



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 1 February, 2018

1. The House met at 11.11 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, 31 January, 2018.

The Votes and Proceedings was adopted by unanimous consent.
3. **Announcement**
Visitors in the Gallery:
Mr Speaker recognised the presence of Staff and Students of *Living Word Magnet School*, Gwarimpa, Abuja.
4. **Petitions**
 - (i) A petition from Ogunsola Osunjuyigbe on the termination of his appointment by the management of Nigerian National Petroleum Corporation (NNPC), was presented and laid by Hon. Yakub Abiodun Balogun (*Lagos Island II Federal Constituency*);
 - (ii) A petition from Assistant Superintendent of Police, Akpan Emmanuel, on the alleged fraud by the Management of National Housing Fund and Federal Mortgage Bank on the contributions of officers of the Nigeria Police to the fund, was presented and laid by Hon. Nkole Uko Ndukwe (*Arochukwu/Ohafia Federal Constituency*);
 - (iii) A petition from Fubara Ebenezer Uranta, on the termination of his appointment and non-compensation for injuries sustained in the discharge of his duties by the Management of Tarabaroz Fisheries Limited, was presented and laid by Hon. Jimoh Abdulraheem Olajide (*Lagos Mainland Federal Constituency*); and
 - (iv) A petition from Godwin Emili, on the alleged murder of Azubuike Emili by the Nigeria Police, Pako Police Station, Amukoko, Lagos State, was presented and laid by Hon. Rita Orji (*Ajeromi/Ifelodun Federal Constituency*).

Petitions referred to the Committee on Public Petitions.

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

Invasion of Parts of Kaiama and Baruten Local Government Areas of Kwara State by Gunmen Suspected to be Cattle Rustlers and Insurgents:

Hon. Zakari Mohammed (*Baruten/Kaiama 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.

Invasion of Parts of Kaiama and Baruten Local Government Areas of Kwara State by Gunmen Suspected to be Cattle Rustlers and Insurgents:

The House:

Notes that the Kainji National Park in Borgu Local Government of Niger State, and both Baruten and Kaiama Local Government Areas of Kwara State covers over 397,002 hectares, i.e. 981,010 acres, which has been reserved for the park since the early 1960s;

Also notes that some parts of the park has become a fortress for all manners of gun toutting individuals who use the thick vegetation of the area as camps from where they unleash mayhem on the surrounding communities causing untold hardship and loss of several lives;

Aware that a few days ago the criminals invaded Kaiama and its surrounding communities carting away foodstuffs, monies and properties of the law abiding citizens of the area, in the process killing several people including about eight (8) vigilante group members who were later found dead and dismembered in the most despicable manner;

Cognizant that although about sixty (60) men of the Nigeria Army New Bussa have been deployed to the area by the Kwara State Government. The measure has not been able to restore confidence in the area as economic and farming activities in the area has since been paralyzed, thereby rendering the Kaiama Local Government seemingly insolvent;

Resolves to:

- (i) urge the Federal Government to increase the presence of men of the armed forces in both the Kaiama and Baruten end of the park to protect the people and to avoid a resurgence of another Sambisa Forest in Kwara State;
- (ii) call on the National Emergency Management Agency (NEMA) to deploy relief materials to the affected communities to serve as succor to the affected families to let them start life again; and
- (iii) mandate the Committee on National Security and Intelligence to interface with all relevant security agencies to flush out these criminals who are still in the environs of the park and report back within two (2) weeks for further legislative action (*Hon. Zakari Mohammed — Baruten/Kaima Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Kainji National Park in Borgu Local Government of Niger State, and both Baruten and Kaiama Local Government Areas of Kwara State covers over 397,002 hectares, i.e. 981,010 acres, which has been reserved for the park since the early 1960s;

Also noted that some parts of the park has become a fortress for all manners of gun touting individuals who use the thick vegetation of the area as camps from where they unleash mayhem on the surrounding communities causing untold hardship and loss of several lives;

Aware that a few days ago the criminals invaded Kaiama and its surrounding communities carting away foodstuffs, monies and properties of the law abiding citizens of the area, in the process killing several people including about eight (8) vigilante group members who were later found dead and dismembered in the most despicable manner;

Cognizant that although about sixty (60) men of the Nigeria Army New Bussa have been deployed to the area by the Kwara State Government. The measure has not been able to restore confidence in the area as economic and farming activities in the area has since been paralyzed, thereby rendering the Kaiama Local Government seemingly insolvent;

Resolved to:

- (i) urge the Federal Government to increase the presence of men of the armed forces in both the Kaiama and Baruten end of the park to protect the people and to avoid a resurgence of another Sambisa Forest in Kwara State;
- (ii) call on the National Emergency Management Agency (NEMA) to deploy relief materials to the affected communities to serve as succor to the affected families to let them start life again; and
- (iii) mandate the Committee on National Security and Intelligence to interface with all relevant security agencies to flush out these criminals who are still in the environs of the park and report back within two (2) weeks for further legislative action (HR. 25/2018).

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Nigerian Minerals and Mining Bill, 2018 (HB. 1313).
- (2) Federal University of Agriculture, Gamawa (Establishment) Bill, 2018 (HB. 1307).
- (3) Federal University of Agriculture, Gada (Establishment) Bill, 2018 (HB. 1308).
- (4) Federal University of Agriculture, Etinan (Establishment) Bill, 2018 (HB. 1309).
- (5) Fisheries Research Institute of Nigeria, Ngo (Establishment) Bill, 2018 (HB. 1310).
- (6) Public Procurement Act (Amendment) Bill, 2018 (HB. 1311).
- (7) Compulsory, Free Universal Basic Education Act (Amendment) Bill, 2018 (HB. 1312).

7. Presentation of Report

Committee on Commerce:

Motion made and Question proposed, "That the House do receive the Report of the Committee on Commerce on a Bill for an Act to Establish the Chartered Institute of Commodity Brokers of Nigeria (CICBN); and for Matters Related Thereto (HB. 417)" (*Hon. Sylvester Ogbaga — Abakaliki/Izzi Federal Constituency*).

Agreed to.

Report laid.

8. **A Bill for an Act to Amend the Provisions of the Electoral Act, No. 6, 2010 and Electoral Amendment Act, 2015 to Provide a Time Line for the Submission of List of Candidates, criteria for Substitution of Candidates, Limit of Campaigns Expenses and Address the Omission of Names of Candidates or Logos of Political Parties; and for Related Matters (HB. 165, HB. 174, HB. 220, HB. 429, HB. 468, HB. 484, HB. 809 and HB. 966) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Provisions of the Electoral Act, No. 6, 2010 and Electoral Amendment Act, 2015 to Provide a Time Line for the Submission of List of Candidates, criteria for Substitution of Candidates, Limit of Campaigns Expenses and Address the Omission of Names of Candidates or Logos of Political Parties; and for Related Matters (HB. 165, HB. 174, HB. 220, HB. 429, HB. 468, HB. 484, HB. 809 and HB. 966) 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 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 to the Promotion and Development of Renewable and other Alternative Energy; and for Related Matters, 2018 (HB.72 and HB. 612) — Third Reading**

Motion made and Question proposed, "That 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 to the Promotion and Development of Renewable and other Alternative Energy; and for Related Matters, 2018 (HB.72 and HB. 612) 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.

10. **A Bill For an Act to Facilitate the Development of Nigeria's Capital Market by Enabling the Conversion and Re-Registration of the Nigerian Stock Exchange from a Company Limited by Guarantee to a Public Company Limited by Shares; and for Related Matters (HB. 983) — Third Reading**

Motion made and Question proposed, "That a Bill For an Act to Facilitate the Development of Nigeria's Capital Market by Enabling the Conversion and Re-Registration of the Nigerian Stock Exchange from a Company Limited by Guarantee to a Public Company Limited by Shares; and for Related Matters (HB. 983) 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.

11. **A Bill for an Act to Establish the Chartered Institute of Social Work Practitioners and to make Provisions, among other things, for Membership and Control of the Profession of Social Works; and for Related Matters (HB. 1258) — Second Reading**

Order read; deferred by leave of the House.

12. **A Bill for an Act to Amend the National Automotive Council Act, Cap. N8, Laws of the Federation of Nigeria, 2004 to Introduce New Alternative Vehicular Transportation to Utilize Nigerian Gas; and for Related Matters (HB. 1201) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the National Automotive Council Act, Cap. N8, Laws of the Federation of Nigeria, 2004 to Introduce New Alternative Vehicular Transportation to Utilize Nigerian Gas; and for Related Matters (HB. 1201) be now read a Second Time" (Hon. Igariwey Iduma Enwo — Afikpo North/Afikpo 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 Industry.

13. **A Bill for an Act to Amend the National Industrial Court Act, 2006 relating to the Exercise of Original Jurisdiction in Civil Proceedings by the Court of Appeal and for such Other Terms as may be prescribed by the Court of Appeal; and for Related Matters (HB. 1229) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the National Industrial Court Act, 2006 relating to the Exercise of Original Jurisdiction in Civil Proceedings by the Court of Appeal and for such Other Terms as may be prescribed by the Court of Appeal; and for Related Matters (HB. 1229) be now read a Second Time" (Hon. Johnson Egwakhide Oghuma — Etsako East/Etsako West/Etsako Central Federal Constituency).

Debate.

Debate adjourned.

Ordered: Committee on Rules and Business, to examine the Bill in line with the amendments approved by the House in the alteration of the Constitution on the National Industrial Court.

14. **Call on the Federal Government to Provide Infrastructure at Karu/Mararaba Area of Nasarawa State**

Order read; deferred by leave of the House.

15. **Need to Deduct 13% Derivation from the \$1 Billion approved by the National Economic Council to Fight Boko Haram Insurgency**

Motion made and Question proposed:

The House:

Notes that at the 83rd meeting of the National Economic Council held at the Council Chamber of the Presidential Villa, Abuja on 14 December, 2017, the Council approved the deduction of the sum of \$1 Billion by the Federal Government from the Excess Crude Account (ECA) to fight the Boko Haram insurgency;

Aware that the proviso to Section 162 (2) of the 1999 Constitution states 13% of the proceeds of the oil producing States in Nigeria as derivation fund payable to the benefitting States of Akwa Ibom, Rivers, Delta, Bayelsa, Cross River, Edo, Abia, Imo, Ondo, Anambra and Lagos;

Also aware that the 13% derivation fund payable to oil producing States had not been deducted and paid to them from the \$1 Billion before or after the approval of the said sum to fight Boko Haram insurgency;

Concerned that if the 13% derivation fund is not deducted from the \$1 Billion and paid to the oil producing States, it would amount to double contribution from the said States and also a breach of section 162 (2) of the 1999 Constitution and Section 1 of the Allocation of Revenue (Federation Account, etc.) Act, Cap. A15, Laws of the Federation of Nigeria, 2004.

Resolves to:

- (i) urge the Federal Ministry of Finance to ensure that the sum representing 13% of the \$1 Billion approved by the National Economic Council on 14 December, 2017 to fight Boko Haram insurgency is deducted and paid to the oil producing States in Nigeria in compliance with section 162 (2) of the 1999 Constitution; and
- (ii) mandate the Committees on Finance and Legislative Compliance to ensure compliance (*Hon. Kenneth Anayo Chikere — Port Harcourt I Federal Constituency*).

Debate.

Debate adjourned.

Ordered: Committee on Finance to ascertain the status of the Excess Crude Account and report back within four (4) weeks.

16. **Call on the Federal Ministry of Education to Regularize the Appointments of Teachers Employed by the Parents Teachers Association (PTA) at the Federal Government College, Ohafia, Abia State and all other affected Federal Government Colleges**
Motion made and Question proposed:

The House:

Notes that the Federal Government College, Ohafia, Abia State was established, along with other Colleges to provide qualitative education for the youth in order to boost the literacy level in Nigeria;

Also notes that due to lack of teachers for such core subjects like Mathematics, English Language, Biology, Physics, Chemistry, etc. the Parents Teachers Association (PTA) of the College undertook to employ teachers for those subjects and pay them, a situation that is replicated at other Federal Government Colleges;

Further notes that while those teachers have been on the payroll of the Parents Teachers Association (PTA) for up to sixteen years on meagre emoluments of between ₦20,000 and ₦30,000 per month without any indication that the Federal Government would regularize their appointments, those of other teachers who were employed by the Federal Government many years after them, have been regularized;

Aware that it is becoming increasingly more difficult for the Parents Teachers Association (PTA) to continue to shoulder the burden of paying the salaries of those teachers given the failure of the Federal Ministry of Education to regularize their appointments despite several requests to the Ministry to do so;

Also aware that those teachers that were employed by the Parents Teachers Association (PTA) are far more in number than the regular teachers, and given the magnitude of the teaching responsibilities they bear, the College will be forced to shut down if those teachers are eventually frustrated out, a development that will have disastrous consequences for parents and students alike.

Resolves to:

Mandate the Committee on Tertiary Education and Services to interface with the Federal Ministry of Education with a view to ensuring the regularization of the appointments of the teachers employed and being paid by the Parents Teachers Association (PTA) at the Federal Government College, Ohafia and all other such Federal Government Colleges, and report back within six (6) weeks for further legislative action (*Hon. Nkole Uko Ndukwe — Arochukwu/Ohafia Federal Constituency*).

*Debate.***Amendment Proposed:**

In the Prayer, immediately after the words "Committee on", *leave out* the word "Tertiary" and *insert* the word "Basic" (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted that the Federal Government College, Ohafia, Abia State was established, along with other Colleges to provide qualitative education for the youth in order to boost the literacy level in Nigeria;

Also noted that due to lack of teachers for such core subjects like Mathematics, English Language, Biology, Physics, Chemistry, etc, the Parents Teachers Association (PTA) of the College undertook to employ teachers for those subjects and pay them, a situation that is replicated at other Federal Government Colleges;

Further noted that while those teachers have been on the payroll of the Parents Teachers Association (PTA) for up to sixteen years on meagre emoluments of between ₦20,000 and ₦30,000 per month without any indication that the Federal Government would regularize their appointments, those of other teachers who were employed by the Federal Government many years after them, have been regularized;

Aware that it is becoming increasingly more difficult for the Parents Teachers Association (PTA) to continue to shoulder the burden of paying the salaries of those teachers given the failure of the Federal Ministry of Education to regularize their appointments despite several requests to the Ministry to do so;

Also aware that those teachers that were employed by the Parents Teachers Association (PTA) are far more in number than the regular teachers, and given the magnitude of the teaching responsibilities they bear, the College will be forced to shut down if those teachers are eventually frustrated out, a development that will have disastrous consequences for parents and students alike.

Resolved to:

Mandate the Committee on Basic Education and Services to interface with the Federal Ministry of Education with a view to ensuring the regularization of the appointments of the teachers employed and being paid by the Parents Teachers Association (PTA) at the Federal Government College, Ohafia and all other such Federal Government Colleges, and report back within six (6) weeks for further legislative action (**HR. 26/2018**).

17. Need for the Federal Government to Review Nigeria's Visa Issuance Policy to American citizens and Other Applicants from One-Year Single Visa Entry to Up to Five Years Multiple Visa in Conformity with Up to Five Years Multiple Visa being Issued to Nigerian Visa Applicants by the United States Government

Motion made and Question proposed:

The House:

Notes that Nigeria's Visa issuance procedures and rules approves only a maximum of One Year Single Entry Visa for American Visa Applicants and other Applicants from other countries entering Nigeria, whereas the American Government issues a maximum of up to five years multiple entry Visas to Nigerian Applicants;

Also notes that the issuance of One Year Entry Visa to Americans and Applicants from other countries, irrespective of their purpose of visit to Nigeria is counter-productive to the economic growth of the nation, bilateral relations and inflow of foreign investments;

Aware that given the close ties the United States of America and many European and Asian countries have with Nigeria in the areas of economy, public health, peace, security and education, the issuance of only One Year Single Entry Visas and unnecessary Visa policies to citizens of those friendly countries has inadvertently affected the number of foreign visitors willing to invest in Nigeria;

Also aware of statistics showing that over 850,000 Nigerians applied for United States Visas and successful applicants were issued a maximum of up to five years' entry Visas and reports indicate that two of every Nigerian applicants are successful in their quest for Visa to the United States;

Cognizant of the need for a review of the nation's Visa policy which will likely lead to an increase in the number of American, Asian and European investors visiting the country for businesses and also increase the presence of tourist visitors to the country, thereby boosting the economy through tourism;

Further aware that an estimated one million Nigerians and Nigerian Americans live, study and work in the United States and Nigeria has the highest population of African immigrants in the country which makes it imperative for Nigeria to sustain the cordial relationship by reciprocating the good gesture of the United States by reviewing our Visa issuance policy from a single One-Year Entry to up to Five-Years for American Visa Applicants and those of other countries;

Resolves to:

Mandate the Committee on Interior to interface with relevant Government Agencies on the need for an upward review of the length of the Visa issued to American applicants from One-Year to Five-Years in order to encourage the flow of foreign investments, open up the economy and build local base for businesses in the country (*Hon. Ehiozuwa Johnson Agbonayinma — Egor/Ikpoba/Okha Federal Constituency*).

Debate.

Amendments Proposed:

- (i) In the Prayer, immediately after the words "Committee on", *leave out* the word "Interior" and *insert* the words "Foreign Affairs" (*Hon. Ogun Sergius Oseasochie — Esan Northeast/Esan Southeast Federal Constituency*).

Question that the amendment be made — Negatived

(ii) *Leave out* all the words in the Prayer and *insert* as follows:

“Mandate the Committee on Foreign Affairs, to interface with the Federal Ministries of Foreign Affairs, and Interior to fashion out a suitable visa policy for all countries based on reciprocity” (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

- *Noted* that Nigeria's Visa issuance procedures and rules approves only a maximum of One Year Single Entry Visa for American Visa Applicants and other Applicants from other countries entering Nigeria, whereas the American Government issues a maximum of up to five years multiple entry Visas to Nigerian Applicants;

Also noted that the issuance of One Year Entry Visa to Americans and Applicants from other countries, irrespective of their purpose of visit to Nigeria is counter-productive to the economic growth of the nation, bilateral relations and inflow of foreign investments;

Aware that given the close ties the United States of America and many European and Asian countries have with Nigeria in the areas of economy, public health, peace, security and education, the issuance of only One Year Single Entry Visas and unnecessary Visa policies to citizens of those friendly countries has inadvertently affected the number of foreign visitors willing to invest in Nigeria;

Also aware of statistics showing that over 850,000 Nigerians applied for United States Visas and successful applicants were issued a maximum of up to five years' entry Visas and reports indicate that two of every Nigerian applicants are successful in their quest for Visa to the United States;

Cognizant of the need for a review of the nation's Visa policy which will likely lead to an increase in the number of American, Asian and European investors visiting the country for businesses and also increase the presence of tourist visitors to the country, thereby boosting the economy through tourism;

Further aware that an estimated one million Nigerians and Nigerian Americans live, study and work in the United States and Nigeria has the highest population of African immigrants in the country which makes it imperative for Nigeria to sustain the cordial relationship by reciprocating the good gesture of the United States by reviewing our Visa issuance policy from a single One-Year Entry to up to Five-Years for American Visa Applicants and those of other countries;

Resolved to:

Mandate the Committee on Foreign Affairs, to interface with the Federal Ministries of Foreign Affairs, and Interior to fashion out a suitable visa policy for all countries based on reciprocity (HR. 27/2018).

18. Need for Special Budgetary Intervention for NAPRI-Zaria towards Solving the Recurring Herdsmen/Farmers Clashes

Motion made and Question proposed:

The House:

Notes that the devastations caused by herdsmen have presented serious security challenges in our recent national experience, and resulted in loss of numerous lives, maiming of people and wanton destruction of properties across several States in the country;

Also notes that available security reports indicate that the company of cattle herders might have been infiltrated by criminal bandits and terrorist elements with a clearly sinister agenda of destabilizing the nation;

Observes that the practice of herdsmen roaming in the wild and dangerous terrains across the length and breadth of the country in search of pasture, away from desert encroachment and adverse effects of climate change is the root cause of the clashes with farmers and is also exposing them to the danger of falling prey to cattle rustlers and kidnappers, further complicating the security challenges in the country;

Convinced that granting attention to provision of essential pasture and feeds for cattle (by modern breeding practices), is the key to effectively terminate the avoidable and tortuous mobility of the herdsmen and their cattle stock;

Aware that the National Animal Production Research Institute (NAPRI) at Shika-Zaria, was established in 1976 as the foremost Animal Production Research Institute to provide technical support and extension services in animal husbandry in Nigeria, with the exact mandate of developing and promoting those modern practices that make nomadic farming unnecessary,

Also aware that NAPRI, sited on an expansive 1,800 hectares of land, has developed high energy, high vitamin and high protein grass species that can be multiplied to feed much more than our current national cattle population all year round, as well as improved cattle varieties for high meat and milk production, and also the technology for fast animal growth and multiplication, but unfortunately, all the facilities and capabilities available at NAPRI, have remained essentially latent due to long years of neglect;

Further aware that a good number of State Governments, cattle breeders and support farmers are desirous of embracing modern farming methods and now await relevant agencies such as NAPRI to provide the needed guidance and extension services to enable them proceed;

Also convinced that a determined resolve of Government to go in the right direction will encourage investments and emergence of support farmers that will greatly transform the cattle breeding value chain nationwide, in line with global best practices;

Resolves to:

Mandate the Committees on Agricultural Colleges and Institutions, Agricultural Production and Services and Appropriations to package a special intervention for NAPRI in the 2018 budget to enable the Institution realize its mandate, and so facilitate a quick resolution of the current security impasse in the country (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the devastations caused by herdsmen have presented serious security challenges in our recent national experience, and resulted in loss of numerous lives, maiming of people and wanton destruction of properties across several States in the country;

Also noted that available security reports indicate that the company of cattle herders might have been infiltrated by criminal bandits and terrorist elements with a clearly sinister agenda of destabilizing the nation;

Observed that the practice of herdsmen roaming in the wild and dangerous terrains across the length and breadth of the country in search of pasture, away from desert encroachment and adverse effects of climate change is the root cause of the clashes with farmers and is also exposing them to the danger of falling prey to cattle rustlers and kidnappers, further complicating the security challenges in the country;

Convinced that granting attention to provision of essential pasture and feeds for cattle (by modern breeding practices), is the key to effectively terminate the avoidable and tortuous mobility of the herdsmen and their cattle stock;

Aware that the National Animal Production Research Institute (NAPRI) at Shika-Zaria, was established in 1976 as the foremost Animal Production Research Institute to provide technical support and extension services in animal husbandry in Nigeria, with the exact mandate of developing and promoting those modern practices that make nomadic farming unnecessary,

Also aware that NAPRI, sited on an expansive 1,800 hectares of land, has developed high energy, high vitamin and high protein grass species that can be multiplied to feed much more than our current national cattle population all year round, as well as improved cattle varieties for high meat and milk production, and also the technology for fast animal growth and multiplication, but unfortunately, all the facilities and capabilities available at NAPRI, have remained essentially latent due to long years of neglect;

Further aware that a good number of State Governments, cattle breeders and support farmers are desirous of embracing modern farming methods and now await relevant agencies such as NAPRI to provide the needed guidance and extension services to enable them proceed;

Also convinced that a determined resolve of Government to go in the right direction will encourage investments and emergence of support farmers that will greatly transform the cattle breeding value chain nationwide, in line with global best practices;

Resolved to:

Mandate the Committees on Agricultural Colleges and Institutions, Agricultural Production and Services and Appropriations to package a special intervention for NAPRI in the 2018 budget to enable the Institution realize its mandate, and so facilitate a quick resolution of the current security impasse in the country (HR. 28/2018).

19. Consideration of Reports

(i) *Committee on Information, National Orientation, Ethics and Values:*

Motion made and Question proposed, "That the House do resume consideration of the Report of the Committee on Information, National Orientation, Ethics and Values on Clause 2 (d) of a Bill for an Act to Establish National Agency for Ethics and Values to provide for the Functions and Powers of the Agency, the Qualifications and Procedures for Appointment of the Chairman and Members; and for Related Matters (HB. 519) and approve the recommendations therein" (Hon. Odebunmi Olusegun — 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 ESTABLISH NATIONAL AGENCY FOR ETHICS AND VALUES TO PROVIDE FOR THE FUNCTIONS AND POWERS OF THE AGENCY, THE QUALIFICATIONS AND PROCEDURES FOR THE APPOINTMENT OF THE CHAIRMAN AND MEMBERS, AND FOR RELATED MATTERS (HB. 519)

Committee Recommendation:

Clause 2: Composition and Appointment of the Agency.
The Agency:

- (d) is charged with the responsibility to receive and process disclosure of impropriety made by anyone to the Office of the President under the Whistleblower Protection Act (Hon. Odebunmi Olusegun — Ogo-Oluwa/Surulere Federal Constituency).

Question that Clause 2.(d) stands part of the Bill — 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 Information, National Orientation, Ethics and Values on Clause 2 (d) of a Bill for an Act to Establish National Agency for Ethics and Values to provide for the Functions and Powers of the Agency, the Qualifications and Procedures for Appointment of the Chairman and Members; and for Related Matters (HB. 519) and approved Clause 2 (d) of the Bill.

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

(ii) **Report of the Conference Committee on Environmental Managers Registration Council of Nigeria:**

Motion made and Question proposed, "That the House do consider the Report of the Conference Committee on a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria; and for Related Matters and approve the recommendations therein" (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West 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 ENVIRONMENTAL MANAGERS REGISTRATION COUNCIL OF NIGERIA AND RELATED MATTERS

Clause 3: Membership of the Council.

- (1) Subject to the provision of this Bill, the Council shall consist of the following

- (b) one persons appointed by the Minister charged with responsibility for matter relating to the environmental (in this Bill referred to as "the Minister") of whom at least one person shall be employed by the Ministry under his control, and the other interest in the field environmental management covered by this Bill, which in his opinion are not adequately represented;
- (e) two persons to represent the Universities and other institutions of higher education offering courses leading to approved qualification in environmental management in institution of higher education referred to in this paragraph shall have more than one representative at a time (*Hon. Uzoma Nkem-Abonta — Ukwá East/Ukwá West Federal Constituency*).

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

PART III — REGISTRATION

Clause 7: Registration of Environmental Managers.

- (1) Subject to the provision of this Bill and to rules made under Section 6, a person shall not be entitled to be fully registered under this Bill as an environmental manager unless —
 - (b) the course was conducted at an institution so approved ;
 - (c) he holds a Master of Science (M.Sc.) Degree in Environmental Management or its equivalent;
 - (d) he has passed the professional practice competence examination conducted by the Association and moderated by the Council
- (5) The Council shall from time to time, publish in the Federal Gazette particulars of the qualification accepted for registration under this Bill (*Hon. Uzoma Nkem-Abonta — Ukwá East/Ukwá West Federal Constituency*).

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

Clause 8: Approval of Institutions, Courses of Training and Qualifications by Council.

- (1) Subject to Subsection (2) of this section, the Council may approve for the purpose of Section 7 of this Bill.
- (2) The Council shall from time to time publish in the Federal Gazette a list of qualifications in the profession of environmental management approved by it and the Council shall not approve for the purposes of Subsection (1) qualifications granted by an institution unless the qualifications have been so published by the Council.
 - (a) as soon as possible publish a copy of every such instrument in the Federal Gazette and
 - (b) not later than 7 days before its publication as aforesaid, send a copy of the instrument to Minister (*Hon. Uzoma Nkem-Abonta — Ukwá East/Ukwá West Federal Constituency*).

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

Clause 10: Certificate of Professional Competence.

- (1) Any person who holds the accepted qualifications or its equivalent obtained eight years before the commencement of this Bill and satisfies the conditions mentioned in Section 7 (2) would be exempted from taking the professional practice competence examination, but issued the certificate of professional competence after payment of the prescribed fees to enable him register fully as an environmental manager; provided the council is satisfy that he has acquired adequate professional practice experience in environmental management to deserve the exemption (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 13: Penalties for unprofessional Conduct, etc.

- (1) Where —
- (a) a person fully registered or provisionally registered under this Bill is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or
- (5) A person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the court of appeal, and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the cost of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appear no the hearing of the appeal.
- (6) A direction of the Tribunal under Subsection (1) of this section shall take effect —
- (c) where an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

PART V — MISCELLANEOUS AND GENERAL**Clause 14: Temporary registration of persons not citizen of Nigeria.**

- (1) Where a person satisfies the Council —
- (a) that has been selected for employment for a specified period in a capacity in which a person registered as an environmental manager under this Bill is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question.
- (b) that holds a qualification or has passed examination necessary; and (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 15: Offences.

- (1) A person, not being a registered environmental manager, who —

- (4) A person guilty of an offence under this Bill shall be liable —
- (a) on conviction in a High Court to a fine not exceeding N50,000.00 (Fifty Thousand Naira) or imprisonment for a term not exceeding five years or both, where the offence is a continuous one, to a further fine not exceeding ₦20,000 (Twenty thousand Naira) for each and everyday the offence continues (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 16: Supplementary Provisions.

- (1) Subject to the following provisions of this section, a person not otherwise exempted shall not hold an appointment requiring status as environmental manager under this Bill in the public and civil service of the Federation or of a State or in the armed forces of the Federation; or public and/or private limited or unlimited liability organizations unless he is an environmental manager registered under this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 17: Control of Council by Minister.

- (1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions, provided the directions does not infringe on the ethics and codes of conduct of the profession (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 18: Regulations, Rules and Orders.

- (1) The Council shall have power to make regulations, as may in its opinion, be necessary or expedient for giving full effect to the provisions of this Bill and for the administration thereof which regulation shall be laid before the National Assembly and published in the official Gazette (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

Clause 19: Interpretation.

- (1) In this Bill —

"approved qualification" means such qualification which is approved for the time being by the Council (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

"Council" means the Environmental Managers Registration Council of Nigeria (EMRECON) established under Section 1 (1) of this Bill (*Hon. Uzoma Nkem-Abonta — Ukwa East/Ukwa West Federal Constituency*).

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

"environmental manager" means any person registered as such under this Bill (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

"Association" means the Environmental Management Association of Nigeria (EMAN) (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

"Profession" means the profession of environmental management (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

"Environmental Management" means the reconciliation of the demands for socioeconomic systems within the constraints of the biosphere and atmosphere the aim of which is to minimize environmental impacts, to husband, and to add to existing resources for the future, through planning, organizing coordinating/directing, controlling, monitoring, evaluating and analyzing environmental activities, including environmental impacts analysis and assessment, post impact studies, baseline studies environmental audit and waste management (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

"Register" means the register maintained under this Bill and "registered" shall be construed accordingly (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

"Registrar" means the registrar appointed in pursuance of Section 6 of this Bill (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

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

Clause 20: Citation.

This Bill may be cited as the Environmental Managers Registration Council of Nigeria Bill, 2018 (Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency).

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

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

Qualifications and Tenure of Office of members

1. (1) A person shall not be appointed a member of the Council unless he is a citizen of Nigeria and he is registered as an environmental manager under this Bill.
- (2) Subject to the provisions of this paragraph, a person who is a member of the Council otherwise than by virtue of Section 3 (1) (d) of this Bill shall hold office for a period not exceeding five years beginning with the date of his appointment or election, as the case may be: Provided that a person shall not hold office, whether appointed or elected, for a term of less than five years unless the Minister after consultation with the Council otherwise directs.

Proceeding of the Council

3. Subject to the provision of this Bill and of Section 27 of the Interpretation Bill (which provides for decisions of a body to be taken by a majority of the members of the body and for the President to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

Miscellaneous

9. The validity of any proceeding of the Council or of a Committee shall not be affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or of a person to serve on the Committee, or by reason that a person not entitled to do so took part in the proceedings (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

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

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be four.
2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
- (2) The rules shall in particular provide —
 - (c) for securing that any party to the proceedings shall, if so required, be entitled to be heard the Tribunal (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

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

Long Title:

A Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria and Related Matters (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West 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 Conference Committee on a Bill for an Act to Establish the Environmental Managers Registration Council of Nigeria; and for Related Matters and approved Clauses 3, 7, 8, 10, 13 - 20, the Schedules 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 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 Amend the National Environmental Standards and Regulations Enforcement Agency Act, Cap. N164, Laws of the Federation of Nigeria, 2004 to Provide for the Payment of all Monies Received by the Agency into the Federation Account in Accordance with Section 162 of the Constitution of the Federal Republic of Nigeria, 1999 and to Provide for and Adopt Clean Air Policies; and for Related Matters (HB. 951, HB. 992 and HB. 1043) and approve the recommendations therein" (*Hon. Obasa Tajudeen Adekunle — Ojo 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 ENVIRONMENTAL
STANDARDS AND REGULATIONS ENFORCEMENT AGENCY (ESTABLISHMENT)
ACT, NO. 25 OF 2007; AND FOR RELATED MATTERS (HB. 992)

Committee Recommendation:

Clause 1: Amendment of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007.

The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, No. 92 of 2007 (in this Bill referred to as the "Principal Act") is amended as set out in this Bill (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 2: Amendment of section 3.

Section 3 of the Principal Act is amended in:

- (a) subsection (1) (b) by inserting the clause "who shall not be below the rank of a Director" after the word "representative";
- (b) subsection (1) (c) by:
 - (i) deleting subparagraph (vii) and inserting a new subparagraph " (vii)" to read "(vii) a representative of the Federal Ministry of Health"; and
- (c) subsection (1) (e) by inserting the clause "with relevant qualification and 10 years post qualification experience in environmental related field" after the word "Environment" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 3: Amendment of section 7.

Section 7 of the Principal Act is amended in:

- (a) subsection (7) (c) by deleting the phrase "oil and gas"; and
- (b) subsection (7) (i), in line 1 by inserting the phrase "the Government," after the word "by"
- (k) review and certify environmental audit and establish data bank on regulatory and enforcement mechanisms of environmental standards other than in the oil and gas sector (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Clause 4: Amendment of section 8. Deleted.

Section 8 of the Principal Act is amended by inserting a new subsection 8 (g) immediately after subsection 8 (f) as follows —

- (g) The Minister of Environment shall establish six (6) Environmental Arbitration Tribunals to hold sittings at the NESREA Head Offices located within the six geopolitical zones of Nigeria. Each Environmental Arbitration Tribunal shall be composed of three members including one legal practitioner of not less than ten years post call to bar experience; in Arbitration and environmental law; an official of NESREA or the Ministry of Environment not below the rank of Assistant Director and a member of the private sector with qualifications and cognate experience of the environment. The legal practitioner shall serve as the Chairman of the Tribunal. The duty of the Tribunal is to arbitrate on all disputes or failure of companies, individuals to comply with relevant environmental laws and regulations as stipulated in the laws of the Federation and the Gazette of the Federal Republic of Nigeria. In addition to ensuring compliance and resolving disputes resulting from alleged breaches of the provisions of the NESREA Act 2007, the Tribunal shall also ensure the enforcement of the Paris Agreement, 2016, the WHO 2005 Air Quality Guidelines as may be stipulated by Regulation enacted by the Minister of Environment or NESREA. The Rules of the Tribunal shall be enacted by the Minister of Environment through a Committee to be headed by the Director of Legal Services of NESREA or a legal consultant with cognate experience in Arbitration and environmental law."

Committee Recommendation:

Leave out the provision of Clause 4 (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*) — Agreed to.

Committee Recommendation:**Clause 5: Amendment of section 8.**

Section 8 of the Principal Act is amended in paragraph (q) by substituting the existing paragraph (q) with a new paragraph (q) as follows:

- "(q) charge fees for tests, investigations and other services including administrative fees, performed by the Agency (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 6: Amendment of section 9.**

Section 9 of the Principal Act is amended in the head note by substituting the existing head note with a new head note to read as follows:

"Functions and Powers of the Council" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 7: Amendment of section 13.**

Section 13 of the Principal Act is amended in:

- (a) by insertion of a new subsection (3) —
- "(3) All monies received by or on behalf of the Agency shall be receipted and shall be paid into the Federation Account within 24 hours of receipt or the next working day" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 8: Amendment of section 20.**

Section 20 of the Principal Act is amended in:

- (a) subsection (3), by inserting a new subparagraph 3 to read immediately after conviction, the phrase "be liable to a fine not less than ₦200,000 or to imprisonment for a term not less than six months or both such fine and imprisonment and an additional fine of ₦20,000 for every day the offence subsists"; and
- (b) subsection (4), by inserting a new subparagraph 4 to read "Where a body corporate violates the regulations made pursuant to subsection (1) of this section, it shall be liable on conviction to not less than ₦2,000,000 and an additional fine of ₦50,000 for every day the offence subsists" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 9: Amendment of section 21.**

Section 21 of the Principal Act is amended in:

- (a) subparagraph 2, by deleting the phrase "in collaboration with other relevant agencies, embark on programmes" and substituting with "make regulations"
- (b) Section 21 of the Principal Act is amended in subsection (3) in line two, by substituting for the phrase "not exceeding" immediately after the words, "a fine" with the phrase "not less than" (*Hon. Obasa Tajudeen Adekunle → Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 10: Amendment of section 22.**

Section 22 of the Principal Act is amended in:

- (a) subsection (3) by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than"; and
- (b) subsection (4) by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 11: Amendment of section 23.**

Section 23 of the Principal Act is amended in:

- (a) subsection (1), by substituting "in collaboration" immediately after the words "The Agency shall" with the phrase "in consultation"
- (b) subsection (3), by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than"; and
- (c) subsection (4), by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 12: Amendment of section 24.**

Section 24 of the Principal Act is amended in:

- (a) subsection (4), by substituting the phrase "not exceeding" immediately after the words a fine" with the phrase "not less than"; and
- (b) subsection (5), by substituting the phrase "not exceeding" immediately after the words a fine" with the phrase "not less than" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 13: Amendment of section 26.**

Section 26 of the Principal Act is amended in:

- (a) subsection (3), by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than"; and
- (b) subsection (4), by substituting the phrase "not exceeding" immediately after the words "a fine" with the phrase "not less than" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:**Clause 14: Amendment of section 30.**

Section 30 of the Principal Act is amended by substituting the existing section with a new section 30 as follows:

"Power to enter premises.

30. (1) An officer of the Agency may, in the course of his duty, at any reasonable time and on production of his certificate of designation if so required:
- (a) enter and search with a warrant issued by a court, any premises including land, vehicle, tent, vessel, floating craft except Maritime Tankers, Barges or Floating Production, Storage, Offload (FPSO) and oil and gas facilities or any inland water and other structure, at all times, for the purpose of conducting, inspection, searching and taking samples for analysis which he reasonably believes, carries out activities or stores goods which contravene environmental standards or legislation;
 - (b) examine any article found pursuant to paragraph (a) of this subsection, which appears to him to be an article to which this Bill or the regulations made under apply or anything which he reasonably believes is capable of being used to the detriment of the environment;
 - (c) take a sample or specimen of any article to which this Bill or the regulations apply or which he has power to examine under paragraph (b) of this subsection;
 - (d) open and examine, pursuant to paragraph (a) of this subsection, any container or package which he reasonably believes may contain anything to which this Bill or its regulations apply or which may help in his investigations;
 - (e) examine any book, document or other record found pursuant to paragraph (a) of this subsection, which he reasonably believes may contain any information relevant to the enforcement of this Bill or the regulations and make copies thereof or extracts there from;

- (f) seize and detain for such time as may be necessary for the purpose of this Bill, any articles by means of or in relation to which he reasonably believes any provision of this Bill or the regulations has been contravened; and
 - (g) obtain an order of a court to suspend activities, seal and close down premises including land, vehicle, tent, vessel, floating craft or any inland water and other structure whatsoever.
- (2) A written receipt shall be given for any article or thing seized under subsection (1) of this section and the reasons for such seizure shall be stated on such receipt.
- (3) An article seized under this Bill shall be kept or stored in such a place as the officer of the Agency may direct and shall be returned to the owner or the person from whom it was seized if the article upon analysis or examination is found to conform with the requirements of this Bill or regulations made under it.
- (4) An article other than in the oil and gas sector, seized by an officer of the Agency in pursuance of this Bill or the regulations made under it, may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall, issue a certificate or report in the prescribed form, setting forth the result of such analysis or examination and the officer of the Agency shall, on demand, deliver a copy of such certificate or report to the owner of the article if the article is to be the subject of a proceeding under this Bill or regulations thereunder.
- (5) Where in a case of verifiable urgency where the environmental pollution is an immediate or imminent threat to life and property, or to prevent the commission of an offence provided under this Bill, and an application to the court for an Order or to a Judge in Chambers to obtain a Search warrant would cause delay that may be prejudicial to the maintenance of public safety or order, an authorised Officer of the Agency or a relevant Agency may without prejudice to the provisions of subsection (1) of this section or any other law; with the assistance of other officers as may be necessary and while search warrant or Court Order is being sought for:
 - (a) enter and search any premises, place or conveyance if he has reason to suspect that, within those premises, place or conveyance:
 - (i) an offence under this Bill is being committed or likely to be committed;
 - (ii) there is evidence of the commission of an offence under this Bill; or
 - (iii) there is an urgent need to prevent the commission of an offence under this Bill;
 - (b) search any person or conveyance found on any premises or place which such officer is empowered to enter and search under paragraph (a) of this subsection;

- (c) stop, board and search any conveyance where the authorised officers of the Agency or relevant Agency has reasons to suspect that there is evidence of the commission or likelihood of the commission of an offence under this Bill;
 - (d) seize, remove and detain anything which is, or contains or appears to him to be or to contain or to be likely to contain, evidence of the commission of an offence under this Bill;
 - (e) suspend activities, seal and close down premises including land, vehicle, tent, vessel, floating craft or any inland water and other structure whatsoever; or
 - (f) arrest, search and detain any person whom the officer reasonably suspects to have committed or likely to commit an offence under this Bill.
- (6) In this section, the expression "article" to which this Bill or regulations made under it apply are:
- (a) liquid, soil, vegetation;
 - (b) biological and chemical samples;
 - (c) particulate filters, air quality gauges; and
 - (d) such other articles or samples as may be determined by the Agency" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 15: Insertion of new section 32.

Section 32 of the Principal Act is amended in:

- (a) the head note by substituting the existing head note with a new one to read "Limitation of actions against the Agency"
- (b) inserting a new subparagraph 1 to read "the provisions of the Public officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency"
- (c) renumbering the old subparagraphs "(1) (2) (3) and (4) as subparagraphs "(2) (3) (4) and (5) respectively (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 16: Insertion of new section 33.

Section 33 of the Principal Act is amended by:

- (a) inserting a new section 33, with the head note to read "Restriction on execution against the property of the Agency" and

- (b) "No execution or attachment of process shall be issued against the Agency in any action or suit without the prior consent of the Attorney-General of the Federation" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 17: Insertion of new section 34.

Section 34 of the Principal Act is amended by:

- (a) Inserting a new section 34 with the head note "Indemnity of officers" and
- (b) "A member of the Council, the Director-General and Officers of the Agency shall be indemnified against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as member of the Council, the Director-General, Officer or Employee of the Agency" (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 18: Renumbering the existing sections.

Renumbering the existing sections 32, 33, 34, 35, 36, 37 and 38 of the Principal Act as sections 35, 36, 37, 38, 39, 40 and 41 (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 19: Interpretation section is now section 41.

"Environmental Enforcement Infrastructure" means the stock of facilities and equipment needed for the functioning of efficient environmental compliance monitoring and enforcement regime. It is also concerned with the institutional strengthening and capacity building of the Agency, including resources such as manpower, buildings, laboratories, monitoring networks, etc. (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Committee Recommendation:

Clause 20: Short Title.

This Bill may be cited as the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act (Amendment) Bill, 2018 (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

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

Explanatory Memorandum:

(This Memorandum does not form part of the Bill but is intended to explain its purport)

This Bill seeks to amend the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (*Hon. Obasa Tajudeen Adekunle — Ojo Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, No. 25 of 2007; and for Related Matters (HB. 992) (*Hon. Obasa Tajudeen Adekunle — Ojo 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 Amend the National Environmental Standards and Regulations Enforcement Agency Act, Cap. N164, Laws of the Federation of Nigeria, 2004 to Provide for the Payment of all Monies Received by the Agency into the Federation Account in Accordance with Section 162 of the Constitution of the Federal Republic of Nigeria, 1999 and to Provide for and Adopt Clean Air Policies; and for Related Matters (HB. 951, HB. 992 and HB. 1043) and approved Clauses 1 - 20, 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 Pensions:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Pensions on a Bill for an Act to Amend the Pension Reform Act, 2014 to Exclude/Exempt Members of the Nigeria Police Force (and Other Para-Military and Law Enforcement Agencies) from the Contributory Pension Scheme and to Reposition the Act for Effective Service Delivery and for Related Matters (HB. 398 and HB. 865) and approve the recommendations therein" (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa 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 PENSION REFORM ACT, 2014 TO EXCLUDE/EXEMPT MEMBERS OF THE NIGERIA POLICE FORCE (AND OTHER PARA-MILITARY AND LAW ENFORCEMENT AGENCIES) FROM THE CONTRIBUTORY PENSION SCHEME AND TO REPOSITION THE ACT FOR EFFECTIVE SERVICE DELIVERY AND FOR RELATED MATTERS (HBS 398 AND 865)

Committee Recommendation:

Clause 1: Amendment of the Pension Reform Act 2014.

The Pension Reform Act 2014 (in this Bill referred to as the Principal Act) is amended as set (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 1 stands part of the Bill — Negatived.

Committee Recommendation:**Clause 2: Amendment of Section 4.**

Section 4 of the Principal Act is amended in —

- (a) Subsection (1) (a) by substituting the word "ten" in paragraph (a) for the word "twelve".

Rate of Contribution to the scheme.

- (b) Subsection (6) by deleting the phrase "make arrangement to" in line 2 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 2 stands part of the Bill — Negatived.

Committee Recommendation:**Clause 3: Amendment of section 5 (1) (a).**

Section 5 (1) (a) of the Principal Act is amended by inserting the words "the Nigeria Police, Nigeria Security and Civil Defence Corp, Nigeria Custom Service, Nigerian Prison Service, Nigeria Immigration Service and the Economic and Financial Crimes Commission" to read as follows:

- "5. (1) The categories of persons exempted from the Contributory Pension Scheme are:

- (a) the categories of persons mentioned in section 291 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) including members of the Armed Forces, the intelligence and secret services, the Nigeria Police, Nigeria Security and Civil Defence Corp, Nigeria Custom Service, Nigerian Prison Service, Nigeria Immigration Service and the Economic and Financial Crimes Commission."

- (2) Section 5 of the Principal Act is amended in Subsection (1) by —

- (a) Inserting a new paragraph (c) that is "professors covered by the Universities Miscellaneous Provisions (Amendment) Act, 2012 shall be according to the University Act;
- (b) Inserting a new paragraph (d) that is "other categories of employees entitled, by virtue of the terms and conditions of their employment, to retire with full retirement benefits shall still apply" (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 3 stands part of the Bill — Negatived.

Committee Recommendation:**Clause 4: Amendment of Section 7.**

Section 7 of the Principal Act is amended in-

- (a) Subsection (1) by deleting paragraph (d) and transferring same to section 5;
- (b) Subsection (1) by deleting paragraph (e) and transferring same to section 5;
- (c) Subsection (2) by:
- (i) Deleting the phrase "with approval of the Commission" in line 3.

- (ii) Substituting the word "twenty five" for the word "fifty" in line 4 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 4 stands part of the Bill — Negatived.

Committee Recommendation:

Clause 5: Amendment of Section 20.

Section 20 of the Principal Act is amended thus; inserting the word "On" before the word "no" in line 1 of Subsection (3) (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 5 stands part of the Bill — Negatived.

Committee Recommendation:

Clause 6: Amendment of Section 50.

Section 50 of the Principal Act is amended by deleting Subsection (4) (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 6 stands part of the Bill — Negatived.

Committee Recommendation:

Clause 7: Amendment of Section 77.

Section 77 of the Principal Act is amended in subsection (3) by inserting —

- (i) "Pension Fund Custodian" immediately after the word "Administrator" in line 1;
- (ii) "Pension Fund Custodian" immediately after the word "Administrator" in line 3 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 7 stands part of the Bill — Negatived.

Committee Recommendation:

Clause 8: Amendment of Section 99.

Section 99 of the Principal Act is amended in:

- (a) Subsection (3) by deleting the entire content;
- (b) Subsection (4) by renumbering it as Subsection (3) (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 8 stands part of the Bill — Negatived.

Committee Recommendation:

Clause 9: Amendment of Section 109.

Section 109 of the Principal Act is amended in —

- (a) Subsection (1) by deleting the word "shall" immediately after the word "suit" in line 4;
- (b) Subsection (2)(d) by substituting the word "he" with the phrase "the intending Plaintiff" (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 9 stands part of the Bill — Negatived.

Committee Recommendation:**Clause 10: Amendment of Section 120.**

Section 120 of the Principal Act is amended in clause 2 by substituting the word "2013" with "2014" in line 2 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 10 stands part of the Bill — Negatived.

Committee Recommendation:**Clause 11: Citation.**

This Bill may be cited as the Pension Reform (Amendment) Bill, 2018 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that Clause 11 stands part of the Bill — Negatived.

Explanatory Memorandum:

This Bill seeks to alter the Provisions of the Pension Reform Act, 2014; and by inserting additional agencies which are exempted from application of the Contributory Pension Scheme (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Negatived.

Long Title:

A Bill for an Act to Amend the Pension Reform Act, 2014 to Exclude/Exempt Members of the Nigeria Police Force (and Other Para-Military and Law Enforcement Agencies) from the Contributory Pension Scheme and to Reposition the Act for Effective Service Delivery and for Related Matters (HBs 398 and 865) (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Negatived.

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 Pensions on a Bill for an Act to Amend the Pension Reform Act, 2014 to Exclude/Exempt Members of the Nigeria Police Force (and Other Para-Military and Law Enforcement Agencies) from the Contributory Pension Scheme and to Reposition the Act for Effective Service Delivery and for Related Matters (HB. 398 and HB. 865) and rejected Clauses 1 - 11, 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 Pensions:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Pensions on a Bill for an Act to Establish the Chartered Institute of Pension Practitioners of Nigeria; and for Matters Connected Therewith (HB. 726 and HB. 727) and approve the recommendations therein" (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa 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 CHARTERED INSTITUTE OF
PENSION PRACTITIONERS OF NIGERIA AND FOR MATTERS
CONNECTED THEREWITH (HB. 726)

Committee Recommendation:**Clause 1: Establishment of the Chartered Institute of Pension Practitioners of Nigeria.**

- (1) There shall be established a body to be known as the Chartered Institute of Pension Practitioners of Nigeria (hereinafter in this Bill referred to as "the Institute") which shall be charged with the powers and general duties of:
 - (a) determining the standard of knowledge including training, skill and qualification of persons seeking to become admitted into the Institute and amending those standards from time-to-time as may be determined by circumstances;
 - (b) securing in accordance with the provisions of this Bill, the establishment and maintenance of a register of members of the Institute and publication from time- to-time of lists of those persons;
 - (c) setting and promoting standard of excellence and lifelong learning, for employee benefit and retirement savings professionals and custodians through qualifications, membership and on-going support service;
 - (d) conducting, encouraging and sponsoring research in the field of pension administration, pension fund management, investment, custody and asset management, publishing and disseminating same;
 - (e) organising and regulating the continuing education of members of the Institute;
 - (f) administering professional examinations in pension fund management practice;
 - (g) collaborating with other reputable examination bodies and/or educational institutions to provide continuous education in pension fund management practice from time-to-time.
 - (h) monitoring developments in the pension industry; and
 - (i) maintaining and upholding the ethics of pension fund management practice on a continuing basis;
 - (j) doing anything within legal confines that in its opinion is necessary to facilitate the carrying on of the activities of the Institute.
- (2) The Institute shall have perpetual succession and a common seal.
- (3) The common seal shall be kept in such custody as the Council established by this Bill may, from time-to-time, authorise.

- (4) The Institute may sue and be sued in its name and may hold, acquire and dispose of any property, movable or immovable (*Hon. Hassan Adamu Shekarau, — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 2: Admission into the Institute.

- (1) Subject to the provisions of this Bill, a person shall be admitted into the Institute if he holds a minimum of a first degree or its equivalent from a reputable tertiary institution in Nigeria or outside Nigeria and practises as a Pension Practitioner in Nigeria or outside Nigeria.
- (2) An applicant for registration shall, in addition to evidence of the above qualification, satisfy the council that he:
 - (a) is a fit and proper person of good character and high integrity;
 - (b) has attained the age of 21 years; and
 - (c) has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty or any other offence relating to bribery and corruption, or gross misconduct
- (3) Such person admitted into the Institute as set out above may be enrolled as Associates, Members or Fellows in the Institute as provided below:
 - (a) Associates,
 - (b) Members,
 - (c) Fellows in the Institute accordingly:
 - (a) Associate: a person shall be enrolled as an Associate if he satisfies the Council that he holds a minimum of a first degree or its equivalent from a reputable Tertiary Institution in Nigeria or outside Nigeria and has passed the examinations prescribed by the Institute;
 - (b) Member: a person shall be enrolled as a Member if he satisfies the Council that he holds a minimum of a first degree or its equivalent from a reputable Tertiary Institution in Nigeria or outside Nigeria, and has practiced as a Pension Practitioner for a minimum of two (2) years and has also passed the examinations prescribed by the Council;
 - (c) Fellow: a person shall be enrolled as Fellow if:
 - (i) for a period not less than ten years immediately preceding the date of application for such enrolment he satisfies the Council that he has been enrolled as a member, and has been in practice as a Pension Practitioner and attained the position of a manager, at least;

- (ii) shall be enrolled as a Fellow if he satisfies the Council that he has held the position of Managing Director/Executive Director, or is at the time of the application, a Managing Director/Executive Director of any Closed Pension Fund Administrator, Pension Fund Administrator, Pension Fund Custodian, the Director-General of the Commission or a Commissioner of the Commission.
- (4) The Council may grant or award Honorary membership of any of the categories above to persons who, in the opinion of the Council have attained a high level of competence as determined by the Council, provided such persons have attained a Management position in the Pension Industry.
- (5) The Council may in its discretion reject a qualification tendered in respect of an application for registration pursuant to this section, or direct that such application is represented for approval within such period as may be specified in the said direction after fulfillment of such conditions as may be specified by the Council in the said direction.
- (6) The Council may, from time to time publish particulars of qualifications for the time being accepted by it for registration.
- (7) A person enrolled in any of the above categories by the Council shall be entitled to the use of the appropriate designated abbreviations as may be approved by the Council from time to time (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 3: Council of the Institute and Membership.

- (1) There shall be a governing body of the Institute (hereinafter in this Bill referred to as "the Council"), charged with the administration and general management of the Institute.
- (2) The Council shall consist of a total of 12 (twelve) persons, being Fellows or Members, as follows:
- (a) the President, who shall be elected by the vote of a minimum of two thirds of the members of the Council
- (b) the 2 (two) Vice-Presidents (who shall be elected by members of the Council),
- (c) 4 (four) members of the Association (to be elected by the members of the Association) ,
- (d) 2 (two) representatives of the Commission (to be nominated by the Commission),
- (e) three (3) other elected members to be elected at a General Meeting of the Institute.

- (3) Notwithstanding the provisions of Section 3 (1) and Section 4 (5) of this Bill, the first Council (hereinafter referred to as the Pioneer Governing Council, shall consist of 8 (eight) members comprised of the following:
- (a) the President, who shall be elected by the members of the Association;
 - (b) 2 (two) Vice Presidents shall be nominated by the members of the Association;
 - (c) 4 (four) persons (to be elected by the members of the Association;
 - (d) 1 (one) person (to be nominated by the Commission The members of the Pioneer Governing Council shall hold office for a term of 2 (two) years, at the end of which the members may be eligible for nomination for a position in the subsequent Governing Council.
- (4) The provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of members of the Council and other matters mentioned therein.
- (5) The Registrar shall act as the Secretary to the Council (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 4: Election of the President and Vice-Presidents of the Institute.

- (1) There shall be a President of the Institute who shall be a financial member and also a member of the Council of the Institute.
- (2) There shall be a first Vice-President of the Institute who must be a financial member and also a member of the Council of the Institute.
- (3) There shall be a second Vice-President of the Institute who must be a financial member and also a member of the Council of the Institute.
- (4) The President, first Vice President and the second Vice President shall be elected at the Annual General Meeting of the Institute.
- (5) The President shall chair at all the meetings of the Institute. In his absence, the first Vice President shall chair the meeting and in the absence of the first Vice President, the second Vice President shall chair the meeting.
- (6) In the event of death or incapability for any reason, the first Vice President shall fill the vacancy for the unexpired portion of the President's term of office.
- (7) If the President, first Vice President or the second Vice President ceases to be a member of the Institute for any reason he shall also cease to hold the office designated under this section (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:**Clause 5: Financial Provision.**

- (1) The Council shall establish and maintain a fund, which shall be managed and controlled by the Council, and into which all monies received by the Council including donations and start-off grant given by the Association and the Commission, shall be deposited. The Association shall make annual grants to the Institute for its smooth running.
- (2) The Council shall impose levies, penalties, subscription fees, and any other charge on members and other persons wishing to become members of the Institute; and may receive donations and grants from individuals and corporate organisations. The fund shall be utilised for the following:
 - (i) remuneration and allowances of the registrar and other employees of the institute;
 - (ii) reasonable travelling and subsistence allowances of members of council in respect of the time spent on the business of the council as the council may determine;
 - (iii) any other expense incurred by the council in the discharge of its function under this Bill.
- (3) The Council may invest money in the fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.
- (4) The Council may, from time-to-time, borrow money for the purpose of funding capital expenditure of the Institute, and any interest payable on the money so borrowed shall be paid out of the fund.
- (5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and shall maintain proper records in relation to those accounts, which accounts shall be audited by a Firm of Chartered Accountants not later than four months from the end of the financial year, and submitted to the members of the Institute for approval at the following Annual General Meeting.
- (6) No member of the Council, or any party related to him in professional or personal capacity, shall be appointed as an auditor for the purposes of this section (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

The Registrar

Committee Recommendation:**Clause 6: Appointment of Registrar, etc. and Preparation of the Register.**

- (1) The Council shall appoint as Registrar, a fit and proper person who shall be:
 - (a) a member of the Institute, and
 - (b) a person with a minimum of first degree or equivalent from a reputable University, with cognate working experience for a period of not less than 15 (fifteen) years, 5 (five) of which must be in a senior management position in an establishment.

- (2) The Registrar shall prepare and maintain, in accordance with the rules and regulations made by the Council, a register of names (hereinafter referred to in this Bill as 'Register'), addresses and approved qualifications, and such other particulars as may be specified in the rules, of all persons who are entitled, in accordance with the provisions of this Bill, to be enrolled as Members, Associates, Fellows or Honorary Members, and who, in the manner prescribed by such rules, apply to be registered.
- (3) Subject to the following provisions, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular:
 - (a) regulating and making of applications for enrolment and registration as the case may be, and providing for the evidence to be produced in support of the applications;
 - (b) providing for the notification to the Registrar by the person to whom any particular registration relates, of any change in those particulars;
 - (c) specifying the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the Register, and authorising the Registrar to refuse to enter a name in the Register until any fee specified for the entry has been paid.
- (4) Rules made for the purposes of paragraph (c) of subsection (3) shall not come into force until confirmed at a special meeting of the Institute convened for that purpose or at the next Annual General Meeting, as the case may be.
- (5) The Registrar shall:
 - (a) correct, in accordance with the Council's directions, any entry in the Register which the Council directs him to correct, as being in the Council's opinion, an entry which was incorrectly made;
 - (b) make, from time-to-time, any necessary alteration in the registered particulars of registered persons;
 - (c) record the names of members of the Institute who are in default for more than six (6) months of the payment of the annual subscriptions, and to take such action in relation thereto (including removal of the names of such persons from the Register) as the Council, under this Bill may direct or require.
- (6) If the Registrar:
 - (a) sends by post to any registered person a registered letter addressed to that person at his address on the Register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of three months from the date of posting or a period to be determined by Council having regards to the circumstances; and

- (b) upon the expiration of the period specified in (a) above, sends in the like manner to the person in question a second similar letter and receives no reply to that letter within one month from the date of posting or a period to be determined by Council having regard to the circumstances, the Registrar may remove the particulars relating to such person from the Register, until such a time as the particulars are subsequently confirmed; and the Council may direct the Registrar to restore to the appropriate part of the Register any particulars removed therefrom under this subsection (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 7: Publication of Register and Lists of Corrections.

- (1) The Registrar shall:
- (a) cause the Register to be printed, published, and put on sale to members of the public not later than twelve months from the commencement of this Bill;
 - (b) in each year after that in which the Register is first published under paragraph (a) of this sub-section, cause to be printed, published and put on sale, either a corrected edition of the Register;
 - (c) cause a print of each edition of the Register and of each list of corrections to be deposited at the principal office of the Institute;
 - (d) keep the Register and lists so deposited and make same available at all reasonable times for inspection by members of the public.
- (2) A copy of an edition of the Register or a copy of any corrected edition of the Register published by the Registrar shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the Register, at the date of the publication of the Register or the corrected edition of the Register, as the case may be, was so registered, and that any person not so specified was not so registered (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Professional Discipline

Committee Recommendation:

Clause 8: Establishment of a Disciplinary Tribunal and an Investigative Panel.

- (1) There shall be a body known as the Chartered Institute of Pension Practitioners' Investigative Panel (hereinafter referred to as 'the "Panel" in this Bill) which shall be charged with the duty of:
- (a) conducting preliminary investigations into cases where it is alleged that a member has committed an act of gross misconduct, fraud, bribery or corruption in his capacity as a member of the Institute;
 - (b) or should, for any reason, be the subject of proceedings before the Tribunal; and
 - (c) deciding whether the case shall be referred to the Tribunal.

- (2) The Panel shall be appointed by the Council and shall consist of two members of the Council and five members of the Institute who are not members of the Council.
- (3) There shall be a body to be known as Chartered Institute of Pension Practitioners' Disciplinary Tribunal (hereinafter referred to as the "Tribunal") which shall be charged with the responsibility of considering and determining all cases referred to it by the Panel established by the provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Bill.
- (4) The Tribunal shall consist of the President of the Council and six other members of the Institute appointed by the Council.
- (5) The provisions of the Second Schedule to this Bill shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.
- (6) The Council may make rules consistent with this Bill as to acts that constitute professional misconduct (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 9: Penalties for Professional Misconduct.

- (1) Where —
 - (a) a member is adjudged by the Tribunal to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted, by any court of competent jurisdiction in Nigeria or elsewhere of an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a member of the Institute; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently registered. The Tribunal may, if it deems fit, give a direction reprimanding that person or order the Registrar to strike his name off the Register.
- (2) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted pending the final determination of an appeal, if any, against the conviction.
- (3) When the Tribunal gives a direction under subsection (1) of this section, it shall cause notice of the direction to be served on the person affected.
- (4) The person affected may at any time within twenty-eight days from the date of service on him of notice of the direction appeal to the Tribunal which may review its decision.
- (5) The decision of the Tribunal shall be final. Where a person is dissatisfied with the decision of the Tribunal, such a person may seek redress in the High Court.

- (6) A person whose name is removed from the Register on the direction of the Tribunal shall not be entitled to be registered again except in pursuance to a direction in that behalf given by the Tribunal (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Miscellaneous and General

Committee Recommendation:

Clause 10: Rules as to Articles, Practising Fees, etc.

- (1) The Council may make rules in relation to:

- (a) the training of suitable persons as Pension Practitioners;
- (b) the supervision and regulation of such persons;
- (c) the registration of persons to practise and/or be employed as pension practitioners;
- (d) fees to be paid by members;
- (e) prescribing the amount and due date for payment of the annual subscription and for such purpose, different amounts may be prescribed by the rules according to membership grades of member, associate and fellow;
- (f) prescribing the form of certificate to practise to be issued annually or, if the Council thinks fit, by endorsement on an existing certificate;
- (g) restricting the right to practise when a Pension Practitioner is in default of payment of the amount of annual subscription where the default continues for longer than such period as may be prescribed by the rules;
- (h) prescription of the period of practical training to be completed in the office of a practising Pension Practitioner before a person qualifies for enrolment or is certified as a Pension Practitioner.

- (2) If the President of the Council so directs, new rules shall be published in the Federal Government of Nigeria Gazette (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 11: Provision of Library Facilities.

- (1) The Institute shall —

- (a) provide and maintain a library comprising books and publications for the advancement of the knowledge of pension management and operations and such other books and publications as it may deem necessary for that purpose; and

- (b) encourage research into pension management and operation and allied matters to the extent that the Council may, from time-to-time, consider necessary (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 12: Rules and Regulations.

- (1) The Council may make regulations generally for the carrying into effect the provisions of this Bill.
- (2) Any regulations made for the purposes of this Bill shall be published in the Federal Government of Nigeria Gazette as soon as may be possible after they have been made.
- (3) Rules made for the purposes of this Bill shall be subject to confirmation by the Council at any Meeting of the Institute summoned for that purpose, and if annulled, shall cease to have effect on the day after the date of annulment, but without prejudice to anything done pursuant or intended to be in pursuance of any such rule before the date of such annulment (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 13: Offences.

- (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matters:
 - (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; shall be guilty of an offence.
- (2) If on or after the commencement of this Bill, a person, not being a member of the Institute, practises as a registered member of the Institute for or in expectation of reward, or takes or uses any name, title, addition or description implying that he is in practice as a registered member of the Institute, such person shall be guilty of an offence:

Provided that in the case of a person who applied pursuant to Section 10 of this Bill:

- (a) this subsection shall not apply in respect of anything done by him during the period set out therein; and
- (b) if within that period, he duly applied for membership of the Institute, then, unless he is notified within that period that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.

- (3) If on or after the Commencement of this Bill, a registered member of the Institute holds himself out as a Pension Practitioner, or takes or uses any name, title, addition or description, implying that he is a member of the Institute of a grade other than that which he is enrolled, or registered under this Bill, the said member shall be guilty of an offence.
- (4) If the Registrar or any other person employed by or on behalf of the Institute makes any falsification in any matter relating to the Register, he shall be guilty of an offence.
- (5) Effective two (2) years after the commencement of this Bill, it shall be an offence for any Pension Fund Administrator, Closed-Pension Fund Administrator, Pension Fund Custodian or any Agency in the pension industry to retain in its employment beyond a period of two(2) years, any person who being a pension practitioner, is not a member of the Chartered Institute
- (6) A person indicted of an offence under this section shall be liable:
- (a) on summary indictment to suspension for a term not exceeding 2 (Two) years and a fine not exceeding ₦1,000,000.00 (One Million Naira) or
- (b) on indictment to a fine of an amount not exceeding ₦5,000,000.00 (Five Million Naira) and to suspension for a term not exceeding 5 (Five) years or, to both such fine and suspension (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Committee Recommendation:

Clause 14: Interpretation.

In this Bill, unless the context otherwise requires —

"Act" means the Chartered Institute of Pension Practitioners of Nigeria Act, 2018 (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Association" means the Pension Fund Operators Association of Nigeria (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"The Commission" means the National Pension Commission (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Council" means the Council established as the governing body of the Institute under Section 3 of this Bill (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Fees" includes annual subscriptions and any other fee as may be prescribed by the Council from time to time (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Financial Member" shall mean a person who is up to date in his payment of fees, levies or any other dues he is obliged to pay to the Institute (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Fit and Proper Person" means a person adjudged by the Council of being of good character, professional competence and with the requisite qualifications (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Question that the meaning of the words "Fit and Proper Person" be as defined in the interpretation to this Bill — Agreed to.

"Institute" means the Chartered Institute of Pension Practitioners of Nigeria (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Member of the Institute" means an Associate, a Member, and a Fellow of the Institute (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Panel" means the investigative body charged with the duty of conducting preliminary investigations into any case where it is alleged that a member has misbehaved (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*):

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

"Pension Practitioner" means a person who has:

- (i) been employed in any professional capacity with a, Pension Fund Administrator, Closed Pension Fund Administrator, Pension Fund Custodian in Nigeria or with the Commission; and
- (ii) been employed in any professional capacity with a, Pension Fund Administrator, Closed Pension Fund Administrator, Pension Fund Custodian or Pension Regulator in any jurisdiction outside Nigeria (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

"Pioneer Council" means the first Council of the Institute (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

"President" means the President of the Council (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

"President" and "Vice-President" mean the respective office holders under those titles in the Institute (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

Question that the meaning of the words "President" and "Vice-President" be as defined in the interpretation to this Bill — Agreed to.

"Register" means the register maintained as required under Section 6 (2) of this Bill (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

"Registrar" means the registrar appointed by the Council under Section 6 (1) of this Bill (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

"Related Party" shall mean any of the following:

- (i) a person or a close member of that person's family related to a member of Council;
- (ii) an entity in which the member of Council has control or joint control;
- (iii) an entity over which the member of Council has significant influence;
- (iv) an entity in which the member of Council is a member of the key management personnel (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

"Tribunal" has the meaning assigned thereto in this Bill (Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency).

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

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

Committee Recommendation:**Clause 15: Short Title.**

This Bill may be cited as the Chartered Institute of Pension Practitioners of Nigeria Bill, 2018. (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

SCHEDULES**FIRST SCHEDULE**

[Section 3(2)]

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

1. (1) Subject to the provisions of this Bill every appointed/elected member of the Council shall hold office for three (3) years at the first instance and may be reappointed/re-elected for a further term of three (3) years in the same office without an option to extend. Provided that the three members to be elected by the Institute at the General Meeting shall hold office for two (2) years at the first instance and may be re-elected for a further term of two (2) years without an option to extend.
- (2) A person who ceases to be a member of the Institute shall, if he is also a member of the Council, cease to hold such office.
- (3) An appointed/elected member may, by notice in writing under his hand addressed to the President, resign his office.
- (4) The following persons shall not be members of the Council:
 - (a) a lunatic or a person of unsound mind;
 - (b) a bankrupt person;
 - (c) a person who has been convicted of any offence which involves fraud, or dishonesty.
- (5) A person who resigns from or otherwise ceases to be a member of the Council, upon expiration of his first term, may be eligible for reappointment/re-election as a member of the Council at a later date.
- (6) Appointment/election shall be done/held in such manner as may be prescribed by the rules made by the Council, from time-to-time, and until so prescribed, shall be by a show of hands.
- (7) If for any reason there is a vacancy in the office of a member of the Council:
 - (a) and such member was appointed, the person who made such an appointment shall appoint another person in the manner in which the vacating member was appointed; or

- (b) such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt another person for such time as aforesaid to fill the vacated position.

Powers of the Council

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

Proceedings of the Council

3. (1) Subject to the provisions of this Bill, the Council may, in the name of the Institute, make standing orders regulating the proceedings of the Institute or the Council and in the exercise of its powers under this Bill, may set up committees in the general interest of the Institute and make standing orders therefor.
- (2) Such standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, for the President, to have a second or casting vote.
- (3) Standing orders made for a committee shall provide that the committee shall report to the Council any matter not within its competence to decide.
- (4) The quorum of the Council shall be seven and the quorum of a committee of the Council shall be as fixed by the Council.

Meetings

(a) of the Institute

4. (1) The Council shall convene the annual general meeting of the Institute on such day and month as it may, determine annually. However, not more than fifteen months shall elapse between the respective dates of two meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time; if more than $\frac{1}{3}$ of the members require it by notice in writing addressed to the Registrar setting out the objects of the proposed meeting. The President shall summon the meeting within seven days of receipt of the notice requiring it and shall schedule the meeting to hold within 21 days. In the event the President fails to convene a meeting within seven days, any other Council member may do so and failing this, the members that required the meeting shall convene the meeting; any President that so refuses to convene a meeting shall be guilty of professional misconduct.
- (3) The quorum for the annual general meeting shall be 10% (Ten per cent) of the total members of the Institute and the quorum for any special meeting shall be 30% (Thirty per cent) of the total members of the Institute.

(b) of the Council

5. (1) Subject to the provisions of any standing order of the Council, the Council shall meet whenever it is summoned by the President, and if the President is required to do so by notice in writing given to him by not less than seven (7) other members; he shall summon a meeting of the Council within seven (7) days of the service of the notice.

- (2) At any meeting of the Council, the President or in his absence the first or second Vice-Presidents as the case may be shall preside, but if all three persons are absent, the members present at the meeting shall appoint one of themselves to preside at that meeting.
- (3) Where the Council desires to obtain advice from any person on a particular matter, the Council may invite such expert to attend its meetings for the purpose of giving expert advice as required.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President of the Council who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

Committees

6. (1) The Council shall, at the commencement of the Institute, be comprised of the following committees: (a) Membership Committee, (b) Finance and Administrative Committee, (c) Examination and Accreditation Committee, (d) Media and Publications Committee, (e) Disciplinary Committee, who shall carry out on behalf of the Institute such functions as it may determine. The Council may constitute additional committees as the need arises.
- (2) A committee appointed under this paragraph shall consist of such number of persons determined by the Council and a person other than a member of the Council shall hold office in the committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a Committee shall only be operative upon confirmation of the Council.

Miscellaneous

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President and the first Vice-President or in his absence, the second Vice-President, or another member of the Council authorized generally or specially to act for that purpose.
 - (2) Any contract or instrument which, if made by a person not being body corporate, would not be under seal, may be made or executed on behalf of the Institute or the Council as the case may require, by any person generally or specially authorized to act for that purpose by the Council.
 - (3) Any document purporting to be duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
8. The validity of any proceedings of the Institute or the Council or of a committee of the Council shall not be adversely affected by any vacancy in the membership or by any defect in the appointment of a member of the Institute or the Council or a person serving on the Committee or by reason that a person not entitled to do so, took part in the proceedings.
 9. Any member of the Council or any person holding office in a committee of the Council, who has a personal interest in any contract, or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council, or a Committee thereof, shall forthwith disclose his interest to the President and the Secretary of

the Council, in writing, and shall not vote on any question relating to the said Contract or arrangement. Any person that breaches the conflict of interest code shall be guilty of professional misconduct and shall cease to be a member of the Council. Such person shall be subject to further disciplinary action as determined by the Tribunal (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

SECOND SCHEDULE

[Section 8(5)]

SUPPLEMENTARY PROVISIONS RELATING TO DISCIPLINARY TRIBUNAL AND INVESTIGATIVE PANEL

The Tribunal

1. The quorum of the Tribunal shall be four.
2. Membership of the Tribunal shall be for a term of three (3) years with members of the Tribunal serving a maximum term of two (2) terms each.
3.
 - (1) The Council shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in the proceedings before the Tribunal.
 - (2) The rules shall in particular provide —
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of this Bill, as to costs of the proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation had not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
 - (g) for publishing in the Gazette of any decision of the Tribunal which has taken effect providing that a person's name shall be struck off the Register.
4.
 - (1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council and shall be a legal practitioner of not less than ten years standing.

- (2) The Council shall make rules as to the functions of assessors appointed under this paragraph, and in particular, such rules shall contain provisions for securing:
- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person(s) representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered; and
 - (b) that every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such question as aforesaid.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed. Panel
5. The quorum of the Panel shall be three.
6. Membership of the Panel shall be for a term of three (3) years with members of the Panel serving a maximum term of two (2) terms each.
7. (1) The Panel may, at any meeting of the Panel attended by the members of the Panel, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

8. (1) A person ceasing to be a member of the Tribunal or the Panel shall not be immediately appointed for a subsequent term after serving the maximum of 2 (two) terms, but may be re-appointed as a member of that body in the future.
- (2) The Tribunal or the Panel may act, notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of the body or by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or the Panel shall be served on the Registrar appointed under Section 6 of this Bill (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

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

Explanatory Memorandum:

- (1) This Bill seeks to establish the Institute with the responsibility for standardising Pension Practitioners in Nigeria.
- (2) This Bill also seeks to provide penalties for violation of any of its provisions (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish the Chartered Institute of Pension Practitioners of Nigeria and for Matters Connected Therewith (HBs 726) (*Hon. Hassan Adamu Shekarau — Birnin/Gwari/Giwa 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 Pensions on a Bill for an Act to Establish the Chartered Institute of Pension Practitioners of Nigeria; and for Matters Connected Therewith (HB. 726 and HB. 727) and approved Clauses 1 - 15, the Schedules, 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.

(vi) **Committee on Maritime Safety, Education and Administration:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Maritime Safety, Education and Administration on a Bill for an Act to Amend the Nigerian Maritime Administration and Safety Agency Act, No. 17 of 2007 to increase the Functions of the Agency; and for Related Matters (HB. 1131 and HB. 1178) and approve the recommendations therein" (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu 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 NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY ACT, NO. 17, 2017 TO INCREASE THE FUNCTIONS OF THE AGENCY; AND FOR RELATED MATTERS (HBs 1131 AND 1178)

PART III — FINANCE**Committee Recommendation:****Clause 1: Amendment of Section 17: Maritime Fund.**

- (1) There is established the Maritime Fund (in this Bill referred to as "the Fund")
- (2) Monies in the Fund may be applied only for the purposes of furthering the objectives and functions of the Agency under this Bill.
- (3) Monies in the Fund at the end of any financial year shall be carried forward as a credit to the Fund to the following financial year.
- (4) The Agency may apply monies in the Fund to promote the development of indigenous shipping and shipping infrastructure in Nigeria.
- (4) (i) 1% of the maritime fund be subjected to the maritime security fund under section 7 of the Maritime Operations Coordinating Board Act.

- (5) The beneficiaries of the Fund under subsection (4) of this section shall be Nigeria citizen and companies (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

PART IV — FUNCTIONS AND POWERS OF THE AGENCY

Committee Recommendation:

Clause 2: Amendment of Section 22.

- (1) The functions and duties of the Agency shall be to:

- (a) pursue the development of shipping and regulate matters relating to merchant shipping and seafarers;
- (b) administering the registration and licensing of ships;
- (c) regulate and administer the certificate of seafarers;
- (d) established maritime training and safety standards;
- (e) regulate the safety of shipping as regards the construction of ships and navigation;
- (f) provide search and rescue services;
- (g) provide directions and ensure compliance with vessel security measures;
- (h) carry out air coastal surveillance;
- (i) control and prevent marine pollution;
- (j) provide direction on qualification, certification, employment and welfare of maritime labour;
- (k) develop and implement policies and programmes which will facilitate the growth of local capacity in ownership, manning and construction of ships and other maritime infrastructure;
- (l) enforce and administer the provisions of the Cabotage Act, 2003;
- (m) perform port and flag state duties;
- (n) receive and remove wrecks;
- (o) provide National Maritime Search and Rescue Service;
- (p) provide Maritime Security; and
- (q) establish the procedure for the implementation of conventions of the International Maritime Organization and the International Maritime Labour Organization and other international conventions to which the Federal Republic of Nigeria is a party on Maritime Safety and

Security, Maritime Labour, Commercial Shipping and for the implementation codes, resolutions and circulars arising therefrom (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 3: Citation.

This Bill may be cited as Nigerian Maritime Administration and Safety Agency Act (Amendment) Bill, 2018 (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

Agreed to.

Explanatory Memorandum:

This Bill seeks to amend the Nigerian Maritime Administration and Safety Agency Act No. 17, 2017 to increase the functions of the Agency (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Amend the Nigerian Maritime Administration and Safety Agency Act, No. 17, 2017 to Increase the Functions of the Agency; and for Related Matters (HBs 1131 and 1178) (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu 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 Maritime Safety, Education and Administration on a Bill for an Act to Amend the Nigerian Maritime Administration and Safety Agency Act, No. 17 of 2007 to increase the Functions of the Agency; and for Related Matters (HB. 1131 and HB. 1178) and approved Clauses 1 - 3, 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.

(vii) Committee on Maritime Safety, Education and Administration:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Maritime Safety, Education and Administration on a Bill for an Act to Amend the Maritime Operations Coordinating Board Act, Cap. M4, Laws of the Federation of Nigeria, 2004 Reconstituting the Maritime Operations Coordinating Board for Effective Control of all Maritime Operations in Nigeria's Territorial Waters and the Exclusive Economic Zone, Create the Maritime Security Fund, Establish Anti-Piracy Offences; and for Related Matters (HB. 1056) and approve the recommendations therein" (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu 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 MARITIME OPERATIONS COORDINATING BOARD ACT, CAP. M4, LAWS OF THE FEDERATION OF NIGERIA, 2004; RECONSTITUTING THE MARITIME OPERATIONS COORDINATING BOARD FOR EFFECTIVE CONTROL OF ALL MARITIME OPERATIONS IN NIGERIA'S TERRITORIAL WATERS AND THE EXCLUSIVE ZONE; CREATE THE MARITIME SECURITY FUND, ESTABLISH ANTI-PIRACY OFFENCES AND FOR OTHER RELATED MATTERS (HB.1056)

Committee Recommendation:**Clause 1: Establishment of the Maritime Security Operations Co-ordinating Board.**

There is hereby established a body to be known as the Maritime Security Operations Co-ordinating Board (in this Act referred to as "the Board") to perform the functions assigned to it under this Bill (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:**Clause 2: Composition of the Board.**

The Board shall consist of —

- (a) the Chief of Naval Staff as Chairman;
- (b) the Flag Officer Commanding Western Naval Command;
- (c) the Chief of Operations (Nigerian Navy);
- (d) the Air Officer Operations (Nigerian Air Force);
- (e) the Director of Navy (Ministry of Defence);
- (f) the Chief of Operations (Nigerian Army);
- (g) the Director of Operations (Defence Headquarters);
- (h) the Director of Petroleum Resources to represent the Minister of Petroleum;
- (i) the Director of Legal Services (Nigerian Navy);
- (j) the Director of Fisheries to represent the Minister of Agriculture and Rural Development;
- (k) the Director of Marine Services to represent the Minister of Transport;
- (l) the representative of the Minister of Finance to be nominated from the Office of the Accountant General of the Federation;
- (m) the representative of Nigerian Maritime Administration and Safety Agency (NIMASA); and
- (n) the representative of the Nigeria Ports Authority (NPA) (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 3: Functions of the Board.

The functions of the Board shall be —

- (a) to formulate policies, including Maritime Policy; for the control of all maritime operations in Nigeria's territorial waters and Exclusive Economic Zone in order to remove any contradiction, conflict and overlaps in the existing policies regulating activities of agencies performing functions relating to maritime operations;
- (b) to enforce its policies through its member agencies and ascribe appropriate sanctions on any agency found to be defaulting in the performance of the roles ascribed to it by the board;
- (c) to provide and allocate funds to member agencies to carry out ascribed maritime policy and protective roles; and;
- (d) to recruit, promote and discipline its secretariat staff, including the secretary to the Board (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 4: Proceedings.

- (1) The Board shall have power to regulate its proceedings and may make standing orders for that purpose and subject to any such standing orders and to subsection (2) of this section, may function notwithstanding —
 - (a) any vacancy in its membership or absence if any member;
 - (b) any defect in the appointment of a member; or
 - (c) that a person not entitled to do so took part in its proceedings
- (2) The quorum at any meeting of the board shall be five.
- (3) Where the standing orders made under subsection (1) of this section provide for the Board to co-opt persons who are not members of the Board, such persons may attend meetings of the Board and advise it on any matter referred to them by the Board.
- (4) Any person co-opted pursuant to subsection (3) of this section shall not count towards a quorum and shall not be entitled to vote in any meeting of the board (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:**Clause 5: Committees.**

- (1) Subject to its standing orders, the board may appoint such number of standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Board is concerned.
- (2) Every Committee set up under this section shall be presided over by a member of the Board and shall be made up of such number of other persons, who need not be members of the Board as the Board may determine in each case.
- (3) The quorum of any Committee set up by the Board shall be as may be determined by the Board. (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:**Clause 6: Financial Provisions.**

- (1) The board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Board.
- (2) There shall be paid or credited to the Board:
 - (a) such sums of money as may be provided by the Federal Government from time to time; and
 - (b) such sums of money accruing to the Board from any other source such as:
 - (i) such monies as may be specifically appropriated to the Maritime Operations Co-ordinating board from time to time by the National Assembly;
 - (ii) one percent of the funds derived by Maritime Fund accruing to the NIMASA under the NIMASA Act;
 - (iii) proceeds of sales, by auction, of forfeited vessels or goods subject to the provisions of this Bill;
 - (iv) gifts, loans, aids, and such other assets that may from time to time specifically accrue to the Maritime Security Fund.
- (3) The administrative and operational expenses of the Board, in furtherance of this Act shall be funded directly from the Fund and such expenses shall include —
 - (a) salaries, emoluments, remunerative packages, howsoever called, and allowances for:
 - (i) Maritime Security Operations Co-ordinating Board Members,
 - (ii) Nigerian Navy staff who are assigned on full-time basis to the Maritime Operations Secretariat or such other staff of the Maritime Security Operations Secretariat howsoever engaged, and

- (iii) Fund manager;
- (b) operational expenses for the activities of the Maritime Security Operations co-ordinating Board.
- (4) The Board shall ensure that the Fund is at all times totally separated from the Nigerian Navy's statutory allocation and transparently maintained and operated as such.
- (5) The Board shall cause to be prepared, not later than 31st August in each year, an estimate of the expenditure and income of the board for the next succeeding year and when prepared they shall be submitted through the Minister to the president for approval.
- (6) the board shall keep proper accounts and proper records in relation to those accounts and when certified by the board the accounts shall be audited as provided in sub section (5) of this section.
- (7) the accounts of the board shall be audited within six months after the end of each year by auditors appointed by the board from the list and in accordance with the guidelines supplied by the Auditor-General for the federation and fees of the auditors and the expenses for the audit shall be paid from the fund of the board (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 7: Maritime Security Operations Co-ordinating Board Fund Managers.

- (1) The Board shall, in consultation with the Nigerian Navy, appoint an independent and competent investment management firm as Maritime Co-ordinating Board Fund Managers with responsibilities; amongst others, for:
- (a) maintaining Maritime Security Operations Co-ordinating Board Funds financial accounts and records;
- (b) collaborating with Maritime Security Operations Co-ordinating Board Secretariat in the collection of Maritime Security assessments and loan repayments;
- (c) estimating the amount needed annually to sustain the rate of maritime security infrastructure expansion determined by the Nigerian Navy as appropriate to meet Maritime Security Operations Co-ordinating Board policy objectives;
- (d) determining the amount of annual revenue required to ensure that the Maritime Security Operations Co-ordinating Board Fund remains fiscally sound, and calculation of the corresponding rate of assessment;
- (e) disbursing funds to eligible entities based upon approvals by the Maritime Security Operations Co-ordinating Board;

- (f) prudently investing Maritime Co-ordinating Fund's cash reserves under directions from the Maritime Co-ordinating Board and establishing cash management procedures to ensure maximum return on investments while meeting short-term cash requirements for disbursements;
 - (g) regularly reporting on financial performance of the Maritime Fund to the Maritime Coordinating Board; and
 - (h) assisting Maritime Security Secretariat in evaluating the effectiveness of the fund in meeting policy goals as set by Government and the Board.
- (2) The Maritime Security Operations' Co-ordinating Board shall, in collaboration with the Nigerian Navy, determine the terms of engagement and the remuneration package for the Maritime Co-ordinating Fund Managers (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 8: Administration of the Fund.

The fund shall be administered by the Chairman, Treasurer and Financial secretary of the Board who shall be the Chief of Naval Staff, the representative of the Minister of Finance to be nominated from the office of the Accountant General of the Federation and the Director of Legal Services (Nigerian Navy) respectively (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 9: Secretary and other Staff.

- (1) The board shall appoint a secretary who shall be charged with the general administration of the secretariat of the board and perform such other functions as may be assigned to him from time to time by the board.
- (2) The Board may —
 - (a) appoint such other persons to be officers and servants of the board to assist the secretary in the exercise of his functions; and
 - (b) determine the remuneration and term of office and conditions of service of the secretary and the other officers and servants of the Board.
- (3) Notwithstanding the provisions of subsection (1) and (2) of this section, the board may appoint any of its officers and servants by way of transfer or secondment from any public service in the Federation (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 10: Pensions.

- (1) Service in the board shall be public service for the purposes of the Pensions Act.

- (2) Officers and other persons employed by the board shall in respect of their services in the board be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.
- (3) Nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the federal government (not being the power to make regulations under section 23) is hereby vested in and shall be exercisable by the Board and not by any other person or authority (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 11: Interpretation.

In this Act, unless the context otherwise requires —

"Board" means the Maritime Security Operations Co-ordinating Board established by section 1 of this Bill;

"Functions" include powers and duties

"Minister" means the Minister charged with responsibility for matters relating to defence;

"Secretary" means the person appointed as secretary of the Board under section 9 of this Bill.

(*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Committee Recommendation:

Clause 12: Short Title.

This Bill may be cited as the Maritime Security Operations Coordinating Board Act (Amendment) Bill, 2018 (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu Federal Constituency*).

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

Long Title:

A Bill for an Act to Amend the Maritime Operations Coordinating Board Act, Cap. M4, Laws of the Federation of Nigeria, 2004; Reconstituting the Maritime Operations Coordinating Board for Effective Control of All Maritime Operations in Nigeria's Territorial Waters and the Exclusive Zone; Create the Maritime Security Fund, Establish Anti-Piracy Offences and for Other Related Matters (HB.1056) (*Hon. Dennis Nnamdi Agbo — Igbo-Eze North/Udenu 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 Maritime Safety, Education and Administration on a Bill for an Act to Amend the Maritime Operations Coordinating Board Act, Cap. M4, Laws of the Federation of Nigeria, 2004 Reconstituting the Maritime Operations Coordinating Board for Effective Control of all Maritime Operations in Nigeria's Territorial Waters and the Exclusive Economic Zone, Create the Maritime Security Fund, Establish Anti-Piracy Offences; and for Related Matters (HB. 1056) and approved Clauses 1 - 12, 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, 6 February, 2018 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Munguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 3.37 p.m.

Yakubu Dogara
Speaker

CORRIGENDA

In the *Votes and Proceedings* of Wednesday, 31 January, 2018, pages 1,726, 1,727, and 1,728:

- (i) item 4 (ii) (a) include the following names:
 - 1. Hon. Sani Mohammed Rano — *Member*
 - 2. Hon. Henry Nwawuba — *Member*
- (ii) Item 4 (ii) (j), include the following names:
 - 1. Hon. Isiaka Ibrahim — *Member*
 - 2. Hon. Māhmud Maina — *Member*
- (iii) Item 4 (ii) (d), number 3, *leave out* the name “Hon. Emeka Ugwu” and *insert* the name “Hon. Emeka Ujam”
- (iv) Item 4 (ii) (h), number 10, *leave out* the name “Hon. Murtala Isah” and *insert* the name “Hon. Murtala Ibrahim Danmazari”