action in relation thereto (including removal of the name of defaulter from the register) as the Council may be direct or require (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

- (a) all fees, charges and monies payable to the Institute pursuant to this Bill;
 - (b) all revenue from other sources both locally and internationally; and
 - (c) other monies received by the Institute in course of its operations or in relation to the exercise of its function under this Bill.
- (3) There shall be paid out of the Fund of the institute:
- (a) remuneration and allowances of the Institute;
 - (b) all expenditure incurred by the Council in the discharge of its functions under this Bill;
 - (c) such reasonable expenses and allowances of members of the Council, committee members and other co-opted persons in respect of the time spent on duties of the Council as applicable to similar Institutes; and
 - (d) any other expenses incurred by the Council in the discharge of its function under this Bill.
- (4) The Council may invest monies from the fund in any security created or issued by or on behalf of the Government of the Federation or any other security in Nigeria as may be approved by the council.
- (5) The Council may on behalf of the Institute, from time to time borrow money for the purpose of running the Institute, which shall be paid into the Fund (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:

Clause 7: Annual accounts and audit.

- (1) The Council shall keep proper accounts and records on behalf of the Institute in respect of each year, and the Council shall cause the accounts to be audited by an external auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor General of the Federation and the audited accounts submitted to the members at the general meeting of the Institute.
- (2) The Auditor appointed for the purposes of subsection (1) of this section shall not be a member of the Council (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

PART III — THE REGISTRATION AND THE REGISTRAR

Committee Recommendation:

Clause 8: Appointment of Registrar, etc and preparation of register.

- (1) The Council shall appoint a person knowledgeable in environmental practice for not less than ten years to be the Registrar of the Institute, and such other persons as the Council may from time to time think necessary to assist the Registrar in the performance of his functions under this Bill.

- (ii) adjudged by the Council to possess an adequate knowledge of environmental practice and management; and
 - (b) Fellow, if the person has:
 - (i) spent at least ten years as a full member of the institute; or
 - (ii) contribute significantly to the development of environmental practice and management;
 - (c) Associate Member, if the person is a:
 - (i) University graduate who has spent at least four years in an affiliate grade;
 - (ii) holder of university degree in environmental science or any related discipline, or a person who has performed duties at a senior level in environmental practice and management continuously for at least six years;
 - (iii) graduate of the Institute who has competently performed executive or advisory duties at a senior level in environmental practice and management for at least four years since election to the grade of member; and
 - (iv) non-graduate who has spent at least ten years in an affiliate grade, and possesses standard knowledge and qualities essential for a successful practice of environmental practice and management; and
 - (d) Honourary Fellow.
- (3) A member of the Institute shall be entitled to receive, from the Council, a certificate in such form as the Council may approve for that purpose and a Fellow or an Associate Member shall be entitled to use such letters after his name as may be authorized by the Council from time to time as follows —
 - (a) a member registered into the category of individual membership shall be entitled to use the initials "MIEPN".
 - (b) a member registered into the category of membership of Fellow shall use the initials "FIEPN";
 - (c) a member registered into the category of membership of Associate shall be entitled to use the initials "AIEPN" (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

PART II — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 6: Fund of the Institute.

- (1) There shall be established for the Institute a Fund, which shall be managed and controlled by the Council.
- (2) There shall be paid into the Fund:

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

Committee Recommendation:

Clause 4: Function of the Council.

The Council shall be responsible for:

- (a) ensuring the effective and efficient implementation of the function of the Institute;
- (b) supervising and monitoring the operations of the Institute;
- (c) maintaining the highest level of integrity and honesty in the operations of the Institute;
- (d) the consideration and approval of the annual budget of the Institute;
- (e) presentation of the report and account prepared by the Institute to the Minister;
- (f) the approval of the audited accounts and the consideration of the management letters from the external auditors;
- (g) appointment and removal of auditors, provision of the necessary facilities and remuneration; and
- (h) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute
- (i) take appropriate actions on all committees recommendations.
- (j) obtaining from any authority or persons, charters, and concessions necessary for the attainment of its purposes;
- (k) borrowing money, grant and loans with the approval of the Council without prejudice to any provision of this Bill relating to the provisions of funds; and
- (l) carrying out such other activities as are necessary and expedient for achieving the objectives and functions of the Institute as prescribed in this Bill (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:

Clause 5: Admission into the Institute.

- (1) Subject to the provisions of this Bill, only persons of good character and integrity shall be admitted to membership of the Institute.
- (2) Members admitted into the Institute shall possess adequate interest, knowledge and understanding of environmental practices and other such related professions may be registered as members in any of the following categories -
 - (a) Graduate Member, if the person has:
 - (i) spent at least six years as an Associate, and

- (m) a representative of the National Environmental Standards Regulatory and Enforcement Agency of Nigeria (NESREA);
- (n) the immediate past president of the Institute;
- (o) five elected representatives from Nigerian Environmental Society, Waste Management Society of Nigeria and other recognized affiliate professional bodies in Environmental sector approved by Council, of whom three shall be members of the national executive committee of the institute;
- (p) Chairmen of branches of the Institute;
- (q) Chairman Board of Fellows; and
- (r) Chairmen of committees of the Council.
- (s) all representatives from Ministries, Departments and Agencies of Government shall not hold and Executive office.

Schedule.

- (3) The provision of the First Schedule to this Bill shall regulate the proceedings of the Council and related matters.
- (4) Each members of the Council shall serve a term of two years and may be eligible for another term of two years and no more (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:**Clause 3: Function of the Institute.**

The Institute shall have the general duty of —

- (a) training and certification of persons who seek to be members of the institute;
- (b) determining the standard of knowledge and skill to be attained by persons seeking to become registered members of the Environmental Practitioner of Nigeria and raising those standards from time to time as circumstances may permit;
- (c) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members, and the publication from time to time of the list of those persons;
- (d) establish practice guidelines for environmental and safety certification in line with global best practices;
- (e) providing consultancy services on environmental matters to the public as well as the private sector;
- (f) holding conferences, workshops seminars and symposia on contemporary environmental issues; and
- (g) performing any other duties as the Council may deem fit from time to time (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

- (c) may for the purpose of carrying out its functions, subject to the limitations in this Bill and to any law for time being in force, acquire, hold or dispose of property, whether movable or immoveable.
- (3) The Institute shall perform the function conferred on it by this Bill through the Council under this Bill.

Location of headquarters and regional offices.

- (4) (a) The headquarters of the Institute shall be established and maintained in a suitable location in Nigeria as determined by the Council.
- (b) The Council may make rules providing for the establishment and maintenance of offices of the Institute in the States of the Federation (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

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

Committee Recommendation:

Clause 2: Establishment of the Governing Council.

- (1) There shall be established for the Institute a Governing Council charged with the administration and general management of the Institute.
- (2) The Council shall consist of —
 - (a) President of the Institute, who shall be the Chairman;
 - (b) Vice-President of the Institute who shall be the Vice-Chairman;
 - (c) Registrar of the Institute, which shall be appointed by the Council
 - (d) National Treasurer of the Institute who shall be the Treasurer;
 - (e) Legal Adviser of the Institute who shall be a legal practitioner with a background in Environmental law;
 - (f) Minister of Environment or his representative who shall not be below the rank of a Director;
 - (g) Minister of Petroleum or his representative who shall not be below the rank of a Director;
 - (h) Minister of Agriculture or his representative who shall not be below the rank of a Director;
 - (i) Minister of Health or his representative who shall not be below the rank of a Director;
 - (j) Minister of Science and Technology or his representative who shall not be below the rank of a Director;
 - (k) Minister of Works or his representative who shall not be below the rank of a Director;
 - (l) a representative of the Environmental Health Officers Registration Council of Nigeria;

Long Title:

A Bill for an Act to Establish the National Biotechnology Development Agency; and Other Related Matters (HB. 33) (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair reported that the House in Committee of the Whole considered the Report of the Committee on Science and Technology (HB. 33) for an Act to Establish the National Biotechnology Development Agency; and the Recommendations (HB. 33) and approved Clause 1 and approved Clause 2 as amended, approved Clauses 3 – 40, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(iv) Committee on Environment and Habitat:

Motion made and Question proposed, “That the House do consider the Report of the Committee on Environment and Habitat on a Bill for an Act to Provide for the Establishment of the Institute of Environmental Practitioners of Nigeria to be charged with the Responsibility of Regulating and Managing Environmental Practices of Nigeria; and for Related Matters (HB. 1022) and approve the recommendations therein” (*Hon. Obinna Chidoka — Idemili North/Idemili South Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

**A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
INSTITUTE OF ENVIRONMENTAL PRACTITIONERS OF NIGERIA
AND FOR RELATED MATTERS (HB.1022)**

**PART I — ESTABLISHMENT OF THE INSTITUTE OF ENVIRONMENTAL
PRACTITIONERS OF NIGERIA**

Committee Recommendation:

Clause 1: Establishment of the Institute of Environmental Practitioners of Nigeria.

- (1) There is hereby established a body to be known as the Institute of Environmental Practitioners of Nigeria (IEPN) (in this Bill referred to as “the Institute”).
- (2) The Institute:
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name; and

- (3) Each Centre shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land, with the approval of the Director General.
4. **Staff of the Centres.**
- (1) There shall be for each Centre other members of staff as appointed by the Agency.
- (2) The Director of each Centre may request from the Agency such members of staff as are deemed necessary for the proper discharge of the functions of the Centres under this Bill.
5. **Fund of the Centres.**
- (1) Subject to the provision of the Constitution, each Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre. The signatories to the fund shall be the Director General and the Director of the Centre.
- (2) There shall be paid into the fund —
- (a) such sums as may accrue to the Centre as revenue from its operations;
 - (b) such sums as may be made available to the Centre by the Agency;
 - (c) such sums as may be made available through appropriation; and
 - (d) such other assets as may accrue to the Centre, from time to time.
- The fund shall be managed in accordance with extant Financial Regulations.
6. **Annual estimate.**
- Each Centre shall submit to the Agency, not later than 31 October each year, its programme of work and estimates of income and expenditure for the following year.
7. **Annual and Quarterly report.**
- The Director of each Centre shall submit to the Agency an annual, quarterly operational and financial report on the activities of the Centre not later than —
- (a) two weeks after the end of the preceding quarter in case of a quarterly report; or
 - (b) six months after the end of each year in case of the Annual report.
8. **Power to borrow money.**
- A Centre may borrow money with the approval of the Headquarters of the Agency.
9. **Restriction on entering into contract with foreign countries.**
- A Centre shall not enter into any contract or arrangement with a foreign country/companies or body without a prior clearance and approval by the Headquarters of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Explanatory Memorandum:

This Bill provides for the establishment of the National Biotechnology Development Agency, for Research and Development, Promotion, Coordination and Management of Biotechnology in Nigeria (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

- (h) provision of bio enterprises for public information and policy formulation to encourage commercial production;
- (i) deployment of biotechnology to the grass root communities;
- (j) training and continuous Education of staff of the Centres in bioresources and bio enterprises development;
- (k) promotion and collaboration in bioresources and bio enterprises development with private and public sectors, researchers, industry and academia;
- (l) such other activity as the Director of the Centre or the Agency may from time to time determine.

3. **Power of the Centre.**

- (1) Each Centre shall have power to —
 - (a) prepare —
 - (i) a programme of research, development and commercialization of results, within the field for which the Centre is responsible, for such periods, not less than three years, as the Director may, with the approval of the Director General, determine, and
 - (ii) detailed estimates of the expenditure which shall be required for carrying out the programme;
 - (b) review and, if necessary, revise each year, the programme approved under sub-paragraph (a) of this paragraph for the following year, together with estimated budget for that year;
 - (c) carry out the programme of research, development and commercialization of results approved by the Agency; and
 - (d) make suitable arrangements for the diffusion of research results in the economy by —
 - (i) establishing effective mechanisms in active collaboration with Federal and State Ministries of Agriculture and the World Bank supported agricultural development projects in the States, for extension work to farmers and industrialists,
 - (ii) establishing in-house pilot production units and plants to demonstrate the commercial viability of research results,
 - (iii) collaborating with the Federal and State Ministries of Trade and Investment in the generation of private-sector industries as Centres, and
 - (iv) establishing systems for an effective media publicity of research results, so however, that where expenditure of funds is involved, the Centre shall obtain the approval of the Board.
- (2) Subject to the provisions of this Bill, each Centre shall be self-accounting and shall have power to take such decisions and to enter into such transactions, which in its opinion ought to be undertaken in the proper discharge of its functions, subject to the approval of the Director General.

- (3) The fund shall be managed in accordance with extant Financial Regulations.
6. **Annual estimate.**
Each Centre shall submit to the Agency, not later than 31 October each year, its programme of work and estimates of income and expenditure for the following year.
7. **Annual and Quarterly report.**
The Director of each Centre shall submit to the Agency an annual, quarterly operational and financial report on the activities of the Centre not later than —
- (a) two weeks after the end of the preceding quarter in case of a quarterly report; or
- (b) six months after the end of each year in case of the Annual report.
8. **Power to borrow money.**
A Centre may borrow money with the approval of the Headquarters of the Agency.
9. **Restriction on entering into contract with foreign countries.**
A Centre shall not enter into any contract or arrangement with a foreign country or body without a prior clearance and approval by the Headquarters of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

THIRD SCHEDULE

[Section 9 (3)]

SUPPLEMENTARY PROVISION RELATING TO THE CENTRES

1. **Establishment of the Centre.**
A Centre established under this Bill shall have a Director appointed by the board on the recommendation of the Director General.
2. **Functions of the Centres.**
Each Centre is charged with the responsibility for research, development and commercialization of its results, in any or more of —
- (a) preservation and provision of bioresources for scientific, industrial, agricultural, environmental and medical research and development and applications;
- (b) utilization of local bioresources to perform research and development activities, including preservation of the nation's ecological biodiversity;
- (c) promotion of technologies and databases to achieve best practices in the development of indigenous bio resources;
- (d) application of tissue culture for plant and animal conservation and agricultural development as well as training people in tissue culture techniques;
- (e) to arrest rapid erosion and loss in the country's crop and animal genetic resources;
- (f) to document the germplasm stocks held by the center, research institutes and relevant organizations;
- (g) establishment of repositories for developed bioresources for protection of intellectual property rights;

- (b) review and, if necessary, revise each year, the programme approved under subparagraph (a) of this paragraph for the following year, together with estimated budget for that year;
 - (c) carry out the programme of research, development and commercialization of results approved by the Agency; and
 - (d) make suitable arrangements for the diffusion of research results in the economy by —
 - (i) establishing effective mechanisms in active collaboration with Federal and State Ministries of Agriculture and the World Bank supported agricultural development projects in the States, for extension work to farmers and industrialists,
 - (ii) establishing in-house pilot production units and plants to demonstrate the commercial viability of research results,
 - (iii) collaborating with the Federal and State Ministries of Trade and Investment in the generation of private-sector industries as Centres, and
 - (iv) establishing systems for an effective media publicity of research results, so however, that where expenditure of funds is involved, the Centre shall obtain the approval of the Board.
- (2) Subject to the provisions of this Bill, each Centre shall be self-accounting and shall have power to take such decisions and to enter into such transactions, which in its opinion ought to be undertaken in the proper discharge of its functions, subject to the approval of the Director General.
- (3) Each Centre shall, in particular and without prejudice to the generality of the other powers conferred by this paragraph, have power to acquire and hold property and any interest in land, with the approval of the Director General.

4. Staff of the Centres.

- (1) There shall be for each Centre other members of staff as appointed by the Agency.
- (2) The Director of each Centre may request from the Agency such members of staff as are deemed necessary for the proper discharge of the functions of the Centres under this Bill.

5. Fund of the Centres.

- (1) Each Centre shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre. The signatories to the fund shall be the Director General and the Director of the Centre.
- (2) There shall be paid into the fund —
 - (a) such sums as may accrue to the Centre as revenue from its operations;
 - (b) such sums as may be made available to the Centre by the Agency;
 - (c) such sums as may be made available through appropriation; and
 - (d) such other assets as may accrue to the Centre, from time to time.

- (e) University of Ibadan, Ibadan — South-West Zone.
- (f) University of Jos, Jos — North-Central Zone.
- (g) Any other centre of Excellence which the Agency may deem necessary to establish for the efficient performance of its functions under this Bill

3. **Functions of the Centres.**

Each Centre is charged with the responsibility for research, development and commercialization of its results, in any or more of —

- (a) preservation and provision of bioresources for scientific, industrial, agricultural, environmental and medical research and development and applications;
- (b) utilization of local bioresources to perform research and development activities, including preservation of the nation's ecological biodiversity;
- (c) promotion of technologies and databases to achieve best practices in the development of indigenous bio-resources;
- (d) application of tissue culture for plant and animal conservation and agricultural development as well as training people in tissue culture techniques;
- (e) to arrest rapid erosion and loss in the country's crop and animal genetic resources;
- (f) to document the germplasm stocks held by the center, research institutes and relevant organizations;
- (g) establishment of repositories for developed bioresources for protection of intellectual property rights;
- (h) provision of bio enterprises for public information and policy formulation to encourage commercial production;
- (i) deployment of biotechnology to the grass root communities;
- (j) training and continuous Education of staff of the Centres in bioresources and bio enterprises development;
- (k) promotion and collaboration in bioresources and bio enterprises development with private and public sectors, researchers, industry and academia;
- (l) such other activity as the Director of the Centre or the Agency may from time to time determine.

3. **Power of the Centre.**

- (1) Each Centre shall have power to —

- (a) prepare —

- (i) a programme of research, development and commercialization of results, within the field for which the Centre is responsible, for such periods, not less than three years, as the Director may, with the approval of the Director General, determine, and
- (ii) detailed estimates of the expenditure which shall be required for carrying out the programme;

- (b) any defect in the appointment of a member of the Board or committee, or
 - (c) reason that any person not entitled to do so took part in the proceedings of the Board or committee.
13. A member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall —
- (a) forthwith disclose his interest to the Board or committee; and
 - (b) shall not vote on any question relating to the contract or arrangement.
14. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

SECOND SCHEDULE

[Section 9 (1) (a) (b)]

1. **Bioresources Development Centres.**
A Centre established under this Bill shall have a Director appointed by the board on the recommendation of the Director General.
- (a) NABDA Headquarters, Abuja, FCT;
 - (b) Odi, Bayelsa State;
 - (c) Isanlu, Kogi State;
 - (d) Katsina State;
 - (e) Owode, Ogun State;
 - (f) Jalingo, Taraba State;
 - (g) Arochukwu, Abia State;
 - (h) Ogbomoso, Oyo State;
 - (i) Kano, Kano State; and
 - (j) such other zone as the Agency may deem necessary to establish for the efficient performance of its functions under this Bill.
2. **Zonal Biotechnology Centres of Excellence within the Universities Across the Six Geopolitical Zones**
- (a) University of Maiduguri, Maiduguri — North-East Zone.
 - (b) University of Port Harcourt, Port Harcourt — South-South Zone.
 - (c) University of Nigeria, Nsukka — South-East Zone.
 - (d) Ahmadu Bello University, Zaria — North-West Zone.

4. The chairman shall in the case of an equality of votes, have a casting vote in addition to his deliberate vote.
5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by majority of votes of members present and voting.
6. The Board shall, for the purpose of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
7. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to be a member of the Board for such period as it deems fit, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

8. (1) Subject to its standing orders, the Board may appoint such member of standing and ad-hoc Committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
(2) A committee appointed under this paragraph shall —
 - (a) consist of such number of persons (not necessarily members of the Board) as may be determined by the Board; and
 - (b) be presided over by a member of the Board.
 - (3) A person other than a member of the Board who is appointed pursuant to this paragraph, shall hold office on the committee in accordance with the terms of his appointment.
 - (4) The quorum of any committee set up by the Board shall be as determined by the Board.
 - (5) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
9. The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and witnessed by the Legal Adviser of the Agency.
10. A contract or an 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 Agency by the Director-General and witnessed by the legal adviser of the Agency or by any other person specifically authorized by the Board to act for that purpose.
11. A document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
12. The validity of any proceedings of the Board or of any of its committee shall not be affected by —
 - (a) any vacancy in the membership of the Board, or committee;

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

"Public officer" means any person working in the public service of the Federation or of a State as defined in the 1999 Constitution of the Federal Republic of Nigeria (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Public officer" be as defined in the interpretation to this Bill — Agreed to.

"Research and Development" means creative work undertaken on a systematic basis in order to increase knowledge in Biotechnology and the use of this knowledge to devise new biotechnology applications; and (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Research and Development" be as defined in the interpretation to this Bill — Agreed to.

"Technical department" means sections involved in scientific activities (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that the meaning of the words "Technical department" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 39 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 40: Short Title.

This Bill may be cited as the National Biotechnology Development Agency Bill, 2018 (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 40 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

[Section 2 (4)]

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceedings of the Board

[Cap. 123, LFN, 2004]

1. Subject to this Bill and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters the Board may from time to time determine.
2. The Chairman shall preside at every meeting of the Board, and in his absence, the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and six other members.

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

"Chairman" means the Chairman of the Governing Board of the Agency (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Committee" means the National Biotechnology Technical Committee established under section 10 of this Bill (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Director-General" means the Director-General of the Agency (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Director-General" be as defined in the interpretation to this Bill — Agreed to.

"Fund" means the fund of the Agency established under section 22 of this Bill (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Geo-ecological" means the ecological zones as reflected in the National geography (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Geo-ecological" be as defined in the interpretation to this Bill — Agreed to.

"Geopolitical" means the six political zones as it exists in the country (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Member" means a member of the Board of the Agency including the Chairman (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Minister" means the Minister charged with the responsibility for Science and Technology (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"President" means the President of the Federal Republic of Nigeria (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

- (a) Section 6 (2) (d) (ii) of;
- (b) paragraph 2 (j) (iv) of the Second Schedule to the National Agency for Science and Engineering Infrastructure Act, Cap. N3, LFN, 2004; and
- (c) National Centre for Genetic Resources and Biotechnology (NACGRAB), Decree No. 33 of 1987 (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 37 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 38: Savings.

As from the commencement of this Bill —

- (a) all assets, rights, liabilities and obligations which immediately before the commencement of this Bill, were assets, rights, liabilities and obligations of National Centre for Genetic Resources and Biotechnology (NACGRAB) or any other body related to Biotechnology shall by virtue of this Bill, be taken over by the National Biotechnology Development Agency;
- (b) anything made or done or having effect under the repealed Act, shall be treated, as if it were made or done by the Agency established under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 38 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 39: Interpretation.

In this Bill —

"Agency" means the National Biotechnology Development Agency established under section 1 of this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

"Biotechnology" means a field of applied biology that involves the use of living organisms, plant cells and bio processes in engineering, technology, medicine, agriculture and other fields requiring bio products (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

"Board" means the Governing Board of the Agency established under section 2 of this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

"Center" means all bioresources development centers, Biotechnology centers of excellence, specialized centers and other relevant centers as the Agency may establish from time to time (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

PART VII — MISCELLANEOUS

Committee Recommendation:**Clause 32: Power to purchase or take on lease property.**

The Agency may, subject to the Land Use Act, purchase, lease any interest in land, building or property, or build, equip and maintain such other offices and premises for the efficient performance of its functions under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 32 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 33: Power to sell or lease out property.**

The Agency may, subject to the Land Use Act, sell or lease out any land, office or premises held by it, which is no longer required for the performance of its functions under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 34: Indemnity.**

The Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency 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, Director-General, officer or other employee of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 35: Power of the Minister to give directives.**

The Minister may give to the Agency such directives as he may consider necessary for the effective discharge of the functions of Agency under this Bill and the Agency shall comply or cause them to be complied with (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 35 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 36: Power to make regulations.**

- (1) The Board may with the approval of the Minister, make such regulations generally for the purpose of giving full effect to the provisions of this Bill, and in facilitating the discharge of the functions of the Agency.
- (2) The Board may issue guidelines to give full effect to the respective relevant provisions of this Bill.
- (3) Regulations made shall be published in the Federal official gazette and in such as the Agency may prescribe (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 36 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 37: Repeals.**

This Bill repeals —

Committee Recommendation:**Clause 29: Power to accept gifts.**

The Agency may accept gifts, endowments and testamentary dispositions upon such terms and conditions, if any, as may be specified by the donor of the gift, provided that the terms and conditions are not contrary to the objectives and functions of the Agency and to the Financial Regulations (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

PART VI — LEGAL PROCEEDINGS**Committee Recommendation:****Clause 30: Commencement of suits or service of notice.**

(1) A suit shall not be commenced against the Agency, before the expiration of one month, after written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —

(a) cause of the action;

(b) particulars of claim;

(c) name and place of abode of intending plaintiff; and

(d) relief which he claims.

(2) The notice referred to in subsection (1) of this section and any summons, notice or other documents required or authorized to be served upon the Agency under this Bill or any other enactment or Law, may be served by —

(a) delivering same to the Director-General; or

(b) sending it by registered post addressed to the Director-General at the head office of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 31: Restriction on execution against property of the Agency.**

(1) In any action or suit against the Agency, execution or attachment of process shall not be issued against the Agency except —

(a) a three month notice of the intention to execute or attach has been given to the Agency, and

(b) a written content of the Honourable Attorney General of the Federation and Minister of Justice is obtained and not less than three months.

(2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to the directives given by the court, where notice of appeal against the judgments has been given, be paid from the funds of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 31 stands part of the Bill — Agreed to.

*Committee Recommendation:***Clause 25: Investment of income.**

Subject to the approval of the Board, the Agency may invest its income in profitable production of goods by joint venture, partnerships, or shareholding as the case may be, and the net income so generated shall be paid into the fund of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

*Committee Recommendation:***Clause 26: Annual estimates income and expenditure.**

The Agency shall, not later than 30th September in each year, submit to the Board for approval, its programme of work and estimate of its income and expenditure including payments into the Agency's fund for the next succeeding year (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

*Committee Recommendation:***Clause 27: Accounts and Audits.**

The Agency shall —

- (a) keep proper accounts and records of its receipts, payment, assets and liabilities and prepare in respect of each financial year a statement of accounts in such forms as may be directed by the Auditor General for the Federation; and
- (b) cause its accounts to be audited within six months from the end of each financial year by auditors whose appointment shall be approved by the Board provided that such auditors are on the list of auditors approved from time to time by the Auditor General for the Federation (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

*Committee Recommendation:***Clause 28: Annual Reports.**

- (1) The Agency shall prepare and submit to the Board not later than 30th September in each year, a report on the activities of the Agency, the Audited accounts of the Agency and the Auditor's report for the immediate preceding year.
- (2) The Agency shall, not later than 31st October in each year, submit to the Board the Annual report of each of its Centres for the immediate preceding year.
- (3) The Board shall submit the annual report referred to in section (2) of this section to the Minister within two months after its receipt of the report (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

- (b) other internally generated revenues by the Agency;
 - (c) profits from investment entered into by the Agency; and
 - (d) such other sums as may from time to time accrue to the Agency by way of gifts, emoluments or bequest.
- (3) All monies so collected shall be paid into the fund not later than ninety days from the date of receipt of the monies by the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 23: Expenditure of the Agency.

The Agency shall apply the fund established under section 22 of this Bill to —

- (a) the administration of the Agency;
- (b) pay salaries, wages, fees, allowances, retirement benefits including pensions and pay other remuneration payable to the members of the Board and staff of Agency;
- (c) publicize and promote the activities of the Agency;
- (d) purchase property, make other approved capital expenditure and maintain any property so purchased;
- (e) meet the investment need of the Agency;
- (f) the cost of maintaining the head office and operating the Centres provided under this Bill;
- (g) the training of members of staff of the Agency
- (h) the support of national scientific bodies;
- (i) the payment of contributions to international scientific organization to which the Agency may subscribes; and
- (j) undertake any other activity in connection with all or any of the functions of the Agency under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 24: Exemption from tax.

- (1) Income derived by the Institute from the source specified under section 22 of this Bill shall be exempted from income tax.
- (2) The provision of any enactment relating to the taxation of companies or Trust funds shall not apply to the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

- (b) on such terms and conditions as may be specified from time to time by the Board.
- (2) The provisions of the Public Service Rules, 2008 or any other subsequent enactment shall apply to staff regulations, removal and disciplinary measures of staff of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 20: Remuneration of employees of the Agency.

The salaries, allowances and benefits of the staff of the Agency shall be in accordance with the conditions of service of the Agency as may be approved by the Board in consultation with the National Salaries, Income and Wages Commission (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 21: Pensions Act 2004 No 2.

Service in the Agency shall be subject to the Pension Reformed Act, and accordingly, officers and the employees of the Agency shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

PART V — FINANCIAL PROVISIONS

Committee Recommendation:

Clause 22: Funds of the Agency.

- (1) The Agency shall establish and maintain a fund to which shall be paid and credited —
 - (a) such sums as may be appropriated by the National Assembly;
 - (b) any grant from the Federal, State or Local Governments;
 - (c) such money as, may from time to time, be granted or received from —
 - (i) an organized private sector, or
 - (ii) foreign aid or assistance from bilateral and multilateral agencies;
 - (d) all fees and charges for services rendered by the Agency;
 - (e) other internally generated revenues by the Agency; and
 - (f) all other sums accruing to the Agency from time to time by way of gifts, grants, emoluments or bequest.
- (2) The Agency may receive, charge or generate the following revenues —
 - (a) fees and charges for services rendered by the Agency;

- (d) prepare and submit quarterly report on the activities of the Centres to the Director -General; and
- (e) perform such other functions as may be assigned to him by the Director-General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 17: Director of Bioresource Development Centre.

- (1) The Board shall on the recommendation of the Director-General appoint a Director to head each of the Centres established under this Bill.
- (2) A Director of a Centre appointed under this section shall superintend the activities of the Centre and shall have expertise and a minimum of ten years (10) years practical experience in addition to a degree or its equivalent in any discipline that is relevant to the activities in the Centre he superintends:
 - (a) monitor, evaluate and review the performance of the Centres;
 - (b) ensure that the Centre perform its functions in an efficient manner;
 - (c) prepare and submit quarterly reports on the activities of the Centre to the Director General; and
 - (d) perform such other functions as may be assigned to him/her by the Director General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 18: Research director.

- (1) A Director appointed as head of a technical Department under section 14 of this Bill shall —
 - (a) cease to hold office as such Director when he has held that office for period of eight years; and
 - (b) designated as Research Director where he has not attained the mandatory age of retirement.
- (2) A Research Director shall perform such functions as may be assigned to him by the Director-General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 19: Other Staff.

- (1) The Agency may, subject to the approval of the Board, appoint such other staff as it may deem necessary—
 - (a) for the efficient performance of the functions of the Agency; and

- (2) A Director who is in charge of a Technical Department shall have —
- (a) a degree or its equivalent in the relevant discipline; and
 - (b) relevant expertise and experience required for the efficient performance of the functions of the Department.
- (3) A Director in a technical Department shall —
- (a) be the head of the technical Department of the Agency which he directs;
 - (b) supervise other staff of Department;
 - (c) prepare draft expenditure estimates and development plan of the Department he heads; and
 - (d) perform such other functions as may be assigned to him by the Director-General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 15: Director of Finance and Administration.

- (1) The Board shall on the recommendation of the Director-General appoint a person with a university degree or its equivalent and a minimum of twelve years experience in the field of finance, account or administration, as the Director of Finance and Administration.
- (2) The Director of Finance and Administration shall —
- (a) be the head of the Finance and Administrative Department of the Agency;
 - (b) prepare draft expenditure estimates and budget; and
 - (c) perform such other functions as may be assigned to him by the Director-General (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 16: Coordinating Director of Centres.

- (1) The Board shall on the recommendation of the Director-General appoint a well-qualified and experienced person to hold the office of Coordinating Director of the Centres.
- (2) A Coordinating Director shall —
- (a) oversee all the centres established under this Bill;
 - (b) monitor, evaluate and review the performance of the Centres;
 - (c) ensure that the Centres perform their functions in an efficient manner;

PART IV — STAFF OF THE AGENCY

Committee Recommendation:**Clause 13: Director-General.**

- (1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister.
- (2) The Director-General shall be —
 - (a) the Chief Executive and Accounting Officer of the Agency;
 - (b) a person with a minimum of 15 years demonstrable research experience in Science and technology and knowledgeable in the field of Biotechnology;
 - (c) a holder of at least a PHD in biological sciences or other related field;
 - (d) responsible for the execution of the policy, programmes and day to day administration of the Agency;
 - (e) responsible for general direction and superintendence of the affairs of the Centers established under this Bill;
 - (f) the Secretary to the Board and in this regard, shall —
 - (i) prepare minutes of meetings of the Board and its Committees,
 - (ii) keep and secure the records of the Board,
 - (iii) issue notices and other correspondence as may be directed by the Board,
 - (g) ensure proper dissemination of the decisions of the Board to the appropriate persons, institutions or authorities; and
 - (h) carry out such other functions and duties as the Board may assign to him.
- (3) The Director-General shall hold office —
 - (a) for a term of four years and may be re-appointed for a further term of four years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 14: Directors of Technical Departments.**

- (1) The Board shall on the recommendation of the Director-General appoint Directors who shall be in charge of the Technical Departments provided under section 8 (3) of this Bill.

- (b) assist the Director-General when so requested, in the preparation and implementation of the any function of the Agency;
 - (c) assist the Director-General when so requested by the Board, in the preparation of the annual, medium- term, and long- term research and development programmes of the Agency;
 - (d) on the directive of the Board, receive and consider research proposals from the various technical departments of the Agency and from the centres;
 - (e) appoint from its own members or otherwise such sub-committees as it may consider expedient and delegate to such sub-committee any functions which the Committee is competent to perform;
 - (f) furnish the Board with reports of its proceedings; and
 - (h) perform any other function that may be assigned to it, from time to time, by the Board.
- (2) The Committee shall have power to regulate its proceedings and may make standing order with respect to its meetings, notices to be given, recording, custody and production for inspection of the minutes of such meetings.
 - (3) The Committee shall meet at least twice in a year and at such other time as may be approved by the Board.
 - (4) A director from one of the technical departments of the Agency shall serve as the Secretary of the Committee (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 12: Cessation from Office of a member of the Committee.

- (1) A member of the Committee shall cease to hold office if he —
 - (a) becomes of unsound mind or incapable of carrying out his duties;
 - (b) becomes bankrupt or makes a compromise with his creditors;
 - (c) is convicted of a felony or of any offence involving dishonesty;
 - (d) is guilty of serious misconduct in relation to his duties; or
 - (e) resigns by notice in writing under his hand addressed to the Board.
- (2) Where the Board is satisfied that it is not in the interest of the Agency or the public for a member of the Committee to continue in office, the Board may remove that member from the Committee (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

- (b) the field or fields where the Centre will carry out its activities;
- (c) man-power training where required;
- (d) the transfer to the Centre, by mutual agreement, of any existing Federal, State and Local Government facilities; and
- (e) a suitable association and collaboration of the Centre with relevant institutions including academic institutions and commercial sector.

[Second Schedule]

- (3) The provisions set out in the Second Schedule to this Bill shall apply to the Centres established under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 10: Establishment of the National Biotechnology Technical Committee.

- (1) There is established for the Board a National Biotechnology Technical Committee (in this Bill referred to as "the Committee").
- (2) The Committee shall consist of —
 - (a) the Director-General of the Agency who shall be the Chairman;
 - (b) the Technical and Research Directors of the Agency
 - (c) five eminent Nigerian biotechnologist to be appointed by the Board;
 - (d) a representative of Centers of Excellence;
 - (e) two persons who shall represent the Universities;
 - (f) one person who shall represent the polytechnics; and
 - (g) a representative of biotechnology company from the private sector.
- (3) The members of the Committee, other than the Chairman and members specified in paragraphs (b), (c) and (d) of subsection (2) of this section shall be appointed by the Minister on the recommendation of the bodies they represent.
- (4) The Committee may co-opt persons from other Federal Ministries, extra-ministerial departments and other relevant bodies to serve on the Committee to ensure the efficient performance of the functions of the Agency under this Bill (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 11: Functions of the Committee.

- (1) The Committee shall —
 - (a) serve as the body of experts that will advise the Board;

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

PART III — STRUCTURE OF THE AGENCY, ETC.

Committee Recommendation:

Clause 8: Establishment of Departments.

- (1) There is established for the Agency the following Departments —
- (a) Agricultural Biotechnology;
 - (b) Environmental Biotechnology;
 - (c) Medical Biotechnology;
 - (d) Genomic, Genetics resources and Bioinformatics;
 - (e) Bio entrepreneurship and Extension Services;
 - (f) Finance and Administration; and
 - (g) such other departments as may be established from time to time.
- (2) Each department shall be headed by a director.
- (3) The Departments referred to in subsection (1) (a)-(e) are the technical Departments of the Agency (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 9: Bio-resources Development Centres (BIODEC), Biotechnology Centres of Excellence and Specialized Centres.

- (1) The Agency shall have, with the approval of the Board —
- (a) Bio-resources Development Centres (BioDecs) which shall be established in the geo-ecological zones in Nigeria as contained in the Second schedule to this Bill;
 - (b) Biotechnology Centres of Excellence which shall be located in the premier universities established in each of the geopolitical zones in Nigeria as contained in the second schedule to this Bill; and
 - (c) Specialized Centres which shall include —
 - (i) National Centre for Genetic Resources and Biotechnology (NACGRAB), Ibadan, Oyo State, and
 - (ii) other specialized Centres which the Agency may deem necessary to establish for the efficient performance of its functions under this Bill.
- (2) An approval to establish a Centre under this Bill may contain supplementary or incidental provisions such as —
- (a) the designation of the Centre;

- (h) establish and supervise relevant Centres for the purpose of executing the national biotechnology programmes;
- (i) create public awareness and participation in biotechnology development activities through strong advocacy programme, seminars, conferences and workshops;
- (j) collaborate on biotechnology with international research centers, non-governmental organizations, industries, other national and international biotechnology agencies and institutions;
- (k) stimulate biotechnology entrepreneurship schemes to effect rapid commercialization of biotechnology research and development products;
- (l) collaborate with and provide support for universities and other academic institutions in the country for research and development projects relevant to the national biotechnology programme;
- (m) promote sustainable utilization of biological resources and develop novel products to improve the production of our indigenous plants and animals;
- (n) exploration, collection, identification, evaluation, characterization, storage and conservation of rich stock of both animal and plant germplasm materials;
- (o) acquisition, maintenance, utilization, exchange and dissemination of information on genetic materials of plants, animals and microbes;
- (p) national co-ordination of genetic resources programme and its sustainable utilization;
- (q) fostering relationship with other national satellite genetic research centres located in Research Institutes, Universities and Polytechnics as well as other International Organizations and Centres on programmes concerning genetic resources and biotechnology application;
- (r) coordinating the activities of the National Committee on Naming, Registration and Release of Crop Varieties, Livestock Breed and Fisheries;
- (s) arrest rapid erosion and loss in the country's crop and animal genetic resources caused by cultivation, urbanization rural development, grazing, desertification, pest outbreak, national catastrophes etc.;
- (t) document appropriately the germplasm stocks held by the centre, research institutes and relevant organisations;
- (u) co-coordinate all biotechnology activities and ensure easy access to stakeholders in matters relating to bioresources and biotechnology;
- (v) serve as national bio informatics and biotechnology data center;
- (w) be the national focal point for Bioethics to which Nigeria subscribe; and
- (x) undertake such other activities as are necessary or expedient for the carrying out of the functions of the Agency and promotion of biotechnology in Nigeria (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Committee Recommendation:**Clause 6: Powers and functions of the Board.**

The Board shall have power to —

- (a) formulate policies for the Agency;
- (b) approve annual estimates, reports and statements of Accounts of the Agency;
- (c) determine the terms and conditions of service of the employees of the Agency;
- (d) set up a National Biotechnology Technical Committee to serve as the body of experts that will advise the Board on such matters as may be assigned to it from time to time;
- (e) approve the creation of such Departments, Centres and units as may be required for efficient performance of the functions of the Agency; and
- (f) carry out such other activities as may, in the opinion of the Board, be necessary for the advancement of biotechnology research and development in Nigeria (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

PART II — FUNCTIONS OF THE AGENCY**Committee Recommendation:****Clause 7: Functions of the Agency.**

The Agency shall —

- (a) carry out a well-focused research and development of biotechnology in priority areas of food and agriculture, health, industry, environment and other strategic sectors for national development. and draw up programmes and policies for biotechnology utilization, research and development in Nigeria;
- (b) promote, co-ordinate and deploy cutting edge biotechnology research and development activities in Nigeria;
- (c) initiate and encourage capacity building in all aspects of biotechnology required for the implementation of the national biotechnology programme;
- (d) publish and disseminate research findings and recommendations of the Agency on Biotechnology;
- (e) promote sustenance in the development and application of acceptable and profitable technologies through strategic investments in biotechnology research and development to support innovation and economic development; ensure Nigeria becomes self-reliant in the development and application of biotechnology-based products and services;
- (f) encourage private sector participation in the Biotechnology industry;
- (g) ensure sustainable mechanism for adequate funding of Biotechnology activities through national and international funding agencies;

Amendment Proposed:

Leave out all the words in subclause (2) (b) (iii) and insert the word "Interior" (*Hon. Aisha Jibril Dukku — Dukku/Nafada Federal Constituency*).

Question that the amendment be made — Agreed to.

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

Committee Recommendation:**Clause 3: Tenure of office.**

A member of the Board, other than an ex-officio member or the Director-General, shall hold office subject to any other provisions specified in his letter of appointment or as may be approved from time to time by the President (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 4: Cessation of membership.**

- (1) Notwithstanding the provisions of section 3 of this Bill, a member of the Board shall cease to hold office if he —
 - (a) resigns his appointment by notice under his hand addressed to the President;
 - (b) becomes of unsound mind;
 - (c) becomes bankrupt or makes a compromise with his creditors;
 - (d) is convicted of a felony or of any offence involving dishonesty or corruption;
 - (e) becomes incapable of carrying out the functions of his office, either arising from an infirmity of mind or body or any other cause.
- (2) Where the President is satisfied that it is not in the interest of the Agency or the public for a member to continue in office, the President may remove that member from the Board.
- (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as his predecessor (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:**Clause 5: Remuneration of members of the Board.**

The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as may be determined by the Revenue Mobilization, Allocation and Fiscal Commission (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

- (5) The Vice-Chancellor of the University where the Research Center is situated shall at all-time be the Chairman of the Advisory Board of the Research Centre.
- (6) Other members of the Board of each Research Centre shall be as provided for in the Administrative Guidelines.
- (7) The Centers shall be headed by a Director whose mode of appointment shall be provided for in the Administrative Guidelines.
- (8) The Research Centres shall be headed by a Director to be appointed by the Commission (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Clause 12: Exemption from tax.

The Commission shall be exempted from the payment of income tax or any branch operating from the payment of tax on mission, the provisions of any enactment relating to the tax levied on the Commission shall not apply to the Commission.

Committee Report on Clause 12

Language of the clause is clear and unambiguous. It is recommended that the clause be adopted as is. — Agreed to

Committee Report on Clause 13

Clause 13 is clear and unambiguous. It is recommended that the clause be adopted as is. — Agreed to

Language of the clause is clear and unambiguous. It is recommended that the clause be adopted as is. — Agreed to

Language of the clause is clear and unambiguous. It is recommended that the clause be adopted as is. — Agreed to

"Chairman" means the chairman of the Commission. (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Commission" means the Energy Commission of Nigeria established under section 1 (1) of this Bill (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Member" means any member of the Commission including the chairman (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

"Renewable energy" means energy from a resource that replenishes itself within a reasonable short period through natural process (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Renewable energy" be as defined in the interpretation to this Bill — Agreed to.

"Renewable energy sources" here refers to solar, wind, biotuel, biomass, geothermal, tidal, wave and small hydro (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Question that the meaning of the words "Renewable energy sources" be as defined in the interpretation to this Bill — Agreed to.

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

Committee Recommendation:

Clause 14: Citation.

This Bill may be cited as the Energy Commission Act (Amendment) Bill, 2018 (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

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

Explanatory Memorandum:

- (1) This Bill seeks to amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation of Nigeria, 2004 to strengthen its powers and to enhance the development and promotion of new and renewable energy, energy efficiency and conservation, and to provide for the establishment of renewable energy and energy efficiency fund and other matters relating thereto.
- (2) This Bill makes the Commission the National Focal Point for renewable energy, energy efficiency and conservation and sustainable energy development at large (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation, 2004 to Provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority to the Promotion and Development of Renewable and Other Alternative Energy; and Related Matters (HB. 72 and HB. 612) (Hon. Beni Lar — Langtang North/Langtang South Federal Constituency).

Agreed to in Report Stage.

(HOUSE IN PLENARY)

The Deputy Speaker in the Chair: Upon that the House in Plenary Session of the Whole Considered the Report of the Committee on Science and Technology on a Bill to Amend the Energy Commission of Nigeria Act, Cap. E10, Laws of the Federation, 2004 to provide for the Establishment of Renewable and Alternative Energy Development and Utilization Fund, Grant Priority for the Promotion and Development of Renewable and Other Alternative Energy; and

Related Matters (HB. 72 and HB. 612) and approved Clauses 1 – 14, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(iii) Committee on Science and Technology:

Motion made and Question proposed: "That the House do consider the Report of the Committee on Science and Technology on a Bill for an Act to Establish the National Biotechnology Development Agency; and for Related Matters (HB. 33) and approve the recommendations therein" (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH THE NATIONAL BIOTECHNOLOGY
DEVELOPMENT AGENCY; AND OTHER RELATED MATTERS (HB. 33)

PART I — ESTABLISHMENT OF THE NATIONAL BIOTECHNOLOGY DEVELOPMENT
AGENCY AND ITS GOVERNING BOARD, ETC.

Committee Recommendation:

Clause 1: Establishment of the National Biotechnology Development Agency.

- (1) There is established a body, known as the National Biotechnology Development Agency (in this Bill, referred to as "the Agency").
- (2) The Agency —
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name, and
 - (c) may acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out any of its functions under this Bill.
- (3) The headquarters of the Agency shall be in the Federal Capital Territory, Abuja (*Hon. Beni Lar — Langtang North/Langtang South Federal Constituency*).

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

Committee Recommendation:

Clause 2: Establishment and membership of the Governing Board.

- (1) There is established for the Agency, a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —

- (a) a Chairman, who shall be appointed by the President on recommendation of the Honourable Minister of Science and Technology, be a person who is capable of making outstanding contribution to the Field of biotechnology by reason of his ability, experience or specialized knowledge of biotechnology;
- (b) a representative each of the following Federal Ministries and Agencies which are responsible for —
 - (i) Science and Technology;
 - (ii) Agriculture and Rural Development;
 - (iii) Internal Affairs;
 - (iv) Finance;
 - (v) Health;
 - (vi) Environment;
 - (vii) Organized private Sector;
 - (viii) Industry, Trade and Investment;
 - (ix) Education; and
 - (x) National Planning Commission;
- (c) a representative of Biotechnology Society of Nigeria;
- (d) a representative of Biotechnology Centers of Excellence;
- (e) a representative of Nigeria Association of Chambers of Commerce Industry, Mines and Agriculture (NACCIMA);
- (f) a representative of Manufacturers Association of Nigeria (MAN);
- (g) a representative of Small and Medium Scale Industrialists;
- (h) two other persons with specialized knowledge in Biotechnology; and
- (i) the Director General of the Agency, who shall be the Chairman of the Board.

2. A majority of members of the Board other than the Chairman shall be appointed by the President on the recommendation of the Minister.

First Schedule

1. The following persons shall be members of the First Schedule of this Act with the exception of the persons mentioned in the proceedings of the Board and the other persons mentioned in the First Schedule of the *Education (North-Eastern, South-Eastern and South-Western) Act*.

- (ix) United Nations Convention on the Elimination of all Forms of Discrimination against Women (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 2: Establishment of the National Commission.

- (1) There is established a Commission to be known as the National Commission for Internally Displaced Persons, Refugees, Stateless Persons and other Persons of Concern (in this Bill referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Commission may acquire, hold and dispose of any moveable or immovable property for the purpose of its functions under this Bill (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 3: Establishment and Appointment of Members of Governing Board.

- (1) There is established for the Commission a Governing Board (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a Chairman; and
 - (b) one representative each of the following who shall not be below the rank of Director —
 - (i) Ministry of Interior,
 - (ii) Federal Commissioner,
 - (iii) Nigeria Security and Civil Defense Corps,
 - (iv) National Emergency Management Agency,
 - (v) National Committee of the Red Cross-(vi) National Human Rights Commission,
 - (vii) Nigerian Immigration Service,
 - (viii) a Civil Society representative focused on Refugees, Migrants and Internally Displaced Persons.
- (3) Secretary to the Commission/Legal Adviser who shall be the Secretary of the Board.
- (4) The Chairman shall be appointed by the President.

- (5) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 4: Tenure, Resignation, Cessation or Removal from Membership of the Board.

- (1) Members of the Board other than the Federal Commissioner shall hold office on part time basis.
- (2) Subject to the provisions of sub clause (1) of this Clause, members of the Board shall hold office as follows —
- (a) Federal Commissioner for a term of 4 years renewable for another term and no more; and
- (b) all other members of the Board shall hold office for a term of 4 years and no more.
- (3) The Chairman may resign his appointment by notice in writing addressed to the President.
- (4) A member of the Council may cease membership if the member —
- (a) becomes of unsound mind;
- (b) becomes bankrupt;
- (c) is convicted of a felony or of any offence involving dishonesty; and
- (d) is guilty of serious misconduct in relation to the office.
- (5) Subject to any other provisions of this Bill, a member of the Board shall hold office on such terms and conditions as may be specified in his letter of appointment.
- (6) Where a vacancy occurs in the Board's composition at any time, the Chairman of the Board shall formally notify the President through the Secretary to the Government of the Federation of the vacancy and shall make recommendations towards ensuring that the Board maintains a balance of skills, expertise, diversity and representation of relevant stakeholder groups
- (7) A member of the Board may resign his membership by giving 2 months' notice in writing or such other period as may be specified in his letter of appointment to the Board Chairman who shall forward same to the Secretary to the Government of the Federation for onward transmission to the President.
- (8) Membership of the Board shall be terminated where a member ceases to hold office on the basis of which he became a member (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:**Clause 5: Functions and Powers of the Board**

- (1) The Board shall —
- (a) formulate and provide policy guidelines for the discharge of the functions of the commission;
 - (b) monitor and ensure the implementation of the policies and programmes of the commission; and
 - (c) carry out such other functions as are necessary and expedient to ensure the efficient performance of the functions of the Commission under this Bill.
- (2) The Board shall have powers to —
- (a) approve rules and regulations relating to the appointment, promotion and disciplinary measures for staff of the Commission; and
 - (b) regulate its proceedings and make standing orders with respect to the keeping of minutes of its proceedings, and such other matters as the Board may from time to time determine, subject to extant circular of the Federal Government on number of meetings of the Board (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:**Clause 6: Functions of the Commission.**

- (1) The functions of the Commission shall include the following —
- (a) advising the Federal Government on policy matters relating to internally displaced persons, refugees and migrants;
 - (b) promoting Donor commitment to humanitarian response by organizing missions, liaising on an ongoing basis on developments, achievements and funding requirements for humanitarian interventions targeting internally displaced persons, refugees and migrants;
 - (c) organizing and maintaining relationship with relevant government Ministries, Departments and Agencies (MDAs) and where required, facilitating the provision of appropriate advice and capacity support towards meeting the protection and assistance needs of internally displaced persons, refugees and migrants including returnees in collaboration with relevant UN Agencies;
 - (d) ensuring that the integration approaches for protecting and assisting internally displaced persons, refugees and migrants as well as host communities are mainstreamed into the policies and practices of relevant agencies, line ministries and local authorities;
 - (e) undertaking comprehensive multi-agency situational analysis by using participatory assessment methodologies to identify threats to the rights of refugees, migrants and internally displaced persons and

their host communities and assessing the protection risks, assistance gaps, resources and opportunities available and offered locally, nationally and internationally by stakeholders;

- (f) identifying, mobilizing and coordinating internally displaced persons, refugees and migrants camp management agencies and other sectorial partners and ensuring co-ordination among other sectors responding to their assistance and protection needs;
- (g) evaluating the performance of refugees, migrants, returnees and internally displaced persons camp managing agencies and addressing issues relating to under-performing agencies, misuse of assets and strong religious agendas, in an objective and transparent manner;
- (h) monitoring and regularly reviewing the development, implementation and evaluation of protection mechanisms and assistance programmes target in, internally displaced persons, refugees and migrants;
- (i) identifying and promoting best practices in internally displaced persons, refugees and migrants camp management, including harmonizing protection and assistance standards between camps, taking into consideration the host community;
- (j) developing and ensuring compliance by government, Civil Society Organization: and humanitarian agency workers to clear guidelines, Standard Operating Procedures and Codes of Conduct for working with various groups of refugees, returnees, migrants and internally displaced persons including women children, elderly, persons with disabilities and such other groups with specie needs;
- (k) creating humanitarian coordination sectors and prescribing the composition and responsibility of each technical sector in addition to or in modification of the sectors recommended in the relevant National Frame works and Policies on Internally Displaced Persons, Refugees and Migrants;
- (l) coordinating the activities of all Governmental and Inter-Governmental or Humanitarian Agencies on refugee, migration and internal displacement issues in Nigeria;
- (m) designating a lead agency for each of the humanitarian sectors responding to issues of refugees, migrants and internally displaced persons in Nigeria end such other sectors that may be created or modified in furtherance of the wellbeing, safety arid security of the affected persons, taking into consideration the mandates, capacities and capability of the relevant intervening agencies and institution;
- (n) developing standard procedures, in conjunction with relevant Ministries, Departments, Agencies and Inter-Governmental or Humanitarian Agencies, for the return, re-admission and re-integration of excluded migrants in line with extant legal instruments and measures to protect and promote the human rights and well-being of migrants;

- (o) ensuring the protection and assistance of internally displaced persons during and after displacement as well as during return or resettlement and reintegration;
 - (p) providing a framework for conditions and means for internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country;
 - (q) collaborating and partnering with relevant Ministries, Departments, Agencies and Inter-Government or Humanitarian Agencies in carrying out the activities of the Commission or in implementing national and international legal instruments relating to the functions of the Commission;
 - (r) facilitating the negotiated and voluntary repatriation of Nigerian irregular migrants in conjunction with the Ministry of Foreign Affairs, the Nigerian Immigration Service (NIS), National Agency for the Prohibition of Trafficking in Persons (NAPTIP), security agencies or organisations and other stakeholders;
 - (s) encouraging and ensuring capacity building and skill acquisition training programmes to Nigerians who are being repatriated in order to ensure that they are gainfully engaged upon return;
 - (t) collaborating with the Ministry of Foreign Affairs in negotiating and facilitating bilateral agreements with nations repatriating Nigerian citizens to provide adequate time for the deportees to secure, convey and wind up their personal belongings and affairs, including the provision of opportunity to arrange for banking and other financial transactions;
 - (u) considering such matters as the Secretary to the Government of the Federation may, from time to time refer to it and making recommendations thereon; and
 - (v) do such other things necessary or expedient to the performance of its functions under this Bill.
- (2) Where there is a large scale influx of persons claiming to fall within the meaning of —
- (a) refugees under this Bill;
 - (b) massive internal displacement; or
 - (c) situation of mass return deportation, the Commission shall, in consultation with other relevant Government Ministries, Departments or Agencies, meet on an emergency basis and advise the Federal Government on the appropriate measures to be taken on the provision of adequate facilities and services necessary to take care of the particular group of persons affected by the influx or displacement (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:**Clause 7: Powers of the Commission.**

- (1) The Commission shall have powers to —
 - (a) set up appropriate advisory committees composed of administrative, technical or other experts in humanitarian, refugee, migration, internal displacement and development issues as may be necessary for the effective carrying out of its functions and powers under this Bill; and
 - (b) delegate its powers to any specific person or committee and to grant to such person or committee general or specific powers of sub-delegation.
- (2) The Commission —
 - (a) may accept gifts of Land, Money or other property on such terms, conditions, if any, as may be specified by the person or organization making gifts; and
 - (b) shall not accept any gift if the conditions attached by the person or organization making the are inconsistent with its functions or any law in force in Nigeria (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

**PART II — APPOINTMENT OF FEDERAL COMMISSION
AND OTHER STAFF OF THE COMMISSION**

Committee Recommendation:**Clause 8: Appointment of Federal Commissioner and Staff of the Commission.**

- (1) There shall be appointed by the President a Federal Commissioner of the Commission who shall be answerable to the Minister of Interior —
 - (a) the chief executive of the Commission; and
 - (b) she should have cognate experience of no less than 10 years in humanitarian or legal practice.
- (2) The Federal Commissioner shall —
 - (a) grant refugee status to applicants on the recommendations of the Eligibility Committee constituted under Clause 9 of this Bill;
 - (b) represent the Commission and enter contracts on its behalf;
 - (c) ensure the provision of adequate facilities and services for the reception and care of internally displaced persons, refugees, Stateless Persons and other Persons of Concern in Nigeria;
 - (d) exercise such other powers and perform such other duties relating to internally displaced persons, refugees, Stateless Persons and other Persons of Concern as may be assigned to him from time to time, by the Board; and

- (e) take such steps necessary to ensure compliance with the provisions of this Bill.
- (f) take such steps as he considers necessary to ensure compliance with the provisions of this Bill.
- (3) The Board shall have power to appoint directly or request for the deployment from the Public Service of the Federation, such number of staff as may be necessary for the proper and efficient performance of its functions under this Bill.
- (4) The terms and conditions of service including remunerations, allowances and benefit: of staff of the Commission shall be as determined by the Board in consultation with the National Salaries, income and Wages Commission, subject to extant Government Rules (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

PART III — ESTABLISHMENT OF COMMITTEES OF THE COMMISSION

Committee Recommendation:

Clause 9: Establishment of Directorates of the Commission.

- (1) There shall be established for the Commission the following Directorates —
 - (i) Administration and Human Resources;
 - (ii) Planning, Research and Statistics;
 - (iii) Management Information System;
 - (iv) Finance and Supply; and
 - (v) Legal Services (headed by the Secretary to the Commission).
- (2) The Board may increase the number of Directorates, Departments and Units as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission:
 - (a) assist in the formulation of guidelines, strategies and action plans by the Commission for periodic monitoring and evaluation of the practice implementation of the National Policy on Internally Displaced Persons;
 - (b) monitor and evaluate the progressive implementation of Nigeria commitments and obligations under regional and conventions on Internally Displaced Persons;
 - (c) ensure and monitor the timely intervention of the Commission and the humanitarian community towards providing lasting solutions to internally displacement in Nigeria with effective participation of internally displaced persons in all decision-making processes affecting their lives;
 - (d) engender effective cooperation and collaboration between the Commission and relevant Humanitarian organizations providing interventions on internal displacement;

- (e) receive, attend to and resolve complaints, petitions and grievances expressed by internally displaced persons or their host communities as relate to their fundamental rights, safety, security and wellbeing provided for in the National Policy on internal displacement, regional protocols, conventions and the Constitution of the Federal Republic of Nigeria;
- (f) liaise with the Commission to develop the requisite technical capacity, human and material resources to respond to internal displacement situations in Nigeria; and
- (g) advise the Commission on any other issue relating to effective assistance and protection of internally displaced persons in Nigeria
(*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 10: Protection, Registration, Documentation and Assistance of Internally Displaced Persons.

The Commission shall —

- (a) in collaboration with relevant agencies of government, ensure compliance with the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons, 2009 (in this Bill referred to as "Kampala Convention");
- (b) be the designated agency of government responsible for coordinating activities aimed at protecting and assisting internally displaced persons and shall seek the collaboration of other appropriate Ministries, Departments or Agencies of Government for such protection and assistance;
- (c) support State Governments in the creation and maintenance of an up-dated register of all internally displaced persons within their jurisdiction;
- (d) register and made personal documentation of internally displaced persons
(*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 11: Establishment of Eligibility Directorate for Refugees.

- (1) There is established a Directorate to be known as the Eligibility Directorate for Refugees (in this Bill referred to as "the Eligibility Directorate ") which shall consist of —
 - (a) the Federal Commissioner as Chairman
 - (b) the Comptroller General of Nigeria Immigration Service;
 - (c) a representative of the —
 - (i) Ministry of Interior,
 - (ii) National Human Rights Commission,

- (iii) Non-Governmental Organizations with relevant expertise in humanitarian affairs; and
 - (iv) a representative of Civil Society with focus on Refugees, Migrants and Internally Displaced Persons.
- (2) The Committee shall —
- (a) process and consider applications for refugee status and recommend such applicants that qualify for that status to the Federal Commissioner;
 - (b) consider cases for cancellation and withdrawal of refugee status as may be referred to it by the Federal Commissioner; and
 - (c) exercise any other powers and perform any other duties that may be assigned to it, from time to time, by the Federal Commissioner
(*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 12: Refugees Appeal Panel.

- (1) There is established for the commission, the Refugee Appeal Panel (in this Bill referred to as "the Appeal Panel").
- (2) The Appeal Panel shall consist of three legal practitioners, one of whom shall —
 - (a) be a retired Judge with adequate knowledge in international Humanitarian Law, International Human Rights Law or International comparative law who shall be the Chairman;
 - (b) two legal practitioners of at least 10 years' experience; and
 - (c) be appointed by the Secretary to the Government of the Federation in consultation with the Attorney-General of the Federation and Minister of Justice.
- (3) The representative of the United Nations High Commissioner for Refugees in Nigeria may be invited to participate in the proceedings of the Appeal Committee and shall have the right to make an oral or written representation on behalf of any person concerned in an appeal that is being heard by the Appeal Panel.
- (4) The Appeal Panel shall meet at the invitation of the Federal Commissioner.
- (5) Subject to the provisions of this Bill, the Appeal Panel shall hear appeals against the decisions of the Eligibility Committee.
- (6) The Appeal Panel shall give due consideration to any representation made or on behalf of an appellant before coming to a final decision on the appeal
(*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

*Committee Recommendation:***Clause 13: Directorate of Migration and Stateless Persons Management.**

- (1) There is established for the Commission a Committee to be known as the Migration Management Committee which shall consist of —
 - (a) the Solicitor-General who shall be the Chairman; and
 - (b) a representative of the following —
 - (i) Ministry of Foreign Affairs,
 - (ii) Ministry of Interior,
 - (iii) Ministry of Finance,
 - (iv) National Population Commission,
 - (v) Nigeria Immigration Service,
 - (vi) National Planning Commission,
 - (vii) Central Bank of Nigeria,
 - (viii) Office of the Vice President.
- (2) The Migration Management Committee shall —
 - (a) facilitate, formulate, review and make necessary recommendations on national policy on migration;
 - (b) monitor the implementation of bilateral agreements regarding migration and recommend to the Commission situations where new bilateral agreements are required to ensure that Nigerians being repatriated from abroad are treated humanely and fairly, in safety, dignity and that their basic human rights are respected;
 - (c) monitor and recommend actions to the Commission aimed at ensuring that the human, economic, labour and civil rights of Nigerians resident abroad are well protected in their host countries including those guaranteed by existing International Conventions, Customary Laws and General Principles and such other agreements concluded on bilateral and multilateral basis;
 - (d) make policies and guiding principles as well as advise the Commission on strategies for a well-managed labour migration that would enhance its benefits to Nigeria and reduce the adverse impact resulting from the loss of skilled citizens;
 - (e) monitor, advise and ensure protection of migrants in Nigeria, and Nigerian migrants in other countries under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
 - (f) support the Commission in liaising with the Technical Partners in the implementing technical cooperation in identified areas of needs; and

- (g) advise the Commission on general migration issues and ratification and implementation of relevant Migration treaties, protocols and conventions (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 14: Management and Protection of Rights of Migrants.

- (1) This Bill vests on the Commission the responsibility of coordinating migration issues and ensuring the protection of migrants and their families, whether other nationals resident in Nigeria or Nigerians resident in other countries, in line with the provisions of international conventions, protocols and treaties guiding the protection of rights and promotion of the welfare of migrants.
- (2) The Commission, through the Migrant Management Committee established under this Bill, shall provide a platform for the uniform administration of migration in Nigeria as a coordinating agency of all stakeholders in the field of migration and for formulating, reviewing and implementing a national policy on migration and development (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

PART IV — MANAGEMENT OF REFUGEES

Committee Recommendation:

Clause 15: Application for Refugee Status in Nigeria.

- (1) Application for the grant of a refugee status shall be made to the Federal Commissioner through the nearest competent officer or through the office of the United Nations High Commissioner for Refugees in Nigeria.
- (2) A competent officer to whom a person seeking asylum first presents himself shall, where he is not an immigration officer, promptly notify an immigration officer that a person seeking a refugee status has entered into or is present in Nigeria.
- (3) An application received by the office of the United Nations High Commissioner for Refugees shall be forwarded to the Eligibility Committee.
- (4) The Eligibility Committee may invite the applicant to appear before it.
- (5) The decision of the Eligibility Committee shall be notified in writing to the applicant by the Director General.
- (6) Where the Eligibility Committee recommends that the applicant shall not be granted refugee status, it shall give reasons for its decision.
- (7) In the case of a refusal to grant refugee status, the applicant may appeal against the decision of the Eligibility Committee to the Appeal Panel established under clause 10 of this Bill within 30 days of his being notified of the refusal.
- (8) Pursuant to clauses 14 and 15 of this Bill, an applicant shall be allowed to remain in the country while waiting for the final decision of the Appeal Panel.

- (9) Where an applicant is finally refused a refugee status, he shall be given reasonable time to seek admission as a refugee into another country (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 16: Prohibition of Expulsion Return of Refugees from Nigeria.

- (1) Notwithstanding the provisions of any other law, no person who is a refugee within the meaning of this Bill shall be refused entry into Nigeria, expelled, extradited or returned in any manner to the frontiers of any territory where —
- (a) his or her life or freedom may be threatened on account of race, religion, nationality, membership of a particular group or political opinion; and
- (b) physical integrity and liberty may be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in any part or the whole of that territory.
- (2) The provisions of sub-clause (1) of this clause shall not apply to a refugee who —
- (a) constitutes a threat to the security of Nigeria; or
- (b) is convicted by a court or tribunal for committing any serious crime stipulated in the conventions contained in the schedules to this Bill.
- (3) No person claiming to be a refugee within the meaning of this Bill, who has illegally entered into or is illegally present in Nigeria, shall be expelled, extradited or returned merely by reason of his illegal entry or presence in Nigeria or any part of Nigeria pending the determination of his application for a refugee status.
- (4) A person who has lawfully entered into or is lawfully present in Nigeria and who wishes to remain in Nigeria on the grounds that he or she is a refugee within the meaning of this Bill shall not be compelled to leave Nigeria, unless he or she has found another country of asylum (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 17: Residence in Nigeria Pending Recognition or Refusal as Refugee.

- (1) Notwithstanding the provisions of any other law, any person who has applied under clause 14 of this Bill for grant of refugee status and members of his family shall have the right to remain within Nigeria, until he has —
- (a) been granted refugee status under the provisions of this Bill; or
- (b) had an opportunity to exhaust his right of appeal under clause 11 of this Bill, where his application is not successful.

- (2) Where the person mentioned under sub-clause (1) of this clause has appealed pursuant to clause 11 of this Bill and the appeal was not successful, he shall, within 30 days from the date of determination of the appeal leave Nigeria for another country of his choice (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 18: Cessation or Stay of Proceedings in Respect of Illegal Entry.

Notwithstanding the provisions of the Immigration Act, Cap. 11 LFN, 2004, no proceedings shall be instituted or continued against any person or any member of his family in respect of his, unlawful entry into or unlawful presence within Nigeria where he —

- (a) applies under clause 14 of this Bill for the grant of a refugee status, unless —
- (i) a decision has been made on the application, and
- (ii) he has had an opportunity of exhausting his right of appeal under that clause; or
- (b) has been granted refugee status (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 19: Residence in Nigeria of Persons Granted Refugee Status, etc.

- (1) Subject to the provisions of this Bill, a person who has been granted refugee status under this Bill and members of his family shall be —
- (a) issued with an identity card in the form prescribed by the Minister charged with responsibility for matters relating to internal affairs;
- (b) issued with residence permit;
- (c) subject to the laws in force in Nigeria.
- (2) A refugee and members of his family lawfully staying in Nigeria shall, in accordance with Article 28 of the 1951 United Nations Refugees Convention and other relevant conventions, be issued with the United Nations Travel Document (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 20: Withdrawal of Refugees Status.

- (1) The Federal Commissioner shall refer a matter to the Eligibility Committee, where he considers that there are reasonable grounds for believing that a person who has been granted a refugee status under this Bill —
- (a) should not have been so granted; or
- (b) has ceased to be a refugee.

- (2) Where a matter has been referred to the Eligibility Committee established under clause 10 of this Bill, it shall cause a written notice to be served on the person whose status as a refugee is under reconsideration —
 - (a) informing him of the fact that his status as a refugee is to be reconsidered; and
 - (b) inviting him to make written representations to it within 14 days from the date of service of the notice, in respect of his status as a refugee.
- (3) The Eligibility Committee shall consider every matter referred to it under subclause (1) of this clause and enquire into or investigate the matter as it deems necessary.
- (4) After considering any advice or recommendation given or made to him by the Eligibility Committee in relation to any case referred to it under subclause (1) of this clause, the Federal Commissioner —
 - (a) may withdraw the grant of refugee status; and
 - (b) shall cause the person concerned to be notified in writing of his decision on the matter (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Committee Recommendation:

Clause 21: Right of Appeal to the Minister of Interior.

- (1) Any person aggrieved by a decision of the Federal Commissioner to withdraw the grant of refugee status may, within 7 days of being notified of such withdrawal, appeal in writing to the Minister of Interior.
- (2) In any appeal under subclause (1) of this clause, the Secretary to the Government of the Federation may confirm or set aside the decision of the Federal Commissioner and inform the Federal Commissioner of his decision on the matter.
- (3) Notwithstanding the provisions of sub clause (2) of this clause the Minister of Interior may, before reaching a decision on all appeal —
 - (a) invite the representative of the United Nations High Commissioner for Refugees in Nigeria to make oral or written representation on the matter;
 - (b) refer the matter to the Eligibility Committee for further inquiry and investigation; and
 - (c) make such further inquiry or investigation into the matter as he deems fit.
- (4) Where the Federal Commissioner withdraws the grant of refugee status under clause 19 of this clause, the person concerned and any other person who became a refugee by virtue of being a member of his family shall cease to be a refugee with effect from —

- (a) 7 days after he was notified of the withdrawal by the Federal Commissioner; or
 - (b) the date on which the Minister of Interior notifies him of his confirmation of the decision of the Federal Commissioner, such a person shall within 30 days leaves Nigeria to another country of his choice.
- (5) Nothing contained in this section shall be construed as preventing a person who became a refugee by virtue of being a member of the family of the person mentioned under this section from applying for the grant of a refugee status (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

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

Committee Recommendation:

Clause 22: Benefits to Family Members Granted Refugee Status.

- (1) The Federal Commissioner and all competent officers shall ensure that members of the family of a refugee —
- (a) benefit from the same treatment as provided for refugees in this Bill,
 - (b) are permitted to enter and remain in Nigeria as long as the refugee concerned is permitted to remain in Nigeria under this Bill.
- (2) Subject to the provision of clause 19 of this Bill, a change in family status or ties resulting from marriage of the dependant family member, divorce or legal separation, death of the principal applicant or attainment of age of majority by a minor dependant shall not affect the refugee status of such family members (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 23: Rights of a Person Granted Refugee Status.

A person granted refugee status in Nigeria shall be entitled to the rights and subject to the duties contained in the Articles, Protocol, Conventions ratified by Nigeria and any other law in force in Nigeria (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 24: Offences by a Refugee.

- (1) A refugee may be detained or expelled for reasons of national security or public order.
- (2) No refugee shall be expelled pursuant to this clause, to a country where he has reasons to fear persecution.
- (3) A refugee who has been notified of a decision of expulsion may appeal to the Appeal Panel or the Secretary to the Government of the Federation, as the case may be, for reconsideration of his provisions of this Bill (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 25: Assistance to Refugees.

- (1) Subject to the provisions of any other Law in Nigeria, the Commission shall assist refugee who has satisfied the criteria to achieve any of the following —
 - (a) citizenship by naturalization;
 - (b) voluntary repatriation;
 - (c) reintegration; or
 - (d) resettlement.
- (2) The Commission shall —
 - (a) adopt procedures to be followed by the competent officer for the purposes of facilitating entry and residence in Nigeria of refugees and members of their family;
 - (b) assist in the training of family members of refugees, particularly for unaccompanied children;
 - (c) seek co-operation with non-governmental organisations on matters relating to refugees;
 - (d) give relief assistance to refugees while they are awaiting a final decision of the Appeal Panel or the Secretary to the Government of the Federation; and
 - (e) assist in seeking employment or education for refugees and members of their family (*Hon. Muhammed Sani Zorró — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 26: Rights of Internally Displaced Persons.

- (1) All Internally Displaced Persons shall be entitled to all rights contained in the —
 - (a) 1999 Constitution of the Federal Republic of Nigeria; and
 - (b) Sub-regional, regional and international human rights statutes and other humanitarian instruments domesticated in Nigeria.
- (2) Subject to the provisions of any Act, Internally Displaced Persons shall have the following rights —
 - (a) to seek safety in another part of the country;
 - (b) to leave their country;
 - (c) to seek asylum in another country;

- (d) to be protected against forcible return to or resettlement in any place where their life, safety, liberty or health would be at risk;
 - (e) to request and receive protection and assistance from the state, local authorities and other Non-governmental Organisations;
 - (f) not to be punished or persecuted for making any of the request for his or her rights as provided in this Bill.
- (3) Notwithstanding the provisions of any Act, Vulnerable Internally Displaced Persons shall have right to receive protection and assistance required by their condition or special needs (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 27: Arbitrary Displacement.

- (1) Every person shall have a right not to be arbitrarily displaced from his or her home or place of habitual residence.
- (2) Where it is necessary to evict persons from the place of habitual residence, in situations other than during emergency, armed conflict, violence and disasters and despite due consultations and participation of affected persons, the government authorities effecting the eviction prior to its execution shall put in place the following —
 - (a) an opportunity for genuine consultation with those affected, including public hearings on the proposed eviction plans and alternatives;
 - (b) adequate and reasonable notice prior to the scheduled date of eviction;
 - (c) timely provision of information in an accessible format on the eviction process, future use of the land and resettlement plans for affected persons;
 - (d) presence of government officials during an eviction;
 - (e) proper identification and registration of all persons being evicted;
 - (f) proper identification of all persons carrying out the eviction;
 - (g) provision of legal remedies including provision of affected persons and their advocates with opportunities to challenge the eviction decision or to present alternative proposals and to articulate their demands and development priorities;
 - (h) provision of adequate compensation for loss of properties and inconveniences resulting from the evictions based on comprehensive assessment reports; and
 - (i) provision of legal aid by the legal aid council and other agencies providing pro-bono legal aid services to affected persons, where needed, to seek redress from the courts.

- (3) Notwithstanding the provisions of subclause (2) of this Bill, in cases of armed conflict, disasters, or for imperative military reasons, displacement may be carried out in order to ensure the safety, health and security of civilians involved displacement shall not be carried out —
- (a) in a manner that violates the rights to life, dignity, liberty, security of the person; or during bad weather or at night (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 28: Children of Internally Displaced Persons.

- (1) Subject to the provisions of any Act, by this Bill, the government hereby asserts as follows —
- (a) that every internally displaced child shall have right to a name of his or her choice and to be identified with the community of birth, where possible;
- (b) to ensure proper upbringing of an internally displaced child;
- (c) to ensure that an orphaned is adopted by a family either from his or her ethnic group or of his or her choice, which means his or her status may remain or be decided by his or her new family depending on his or her choice;
- (d) to ensure that internally displaced child communicate in their native language or any other language of their choice;
- (e) to ensure that under no circumstances internally displaced child is used for street hawking, forced labour or any other forms of child exploitation;
- (f) to ensure that Internally displaced children is provided with good medical care and immunization against diseases that may cause death, retard their growth or affect their general well-being;
- (g) to ensure the full integration into the society of Internally displaced child who shall not be ascribed as belonging to any cast system, such as "Osu", "Abiku", "Ogbanje", etc.; and
- (h) to ensure that internally displaced child below the age of 18 are protected against torture, sexual exploitation, drug abuse, as well as early and forced marriage.
- (2) In case of an adopted Internally displaced child, the adopted parents shall —
- (a) ensure that the child attains full educational development as their biological children;
- (b) not subject the child to abuse;
- (c) fully integrate the child into the family and ensure is treated equally like other biological children;

- (d) ensure that the child is honoured with traditional titles where he or she merited it, either on reasons of birth or other considerations and shall not be discriminated against just because of his or her being an internally displaced child;
 - (e) not on reason remind the adopted child that he or she is from an internal displacement camp.
- (3) Notwithstanding the provisions of any Act, the adoption of the child is perpetual, not reversible and non-renounceable.
- (4) An internally displaced child may be fostered by parents and shall have access to all rights such as education, inheritance, and traditional titles as are enshrined in Sharia or Customary Law (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 29: Gender Provisions.

Without prejudice to the national gender policy and provisions of any other Act, it is hereby provided as follows —

- (a) that the sanctity of Nigerian womanhood shall not in any way be violated;
- (b) that every woman in an Internally Displaced Persons camp shall have the rights to her privacy and not to be subjected to any form of indignity; including beating, forced labour, marriage, sexual abuse, or forceful stripping either for medical examination or other reasons whatsoever without her consent;
- (c) that under no circumstance shall women and men be lumped together in a room except as husbands and wives or as members of the same family; and
- (d) that every woman in an Internally Displaced Persons camp shall —
 - (i) be entitled to hold any position of authority in camp without any form of discrimination';
 - (ii) be free to take micro-credit and other financial assistance with or without the consent of their husbands for economic self-reliance,
 - (iii) to own property and disburse the property with or without the consent of their spouses,
 - (iv) to embark on any form of lawful economic activity of her choice to enhance her well-being and that of her family, entitled to self-development, particularly in the area of education and skill acquisition (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 29 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 30: Disabled, Sick and Wounded Internally Displaced Persons.**

- (1) All wounded, infirm, and disabled persons in the Internally Displaced Persons camp shall receive medical care to the extent practicable which shall include psychological and social services whenever necessary.
- (2) For the purpose of the provision of this clause, government shall provide in each internally displaced persons camp —
 - (a) modified physical environment infrastructure which shall include entrance ramps, non-slipper floors, wide entrances, exits and wide lavatories that can accommodate wheel chairs;
 - (b) assistive mobility devices which shall include wheelchairs, walking canes, evacuating chairs, walkers, crutches, hearing aid equipment;
 - (c) trained personnel and specialised medical care which shall include —
 - (i) care givers to assist those with ambulatory problems or intellectual and developmental disabilities,
 - (ii) sign language interpreters to provide aid communication with the Deaf, physiotherapists especially for those who have newly acquired disability e.g. amputees during the crises that displaced them,
 - (iii) psychiatrist to support persons with mental problems to keep them under control;
 - (d) accessed to information in a format that is accessible to Internally Displaced Persons with disability e.g. converted into Braille for the visually impaired (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 30 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 31: Internally Displaced Persons Living with HIV/AIDS.**

Every internally displaced person living with HIV shall be entitled to —

- (a) purified water and hygienic food and sanitary environment to avoid contaminations which could lead to opportunistic infections caused by their compromised immunity;
- (b) adequate care and support services including psycho-social support;
- (c) condoms and positive living education including information on positive prevention to minimise infecting their partners or re-infecting themselves; and
- (d) confidentiality of data and information and only to be disclosed with consent, to avoid stigma and discrimination (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 31 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 32: Older Persons.**

Subject to the provisions of any Act, by this Bill, the government Asserts as follows —

- (a) that the Older persons left behind during flight by family members in times of emergency are accessed and evacuated;
- (b) to ensure that relevant identification and documentation is obtained for older persons in displacement;
- (c) to ensure that land and housing rights of older persons are protected during and after displacement especially for widows and elderly women;
- (d) to ensure that their basic needs in displacement including nutrition, shelter, mattresses, blankets, warm clothing, tent, rain coats, water, sanitation and specialised health care are provided for during and after displacement;
- (e) that Older persons in displacement are re-united with their families and provided with adequate social support systems;
- (f) that their livelihoods support systems and means of income generation are rebuilt, especially those providing care to younger children whose parents might have been lost prior to or during displacement;
- (g) that Older persons in displacement are provided with relevant psycho-social support, palliative care and post-traumatic counselling since they are most likely to suffer post-traumatic stress disorders;
- (h) to ensure that their transportation and mobility is provided during evacuation and displacement following emergencies, disasters, violence and conflicts or other causes of displacement;
- (i) that water containers are provided in smaller sizes with handles that can easily be carried by older persons;
- (j) that Camp and shelter facilities are accessible and safe for older persons e.g. provided with rails, non-slippery floors, etc; and
- (k) to ensure that displaced older women are protected from physical and sexual abuse, including all forms of gender-based violence and discrimination (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 32 stands part of the Bill — Agreed to.

Committee Recommendation:**Clause 33: Voluntary Return/Relocation of Internally Displaced Persons.**

Every internally displaced persons who voluntarily returned or relocated to any community shall be entitled —

- (a) not to be discriminated against on account of the displacement;
- (b) to participate fully in public affairs, access to public services and to vote and be voted for;

- (c) to own property wherever there chose in Nigeria as provide under the Constitution of the Federal Republic of Nigeria and any other relevant laws;
- (d) to any special or general existing empowerment initiatives of the government in his or her choice community; and
- (e) to a comprehensive rehabilitation package with priority given to the elderly (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 33 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 34: Obligations of Internally Displaced Persons.

Every internally displaced persons shall have an obligation —

- (a) to be law abiding citizens;
- (b) to respect the culture and norms of host communities;
- (c) to abide by rules and regulations in collective settlements; and not to commit any criminal act within the meaning of local law of international law (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 34 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 35: Entitlement of Host Communities.

Every Host Community shall be entitle to —

- (a) security of life and property;
- (b) adequate and appropriate compensation; and
- (c) food security, safe environment and social infrastructure including water supply, health care facilities and schools (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 35 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 36: Obligations of Host Communities.

Every Host Community shall have the obligation to cooperate and collaborate with government efforts in —

- (a) the provision of adequate security and safety for internally displaced persons settled or resident in their communities;
- (b) the promotion of harmony and integration of internally displaced persons, and shall not prevent them from accessing social services available within their communities including education, health care, water and sanitation and other social amenities;

- (c) ensuring that internally displaced persons resident in their communities are not discriminated against on the basis of ethnicity, religion or culture, and shall not exploit their displacement or vulnerability including differential charges for services or commodities (e.g. house rents, school fees, etc.);
- (d) the provision of safe space for IDPs in the community, and where land is required for construction of resettlement or temporary shelter, shall provide same to government through negotiations with relevant government and humanitarian agencies;
- (e) ensuring access by humanitarian agencies, non-governmental organisations or government officials providing assistance and support to Internally Displaced Persons in their communities;
- (d) restoring the environment during the emergency and recovery phases of the displacement;
- (e) allowing Internally Displaced Persons the freedom to express their cultural, religious and political beliefs without undue discrimination, molestation or inhibition; and
- (f) not limiting the lawful movement of Internally Displaced Persons within, into or out of their community, or prevent their access to any part of their community (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 36 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISION

Committee Recommendation:

Clause 37: Fund of the Commission.

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.
- (2) There shall be paid and credited to the fund established pursuant to subclause (1) of this Clause —
 - (a) from the Federal Government as subvention;
 - (b) such monies as may from time to time, be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;
 - (c) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and
 - (d) proceeds from all other assets that may, from time to time, accrue to the Commission.
- (3) The Commission shall from time to time apply the fund —
 - (a) to the cost of its administration;
 - (b) to the payment of the salaries, fees or other remuneration or allowances, payable to its staff or officers;

- (c) for the maintenance of any property acquired or vested in it; and
- (d) for and in connection with all or any of its functions under this Bill
(*Hon. Muhammad Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 37 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 38: Humanitarian Trust Fund.

- (1) There is established for the Commission a fund to be known as the Humanitarian Trust Fund (in this Bill referred to as "the Trust Fund") into which shall be paid the-
 - (a) grant from the Federal Government;
 - (b) donations, gifts or endowment from individuals, corporate entities, international donor agencies and other developmental partners.
- (2) There shall be a Board of Trustees for the Trust Fund established under this clause, to be headed by the Chairman of the Board of the Commission, with the following as members-
 - (a) Federal Commissioner; and
 - (b) 3 other members to be appointed by the Minister of Interior.
- (3) Management of the Trust Fund shall be vested in the Board of Trustees.
- (4) The Trust Fund shall be utilised in cases where there is an influx of persons or such other situations mass voluntary or involuntary displacement or migration and in cases of return, resettlement, reconstruction, rehabilitation and reintegration of refugees, migrants or internally displaced persons (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 38 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 39: Remedies to Arbitrary Displacement.

- (1) Where a case of arbitrary displacement is established by the Commission and where accused parties, whether state or non-state actors are guilty of not conducting necessary or required Environmental Impact Assessment prior to execution of a development project including exploration of natural resources resulting to forced or arbitrary displacement, the party or parties that commissioned the project shall provide persons affected by displacement with effective remedies.
- (2) Where persons affected or internally displaced arbitrarily are not compensated or inadequately compensated by the perpetrators of the displacement caused by an act or omission not attributable to any foreseeable act of nature, the affected persons shall petition to the Internally Displaced Persons Committee of the Commission to seek Just and fair compensation and other forms of reparations, where appropriate, for damages incurred as a result of displacement, in accordance with international standards.

- (3) Where it is established by a court of competent jurisdiction that a party willfully engaged in activities that led to —
- (a) environmental pollution or degradation;
 - (b) violence;
 - (c) conflict; or
 - (d) other act of omission resulting in arbitrary or forced displacement of persons from their places of habitual residence, the party shall be liable to make reparation to internally displaced persons for damage
(Hon. **M u h a m m e d S a n i Z o r r o** —
Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 39 stands part of the Bill — Agreed to.

PART VI — MISCELLANEOUS

Committee Recommendation:

Clause 40: Minister to Make Regulations.

The Commission may, with the approval of the Minister make regulations necessary for giving full effect to the provision of this Bill (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 40 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 41: Accounts and Audit.

The Commission shall not later than 30th June in each year, submit to the Minister a report on its activities during the preceding year and shall include in such report the audited accounts of the Commission (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 41 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 42: Repeal of Cap. N21, LFN, 2004.

The National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 is repealed (Hon. **Muhammed Sani Zorro** — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 42 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 43: Transitional Provisions and Savings.

- (1) Anything made or done or having effect before the commencement of this Bill by the National Commission for Refugees and having any resulting or continuing effect shall be treated as from the commencement of this Bill, as if it were made or done by the Commission.
- (2) As from to the commencement of this Bill, any staff or officer who immediately before the commencement of this Bill holds office in the National Commission for Refugees existing before the commencement of

this Bill, and who have been made an offer by the Commission shall be deemed to have been transferred to the Commission established under this Bill, on such terms and conditions no less favourable than those obtaining immediately before the commencement of this Bill.

- (3) Service or employment in the department shall be deemed to be service or employment in the Commission established under this Bill and any director, employee, staff or officer to whom the Commission did not make an offer shall be redeployed by the Head of civil service of the Federation.
- (4) All assets, rights, liabilities and obligations of the National Commission for Refugees, before the commencement of this Bill shall, by virtue of this Bill, be deemed to be that of the Commission (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that Clause 43 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 44: Interpretation.
In this Bill —

"Chairman" means Chairman of the Governing Board of the Commission (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

"Competent Officer" means immigration officer, customs officer, police officer, Liaison officer of the National Commission for Refugees, Migrants and Internally Displaced Persons or any other relevant security officer (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that the meaning of the words "Competent Officer" be as defined in the interpretation to this Bill — Agreed to.

"Country of Nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that the meaning of the words "Country of Nationality" be as defined in the interpretation to this Bill — Agreed to.

"emigrant and immigrant" refer respectively to migrants from the perspective of the Country of origin or departure and the Country of destination or settlement (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

Question that the meaning of the words "Emigrant and immigrant" be as defined in the interpretation to this Bill — Agreed to.

"Frontier" means land frontier, sea frontier, port or airport of airport (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

"Minister" means Minister of Interior (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

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

"Internal displacement" means the involuntary or forced movement, evacuation or relocation of persons or group of persons within internationally recognized state borders (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that the meaning of the words "Internal displacement" be as defined in the interpretation to this Bill — Agreed to.

"internally displaced persons" are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed any of Nigeria's internationally recognized borders (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that the meaning of the words "internally displaced persons" be as defined in the interpretation to this Bill — Agreed to.

"Vulnerable Internally Displaced Persons" include children accompanied, unaccompanied and orphans, women including nursing and expectant mothers and female heads of households, persons with disabilities, and the elderly (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that the meaning of the words "Vulnerable Internally Displaced Persons" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 44 stands part of the Bill — Agreed to.

Committee Recommendation:

Clause 45: Short Title.

This Bill may be cited as the National Commission for Internally Displaced Persons, Refugees, Stateless Persons and other Persons of Concern Bill 2018 (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Question that Clause 45 stands part of the Bill — Agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1. (1) Subject to the provisions of this Bill and section 27 of the Interpretation Act the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Federal Commissioner and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board

2. (1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the Notice is given.
- (2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting
3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board such functions as the Board may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on 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.
4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose and the Federal Commissioner.
- (2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed. The validity of any proceedings of the Board or of a committee shall not be adversely affected by:
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee
- FIRST — United Nations Convention Relating to the Status of Refugees I 1951
- SECOND — Protocol Relating to Status of Refugees of 31st January 1967
- THIRD — Organisation of African Unity Convention 1969
- FOURTH — African Union (Kampala) Convention on Protection and Assistance to Internally Displaced Persons in Africa
- FIFTH — Internal Convention for the Protection of the Rights of All Migrants and Members of their Family
- SIXTH — Convention Relating to the Status of Stateless Persons of 1954 (*Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency*).

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

Explanatory Memorandum:

This Bill seeks to Repeal the National Commission for Refugees Act, Cap.N21 Laws of the Federation of Nigeria, 2004 And Enact The National Commission for Internally Displaced Persons, Refugees Stateless and Other Persons of Concern, to Provide a Framework for Management, Rehabilitation, Return, Reintegration and Resettlement of Victims of Displacement and for Related Matters (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Agreed to.

Long Title:

A Bill for an Act to Repeal the National Commission for Refugees Act, Cap.N21 2004 and Re-enact the National Commission for Internally Displaced Persons, Refugees, Stateless and Other Persons of Concern, to Provide a Framework for Durable Solutions to Victims of Displacement and for Related Matters (HB. 603) (Hon. Muhammed Sani Zorro — Gumel/Maigatari/S/Tankar/Gagarawa Federal Constituency).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Internally Displaced Persons (IDPs), Refugees and Initiatives on North-East Zone on a Bill for an Act to Repeal the National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 and Re-enact the National Commission for Internally Displaced Persons, Refugees, Stateless and other Persons of Concern, to Provide a Framework for Durable Solutions for Victims of Displacement; and for Related Matters (HB. 603) and approved Clauses 1- 45, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

20. Adjournment

That the House do adjourn till Tuesday, 30 January, 2018 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Munguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 3.46 p.m.

Yakubu Dogara
Speaker