



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 28th March, 2018

1. The Senate met at 11:00 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Tuesday, 27th March, 2018.

Question was put and the Votes and Proceedings were approved.

3. **Messages from Mr. President:**

The Senate President announced that he had received two letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) **Withdrawal of Bill:**



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th March, 2018

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

Dear Distinguished Senate President,

WITHDRAWAL OF BILL
RE: REQUEST FOR THE AMENDMENT OF THE FISCAL
RESPONSIBILITY ACT BY THE NATIONAL ASSEMBLY TO GIVE
EFFECT TO THE PROPOSED PROMISSORY NOTE AND BOND
ISSUANCE PROGRAMME

I refer to the letter SH/AG. PRESIDENT/02/16 dated 4th August, 2017 forwarding the Bill here in reference.

In this regard, I hereby formally withdraw this Bill.

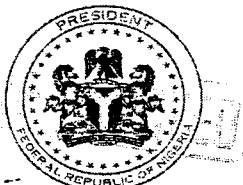
Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

- (b) *Request for the Establishment of a Promissory Note Programme and a Bond Issuance to Settle Inherited Local Debts and Contractual Obligations:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th March, 2018

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

Dear Distinguished Senate President,

**REQUEST FOR THE ESTABLISHMENT OF A PROMISSORY NOTE
PROGRAMME AND A BOND ISSUANCE TO SETTLE INHERITED
LOCAL DEBTS AND CONTRACTUAL OBLIGATIONS**

I wish to convey the resolution of the Federal Executive Council (FEC), requesting the National Assembly, to pass a bill to effect the Promissory Note and Bond Issuance Programme, to clear the long-standing obligations inherited by this Administration.

The Promissory Note and Bond Issuance programme has become imperative to clear these obligations which include: (a) unpaid obligations to pensioners, salaries and promotional arrears to civil servants, (b) obligations to petroleum marketers, (c) contractors and suppliers debts, (d) unpaid power bills and obligations from tariff reversal in 2014, (e) Export Expansion Grant (EEG) Scheme debts, (f) judgement debts, (g) refunds to State Governments for projects undertaken on behalf of the Federal Government.

As you may be aware, sections 41(1)(a) and 44(2)(b) of the Fiscal Responsibility Act (FRA) stipulates that the proceeds of borrowing by Government at all tiers, shall be applied solely towards capital expenditure. To provide legal backing to clear the recurrent expenditure component of the obligations, a request for amendment of the FRA was sent to the National Assembly via letter from the Presidency, reference SH/AG. PRESIDENT 102/16; dated 4 August 2017. (Enclosed as Annex 1).

I have attached information on the subject programme from Honourable Minister of Finance for your consideration who would also provide any additional information or clarification you may require for prompt approval of this programme.

While anticipating your usual cooperation, please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

Muhammadu Buhari

4. Announcement:**Acknowledgment:**

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Members of Department of Political Science and Public Administration, Babcock University, Ilishan-Remo, Ogun State;
- (ii) Staff and Students of Solid Base International Academy, Abuja; and
- (iii) Staff and Students of Bill Clinton International Academy, New Nyanya, Nasarawa State.

5. Petitions:

- (i) Rising on Rule 41, Senator Andy E. Uba (*Anambra South*) drew the attention of the Senate to a petition from his constituent, Dr. Michael S. Okpaleke, against the Management and Governing Board of Radiographers Registration Board of Nigeria, over unlawful verbal termination of his appointment. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Yusuf A. Yusuf (*Taraba Central*) drew the attention of the Senate to a petition from I. T. El-Sudi & Associates on behalf of Serti indigenes and settlers of Gashaka Local Government Area, Taraba State, against the Nigeria Army, over land dispute. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iii) Rising on Rule 41, Senator Philip T. Aduda (*FCT*) drew the attention of the Senate to two (2) petitions from:
 - (a) Lamilo Chambers, on behalf of Evangelical Church Winning All, ECWA Garki Local Church Council, against the Nigeria Police, over brutality; and
 - (b) I. G. Haruna & Co. on behalf of Madam Laraba Saleh, against the Federal College of Education (Technical) Umunze, over withdrawal of official vehicle of the late husband.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (iv) Rising on Rule 41, Senator Andrew I. Uchendu (*Rivers East*) drew the attention of the Senate to two (2) petitions from:
 - (a) Mr. A. W. O. Harry and four (4) Others, against the Eleme Petrochemical Company Limited, over unlawful termination of their appointments; and
 - (b) Mr. Nwonuala Bassey, against the Management of Tecon Oil Services Nigerian Limited, Port Harcourt, over wrongful termination of his appointment.

He urged the Senate to look into the matters.

Petitions laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. Personal Explanation:

Rising on Rule 43, Senator Dino Melaye (*Kogi West*) drew the attention of the Senate to recent publication in the print and social media on his alleged supply of arms and funds to the militia. He stated that two (2) suspects in Police custody at Lokoja have escaped due to the yesterday's jail break. He emphasised that two (2) International Organisation members were at Lokoja, Kogi State Capital to investigate the same matter. He urged the Inspector-General of Police to produce the two (2) suspects to face the Court proceedings as the case was adjourned to May, 2018.

By the leave of the Senate, Democracy in Nigeria shall be protected and urged the Nigeria Police to do the needful.

7. Privileges:

Rising on Rule 15, Senator Ibrahim A. Gobir (*Sokoto East*) drew the attention of the Senate to the advertorial publication of Vanguard Newspaper of Tuesday, 20th March, 2018 captioned "Parliamentary Support Group (Senate) for President Muhammadu Buhari" bidding a farewell to late Senator Malam Ali Wakili, *mini*. He frowned at the group's publication, stating that the Senate of Federal Republic of Nigeria is one and urged for the protection of the institution by all Senators in the interest of democracy.

Newspaper accordingly Laid.

By the leave of the Senate, matter accordingly referred to the Committee on Ethics, Privileges and Public Petitions to report within two (2) weeks.

8. Personal Explanation:

Rising on Rule 43, Senator Aidoko A. Atai (*Kogi East*) drew the attention of the Senate to the panic across Federal Parastatals and Agencies over alleged mop-up of 2017 budget fund by 31st March, 2018. He stated that the Appropriation Act 2017 provided for one (1) year implementation period for the budget, which expires in May, 2018. He urged the Hon. Minister of Finance to issue circular to Ministries Departments and Agencies (MDAs) to sustain the provision of Appropriation Act 2017 regarding the continuous release of funds till May, 2018.

The Senate mandated the Chairmen of Committees on Appropriations; and Finance to communicate with the Hon. Minister of Finance to comply with 2017 Appropriation Act provisions.

9. Committee on Primary Healthcare and Communicable Diseases:

Report on the National Centre for Disease Control Prevention (Establishment, etc.) Bill, 2018 (SB.256):

Motion made: That the Senate do receive the Report of the Committee on Primary Healthcare and Communicable Diseases on the National Centre for Disease Control Prevention (Establishment, etc.) Bill, 2018 (*Senator Mao A. Oluwabunwa — Abia North*).

Question put and agreed to.

Report Laid.

10. Committee on Defence:

Report on the Influx of Refugees from the Republic of Cameroun to some border communities in Cross River State:

Motion made: That the Senate do receive the Report of the Committee on Defence on the motion in respect of the Influx of Refugees from the Republic of Cameroun to some border communities in Cross River State and its attendant security fallout (*Senator Abubakar Kyari — Borno North*).

Question put and agreed to.

Report Laid.

11. Ad hoc Committee:

Report on the Investigation of Arrest Episodes of Tuesday 21st November, 2017 between Officers of Economic and Financial Crimes Commission (EFCC), National Intelligence Agency (NIA) and Directorate of State Security (DSS):

Motion made: That the Senate do receive the Report of the *Ad hoc* Committee on Investigation of Arrest Episodes of Tuesday 21st November, 2017 between Officers of Economic and Financial Crimes Commission (EFCC), National Intelligence Agency (NIA) and Directorate of State Security (DSS) (*Senator Francis A. Alimikhena — Edo North*).

Question put and agreed to.

Report Laid.

12. Committee on Communications:

Report on the Nigerian Communications Commission (NCC) Budget Proposal for the year ending 31st December, 2017:

Motion made: That the Senate do receive the Report of the Committee on Communications on the Nigerian Communications Commission (NCC) Budget Proposal for the year ending 31st December, 2017 (*Senator Gilbert E. Nnaji — Enugu East*).

Question put and agreed to.

Report Laid.

13. Committee on Communications:

Report on the Universal Service Provision Fund (USPF) Budget Proposal for the year ending 31st December, 2017:

Motion made: That the Senate do receive the Report of the Committee on Communications on the Universal Service Provision Fund (USPF) Budget Proposal for the year ending 31st December, 2017 (*Senator Gilbert E. Nnaji — Enugu East*).

Question put and agreed to.

Report Laid.

14. Motions:

(a) *The urgent need to include the Eastern Rail Lines in the Nigerian Railway Development Project:*

Motion made: That the Senate notes that inclusiveness is the essence of governance in a democracy which is further buttressed by the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended) which categorically states in Section 15 Sub-sections 3(a) and 4:

“(3) For the purpose of promoting national integration, it shall be the duty of the state to—
(a) Provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation; ...

(4) The state shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties”;

notes that the Eastern Narrow Rail Lines of the Nigerian Railways (originating from Port-Harcourt going through South-East to the Northern parts of Nigeria) are now in a deplorable condition notwithstanding the Federal Government's rekindled determination to resuscitate the nation's Rail Transport System;

notes further that presently the Eastern Rail Lines are not in use and trains no longer ply these routes in moving people and goods in and out of the old Eastern Region leading to decline in economic activities;

observes that the deplorable condition of the Eastern Rail Lines of the Nigerian Railways has increased the cost of transportation, commodities and job creation in Nigeria, bearing in mind that modern rail transport system is one of the fastest, safest and easiest means of transporting people and commodities from one destination to another, as well as offering employment to many of the citizens of the country;

further observes that in the past, livestock and other farm produce were transported easily from the Northern parts of Nigeria to the Eastern parts by train. With the closure of the Eastern Rail Lines, the cost of transporting people, goods and services by road has risen astronomically;

worried that in the process of developing a modern Rail Transport System that will enhance economic growth and development in Nigeria, the Federal Government's current Railway Modernization Project has excluded the Eastern Rail Lines;

further worried by the non-inclusion of the Eastern Rail Lines which connects the Eastern parts of the country to the Northern parts of the country in the 2018 Budget proposal and recent approved \$6.8 Billion Dollar foreign loan dedicated to this Programme;

convinced that the people of the South-East and South-South of Nigeria will continue to feel neglected if the Eastern Rail Lines' outdated narrow gauge rails are not converted to standard gauge Rails; and

further convinced that the Senate's intervention in reviving the Eastern Railways will foster sustainable socio-economic relationship with the people of the South-East, South-South and other parts of Nigeria, promote national integration, ultimately boost the Nigerian economy and give a sense of belonging to users of the Eastern Rail Lines.

Accordingly resolves to:

- (i) urge the Federal Government to restore services on the eastern rail lines which is currently out of use;
- (ii) urge the Federal Government to include the eastern rail lines in its on-going Railway Standardization Programme and reflect same in 2018 Appropriation Bill; and
- (iii) urge the Federal Government to include the eastern rail lines of the Nigerian Railways as one of the beneficiaries of the \$6.8 Billion Dollar loan approved towards the Standardization and Modernization of the Nigerian Railways (*Senator Victor C. Umeh — Anambra Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Federal Government to restore services on the eastern rail lines which is currently out of use — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Government to include the eastern rail lines in its on-going Railway Standardization Programme and reflect same in 2018 Appropriation Bill.

Amendment Proposed:

Immediately after the word “eastern” in line 1, *insert* the words “and north-western” (*Senator Kabiru G. Marafa — Zamfara Central*).

Question that the amendment be made, put and agreed to.

Proposed Resolution (iii):

Question: That the Senate urge the Federal Government to include the eastern rail lines of the Nigerian Railways as one of the beneficiaries of the \$6.8 Billion Dollar loan approved towards the Standardization and Modernization of the Nigerian Railways — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“That the Senate do urge the Federal Government to develop a spur to the eastern railway lines from Makurdi - Gboko-Wukari-Jalingo and Yola in the on going railway modernisation programme” (*Senator Barnabas A. I. Gemade — Benue North-East*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate:

- (i) urge the Federal Government to restore services on the eastern rail lines which is currently out of use;
 - (ii) urge the Federal Government to include the eastern and north-western rail lines in its on-going Railway Standardization Programme and reflect same in 2018 Appropriation Bill;
 - (iii) urge the Federal Government to include the eastern rail lines of the Nigerian Railways as one of the beneficiaries of the \$6.8 Billion Dollar loan approved towards the Standardization and Modernization of the Nigerian Railways; and
 - (iv) urge the Federal Government to develop a spur to the eastern railway lines from Makurdi - Gboko-Wukari-Jalingo and Yola in the on going railway modernisation programme (S/Res/212/03/18).
- (b) ***Need to address recurring mass failure in West African Examination Council examination results:***

Motion made: That the Senate notes that there are established recurring cases of mass failure of West African Examination Council (WAEC) examination results in the country since 2009 or thereabout which is embarrassing to the nation and prejudicial to the interest of Nigerian secondary school students and parents;

further notes that the WAEC failure rate continued to increase each year as evidence of failure of measures taken, if any, by the education authorities over the years;

worried that in both 2009 and 2010 WAEC, only 25.99 and 24.94 percent respectively passed with 5 credits including Mathematics and English, while the remaining 70% failed;

further worried that in 2011 May/June WAEC, only 86,612 out of 1,540,250 candidates that participated in the examinations got credits in Mathematics and English Language;

further worried that in 2012 May/June WAEC, only 649,159 out of 1,672,224 candidates that wrote the examinations which represents just 38.81 percent got 5 credits and above including the core subjects of Mathematics and English language;

disturbed that in 2013 WAEC, only 29.17 percent candidates actually passed the November/December WAEC examinations while 70 percent failed;-

alarmed that in both 2017 and 2018 recent January/February private examinations, only 26.01 percent and 17.13 percent candidates have passed with 5 credits including Mathematics and English language respectively, while the remaining over 70 percent candidates failed; and

regrets that the anticipated bright future of Nigeria may continue to be bleak if urgent action is not taken to address the recurring mess facing the education sector and indeed the future generation of Nigerian leaders.

Accordingly resolves to:

- (i) mandate the Committee on Education (Basic and Secondary) to summon the Hon. Minister of Education and the Head, National Office of the West African Examination Council (WAEC) and any relevant Stakeholder connected with this problem for interactive session to identify the causes of WAEC recurring mass failure rate and recommend appropriate measures to overcome the challenge; and
- (ii) mandate the Committee to submit a comprehensive report to the Senate within one month (*Senator Umaru I. Kurfi — Katsina Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committee on Education (Basic and Secondary) to summon the Hon. Minister of Education and the Head, National Office of the West African Examination Council (WAEC) and any relevant Stakeholder connected with this problem for interactive session to identify the causes of WAEC recurring mass failure rate and recommend appropriate measures to overcome the challenge — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do mandate the Committee to submit a comprehensive report to the Senate within one month — *Agreed to*.

Resolved:

That the Senate:

- (i) mandate the Committee on Education (Basic and Secondary) to summon the Hon. Minister of Education and the Head, National Office of the West African Examination Council (WAEC) and any relevant Stakeholder connected with this problem for interactive session to identify the causes of WAEC recurring mass failure rate and recommend appropriate measures to overcome the challenge; and
 - (ii) mandate the Committee to submit a comprehensive report to the Senate within one month (*S/Res/213/03/18*).
- (c) ***Landslide in Tuomo in Burutu Local Government Area of Delta State and the imminent caving in of the town; the need for urgent intervention:***
Motion made: That whereas on 14th March, 2018, the inhabitants of Tuomo town in Burutu Local Government Area of Delta State were woken up by a devastating and progressive landslide;

aware that the landslide has caused a near collapse of the shore protection wall built to prevent the moving water from flooding and over taking the town;

aware that right now many houses are on the brink of collapse or at a point of caving in due to the force of the water;

worried that if something is not done urgently the situation would degenerate to a colossal disaster; and

aware that the National Emergency Management Agency (NEMA), the Niger Delta Development Commission (NDDC), and the Federal Ministry of Niger Delta Affairs are the relevant bodies to bring succor to the people in this regard.

Accordingly resolves to:

- (i) mandate the Committee on Niger Delta to visit and inspect Tuomo town and report on the content of the motion within seven (7) days;
- (ii) urge the National Emergency Management Agency (NEMA) to immediately take relief material, and services to the people of Tuomo town; and
- (iii) urge the Niger Delta Development Commission (NDDC) and the Federal Ministry of Niger Delta Affairs to take steps to prevent the said shore protection wall from total collapse (*Senator James E. Manager — Delta South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committee on Niger Delta to visit and inspect Tuomo town and report on the content of the motion within seven (7) days — *Agreed to*.

Proposed Resolution(ii):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to immediately take relief material, and services to the people of Tuomo town — *Agreed to*.

Proposed Resolution(iii):

Question: That the Senate do urge the Niger Delta Development Commission (NDDC) and the Federal Ministry of Niger Delta Affairs to take steps to prevent the said shore protection wall from total collapse — *Agreed to*.

Additional Propose Resolution:

Insert Additional Propose Resolution as follows:

“That the Senate do urged the Ecological Fund to deploy a sustainable shore protection fund to the community” (*Senator Foster Ogola — Bayelsa West*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate:

- (i) mandate the Committee on Niger Delta to visit and inspect Tuomo town and report on the content of the motion within seven (7) days;
- (ii) urge the National Emergency Management Agency (NEMA) to immediately take relief material, and services to the people of Tuomo town;
- (iii) urge the Niger Delta Development Commission (NDDC) and the Federal Ministry of Niger Delta Affairs to take steps to prevent the said shore protection wall from total collapse; and

- (iv) urged the Ecological Fund to deploy a sustainable shore protection fund to the community (S/Res/214/03/18).

15. **Conference Committee:**

Report on the Petroleum Industry and Governance Bill, 2018 (SB. 237):

Motion made: That the Senate do receive and consider the Conference Committee Report on the Petroleum Industry and Governance Bill, 2018 (*Senator Donald O. Alasoadura — Ondo Central*).

Report Laid and presented.

Question put and agreed to.

ANALYSIS OF SENATE AND HOUSE VERSION OF PIGB

MARGINAL NOTE	SENATE BILL	HOUSE BILL	VERSION ADOPTED
Establishment of the Nigeria Petroleum Regulatory Commission	4. (1) There is established under this Act the Nigeria Petroleum Regulatory Commission ("the Commission") as a body corporate with perpetual succession and a common seal and which may sue or be sued in its corporate name. (2) The Commission shall have power to – (a) enter into contracts and incur obligations; (b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Act. (3) From the Effective Date, without further assurance, the Commission shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the Effective Date were held by the Petroleum Inspectorate, the Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency.	4. (1) There is established under this Bill the Nigeria Petroleum Regulatory Commission ("the Commission") as a body corporate with perpetual succession and a common seal and which may sue or be sued in its corporate name. (2) The Commission shall have power to – (a) enter into contracts and incur obligations; (b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill. (3) From the Effective Date, without further assurance, the Commission shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the Effective Date were held by the Petroleum Inspectorate, the Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency.	

	(4) As from the date of commencement of this Act – (a) the rights, interests, obligations and liabilities of the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency existing immediately before the Effective Date under any contract or instrument or law or in equity shall by virtue of this Act be assigned to and vested in the Commission; (b) any such contract or instrument covered by subsection 4(a) of this section shall be of the same force and effect against or in favour of the Commission and shall be enforceable as fully and effectively as if instead of the Petroleum Inspectorate, Department of Petroleum Resources or the Petroleum Products Pricing Regulatory Agency, the Commission had been named therein or had been a party thereto; and (c) the Commission shall be subject to all the obligations and liabilities to which the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency were subject immediately before the Effective Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Commission as they had against the Petroleum Inspectorate, Department of Petroleum	(4) As from the date of commencement of this Bill – (a) the rights, interests, obligations and liabilities of the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency existing immediately before the Effective Date under any contract or instrument or law or in equity shall by virtue of this Bill be assigned to and vested in the Commission; (b) any such contract or instrument covered by subsection (4) (a) of this section shall be of the same force and effect against or in favour of the Commission and shall be enforceable as fully and effectively as if instead of the Petroleum Inspectorate, Department of Petroleum Resources or the Petroleum Products Pricing Regulatory Agency, the Commission had been named therein or had been a party thereto; and (c) the Commission shall be subject to all the obligations and liabilities to which the Petroleum Inspectorate, Department of Petroleum Resources and the Petroleum Products Pricing Regulatory Agency were subject immediately before the Effective Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Commission as they had against the Petroleum Inspectorate, Department of Petroleum	
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	Resources and the Petroleum Products Pricing Regulatory Agency immediately before the Effective Date.	
	(5) The Commission shall be structured into departments as its Board may, from time to time, deem appropriate for the effective discharge of its functions under this Act.	
	(6) the headquarters of the Nigeria Petroleum Regulatory Commission shall be located in Abuja.	
	6. (1) The Commission shall —	
(a) administer and enforce policies, laws and regulations relating to all aspects of petroleum operations which are assigned to it under the provisions of this Act or any regulations made in pursuance of this Act or under any other enactment;	(a) administer and enforce policies, laws and regulations relating to all aspects of petroleum operations which are assigned to it under the provisions of this Bill or any regulations made in pursuance of this Bill or under any other enactment;	SENATE VERSION ADOPTED
(b) monitor and enforce compliance with the terms and conditions of all leases, licences, permits and authorisations issued in respect of any petroleum operations;	(b) monitor and enforce compliance with the terms and conditions of all leases, licences, permits and authorisations issued in respect of any petroleum operations;	SENATE VERSION ADOPTED
(c) define and enforce approved standards for design, construction, fabrication, operation and maintenance for all plants, installations and facilities utilized or to be utilized in petroleum operations;	(c) define and enforce approved standards for design, construction, fabrication, operation and maintenance for all plants, installations and facilities utilized or to be utilized in petroleum operations;	
(d) in consultation with the Ministry of Environment or any other agency in charge of environmental issues, ensure adherence	(d) in consultation with the Ministry of Environment or any other agency in charge of environmental issues, ensure adherence	

	to applicable national and international environmental and other technical standards by all persons involved in petroleum operations; (e) establish, monitor, regulate and enforce health and safety measures relating to all aspects of petroleum operations; (f) keep public registers of all leases, licences, permits and other authorizations issued by the Commission or the Minister and any renewals, amendments, extensions, suspensions and revocations thereof; (g) monitor the activities of the holders of leases, licences, permits and other authorizations issued by the Commission or the Minister to secure and enforce compliance with the terms and conditions thereof and carry out enquiries, tests, audits, investigations and any other undertakings deemed necessary for performance of this responsibility; (h) publish reports and statistics on the petroleum industry; (i) develop and publish methodologies for tariffs and pricing relating to third party access to petroleum facilities from time to time by regulation ;	to applicable national and international environmental and other technical standards by all persons involved in petroleum operations; (e) publish reports and statistics on the petroleum industry; (f) develop and publish methodologies for tariffs and pricing relating to third party access to petroleum facilities from time to time by regulation ; (g) establish the framework for the validation and certification of national hydrocarbon reserves; and (h) advise the Minister on fiscal and other issues pertaining to the petroleum industry. (i) undertake evaluation of national reserves and reservoir management studies; (j) conduct regular audits of the activities of operators engaged in petroleum operations and oil service companies in order to ensure compliance with Nigerian laws and requirements for petroleum operations; (k) maintain a petroleum industry data bank comprising all data acquired by or given to the Commission in the exercise of its statutory functions; (l) supervise and ensure accurate calibration	
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	(j) establish the framework for the validation and certification of national hydrocarbon reserves; (k) advise the Minister on fiscal and other issues pertaining to the petroleum industry. (l) undertake evaluation of national reserves and reservoir management studies; (m) conduct regular audits of the activities of operators engaged in petroleum operations and oil service companies in order to ensure compliance with Nigerian laws and requirements for petroleum operations; (n) maintain a petroleum industry data bank comprising all data acquired by or given to the Commission in the exercise of its statutory functions; (o) supervise and ensure accurate calibration and certification of equipment used for fiscal measures for upstream and downstream petroleum operations; (p) issue licences or permits and any other authorisations necessary for all activities connected with, but not limited to the following: (i) seismic; (ii) drilling;	and certification of equipment used for fiscal measures for upstream and downstream petroleum operations; (m) issue licences or permits and any other authorisations necessary for all activities connected with, but not limited to the following: (i) seismic, (ii) drilling, (iii) design, fabrication, construction, commissioning and decommissioning of all facilities for upstream and downstream petroleum operations; and (iv) maximum efficiency rate test and other well test/production related activities; (v) manage and administer all unallocated acreage of crude oil and natural gas and all upstream petroleum data; (vi) conduct bid rounds or other processes for the award of any licence or lease required for petroleum exploration or production. (n) issue, modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate upstream licences made in compliance with applicable laws and regulations;	
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	(iii) design, fabrication, construction, commissioning and decommissioning of all facilities for upstream and downstream petroleum operations; and (iv) maximum efficiency rate test and other well test/production related activities. (q) manage and administer all unallocated acreage of crude oil and natural gas and all upstream petroleum data; (r) conduct bid rounds or other processes for the award of any licence or lease required for petroleum exploration or production; (s) issue, modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate upstream licences made in compliance with applicable laws and regulations; (t) approve all field development programmes; (u) allocate petroleum production quotas in a non-discriminatory manner; (v) develop benchmarks and cost management strategies for petroleum operations performance monitoring; (w) compute, assess and ensure payment of royalties, rentals, fees, and other charges for	(o) approve all field development programmes; (p) allocate petroleum production quotas in a non-discriminatory manner; (q) develop benchmarks and cost management strategies for petroleum operations performance monitoring; (r) compute, assess and ensure payment of royalties, rentals, fees, and other charges for upstream petroleum operations; (s) issue clean certificates of inspection at the oil terminals to exporters of crude oil upon satisfaction that the requirements as to quality and quantity have been complied with; (t) regulate and co-ordinate the activities of the industry in a non-discriminatory and transparent manner; (u) establish the methodology for determining appropriate tariffs for gas processing, gas transportation, transmission and transportation of crude oil and bulk storage of oil and gas; (v) develop cost benchmarks for key elements of midstream & downstream petroleum operations;	
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upstream petroleum operations; and	(x) issue clean certificates of inspection at the oil terminals to exporters of crude oil upon satisfaction that the requirements as to quality and quantity have been complied with; (y) regulate and co-ordinate the activities of the industry in a non-discriminatory and transparent manner; (z) establish the methodology for determining appropriate tariffs for gas processing, gas transportation, transmission and transportation of crude oil and bulk storage of oil and gas. (2)(a) develop cost benchmarks for key elements of midstream & downstream petroleum operations; (b) regulate bulk storage, transportation and transmission of crude oil and gas and set rules for the common carrier systems for crude oil and gas; (c) promote the principles of sustainable infrastructural development; (d) promote competition and private sector participation; (e) ensure that all economic and strategic demands for gas in the domestic economy	(w) regulate bulk storage, transportation and transmission of crude oil and gas and set rules for the common carrier systems for crude oil and gas; (x) promote the principles of sustainable infrastructural development; (y) promote competition and private sector participation; (z) ensure that all economic and strategic demands for gas in the domestic economy are met; (aa) monitor and enforce the actual application of tariffs and pricing frameworks; (bb) monitor market behaviour including the development and maintenance of competitive markets; (cc) arrest situations of abuse of dominant power and restrictive business practices; (dd) provide the standard for metering, inspect the metering of pumps and all other facilities and ensure their compliance with safety standards as prescribed by the Commission; (ee) grant, issue and renew licences, permits and authorisations including but not limited to licences, permits or authorisations for	
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	are met; (f) monitor and enforce the actual application of tariffs and pricing frameworks; (g) monitor market behaviour including the development and maintenance of competitive markets; (h) arrest situations of abuse of dominant power and restrictive business practices; (i) provide the standard for metering, inspect the metering of pumps and all other facilities and ensure their compliance with safety standards as prescribed by the Commission; (j) grant, issue and renew licences, permits and authorisations including but not limited to licences, permits or authorisations for downstream gas, petroleum products, storage depots, retail outlets, transportation and distribution facilities for the petroleum industry and the design, fabrication, construction, commissioning and decommissioning of all facilities and prescribe requirements to be satisfied by applicants for these purposes. (k) modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate licences, permits and authorisations;	downstream gas, petroleum products, storage depots, retail outlets, transportation and distribution facilities for the petroleum industry and the design, fabrication, construction, commissioning and decommissioning of all facilities and prescribe requirements to be satisfied by applicants for these purposes; (ff) modify, amend, extend, suspend, review, cancel and reissue, revoke and / or terminate licences, permits and authorisations; (gg) establish framework for calculating the fair market value of petroleum products; (hh) regulate and set rules for petroleum products distribution, petroleum product pipelines, retail outlets, trucking of petroleum products and storage depots; (ii) ensure security of petroleum products supply, market development and the development of competition; (jj) develop market rules for trading in wholesale gas supplies to downstream gas distributors; (kk) establish customer protection measures; (ll) undertake consultation with customers, licensees and other industry participants;	
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	(l) establish framework for calculating the fair market value of petroleum products; (m) regulate and set rules for petroleum products distribution, petroleum product pipelines, retail outlets, trucking of petroleum products and storage depots; (n) ensure security of petroleum products supply, market development and the development of competition; (o) develop market rules for trading in wholesale gas supplies to downstream gas distributors; (p) establish customer protection measures; (q) undertake consultation with customers, licensees and other industry participants, where necessary, for purpose of: (i) promoting and protecting the interests of consumers; and (ii) promoting the principles of sustainable resource and infrastructural development through the efficient supply and use of downstream gas and other petroleum products. (r) regulate and ensure the supply, distribution, marketing and retail of petroleum products;	where necessary, for purpose of: (i) promoting and protecting the interests of consumers; and (ii) promoting the principles of sustainable resource and infrastructural development through the efficient supply and use of downstream gas and other petroleum products; (mm) regulate and ensure the supply, distribution, marketing and retail of petroleum products; (nn) administer and monitor the national operating and strategic stocks as set by the Minister; (oo) monitor and enforce the actual application of petroleum product pricing formulae or framework for petroleum products; (pp) enforce consumer rights in relation to petroleum products and services; (qq) establish appropriate dispute settlement mechanisms relating to the commercial rights and obligations of operators and customers pursuant to the provisions of this Bill or any other enactment or; regulation, provided that operators and customers shall reserve the right to resolve disputes in accordance with	
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	(s) administer and monitor the national operating and strategic stocks as set by the Minister; (t) monitor and enforce the actual application of petroleum product pricing formulae or framework for petroleum products; (u) enforce consumer rights in relation to petroleum products and services; (v) establish appropriate dispute settlement mechanisms relating to the commercial rights and obligations of operators and customers pursuant to the provisions of this Act or any other enactment or regulation, provided that operators and customers shall reserve the right to resolve disputes in accordance with the terms of their contracts or approach a court with jurisdiction in the matter; (w) inspect the metering of pumps and any other facilities at downstream retail outlets to ensure compliance with safety, measurement and technical standards; (x) establish, monitor and regulate health, environmental and safety measures relating to the management of downstream assets, including but not limited to refineries, petrochemical plants, lube plants, petroleum depots & pipelines and downstream gas plants;	the terms of their contracts or approach a court with jurisdiction in the matter; (rr) inspect the metering of pumps and any other facilities at downstream retail outlets to ensure compliance with safety, measurement and technical standards; (ss) establish, monitor and regulate health, environmental and safety measures relating to the management of downstream assets, including but not limited to refineries, petrochemical plants, lube plants, petroleum depots and pipelines and downstream gas plants; (tt) monitor and ensure the quality and process of conversion or blending of whatever material by whatever method to fuels, bio-fuels or other petroleum derivatives for automotive use in Nigeria; (uu) monitor and ensure the quality of petroleum products sold in Nigeria. (2) In addition to the functions specified above, the Commission shall: (a) develop open access rules applicable to crude oil and petroleum products and natural gas transportation pipelines, strategic depots, loading facilities, transportation, transmission and bulk storage facilities;	
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	(v) monitor and ensure the quality and process of conversion or blending of whatever material by whatever method to fuels, bio-fuels or other petroleum derivatives for automotive use in Nigeria; (z) monitor and ensure the quality of petroleum products sold in Nigeria. (3) In addition to the functions specified above, the Commission shall- (a) develop open access rules applicable to crude oil and petroleum products and natural gas transportation pipelines, strategic depots, loading facilities, transportation, transmission and bulk storage facilities; (b) notwithstanding the provisions of any other law or regulations, exclusively supervise and ensure accurate calibration and certification of equipment used for fiscal measures in the industry; (c) undertake by itself or through qualified expertise such other activities as are necessary or expedient for giving full effect to the provisions of this Act; and (d) do such other things as are necessary and expedient for the effective and full discharge of any of its functions under this Act.	(b) notwithstanding the provisions of any other law or regulations, exclusively supervise and ensure accurate calibration and certification of equipment used for fiscal measures in the industry; (c) undertake by itself or through qualified expertise such other activities as are necessary or expedient for giving full effect to the provisions of this Bill; and (d) do such other things as are necessary and expedient for the effective and full discharge of any of its functions under this Bill. (3) The Commission shall, in addition to its other functions: (a) promote the exploration of the frontier basins of Nigeria; (b) develop exploration strategies and portfolio management for the exploration of unassigned frontier acreages in Nigeria; (c) identify opportunities and increase information about the petroleum resources base within all frontier acreages in Nigeria; and (d) undertake studies, analyse and evaluate all unassigned frontier acreages in Nigeria. (4) Collaboration and Consultation with	
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	(3) The Commission shall, in addition to its other functions- (a) promote the exploration of the frontier basins of Nigeria; (b) develop exploration strategies and portfolio management for the exploration of unassigned frontier acreages in Nigeria; (c) identify opportunities and increase information about the petroleum resources base within all frontier acreages in Nigeria; and (d) undertake studies, analyse and evaluate all unassigned frontier acreages in Nigeria. (5) Collaboration and Consultation with other Agencies- (a) in performing its functions as provided in this section, the Commission shall, where applicable, collaborate with other relevant Government agencies; (b) notwithstanding the provisions of any other law or regulation, no Government agency shall exercise any powers and functions in relation to the petroleum industry in conflict with the powers and functions of the Commission;	other Agencies: (a) in performing its functions as provided in this section, the Commission shall, where applicable, collaborate with other relevant Government agencies. (b) notwithstanding the provisions of any other law or regulation, no Government agency shall exercise any powers and functions in relation to the petroleum industry in conflict with the powers and functions of the Commission. (c) all Government agencies exercising any lawful powers and functions in relation to the petroleum industry shall consult with the Commission in the issuance of any regulations, guidelines and in the issuance of enforcement orders or directives which may impact the petroleum industry. (5) Responsibility for Environmental Matters in the Petroleum Industry: (a) the Commission shall have responsibility over all aspects of health, safety and environmental matters in respect of the petroleum industry; (b) in exercising its functions in subsection (5)(a) of this section, the Commission may in conjunction with the Federal Ministry of Environment establish a joint committee to facilitate collaboration.	
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	(c) all Government agencies exercising any lawful powers and functions in relation to the petroleum industry shall consult with the Commission in the issuance of any regulations, guidelines and in the issuance of enforcement orders or directives which may impact the petroleum industry. Responsibility for Environmental Matters in the Petroleum Industry (6) (a) The Commission shall have responsibility over all aspects of health, safety and environmental matters in respect of the petroleum industry. (b) The Commission shall at all times ensure that any regulation or directive in respect of the petroleum industry, made in pursuance of subsection (6) (a) of this section, shall not conflict with any regulation or directive issued by the Federal Ministry of Environment. (c) For the avoidance of doubt the Commission shall, in consultation with the Federal Ministry of Environment, make regulations and issue directives specifically relating to environmental aspects of the petroleum industry. (d) In exercising its functions in subsection (5)(a) of this section, the Commission may in conjunction with the Federal Ministry of Environment establish a joint committee to facilitate collaboration.		
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Vacancy on the Board	19. (1) A vacancy on the Board shall occur if a member of the Board— (a) dies; (b) is removed from office in accordance with section 17 of this Act; (c) resigns from office; (d) completes his tenure of office; or (e) where the member is incapacitated. (2) A vacancy on the Board shall be filled by the appointment of another person by the President in accordance with section 13 of this Act.	19. (1) A vacancy on the Board shall occur if a member of the Board— (a) dies; (b) is removed from office in accordance with section 17 of this Bill; (c) resigns from office; (d) completes his tenure of office; or (e) where the member is incapacitated. (2) A vacancy on the Board shall be filled by the appointment of another person by the President in accordance with section 13 of this Bill. (3) If a member of the Board dies, resigns or otherwise vacates his office before the expiry of the term for which he has been appointed, there shall be appointed a fit and proper person in the manner prescribed by section 13 of this Bill to take his place on the Board.	SENATE VERSION ADOPTED (Section 19(3) is expunged in House version)
Funding.	26. (1) The Commission shall establish and maintain a fund ('the Fund') from which all expenditures incurred by the Commission shall be defrayed. (2) The Fund shall comprise monies derived from the following sources—	26. (1) The Commission shall establish and maintain a fund ('the Fund') from which all expenditures incurred by the Commission shall be defrayed. (2) The Fund shall comprise monies derived from the following sources:	

	(a) such moneys as may be determined and appropriated to the Commission from time to time by the National Assembly for its personnel cost; (b) fees charged for services rendered to holders of licences, permits or other authorizations; (c) income derived from publications produced by the Commission and from reviews, and other related activities; (d) fees for services rendered to non-petroleum producing companies and service companies and for other services performed generally; (e) grants, loans, grants-in-aid or grants of land from communities for facilities for use by the Communities. (3) Such moneys which shall be ten percent of the revenue generated by the Commission for the Government of the Federation as may be determined and appropriated to the Commission by the National Assembly. (4) Without prejudice to subsection (1), (2) and (3) of this section, the Commission may from time to time impose a special levy on licensees and/or lessees for the implementation of any project that is of common benefit and value to the oil and gas	(a) such moneys as may be determined and appropriated to the Commission from time to time by the National Assembly for its personnel cost; (b) fees charged for services rendered to holders of licences, permits or other authorizations; (c) income derived from publications produced by the Commission and from reviews, and other related activities; (d) fees for services rendered to non-petroleum producing companies and service companies and for other services performed generally; (e) fees charged for sale of data acquired by the Commission; and (f) grants, loans, grants-in-aid or grants of land from communities for facilities for use by the Communities. (3) Such moneys which shall be ten percent of the revenue generated by the Commission for the Government of the Federation as may be determined and appropriated to the Commission by the National Assembly; (4) Without prejudice to subsections (1), (2) and (3) of this section, the Commission may from time to time impose a special levy on	SENATE VERSION ADOPTED
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	industry; (5) The Commission shall apply the proceeds of the Fund established pursuant to subsection (1) of this section- (a) to meet the administrative and operating costs of the Commission; (b) to provide for the payment of salaries, wages, fees or other remuneration or allowances, pensions and other retirement benefits payable to staff or employees of the Commission; (c) for the acquisition and maintenance of property acquired by or vested in the Commission; (d) for purposes of investment, as prescribed by the Trustee Investments Act, or any other relevant legislation subject to the approval of the Minister responsible for finance; and (e) generally, in connection with the carrying out of any of its functions under this Act. (6) The Commission shall ensure that all monies accruing from upstream leases, bonuses, lease renewal fees, assignment fees and concession rentals charged under this Act or any other enactment, or any subsidiary legislation or regulation made pursuant to such legislation are paid into the	licensees and/or lessees for the implementation of any project that is of common benefit and value to the oil and gas industry. (5) The Commission shall apply the proceeds of the Fund established pursuant to subsection (1) of this section: (a) to meet the administrative and operating costs of the Commission; (b) to provide for the payment of salaries, wages, fees or other remuneration or allowances, pensions and other retirement benefits payable to staff or employees of the Commission; (c) for the acquisition and maintenance of property acquired by or vested in the Commission; (d) for purposes of investment, as prescribed by the Trustee Investments Act, or any other relevant legislation subject to the approval of the Minister responsible for finance; and (e) generally, in connection with the carrying out of any of its functions under this Bill. (4) The Commission shall ensure that all monies accruing from upstream leases, bonuses, lease renewal fees, assignment fees and concession rentals charged under	
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	Federation Account. (7) For any particular year, if monies accruing to the Fund from appropriation established pursuant to subsection (2) of this section, have not been fully applied for the purposes provided for in subsection (3) of this section, such monies shall be paid into the Consolidated Revenue Fund.	this Bill or any other enactment, or any subsidiary legislation or regulation made pursuant to such legislation are paid into the Federation Account. (5) For any particular year, if monies accruing to the Fund from appropriation established pursuant to subsection (2) of this section, have not been fully applied for the purposes provided for in subsection (3) of this section, such monies shall be paid into the Consolidated Revenue Fund.	
PART IV - ESTABLISHMENT OF PETROLEUM EQUALISATION FUND 36. (1) There shall be established the Petroleum Equalisation Fund ("the Equalisation Fund") into which shall be paid all monies payable to the Equalisation Fund- (a) by way of a 5% fuel levy in respect of all fuel sold and distributed within the Federation which shall be charged subject to the approval of the Minister; (b) all subventions, fees and charges for services rendered or publications made by the Fund; (c) all other funding which may, from time to time, accrue to the Fund; (d) any net surplus revenue recovered from petroleum products marketing companies	PART 4 — ESTABLISHMENT OF PETROLEUM EQUALISATION FUND 36. (1) There shall be established the Petroleum Equalisation Fund ("the Equalisation Fund") into which shall be paid all monies payable to the Equalisation Fund: (a) by way of a fuel levy in respect of all fuel sold and distributed within the Federation which shall be charged subject to the approval of the Minister; (b) all subventions, fees and charges for services rendered or publications made by the Fund; and (c) all other funding which may, from time to time, accrue to the Fund. (d) any net surplus revenue recovered from petroleum products marketing	SENATE VERSION ADOPTED.	

	pursuant to this Act; and (e) such sums as may be provided for purpose of the Equalisation Fund by the Federal Government (2) The Equalisation Fund shall be a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name. (3) The Equalisation Fund shall have power to — (a) enter into contracts and incur obligations; b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Act. (4) From the date of the commencement of this Act, without further assurance, the Equalisation Fund shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the commencement of this Act were held by the Petroleum Equalisation Fund. (5) As from the date of commencement of	companies pursuant to this Bill; and (e) such sums as may be provided for purpose of the Equalisation Fund by the Federal Government. (2) The Equalisation Fund shall be a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name. (3) The Equalisation Fund shall have power to — (a) enter into contracts and incur obligations; (b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and (c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill. (4) From the date of the commencement of this Bill, without further assurance, the Equalisation Fund shall be vested with all assets, funds, resources and other movable and immovable properties which immediately before the commencement of this Bill were held by the Petroleum Equalisation Fund. (5) As from the date of commencement of	
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	this Act – (a) the rights, interests, obligations and liabilities of the Petroleum Equalisation Fund existing immediately before the commencement Date under any contract or instrument or law or in equity shall by virtue of this Act be assigned to and vested in the Equalisation Fund ; (b) any such contract or instrument covered by subsection 4(a) of this section shall be of the same force and effect against or in favour of the Equalisation Fund and shall be enforceable as fully and effectively as if instead of the Petroleum Equalisation Fund, the Commission had been named therein or had been a party thereto; and (c) the Equalisation Fund shall be subject to all the obligations and liabilities to which the Petroleum Equalisation Fund were subject immediately before the commencement Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Equalisation Fund as they had against the Petroleum Equalisation Fund immediately before the commencement date. (6) The Equalisation Fund shall be structured into departments as its Board may, from time to time, deem appropriate for the effective discharge of its functions under	this Bill – (a) the rights, interests, obligations and liabilities of the Petroleum Equalisation Fund existing immediately before the commencement Date under any contract or instrument or law or in equity shall by virtue of this Bill be assigned to and vested in the Equalisation Fund; (b) any such contract or instrument covered by subsection 4 (a) of this section shall be of the same force and effect against or in favour of the Equalisation Fund and shall be enforceable as fully and effectively as if instead of the Petroleum Equalisation Fund, the Commission had been named therein or had been a party thereto; and (c) the Equalisation Fund shall be subject to all the obligations and liabilities to which the Petroleum Equalisation Fund were subject immediately before the commencement Date and all other persons shall as from the Effective Date have the same rights, powers and remedies against the Equalisation Fund as they had against the Petroleum Equalisation Fund immediately before the commencement date. (6) The Equalisation Fund shall be structured into departments as its Board may, from time to time, deem appropriate for the effective discharge of its functions under	
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FUNCTIONS OF THE EQUALISATION FUND.	this Act.	this Bill.	
	38. The Equalisation Fund shall perform the following functions- (a) collecting all revenues and levies charged pursuant to the provisions of this Act; (b) determining, at such intervals as the Board may direct, the net surplus revenue recoverable from any oil marketing company and accruing to that company from the sale by it of petroleum products at such uniform prices as may be fixed by the Minister; (c) determining the amount of reimbursement due to any oil marketing company for purposes of equalisation of price of products; (d) the payment of all disbursements authorised under or by virtue of this Act; (e) accounting for all moneys collected, paid or otherwise expended under this Act;	38. The Equalisation Fund shall perform the following functions: (a) collecting all revenues and levies charged pursuant to the provisions of this Bill; (b) determining, at such intervals as the Board may direct, the net surplus revenue recoverable from any oil marketing company and accruing to that company from the sale by it of petroleum products at such uniform prices as may be fixed by the Minister; (c) determining the amount of reimbursement due to any oil marketing company for purposes of equalisation of price of products; (d) the payment of all disbursements authorised under or by virtue of this Bill; (e) accounting for all moneys collected, paid or otherwise expended under this Bill; (f) carrying out such other duties as may, from time to time be specified by the Board.	HOUSE VERSION ADOPTED
Governing Board of the Equalisation Fund.	43. (1) There shall be established for the Equalisation Fund a governing Board (in this Act referred to as the "Equalisation Fund Board") which shall, be responsible for the policy and general administration of the Equalisation Fund.	43. (1) There shall be established for the Equalisation Fund a governing Board (in this Bill referred to as the "Equalisation Fund Board") which shall, be responsible for the policy and general administration of the Equalisation Fund.	

	(2) The Board shall consist of the following members- (a) the Chairman who shall be appointed by the President; (b) a representative of the Federal ministry in charge of petroleum resources; (c) a representative of the Federal Ministry in charge of Industry, Trade and Investment; (d) one representative of the National Petroleum Company; (e) a representative of the Commission; (f) two representatives of petroleum marketing associations; (g) three other executive directors; (h) two persons to be appointed by the President who shall possess a minimum of fifteen years relevant professional experience ten of which shall be at senior management level; (i) the Executive Secretary of the Equalisation Fund who shall serve as Secretary. (3) Membership of the Board shall be on a part-time basis.	(2) The Board shall consist of the following members: (a) the chairman who shall be a representative of the ministry in charge of petroleum resources and shall be appointed by the Ministry; (b) a representative of the Federal Ministry in charge of Industry, Trade and Investment; (c) a representative of the Federal Ministry in charge of Industry, Trade and Investment; (d) a representative of the Commission; (e) three representatives of petroleum marketing associations; (f) three other executive directors; (g) two persons to be appointed by the President who shall possess a minimum of fifteen years relevant professional experience ten of which shall be at senior management level. (h) the Executive Secretary of the Equalisation Fund. (3) Membership of the Board shall be on a part-time basis. (4) Appointment to the Board in respect of	SENATE VERSION ADOPTED
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	(4) Appointment to the Board in respect of persons appointed pursuant to subsection 2 (a) and (b) of this section shall be in a non-executive and part-time basis. (5) The provisions of the Second Schedule to this Act shall have effect with respect to the proceeding of the Board and other matters contained therein.	persons appointed pursuant to subsection (2) (a) and (b) of this section shall be in a non-executive and part-time basis. (5) The provisions of the Second Schedule to this Bill shall have effect with respect to the proceeding of the Board and other matters contained therein.	
Disqualification and cessation of appointment.	47. (1) A member of the Board may be suspended or removed from office by the President if the member- (a) is found to have been unqualified for appointment as a member of the Board pursuant to the provisions of section 44 of this Act or is in a breach of the conflict of interest provision set out in the Third Schedule to this Act after his appointment; (b) if he ceases to be an employee of the ministry which he represents on the Board and has demonstrated inability to effectively perform the duties of the office; (c) has been absent from three consecutive meetings of the Board without the consent of the Chairman or when the Chairman is involved without the consent of the Minister except good reason is shown for such absence; (d) is guilty of serious misconduct.	47. (1) A member of the Board may be suspended or removed from office by the President if the member- (a) is found to have been unqualified for appointment as a member of the Board pursuant to the provisions of section 44 of this Bill or is in a breach of the conflict of interest provision set out in the Third Schedule to this Bill after his appointment; (b) if he ceases to be an employee of the ministry which he represents on the Board; (c) has demonstrated inability to effectively perform the duties of the office; (d) has been absent from three consecutive meetings of the Board without the consent of the Chairman or when the Chairman is involved without the consent of the Minister except good reason is shown for such absence; (e) is guilty of serious misconduct;	SENATE VERSION ADOPTED

	(2) Prior to the suspension or removal of a director under subsection (1) of this section, the President shall inform the Director by written notice, as soon as practicable, of his intention to suspend or remove the Director from office and the reasons therefor. (3) The affected Equalisation Fund under subsection (1) of this section shall be given a reasonable opportunity to make written submissions to the Minister within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice. (4) The affected Director may, within the time period specified in the notice, submit a written submission and the Minister shall consider the submission in making his final decision on the Director's suspension or removal from office.	(2) Prior to the suspension or removal of a director under subsection (1) of this section, the President shall inform the Director by written notice, as soon as practicable, of his intention to suspend or remove the Director from office and the reasons therefor. (3) The affected Equalisation Fund under subsection (1) of this section shall be given a reasonable opportunity to make written submissions to the Minister within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice. (4) The affected Director may, within the time period specified in the notice, submit a written submission and the Minister shall consider the submission in making his final decision on the Director's suspension or removal from office.	
Utilisation of the fund.	56. (1) The Equalisation Fund shall utilise the funds received pursuant to section 36 in the following manner for- (a) reimbursement of oil marketing companies for any loss sustained by them solely and exclusively as a result of the sale by them of petroleum products at uniform prices throughout Nigeria as may be fixed by the Minister pursuant; (b) the provision of financial and other financial support as may from time to time	56. (1) The Equalisation Fund shall utilise the funds received pursuant to section 36 in the following manner: (a) for reimbursement of oil marketing companies for any loss sustained by them solely and exclusively as a result of the sale by them of petroleum products at uniform prices throughout Nigeria as may be fixed by the Minister pursuant; (b) for the provision of financing for infrastructural development throughout	HOUSE VERSION ADOPTED

	be determined by the Minister. (2) The financial year of the Equalisation Fund shall be a period of twelve calendar months commencing on the 1st of January in each year.	the federation; (c) for the provision of financial and other financial support as may from time to time be determined by the Minister. (2) The financial year of the Equalisation Fund shall be a period of twelve calendar months commencing on the 1st of January in each year.	
Utilisation of the fund	65. (1) There shall be for the Equalisation Fund an Executive Secretary, appointed by the President on the recommendation of the Minister. (2) The Executive Secretary shall be a person with vast knowledge and cognate professional experience in management and selected through a transparent merit-based recruitment process. (3) The Executive Secretary shall be the chief executive and accounting officer of the Board and shall be responsible for running the day-to-day administration of the Equalisation Fund under the direction of the Board.	65. (1) There shall be for the Equalisation Fund an Executive Secretary, appointed by the President on the recommendation of the Minister. (2) The Executive Secretary shall be a person with vast knowledge and cognate professional experience in management and selected through a transparent merit-based recruitment process. The Executive Secretary shall be the chief executive and accounting officer of the Board and shall be responsible for running the day-to-day administration of the Equalisation Fund under the direction of the Board.	SENATE VERSION ADOPTED
Disqualification and cessation of appointment.	95. (1) The Management Company shall be subject to the Code of Corporate Governance of the Securities and Exchange Commission. (2) The Minister shall cause the Articles of Association of the Management Company to	95. (1) The Management Company shall be subject to the Code of Corporate Governance of the Securities and Exchange Commission. (2) The Minister shall cause the Articles of Association of the Management Company to	

	provide for the composition of the Board as follows- (a) a non-executive Chairman who may be the Minister; (b) the Managing Director of the Management Company who shall possess relevant experience with at least 10 years' experience at a senior management position in a petroleum exploration and production company; (c) four other Executive Directors of the Management Company who shall possess petroleum exploration and production or other relevant experience with at least 10 years' cognate experience at a senior management position; (d) four Non-Executive Directors who shall be persons with at least twenty years cognate professional or management experience; (e) A representative of the Ministry of Petroleum Resources who shall not be below the rank of director. (3) Notwithstanding the provisions of the Companies and Allied Matters Act or any other enactment, the power of the shareholders to appoint or remove directors, shall be subject to subsections (4) and (5) of this section and the approval of	provide for the composition of the Board as follows: (a) a non-executive Chairman who may be the Minister; (b) the Managing Director of the Management Company who shall possess relevant experience with at least 10 years' experience at a senior management position in a petroleum exploration and production company; (c) four other Executive Directors of the Management Company who shall possess petroleum exploration and production or other relevant experience with at least 10 years' cognate experience at a senior management position; (d) four non-executive Directors who shall be persons with at least twenty years cognate professional or management experience; (e) a representative of the Ministry of Petroleum Resources who shall not be below the rank of director. (3) Notwithstanding the provisions of the Companies and Allied Matters Act or any other enactment, the power of the shareholders to appoint or remove directors, shall be subject to subsections (4) and (5) of this section and the approval of	
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	the President.	the President.	
	(4) For the purpose of making appointments to the Board of Directors, the shareholders shall constitute an independent committee ("the Board Nomination Committee") of five persons with proven qualifications and tested industry experience one of which shall include a representative of the Ministry of Petroleum Resources who shall not be below the rank of director, to identify and recommend highly qualified candidates for such positions in a competitive and transparent manner.	(4) For the purpose of making appointments to the Board of Directors, the shareholders shall constitute an independent committee ("the Board Nomination Committee") of five persons with proven qualifications and tested industry experience one of which shall include a representative of the Ministry of Petroleum Resources who shall not be below the rank of director, to identify and recommend highly qualified candidates for such positions in a competitive and transparent manner.	SENATE VERSION ADOPTED
		(5) The two other non-Executive Directors to be appointed pursuant to subsection (2) (d) of this section, shall not be appointed to the Board unless such a person is a holder of a university degree or its equivalent in engineering, geological sciences, economics, law, finance or related subjects and possesses at least 10 years' relevant experience.	
Adaptation of laws.	127. (1) The enactments specified in the Fifth Schedule to this Act are hereby amended to the extent specified therein. (2) For the avoidance of doubt, the relevant provisions of all existing enactments or laws, including but not limited to the Petroleum Act, Oil Pipelines Act, Hydrocarbon Oil Refineries Act and the Companies and Allied Matters Act, to the extent that they deal	PART 8 — REPEALS, TRANSITIONAL AND SAVINGS PROVISIONS 127. (1) The enactments specified in the Fifth Schedule to this Bill are hereby amended to the extent specified therein. (2) For the avoidance of doubt, the relevant provisions of all existing enactments or laws, including but not limited to the Petroleum	HOUSE VERSION ADOPTED (Title)

	with matters provided for in this Act, shall be read with such modifications as to bring them into conformity with the provisions of this Act. (3) If the provisions of any other enactment or law, including but not limited to the enactments specified in subsection (1) of this section, are inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the provisions of that other enactment or law shall, to the extent of that inconsistency, be void in relation to matters provided for in this Act. (4) Any regulatory functions conferred on the Minister pursuant to the Petroleum Act and the Oil Pipelines Act or on the chief executive of the Inspectorate pursuant to the Nigerian National Petroleum Corporation Act, shall be deemed to have been transferred to the Commission.	Act, Oil Pipelines Act, Hydrocarbon Oil Refineries Act and the Companies and Allied Matters Act, to the extent that they deal with matters provided for in this Bill, shall be read with such modifications as to bring them into conformity with the provisions of this Bill. (3) If the provisions of any other enactment or law, including but not limited to the enactments specified in subsection (1) of this section, are inconsistent with the provisions of this Bill, the provisions of this Bill shall prevail and the provisions of that other enactment or law shall, to the extent of that inconsistency, be void in relation to matters provided for in this Bill. (4) Any regulatory functions conferred on the Minister pursuant to the Petroleum Act and the Oil Pipelines Act or on the chief executive of the Inspectorate pursuant to the Nigerian National Petroleum Corporation Act, shall be deemed to have been transferred to the Commission.	
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Report accordingly adopted.

16. Conference Committee:

Report on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2018 (SB. 22):

~~*Motion made.*~~ That the Senate do receive and consider the Conference Committee Report on the Discrimination against Persons with Disabilities (Prohibition) Bill, 2018 (*Senator Kabiru G. Marafa — Zamfara Central*).

Report Laid and presented.

Question put and agreed to.

REPORT OF THE CONFERENCE COMMITTEE ON A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY AND ESTABLISH A NATIONAL COMMISSION AND VEST IT WITH THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE, SOCIAL, ECONOMIC AND CIVIL RIGHTS, 2018

S/N	SENATE	HOUSE OF REPRESENTSTIVES	COMMITTEE RECOMMENDATION
1.	(1) A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance whatsoever. <i>Penalty</i> (2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to, if the person is- (a) a body corporate, a fine of N1,000, 000; and (b) an individual, a fine of N100, 000 or 6 months imprisonment or both. (3) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Bill the person against whom any such crime or wrong is committed may maintain a civil action against any such person committing the offence or causing the injury, without prejudice to any conviction or acquittal.	1. (1) No person with disability shall be discriminated against on the ground of his or her disability by any person or institution in any manner or circumstance whatsoever. (2) Any person in contravention of the provision of subsection (1) of this section is liable to: (a) if a corporate body, a minimum of ₦250,000 damages payable to the affected person with disability; and (b) if an individual, a minimum of ₦100,000 damages payable to the affected Person with disability, or 6 months imprisonment or both.	Senate version adopted
2.	PART II – AWARENESS The Federal Ministry of Information shall make provisions for promotion of awareness regarding- (a) the rights, respect and dignity of persons with disabilities; (b) the capabilities, achievements and contributions of persons with disabilities to the society.	2. (1) No person with disability shall be subjected to prejudices or harmful practices, including those based on sex, age or tradition, in any area of life. (2) Any person in contravention of subsection (1) of this section is liable to: (a) if a corporate body, a minimum of ₦250,000 damages payable to the affected person with disability; and	Senate version adopted

		(b) if an individual, a minimum of ₦100,000 damages payable to the affected person with disability or one year imprisonment, or both.	
3.	PART III – ACCESSIBILITY OF PHYSICAL STRUCTURE A person with disabilities shall have the right to access the physical environment and buildings on an equal basis with others.	PART II - AWARENESS 3. Every media house, institution or establishment, licensed to operate in Nigeria, shall make provisions in its programmes for: (a) awareness raising, regarding persons with disabilities, their rights, respect and dignity; (b) promotion of awareness of the capabilities, achievements and contributions of persons with disabilities to the society; (c) promotion of awareness-training programmes regarding persons with disabilities.	Senate version adopted
4.	A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible and usable to persons with disability.	PART III - ACCESSIBILITY OF PHYSICAL STRUCTURES 4. A person with disabilities shall have the right and necessary facilities to access the physical environment and buildings on an equal basis with others.	Senate version adopted
5.	Road side-walk, pedestrian crossing and all other special facilities as set out in the First Schedule made for public use shall be made accessible to and useable by persons with disabilities including those on wheelchairs and the visually impaired.	5. No public building shall be constructed without the necessary accessibility aids such as lift (where necessary), ramps and others that shall make them accessible and usable to persons with disabilities including those on wheelchairs.	Senate version adopted
6.	From the date of the commencement of this Bill, there shall be a transitory period of 5 years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disability shall be modified to be accessible to and usable by	6. A private house owner shall allow a person with disability lawfully occupying the private owner's house as a tenant to make such access related modifications to the building as would allow him access his apartment, provided he is acting in good faith and has given adequate notice to the private house owner.	Senate version adopted

	persons with disability including those on wheelchairs.		
7.	(1) Before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that the plan conforms with the building code. (2) No government or government agency, or body or individual responsible for the approval of building plans shall approve the plan of a public building if the plan does not make provision for accessibility facilities in line with building code. <i>Penalty</i> (3) Any officer or officers who approve(s) or direct(s) the approval of a building plan that contravenes the building code shall be liable to a fine of a minimum of N1, 000,000 or two years imprisonment or to both such fine and imprisonment.	7. Roads, side-walks, pedestrian crossing and all other facilities made for public use shall be made accessible to and usable by persons with disabilities including those on wheelchairs.	Senate version adopted
8.	(1) Subject to section 7, in the event of existence of a state of inaccessibility or barrier to access of a person with disability to the environment that he or she has a right or duty to access, he may, without prejudice to his or her right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and it shall be the duty of the relevant authority in charge to take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability. (2) If the relevant authority in charge receives the notice in subsection (1) of this section but fails to comply, he shall be liable to	8. From the date of the commencement of this Bill, there shall be a transitory period of 2 years within which all public buildings, roads, Pedestrian crossings and all other structures which were inaccessible to persons with disabilities shall be modified to be accessible to and usable by persons with disabilities including those on wheelchairs.	Senate version adopted

	if-		
	(a) a corporate body, N10,000 damages payable to the affected person for each day of default; or (b) an individual, N5,000 damages payable to the affected person each day of default or 6 months imprisonment or both.		
9.	PART IV — ROAD TRANSPORTATION (1) It is unlawful for a person (the provider) who (whether for payment or not) provides goods or services, or makes facilities available, to discriminate against another person with disability- (a) by refusing to provide those goods or services or make those facilities available to him; or (b) on such terms or conditions on which the provider provides those goods or services or makes those facilities available to him; or (c) in a manner in which the provider provides those goods or services or makes those facilities available to him.	9. (1) Before erecting any public building, its plan shall be scrutinized by the relevant authority in conjunction with the Commission to ensure that the plan conforms with relevant building codes. (2) No government or government agency, or body or individual responsible for the approval of building plan shall approve Plan of a public building if the plan does not make provision for accessibility facilities in line with relevant building codes. Penalty. (3) Any officer or officers who approves or directs the approval of a building plan that contravenes the building code provided for in section 93 (c) shall be personally liable to a fine of a minimum of ₦1,000,000 or two years imprisonment, or both.	House version adopted
10.	(1) Government Transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus-stop to persons with disabilities including those on wheel chairs. (2) Every public vehicle should have functional audible and visual display of their destination within 5 years from the commencement of this Bill.	10. (1) Subject to section (8), in the event of existence of a state of inaccessibility or barrier to access of a person with disability to the environment that he or she has a right or duty to access, he may, without prejudice to his or her right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and it shall be the duty of the relevant authority in charge to take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability.	Senate version adopted

		(2) If the relevant authority in charge receives the notice in subsection (1) of this section but fails to comply, he shall be liable to: (a) if a corporate body, ₦10,000 damages payable to the affected person for each day of default; or (b) if an individual, ₦5,000 damages payable to the affected person each day of default or 6 month imprisonment or both.	
11.	Wheelchairs, crutches, guide canes (for blind), braces and any other mobility aid and appliance or assistive devices used by a person with disability shall not be subject to charges, provided they are not carried in commercial quantities and for commercial purposes.	PART IV - ROAD TRANSPORTATION 11. (1) Transport service providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and Bus Stops to persons with disabilities including those on wheelchairs. (2) Lifts, ramps and all other accessibility equipment in or for vehicles, and at parks or Bus Stops shall be maintained in operational condition. (3) There shall be regular and frequent maintenance of all accessibility aids and equipment, and defective ones shall be promptly repaired or replaced. (4) Before a person with disability boards or alights from a vehicle, the driver shall ensure that the vehicle completely pulls up. (5) When a person with disability intends to board a vehicle, all other intending passengers shall wait for him or her to board before them.	House version adopted
12.	(1) At public parking lots, suitable spaces shall be properly marked and reserved for persons with disabilities. (2) For a person with disability to be entitled to the use of the reserved space in subsection (1) of this section, his car shall have been	12. Wheelchairs, crutches, guide canes (for the blind), braces and any other mobility aid and appliance or assistive device used by a passenger with disability shall not be subject to charges, provided they are not carried in commercial quantities and for commercial purpose.	Senate version adopted

	properly identified with the necessary insignia.		
	(3) A person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1) of this section commits an offence and is liable on conviction to a fine of N1, 000 for each day of default. (4) A person without disability who parks a vehicle in the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of N5, 000. (5) A person who unlawfully obstructs the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of N5, 000. (6) Subsection (4) of this section does not apply if a person with disability is a passenger in the vehicle.		
13.	PART V — SEAPORTS AND RAILWAYS (1) Seaports and facilities therein as well as vessel shall be made accessible to person with disabilities. (2) Railway stations, trains and facilities therein shall be made accessible to persons with disabilities.	13. Wheelchairs, crutches, guide canes (for the blind), braces and any other mobility aid and appliance or assistive device used by a person with disability on board a vehicle shall be off loaded before other luggage, and returned to the said person with disability before or as soon as he or she is ready to alight from the vehicle.	Senate version adopted
14.	The provisions of section 14 shall be subjected to the transitory provision contained in section (6)	14. A person with disability shall have the right to drive any vehicle provided that: (a) his or her disability is not proved to reasonably impede his ability to drive; or (b) the vehicle is so modified as to enable him or her safely drive it.	Senate version adopted
15.	PART VI — AIRPORT FACILITIES (1) All airlines operating in Nigeria	15. (1) At parking lots, suitable spaces shall be properly marked and reserved	Senate version adopted

	shall- (a) ensure the accessibility of their aircraft to persons with disabilities; (b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need it to and from the aircraft; (c) ensure that persons with disabilities are assisted to get on and off board in safety and reasonable comfort; (d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft. (2) All airports shall make available for the conveyance of persons with disabilities who need it to and from the aircraft, a presentable and functional assistive and protective device.	for persons with disabilities. (2) For a person with disability to be entitled to the use of the reserved spaces in subsection (1) his or her car shall have been properly identified with the necessary insignia. <i>Penalty.</i> (3) Any person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved space in subsection (1) shall be liable to a fine of ₦1,000 for each day of default. (4) Any person who is not a person with disability who parks a vehicle in the reserved space in subsection (1) of this section shall be liable to a fine of ₦5,000. (5) Any person who unlawfully obstructs the reserved space in subsection (1) of this section shall be liable to a fine of ₦5,000. (6) For subsection (4) it shall be a valid defence if a person with disability is a passenger in the vehicle.	
16.	Any general information shall be translated into the accessible format appropriate to the person with disability present.	PART V - SEAPORTS AND RAILWAYS 16. (1) Seaports and facilities therein as well as vessels shall be made accessible to persons' with disabilities. (2) Railway stations and facilities therein as well as trains shall be made accessible to persons with disabilities.	Senate version adopted
17.	PART VII — RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES In all situations of risk, including situations of violence, emergencies and the occurrences of natural disasters, the government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability.	17. The provisions of section (16) shall be subject to the transitory provision contained in section (8).	Senate version adopted

18.	(1) In queues, person with disabilities shall be given first consideration, and as much as possible should be attended to outside the queue. (2) Any person in breach of this section shall be liable on conviction to 6 months imprisonment or fine of N50, 000.00 or both.	PART VI - AIRPORT FACILITIES 18. All airlines operating in Nigeria shall: (a) ensure the accessibility of their aircraft to persons with disabilities; (b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need it to and from the aircraft.	Senate version adopted
19.	PART VIII — LIBERTY (1) No person shall- (a) employ, use or involve a person with disability in begging; (b) parade persons with disabilities in public with intention of soliciting for alms; (c) use condition of disability as a guise for the purpose of begging in public. (2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to 6 months imprisonment or a fine of N100, 000 or both.	19. Where a passenger with disability checks in his or her wheelchair or any other assistive device, the same shall be delivered to him or her at the aircraft side before disembarkment.	Senate version adopted
20.	PART IX — COMMUNAL LIFE (1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form. (2) Persons with disability shall be entitled to free education to secondary school level. (3) The Commission shall provide educational assistive devices.	20. Wheelchairs and other assistive devices used by a passenger with disability shall not be subject to carriage charge in any aircraft or any other vehicle.	Senate version adopted
21.	(1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive of and accessible to persons with disabilities, accordingly every school	21. On board an aircraft or any other vehicle, aides or escorts of persons with disabilities shall be allowed to sit immediately adjacent to them.	Senate version adopted

	shall have- (a) at least a trained personnel to cater for the educational development of persons with disabilities; (b) special facilities for the effective education of persons with disabilities. (2) Braille, sign language and other skills for communicating with person with disabilities shall form part of the curricula of primary, secondary and tertiary institutions.		
22.	The education of special education personnel shall be highly subsidized.	22. A person with disability who can travel independently shall not be compelled to travel in the company of an aide or refused boarding because he is not accompanied by an aide.	Senate version adopted
23.	Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximizes academic and social development.	23. (1) When stowed in cargo compartment, wheelchairs and other assistive devices shall be given priority over cargo and baggage, and shall be among first items to be unloaded. (2) Mobility aids or assistive devices shall be returned to their owners as closely as possible to the door of the aircraft or in accordance with whatever reasonable request made by the owner.	Senate version adopted
24.	(1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability. (2) A person with mental disability shall obtain a permanent Certificate of disability from the Commission.	PART VII - SEATING ARRANGEMENT IN VEHICLES, VESSELS, TRAINS AND AIRCRAFTS 24. (1) On board a vehicle, vessels, trains or aircrafts, the convenience and safety of a person with disability shall be the primary consideration in assigning him or her a seat. (2) In line with subsection (1), the following factors shall be considered in assigning seat to a person with disability: (a) ease of access;	Senate version adopted

		(b) ease of exit; and	
		(c) non-disturbance by the movement of other passengers. (3) Preference of the person with disability shall override the application of this section.	
25.	(1) Every person with mental disability shall be entitled to free medical and health service in all public institutions. (2) Where a doctor suspects disability in the course of treatment of a person who hitherto was not a person with disability, the Doctor may with the approval of the Commission issue a Temporary Certificate of Disability which shall last for not longer than 180 days. (3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor shall issue the person a Permanent Certificate of Disability, which shall last as long as the state of the disability persists. (4) Any person issued with a Permanent Certificate of Disability, shall be entitled to all rights and privileges in this Bill. <i>Unlawful procurement of certificate of disability</i> (5) Any person who unlawfully issues or unlawfully obtains certificate of disability shall be liable to a fine of N200, 000.00 or 1 year imprisonment or both.	25. The provisions of sections 18 - 25 shall apply, with the necessary modification, to other means of transportation.	Senate version adopted
26.	Any public hospital where a person with communicational disabilities is medically attended to shall ensure provision for special communication	PART VIII - ACCESS TO TECHNOLOGY 26. Companies or persons whose services or products are technology based or technology related shall ensure that their goods and services are accessible to and usable by all categories of persons with	Senate version adopted

		disabilities.	
27.	(1) Persons with disabilities shall have the right to work, on an equal basis with others; this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open. (2) A person in breach of this section shall be liable on conviction to nominal damages of a minimum of N250,000.00 payable to the affected person with disability. (3) Where a company is in breach of this section- (a) the company shall be liable to nominal damages of a minimum of N500,000 payable to the affected person with disability; and (b) any principal officer of the company involved in the violation shall be liable to N50,000 damages payable to the affected person with disability.	27. Television stations shall take steps to ensure that their video presentations are accompanied by close caption for the particular benefit of persons with hearing disabilities.	Senate version adopted
28.	All employers of labour in public organisation shall as much as possible have person with disabilities constituting at least 5% of their employment.	28. Telecommunication companies shall ensure that their services and products incorporate adequate assistive technology, particularly, but not limited to, telecommunications relay services to enhance the accessibility of their goods and services to persons with hearing and vocal disabilities.	Senate version adopted
29.	PART X — ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION Where accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organisations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first	29. Within the transitory period provided in section (10), companies or persons whose services or products are technology-based or technology-related shall adopt assistive technologies in all their services and products.	Senate version adopted

	consideration.		
30.	PART XI — PARTICIPATION IN POLITICS AND PUBLIC LIFE (1) Persons with disabilities shall be encouraged to fully participate in politics and public life. (2) Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in- (a) the conduct of public affairs without discrimination; (b) Non-governmental Organizations and Associations concerned with the public and political life of the country; and (c) activities and administration of political parties.	PART IX - CHILDREN WITH DISABILITIES 30. (1) Parents and guardians of children with disabilities shall ensure that such children, both within and outside the home, are free from all forms of neglect, exploitation, violence and abuse, including their gender based aspects. (2) Government shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender and age sensitive assistance and support for persons with disabilities and their families and care-givers, including the provision of information and education on how to avoid, recognize and report instances of neglect, exploitation, violence and abuse. (3) In order to prevent the occurrence of all forms of exploitation, violence and abuse, all facilities and programmes designed to serve persons with disabilities shall be effectively monitored by the Commission. (4) Government shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self respect, dignity and autonomy of the persons and takes into account gender and age specific needs.	Senate version adopted
31.	PART XII — ESTABLISHMENT OF THE COMMISSION (1) There is hereby established a body to be known as the National	31. Parents or guardians of children with disabilities shall ensure that such children get educated to at least the completion of secondary education.	Senate version adopted

	Commission for persons with disability (in this Bill referred to as "the Commission") to be placed under the Presidency. (2) The Head Office of the Commission shall be situated in the Federal Capital Territory, Abuja.		
32.	(1) There is established a Governing Council for the Commission (in this Bill referred to as the "the Council") which shall conduct the affairs of the Commission. (2) The Council shall consist of- (a) a part time Chairman; (b) one person from each geopolitical zones who shall be persons with disability; (c) a representative each from- (i) Federal Ministry of Education; (ii) Federal Ministry of Health; (iii) Federal Ministry of Sports; (iv) Federal Ministry of Women Affairs; (v) Federal Ministry of Housing; (vi) Federal Ministry of Transport; (vii) Federal Ministry of Environment; (viii) Federal Ministry of Labour and Productivity; (ix) Federal Ministry of Justice; (x) National Human Rights Commission and the National Planning Commission; (xi) one person from each Geo-political Zone; and (xii) Federal Ministry of Finance. (3) The Chairman of the Council and	32. (1) Children with disabilities shall be entitled to at least equal rights, treatment, recreation, maintenance and training with other children in the family. (2) No child shall be concealed, abandoned, neglected or segregated on the basis of his or her disability. (3) Children with disabilities shall be registered immediately after birth and shall have the right to: (a) a name; (b) acquire a nationality; (c) know and be cared for by, their parents; and (d) free and continual medical treatment in any public health institution.	Senate version adopted

	one representative each from the 6 geo-political zones of Nigeria, shall be appointed by the President subject to the confirmation of the Senate.		
33.	The supplementary provisions set out in the schedule to this bill shall have effect with respect to the proceedings of the Council and the other matter contained therein.	33. Any person in contravention of section 32 shall be liable to 6 months imprisonment.	Senate version adopted
34.	Subject to section 32 of this Act, the Chairman and members of the Council shall each hold office- (a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and (b) on such terms and conditions as may be specified in his letter of appointment.	34. Government shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.	Senate version adopted
35.	(1) A person shall cease to hold office as a member of the Council on the occurrences of any of the following- (a) if he becomes bankrupt; or compounds with his creditors; or (b) he is convicted of a felony or any offence involving dishonesty or fraud; or (c) he is disqualified of his professional qualification; (d) he is guilty of a serious misconduct in relation to his duties; (e) he resigns his appointment by a letter addressed to the President. (2) Where a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the	35. (1) Subject to subsection (2), no child shall be separated from his parents on the basis of a disability of either the both parents. (2) For the purposes of medical treatment, rehabilitation, training or general improvement, a child with disability may be temporarily separated from his or her parents.	Senate version adopted

	unexpired term. (3) A member of the council may be removed by the president on the recommendation of council if he is satisfied that it is not in the interest of the commission or the interest of the public that the member continue in office.		
36.	Members of the Council shall be paid allowances and expenses as the Government may direct from time to time.	36. The Commission shall, where the immediate family is unable to care for a child with disabilities, provide and sponsor alternative care within any reasonable family setting.	Senate version adopted
37.	The Council shall have power to- (a) manage and superintend over the affairs of the Commission; (b) make rules and regulations for the effective running of the Commission; (c) employ the staff of the Commission on such remuneration or allowance as payable to persons in similar organisation in the Country; (d) enter into such contract as may be necessary or expedient for the discharge of its function and ensure efficient performance of the functions of the Commission; and (e) receive, disburse and account for funds of the Commission.	37. Children with disabilities shall have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.	Senate version adopted
38.	(1)The functions of the Commission shall be- (a) to formulate and implement policies and guidelines as appropriate for the education and social development of persons with disability; (b) to prepare schemes designed to promote social welfare of person with disability and the estimate of	38. In all matters concerning children with disabilities, the best interests of the child shall be the primary consideration.	Senate version adopted

	cost of implementing such schemes;		
	(c) to promote and uplift the general social well-being of persons with disability by encouraging the public to change their attitude toward person with disability; (d) to make available not less than 5% of the work force to qualified persons with disability; (e) to enlighten the public and encourage persons with disability; (f) to collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disability are identified, and enumerated for planning and treatment; (g) to ensure that all facilities in each community all over the federation shall be built or modified (where and when feasible) to accommodate the special need of persons with disabilities; (h) to ensure the monitoring, evaluation and realisation of government policy objectives on persons with disabilities; (i) to facilitate the procurement of scholarship awards for persons with disabilities up to university level; (j) establishing and promoting inclusive schools, vocational and rehabilitation centres for the development of persons with disabilities; (k) liaising with the public and private sectors as well as other bodies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policy, programme and		

	activity; (l) issue insignia of identification of persons with disabilities; (m) enforcement of compliance of public buildings codes and imposing necessary sanctions and make appropriate orders; (n) receiving of complaints of persons with disabilities on the violation of their rights; (o) support an individual's right to seek redress in court, investigation, prosecution or sanctioning (in appropriate cases) the violation of the provision of this Bill; (p) ensuring research development and education on disability issues and disable persons; (q) to collaborate with the media to make information available in accessible format for person with disabilities; (r) procuring of assistive devices for all disability types.		
39.	(1) The Commission has power to do any lawful thing, which will facilitate carrying out of its functions and in particular may- (a) sue and be sued in its corporate names; (b) acquire, hold and manage movable and immovable property; (c) enter into contract for the education and welfare of persons with disability; (d) purchase or acquire any assets, business or property considered necessary for the proper conduct of its functions; (e) sell, let, lease or dispose of any	PART X - RIGHT TO LIFE AND PROTECTION 39. Persons with disabilities have the inherent right to life and are entitled to the effective enjoyment of this right on an equal basis with others.	Senate version adopted

	of its property;		
	(f) undertake or sponsor research where necessary for the performance of its functions; and (g) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission. (2) The power conferred on the Commission may be exercised by it or through any of its employees or agent authorised in that behalf by the Commission. (3) The Commission shall not be subjected to direction, control or suspension by any other authority or person in the performance of its function under this bill other than the President.		
40.	PART XIII – APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF (1) There shall be an Executive Secretary. (2) The Executive Secretary shall: (a) have such qualification and experience as appropriate for a person required to perform the functions of that office; (b) be a person with disability. (c) be responsible to the council for the execution of the policies and the administration of the daily affairs of the Commission.	40. (1) In all situations of risk, including situations of violence, emergencies and the occurrence of natural disasters: (a) Government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability; (b) Individuals who are in the position shall accord persons with disabilities the maximum assistance within their ability.	Senate version adopted but clause 40 (2) (b) of the Senate version is deleted, because it contradicts the provisions of section 42 (1) (a) of the 1999 Constitution
41.	The Council shall appoint for the Commission such member of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the function of the Commission.	41. (1) In queues, persons with disabilities shall be given first consideration, and as much as possible should be attended to outside the queue. <i>Penalty.</i> (2) Any person in breach of this section	Senate version adopted

		shall be liable to 6 months imprisonment or fine of ₦50,000 or both.	
42.	(1) The Council shall have power to appoint for the Commission either directly or by secondment from any public service in the federation, such number of employees as may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill. (2) The person seconded under this section may elect to be transferred to the service of the commission, and any previous service he may have rendered in the public service shall count as service to the Commission for the purpose of any pension subsequently payable by the Commission.	PART XI - LIBERTY 42. Persons with disabilities, on an equal basis with others shall: (i) enjoy the right to. liberty and security of person; (ii) not be deprived of their liberty unlawfully or arbitrarily, and that the existence of a disability shall in no case justify a deprivation of liberty Freedom from torture or cruel, inhuman or degrading treatment or punishment.	Senate version adopted
43.	There shall be established in the head office of the Commission, such departments as may be deemed necessary for the effective and efficient functioning of the Commission.	43. (1) No person with disability shall be subjected to: (a) without his or her free consent, medical or scientific experimentation; or (b) torture, or cruel or inhuman or degrading treatment or punishment. <i>Penalty.</i> (2) Any person in contravention of this section shall be liable to payment of ₦100,000 damages to the affected person with disability.	Senate version adopted
44.	The staff of the Commission shall be entitled to pension, gratuity, and any other retirement benefit in accordance with the National Pension Reform Act No.4, 2014.	44. (1) No person shall employ, use or involve a person with disability in begging. <i>Penalty.</i> (2) Any person in contravention of subsection (1) of this section shall be liable to 6 months imprisonment or a fine of ₦50,000.	Senate version adopted
45.	(1) The Commission shall establish and maintain a fund herein referred	45. Every person with disability has a right to respect for his or her physical and	Senate version adopted

	to as a Fund into which money accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded. (2) The funds of the Commission shall be disbursed according to the approved formula. (3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.	mental integrity on an equal basis with others.	
46.	(1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift, provided such terms and conditions are not inconsistency with any prevailing law. (2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill.	PART XII - COMMUNAL LIFE 46. Persons with disabilities shall have the liberty of movement within or out of the country, and freedom to choose their residence on an equal basis with others.	Senate version adopted
47.	The Commission may, from time to time borrow such sums as it may require to execute or complete some special projects of the Commission.	47. Persons with disabilities shall have the right to: (a) live in the community, with choices equal to others; (b) full enjoyment of their rights and full inclusion and participation in the community, including choosing their place of residence and where and with whom they live on an equal basis with others; (c) support services, including personal assistance necessary to support living and inclusion in the community.	Senate version adopted
48.	(1) The Commission shall cause to be kept accounts and records of transaction and affairs of the Commission and ensure that all payments out of its moneys are currently made and properly	48. Except on medical ground or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, a person with disability shall not be isolated or segregated from the community or compelled to live in a	Senate version adopted

	authorised. (2) The Commission shall ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.	particular area.	
49.	(1) The Auditor – General of the Federation shall- (a) inspect and audit the account and records of financial transactions of the Commission. (b) inspect records relating to assets of the Commission; and (c) draw the attention of the Secretary to the Government of the Federation to any irregularities disclosed by the inspection and audit. (2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1). (3) The Auditor or an officer authorised by him is entitled at all reasonable time to a full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.	PART XIII - PERSONAL MOBILITY 49. (1) Government shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities. (2) Government shall: (a) provide mobility assistive devices for persons with disabilities at subsidized price or free for the indigent; (b) facilitate access by persons with disabilities to quality mobility aids, assistive devices, and other assistive technologies; (c) provide training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities; (d) encourage corporate bodies and individuals producing assistive devices and providing assistive technologies to take into account all aspects of mobility for persons with disabilities.	Senate version adopted
50.	The Commission shall submit an annual report of its activities to the Office of the Secretary to the Government of the Federation not later than 30th June of each financial year and it shall include a copy of its audited accounts and a copy of same report be submitted to the National Assembly.	PART XIV - FREEDOM OF EXPRESSION AND OPINION AND ACCESS TO INFORMATION 50. (1) Persons with disabilities shall have freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through any means of communication of their choice.	Senate version adopted

		(2) Governments and persons (whether natural or artificial) shall:	
		(a) provide information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to the different kinds of disabilities timely and without additional cost; (b) accept and facilitate the use of sign languages, Braille, augmentative and alternative communication, and all other means, of special communication in all interactions.	
51.	The Commission may subject to the Land Use Act acquire any land for the purpose of discharging its functions.	PART XV - MARRIAGE, FAMILY AND PRIVACY 51. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.	Senate version adopted
52.	PART XIV — MISCELLANEOUS PROVISIONS A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of this bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and address it to the Executive Secretary at the principal office of the Commission.	PART XVI - EDUCATION 52. (1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form. (2) Persons with disabilities shall be entitled to free education at levels in all public educational institutions.	Senate version adopted
53.	Any such money which may be the judgment of any court awarded against the Commission shall be paid from the general reserved fund of the Commission.	53. (1) All schools whether pre-primary, primary, secondary or inclusiveness of education tertiary, shall be run to be inclusive of and accessible to persons: (a) at least a trained personnel to cater for the educational development of persons with disabilities; (b) program for continued training of	Senate version adopted

		personnel catering for persons with disabilities; (c) special facilities for the effective education of persons with disabilities; (d) programs for cooperation and collaboration with relevant authorities, institutions or associations to ensure early and co-ordinate education of persons with disabilities. (2) Interaction and exchange between children with disabilities in special schools and children in ordinary schools shall be promoted.	
54.	A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgement is given in his favour or in which is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Executive, officer or the employee of the Commission.	54. (1) Government shall establish inclusive vocational training centres in every local government area of the federation. (2) Free or at least subsidized continuing training shall be made available for professionals and staff in rehabilitation services.	Senate version adopted
55.	The governing council may make regulations for the purpose of carrying out or giving full effect to the provisions of the Bill.	55. The education of special education personnel shall be free or at least highly subsidized.	Senate version adopted
56.	(1) To be entitled to the damages specifically provided in this Bill, it shall be sufficient for a plaintiff claimant as the case may be, in a court proceeding, to prove the violation of the relevant section of this Bill without specific proof of damages. (2) Nothing in this Bill shall prevent a court from accessing and awarding general and special damages in addition to the normal damages provided for in this Bill.	56. Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximizes academic and social development.	Senate version adopted

57.	PART XV – INTERPRETATION	PART XVII - HEALTH	Senate version adopted
	In this Act- “Accessibility aid” includes any fixture and device that aids accessibility; “Accommodation” (in the context of housing) include residential or business accommodation; “Assistive Device” means any device that assist, increases or improves the functional capabilities of person with disabilities; “Closed Captioning” is a term describing several systems developed to display text on a television or video screen to provide additional or interpretive information to viewers who which to access it; “Commission Agent” means the person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part by the Commission; “Commission” means National Commission for people with Disability; “Disable” means having a disability; “Disability” includes long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others; “Discrimination” means differential treatment and its verbs and infinite form (discriminate, to discriminate) have the corresponding signification; “Document” includes any book	57. (1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability. (2) Persons with disability shall: (a) be entitled to free medical and health service in all public health institutions; (b) receive assistive devices like crutches, wheelchairs, Braille machines, among others at government subsidized prices, or free. (3) Government shall: (a) subsidize assistive devises to make them affordable to persons with disabilities; (b) financially assist persons or corporate bodies dealing with assistive devices to ensure that they are made available to persons with disabilities at subsidized prices or free.	

	register or other record of information, however compiled, record or stored; "Educational Authority" means a body of person(s) administering an education institution; "Educational Institution" means a school college, University or other institution at which education or training is provided; "Employee" includes applicant or prospective employee, Commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor; "Employer" includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor; "Employer of Labour" means "Employer" as interpreted by the workmen's Compensation Act; "Function" includes duty; "Government employee" means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a Local government, or holds an administrative office; "Person" includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organisations, association, government departments, ministries, parastatals; "Person with Disabilities" means-		
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(a) a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; (b) a person with long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others; "President" means President and Commander in Chief of the Armed Forces of the federal Republic of Nigeria; "Premises" include a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not); and a part of any premises; "Principal" means- (a) in relation to Commission agent – a person for whom the Commission agent does work as a Commission agent; (b) in relation to contract worker – a person for whom the contract worker does work under a contract between the employer of the		
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contract worker and the person; “Public Building” means a building owned or used by government or government agency or a building available for the use of members of the public; “Relative” in relation to a person, means a person who is related to the first mentioned person by blood, marriage affinity or adoption; “Subtitles Caption” means caption displayed at the bottom of a movie or television screen that translate or transcribe the dialogue or narrative; “Special Communication” means special means (including sign language augmentative and alternative communication) of communicating with person with speech or hearing disability; “Special Facilities” means any provision whether movable or immovable that will enhance easy access and enjoyment in public buildings by persons with disability; significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; “State” means each of the State of the Federation, and includes the Federal Capital Territory; “Student” in relation to an education institution, includes a candidate or applicant for admission into that education institution; “Undue hardship” means significant difficulty or expense, when considered in light of such factor as- (a) the nature and cost of the accommodation needed to take		
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	care of a disabled person's special needs; (b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; (c) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the facility; (d) the overall finances of the person or organisation having to deal with person with disability, with the overall size of his or its business with respect to the number of its employees; the number, type, and location of its facilities; and (e) the type of operation or operations of such person or organisation, including the composition, structure and function of his or its workforce; the geographic, separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organisation.		
58.	This Bill may be cited as Discrimination Against Persons with Disabilities (Prohibition) Bill, 2018.	58. (1) Where a doctor suspects disability in the course of treating a person he shall issue and submit to the Ministry a Temporary Certificate of Disability which shall last for not longer than 180 days. (2) If the state of disability persists after 180 days, a doctor may issue the person with Permanent Disability Certificate which shall last as long as the state of disability persist. (3) Any person issued with a Permanent Disability Certificate shall be entitled to all rights and privileges under this Bill, provided that in the case of an existing or obvious disability, Certificate of Disability shall be unnecessary.	Senate version adopted

		(4) The forms of Temporary Certificate of Disability and Permanent Certificate of Disability shall be as near that form as circumstances admit.	
	FIRST SCHEDULE SPECIAL FACILITIES 1. Wheel Chairs: Clear floors or ground space on wheel chairs, Wheel chair passage and turning space 2. Crutches, guide canes etc 3. Hearing Aid 4. Curb ramps 5. Ramps 6. Handrails, grab bars 7. Stair-shopping stairs 8. Elevators / Lifts 9. Windows 10. Entrance Doors 11. Drinking fountains and water cookers 12. Toilet facilities 13. Door protective and Re-opening Devices manoeuvring entrances at Doors 14. Parking spaces and passenger loading zones 15. Accessible routes including walk ways, halls, windows, aisles and spaces 16. Alarm- -Audible Alarms -Visual Alarms -Auxiliary Alarms	59. Any hospital where a person with communicational disability is medically attended to shall ensure provision for special communication.	Senate version adopted

	SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL <i>Proceedings of the Council</i>	60. The purchase, importation, transfer or gift of assistive devices or health materials to persons with disability shall not be subject to any tax, duties, surcharges or any levies whatsoever.	Senate version adopted
1.	1. (1) Subject to this bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its Committees. (2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.		
2.	(1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given. (2) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.	61. Persons with disabilities shall have the right to work, on an equal basis with others; this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open.	Senate version adopted
3.	(1) the council may appoint one or more Committees to carry out, on behalf of the Council such functions as the Council may determine. (2) A Committee appointed under this paragraph shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the	62. (1) No employer or his agent or purported agent shall discriminate against a person with disability in any manner whatsoever and in particular but not limited to: (a) job application procedure; (b) the terms and conditions of employment; (c) denying the employee access or	Senate version adopted

	terms of his appointment. (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.	limiting the employee's access to opportunity for promotion, advancement, transfer or training, or to any other benefit associated with employment; (d) on the job training; (e) accommodation, where applicable; (f) employee compensation; (g) dismissal mainly on the ground of disability; or (h) subjecting the employee to any other detriment. <i>Penalty.</i> (2) Any person in breach of this section shall be personally liable to damages of ₦50,000 payable to the affected person with disability. (3) Where a company is in breach of this section: (a) the company shall be liable to ₦250,000 damages payable to the affected person with disability; and (b) any principal officer of the company involved in the violation shall be liable to ₦100,000 damages payable to the affected person with disability.	
4.	(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorised by the Council to act for that purpose and the Executive Secretary. (2) Any contract or instrument, which, if made or executed by any person not being a body corporate, would not be required to be under seal may be executed on behalf of the Commission by the Executive Secretary or any person generally	63. (1) No person or corporate body shall subject a person with disability to slavery or servitude, forced or compulsory labour or undue disadvantage in any form. <i>Penalty.</i> (2) Any person in breach of this section shall be liable to ₦100,000 payable to the affected person with disability (3) Where a corporate body is in breach of this section - (a) it shall be liable to ₦500,000 payable the affected person with disability; and (b) any principal officer involved in the	Senate version adopted

	authorised by the Council to act for that purpose.	violation shall be liable to ₦100,000 payable to the affected person with disability.	
	(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed.		
5.	The validity of any proceedings of the Council or Committee shall not be adversely affected by a- (a) a vacancy in the membership of the Council or Committee; or (b) a defect in the appointment of a member of the Council or Committee; (c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.	64. Government shall take steps to ensure the self reliance of persons with disabilities and accordingly give adequate assistance to persons with disabilities who desire to be self employed.	Senate version adopted
		65. (1) No employee shall be relieved of his employment on the ground of disability sustained during his employment. (2) An employer of labour whose employee sustained a disability during his employment shall: (a) retain and re train the employee to still be effective in the employment; or (b) pay him off with a sum that is not less than the aggregate value of his 48 months salary, if his disability is of such degree that permanently renders him unable to discharge his function or any other function that may be assigned to him in the employment; (c) in the case of paragraph (b), if the disability is sustained in the course of the employment, the employee's compensation shall not be less than the	Senate position adopted

		aggregate value of his 60 months salary. (3) Government should assist employers of persons with disabilities in providing the necessary facilities and enabling environment for the employee with disability to function maximally.	
		PART XVIII - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION 66. (1) All levels of government shall take appropriate steps to ensure that persons with disabilities have good standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.	Senate position adopted
		67. All levels of government shall give special consideration to persons with disabilities in all welfare, social development, poverty in Government policies reduction and other programs.	Senate position adopted
		68. Where accommodation is being provided by schools for their students; employers for their employees; service providers for their customers; organisations for their members; government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first consideration.	Senate position adopted
		PART XIX - PARTICIPATION IN POLITICS AND PUBLIC LIFE 69. Persons with disabilities shall be encouraged to fully participate in politics and public life directly or through freely chosen representatives.	Senate position adopted
		70. (1) The Electoral authority shall ensure that - (a) registration and voting procedures, facilities and materials are appropriate, accessible and easy to understand and	Senate position adopted

		use by persons with disabilities;	
		(b) registration venues and polling stations are accessible to persons with disabilities. (2) Persons with disabilities shall have the right to vote in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government; (3) Persons with disabilities shall be unfettered in the exercise of their franchise, and to this end, where necessary, at their request, shall be allowed to be assisted in voting by a person of their own choice; (4) Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in: (a) the conduct of public affairs, without discrimination; (b) non-governmental organizations and associations concerned with the public and political life of the country; and (c) activities and administration of political parties.	
		71. Political parties shall ensure that persons with disabilities vying for elective political offices receive maximum support from the party.	Senate position adopted
		PART XX - PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT. 72. The right of persons with disabilities to take part on an equal basis with others in cultural life is hereby guaranteed, and accordingly government shall take all appropriate measures to ensure that persons with disabilities: (a) enjoy access to cultural materials in accessible formats;	Senate position adopted

		(b) enjoy access to television programmes, films, theatres and other cultural activities, in accessible formats; (c) enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.	
		73. Government shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefits, but also for the enrichment of the society.	Senate position adopted
		74. Government shall take all appropriate steps, in accordance with international law, to ensure that intellectual property laws and practices do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.	Senate position adopted
		75. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identities, including sign languages and deaf culture.	Senate position adopted
		76. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, government shall take appropriate measures: (a) to encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels; (b) to ensure that persons with disabilities have an opportunity to organize, develop and participate in disability specific sporting and recreational activities and, to this end-	Senate position adopted

		(i) encourage the provision, on an equal basis with others, of appropriate instruction, training and resources; ii) to ensure that persons with disabilities have access to sporting, recreational and tourism venues; and (iii) to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system.	
		PART XXI - INTERPRETATION 77. (1) In this Bill, unless it is otherwise expressly provided: "Accommodation" (in the context of housing) includes residential or business accommodation; "Accommodation" (in the context of consideration to be extended to persons with disability) includes steps, measures, facilities and technology to facilitate their inclusion in various facets of life as envisaged by this Bill; "Auxiliary aid" means equipment (other than a palliative or therapeutic device) that provides assistance to a person with disability to alleviate the effects of the disability; "Club" includes an association (whether registered or not, incorporate or incorporated) of persons associated together for social, literacy, cultural, political, sporting, athletic or other purposes that provides and maintains its facilities, in whole or in part, from the funds of the association; "Commission agent" means a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part;	Senate position adopted

		"Commission" means National Commission for people with disability; "Disabled" means having a disability; "Discrimination" means differential treatment, and its verbs and infinite form (discriminate, to discriminate) have the corresponding signification; "Document" includes any books, register or other record of information, however compiled, recorded or stored; "Educational authority" means a body of person(s) administering an educational institution; "Educational institution" means a school, college, university or other institution at which education or training is provided; "Employee" includes applicant or prospective employee, commission agent, contract worker, independent contractor, or person applying to be commission agent, contract worker or independent contractor; "Employer" includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor; "Employment agency" means any persons who, or body that, whether for payment or not, assist persons to find employment or other work or assists employers to find employees or workers; "Function" includes duty; "Government employee" means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a Local government, or holds an administrative office; "Instrumentality of a State" means a body or authority established for a public	
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		purpose by a Law of a State and includes a Local Government body; "Minister" means the Minister responsible for running the affairs of the commission as the President may direct; "Person" includes natural, artificial, juristic or juridical persons, companies, enterprises, firms, organisations, association, government departments, ministries, parastatals; "Person with disability" means a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; "President" means President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria; "Premises" include a structure, building, aircraft, vehicle or vessel; a place (whether enclosed or built on or not); and a part of any premises; "Principal" means: (a) in relation to commission agent a person for whom the commission agent does work as a commission agent, (b) in relation to contract worker a person for whom the contract worker does work under a contract between the employer of the contract worker and the person;	
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		"Public Building" means any building where entry to members of the public is not restricted; "Relative" in relation to a person, means a person who is related to the first mentioned person by blood, marriage affinity or adoption; "Special Facilities" means any provision whether movable or immovable that will enhance easy access and enjoyment in public buildings by persons with disability; "State" means each of the States of the Federation, and includes the Federal Capital Territory; "Student" in relation to an education institution, includes a candidate or applicant for admission into that education institution. (2) This Bill includes any regulation made hereunder- "Undue hardship" means significant difficulty or expense, when considered in light of such factor as: (a) the nature and cost of the accommodation needed to take care of a disabled person's special needs; (b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility; (c) the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility; (d) the overall finances of the person or organisation having to deal with persons with disability, with the overall size of his or its business with respect to the number of its employees, the number, type, and location of its facilities; and	
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		(e) the type of operation or operations of such person or organisation, including the composition, structure, and function of his or its workforce, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organisation.	
		78. This Bill may be cited as Nigerians with Disabilities Bill, 2016.	Senate version adopted
		SCHEDULE SPECIAL FACILITIES	Senate version adopted
		1. Wheel chairs Clear floors or ground space on wheel chairs, wheel chair passage and turning space.	
		2. Crutches, guide canes etc.	
		3. Hearing Aid	
		4. Curb ramps	
		5. Ramps	
		6. Handrails, grab bars	
		7. Stair shopping stairs	
		8. Elevators/Lifts	
		9. Windows	
		10. Entrance Doors	
		11. Drinking fountains and water cookers	
		12. Toilet facilities Door Protective and Re opening Devices Maneuvering entrances at Doors	
		13. Parking spaces and passenger loading zones	
		14. Accessible routes including walk ways, halls, windows, aisles and spaces	
		15. Alarm-	

		Audible Alarms; Visual Alarms; Auxiliary Alarms.	
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Report accordingly adopted.

17. Committee on Housing:

Report on the Real Estate (Regulation and Development) Bill, 2018 (SB. 216):

Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Housing on the Real Estate (Regulation and Development) Bill, 2018 (*Adjourned Consideration 15th March, 2018 - Clause 14*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF A BILL FOR AN ACT TO ESTABLISH REGULATORY AUTHORITY TO PROMOTE AND REGULATE THE REAL ESTATE SECTOR IN NIGERIA IN ORDER TO ENSURE THAT SALE, RENT OR LEASE OF PLOT, APARTMENT OR BUILDING, AS THE CASE MAY BE, ARE CARRIED OUT IN A TRANSPARENT MANNER; AND TO PROTECT THE INTERESTS OF CONSUMERS, ALL STAKEHOLDERS IN THE REAL ESTATE SECTOR AND FOR RELATED MATTERS, 2018

Clause 15: Registration of Real Estate

- (1) From the commencement of this Bill, the Authority shall register all real estate projects and provide a registration number, including a log-in ID with password to the applicant (promoter or developer) for accessing the website of the Authority and the applicant shall create his web page to fill the details of the proposed project, or reject the application for reasons, which shall be recorded in writing and if such application does not conform to the provisions of this Bill, the registration may be rejected for default or contravention of the provisions of this Bill.
- (2) No promoter or Developer shall book, sell or offer for sale, or invite persons to purchase in any manner, any plot, apartment or building, as the case may be, in any real estate project, or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Bill.
- (3) The registration referred to in subsections (1) and (2) of this section may not apply where —
 - (a) the area of land proposed to be developed does not exceed two thousand square meters or the number of apartments proposed to be developed does not exceed twelve, inclusive of all phases, or an area or number of apartments as notified by the Government on the recommendations of the appropriate Authority.
 - (b) renovation or repair or re-development does not involve re-allotment and marketing of the real estate project.
- (4) Where the promoter or developer has received all requisite approvals and the commencement certificate for the development of the real estate project, prior to commencement of this Bill, the promoter or developer, including existing ones shall register their estate within 6 months from the commencement of this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Banabas A.I. Gemade — Benue North-East*) — *Agreed to.*

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

Clause 16: Application to the Real Estate Authority

- (1) No promoter or developer shall carry out the development of any real estate, without making prior application to the Authority for registration of the real estate project in such form and manner, within such time and such fee as may be specified by regulations, made under pursuant to this Bill.

Amendment Proposed:

Leave out the word "under" in line 4 (Senator Ahmad I. Lawan — Yobe North).

Question that the amendment be made, put and agreed to.

- (2) The promoter or developer shall enclose the following documents along with the application referred to in sub-section (1):—
- (a) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority) and the particulars of registration;
 - (b) an authenticated copy of the commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approval and sanction from the competent authority for each of such phases;
 - (c) the layout plan of the proposed project or the phase thereof, and also the layout plan of the whole project as approved by the competent authority;
 - (d) the plan of development work to be executed in the proposed project and the proposed facilities to be provided thereof;
 - (e) sample of the agreements proposed to be signed with the allottees;
 - (f) the number and the carpet area of apartments for sale in the project;
 - (g) the names and addresses of his real estate agents, if any, for the proposed project;
 - (h) the names and addresses of the contractors, architect, structural engineer, if any, and other persons concerned with the development of the proposed project;
 - (i) a declaration, supported by an affidavit, which shall be signed by the promoter or Developer or any person authorised to do so, stating—
 - i. that he has a legal title to the land on which the development is proposed along with a legally valid authentication of such title if such land is owned by another person;
 - ii. that the land is free from all encumbrances, or as the case may be, of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;
 - iii. the likely period of time within which he undertakes to complete the project or phase thereof;

- iv. that seventy percent, or such lesser percentage as notified by the appropriate government, of the amounts realized for ~~the real estate project from the allottees, from time to time,~~ shall be deposited in a separate account to be maintained in a scheduled bank within a period of 28 days of its realization to cover the cost of construction and shall be used only for that purpose.

For the purpose of this section, the term "scheduled bank" means a bank authorised to carry out banking by the Central Bank of Nigeria;

- v. that he has furnished such other documents as may be prescribed by the rules or regulations made under this Bill; and
- vi. such other information and documents as may be prescribed by the Authority (*Senator Banabas A.I. Gemade — Benue North-East*).

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

Clause 17: Obligation on Existing Promoters or Developers

- (1) Notwithstanding the provisions of this Bill and any other legislation to the contrary, all existing real estates and promoters or developers that commenced business before this Bill shall within 30 days from the date of commencement of this Bill, forward to the Authority the following documents —
- (a) evidence of compliance with the relevant authority with regard to registration as provided under Section 6.
 - (b) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority) and the particulars of registration;
 - (c) an authenticated copy of the commencement certificate issued by the competent authority for the real estate project, whether as a whole or developed in phases.
 - (d) the layout plan of the project or the phase thereof, and also the layout plan of the whole project as approved by the competent authority
 - (e) the plan of development works executed in the proposed project and the proposed facilities provided thereof;
 - (f) sample of the agreements signed with the allottees, if any;
 - (g) the number and the carpet area of apartments sold in the project;
 - (h) the names and addresses of the real estate agents engaged, if any, for the proposed project;
 - (i) the names and addresses of the contractors, architect, structural engineer, if any, and other persons concerned with the development of the proposed project;

- (j) such other information and documents that the Authority may further require.
- (2) No existing real estate shall by any means, be altered, to meet the specification of this Bill.
- (3) Where the real estate project is to be developed in phases, every such phase shall be considered as a stand-alone real estate project, and the promoter or developer shall obtain registration under in accordance with the provisions of the Bill.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 18: Provision of Registration Number and Log-In Identity

- (1) On receipt of the application under sub-section (1) of section 16 of this Bill, the Authority shall within a period of 30 days —
 - (a) grant registration subject to the provisions of this Bill and provide a registration number and log-in password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or
 - (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Bill or the rules or regulations made pursuant to this Bill.
- (2) If the Authority fails to grant the registration or reject the application as the case may be, within 30 days as provided in subsection (1) of this section, the project shall be deemed to have been registered, and the Authority shall within 35 days of the expiry of the said 30 days, provide a registration number and a Login Identity and password to the promoter or developer for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.
- (3) The registration granted under this section, shall be valid for a period declared by the promoter or developer under section 6 of this Bill, for completion of the project or phase thereof, as the case may be.
- (4) On completion of the registration of existing real estate by the promoter or developer the Authority shall within 30 days, provide a registration number and a Login Identity and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the existing project.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 19: Extension of Registration

The registration granted under this Bill may be extended by the Authority on an application made by the promoter or developer under such conditions as may be prescribed and in such form and payment of such fee as may be specified by the regulations made by the Authority pursuant to this Bill.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

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

Clause 20: Revocation of Registration

- (1) The Authority may, on receipt of a complaint or on the recommendation of the competent authority, revoke the registration granted under section 15 of this Bill, after being satisfied that—
 - (a) the promoter or developer makes willful default in doing anything required of him in accordance with the provisions of this Bill;
 - (b) the promoter or developer violates any of the terms or conditions of the approval given by the competent authority;
 - (c) the promoter or developer is involved in any kind of unfair practices or irregularities. For purpose of this section, the term "unfair practice" means a practice which, for the purpose of promoting the sale or development of any real estate project, adopts any unfair method or deceptive practice, including any of the following practices —
 - i. falsely represents that the services are of a particular standard or grade;
 - ii. represents that the promoter has approval or affiliation which such promoter does not have;
 - iii. makes a false or misleading representation concerning the services; or
 - iv. the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered.
- (2) The registration granted to the promoter or developer under section 15 of this Bill, shall not be revoked unless the Authority has given to the promoter or developer not less than 30 days notice, in writing, stating the grounds on which it proposed to revoke the registration, and has considered any cause shown by the promoter or developer within the period of that notice against the proposed revocation.
- (3) The Authority may, instead of revoking the registration under subsection (1) of this section, permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed, shall be binding upon the promoter or developer.

- (4) Upon the revocation of the registration, the Authority—
- (a) shall ban the promoter or developer from accessing its website in relation to that project and specify his name in the list of defaulters on its website and also inform the other Real Estate Regulatory Authorities in other states and local government councils, including the FCT about such cancellation;
 - (b) may recommend to the competent authority to facilitate the balance of the development work to be carried out in accordance with the provisions of section 19 of this Bill;
 - (c) may protect the interest of prospective buyers or in the public interest by issuing such directions as it may deem necessary.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 21: Action of the Authority upon Expiry of Registration/Revocation

Upon the expiration of the period stipulated for registration or revocation of registration under this Bill, the Authority may, after consultations with the appropriate authority, take such actions as it may deem fit including the carrying out of the remaining development work by the competent authority or by the association of allottees or in any other manner, as it may determine, provided that no such direction, decision or order of the Authority under this section shall take effect until the expiry of the period for fair hearing as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 22: Training/Certification of Promoters, Developers and Estate Agents

- (1) In order to realise the objective of this Bill, in view of the fact that Real Estate is a multi-disciplinary endeavour, cutting across all the professions in the building industry, the Authority shall from time to time, in collaboration with Universities and accredited Institutions, organise mandatory training programmes for Developers, Promoters, Estate Agents and professionals in the Real Estate industry in the following areas:—
- (a) Project Finance;
 - (b) Project Management;
 - (c) Land Acquisition;
 - (d) Pre-Construction and Post-Construction Dynamics;
 - (e) Loan Packaging;
 - (f) Off-Taker Profiling;
 - (g) Understanding of Loan Cycle;

(h) Bank Loan Matrix; and

(i) ~~Building Designs.~~

(2) Knowledge to be acquired includes but not limited to the following:—

- (a) Understanding of Land Use Act;
- (b) Land Management;
- (c) Building Permits, Including Building Approvals;
- (d) Business Accounting;
- (e) Job Cost;
- (f) Scheduling;
- (g) Taxation and Town Planning Laws;
- (h) Extant Acts Regulating Land, Housing Development and Constructions, National Urban Development Policy, and National Housing Policy.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

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

Clause 23: Transitional Provision

- (1) In Line with the requirement for registration, existing Promoters, Developers and Estate Agents shall be given a window of at least one (1) year from the commencement of this Bill to engage themselves in acquiring requisite knowledge/qualification stipulated in section 22 of this Bill to qualify as professionals to practice Real Estate Business in Nigeria.
- (2) New Promoters, Developers and Estate Agents to be registered, shall be required to undertake the mandatory training programme stipulated under this Bill and be duly certified to practice professionally.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

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

Clause 24: Registration of Real Estate Agents

- (1) Every real estate agent shall make an application to the Authority for registration in such form, manner and forward relevant documents within such period, accompanied with payment of a specified fee, as may be prescribed from time to time by the Council.

- (2) No real estate agent shall facilitate the sale or purchase, rent or lease of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, which has been registered in accordance to the provisions of this Bill by the promoter or developer in any planning area, or given out for rent or lease as the case may be, without obtaining registration under this section.
- (3) The Authority shall, within such period and in such manner, after being satisfied that the application complies with the prescribed conditions—
 - (a) grant registration to the real estate agent;
 - (b) reject the application for reasons to be recorded in writing, if such application does not comply with the provisions of this Bill, provided that such application has been given an opportunity of being heard before the rejection.
- (4) Where the applicant does not receive any communication in writing about any deficiency in his application or rejection of same, he shall be deemed to have been registered.
- (5) Every real estate agent who is registered in accordance with the provisions of this Bill shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale or transaction facilitated by him under the Bill.
- (6) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.
- (7) Where any real estate agent who has been granted registration under this Bill, commit or breach any of the conditions thereof or any other terms and conditions specified under this Bill and where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Bill, revoke the registration or suspend the same for such period as it deems fit. But before such revocation or suspension, the Authority shall give opportunity to the real estate agent to be heard.
- (8) On completion of the registration of a real estate agent, the Authority shall issue an accreditation card to the real estate agent. The accreditation card shall have the photograph and details of the real estate agent.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 25: Functions of Real Estate Agent

Every real estate agent registered under section 24 of this Bill shall —

- (a) facilitate the sale or purchase, rent or lease of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold, leased or rented by the promoter or developer in any planning area, which is duly registered with the Authority;

- (b) maintain and preserve such books of account, records and documents as may be prescribed;

- (c) not involve himself in any unfair trade practices, especially by making any statement, whether orally or in writing or by visible representation, which—
 - i. the practice of making any statement, whether orally or in writing or by visible representation which —
 - a. falsely represents that the services are of a particular standard or grade;
 - b. represents that the promoter has approval or affiliation which such promoter does not have;
 - c. makes a false or misleading representation concerning the services;
 - ii. represents that the promoter or developer has approval or affiliation which such promoter or developer does not have;
 - iii. is a false or misleading representation concerning the services;
 - iv. permits the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered;
- (d) facilitate the possession of all documents, as the allottee is entitled to, at the time of booking of any plot, apartment or building, as the case may be;
- (e) discharge such other functions as may be prescribed by the Authority.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

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

Clause 26: Purchaser to Transact with only Registered Agents.

- (1) From the commencement of this Bill, no person shall buy or purchase, rent or lease any property from a person, agent, promoter, developer or allottee who is not registered with the Authority in accordance with this Bill.
- (2) Every prospective purchaser of a property shall request for convincing evidence(s) from any person who holds himself forth as a real estate agent, before transacting with such agent.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

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

Clause 27: Functions and Duties of Promoter or Developer.

- (1) The promoter or developer shall, upon receiving his Log-in Identity and password as prescribed under this Bill, create his web page on the website of the Authority and enter all details of the proposed project as provided under section 15 of this Bill, which includes—
 - (a) details of the registration granted by the Authority;
 - (b) quarterly up-to-date list of number and types of apartments or plots, as the case may be, booked;
 - (c) quarterly up-to-date status of the project; and
 - (d) such other information and documents as may be specified by the regulations made by the Authority.
- (2) The advertisement or prospectus issued or published by the promoter or Developer shall mention specifically the website address of the Authority, wherein all details of the registered project have been entered, including the registration number obtained from the Authority and such other matters incidental thereto.
- (3) The promoter or developer, upon entering into an agreement of sale with the allottee, shall be responsible to make available —
 - (a) site and layout plans along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;
 - (b) the stage-wise time schedule of completion of the project, including the provisions for water, sanitation and electricity.
- (4) The promoter or developer shall be —
 - (a) responsible for obtaining a completion certificate from the relevant competent authority and make it available to the allottees, individually or to the association of allottees, as the case may be;
 - (b) responsible for providing and maintaining the essential services, as may be specified in the service level agreements, on reasonable charges, till the taking over of the maintenance of the project by the association of the allottees;
 - (c) responsible for the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the applicable laws.
- (5) The promoter or developer may cancel the allotment only in terms of the agreement of sale, provided that the allottee may approach the Authority for relief, if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement of sale, without any sufficient cause.
- (6) The promoter or developer shall prepare and maintain all such other details as may be specified, from time to time, by regulations made by the Authority.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 28: Promoter or Developer to Compensate Consumers for False Statement

- (1) Where any person makes an advance or a deposit on the basis of the information contained in the advertisement or prospectus and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the promoter or developer in the manner as provided under this Bill, provided that the person affected by such incorrect, false statement contained in the advertisement or prospectus, intends to withdraw from the proposed project,
- (2) The compensation referred to, in subsection (1) of this section, shall be paid to the affected person with the refund of his entire investment along with interest at such rate as may be prescribed by the Authority.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 29: Prior Written Agreement Required Before Collecting Deposit

- (1) The promoter or developer shall not accept a sum more than 5 percent of the cost of the apartment, plot, or building, as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person(s).
- (2) The agreement referred to in subsection (1) of this section shall be in such form as may be prescribed and specify the particulars of development of the project including the construction of building and apartments, along with specifications and external development works, the dates and the manner by which payments towards the cost of the apartment, plot, or building, as the case may be, are to be made by the allottees and the likely date on which the possession of the apartment, plot, or building is to be handed over and such other particulars, as may be prescribed.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 30: Project to Comply with Plans and Structural Design

- (1) The proposed project shall be developed and completed by the promoter or developer in accordance with the plans and structural designs and specifications as approved by the competent authorities.
- (2) Where any structural defect in such development is brought to the notice of the promoter or developer within a period of 2 years by the allottee from the date of handing over possession, it shall be the duty of the promoter or developer to rectify such defects without further charge, within reasonable time, and in the event of failure to rectify such defects within such time, the

aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 31: Promoter or Developer to Execute Deed of Transfer in Favour of Allottee

- (1) The promoter or developer shall take all necessary steps to execute a registered Deed of Conveyance in favour of the allottee along with the undivided proportionate title in the common areas including the handing over of the possession of the plot, apartment or building, as the case may be, in a real estate project, and the other title documents pertaining thereto.
- (2) After obtaining the completion certificate and handing over physical possession to the allottees in accordance with sub-section (1) of this section, it shall be the responsibility of the promoter or developer to hand over the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, in line with the applicable laws.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 32: Refund of Amount and Compensation

- (1) Where the promoter or developer fails to complete or is unable to give possession of an apartment, plot or building—
 - (a) in accordance with the terms of the agreement duly completed and with date specified therein or any further date agreed to by the parties; or
 - (b) due to discontinuance of business as a promoter or developer on account of suspension or revocation of his registration under this Bill or for any other reason, the promoter or developer shall be liable on demand, without prejudice to any other remedy available, refund to the allottees, the amount received by him in respect of that apartment, plot, building, as the case may be, with interest at such rate as may be prescribed in this behalf, including compensation in the manner as prescribed under this Bill.
- (2) If the promoter or developer fails to discharge any obligation imposed on him in accordance with the provisions of this Bill or regulations made pursuant to this Bill, he shall be liable to pay such compensation to the allottees, in the manner as provided under this Bill.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 33: Rights and Duties of Allottee

- (1) The allottee shall be entitled to obtain the information relating to the site and layout plans, along with the specifications, approved by the competent authority and such other information as are required in accordance with the provisions of this Bill or the agreement signed with the promoter or developer.
- (2) The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation and electricity.
- (3) The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, as per the declaration given by the promoter or developer under this Bill.
- (4) The allottee shall be entitled to claim the refund of amount paid, from the promoter or developer, if promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be, in accordance with the terms of agreement or due to discontinuance of his business as a promoter or developer on account of suspension or revocation of his registration under the provisions of this Bill.
- (5) The allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over and the physical possession of the apartment or plot or building, by the promoter or developer.
- (6) Every allottee, who has entered into an agreement of sale to take an apartment, plot or building, as the case may be, in accordance with the provisions of this Bill, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement and shall pay at the proper time and place, the proportionate share of the registration charges, municipal or local taxes, water and electricity charges, maintenance charges, ground rent, and other charges, if any, in accordance with such agreement.
- (7) The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under subsection (6) of this section.
- (8) The obligations of the allottee under subsection (6) and the liability to pay interest under subsection (7), may be reduced when mutually agreed to between the promoter or developer and such allottee.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

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

Clause 34: Allottee to Form Association After Taking Possession

Every allottee may, after taking possession of the apartment, plot or building, as the case may be, shall participate in the formation of association or society or co-operative society of allottees, or a federation of same.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Power To Call For Information Or Conduct Inquiry.

- (1) Where the Authority considers it expedient to carry out an inquiry or inquest, on a complaint relating to this Bill or regulations made pursuant to this Bill, it may, by order in writing, call upon any promoter or developer or allottee or real estate agent, as the case may be, at any time to furnish in writing, such information or explanation relating to its affairs the complaint as the Authority may require and appoint one or more persons to make an inquiry in that regard.
- (2) The Authority may, for the purpose of discharging its functions under the provisions of this Bill, issue such directions from time to time, to the promoters or developers and allottees or real estate agents, as the case may be, as it may consider necessary and such directions shall be binding on all concerned.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Power to Impose Punishment

- (1) The Authority shall have powers to impose penalty or interest with regard to any contravention of obligations cast upon the promoters or developers, the allottees and the real estate agents, under this Bill or regulations made hereunder pursuant to this Bill.
- (2) In accordance to the provision of subsection (1), the Authority shall be guided by the principles of natural justice, subject to the other provisions of this Bill.

Amendment Proposed:

Leave out the word "to" in line 1 and insert the word "with" instead thereof (*Senator Donald O. Alasoadura — Ondo Central*).

Question that the amendment be made, put and agreed to.

- (3) If a promoter or a developer or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him under this Bill, it shall be recoverable from such promoter or developer or allottee or real estate agent, in such a manner as may be prescribed (*Senator Banabas A.I. Gemade — Benue North-East*).

Question that Clause 36 as amended do stand part of the Bill, put and agreed to.

Clause 37: Penalty for Contravention

- (1) If any promoter or developer contravenes any provision of this Bill, he shall be liable to a penalty which may extend up to 10 percent of the estimated cost of the real estate project as determined by the Authority.

- (2) If any promoter or developer knowingly provides false information or contravenes the provisions of section 15 of this Bill, he shall be liable to a penalty, which may extend up to 5 percent of the estimated cost of the real estate project, as determined by the Authority.
- (3) If any real estate agent willfully fails to comply with or contravenes the provisions of sections 24 or 25, he shall be guilty of an offence and liable on conviction to 2 years imprisonment and or a forfeiture of the amount realized from that transaction.
- (4) Any promoter or developer, who willfully fails to comply with, or contravenes any of the orders or directions of the Authority, shall be guilty of an offence and liable on conviction to a term of imprisonment of not more than 3 years and or a fine, which shall not be less than 5 percent of the estimated cost of the real estate project as determined by the Authority.
- (5) An allottee, who willfully fails to comply with, or contravenes any of the orders, decisions or directions of the Authority shall be liable to a fine of not less than Fifty Thousand Naira as the case may be, as determined by the Authority.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Offences by Companies

- (1) Where an offence under this Act has been committed by a company, every person who was in charge, at the time the offence was committed, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1) of this section, where an offence under this Bill has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. For the purpose of this section:—
 - (a) "company" means anybody corporate and includes a firm or other association of individuals; and
 - (b) "director" in relation to a firm, means a partner in the firm.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Monies to be Credited to the Consolidated Revenue Accounts of the Federation
Notwithstanding the provisions of the generality of this Bill, all revenue realized by the Authority shall be credited to the Consolidated Revenue Fund of the Federation.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Annual Report

The Authority shall prepare not later than 30th June every year, an annual report of the performance of its activities and forward same to each House of the National Assembly, setting out —

- (a) description of all the activities of the Authority for the previous year;
- (b) the annual account for the previous year; and
- (c) the programmes of work for the coming year.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Court with Jurisdiction

The Federal High court shall have jurisdiction to try offences under this Bill.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Interpretation

In this Bill:

"advertisement" means any document described or issued as advertisement through any form of media and includes any notice, circular or other documents offering for sale of a plot of land, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes;

"allottee" means the person to whom a plot, apartment or buildings, as the case may be, has been allotted, sold or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise, but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;

"apartment" whether called dwelling unit, flat, premises, suite, tenement, unit or by any other name, means a separate and self-contained part of any immovable property located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for residential purposes, or for any other type of independent use ancillary to the purpose specified and includes any covered garage, whether or not adjacent to the building in which such apartment is located

which has been provided by the promoter for the use of the allottee for parking any vehicle, or as the case may be, for the residence of any domestic help employed in such apartment;

"appropriate Government" means in respect of matters relating to:—

- (i) the Federal Government;
- (ii) a State Government;
- (iii) Local Government; and
- (iv) The Ministry of the Federal Capital Territory, Abuja.

"architect" means a person registered as an architect under the provisions of the Architects (Regulation, Etc.) Act, now in force;

"Authority" means the Real Estate Regulatory Authority established under this Bill;

"building" includes any structure or erection or part of a structure or erection which is intended to be used for residential or other related purposes;

"carpet area" means the net usable floor area of an apartment, excluding the area covered by the walls;

"Estate Director" means the Director in-charge of the Real Estate Regulatory Authority appointed under this Bill;

"commencement certificate" means any certificate issued by the competent authority to allow or permit the promoter to begin development work on an immovable property;

"common areas" mean

- (i) The part of the site or plot not occupied by buildings;
- (ii) The stair cases, lifts, staircase and lift lobbies, fire escapes and common entrances and exits of buildings;
- (iii) The common basements, parks, play areas, parking areas and common storage spaces;
- (iv) The premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staff;
- (v) Installations of central services such as electricity, gas, water and sanitation, air-conditioning etc;
- (vi) The water tanks, pumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;
- (vii) Community and commercial facilities as may be provided;
- (viii) All other portion of the property necessary or convenient for its maintenance, safety, etc., and in common use;

"company" means a company incorporated and registered under the Companies and Allied Matters Act now in force, and includes:—

- (a) a corporation established by or under any an Act of the National Assembly Act or any State Law;
- (b) development authority or any public authority established by the Government in this behalf under any law for the time being in force;

"competent authority" means the local government or any authority created under any law made by the appropriate Government which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

"completion certificate" means the completion certificate, or such other certificate, as the case may be, issued by the competent authority permitting occupation of any building under any law for the time being in force;

"development" means carrying out the development of immovable property, engineering or other operations in, on, over or under the land or the making of any material change in any immovable property or land and includes re-development;

"development works" means the external development works and internal development works on immovable property;

"engineer" means a person who is so qualified as engineer in line with the provisions of the COREN Act or is registered as an engineer under any law for the time being in force;

"estimated cost of real estate project" means the total cost involved in developing the real estate project and includes the land cost;

"external development works" includes roads and road systems, landscaping, water supply, sewerage and drainage systems, electricity supply transformer, sub-station of any other work which may have to be executed in the periphery of, or outside, a colony for its benefit, as may be specified under the rules or bye-laws of the competent authority;

"Court" means Federal High Court;

"immovable property" includes land, buildings, rights of ways, lights or any other benefit arising out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber or trees, standing crops or grass;

"interest" means the rate of interest payable by the promoter or the allottee, as the case may be;

"internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and silage water, social infrastructure such as educational, health and other public amenities or any other work in a colony necessary for its proper development;

"competent authority" means the Federal Capital Territory, Local Government of any State or any other Local Body constituted under any law force of the Federal and State Government for the purpose of providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

"Member" means the member of the Real Estate Regulatory Authority appointed under this Bill and includes the Estate Director;

"notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

"person" includes —

- (a) an individual;
- (b) a Nigerian family;
- (c) a company;
- (d) a firm;
- (e) a competent authority;
- (f) an association of persons or a body of individuals whether incorporated or not;
- (g) a co-operative society registered under any law relating to co-operative societies; and
- (h) any such other entity as the appropriate Government may, by notification specify in this behalf;

"planning area" means a planning area or a development area or a local planning area or a regional development plan area, by whatever name called, or any other area specified as such by the appropriate Government or any competent authority and includes any area designated by the appropriate Government or the competent authority to be a planning area for future planned development, under the law relating to Town and Country Planning for the time being in force;

"prescribed" means prescribed by rules made or prescribed under this Bill;

"project" means the real estate project under this Bill;

"promoter" means a Real Estate Developer who is an entrepreneur that secures land, finance, labour, resources and build residential, commercial and industrial sites for outright sale, rentals, or lease.

"developer" means —

- i. a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees and also includes a buyer who purchases in bulk for resale; or
- ii. a person who develops an Estate colony for the purpose of selling to other persons all or some of the plots, whether with or without structures thereon; or
- iii. any development authority or any other public body in respect of allottees of —
 - (a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the government; or

- (b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or
- (c) any co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or
- (d) any other person who acts as a builder, colonizer, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or Estate colony is developed for sale; or
- (e) such other person who constructs any building or apartment for sale to the general public. For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a colony for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters;

"prospectus" means any document described or issued as a prospectus or any notice, circular, leaflet, flyer or other document offering for sale of any real estate project or inviting any person to make advances or deposits for such purposes;

"real estate agent" means any person, who negotiates or acts on behalf of another person in a transaction of transfer of his plot, apartment or building, as the case may be, in a real estate project, by way of sale, with another person or transfer of plot, apartment or building, as the case may be, of any other person to him and receives remuneration or fees or any other charges for his services whether as a commission or otherwise and includes a person who introduces prospective buyers and sellers to each other for negotiation for sale or purchase of plot, apartment or building, as the case may be, and includes property dealers, brokers, middlemen by whatever name called;

"real estate project" means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of a colony into plots or apartments, as the case may be, for the purpose of selling all or some of the said apartments or plots or buildings and includes the development works thereof;

"regulations" means the regulations made by the Authority under this Bill.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Short Title

This Bill may be cited as the Real Estate Regulatory Authority (Establishment, Etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Banabas A.I. Gemade — Benue North-East*)
— Agreed to.

Question that Clause 43 do stand part of the Bill, put and agreed to.

SCHEDULES

Section 4(5)

Supplementary Provisions Relating to the Council, etc.

1. (1) Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Council shall be the Chairman or the person presiding at the meeting, the Managing Director and one third of other members of the Council. The quorum of any Committee of the Authority shall be as determined by the Council.
2. (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Council the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
3. (1) The Council may appoint one or more committees to carry out, on behalf of the Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.
4. (1) The fixing of the seal of the Authority shall be authenticated by the signatures of the Chairman or any other member of the Council generally, or specifically authorised by the Council to act for that purpose and the Managing Director.
- (2) The Council shall meet a minimum of four times a year: one meeting each quarter.
5. The validity of any proceedings of the Council or of a committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Council or Committee;
 - (b) a defect in the appointment of a member of the Council or Committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Housing on the Real Estate (Regulation and Development) Bill, 2018 and approved as follows:

Clause 15	—	As Recommended
Clause 16	—	As Amended
Clauses 17 - 35	—	As Recommended
Clause 36	—	As Amended
Clauses 37 - 43	—	As Recommended
Schedule	—	As Recommended

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

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

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

18. Committee on Ethics, Privileges and Public Petitions:

Report on the Petition from Kalu Samuel and 348 Others against Michael Okpara Federal University of Agriculture, Umudike, Abia State for Unlawful Suspension From Office:

Consideration of Report deferred to another Legislative Day.

19. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Alleged Resumption of Executive Secretary of National Human Rights Commission to Office without Confirmation of the Senate:

Consideration of Report deferred to another Legislative Day.

20. Sheriffs and Civil Process Act CAP S56 LFN 2004 (Amendment) Bill, 2018 (SB.599):

Consideration of Bill deferred to another Legislative Day.

21. Federal College of Education (Technical) Aghoro, Bayelsa State (Establishment, etc.) Bill, 2018 (SB.615):

Consideration of Bill deferred to another Legislative Day.

22. NDIC Act CAP N102 LFN 2004 (Repeal and Re-enactment) Bill, 2018 (SB.626):

Consideration of Bill deferred to another Legislative Day.

23. Revenue Mobilization, Allocation and Fiscal Commission Act CAP R7 LFN 2004 (Amendment) Bill, 2018 (SB.415):

Consideration of Bill deferred to another Legislative Day.

24. Immigration Act (Amendment) Bill, 2018 (SB.230):

Consideration of Bill deferred to another Legislative Day.

25. **Administration of Pension for Judicial Officers of Superior Courts of Record in Nigeria Bill, 2018 (SB.634):**

Consideration of Bill deferred to another Legislative Day.

26. **Nigeria Police Academy (Establishment, etc.) Bill, 2018 (SB.270):**

Consideration of Bill deferred to another Legislative Day.

27. **Nigerian Council for Psychologists (Establishment, etc.) Bill, 2018 (SB.625):**

Consideration of Bill deferred to another Legislative Day.

28. **Explosive Act CAP E18 LFN 2004 (Repeal and Re-enactment) Bill, 2018 (SB.250):**

Consideration of Bill deferred to another Legislative Day.

29. **Adjournment:**

Motion made: That the Senate do now adjourn till Thursday, 29th March, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:28 p.m.

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