



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 19 April, 2018

1. The House met at 11.15 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Wednesday, 18 April, 2018.

The Votes and Proceedings was adopted by unanimous consent.

3. **Announcements**

(a) **Visitors in the Gallery:**

Mr Speaker recognised the presence of Members of the *National Association of Oyo State Students, University of Abuja Chapter*, Gwagwalada, Abuja.

(b) **Conference Committee on a Bill for an Act to Amend the Industrial Development (Income Tax Relief) Act, Cap. 17, Laws of the Federation of Nigeria, 2004; and for Related Matters (HB. 1369):**

Mr Speaker announced the membership of the Committee as follows:

- | | | | |
|----|---------------------------|---|-----------------|
| 1. | Hon. Henry Nwawuba | — | <i>Chairman</i> |
| 2. | Hon. Abdulsamad Dasuki | — | <i>Member</i> |
| 3. | Hon. Kayode Fakeye | — | <i>Member</i> |
| 4. | Hon. Mohammed Nur Sheriff | — | <i>Member</i> |
| 5. | Hon. Danladi Tope Olayonu | — | <i>Member</i> |
| 6. | Hon. Joseph Edionwele | — | <i>Member</i> |

4. **Petitions**

- (i) A petition from Davou Solomon Chollom, on the termination of his appointment by the Nigerian Immigration Service, was presented and laid by Hon. Istifanus Gyang Dung (*Barkinladi/Riyom Federal Constituency*);
- (ii) A petition from Akilu I. Funtua, on his disengagement from service by the Management of Federal College of Education, Zaria, Kaduna State, was presented and laid by Hon. Abbas Tajudeen (*Zaria Federal Constituency*);

- (iii) A petition from Emeka Udokporo, on behalf of Ihiagwa Town Management Committee, over the land acquired by the Federal University of Technology, Owerri, was presented and laid by Hon. Ezenwa Onyewuchi (*Owerri Municipal/Owerri North/Owerri West Federal Constituency*);
- (iv) A petition from Akharaiyi Akhere Irene & Co., on behalf of Ahmed Hudu, on the alleged ill-treatment, false accusation, denial of promotion and transfer without benefit by the Sector Commander, Federal Road Safety Commission, Edo State Command, was presented and laid by Hon. Johnson E. Oghuma (*Etsako East/Etsako West/Etsako Central Federal Constituency*);
- (v) Petitions from the following persons were presented and laid by Hon. Eke Bede (*Aboh Mbaise/Ngor/Okpala Federal Constituency*):
 - (a) Ethelbert Okere, on the refusal of the Controller-General of Nigerian Prisons Service, to comply with the resolution of the House of Representatives of Thursday, 24 November, 2016;
 - (b) Alvan Ahaotu Opara and 1 other, on behalf of Onyeaghalanwanneya Youth Movement, Ngor-Okpala Local Government Area, Imo State, on the alleged denial of their rights and privileges by the operators of Sam Mbakwe International Cargo Airport;
- (vi) A petition from Bello Olusegun Kayode, on the alleged denial of visa and increment of exchange rate of visa fee by the American Embassy, was presented and laid by Hon. Mojeed Alabi (*Ede North/Ede South/Egbedore/Ejigbo Federal Constituency*);
- (vii) A petition from Gambo Mansir, on the non-payment of his salaries and allowances by the Nigeria Police, was presented and laid by Hon. Simon Arabo (*Kauru Federal Constituency*); and
- (viii) A petition from Alexander Imoro (Solicitor & Advocate), on behalf of Utaghan Ayonfe, on the termination of his appointment by the Nigeria Police, was presented and laid by Hon. Kolade Akinjo Victor (*Eseodo/Ilaje Federal Constituency*);

Petitions referred to the Committee on Public Petitions.

5. Personal Explanations (Order Eight, Rule 5)

Hon. Mark Terser Gbillah (*Gwer East/Gwer West Federal Constituency*), called the attention of the House to reports alleging that Army personnel had invaded Daka in Naka-Gwer Local Government Area, Benue State, burning houses and business premises in apparent reprisal attack for the death of a soldier who was killed in the area, earlier in the day. He prayed the House to call on the Chief of Army Staff, Chief of Defence Staff and the Inspector-General of Police, to intervene urgently to forestall further breakdown of law and order.

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Bakassi Resettlement, Integration and Development Commission (Establishment) Bill, 2018 (HB. 1432).
- (2) Federal Universities of Technology Act (Amendment) Bill, 2018 (HB. 1433).
- (3) Nigerian Institute of Management Act (Amendment) Bill, 2018 (HB. 1434).
- (4) Federal College of Education, Ejigbo (Establishment) Bill, 2018 (HB. 1436).

- (5) Plastic Bags (Prohibition) Bill, 2018 (HB. 1437).
- (6) Procurement Integrity Bill, 2018 (HB. 1438).
- (7) Drug Abuse Prevention, Treatment and Rehabilitation Bill, 2018 (HB. 1438).

7. Presentation of Report

Report of the Conference Committee:

That the House do receive the Report of the Conference Committee on a Bill for an Act to Establish the Nigeria Maritime University, Okerenkoko, Delta State; and for Related Matters, 2018.

Order read; deferred by leave of the House.

8. A Bill for an Act to Provide for the Establishment of the National Agency for Technology Management to play a leading role in the build-up of expertise for effective Management Service; and for Related Matters (HB. 1366) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the National Agency for Technology Management to play a leading role in the build-up of expertise for effective Management Service; and for Related Matters (HB. 1366) be now read a Second Time" (*Hon. Uzoma Nkem-Abonta — Ukwu East/Ukwu West Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Science and Technology.

9. A Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, LFN, 2004 to Establish the Federal Polytechnic, Malumfashi, Katsina State to Promote a Planned and Balanced Economic Development Sustained by Applied Science, Technology and Management Courses; and for Related Matters (HB. 1378) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, LFN, 2004 to Establish the Federal Polytechnic, Malumfashi, Katsina State to Promote a Planned and Balanced Economic Development Sustained by Applied Science, Technology and Management Courses; and for Related Matters (HB. 1378) be now read a Second Time" (*Hon. Babangida Ibrahim — Kafur/Malumfashi Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

10. A Bill for an Act to Establish the Federal College of Education, Effon Alaaye to Provide for Teaching Instruction and Training in Technology, Applied Sciences, Social Sciences, Arts and the Management Sciences; and for Related Matters (HB. 1341) — *Second Reading*

Motion made and Question proposed, "That a Bill for an Act to Establish the Federal College of Education, Effon Alaaye to Provide for Teaching Instruction and Training in Technology, Applied Sciences, Social Sciences, Arts and the Management Sciences; and for Related Matters (HB. 1341) be now read a Second Time" (*Hon. Oni Olamide Johnson — Ijero/Ekiti West/Efon Federal Constituency*).

Debate.

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

Bill read the Second Time.

Bill referred to the Committee on Tertiary Education and Services.

11. **A Bill for an Act to Establish the Nigerian Textile Industry Trust Fund to Provide Financial Assistance in the form of Loans and Grants to Operators in the Nigerian Textile Industry; and for Related Matters (HB. 1367) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish the Nigerian Textile Industry Trust Fund to Provide Financial Assistance in the form of Loans and Grants to Operators in the Nigerian Textile Industry; and for Related Matters (HB. 1367) be now read a Second Time" (Hon. Jerry Alagbaoso — Orlu/Orsu/Oru East Federal Constituency).

Debate.

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

Bill read the Second Time.

Bill referred to the Committees on Industry, Agricultural Production and Services, and Finance.

12. **Call to Site a Federal Science and Technical College at Pategi, Pategi Local Government Area, Kwara State**

Motion made and Question proposed:

The House:

Notes that the Federal Ministry of Education plans to establish more Federal Science and Technical Colleges in the country particularly in Kwara and Kogi States to further enhance Science and Technical Education, acquisition of practical and applied skills as well as basic scientific knowledge for national development;

Aware that there is an existing Technical College, Pategi which was established under the defunct Northern Region in the early 60s formally known as the Craft School, Pategi which is now under the control of Kwara State Government;

Also aware that this College is one of the first Vocational Institutions in Nigeria and has graduated hundreds, many of whom are Engineers and Technicians within and outside Nigeria today;

Further aware that the school has been rehabilitated and because of inadequate utilization of the tools and equipment, the school is gradually becoming dilapidated;

Resolves to:

- (i) urge the Federal Government through the Federal Ministry of Education to take over the school from Kwara State Government and convert it to Federal Science and Technical College, Pategi, Kwara State; and
- (ii) also urge the Federal Government to absorb the existing staff of the College into the main stream of the Federal Civil Service under the Federal Ministry of Education as appropriate (Hon. Aliyu Bahago Ahman-Patègi — Edu/Moro/Pategi Federal Constituency).

Debate.

Agreed to.

The House:

Noted that the Federal Ministry of Education plans to establish more Federal Science and Technical Colleges in the country particularly in Kwara and Kogi States to further enhance Science and Technical Education, acquisition of practical and applied skills as well as basic scientific knowledge for national development;

Aware that there is an existing Technical College, Pategi which was established under the defunct Northern Region in the early 60s formally known as the Craft School, Pategi which is now under the control of Kwara State Government;

Also aware that this College is one of the first Vocational Institutions in Nigeria and has graduated hundreds, many of whom are Engineers and Technicians within and outside Nigeria today;

Further aware that the school has been rehabilitated and because of inadequate utilization of the tools and equipment, the school is gradually becoming dilapidated;

Resolved to:

- (i) urge the Federal Government through the Federal Ministry of Education to take over the school from Kwara State Government and convert it to Federal Science and Technical College, Pategi, Kwara State; and
- (ii) also urge the Federal Government to absorb the existing staff of the College into the main stream of the Federal Civil Service under the Federal Ministry of Education as appropriate (HR. 143/04/2018).

13. Need to initiate and include Skills Acquisition Programme in the National Youth Service Corps Scheme to achieve Self-Reliance and Reduce Unemployment among Nigerian Youths
Motion made and Question proposed:

The House:

Notes that the National Youth Service Corps was established to, among other things, develop the Nigerian Youth and Nigeria into a great and dynamic economy and with the objectives of enabling Nigerian Youth to acquire skills for self-reliance;

Also notes that the National Youth Service Corps has, among other objectives, achieved proper advancement of common ties among Nigerian Youths and has helped maintain National Unity among Nigerians;

Further notes that the NYSC has consistently furnished the Corps Members with some entrepreneurial teachings during the period of camping in which basic skills in some areas of production and services are provided;

Equally notes that most of the skills provided by NYSC are hardly appreciated by the corps members which further exacerbate unemployment in Nigeria;

Aware that the reason why most Ex-Corp Members crave for employment in the Civil Service and private service is because they do not possess skills required for self-employment as against the objectives of the National Youth Service Corps Act;

Observes that efforts have been made to address this ugly trend through other agencies of government and other research institutions in the country, yet such efforts have yielded little results;

Determined to reduce the rate of unemployment in Nigeria through the provision of entrepreneurial skills to Corp Members to reduce the huge deficit in Small and Medium Enterprises (SMEs), thereby encouraging the Nigerian Youths to achieve self-reliance as contemplated in the National Youth Service Corps Act;

Resolves to:

- (i) urge the Federal Ministries of Youth and Sports Development, Industry, Trade and Investment, Agriculture and Rural Development, Labour and Employment to collaborate towards providing salable skills in form of apprenticeship to provide opportunities of learning a trade/skill;
- (ii) also urge the Federal Ministries of Labour and Employment, Youth and Sport Development to develop, within the NYSC scheme an intensive and comprehensive entrepreneurial skill acquisition and training programme for corp members, as a way to mitigating unemployment in Nigeria; and
- (iii) mandate the Committees on Youth Development, Sports, and Legislative Compliance to ensure compliance (*Hon. Taiwo Michael Akintola — Egbeda/Ona-Ara Federal Constituency*).

Debate.

Debate adjourned to enable Committee on Rules and Business determine whether the House had come to a conclusion on a similar matter, pursuant to Order Nine, Rule 1 (6) and report back.

14. Need to Check the Sale and Consumption of Artificially Ripened Fruits
Motion made and Question proposed:

The House:

Notes the reported cases of ripening of fruits with calcium carbide in Nigeria;

Disturbed that in a bid to make inordinate profit and capitalize on the huge national demand for fruits especially mango, banana, plantain and oranges, fruit dealers use a chemical, calcium carbide to ripen fruits;

Worried that these acts are reported to cause serious health problems because of their radioactive elements thus causing cancer;

Also worried that National Agency for Food and Drug Administration and Control (NAFDAC) had warned Nigerians to shun the consumption of fruits ripened with calcium carbide;

Disturbed that the application of the noxious chemicals is done by farmers and or sellers without the knowledge of innocent buyers and consumers who take fruits because of their nutritional value;

Resolves to:

- (i) urge the National Agency for Food and Drug Administration and Control (NAFDAC) to immediately stop the practice of ripening and sale of such adulterated fruits and prosecute those involved in these unwholesome practices;
- (ii) also urge NAFDAC and the National Orientation Agency (NOA) to immediately carry out a massive public enlightenment campaign to sensitize members of the public on this menace; and

- (iii) mandate the Committee on Healthcare Services to investigate the matter and report back within four (4) weeks for further legislative action (*Hon Edward Gyang Pwajok — Jos South/Jos East Federal Constituency*).

Debate.

Amendment Proposed:

Leave out all the words in Prayer (iii) and *insert* the following:

“mandate the Committees on Healthcare Services, and Legislative Compliance to ensure compliance” (*Hon. Chinda Kingsley — Obio/Akpor Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted the reported cases of ripening of fruits with calcium carbide in Nigeria;

Disturbed that in a bid to make inordinate profit and capitalize on the huge national demand for fruits especially mango, banana, plantain and oranges, fruit dealers use a chemical, calcium carbide to ripen fruits;

Worried that these acts are reported to cause serious health problems because of their radioactive elements thus causing cancer;

Also worried that National Agency for Food and Drug Administration and Control (NAFDAC) had warned Nigerians to shun the consumption of fruits ripened with calcium carbide;

Disturbed that the application of the noxious chemicals is done by farmers and or sellers without the knowledge of innocent buyers and consumers who take fruits because of their nutritional value;

Resolved to:

- (i) urge the National Agency for Food and Drug Administration and Control (NAFDAC) to immediately stop the practice of ripening and sale of such adulterated fruits and prosecute those involved in these unwholesome practices;
- (ii) also urge NAFDAC and the National Orientation Agency (NOA) to immediately carry out a massive public enlightenment campaign to sensitize members of the public on this menace; and
- (iii) mandate the Committees on Healthcare Services, and Legislative Compliance to ensure compliance (**HR. 144/04/2018**).

15. Consideration of Reports

- (i) ***Committees on Power and Public Procurement:***
Motion made and Question proposed, “That the House do consider the Report of the Committees on Power and Public Procurement on Need to Investigate the Sale of Power Holding Company of Nigeria (PHCN) Non-Core Assets and Scraps and approve the recommendations therein” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Urge the Nigerian Electricity Liability Management Limited (NELMCO) saddled with the responsibility of administering the Non-core Assets of PHCN to carry out the following:

Recommendation (i):

“Re-certification and perfection of title documents relating to the Non-core Assets before sale” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

Recommendation (ii):

“Re-evaluation of the Non-core Assets with a view to obtaining a true value of the Assets” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

Recommendation (iii):

“Appointment of an Auctioneer for the sale of PHCN scraps and obsolete items of the Abuja Electricity Distribution Company (AEDC)” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

Recommendation (iv):

“Appointment of an Auctioneer for the sale of PHCN scraps and obsolete items of the Port Harcourt Electricity Distribution Company (PHEDC) and other Distribution Companies in Nigeria” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

Recommendation (v):

“As a matter of urgency, complete the sales of their assets as mentioned above to avoid further loss of revenue to the government through stealing of scraps and overtimes cargoes as reported lately” (*Hon. Daniel Asuquo — Akamkpa/Biase Federal Constituency*).

Agreed to.

Chairman to report proceedings.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committees on Power and Public Procurement on Need to Investigate the Sale of Power Holding Company of Nigeria (PHCN) Non-Core Assets and Scraps and approved Recommendations (i) - (v) of the Report.

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

(ii) **Committee on Ports, Harbours and Waterways:**

Motion made and Question proposed, "That the House do consider the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Repeal the National Inland Waterways Authority Act, Cap. N47, LFN, 2004 and Re-enact the Nigerian Inland Waterways Bill, Establish the Nigerian Inland Waterways Authority to Provide for the Management, Regulation and Development of the Nigerian Inland Waterways and to Provide Private Sector Participation in the Development of the Nigerian Inland Waterways; and for Related Matters (HB. 267 and HB. 854) and approve the recommendations therein" (Hon. Patrick Asadu — Nsukka/Igboeze North Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE NATIONAL INLAND WATERWAYS AUTHORITY ACT, CAP. N47, LFN 2004 AND TO ENACT THE NIGERIAN INLAND WATERWAYS ACT, ESTABLISH THE NIGERIAN INLAND WATERWAYS AUTHORITY TO PROVIDE FOR THE MANAGEMENT, REGULATION AND DEVELOPMENT OF THE NIGERIAN INLAND WATERWAYS AND TO PROMOTE PRIVATE SECTOR PARTICIPATION IN THE DEVELOPMENT OF THE NIGERIAN INLAND WATERWAYS IN NIGERIA AND FOR OTHER RELATED MATTERS

PART I — OBJECTIVES AND APPLICATION OF THE ACT

Clause 1. Objectives of the Act.

The objectives of this Bill are to —

- (a) develop and improve the National Inland Waterways for water transportation and navigation purposes;
- (b) establishment of the Nigerian Inland Waterways Authority
- (c) increase and promote private sector investment and participation in Nigerian Inland waterways
- (d) provide for the management and operation of the assets of the Nigerian Inland Waterways Authority;
- (e) provide for the technical and safety regulations of the Nigerian Inland Waterways as contained in the Act;
- (f) implement the National Transport Policy as it concerns National Inland Waterways in Nigeria;
- (g) provide an alternative mode of transportation for the evacuation of goods and persons; and
- (h) implement the National Transport Policy as it concerns Nigerian Inland Waterways in Nigeria (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

Clause 2: Application of the Act.

This Bill applies to all Nigerian inland waterways listed in Schedule I and to any other Nigerian Inland Waterways as may be declared by the National Assembly and to any person or Government Agency with activities or operations related to with Nigerian Inland Waterways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART II — ESTABLISHMENT OF THE NIGERIAN INLAND WATERWAYS AUTHORITY**Clause 3: Establishment of the Nigerian Inland Waterways Authority.**

- (1) There is established a body to be known as the Nigerian Inland Waterways Authority (hereinafter referred to as "the Authority").
- (2) The Authority shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name.
- (3) The Authority shall have all the powers of a body corporate, including the power to enter into contracts and incur obligations, to acquire, hold, mortgage, purchase, sell, lease and deal howsoever with property, whether movable or immovable, real or personal and do all acts and things which a natural person may by law do which are necessary or convenient for the discharge of its functions (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART III — FUNCTIONS AND POWERS OF THE AUTHORITY**Clause 4: Functions of the Authority.**

- (1) The Authority shall —
 - (a) ensure the development, management and operations of Nigerian Inland Waterways and encourage and facilitate private sector participation and investment in the provision of services and facilities in the Nigerian Inland Waterways by granting concessions, leases, management contracts, entering into joint venture contracts, permits or any other agreement for achieving this purpose;
 - (b) ensure the efficient management and administration of the Nigerian Inland Waterways;
 - (c) manage and administer the Authority's assets safely and efficiently with a view to maximizing their economic potential;
 - (d) organise and integrate the nation's Nigerian Inland Waterways operations for efficient utilization for transportation;
 - (e) ensure the development of infrastructural facilities for a Nigerian Inland Waterways network connecting the creeks and the rivers with the economic centres using the river-ports as nodal points for intermodal exchange;
 - (f) undertake capital and maintenance dredging within the Nigerian Inland Waterways;

- (g) design and maintain ferry routes within the Nigerian Inland Waterways;
- (h) survey, remove and retrieve derelicts, wrecks and other obstructions from the Nigerian Inland Waterways;
- (i) install and maintain lights, buoys and all aids to navigation along water channels and banks on the Nigerian Inland Waterways;
- (j) issue and regulate the use of permits for inland navigation, piers, jetties, dockyards and wharves;
- (k) examine and certify all inland waterways vessels including non-convention vessels, including rig platforms that operate on the Nigerian Inland Waterways;
- (l) register all inland waterways vessels including non-convention vessels, dredgers and boats of all types that operate on the Nigerian Inland Waterways;
- (m) grant permits for seismic survey, reclamation, shore protection work and removal within the declared waterways and its right of way;
- (n) grant permits to private Nigerian Inland Waterways operators;
- (o) approve the design and construction of inland river crafts and also inspect, regulate, approve and issue licences and permits for vessels designed for Nigerian Inland Waterways operations;
- (p) approve and regulate —
 - (i) the use of all Jetties, dockyards, piers, river ports and other associated structures and platforms within the Nigerian Inland Waterways,
 - (ii) advertising within the right-of-way of the Nigerian Inland Waterways,
 - (iii) land reclamation within the right-of-way;
- (q) construct, administer and maintain inland river-ports and jetties;
- (r) provide hydraulic structures for rivers and dams, bed and bank stabilisation, barrages and buoys in order to regulate and stabilize river water upstream for the purpose of river training works and navigation;
- (s) produce, publish and broadcast navigational leaflets, aids to navigation, bulletin and notices, hydrological year books, river charts and river maps;
- (t) carry out consultancy and contractual services in relation to its activities under this Bill;

- (u) subject to the provisions of the Environmental Impact Assessment Act, carry out environmental impact assessment of navigation and other dredging activities within the Nigerian Inland Waterways and its right-of-way;
 - (v) erect and maintain gauges, kilometre boards, horizontal and vertical control marks;
 - (w) advise government on all border matters that relate to the National Inland Waterways;
 - (x) acquire, lease and hire properties in connection with its activities under this Bill;
 - (y) control and clear water hyacinth and other aquatic weeds along the Nigerian Inland Waterways;
 - (z) implement the transport policy of the Federal Government of Nigeria pertaining to the Nigerian Inland Waterways;
 - (aa) monitor and enforce compliance with the provisions of this Bill and regulations made by the Authority; and
 - (bb) perform such other functions as are considered reasonably necessary to give full force and effect to the provisions of this Bill.
- (2) Without prejudice to the provisions of subsection (1) of this section, the Authority shall perform its functions and exercise its powers in such a manner as the Authority considers best to achieve the objectives of this Act and in line with global best practices. •
- (3) For the purpose of safety regulation, maintenance and safe navigation of the Nigerian Inland waterways, any holder of a quarry lease or license for sand dredging for whatever purpose within the Nigerian Inland Waterways and its Declared Right of Way shall obtain the permission of the Authority, notwithstanding the provision of any other enactment.
- (4) The Authority may perform any of its functions or exercise its powers under this Bill other than the power to make regulations through an officer, agent or any person authorised by the Authority in that behalf.
- (5) The Authority shall be entitled to payment of dues, charges, levies, royalties and fees arising from the discharge of its functions or the exercise of its powers under this Bill.
- (6) Where the Authority may provide a facility or service, or discharge a function, the Agency may do so:
 - (a) itself;
 - (b) in cooperation with another person; or
 - (c) by arranging for another person to do so on its behalf.

- (7) In subsection (6) of this section, person includes Federal Government of Nigeria, a State Government, or the Federal Capital Territory, the Government or an Agency of a foreign country or any natural juristic person (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 5: Demolishing of piers, jetties and wharves.

An authorised employee of the Authority may demolish or cause to be demolished a pier, jetty or wharf in any Nigerian Inland Waterways or in the approach to any Nigerian Inland Waterways where the pier, jetty or wharf is erected or operated in contravention of the provisions of this Bill or regulations made there-under (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 6: Application of Part III.

The provisions of this Part shall apply to all persons including Federal, State and Local Government Agencies (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART IV — GOVERNING BOARD, MANAGEMENT AND STAFF OF THE AUTHORITY

Clause 7: Establishment of the Board of Directors of the Authority.

- (1) There is established a Board of Directors of the Authority (hereinafter referred to as 'the Board') responsible for supervising the affairs of the Authority.
- (2) The Board shall consist of the following members —
 - (a) a non-executive Chairman;
 - (b) the Managing Director of the Authority;
 - (c) one representative from each of the six geopolitical zones; and;
 - (d) a representative not below the rank of a Director of the Ministry responsible for Transportation:
 - (i) Federal Ministry of Transport;
- (3) Every member of the Board other than the Managing Director shall serve on a part - time basis.
- (4) The Board shall —
 - (a) be responsible for the determination of the policy of the Authority and superintend over the implementation of the policy; and
 - (b) review and approve the strategic plans of the Authority.

- (5) The Board shall adhere to the provisions of this Bill and to any relevant general guidelines on the governance of public bodies and to such other generally accepted principles of good corporate governance as may be applicable to the Authority.
- (6) The supplementary provisions set out in Schedule III to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein.
- (7) The remunerations and allowances payable to members of the Board shall be as determined by the relevant extant laws of the Federation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 8: Appointment and qualification of members of the Board.

- (1) The chairman and members of the Board, other than Managing Director, shall be —
 - (a) appointed by the President; and
 - (b) persons of proven integrity with relevant cognate experience in any of the following areas —
 - (i) law
 - (ii) maritime administration
 - (iii) shipping
 - (iv) finance
 - (v) port management
 - (vi) marine and maritime transport
 - (vii) public administration;
 - (viii) business administration;
 - (ix) infrastructure asset management; or
 - (x) engineering.
- (2) The President shall take into consideration the functions of the Authority under this Bill when recommending persons for appointment to the Board.
- (3) A person shall not be appointed or remain in office as a member of the Board if that person —
 - (a) is not a citizen of Nigeria;
 - (b) is a serving member of the National Assembly, State House of Assembly or any Local Government Council;
 - (c) is incapacitated by any physical illness;

- (d) has been certified to be of unsound mind;
 - (e) is an undischarged bankrupt;
 - (f) has been convicted in Nigeria or elsewhere of a felony;
 - (g) has at any time been removed from office on account of misconduct; or
 - (h) at the relevant time, is a director of or acts in any executive capacity in one or more companies or bodies, however constituted, with responsibility for managing or regulating or providing any services to or within any Nigerian Inland waterways or creeks in Nigeria.
- (4) The conflict of interest provisions contained in the Schedule IV to this Bill shall be applicable to all Directors of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 9: Tenure of Members of the Board.

- (1) A member of the Board, other than the Managing Director shall hold office —
- (a) for a term of four (4) years in the first instance and may be reappointed for a further term of four (4) years and no more; and
 - (b) on such terms and conditions as may be specified in the letter of appointment.
- (2) **Vacancy on the Board.**
Notwithstanding the provisions of section 7 of this Bill, the office of the Chairman or a member of the Board shall become vacant where —
- (a) he resigns his office by notice in writing under his hand addressed to the President through the Minister;
 - (b) he completes his tenure;
 - (c) he dies;
 - (d) he becomes of unsound mind or incapable of carrying out his duties;
 - (e) he becomes bankrupt;
 - (f) he is found guilty of gross misconduct relating to his duties;
 - (g) in the case of an *ex-officio* member, he ceases to hold the office on the basis of which he became a member of the Board;
 - (h) the President is satisfied that it is not in the interest of the Authority or of the public for the person appointed to continue in office;

- (i) subject to the provisions of subsection (1) of this section, a vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President on the recommendation of the Minister as soon as it is reasonably practicable after the occurrence of such vacancy; or
- (j) where a vacancy exists upon the death, removal or resignation of a member, any person appointed as his replacement shall hold office for the unexpired term of office of his predecessor (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 10: Appointment and Tenure of Managing Director.

- (1) There shall be, for the Authority, a Managing Director to be appointed by the President.
- (2) The Managing Director —
 - (a) shall hold office for a period of four years, on such terms and conditions, as may be specified in his letter of appointment ;
 - (b) may be reappointed for a further period of four years and no more; and
 - (c) shall be a person who possess a degree and cognate experience of not less than twenty (20) years in any of the following areas —
 - (i) law,
 - (ii) maritime administration,
 - (iii) shipping,
 - (iv) finance,
 - (v) port management,
 - (vi) marine and maritime transport,
 - (vii) public administration,
 - (viii) business administration,
 - (ix) infrastructure asset management, or
 - (x) engineering.
- (3) The Managing Director shall be the Chief Executive Officer of the Authority and Accounting Officer of the Authority and shall be responsible for —
 - (a) the execution of the policy and the day-to-day administration of the Authority;
 - (b) the organization, control and management of the day-to-day administration of the Authority;

- (c) the implementation of the Authority's functions and ensuring the Authority achieves its goals;
- (d) the direction, supervision of all other employees of the Authority and subject to such directions and restriction imposed on him by the Board; and
- (e) ensuring the maintenance of accounting records in accordance with applicable laws governing corporate bodies and generally accepted accounting principles in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 11: Removal of Managing Director.

- (1) The Managing Director shall only be suspended or removed from office by the President where he —
 - (a) is found to be unqualified for appointment as Managing Director contrary to the provisions of this Bill;
 - (b) has demonstrated the inability to effectively perform the duties of his office;
 - (c) has been absent from five consecutive meetings of the Board without the consent of the Chairman except where he shows good reason for such absence;
 - (d) is guilty of serious misconduct in relation to his duties as Managing Director;
 - (e) is disqualified or suspended from practising his profession in any part of the world by a competent authority; or
 - (f) is in breach of the conflict of interest Rules set out in the Schedule IV to this Bill.
- (2) The Managing Director shall not be removed from office under the provision of subsection (1) of this section, unless the Minister has duly served on the Managing Director a prior written notification of the intention to suspend or remove him from office and the reasons for such suspension or removal.
- (3) The Managing Director shall, upon receipt of the notice referred to in subsection (2) of this section, be given an opportunity to make written submissions to the Minister within fourteen days from the date of the receipt of the notice.
- (4) The Managing Director may, within the days specified in the notice, deliver a written submission to the Minister.
- (5) The Minister shall, upon the receipt of the submission referred to in subsection (4) of this section, provide the Managing Director the opportunity to make oral representations on the submissions made before taking decision on whether or not to recommend suspension or removal from office (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 12: Appointment of Board's Secretary.

- (1) The Board shall have a Secretary who shall be the Head of the Legal Department.
- (2) The Secretary shall be a legal practitioner with not less than ten years post call experience.
- (3) The Secretary shall report to the Managing Director and be responsible for —
 - (a) making arrangements for meetings of the Board and preparing the agenda and minutes of such meetings;
 - (b) communicating the decisions of the Board to members of the Board and keeping records of the Board's meetings and proceedings;
 - (c) keeping the seal and corporate records of the Authority;
 - (d) arranging for payments of fees and allowances of meetings and all other matters affecting members of the Board; and
 - (e) such other duties affecting the Authority as the Board may from time to time direct (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 13: Remuneration of management and other staff.

The fees and allowances payable to the Managing Director, and other staff of the Authority shall be determined by the Board in consultation with the relevant government agencies and in accordance with extant Federal Government guidelines (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 14: Employment and Conditions of Service.

- (1) The Authority shall have powers to employ such number of persons as it may deem necessary for the effective discharge of its duties, functions, and regulations made under this Bill.
- (2) The Authority shall be responsible for determining the job description, title, terms, qualifications and salaries including allowances of the employees subject to the approval of the National Income, Salaries and Wages Commission
- (3) Employees of the Authority shall be subject to the Conflicts of Interest provisions contained in the Schedule IV to this Bill.
- (4) Service in the Authority shall be approved service for the purpose of the Pension Reform Act, and accordingly, an officer and other persons employed in the Authority shall in respect of their service in the Authority be entitled to pensions, gratuities and other retirement benefits as are applicable in the Authority.

- (5) Nothing in subsection (4) of this section shall exclude the Authority from employing staff on non-pensionable terms and conditions.
- (6) The Power of the Authority under the Section shall be exercised in accordance with extant laws and Federal Government Guidelines (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART V — DECLARATION OF NAVIGABLE WATERWAYS

Clause 15: Federal Navigable Waterways.

Pursuant to item 36 of the Exclusive Legislative list of the 1999 Constitution of Nigeria as amended, all inland waterways, river-ports, internal waters, rivers and their tributaries, distributaries, creeks, lakes, lagoons and intra-coastal waterways of Nigeria, excluding all direct approaches to the ports listed in the schedule II to this Bill and all other waters declared to be approaches to the ports under or pursuant to the Nigerian Ports Authority Act, up to 250 meters beyond the upstream edge of the quay of such ports, shall be under the exclusive management, direction and control of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 16: Area under control of the Authority.

Pursuant to item 36 of the Exclusive Legislative list of the 1999 Constitution of Nigeria as amended, all rivers and their tributaries, distributaries, creeks, lakes, lagoons and intra-coastal waters including those specified in the schedule 1 to this Bill are declared Federal Navigable Waterways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 17: Conditions pertaining to right of land usage for improvement.

- (1) The right of land usage for improvement of navigability and provision of infrastructure shall cover areas on both banks of the waterways which would be submerged in a flood of 100 years return period.
- (2) In case of waterways with steep banks where such flood has no overbank flow, the right of way shall include the areas of land along the waterway measured 100 metres perpendicular from the edge of the channel (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 18: Use of land or moveable property.

- (1) The Authority shall, subject to the provisions of the Lands (Title Vesting etc.) Act, Cap L7, Laws of the Federation of Nigeria, 2004, have the right to all land within the right-of-way of declared waterways and shall use such land for navigational purposes and for any of its functions under this Bill.
- (2) The Authority shall have the powers to determine and approve the use to which any land or immovable property within the right of way may be put to.
- (3) Any person, corporate body, State, agency or Local Government Area shall not —

- (a) obstruct a declared waterway;
- (b) excavate or take sand, gravel or stone from any declared waterways;
- (c) erect structures within the right of-way or divert water from a declared waterway; or
- (d) carry out any of the activities as specified in this Bill, without the written consent, approval or permission of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 19: Prohibition and sale of land.

The Authority shall not without the written approval of the President concession or lease its land or property for more than ten years (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART VI — FINANCIAL PROVISIONS

Clause 20: Fund of the Authority.

(1) The Authority shall maintain a fund which shall consist of all —

- (a)
 - (i) 25% of the ports development levy annually,
 - (ii) 15% of the ecological fund annually,
 - (iii) 1% of sums accruable to Federal government from oil and Gas within the Declared waterways and its rights of way annually,
 - (iv) 2.5% of concession fees annually paid to the Federal Government by companies operating power plants within the Declared Waterways and its right of way annually;
- (b) concession and royalty fees paid to the Authority;
- (c) annual fees for licences and permits issued by the Authority;
- (d) gifts, grants, aids and subventions;
- (e) assets that may from time to time be vested in or accrue to the Authority in the course of performing its functions under this Bill;
- (f) all other sums, charges, dues and fees collected or received by the Authority for services rendered;
- (g) monies borrowed and capital raised by the Authority under this Bill or any other enactment;
- (h) such other sums as may be received by the Authority from other sources.

- (2) For the purpose of development and maintenance of the Inland waterways, all telecommunication companies whose facilities are within the Nigerian Inland Waterways and its right of ways shall pay annual dues to the Authority in accordance with the Authority's approved Tariff.
- (3) Any sums, charges, dues, levies and fees to be collected or received by the Authority under subsections (1) (c), (d), (g) and subsection (2) of this section, shall be related to the services provided by the Authority or the use of its facilities or assets or the inland waterways and its right of ways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 21: Application of the Authority's monies.

- (1) The Authority shall have the power to expend the funds which accrue to it under this Bill in the cause of performing its functions.
- (2) Any excess of the Authority's revenue for any year over the approved expenditure for that year shall, subject to its approved annual budget, be remitted to the Consolidated Revenue Fund (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 22: Power to borrow and accept gifts.

- (1) The Authority may, with the prior consent of its Board and in accordance with the applicable laws, rules and regulations governing borrowings by public bodies, borrow such sums of money or raise capital, otherwise than from the Government as the Authority may require in the exercise of its functions under this Bill.
- (2) The Authority may accept gifts, grants of money, aid or other property from national, bilateral and multi-lateral organisations or agencies upon such terms and conditions, if any, as may be agreed upon, provided that such gifts are not inconsistent with the objectives and functions of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 23: Annual Budget.

The Authority shall not later than four months to the end of the financial year, prepare and present to the minister for consideration and presentation to the National Assembly for approval, a statement of estimated income and expenditure for the following financial year (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 24: Financial Year.

The financial year of the Authority shall commence on 1st January of each year and end on 31st December of that year (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 25: Accounts and records to be open for inspection.

- (1) The accounts and records of the Authority shall, during office hours be open for inspection by the Auditor - General of the Federation.
- (2) The account books of the Authority shall be kept at the Head Office of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 26: Statements of accounts and audit.

- (1) The Authority shall keep proper and regular accounts and other records of monies received and paid by the Authority and of the several purposes for which such monies have been received or paid and of the assets, credits and liabilities.
- (2) The Authority shall do all things necessary to ensure that all payments out of its money are correctly made and properly authorised and that adequate control is maintained over the assets of or in the custody of the Authority and over the expenditure incurred by the Authority.
- (3) The Board shall have the power to appoint external auditors, provided that, such auditors are on the list of auditors approved from time to time by the Auditor-General of the Federation.
- (4) A firm shall not be qualified for appointment as auditors under subsection (3) of this section unless it is an approved company or auditor under the Companies and Allied Matters Act and any other applicable laws.
- (5) The remuneration of the auditor shall be paid out of the funds of the Authority.
- (6) The Authority shall, not later than six weeks after the close of its financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.
- (7) The Board shall, not later than three months after the end of each financial year, cause its audited financial statements to be made available to the Minister together with any report or observations made by the auditors on the said financial statements (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 27: Report of Auditors.

- (1) The report of the auditor shall, in addition to complying with auditing requirements under prevailing professional practice and applicable law state —
 - (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;
 - (b) whether proper accounting and other procedures have been followed and records kept including records of all assets of the Authority whether purchased, donated or otherwise;

- (c) whether the receipts, expenditure and investment of monies, the acquisition and disposal of assets by the Authority during the year have been in compliance with the provisions of this Bill; and
 - (d) such other matters arising from the audit as the auditor considers appropriate.
- (2) The auditor shall, not later than three months after the accounts have been submitted to it for audit, send a report of its audit to the Authority, and submit such periodical and special report to the Authority as may appear to it necessary or as the Minister or the Authority may require.
- (3) The Authority shall, not later than one month after its financial statements have been audited in accordance with this Bill or three months after the end of the previous financial year, whichever occurs first, send a copy of the audited financial statements to the Minister and the Commission together with any report or observations made by the auditor or auditors on the statement of accounts (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 28: Annual Report.

- (1) The Board shall, not later than 4 months after the end of each financial year, make a report to the Minister on its activities and performance during that year.
- (2) The annual report for each year shall include —
- (a) a general survey of developments in respect of matters relating to its functions;
 - (b) an assessment of the extent to which its objectives and priorities for the year as set out in the annual estimate and twenty-five years action plans indicated in subsection (3) of section 23 of this Bill have been achieved;
 - (c) a summary of the significant activities carried out by it during the year;
 - (d) a summary of the allocation of its financial resources to its various activities during the year, including, without limitation, the emoluments of its directors; and
 - (e) an assessment of its performance and practices in relation to its functions in accordance with applicable internationally recognized performance indicators (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 29: Financial and Statistical Returns.

- (1) The Authority shall submit to the Board such financial and statistical returns or such other report on the financial position of the Authority as the Board may from time to time require.

- (2) The Board may at any time within one month of receipt of such report, allow or amend any item of capital expenditure appearing in such estimates, or any portion thereof, or return the same to the Authority for amendment (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 30: Other Reports.

The Authority may prepare other reports in respect of matters relating to any of its functions (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART VII — CONCESSIONS, LEASES, ETC.

Clause 31: Power to grant concessions and leases.

- (1) The Authority may grant a concession, lease, contract or permit subject to such terms and conditions as the Authority may specify, authorising any person to provide any service or facility or any Nigerian Inland Waterways service or facility.
- (2) The terms and conditions of a concession, lease, contract or permit granted under this Bill shall be agreed to in writing between the parties thereto.
- (3) Every exercise of the power to grant concessions under this section shall be subject to rules providing for competitive and transparent public tender for concessions as may be approved by any relevant government agency as well as any rules or regulations as may be provided by the regulator for this sector under this Bill or any other law (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 32: Special powers in emergency.

- (1) On the occurrence of any industrial unrest, strike, lock-out or other events which give rise to an emergency and create a real and imminent threat to the national interest or public safety, the Authority may, with the approval of the Board —
- (a) suspend any concession, take temporary possession (either by itself or through an authorised agent) of any undertaking of such concessionaire and operate it in such a manner as it deems fit; or
- (b) withdraw either partially or totally the use of any Nigerian Inland Waterways service or facility from any person or class of persons or from the public in general.
- (2) Where the Authority takes possession of any Nigerian Inland Waterways' operations under subsection (1) of this section, adequate compensation shall be paid, in the amount agreed between the Authority and the affected concessionaire (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 33: Prohibition of operation in Nigerian Inland Waterways without concession, licence or permit.

- (1) A person shall not provide any Nigerian Inland Waterways service or facility unless he is authorised to do so under a concession, lease, contract or permit granted by the Authority.
- (2) Subject to the express provisions to the contrary in this Bill, a concession, lease, contract or permit granted under this section may be granted to a person or class of persons and every concession, lease, contract or permit shall be in such form and for such period and may contain such conditions as may be agreed upon by the parties (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART VIII — POLICY AND REGULATION OF NATIONAL INLAND WATERWAYS

Clause 34: The role of the Minister.

The general responsibilities and functions of the Minister under this Bill shall include to —

- (a) supervise the implementation of the national policy on inland waterways in Nigeria;
- (b) facilitate the establishment of international protocols on Nigerian Inland Waterways;
- (c) facilitate the conclusion of agreements with foreign governments and international organisations for the improvement and development of Nigerian Inland Waterways;
- (d) encourage co-operation within the ECOWAS region for the adoption of common standards, safety practices and interconnection of Nigerian Inland Waterways;
- (e) receive and review records and reports submitted by the Authority;
- (f) upon consultation with the Authority and as may be provided for from time to time in accordance with the Master Plan developed by the Authority, propose to the National Assembly to declare any waterways to be designated as Nigerian Inland Waterways under this Bill pursuant to item 36 of Exclusive Legislative List of the 1999 Constitution of Nigeria as amended (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 35: Formulation of Policy.

Prior to the formulation or review of policies for the Nigerian Inland Waterways sector, the Minister shall consult with and have due regard to the representations of relevant stakeholders in the sector, including, but not limited to, the Authority, the Commission, industry participants and the general public (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART IX — PROVISIONS RELATING TO LAND AND ASSETS

Clause 36: Power to acquire land.

The Authority shall have the power to acquire land by purchase for the purposes of the Authority and all such purchases shall be made subject to applicable law (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 37: Power to enter land to erect beacons, conduct surveys and remove obstruction to visibility of lighthouses and beacons.

- (1) The Authority's employees or agents may enter and remain on any land to erect beacons, buoys and moorings, to conduct surveys or to perform any of their duties under this Bill.
- (2) Any authorised employee of the Authority may, with all proper assistance where required, enter on any land and cut and remove all trees, underwood and vegetation, which may interfere with the visibility of any lighthouse or beacon from any point or place.
- (3) Notwithstanding the provisions of subsection (1) and (2) of this section, employees or agents shall not enter any land, building or any enclosed court or garden attached to a dwelling house except with a notice of not less than fourteen (14) days and prior obtention of the consent of the occupier thereof, which consent shall not be unreasonably withheld (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART X — TECHNICAL AND SAFETY MATTERS

Clause 38: Safety on land within National Inland Waterways.

Subject to the provisions of this Bill, the Authority shall, for the purpose of ensuring safety of navigation and shipping in Nigerian Inland Waterways:

- (a) control the entry, stay, movement and operations of vessels within the Nigerian Inland Waterways and their departure and all other traffic matters;
- (b) regulate the loading, discharge and storage of cargo and the embarkation and disembarkation of passengers;
- (c) provide or procure River guide services, certify pilots, and regulate the safe provision of River guide services by certified pilots;
- (d) provide or procure tug services, certify tug service providers and regulate the safe provision of tug services by licensed tug service providers;
- (e) provide, operate and maintain adequate and efficient aids to navigation and at such other places as the Authority may determine;
- (f) undertake dredging and maintenance of channels;
- (g) remove or cause to be removed any obstruction or object that may pose a danger to shipping or navigation; and

- (h) ensure the isolation of dangerous and harmful cargo to secure safety of life and protection against injury (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 39: Removal of wrecks and vessels in Nigerian Inland Waterways.

- (1) The Authority may arrest a vessel for breach of inland waterways regulations and move the vessel to another place within the Nigerian Inland Waterways.
- (2) The Authority may give notice to the owner or the person legally responsible for any vessel within Nigerian Inland Waterways limits which is not seaworthy, directing such owner or person to remove or otherwise dispose of such vessel or part thereof, which is likely to become an obstruction, wreck or derelict or a threat to the environment or public safety and to recover from that owner or person all costs incurred for the removal or disposal should the owner or person fail to comply with such notice within the time specified therein.
- (3) The Authority may, after a written demand for any costs contemplated in subsection (2) of this section, and on non-payment thereof, sell the relevant vessel or wreck and out of the proceeds of the sale defray such unpaid costs, rendering the surplus, if any, to the person entitled to it, or recovering any unpaid balance from the owner or other person referred to in subsection (2) of this section or institute an admiralty action under the Admiralty Jurisdiction Act to recover such costs.
- (4) The Authority shall act as the Assistant receiver of Wrecks within the Nigerian Inland Waterways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

PART XI — LIABILITY, LEGAL PROCEEDINGS AND ENFORCEMENT

Clause 40: Restriction on execution against the property of the Authority.

In an action or suit against the Authority, any sums of money which may, by the judgment of the court, be awarded against the Authority shall be paid from the Fund of the Authority and where the Authority fails to make payment within 30 days of demand, execution or attachment or process in the nature thereof may be issued against the Authority, subject to any right of stay or to restrict execution under the general law (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 41: Legal Proceedings.

- (1) No suit against the Authority or any servant of the Authority for any act done in pursuance or intended execution of any Act or Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Act or Law, duty or authority shall lie or be instituted in any court, unless it is commenced within six months next after the act, neglect or default complained of or, in the case of a continuing damage or injury, within six months next after the ceasing thereof:

- (2) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the Suit has been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state the —
- (a) cause of action;
 - (b) name and place of abode of the intending Plaintiff; and
 - (c) relief which he claims.
- (3) For the purpose of this Bill, "suit" means a civil proceeding commenced by writ of summons or such other manner as may be prescribed by rules of court and includes an action but not criminal proceeding.
- (4) The notice and any summons, or other documents required or authorised to be served on the Authority in connection with a suit by or against it, may be served by —
- (a) delivering it to the Managing Director;
 - (b) sending it by registered post addressed to the Managing Director at the head office of the Authority; or
 - (c) electronic means through the e-mail or website of the Authority.
- (5) A person connected with the direct working of the Authority shall not be removed under arrest whether in execution of a warrant or otherwise when his immediate removal from duty might result in danger to life or goods, unless the immediate officer in-charge of the work in which the person is engaged has been given an opportunity of providing a substitute.
- (6) In a suit pending before a court, the Authority may be represented by an appropriate employee (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 42: Master, owner or person in charge of vessel answerable for damage.

Where damage is done to any property of the Authority by any vessel or float of timber, the cost of making good the damage, including the expenses of any inspection or survey carried out by the Authority to ascertain such damage, may be recovered by the Authority as a debt from the master, owner or person in charge of the vessel or float of timber, as the case may be (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 43: Detention of vessels causing damage.

The Authority may —

- (a) detain any vessel or equipment causing damage until the costs of making good such damage and the expenses described in section 49 of this Bill have been paid to the Authority or into court pending the outcome of litigation in respect of it;

- (b) require the master, owner or person in charge of the vessel or equipment to deposit such sum of money or furnish such security as may be required by the Authority in order to meet such costs and expenses (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 44: Power of distraint for non-payment of dues and rates.

- (1) Where the agent of a vessel in respect of which any dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may distraint the vessel and the tackle, apparel and furniture therein until the amount of the dues or rates is paid.
- (2) Where after 14 days commencing from the date of distraint any dues or rates; or any of the expenses of distraint of the vessel and its tackle, apparel and furniture, remain unpaid, the Authority may cause the vessel or tackle, apparel and furniture distrained to be sold. The Authority shall retain the amount of dues, rates or expenses which are owed by the vessel out of the proceeds of the sale and shall deliver the balance to the master of the vessel, on demand (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 45: Monitoring and Enforcement.

- (1) The Authority may in writing authorise any of its officials or appoint external inspectors on its behalf to exercise the functions of monitoring and enforcement vested under this Bill.
- (2) The Authority may direct its authorised officials or appointed inspectors to investigate the activities of a concessionaire, licensee, permit holder or any other person pursuant to its powers under this Bill.
- (3) In exercising any of the powers specified in subsection (2) of this section and notwithstanding any other provision of this Bill, an authorized official of the Authority or its appointed inspector —
- (a) shall on demand produce to any person against whom he is acting, the instrument issued to him by the Authority to act in that capacity; and
- (b) may during office hours and with prior notice, enter any affected persons' or licensee's premises to:
- (i) inspect and make copies of or extracts from books, records, documents or other information storage systems;
- (ii) demand the production of and inspect the relevant licence, permit, certificate or authority; and
- (iii) inspect any facility on the premises:

Provided that the official or appointed inspector shall have in his possession for the purposes of entering any affected person's premises a warrant for that purpose obtained from a magistrate or judge prior to the entry.

- (4) Persons employed by the Authority, with the assistance of the relevant law enforcement agencies shall have the power to enforce the provision of this Bill and any regulations made hereunder including the power to arrest, seize and prosecute (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Clause 46: Power to Seal Premises and stop activities.

Where an occupant or operator within the declared right of way of the Nigerian Inland Waterways fails to comply with the prescribed regulation or approved tariff under this Bill, after been giving notice in writing, the Authority with the assistance of any relevant law enforcement agency shall have power to seal such premises or site (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 46 stands part of the Bill — Agreed to.

PART XII — OFFENCES AND PENALTIES

Clause 47: Damage and Trespass to property of the Authority.

- (1) Any person who wilfully removes, destroys or damages any property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, shall pay an amount for each month in effect as may be provided in the Authority's approved tariff and shall make good any loss, destruction or damage suffered by the Authority, including the expenses of any inspection or survey carried out by the Authority to ascertain the loss, destruction or damage.
- (2) Any person that obstructs, takes or erects structures on a declared waterway is in contravention of Section 18 (3) of this Bill and, shall pay an amount for each month in effect as may be provided in the Authority's approved tariff and the cost of removing such structures in addition to forfeiting such structures (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 47 stands part of the Bill — Agreed to.

Clause 48: Unlawful operation of Nigerian Inland Waterways services or facilities.

- (1) A person shall not erect, re-erect, alter, extend, own or occupy a pier, jetty or wharf in any place within the Nigerian Inland Waterways except in accordance with a permit granted by the Authority.
- (2) A person shall not establish, install, maintain, provide or operate any marine service or facility or any Nigerian Inland Waterways service or facility without a permit from the Authority.
- (3) Any violation of the provisions of subsections (1) and (2) of this section shall be an offence liable on conviction to a fine of not less than ₦1,000,000.00 or to imprisonment for a term not less than three years or to both and in the case of a continuing offence, to a further fine of not less than ₦120,000.00 for each day or any part thereof during which the offence continues (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 48 stands part of the Bill — Agreed to.

Clause 49: Evasion of dues, fees, fines and charges.

The operator of river ports, dockyards, jetties, piers, or owner, agent, or master of any vessel or consignor or consignee of any goods, who by any means whatsoever, evades or attempts to evade, or neglects or omits to pay any dues, rates, charges or fees payable under this Bill shall —

- (a) be liable to pay to the Authority a penalty ten times the amount of the dues, rates, charges or fees he evaded or attempted to evade, or neglected or omitted to pay; and
- (b) have his licence, permit or authorization to operate withdrawn by the Authority for a period not exceeding twelve months (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 49 stands part of the Bill — Agreed to.

Clause 50: Offences by master of vessel.

- (1) A vessel shall not enter or approach the Nigerian Inland Waterways in Nigeria except with the prior approval of the Authority.
- (2) Where a vessel —
 - (a) enters any Nigerian Inland Waterways or any approach to the Nigerian Inland waterways without having first being issued with the requisite permit by the Authority; or
 - (b) fails to leave any Nigerian Inland Waterways or any approach to the Nigerian Inland waterways or to leave any berth at the Nigerian Inland waterways when required to do so by the Authority,

the master is guilty of an offence and shall be liable on conviction to a fine of not less than ₦200,000.00 or to imprisonment for a term not exceeding three months or to both.

- (3) Where the master fails to comply with the provision of subsection (1) (b) of this section, the master shall in addition to the fine be liable to pay by way of damages assessed at the rate of ₦35.00 per registered tonne for every hour that such vessel remains at the Nigerian Inland Waterways or its approach after the time for departure required by such notice has expired.
- (4) Where an offence under subsection (1) of this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of the owner of a vessel, the owner or his agent shall be guilty and liable on conviction in the case of —
 - (a) an individual, to a fine of ₦300,000.00 for each day or a part thereof during which the offence continues or to imprisonment for a term of twelve months; and
 - (b) a body corporate, to a fine of ₦500,000.00 and a further fine of ₦200,000.00 for each day or part thereof of during which the offence continues (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 50 stands part of the Bill — Agreed to.

Clause 51: Penalty for throwing ballast and other waste into Nigerian Inland Waterways.
Any person who throws or empties into any Nigerian Inland Waterways any ballast or other waste however described commits an offence and shall be liable on conviction to a fine of not less than ₦100,000.00 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 51 stands part of the Bill — Agreed to.

Clause 52: Penalty for giving false information as to draught of vessel and cargo.
(1) The owner, agent or master of a vessel entering or leaving or within the Nigerian Inland Waterways or approach to any Nigerian Inland Waterways who negligently makes any representation or gives false information of the type of vessel, its draught, length, beam or height to the Authority shall be guilty of an offence and shall be liable on conviction to a fine of not less than ₦1,000,000.00 or to imprisonment for a term not less than twelve months or to both.
(2) For the purposes of this section, "height of vessel" shall be the height of the vessel measured vertically from its waterline to the highest point including its cargo, structure or equipment on board (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 52 stands part of the Bill — Agreed to.

Clause 53: Penalty for wilfully sinking vessels.
Any person who wilfully sinks any vessel in the Nigerian Inland Waterways or its approach without the permission of the Authority, shall be guilty of an offence and liable on conviction to a fine of not less than ₦1,000,000.00 and shall in addition pay to the Authority, expenses it incurred in removing the vessel (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 53 stands part of the Bill — Agreed to.

Clause 54: Obstructing the Authority in the performance of its duties.
Any person who at any time hinders, obstructs the Authority or hinders or obstructs officials, agents or contractors of the Authority in the performance and execution of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Bill, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Bill, shall be guilty of an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or to imprisonment for a term not less than six months or to both (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 54 stands part of the Bill — Agreed to.

Clause 55: Preservation of secrecy.
(1) A person who is or has been a member, an officer, an employee, an adviser or an agent of the Authority or a member of the Board shall not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law.

- (2) A person who contravenes the provision of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of not less than ₦300,000.00 or to imprisonment for a term of not less than 4 months or to both (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 55 stands part of the Bill — Agreed to.

Clause 56: Offences against the Schedule III to this Bill.

Where a Director or member of staff of the Authority contravenes the provisions of the Schedule III to this Bill, or gives false information under the Schedule, he shall be liable, on conviction, to the payment of a fine not exceeding ₦5,000,000.00 or imprisonment for a term not exceeding twelve months or to both (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 56 stands part of the Bill — Agreed to.

Clause 57: General penalties.

Where no specific penalty is prescribed in this Bill or regulations made pursuant to this Bill for any offence, a person found guilty of any such offence shall be liable to a fine of not less than ₦250,000.00 or to imprisonment for a term of not less than six months or to both (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 57 stands part of the Bill — Agreed to.

Clause 58: Jurisdiction.

The Federal High Court shall have exclusive jurisdiction over all matters arising out of or pursuant to this Bill or regulations made pursuant to this Bill and all references to "Court" or "Judge" in this Bill shall be understood and deemed to refer to the Federal High Court or a Judge of the Federal High Court (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 58 stands part of the Bill — Agreed to.

PART XIII — MISCELLANEOUS

Clause 59: Mandatory compliance requirements by Government Agencies, Bodies, etc.

- (1) Notwithstanding the provisions of any other law, any person or bodies or Government Agency permitted or authorised under any applicable law to operate or perform any duty within the declared right of way of the Nigerian Inland Waterways shall prior to commencing work comply with the provisions of this Bill and notify the Authority.
- (2) The notice shall contain the —
- (a) name of the agency;
 - (b) purpose of its intended presence in the Nigerian Inland Waterways;
 - (c) estimated duration of its presence in the Nigerian Inland Waterways; and
 - (d) particulars of its officers including, the number of its officers, the names and designation of such officers and the names of their immediate supervising officers involved in the task (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 59 stands part of the Bill — Agreed to.

Clause 60: Service of Notices, Summons, etc.

A notice, summons or other document required or authorized to be served on the Authority under the provisions of this Bill or any other law or enactment may be served by delivering it to the registered address of the Authority or by sending it by registered post addressed to the Managing Director of the Authority at its Headquarters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 60 stands part of the Bill — Agreed to.

Clause 61: Regulations.

- (1) The Authority may with the approval of the Minister make regulations generally for the purpose of giving effect to the provisions of this Bill.
- (2) All regulations made by the Authority shall be published in the Official Gazette (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 61 stands part of the Bill — Agreed to.

Clause 62: Repeal.

The National Inland Waterways Authority Act, Cap. N47, Laws of the Federation of Nigeria, 2004 is repealed (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 62 stands part of the Bill — Agreed to.

Clause 63: Savings.

- (1) Save as otherwise provided under this Bill, all regulations, orders and other subsidiary legislations made under the repealed Act and in force immediately before the coming into force of this Bill, shall, so far as they are not inconsistent with the provisions of this Bill, continue to be in force and have effect as if made under this Bill.
- (2) Subject to the provision of subsection (1) of this section —
 - (a) the rights, interests, obligations and liabilities of the Authority under the repealed Act existing before the commencement of this Bill under any contract or instrument or at law or in equity shall by virtue of this Bill be deemed to have been assigned to and vested in the Authority established under this Bill;
 - (b) any contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Authority established under this Bill and shall be enforceable as fully and effectively as if instead of the Authority established under the repealed Act, the Authority had been named therein or had been a party thereto; and
 - (c) all persons shall, as from the commencement of this Bill, have the same rights, powers and remedies against the Authority established under this Bill as they had against the Authority established under the repealed Act before the commencement of this Bill.

- (3) Any proceeding or cause of action pending or existing before the commencement of this Bill by or against the Authority established under the repealed Act in respect of any rights, interests, obligation or liability of the Authority under the repealed Act may be continued, or if the case so requires be commenced and the determination of a court of law, tribunal or other authority or person may be enforced by or against the Authority established under this Bill to the same extent that such cause of action or determination might have been continued or commenced or enforced by or against the Authority established under the repealed Act (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 63 stands part of the Bill — Agreed to.

Clause 64: Interpretation.
In this Bill —

"Agency" means an agency of the Federal Government of Nigeria or of any State or local Government in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Authority" means the Authority established under section 3 of this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Baseline" means the low water mark along the coast of Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Beacon" means a prominent specially constructed object forming a conspicuous mark as a fixed aid to navigation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Board" in relation to the Authority means its board of directors (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Buoy" means an anchored float serving as a navigation mark to show hazards or for mooring and shall include a floating object of any size, shape and colour which is moored to the bed of the body of water in which it stands and serves as an aid to navigation or for other specific purposes (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Cargo" or "Goods" includes any substance or article, livestock, minerals, wares and merchandise of every description and any container or other item used to transport any substance or article (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Chairman" means the Chairman of the Board of Directors appointed under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Channel" means a passage for water which includes a terminal, the bed, course, swinging basin, turning circle, an area alongside a berth or dock, fairway, anchorage and berth (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Channel operator" means a person who manages channels in Nigerian Inland Waterways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Concession" means an arrangement between the Authority and another party to provide Nigerian Inland Waterways service or operate Nigerian Inland Waterways facility in accordance with this Bill and the word "concessioned" is to be interpreted accordingly (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Concessionaire" means a person granted a concession under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Consumer" or "Nigerian Inland Waterways user" means any person who uses Nigerian Inland Waterways services or facilities (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Consumer" or "Nigerian Inland Waterways user" be as defined in the interpretation to this Bill — Agreed to.

"Conservancy activities" means all services for the preservation of the Inland Waterways, channels, including capital and maintenance dredging, Channel marking, aids to navigation, system used and efficient navigation of non-conventional vessels and regulation of water front infrastructure that are below high-water mark (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Court" means the Federal High Court (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Development" or "works" means the conversion of land to a new purpose and includes —

- (a) all waters of landward side of the baseline of the territorial sea,
- (b) any change to the natural or existing condition or topography of land,
- (c) the decoration or alteration of the inside or outside of a building or the alteration of works,
- (d) the subdivision or consolidation of land, airspace or buildings,
- (e) the installation, provision or operation of facilities or services,
- (f) the removal of vegetation or topsoil,
- (g) land reclamation and land decontamination, and
- (h) dredging (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Dock" means an enclosed area of water for the loading, unloading and repairs of vessel which includes basins, locks, cuts, entrances, graving, keel blocks including planes, slipways grid irons, quays, warehouses and other works and things appertaining to any dock (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Equipment" includes any apparatus, machinery or system used or intended to be used for the provision of Nigerian Inland Waterways services (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Estimates" means an appropriate judgement of the amount, value, etc. of something which include recurrent revenue the best possible commercial forecast of revenue taking into account the general conditions of world trade and all other relevant factors and in respect of recurrent expenditure the best possible commercial forecast of expenditure likely to be incurred having regard to the estimates of revenue (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Federal Government" or "Government" means the government of the Federal Republic of Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Gazette" means the Federal Gazette (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Government Agency" means an agency of the Federal Government of Nigeria or of any State in Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Harbour" includes estuaries, navigable rivers, piers, jetties and other works in or at which vessels can obtain shelter or load and discharge goods or passengers (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Holder of a quarrying lease" means a holder of a quarry lease as defined in the Nigerian Minerals and Mining Act, 2007 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Holder of a quarrying lease" be as defined in the interpretation to this Bill — Agreed to.

"Land" means the part of the earth surface not covered by water which includes the river bed below the high-water mark (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Licence" means an authorisation to operate on the Nigerian Inland Waterways, provide Nigerian Inland Waterways service or operate the Nigerian Inland Waterways facility, issued by the Authority under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Licensee for sand dredging" means holder of a license granted by the Minister under the Nigerian Minerals and Mining Act, 2007 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Licensee for sand dredging" be as defined in the interpretation to this Bill — Agreed to.

"Master" means every person, except a pilot, having for the time being the command or charge of any vessel or ship (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Minister" means the Federal Minister charged with the responsibility for Nigerian Inland Waterways transportation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Ministry" means the Federal Ministry charged with the responsibility for Nigerian Inland Waterways transportation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Nigerian Inland Waterways" means any river, creek, lake, tide, lagoon, below the low water baseline, or channel leading into such place having facilities for vessels to moor and load or discharge including, cargo handling facilities harbour, berths, jetties, pontoons or buoys and wharves within the limits of the Nigerian Inland Waterways in any place in Nigeria and includes any place declared to be Nigerian Inland Waterways under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Nigerian Inland Waterways dues" means dues levied in respect of a vessel for entering, using, leaving or moving or sailing in the Nigerian Inland Waterways (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways dues" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways infrastructure" means the basic infrastructure of the Nigerian Inland Waterways, including channels, basins, quay walls, jetties, roads, railways, and infrastructure used for the provision of water, lights, power, sewerage, telecommunications and similar services (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways infrastructure" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways Operator" means a person who owns the business of, or is responsible for the management and operation of Nigerian Inland Waterways, terminals, or berths located in the Nigerian Inland Waterways but does not include the Authority established under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways Operator" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways repair facilities" includes dry docks, vessels repair facilities, warehouses, railways within the Nigerian Inland Waterways and any other facilities which are designated as such by the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways repair facilities" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways services" and "facilities" includes stevedoring, cargo handling, terminal operations, storage of cargo within Nigerian Inland Waterways, tug services, floating crane services, berthing services, fire-fighting, security, radio and radar services, waste disposal, vessel repairs, tank farms and any other terminal services and facilities for the handling, storage and transportation of goods on land adjoining the foreshore of Nigeria or a floating platform for the handling of passengers carried by vessels within the declared right-of-way of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways services" and "facilities" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways service provider" means a person providing services within the declared right-of-way of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways service provider" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways terminal" means an area, infrastructure, cargo-handling equipment, sheds and other land-based structures used for the loading, storage and discharge of cargo or the embarkation and disembarkation of passengers and includes any corresponding wharves, docks, piers, bridges and other infrastructure works, with all necessary and convenient arches, drains, culverts, fences, roads, railways, land and air approaches (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways terminal" be as defined in the interpretation to this Bill — Agreed to.

"Nigerian Inland Waterways undertakings" means the undertakings of the Authority that relate to the provision of any facility or service of any description in connection with the exercise and performance of its powers and duties under any written law and includes any movable and immovable property and the rights of the Authority that relate to such facility or services (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that the meaning of the words "Nigerian Inland Waterways undertakings" be as defined in the interpretation to this Bill — Agreed to.

"Person" means a corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Bill or its subsidiary legislation it shall be sufficient if in the case of —

- (a) a body corporate, it is represented by a duly authorized person or employee, and

- (b) a partnership, it is represented by a partner or a duly authorized employee of the partnership (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Pier" means a structure built out into the Nigerian Inland Waterways used as a landing stage, or promenade which includes any stage, stairs, landing places, landing stage, jetty, floating barge or pontoon and any bridge or other works connected therewith (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Premises" means a piece of land, and the building on it, or part of a building used for commercial purposes which includes houses, structures, tenements, easements and hereditaments of any tenure, whether open or enclosed, built on or not, public or private, and maintained or not under the jurisdiction of the Authority (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Prescribe" means a rule, direction, or order laid down, approved or given by this Bill or by its subsidiary legislation or regulations or any relevant legislation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"President" means the President of the Federal Republic of Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Repealed Act" means the National Waterways Authority Act, Cap. N47, Laws of the Federation of Nigeria, 2004 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Regulations" means an order issued by the Authority under this Bill (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"relevant stakeholders" include private sector, States and Local Governments (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Return period" means the highest level of flood expected to occur ones in a 100 year (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Revenue" means any monies received by the Authority by way of charges, scales of charges or other duties imposed by or under this Bill and includes any monies accruing to the Authority under this Bill (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"River guide" means a person providing pilotage to navigation in river craft who has conduct thereof (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Sand" means a substance consisting of fine loose grain of rock or minerals found on river bed being an essential element to National Inland Waterways navigation (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Sand Dredging" means the scooping up of fine loose grains of rock or minerals and objects from the bed of a river or within the water channel (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Service provider" means any provider of services in or in respect of the Nigerian Inland Waterways (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Seafarers" include every person except masters and pilots employed or engaged in any capacity on board any ship or vessel (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Ship" includes every description of vessel used in navigation (Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency).

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

"Tariff" or "charges" or "rates" means list of fees, fares, or other prices charged by the government which include Nigerian Inland Waterways dues, dues on goods, river guide dues and other charges levied by Nigerian Inland Waterways service providers (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Terminal infrastructure" means a building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by Nigerian Inland Waterways which includes terminal buildings, cargo handling equipment, workshops, substations, surfacing, rail sidings and terminal operations and water, lights, power, sewerage, telecommunications and similar services within the terminal boundaries (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Terminal operations" means services provided at the Nigerian Inland Waterways terminal, consisting of cargo handling storage and delivery to vessels and services related thereto (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Transport sector regulator" means anybody set up by an Act to regulate the sector (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Vessel" means any kind of vessel that is used, or capable of being used, in navigation by water, however propelled or moved, and includes —

- (a) a ship, a barge, lighter, floating platforms, restaurant or other floating vessel, and an air cushion vehicle, or
- (b) other similar craft that is used in navigation on water (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

"Wharf" means a structure built alongside or out into the water at a landing place for vessels with a protective covering or enclosure which includes any wall and building adjoining the foreshore, creek-bed, lagoon-bed, lake-bed or river-bed, quay, pier, jetty, ramp or other landing place (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Question that Clause 64 stands part of the Bill — Agreed to.

Clause 65: Short Title.

This Bill may be cited as the National Inland Waterways Authority Bill, 2018 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Question that Clause 65 stands part of the Bill — Agreed to.

SCHEDULES**SCHEDULE I****DECLARED FEDERAL NATIONAL INLAND WATERWAYS**

[Sections 2, 15]

1. The River Niger from the Nigeria/Niger/Benin border, through the rivers Nun and Forcados distribution to the Atlantic Ocean.
2. The River Benue from the Nigeria/Cameroun border to the confluence with River Niger at Lokoja.
3. The Cross River from the Nigeria/Cameroun border to the Atlantic Ocean, and all its distributaries.
4. Rivers Sokoto, Kaduna, Gerinya, Gongola, Taraba, Donga, Katsina-Ala, Anambra, Ogun, Oluwa, Osse, Benin, Imo and Qua-Iboe.
5. The intra-coastal route from Badagry, along the Badagry Creek to Lagos, through Lagos Lagoon to Epe, Lekki Lagoon on Iwopin, along Omu Creek, Talifa River to Atijere, Akata, Aboto, Oluwa River to Okitipupa and onto Gbekebo, Arogbo, Ofunama, Benin Creek to Warri. Also the canal running from Araromi through Aiyetoro, Imelumo to Benin River and from Aiyetoro through Mahin Lagoon to Igbokoda.
6. The waterway from Warri along the Forcados River, through Okwagbe, Fukana, Siama, Bomadi, Angalabiri, Patani, Torofani, down River Nun to Agberi, Kaima, Sabagreia, Gbaran Creek, Agudama, Ekpotiona into Ekole Creek to Tanaka, Yenegoa, Sangata to Mbiakpaba, onto Okokokiri, Ofokpota, Olagaga, Nembe, Adema, Agoribiri Creek to Egbema, Degema, Somobreiro River to Hanya Town, Ogbakiri to Port Harcourt.
7. The waterway from Port Harcourt, through Amadi Creek down Bonny River, into Opobo Channel Adoni River, through Andoni Flats, Tellifer Creek, Imo River, Shooter Creek, Qua Iboe Creek, Qua Iboe River, Stubbs Creeks, Widenham Creek, Effiat-Mbo Creek, Cross River estuary to Oron and Calabar.
8. Rivers Benin, Ethiope, Ossiommo, Onne, Abba, Asumini, Olomum, Siluko, Talifa, Forcados, Penington, Escravos, Warri, Ramos, Dodo, Bonny, Middleton, Fishtown, Sengana, Brass of Nicholas, Santa Barbara, San Bartholomew, Sambriero, New Calabar, Mob, Rio del Rey, Uruan, Akwayafe.
9. Creeks Odiama, Agamama Tora, Nembe, Krakama, Buguma, Bille, Finima, New Calabar, Ekole, Cawthorne Channel, Ikane-Bakassi, Omu, Kwato (Gwato), Adagbrassa, Chananomi, Okpoko, Jones Kulama, Ikebiri, Nikorogba, Sagbama, Egbedi, Kolo, Laylor and Hughes Channel.
10. Lakes Mahin, Oguta and Osiamfihoma.

11. The Orashi River from Oguta Lake to Ebocha, Omoku, Kreigani, Moiana, Okariki, Egbema and Sombreiro River.
12. The part of Lake Chad that is within the boundaries of Nigeria (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

SCHEDULE II

[Sections 16]

RIVER PORTS WHOSE APPROACHES ARE EXEMPTED FROM THE CONTROL OF THE AUTHORITY

1. Lagos
2. Port Harcourt
3. Warri
4. Calabar
5. Burutu
6. Akassa
7. Bonny
8. Degema
9. Forcados
10. Koko Town
11. Federal Lighter Terminal, Onne (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

SCHEDULE III

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE AUTHORITY

[Sections 7(5), 56]

Proceedings of the Board

1. Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. The Chairman shall preside at every meeting of the Board and in the absence of the Chairman, the members present at that meeting shall appoint one of their members to preside at the meeting and minutes shall be taken of each meeting of the Board and any Committee by the Secretary.
3. The quorum for any meeting of the Board shall be at least 5 Directors.

4. The Board shall meet to transact its business pursuant to this Bill whenever it is summoned by the Chairman on at least 7 days written notice and the Chairman shall, if so required by notice given to him by not less than 4 other members of the Board specifying, amongst others, an agenda for the meeting, summon a meeting of the Board which shall be held not later than 14 days from the date on which the notice is served on him to discuss the items specified in the notice and the Board shall for the purposes of this Bill meet not less than 4 times in each calendar year.
5. A member of the Board who directly or indirectly has a personal interest (including but not limited to financial interests) in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Authority shall, so soon after the facts of the matter of his interests have come to his knowledge, disclose his interest and the nature thereof at a meeting of the Board.
6. A disclosure under paragraph 5 of this Schedule shall be recorded in the minutes of the Board meeting and the member concerned shall —
 - (a) not, after the disclosure, take part in any deliberation or decision of the Board or vote howsoever on the matter; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.
7. Decisions at meetings of the Board shall be taken by a simple majority.
8. In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

Committees

9. Subject to its standing orders, the Board may appoint such number of standing or ad hoc Committees as it thinks fit to consider and report on any matter with which the Authority is concerned.
10. A Committee appointed under paragraph 9 shall —
 - (a) consist of such number of persons who may not necessarily be members of the Board as may be determined by the Board, provided that the appointment of a non-Board member as a Committee member shall be subject to such terms as would be indicated in his letter of appointment; and
 - (b) be presided over by a member of the Board.
11. The quorum of any Committee set up by the Board shall be determined from time to time by the Board.
12. A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

13. The fixing of the seal of the Authority shall be authenticated by the signature of the Secretary and that of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose.

14. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Board to act for that purpose.
15. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
16. Subject to the provisions of this Bill, the validity of any proceedings, act or decision of the Board or of any of its Committees shall not be affected by —
 - (a) any vacancy in the membership of the Board or Committee;
 - (b) any defect or irregularity in the appointment of a member of the Board or Committee; or
 - (c) the fact that any person not entitled to do so took part in the proceedings of the Board or Committee.
17. A member of the Board or a Committee shall not be personally liable for any act or omission done or made in good faith while engaged in the business of the Authority.
18. A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the Government of the Federation or the Government of any State of the Federation (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

SCHEDULE IV

CONFLICTS OF INTEREST

[Sections 8(4), 10(1) (f), 14(3)]

1. Retained Subject to the further provisions of this Schedule, no Director or member of staff of the Authority shall have a direct or indirect financial interest or investment in any shipping, stevedoring, pilotage or terminal operations throughout the tenure of his office or employment with the Authority.
2. Retained Subject to paragraphs 3 and 4 of this Schedule, each Director or member of staff of the Authority shall on an annual basis present a written declaration no later than the third month of each year affirming the non-existence of any such interest as is specified in Paragraph 1 and shall pledge to disclose and inform the Authority of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Authority.
3. Retained Directors and members of staff of the Authority as at the commencement date of this Bill shall be entitled to a maximum of 6 months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any shipping, stevedoring, pilotage or terminal operations, if any.
4. Retained All newly-appointed Directors and members of staff of the Authority after the commencement of this Bill shall be entitled to a maximum of 3 months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments in any shipping, stevedoring, pilotage or terminal operations, if any.

5. Retained Each Director or staff of the Authority shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Authority, any interest or investment that he:
 - (a) knowingly has; or
 - (b) knows any member of his immediate family to have in any aspect of the Nigerian Inland Waterways industry.
6. Subject to Paragraph 7 of this Schedule, the Board shall from time to time waive the application of the prohibitions specified in Paragraphs 1 and 2 of this Schedule to any Director or member of staff of the Authority if the Board reasonably determines that the financial interest of the relevant person is immaterial nature or is minimal.
7. The Board in determining whether or not the interest of a Director or member of staff of the Authority is minimal or immaterial shall consider factors including but not limited to the —
 - (a) revenues, investments, profits and managerial efforts of the relevant company or other entity in regard to its Nigerian Inland Waterways activities compared with other aspects of the Authority's or such entity's businesses;
 - (b) extent to which the Authority regulates and oversees the activity of such company or entity;
 - (c) degree to which the economic interests of such company or other entity may be affected by an action of the Authority; and
 - (d) perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.
8. The Board may at any time review and reverse its determination under paragraph 6 of this Schedule and direct the application of the prohibitions contained in this Schedule to the affected Director or member of staff of the Authority and the Board shall not be under an obligation to disclose the reason or basis for its review to the affected Director or member of staff.
9. In any case in which the Board exercises the waiver or the review thereof as specified in paragraphs 6 and 8 of this Schedule, the Board shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person who has been granted the waiver or whose grant of waiver has been reviewed, the position held by such person and the nature of the financial interests which are the subject of the waiver or the review thereof.
10. For the purpose of this Schedule —
 - (a) "company" includes partnerships and undertakings; and
 - (b) "immediate family" means a person's spouse, a partner living with that person as if they were married to each other and children who are under the age of 18 (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

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

Explanatory Memorandum:

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

This Bill repeals the National Inland Waterways Authority Act, Cap. N47, Laws of the Federation of Nigeria, 2004 and enacts the Nigerian Inland Waterways Act to provide for the management, regulation and development of Nigerian Inland Waterways in Nigeria and establish the Nigerian Inland Waterways Authority to manage and regulate Nigerian Inland Waterways and to involve private sector participation in the Nigerian Inland Waterways and for other related matters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the National Inland Waterways Authority Act, Cap. N47, LFN 2004 and to Enact the Nigerian Inland Waterways Act, Establish the Nigerian Inland Waterways Authority to Provide for the Management, Regulation and Development of the Nigerian Inland Waterways and to Promote Private Sector Participation in the Development of the Nigerian Inland Waterways in Nigeria and for Other Related Matters (*Hon. Patrick Asadu — Nsukka/Igboeze South Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Repeal the National Inland Waterways Authority Act, Cap. N47, LFN, 2004 and Re-enact the Nigerian Inland Waterways Bill, Establish the Nigerian Inland Waterways Authority to Provide for the Management, Regulation and Development of the Nigerian Inland Waterways and to Provide Private Sector Participation in the Development of the Nigerian Inland Waterways; and for Related Matters (HB. 267 and HB. 854) and approved Clauses 1 - 65, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

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

(iii) Committee on Ports, Harbours and Waterways:

Motion made and Question proposed, "That the House do consider the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Amend the Coastal and Inland Shipping (Cabotage) Act, No. 5, 2003; and for Related Matters (HB. 529) and approve the recommendations therein" (Hon. Patrick Asadu — Nsukka/Igboeze North Federal Constituency).

Agreed to.

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

(HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

A BILL FOR AN ACT TO AMEND THE COASTAL AND INLAND SHIPPING
(CABOTAGE) ACT, NO. 5, 2003; AND FOR RELATED MATTERS (HB. 529)

Debate.

Consideration deferred.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration of the Report of the Committee on Ports, Harbours and Waterways on a Bill for an Act to Amend the Coastal and Inland Shipping (Cabotage) Act, No. 5, 2003; and for Related Matters (HB. 529).

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

16. Adjournment

That the House do adjourn till Tuesday, 24 April, 2018 at 11.00 a.m. (Hon. Mohammed Tahir Monguno — Monguno/Marte/Nganzai Federal Constituency).

The House adjourned accordingly at 2.50 p.m.

Yakubu Dogara
Speaker