



# HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Wednesday, 13 September, 2006

---

1. The House met at 10.00 a.m Mr Speaker read Prayers.
2. Votes **and** Proceedings:  
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Tuesday, 12 September, 2006.

*By unanimous consent, the Votes and Proceedings was adopted.*

3. Message:  
Mr Speaker referred to Mr President's Message to the House on the investigation of the Petroleum Technology Development Fund *vide* the Votes and Proceedings of Tuesday, 12 September, 2006 and remarked that Mr President had in another Message forwarded a copy of the letter addressed to him by the Congressman William J. Jefferson and a copy of his reply to the Congressman inadvertently omitted in the attachment to his earlier



PRESIDENT,  
FEDERAL REPUBLIC OF NIGERIA

Message on the matter:

*PRES/134*

*12 September, 2006*

*Alhaji Aminu Bello Masari, Speaker,  
House of Representatives, National  
Assembly Complex, Abuja.*

*Dear Hon. Speaker,*

**RE: INVESTIGATION REPORT: ALLEGED CONSPIRACY,  
FRAUDULENT CONVERSION OF FUNDS, CORRUPT  
PRACTICES AND MONEY LAUNDERING**

*Following my letter PRE/134 dated September 6, 2006, I regret to inform you that the letter addressed to me by Congressman William J. Jefferson and my reply to him were left out in the original letter addressed to you for information. It was an omission on the part of the Despatch Clerk.*

*The two letters are hereby attached and they should be treated as **part** of my original letter of September 6, 2006.*

*Accept, Mr Speaker, the assurances of my highest consideration.*

*Yours Sincerely,*

*(Signed) OLUSEGUN  
OBASANJO*

**4. Petitions:**

Three Petitions were received and referred to the Committee on Public Petitions;

- (i) Hon. C. I. D. Maduabum, from Cletus M. Ibeto, on behalf of Ibeto Cement Co. Ltd, protesting the unfair policies of the Federal Government on cement production in Nigeria, and praying the House to grant the reliefs sought in the petition;
- (ii) Hon. C. I. D. Maduabum, from the Association of Oil Producing Catering Contractors, praying the House in investigate the alleged sidelining of its members by Shell Petroleum Development Company in the award of catering contracts and to grant the reliefs sought in the petition;
- (iii) Hon. Clever Ikisikpo, from Mr Ogbogbo Okosibo, praying the House to investigate his alleged wrongful dismissal from the Nigeria Police Force with a view to reinstating him.

**5. Presentation of a Bill:**

National Drug Law Enforcement Agency Act (Amendment) Bill, 2005 (SB. 18) — *Read the First Time.*

**6. Presentation of Reports:**

- (i) *Joint Committee on Cooperation and Integration in Africa and Foreign Affairs:*  
*Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Cooperation and Integration in Africa and Foreign Affairs on a Bill for an Act to Enable Effect to be given in the Federal Republic of Nigeria to the Treaty Establishing the Gulf of Guinea Commission, 2000" (Hon. Ita Enang).*

*Question put and agreed to .*

*Report laid.*

- (ii) *Committee on Aviation:*  
*Motion made and Question proposed, "That this House do receive the Report of the Committee on Aviation on a Bill for an Act to Provide for the Regulation of Air Navigation, Establishment of the Nigerian Civil Aviation Authority and for other Purposes Connected Therewith, 2005" (Hon. K. G. B. Oguakwd).*

*Question put and agreed to.*

*Report laid.*

- (iii) *Joint Committee on Women Affairs and Justice:*  
That this House do receive the Report of the Joint Committee on Women Affairs and Justice on a Bill for an Act to Make Provision for the Prohibition of Sexual Relationship Between Persons of the Same Sex, Celebration of Marriage by them and for Other Matters Connected Therewith, 2006" (HB. 246).

*Ordered read; deferred.*

**7. Motion:**

*Rescission of the House Decision on a Bill for an Act to provide for the Establishment of the Nigeria National Volunteer Service and for Matters Connected Therewith, 2003.*

*Consideration of Motion deferred; Committee on Rules and Business ordered to re-circulate copies of the original Bill to Hon. Members.*

- 8. A Bill for an Act to Establish the Nigerian Infants Health Welfare Scheme to Provide Free Health Services for every Infant in the Federation from his Birth to the Age of Five Years and to Require the Compulsory Immunization of Every such Infant against Prevalent Communicable Diseases, for the Purpose of Eliminating Incidences of Infant Mortality and to Provide for Other Matters Relating Thereto, 2006 (HB. 208) — *Second Reading:***

*Deferred.*

**9. A Bill for an Act to Provide for the Establishment of the Chartered Institute of Export of Nigeria and for Matters Connected Therewith, 2006 — Second Reading:**

*Motion made and Question proposed, THAT a Bill for an Act to Provide for the Establishment of the Chartered Institute of Export of Nigeria and for Matters Connected Therewith, 2006 be now read a Second Time" (Hon. Nasiru G. Dantiye).*

*Debate:*

*Question put and negatived.*

**10. Consideration of Reports:**

(i) *Joint Committee on Cooperation and Integration in Africa and Foreign Affairs:*  
*Motion made and Question proposed, "That this House do consider the Report of the Joint Committee on Cooperation and Integration in Africa and Foreign Affairs on A Bill for an Act to Enable Effect to be given in the Federal Republic of Nigeria to the Treaty Establishing the Gulf of Guinea Commission, 2000, and approved the Recommendations therein" (Hon. Irem Oka Ibom).*

*Question put and agreed to.*

*Question, that the House do resolve into the Committee of Whole to consider the Report — agreed to.*

**(HOUSE IN COMMITTEE)**

*(Mr Deputy Speaker in the Chair)*

**A BILL FOR AN ACT TO ENABLE EFFECT TO BE GIVEN IN THE FEDERAL REPUBLIC OF NIGERIA TO THE TREATY ESTABLISHING THE GULF OF GUINEA COMMISSION**

WHEREAS the Treaty Establishing the Gulf of Guinea Commission was signed by the Presidents of the States lying along the Gulf of Guinea on 21st February, 2001 at Abuja, Nigeria;

AND WHEREAS Nigeria is a signatory to the said Treaty;

AND WHEREAS the Federal Republic of Nigeria has ratified the Treaty Establishing the Gulf of Guinea Commission;

AND WHEREAS it is necessary and expedient to make legislative provision for the enforcement in the Federal Republic of Nigeria of the Treaty Establishing the Gulf of Guinea Commission *(Hon. Irem Oka Ibom) ~ Agreed to.*

*Question that the provisions of the Preamble stand part of the Treaty, put and agreed to.*

Now THEREFORE BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

*Committee Recommendation:*

**Clause 1: Enforcement of the Treaty Establishing the Gulf of Guinea Commission.**

As from the commencement of this Act, the provisions of the Treaty Establishing the Gulf of Guinea Commission which are set out in the Schedule to this Act shall, subject as thereunder provided, have the force of Law and shall be given full recognition and effect and be applied by all authorities and persons exercising Legislative, Executive and Judicial Powers in the Federal Republic of Nigeria *(Hon. Irem Oka Ibom) — Agreed to.*

*Question that Clause 1 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

**Clause 2: Short Title.**

This Act may be cited as the Treaty Establishing the Gulf of Guinea Commission (Ratification and Enforcement) Bill, 2006 *(Hon. Irem Oka Ibom) — Agreed to.*

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

## SCHEDULE

## PREAMBLE

WE, Heads of State and Government of—

the Republic of Angola,

the Republic of Cameroon,

the Republic of Congo,

the Democratic Republic of Congo

the Republic of Gabon,

the Republic of Equatorial Guinea,

the Federal Republic of Nigeria,

the Democratic Republic of Sao Tome and Principe,

DESIROUS to reinforce and consolidate the fraternal relations existing among our people;

PROMPTED by the desire to establish and develop close and multifaceted cooperation among our States, and to establish our relations on a basis of initial understanding, good neighbourliness and strong bonds of friendship;

RESOLVED to remove obstacles likely to impede our co-operation, to create and maintain conditions of peace and security among our countries;

CONSCIOUS of the need to put the natural resources of our countries at the service of economic development and social progress of our peoples;

CONVINCED in this regard that our common and concerted action is the sure guarantee for a harmonious, rational and peaceful exploitation of our natural resources;

DESIROUS to harmonize our economic policies, bearing in mind the sovereignty of our States;

REAFFIRMING our commitment to the principles and objectives of the Charters of the United Nations and of the Organization of African Unity/ African Union, as well as to the provisions of the Treaty establishing the African Economic Community;

BEARING IN MIND the provisions of the United Nations Convention on the Law of the Sea which was concluded at Montego Bay, Jamaica on 10 December, 1982;

CONVINCED that the sub-regional and regional entities constitute the vital links of a united, integrated and strong Africa;

RECOGNIZING that the Gulf of Guinea is replete with natural resources which could contribute to the economic development of all the coastal States and to the general well-being of our peoples;

DESIROUS to tap these resources to ensure the economic development of our States and the well-being of our peoples;

MINDFUL of the international commitments we have made on bilateral and multilateral levels;

ANXIOUS to settle our disputes by peaceful means;

CONVINCED that dialogue and negotiation remain the best ways of resolving permanently any dispute in accordance with the provisions of the Charters of the United Nations and the Organisation of African Unity/African Union;

CONSCIOUS of the need to put in place an appropriate dialogue and consultation mechanism for the prevention, management and resolution of conflicts connected to the delimitation of borders, to the economic and commercial exploitation of the natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States;

PURSUANT to the relevant provisions of the Final Communiqué of the Summit of the Heads of State and Government of the Gulf of Guinea held in Libreville on 19 November, 1999 (*Hon. Irem Oka Ibom*) — *Agreed to.*

*Question that the provisions of the Preamble stand part of the Treaty, put and agreed to.*

HEREBY AGREE AS FOLLOWS:

*Committee Recommendation:*

#### ARTICLE I—DEFINITIONS

For the purposes of this Treaty:

"AEC" shall mean the African Economic Community (*Hon. Irem Oka Ibom*).

*Question that the meaning of the words "AEC" be as defined in the interpretation to this Act, put and agreed to.*

"Commission" shall mean the Gulf of Guinea Commission (*Hon. Irem Oka Ibom*).

*Question that the meaning of the word "Commission" be as defined in the interpretation to this Act, put and agreed to.*

"Committees" shall mean Specialised Committees (*Hon. Irem Oka Ibom*).

*Question that the meaning of the word "Committees" be as defined in the interpretation to this Act, put and agreed to.*

"Assembly" shall mean the Assembly of Heads of State and Government (*Hon. Irem Oka Ibom*).

*Question that the meaning of the word "Assembly" be as defined in the interpretation to this Act, put and agreed to.*

"Council" shall mean the Council of Ministers (*Hon. Irem Oka Ibom*).

*Question that the meaning of the word "Council" be as defined in the interpretation to this Act, put and agreed to.*

"Gulf" shall mean the Gulf of Guinea (*Hon. Irem Oka Ibom*).

*Question that the meaning of the word "Gulf" be as defined in the interpretation to this Act, put and agreed to.*

"High Contracting Parties" shall mean the member States represented by Heads of State and Government or their duly accredited plenipotentiaries (*Hon. Irem Oka Ibom*).

*Question that the meaning of the words "High Contracting Parties" be as defined in the interpretation to this Act, put and agreed to.*

"Member States" shall mean a Member State of the Commission (*Hon. Irem Oka Ibom*).

*Question that the meaning of the words "Member States" be as defined in the interpretation to this Act, put and agreed to.*

"OAU" shall mean the Organisation of African Unity (*Hon. Irem Oka Ibom*).

*Question that the meaning of the words "OAU" be as defined in the interpretation to this Act, put and agreed to.*

"AU" shall mean the African Union *{Hon. Irem Oka Ibom}*.

*Question that the meaning of the words "A U" be as defined in the interpretation to this Act, put and agreed to.*

"UN" shall mean the United Nations *(Hon. Irem Oka Ibom)*.

*Question that the meaning of the words "UN" be as defined in the interpretation to this Act, put and agreed to.*

"Secretariat" shall mean the Secretariat *{Hon. Irem Oka Ibom}*.

*Question that the meaning of the word "Secretariat" be as defined in the interpretation to this Act, put and agreed to.*

"Ad-Hoc Arbitration Mechanism" shall mean the Ad-Hoc Arbitration Mechanism *{Hon. Irem Oka Ibom}*.

*Question that the meaning of the words "Ad-Hoc Arbitration Mechanism" be as defined in the interpretation to this Act, put and agreed to.*

"Treaty" shall mean the present Treaty *(Hon. Irem Oka Worn)*.

*Question that the meaning of the word "Treaty" be as defined in the interpretation to this Act, put and agreed to.*

*Question that Article 1 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 2—ESTABLISHMENT OF THE GULF OF GUINEA COMMISSION A Commission,

hereinafter referred to as the Gulf of Guinea Commission (GGC) shall be established.

The membership of the Commission shall be sovereign States bordering the Gulf of Guinea and parties to the present Treaty.

The Commission shall constitute a framework of consultation among the countries of the Gulf of Guinea, for cooperation and development, as well as for the prevention, management and resolution of conflicts that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEC) of our States *(Hon. Irem Oka Ibom)*.

*Question that Article 2 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 3—OBJECTIVES

The objectives of the Commission shall be:

- (a) To strengthen ties of cooperation and solidarity existing among Member States;
- (b) To create conditions of mutual confidence, peace and security conducive to the harmonious development of States;
- (c) To promote close consultation in the exploitation of the natural resources of [lie Gulf, with a view to ensuring the economic development of Member States and the well-being of their peoples;
- {d) To promote sectoral co-operation within the framework of the Treaty establishing the African Economic Community and the African Union, and thereby contribute to the development of the continent;
- (e) To harmonize the respective policies of States regarding matters of common interest, particularly concerning the exploitation of natural resources;
- (f) To protect, preserve and improve the natural environment of the Gulf of Guinea and cooperate in the event of natural disaster;

- (g) To formulate a concerted immigration policy and find appropriate solutions to the problems which might arise therefrom;
- (h) To strengthen cooperation in the areas of communications, maritime especially, with a view to facilitating ties and trade among Member States and peoples;
- (i) To this end, develop a wide communications network and ensure the integration of transport networks (*Hon. Irem Oka Ibom*).

*Question that Article 3 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 4—PRINCIPLES

In pursuit of the objectives stated above, the High Contracting Parties solemnly reaffirm their commitment to respect principles enshrined in the Charters of the United Nations and of the OAU/Constitutive Act of African Union, particularly.

- (a) Sovereign equality of **all** Member States;
- (b) Non-interference in the internal affairs of Member States;
- (c) peaceful settlement of disputes;
- (d) Inviolability of borders inherited from colonialism;
- (e) Non-aggression;
- (f) Non-utilisation of the territory of one State for **activities** directed against the sovereignty and territorial integrity of another Member State (*Hon. Irem Oka Ibom*).

*Question that Article 4 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 5—AREAS OF COOPERATION

In pursuit of the objectives stated above, the High Contracting Parties undertake to pool their efforts towards the harmonization of their respective policies in the areas of common interest. To this end, they pledge to identify areas of common interest. To this end, they pledge to identify areas of common interest in the geographical area of the Gulf and map out common policies, particularly in the areas peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment, the movement of people and goods, development of communications, promotion of the economic development and integration of the Gulf region (*Hon. Irem Oka Ibom*).

*Question that Article 5 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 6—ORGANS For the purpose of the implementation of the

above objectives, the following organs shall be established:

- (a) the Assembly of Heads of State and Government;
- (b) the Council of Ministers;
- (c) **the** Secretariat;
- (d) the *Ad-Hoc* Arbitration Mechanism (*Hon. Irem Oka Ibom*).

*Question that Article 6 stand part of the Treaty, put and agreed to.*

*Committee Recommendation;*

#### ARTICLE 7—THE ASSEMBLY

The Assembly shall be the supreme organ of the Commission. It shall be composed of the Heads of State and Government or their duly accredited representatives. It shall meet at least once a year in a regular session and at any time in extra-ordinary session subject to approval by two-thirds majority of Member States of the Commission (*Hon. Irem Oka Ibom*).

*Question that Article 7 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 8—FUNCTIONS OF THE ASSEMBLY It

shall:

- (a) Define the general policy and the major guidelines of the Commission;
- (b) Oversee the functioning of the Commission;
- (c) Examine the report of the Council and take relevant decisions;
- (d) Decide as a last resort about all matters on which the Council has not been able to take a decision;
- (e) Establish any organ of the Commission or specialised Committees;
- (f) Adopt the budget of the Commission;
- (g) Appoint and remove the Executive Secretary;
- (h) Decide on the location of the headquarters of the Commission (*Hon. Irem Oka Ibom*).

*Question that Article 8 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 9—DECISIONS

The Assembly shall take its decisions by consensus or, failing which by two-thirds majority of the members present.

The quorum for meetings of the Assembly shall be two-thirds of the Member States (*Hon. Irem Oka Ibom*).

*Question that Article 9 stand part of the Treaty, put and agreed to. Committee Recommendation:*

#### ARTICLE 10—RULES OF PROCEDURE OF THE ASSEMBLY

The assembly shall adopt its rules of procedure (*Hon. Irem Oka Ibom*).

*Question that Article 10 stand pan of the Treaty, put and agreed to. Committee*

*Recommendation:*

#### ARTICLE 11—THE COUNCIL

The Council shall be composed of Ministers responsible for Foreign Affairs or other Ministers or Authorities as designated by Member States.

The Ministers for Economy and Finance, Hydrocarbons, Fishery Resources, Mines, Environment or all such Ministers as are designated by Member States can also meet as need be. The Council shall meet twice a year in a regular Session. At the request of any Member State and subject to approval by a two-thirds majority of the Member States of the Commission, it shall meet in Extra-Ordinary Session (*Hon. Irem Oka Ibom*).



*Question that Article 11 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 12—FUNCTIONS OF THE COUNCIL

The Council shall be answerable to the Assembly. It shall be entrusted with the responsibility of:

- (a) preparing the sessions of the Assembly;
- (b) promoting all activities geared towards the attainment of the objectives set forth in the article 2 of this Treaty, within the framework of the general policy defined by the Assembly;
- (c) to this end it shall formulate and propose general policy measures;
- (d) take cognisance of any matter referred to it by the Assembly;
- (e) implement the cooperation policy in accordance with the general policy defined by the Assembly;
- (f) create Committees and determine their areas of competence.

The Council shall be assisted in the accomplishment of its tasks by Specialised Committees of this Treaty (*Hon. Irem Oka Ibom*).

*Question that Article 12 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 13—DECISIONS

The Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the members present.

The quorum shall be two-thirds of the Member States (*Hon. Irem Oka Ibom*).

*Question that Article 13 stand part of the Treaty, put and agreed to. Committee*

*Recommendation:*

ARTICLE 14—RULES OF PROCEDURE OF THE COUNCIL

The Council shall adopt its rules of Procedure (*Hon. Irem Oka Ibom*). *Question that Article 14 stand part of the Treaty, put and agreed to. Committee*

*Recommendation:*

ARTICLE 15—SPECIALISED COMMITTEES

The Assembly shall establish Specialised Committees to deal at the request of the Assembly or the Council specific matters pertaining to the realisation of the objectives set forth in this Treaty.

The Assembly may, if it deems it necessary, restructure the existing Committees or create new ones according to the needs of the Commission.

\*

The Commission may, where necessary, set up sub-regional Committees to assist in the accomplishing of its mandate and shall determine the composition thereof (*Hon. Irem Oka Ibom*).

*Question that Article 15 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 16 THE SECRETARIAT

The Secretariat shall be headed by an Executive Secretary appointed by the Assembly of Heads of State for a term of three years, renewable once (*Hon. Irem Oka Ibom*).

*Question that Article 16 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 17—FUNCTIONS OF THE SECRETARIAT

The Secretariat shall carry out following functions:

- (a) to ensure the day to day functioning of the Commission;
- (b) to implement the decisions of the Assembly and the Council;
- (c) to prepare the reports, draft decisions and agreements for attention of the Assembly and the Councils;
- (d) to formulate the recommendations that might enhance the efficient and harmonious functioning and development of the Commission;
- (e) to provide technical services for the sessions of the Assembly and the Council, as well as the Specialised Committees;
- (f) to play the role of custodian of the documents and assets of the Commission;
- (g) to prepare the budget of the Commission;
- (h) to carry out any other duties that may be assigned to it by the Assembly or the Council (*Hon. Irem Oka Ibom*).

*Question that Article 17 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 18—THE AD-HOC ARBITRATION MECHANISM

The *Ad-Hoc* arbitration mechanism of the Commission shall be established.

The rules of procedure and other matters pertaining to the *Ad-Hoc* Arbitration Mechanism shall be defined by the Council and approved by the Assembly (*Hon. Irem Oka Ibom*).

*Question that Article 18 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

#### ARTICLE 19—BUDGET AND RESOURCES

The financial resources of the Commission shall come mainly from Member States' contributions, gifts and bequests.

For each financial year, the Secretariat shall prepare a draft budget and shall submit it to the Council for consideration. The latter shall present it together with its recommendations to the Assembly for Approval.

The Assembly shall determine the contributions of Member States to the budget of the Commission and the currencies in which the contributions shall be paid.

The Assembly shall, on the Council's recommendation, approve the financial rules and regulations governing the implementation of the provisions of this article (*Hon. Irem Oka Ibom*).

*Question that Article 19 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 20—SETTLEMENT OF DISPUTES

Member States shall act collectively to guarantee peace, security and stability as prerequisites to the realisation of the objectives set forth in this Treaty. To this end, they undertake to settle their disputes amicably. Failing which either party shall refer the matter to the *Ad-Hoc* Arbitration Mechanism of the Treaty or any other mechanism for peaceful resolution of conflicts stated by the Charters of the United Nations, the Organisation of African Unity and the African Union (*Hon. Irem Oka Ibom*).

*Question that Article 20 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 21—OFFICIAL LANGUAGES

The official languages of the Commission shall be English, Spanish, French and Portuguese (*Hon. Irem Oka Ibom*).

*Question that Article 21 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 22—STATUTES, PRIVILEGES AND IMMUNITIES

The Commission shall have legal status and the power to:

- (a) enter into contracts;
- (b) purchase and assign movable and immovable property;
- (c) be party to judicial and other legal proceedings.

To this end, the Commission shall be represented by the Secretary.

The privileges and immunities granted to the Secretariat shall be the same as those enjoyed by diplomats in the country hosting the headquarters of the Commission and Member States (*Hon. Irem Oka Ibom*).

*Question that Article 22 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 23—ESTABLISHMENT OF INSTITUTION

At its inaugural meeting, which will take place within a period of one month, starting from the date of the entry into force of this Treaty, the Assembly shall appoint the Executive Secretary, determine where the Headquarters of the Commission shall be and, if necessary, take the measures to set up a Provisional Secretariat, pending the establishment of the Permanent Secretariat (*Hon. Irem Oka Ibom*).

*Question that Article 23 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 24—RELATIONS WITH OTHER ORGANISATIONS

In the pursuit of its objectives as set forth in this Treaty, the Commission may enter into cooperation agreements with other regional organisations, intergovernmental institutions and third parties, provided that such agreements are not incompatible with the provisions of this Treaty.

In case of incompatibility between the provisions of this Treaty and those of previous agreements concluded before it comes into force, the provisions of this Treaty will prevail, except for the imperative rules of general international law (*Hon. Irem Oka Ibom*).

*Question that Article 24 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

## ARTICLE 25—RELATIONS WITH THE OAU/AU/AEC AND THE REGIONAL ECONOMIC COMMUNITIES

The Commission shall work with the OAU/AU/AEC and the Regional Economic Communities for the realisation of the effective integration and African Union objectives. To this end, it may establish consultation mechanisms and conclude agreements with these Organisations (*Hon. hem Oka Ibom*).

*Question that Article 25 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

## ARTICLE 26—RATIFICATION AND ENTRY INTO FORCE

This Treaty shall be ratified by the High Contracting parties in accordance with their respective national legislation. It shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the parties signatories of this Treaty (*Hon. hem Oka Ibom*).

*Question that Article 26 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

## ARTICLE 27—ACCESSION AND ADMISSION

Any State bordering the Gulf of Guinea, which has not signed this Treaty at the time of its entry into force may at any time notify the Executive Secretary of its intention to accede to this Treaty.

The Executive Secretary shall, upon receipt of such notification, transmit copies thereof to all Member States.

The vote of each Member State shall be transmitted to the Executive Secretary. Upon receipt of required number of votes, the Executive Secretary shall transmit the decision of admission to the concerned Member State (*Hon. Irem Oka Ibom*).

*Question that Article 27 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

## ARTICLE 28—WITHDRAWAL

Any Member State wishing to withdraw from the Treaty shall notify the Executive Secretary who shall inform the other Member States thereof.

At the end of six (6) months period, the State concerned shall, if the notice is not withdrawn, cease to be a Member State of the Commission.

During the six months period, the six months period referred to in Article 26 above, the Member State which as expressed its intention to withdraw from the Commission shall continue to be bound by the provisions of the Treaty (*Hon. Irem Oka Ibom*).

*Question that Article 28 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

## ARTICLE 29—AMENDMENT AND REVISION

Any Member State must submit proposals for the amendment or revision of this Treaty. These proposals shall be transmitted to all Member States by the Secretariat within one month.

The Assembly shall examine these proposals at its next meeting and shall adopt them by a two-thirds majority. The Secretariat shall submit them for ratification by Member States. They shall enter into force immediately after the deposit of the instruments of ratification by two-thirds of the Member States (*Hon. Irem Oka Ibom*).

*Question that Article 29 stand part of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 30—SAFETY CLAUSE

The Assembly shall decide on the modalities and conditions under which a Member State may be authorised to stay the implementation of the specific provisions of this Treaty (*Hon. Irem Oka Ibom*).

*Question that Article 30 stand pan of the Treaty, put and agreed to.*

*Committee Recommendation:*

ARTICLE 31—DEPOSITARY

This Treaty and the instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies thereof to all the Member States.

The Secretariat shall notify Member States of the dates of deposit of the instruments of ratification and accession and shall register this Treaty with the OAU/AU and the UN.

IN WITNESS WHEREOF WE HAVE SIGNED THIS TREATY.

DONE in Abuja 21st February, 2001 in Single Original in English, Spanish, French and Portuguese, the Four Texts Being Equally Authentic.

*(Signed) El Haji*

**Oma Bongo**

*President of the Republic of Gabon*

*(Signed) Theodoro Obiang Nguema*

**Mbasogo**

*President of the Republic of Equatorial Guinea*

*(Signed)*

**Paul Biya**

*President of the Republic of Cameroon*

*(Signed) Jose Eduardo*

**Dos Santos**

*President of the Republic of Angola*

*(Signed) Miguel*

**Trovoada**

*President of the Democratic Republic of Sao Tome and Principe*

*(Signed) Denis*

**Sassou Nguesso**

*President of the Republic of Congo*

*(Signed) Chief*

**Olusegun Obasanjo**

*President of the Federal Republic of Nigeria*

*(Signed)*

**Joseph Kabila**

*President of the Democratic Republic of Congo (Hon. Irem Oka Worn).*

*Question that Article 31 stand part of the Treaty, put and agreed to.*

*Chairman to report Treaty.*

**(HOUSE IN PLENARY)**

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered the Report of the Joint Committee on Cooperation and Integration in Africa and Foreign Affairs on a Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the Treaty Establishing the Gulf of Guinea Commission (Ratification and Enforcement), 2004. It approved Clauses 1 and 2 and ratified the Treaty.

*Question that the House do adopt the Report of the Committee of Whole, put and agreed to.*

(ii) *Committee Ad-Hoc Committee on Due Process:*

That this House do resume consideration of the Report of the *Ad - Hoc* Committee on Due Process on A Bill for an Act to Provide for the Establishment of the National Council on Public Procurement; the Bureau of Public Procurement as the Regulatory Authority Responsible for the Monitoring and Oversight of Public Procurement; and to Harmonize Existing Government Policies and Practices by Regulating, Setting Standards and Developing the Legal Framework and Professional Capacity for Public Procurement in Nigeria and for other Relating Purposes, 2004 (HB. 140) and approve the Recommendations therein.

*In view of the importance of the Bill, Mr Deputy Speaker ordered that the Bill be deferred till Tuesday, 19 September, 2006.*

(iii) *Committee on Banking and Currency:*

*Motion made and Question proposed,* "That this House do consider the Report of the Committee on Banking and Currency on a Bill for an Act to Repeal the Chartered Institute of Bankers of Nigerian Act 1990 and Re-Enact the Chartered Institute of Bankers of Nigerian Act and Matters Connected Therewith, 2005 and approve me Recommendations therein (*Hon. Clever Ikisikpo*):

*Question put and agreed to.*

*Question, that the House do resolve into the Committee of Whole to consider the Report — agreed to.*

**(HOUSE IN COMMITTEE)**

*(Mr Deputy Speaker in the Chair)*

A BILL FOR AN ACT TO REPEAL THE CHARTERED INSTITUTE OF BANKERS OF NIGERIA ACT, 1990 AND RE-ENACT THE CHARTERED INSTITUTE OF BANKERS OF NIGERIA AND MATTERS CONNECTED THEREWITH, 2005

PART I — ESTABLISHMENT, ETC OF CHARTERED INSTITUTE OF BANKERS OF NIGERIA

*Committee Recommendation.*

**Clause 1: Establishment, etc. of Chartered Institute of Bankers of Nigeria.**

- (1) There is hereby established a body to be known as the Chartered Institute of Bankers of Nigeria (in this Act referred to as "the Institute").
- (2) The Institute—
  - (a) shall be a body corporate with perpetual succession and a common seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) may acquire, hold and dispose of any property, movable and immovable (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

*Committee Recommendation.*

**Clause 2: Membership of the Institute.**

- (1) Subject to the provisions of this Act, membership of the Institute shall be in two categories viz Corporate and individual. All persons employed in any banking institution in Nigeria are eligible to be registered by the Institute in any of the following categories—
  - (a) Ordinary Member;

- (b) Student Member;
- (c) Graduate member;
- (d) Associate Member;
- (e) Honorary Senior Member;
- (f) Honorary Fellow;
- (g) Fellow; and

Provided they meet the criteria set by the Council for registration in the category from time to time.

- (2) Pursuant to subsection (1) of this section all Corporate members shall cause their staff to register with the Institute to foster ethical standards, professionalism and self-regulation in the banking and financial services industry.
- (3) A person registered under this Act shall be enrolled to a higher membership status in any of the following categories, that is—
  - (a) as an Ordinary member if—
    - (i) he satisfies the Council that he is eligible to be so registered, (ii) he works in a bank or other financial institutions; and
    - (iii) he does not fall within any of the other categories specified in paragraph (b) - (g) of this subsection;
  - (b) as a Student member if—
    - (i) he satisfies the Council that he is eligible to be so registered, (ii) he has been ordinary member; and
    - (iii) he has obtained the academic qualifications prescribed by the Council for student membership;
  - (c) as a Graduate member if—
    - (i) he satisfies the Council that he is eligible to be so registered,
    - (ii) he has been a student member, and
    - (iii) he has passed associateship examination but has not met other conditions specified in paragraph (d) of this subsection;
  - (d) as an Associate Member if—
    - (i) he satisfies the Council that he is eligible to be so registered and has passed the associateship examinations; and
    - (ii) he has acquired on the job practical banking or related experience for such number of years as may be specified by the Council;
  - (e) as an Honorary Senior Member if—
    - (i) He satisfied the Council that he is eligible to be so registered

- (ii) He has obtained such academic, professional or other qualification(s) as may be prescribed by the Council from time to time.
  - (iii) He has held any senior management position in a bank or other financial institutions, and
  - (iv) he is neither a fellow nor an associate
  - (f) as an Honorary Fellow if—
    - (0 he satisfies the Council that he is eligible to be awarded the honorary fellowship of the Institute;
  - (g) as a Fellow if—
    - (i) he satisfies the Council that he is eligible to be so registered and has for a number of years (to be specified by the Council) been an associate member or the holder of approved academic qualifications, and
    - (if) he satisfies all other criteria as may be specified by the Council from time to time
  - (h) as a Corporate member if—
    - (i) it satisfies the Council that he is eligible to be so registered; and
    - (ii) it satisfies all other criteria as may be specified by the Council from time to time
- (4) A member or institutional member of the Institute shall be entitled to receive, from the Council, a letter or registration of membership for the category of membership and a fellow, honorary fellow, honorary senior member or an associate shall be entitled to the use of such letter after his name as may be authorized by the Council from time to time as follows:
- (a) a member registered into the category of membership of Fellow shall be entitled to use the initials "HCIB";
  - (b) a member registered into the category of membership of Honorary Senior Member shall be entitled to use the initials "HSM"; and
  - (c) a member registered into the category of membership of Associate shall be entitled to use the initials "ACIB".
5. No person shall be entitled to be employed or appointed or engaged to head any of the technical departments of a bank unless he is duly registered as a member of the Institute (Hon. *Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 2 stand pan of the Bill, put and agreed to.*

#### PART II — RESPONSIBILITIES OF THE INSTITUTE

##### **Committee Recommendation.**

**Clause 3: Responsibilities of the Institute.**  
The Institute shall have responsibility to—

- (a) determine the standards of knowledge and skill to be attained by persons seeking to become members of the banking profession;



- (b) secure in accordance with the provisions of this Act, the establishment and maintenance of a register of members of the banking profession in the categories of ordinary members, student members, graduate, associates, honorary senior members, honorary fellows and fellows of the Institute and a register of corporate members;
- (c) conduct professional examinations leading to the award of certificate as may be prescribed by the Institute, and
- (d) ensure the furtherance, maintenance and observation of ethical standards and professionalism among practitioners of banking profession in Nigeria (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 3 stand part of the Bill, put and agreed to.*

#### PART III — ELECTION OF PRESIDENT AND THE VICE-PRESIDENT OF THE INSTITUTE

##### *Committee Recommendation.*

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

- (1) There shall be a President and two Vice-Presidents of the Institute who shall be Fellows of the Institute.
- (2) The president and Vice-Presidents shall be elected at the Annual General Meeting of the Institute and shall each hold office for a term of two years from the date of the election.
- (3) The President shall be the Chairman of the Governing Council established by section 5 of this Act and in his absence the First Vice-President shall be the Chairman of the Governing Council
- (4) The president shall preside at meetings of the Institute and in the event of his absence, death, permanent incapacity or disability, the First Vice-President or in the absence of the First Vice-President, the Second Vice-President shall preside.
- (5) The first Vice-president shall in the event of the death, permanent incapacity or disability of the President act for the unexpired terms of his office whereas the 2nd Vice-President shall assume the office of the 1st Vice President and the Council shall appoint one of its members to assume the post of the 2nd Vice-President and reference in this Act to the President shall be construed accordingly.
- (6) If the President or any of the Vice-Presidents ceases to be a member of the Institute he shall *ipso facto* cease to hold any of the offices designated under this section (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

#### PART IV — MEMBERSHIP OF GOVERNING COUNCIL OF THE INSTITUTE, ETC.

##### *Committee Recommendation.*

Clause 5: Council of the Institute.

- (1) There is hereby established for the Institute a Governing Council (in this Act referred to as "the Council") which shall be charged with the responsibility for the administration and general management of the Institute.
- (2) The Council shall consist of the following members—
  - (a) a Chairman who shall be the President of the Institute;
  - (b) two vice Chairmen;
  - (c) a National Treasurer
  - (d) the Governor of the Central Bank or his representative;

- (e) the Managing Director of the Nigeria Deposit Insurance Corporation or his representative;
  - (f) Six Managing Directors/Chief Executive of Banks to be appointed by the Council;
  - (g) Six persons elected by the Institute;
  - (h) Two Past Presidents of the Institute.
  - (0) a representative each of the following Federal Ministries— (f) Finance, and (ii) Education, (iii) Mortgage/Micro Finance Banking Institutions (alternates);
  - (l) Two persons to represent institutions of higher learning in Nigeria offering courses leading to approved qualifications, to be appointed by the Federal Ministry of Education on rotation, so, however that the two shall not be from the same institution; and
  - (k) One representative of branches in each zone of the Institute and such other zones as may be created by the Council from time;
  - (i) The Registrar/Chief Executive who shall serve as the Secretary.
- (3) The provisions of First Schedule of this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters mentioned therein (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 5 stand pan of the Bill, put and agreed to.*

#### PART V— POWERS OF THE GOVERNING COUNCIL

*Committee Recommendation.*

Clause 6: Powers of the Governing Council.  
The Council shall have responsibility for policy and general administration of the Institute (*Hon. Clever Ikisikpo*) ~ *Agreed to.*

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

#### PART VI — FINANCIAL PROVISIONS

*Committee Recommendation.*

Clause 7: Fund of the Institute.

- (1) There shall be established for the Institute a fund which shall be managed and controlled by the Council.
- (2) There shall be paid into the fund established pursuant to subsection (1) of this section—
  - (a) all fees, charges and monies payable to the Institute in pursuance of this Act; and
  - (b) such other monies as may be received by the Institute in the course of this operations or in relation to the exercise of any of its functions under this Act.
- (3) There shall be paid out of the fund of the Institute—
  - {a) the remuneration and allowances of the Registrar and other employees of the Institute;

- (b) such reasonable traveling and subsistence allowances of members of the Council in respect of the time spent on the business of the Council as the Council may determine; and
  - (c) any other expenses incurred by the Council in the discharge of its functions under this Act.
- (4) The Council may invest monies from the fund in any security created or issued by or on behalf of the Federal republic of Nigeria or in any other securities in Nigeria approved by the Council.
  - (5) The Council may, from time to time, borrow money for the purpose of the Institute and any interest payable on moneys so borrowed shall be paid out of the fund.
  - (6) All the Corporate members in Nigeria shall cause to be paid to the fund, an annual subscription as may be agreed by the Council.
  - (7) The Council shall on behalf of the Institute keep proper books of accounts in respect of each year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an external auditor and when audited, the accounts shall be submitted to the members of the Institute for approval at a general meeting of the Institute (*Hon. Clever Ikisikpo*) — *Agreed to*.

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

PART VII — APPOINTMENT OF REGISTRAR, ETC.

*Committee Recommendation.*

Clause 8:

Appointment of Registrar etc, and preparation of the Register.

- (1) The Council shall appoint a fit and proper person to be the Registrar for the purpose of this Act, and such other persons as the Council may from time to time, deem necessary to assist the Registrar in the performance of his functions under this Act.
- (2) The Registrar shall in addition to his other functions under this Act, be the secretary to the Council and shall keep minutes of the proceedings of all meetings of the Council.
- (3) The Registrar appointed under subsection (1) of the section shall be the Chief Executive of the Institute and shall report to the President/Chairman of Council of the Institute.
- (4) There shall be for the purposes of this Act two registers as follows—
  - (a) the register of members which shall consist of seven parts of which—
    - (i) the first part shall be in respect of Ordinary members,
    - (ii) the second part shall be in respect of Student Members,
    - (iii) the third part shall be in respect of Graduate members,
    - (iv) the fourth part shall be in respect of Associate members,
    - (v) the fifth part shall be in respect of Honorary Senior members
    - (vi) the sixth part shall be in respect of Honorary Fellows; and
    - (vii) the seventh part shall be in respect of Fellows; and
  - (b) the register of Corporate Members.
- (5) Subject to the foregoing provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—

- (a) regulate the making of applications for registration, as the case may be, and provide for the evidence to be produced in support of such applications;
  - (b) provide for the notification to the Registrar, by the person to whom any registered particulars relates, of any change in those particulars;
  - (c) authorize a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Act, entered in relation to his name in addition to or as he may elect, in substitution for any other qualifications so registered;
  - (d) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register, and authorize the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid provided that the rules made for the purpose of this subsection shall not come into force until they are confirmed at a meeting of the Institute
- (6) It shall be the duty of the Registrar—
- (a) to correct any entry in the register in accordance with the Council's direction;
  - (b) to make from, time to time, any necessary alteration in respect of the particulars of registered members as may be directed by the Council;
  - (c) to remove from the register the name of a deceased member, and
  - (d) to record the names of members of the Institute who are in default for more than one year in the payment of annual subscriptions, and to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require and any person whose name is removed from the register **for** being in default of payment of subscription for one year may be re-registered subject to payment of outstanding subscriptions and re-registration fees as may be approved by the Council from time to time
- (7) If the Registrar—
- (a) sends by post to any registered person a letter addressed and delivered to him at his address usually on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and
  - 0) upon the expiration of that period, sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may include the name of the person in the list of special cases under this subsection for the Council's consideration and may if directed by the Council remove the particulars relating to the person in question from the register,

Provided that, the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from pursuant to this subsection (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 8 stand part of the Bill, put and agreed to.*

**Committee Recommendation.**

**Clause 9: Publication of Register and Lists of Corrections.**

- (1) It shall be the duty of the Registrar—
  - (a) to cause the register to be printed, published and put on sale to members of the **public** not later than two years from the commencement of this Act;

- (b) thereafter in each year, to cause to be printed, published and put on sale as aforesaid, either a corrected edition of the register or list of corrections made to the register, since it was last printed;
  - (c) to cause a print of each edition of the register and of each list of corrections to be deposited with the principal officers of the Institute; and
  - (d) to keep the register and lists so deposited and to make the register and such lists available to members of the public at all reasonable times
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar or documents purporting to be prints of an edition of a register so published and of the list of corrections to that edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document or the documents read together, as being registered, was so registered at the date of the edition or of the list of corrections as the case may be, and that any person not so specified was not so registered.
- (3) Where in accordance with subsection (2) of this section, a person is, in any proceeding, shown to have been or not to have been registered at a particular date, he shall, unless the contrary is proved, be taken for the purpose of those proceedings as having at all material times thereafter continued to be or not to be so registered *{Hon. Clever Ikisikpo} — Agreed to.*

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

#### PART VIII — REGISTRATION

##### *Committee Recommendation.*

Clause 10: Registration of Members.

- (1) An individual other than one whose membership has been suspended by a directive of the Disciplinary Tribunal shall be entitled to be registered as a member in the following categories-
- (a) Ordinary member, where the person does not satisfy the conditions for registration as a Student Member, Graduate, Associate, Honorary Senior Member, Honorary Fellow or Fellow specified in paragraphs *{b}* - *{g}* of this section;
  - (b) Student member, where the person—
    - (i) works in a financial institution and has a degree or equivalent qualification or the minimum qualification prescribed by the Council, or
    - (ii) does not work in a financial institution, but has the basic qualification approved by the Council from, time to time, for registration as a student, or
    - (iii) satisfies any other condition which the Council may, from time to time, approved;
  - (c) Graduate member where the person—
    - (i) has passed the associateship examination specified by Council but has not had the period of on the job practical experience prescribed by the Council, or
    - (ii) not being a member of the Institute at the time of application for membership, has passed the qualifying examinations of the Institute of Bankers in any other country acceptable to the Council, or

- (iii) has not been elected a Fellow or an Associate by a recognized foreign Institute of Bankers;
- (d) Associate member where the person—has passed the associateship examinations specified by Council, or
- (i) not being a member of the Institute at the time of application for membership, has passed the qualifying examinations of an Institute of Bankers in any other country acceptable to the Council, or
- (ii) has had a period of on the job practical experience not less than the minimum period prescribed by the Council for the category of membership sought, and
- (iii) has been elected by any recognized foreign Institute to that category of membership;
- (e) Honorary Senior member, where the person—
- (i) does not satisfy the conditions for registration as an associate or fellow specified in paragraph (d) and (g) of this subsection, but has obtained the academic qualifications prescribed by the Council for honorary senior membership, and
- (ii) occupies a senior management position in a bank or any other financial institution;
- (f) Honorary Fellow, where the person—has contributed immensely to the growth of the banking and finance industry and the Institute, or—
- (i) is considered by the Board of Fellows and the Council as a fit and proper person to be awarded the honorary fellowship of the Institute;
- (g) Fellow, where the person—
- (i) satisfies the Council that he is fit and proper person to be so registered and has for a number of years (to be specified by the Council) been an associate member or the holder of approved academic qualifications, and
- (ii) satisfies all other criteria as may be specified by the Council from time to time.
- (2) An applicant for registration shall in addition to evidence of qualification, satisfy the Council that—
- (a) he is of good character; and he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty.
- (3) A banking Institution shall be entitled to be registered as a Corporate member where it has been —
- (a) licensed to carry out the business of banking in Nigeria, and
- (b) satisfied any other condition which the Council may from time to time approve
- (4) The Council shall from time to time, publish in the Institute's journal particulars of qualification for the time being accepted as aforesaid (*Hon. Clever Ikisikpo*) —  
*Agreed to.*

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

*Committee Recommendation.***Clause 11: Approval of Qualifications, etc.**

- (1) The Council may approve any qualification for the purpose of this Act and may, for those purposes approve—
- (a) any course of training at any approved institution which is intended for persons seeking to become members of the banking profession and which the Council considers is designed to confer on persons completing it, sufficient knowledge and skill for registration with the Institute; and
  - (b) any qualification which as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates having reached a standard at the examination, indicating in the opinion of the Council that the candidates have sufficient knowledge and skill to be registered with the Institute.
- (2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall—
- (a) give notice that it proposes to do so, each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted the institution is controlled, as the case may be;
  - (b) afford such a person an opportunity of making to the Council representations with regard to the proposal; and
- (3) A course, qualification or institution shall not be treated as approved during any period the approval is withdrawn under subsection (2) of this section.
- (4) Notwithstanding the provision the provisions of subsection (3) of this section, the withdrawal of an approval under subsection (2) of this section shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval, was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate or experience, immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, whether before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in the instrument and the Council shall—
- (a) as soon as may be possible, publish a copy of every such instrument; and
  - (b) not later than seven days before its publication, as aforesaid, send a copy of the instrument to the institution affected (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 11 stand part of the BUI, put and agreed to.*

*Committee Recommendation.***Clause 12: Supervision of Instructions and Examinations Leading to Approved Qualification.**

- (1) It shall be the duty of the Council to keep itself informed of the nature of—
- (a) the instruction given at approved institutions to person attending approved courses of training; and
  - (b) the examinations as a result of which approved qualifications are granted and for the purposes of performing that **duty**, the Council may appoint, either from among its members or otherwise, persons to visit approved institutions or observe such examinations.
- (2) It shall be duty of a person appointed under subsection (1) of this section to report to the Council on—

- (a) the adequacy of the instructions given to persons attending approved courses of training at institutions visited by him;
  - (b) the adequacy of the examinations attended by him; and
- any other matters relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall, if so required by the institution, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates, requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request  
(*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 12 stand part of the Bill, put and agreed to.*

#### PART IX— PROFESSIONAL DISCIPLINE

##### *Committee Recommendation.*

Clause 13: Establishment of Disciplinary Tribunal and Investigating Panel.

- (1) There shall be constituted a body to be known as The Chartered Institute of Bankers of Nigeria Investigating Panel (in this Act referred to as "the Investigating Panel") which shall be charged with the duty to—
  - (a) conduct a preliminary investigation into any case where it is alleged that a member of the Institute has violated the provisions of the Institute code of conduct in his capacity as a member of the banking profession or shall for any other reason be the subject of proceedings before the Disciplinary Tribunal;
  - (b) decide whether the case should be referred to the Disciplinary Tribunal or not.
- (2) Notwithstanding the provisions of subsection (1) of this section the Central Bank of Nigeria and the Nigerian Deposit Insurance Corporation shall not be subject to the activities of the Investigation Panel.
- (3) The tenure of any member of the Investigating Panel shall be two years renewable for a further period of two years.
- (4) The Council may make rules not inconsistent with this Act as regard acts which constitute professional misconduct
- (5) The Investigating Panel shall act independently in the receiving and investigation of allegations under paragraph (a) of subsection (1) of this section and shall have power to receive complaints directly from any individual or organization.
- (6) There shall be established a Tribunal to be known as the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal (in this Act referred to as "the Disciplinary Tribunal") which shall be charged with the duty of considering and determining any case referred to it by the Investigating Panel constituted under subsection(1) of this section.
- (7) The Disciplinary Tribunal shall be appointed by the Council and shall consist of the Second Vice-President of the Institute who shall be the Chairman, three other members of the Council and three members of the Institute who are not members of the Council.



- (8) The Council shall have power to confirm, rescind or amend, as the case may be, any directive to be conveyed by the Disciplinary Tribunal to any person adjudged by the Tribunal to be guilty of professional misconduct in accordance with the provisions of section 14 of this Act:

Provided that, the Council shall prior to taking any decision on the matter, first give to the person concerned the opportunity of being heard.

- (9) The provisions of Schedule 2 of this Act shall, so far as applicable to the Investigating Panel and Disciplinary Tribunal respectively, have effect with respect to those bodies (Hon. *Clever Ikisikpo*).

**Amendment Proposed:**

*Leave out* all the words in subclause (2) and *retain* the provision in subclause (2) of the Principal Bill (Hon. *Terngu Tsegba*).

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

*Question that Clause 13 as amended, stand part of the Bill, put and agreed to.*

**Committee Recommendation.**

Clause 14: Penalties for Unprofessional Conduct.

(1) Where-

- (a) a person is adjudged by the Disciplinary Tribunal to be guilty of unprofessional conduct in any professional respect; or
- (b) a person is convicted, by any court or tribunal in Nigeria or elsewhere having power to award imprisonment for an offence (where or not punishable with imprisonment) which in the opinion of the Disciplinary Tribunal is incompatible with the conduct required of a member of the banking profession; or
- (c) the Disciplinary Tribunal is satisfied that the name of the person has been fraudulently registered, the Tribunal shall, after receiving the confirmation of its decisions from the Council, convey a direction to the person concerned reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) A person who commits an offence and is found guilty by the decisions of the Disciplinary Tribunal shall have his name struck out from the register of members.
- (3) The Disciplinary Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Disciplinary Tribunal but—
- (a) no decision shall be deferred under this subsection for periods exceeding three months from the conclusion of proceedings in the case; and
- (b) no person shall be a member of the Disciplinary Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Disciplinary Tribunal when the decision was deferred.
- (4) For the purposes of paragraph (b) of subsection (1) of this section, a person shall not be treated as guilty as therein mentioned, unless the guilt stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the direction.
- (5) When the Disciplinary Tribunal gives a direction under subsection (1) of this section, the Disciplinary Tribunal shall cause notice of the direction to be served on the person to whom it relates.

- (6) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Federal High Court and where necessary to the Court of Appeal and the Disciplinary Tribunal shall appear as respondent to the appeal and, for the purposes of enabling directions to be given as to the costs of the appeal and of proceedings before the Federal High Court or Court of Appeal the Disciplinary Tribunal shall be deemed to be a party thereto, whether or not it appears at the hearing of the appeal.
- (7) A direction of the Disciplinary Tribunal given under subsection (1) of this section shall take effect where
      - (a) no appeal under this section is brought against the direction, within the time limit for such an appeal, or on the expiration of that time;
      - (b) such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal.
      - (c) Such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and shall not take effect except in accordance with the foregoing provisions of this subsection
  - (8) A person whose name is struck off the register in pursuance of a direction of the Disciplinary Tribunal under this section shall not be entitled to be registered again, except, in pursuance of a direction in that behalf and a direction under this section for the striking off of a person name from the register prohibits him from making an application for membership or restoration of his membership until after the period specified by the direction that his name should remain struck off, and if he makes an application during the currency of the prohibition such an application shall be invalid (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 14 stand part of the Bill, put and agreed to.*

#### PART X — APPLICATION OF THIS ACT TO UNREGISTERED PERSONS

##### *Committee Recommendation.*

Clause 15: Application of this Act to Unregistered Persons.  
 A person who is not a member of the Nigerian Institute of Bankers established before the commencement of this Act who but for this Act, is qualified to apply for and obtain membership of the Institute may apply for membership of the Chartered Institute of Bankers of Nigeria established by this Act, in such manner as may be prescribed by rules made by the Council and shall be registered in the category of membership appropriate in the current period for holders of the qualification he possesses (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

##### *Committee Recommendation.*

Clause 16: Practice as a Members of the Banking Profession.  
 (1) A person other than an Corporate member shall be deemed to practice as a member of the banking profession if, in consideration of remuneration received or to be received and whether by himself or in partnership with any other person—

- (a) he engages himself in the practice of banking or holds himself out to the public as a member of the banking profession; or
- (b) he renders professional service or assistance in or about matters of principle or detail relating to banking procedures; or
- (c) he renders any other service which may be regulations made by the Council, be designated as service constituting practice as a member of the banking profession (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that Clause 16 stand part of the Bill, put and agreed to.*

## PART XI — RULES AS TO PRACTICE, ETC. AND PROVISION OF LIBRARY FACILITIES

*Committee Recommendation.*

Clause 17: Rules as Practice, etc.

- (1) The Council may make rules to guide training in banking methods and practice.
- (2) The Council may also make rules—
  - (a) prescribing the amount and date for payment of the annual subscription and for such purposes, different amounts may be prescribed by the rules according to whether the person is registered as an Ordinary Member, Student Member, Graduate Member, Associate Member, Honorary Senior Member, Honorary Fellow or Fellow; and
  - (b) restricting the right to membership of the Institute in default of payment of the amount of the annual subscription where the default continues for more than one year or such period as may be prescribed by the rules.
- (3) Rules when made under this section shall, be published in the Institute's journal.
- (4) Any member of the Institute who fails to pay the annual subscription for one year or such period as may be prescribed by the Council may have his name removed from the register of members (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

*Committee Recommendation.*

Clause 18: Provision of Library Facilities, etc.

The Institute shall—

- (a) provide and maintain a library comprising books and publications for the advancement of knowledge of banking and such other books and publications as the Council may think necessary for that purpose; and
- (b) encourage research into banking theory and practice and allied subjects to the extent that the Council may, from time to time, consider necessary (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

## PART XII— OFFENCES, ETC.

*Committee Recommendation.*

Clause 19: Offences and Penalties.

- (1) A person for the purpose of procuring the registration of any name, qualification or other matter who—
  - (a) make a statement which he believes to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular, is guilty of an offence.
- (2) If, on or after the relevant date, any person who is not a member of the Institute practices or holds himself out to practices as a banker for or in expectation of reward or takes or uses any name, title, addition or description implying that he is in practice as a banker, he shall be guilty of an offence. Provided that, in the case of a person failing within section 15 of this Decree—
  - (a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that section and if within that period he duly applies for membership of the Institute

(b) then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of any thing done by him between the end of that period and the date on which he is enrolled or registered or is notified as aforesaid.

- (3) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to have committed the offence and is liable on conviction by court of competent jurisdiction in the case of an individual to the punishment prescribed in subsection (4) of this section and in the case of a body corporate, to a fine of not less than N200,000.
- (4) A person who shall be guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding two years or to a fine not less than N20,000 or to both imprisonment and fine (*Hon. Clever Ikisikpo*).

**Amendment Proposed:**

*Leave out* all the words in subclause (2) and *insert* the following instead thereof:

"If, on or after the relevant date, any person who is not a member of the Institute uses any name, title, addition or description implying that he is a member shall be guilty of an offence, provided that in the case of a person falling within section 15 of this Act" (*Hon. Terngu Tsegba*).

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

*Question that Clause 19 as amended, stand part of the Bill, put and agreed to.*

**Committee Recommendation.**

**Clause 20: Regulations.**

- (1) Any regulations, made pursuant to this Act shall be published in the Institute's Journal.
- (2) Rules made for the purposes of this Act shall be subject to confirmation by the Council at its next general meeting or any special meeting of the Institute convened for that purpose, and if annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

**Committee Recommendation.**

**Clause 21: Repeal of 1990 No. 12.**

- (1) The Chartered Institute of Bankers of Nigeria Act is hereby repealed and the rights, interests, obligations and liabilities of the Institute existing under the Act under any contract or instrument, or in law or in equity apart from any contract or instrument, shall be virtue of this Act be assigned to and vested in the Institute established by this Act.
- (2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Institute and shall be enforceable fully and effectively (*Hon. Clever Ikisikpo*) — *Agreed to.*

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

**Committee Recommendation.**

**Clause 22: Interpretation.**

**In this Act,** unless the context otherwise requires—

"Bank" means a bank licensed in Nigeria under Banks and Other Financial Institutions Act 1991, as amended (*Hon. Clever Ikisikpo*).

*Question that the meaning of the word "Bank" be as defined in the Interpretation to this Act, put and agreed to.*

"Chartered Banker" means a person who has passed the professional examinations and has been elected an Associate or Fellow of the Chartered Institute of Bankers of Nigeria (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "Chartered Banker" be as defined in the Interpretation to this Act, put and agreed to.*

"Council" means the Council established as the governing body of the Institute under section 5 of this Act (*Hon. Clever Ikisikpo*).

*Question that the meaning of the word "Council" be as defined in the Interpretation to this Act, put and agreed to.*

"Disciplinary Tribunal" means the Chartered Institute of Bankers of Nigeria Disciplinary Tribunal established under section 13 of this Act (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "Disciplinary Tribunal" be as defined in the Interpretation to this Act, put and agreed to.*

"Fee" includes annual subscription (*Hon. Clever Ikisikpo*).

*Question that the meaning of the word "Fee" be as defined in the Interpretation to this Act, put and agreed to.*

"Fit person" means a person of good character, who is not an undischarged bankrupt and has not been convicted in Nigeria or elsewhere of any offence involving fraud or dishonesty or has not been so convicted since a period to be specified from time to time by the Council (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "Fit person" be as defined in the Interpretation to this Act, put and agreed to.*

"Institute" means the Chartered Institute of Bankers of Nigeria established under section 1 of this Act (*Hon. Clever Ikisikpo*).

*Question that the meaning of the word "Institute" be as defined in the Interpretation to this Act, put and agreed to.*

"Institutional member" means Central Bank of Nigeria, Nigeria Deposit Insurance Corporation, Banks, Development Banks and Discount Houses, Mortgage Institutions and Micro-Finance Banks, etc. in Nigeria (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "Institutional member" be as defined in the Interpretation to this Act, put and agreed to.*

"Investigating Panel" means the Chartered Institute of Bankers of Nigeria Investigating Panel established under section 13 of this Act (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "Investigating Panel" be as defined in the Interpretation to this Act, put and agreed to.*

"Member of the banking profession" means a person registered by the Institute as a member in the category of an Ordinary Member, Student Member, Graduate Member, Associate Member, Honorary Senior Member, Honorary Fellow and Fellow (*Hon. Clever Ikisikpo*).

»

*Question that the meaning of the words "Member of the banking profession" be as defined in the Interpretation to this Act, put and agreed to.*

"President", "Vice-President" and 'National Treasurer' means the office holders under those names in the Institute respectively (*Hon. Clever Ikisikpo*).

*Question that the meaning of the words "President", "Vice-President" and "National Treasurer" be as defined in the Interpretation to this Act, put and agreed to.*

"Profession" means the banking profession (Hon. *Clever Jkisiripo*).

*Question that the meaning of the word "Profession" be as defined in the Interpretation to this Act, put and agreed to.*

"Register" means the register kept in pursuance of section 8 of this Act (*Hon. Clever Ikisiripo*).

*Question that the meaning of the word "Register" be as defined in the Interpretation to this Act, put and agreed to.*

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

*Committee Recommendation.*

Clause 23: Short Title.

This Act may be cited as the Chartered Institute of Bankers of Nigeria Bill, 2006 (*Hon. Clever Ikisiripo*) — *Agreed to.*

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

## SCHEDULES

### SCHEDULE 1

*Section 4 (2)*

#### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

##### *Qualifications and Tenure of Office of Members of the Council*

1. (1) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of two years beginning from the date of his appointment or election.
- (2) A member of the Institute who ceases to be a member thereof shall, if he also a member of the Council ceases to hold office in the Council.
- (3) A member of the Council may, by notice in writing under his hand addressed to the President resign his office.
- (4) A person who retires from or otherwise ceases to be an elected member of the Council shall be eligible to become a member of the Council and any appointed member may be reappointed.
- (5) Members of the Council shall at its meeting next before the general meeting of the Institute, arrange for the five elected members of the Council who are longest in office to retire at that general meeting.
- (6) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and until so prescribed, they shall be decided by secret ballot.
- (7) If for any reason there is vacation of office by a member and—
  - (a) such member was appointed by the Council or any other body, the Council or that other body may appoint another fit person from the area in respect of which the vacancy occurs; or
  - (b) such member was elected, the Council may, if the time between the unexpired term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for such time as aforesaid.

##### *Power of the Council*

2. The Council shall have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of die Institute.

- (1) Subject to the provisions of the Act, the Council may in the name of the Institute make standing Orders regulating the proceedings of the Institute or of the Council, and in the exercise of its powers under this Act, may set committees in the general interest of the Institute and make standing orders thereof.
- (2) Standing Orders shall, provide for decision to be taken by a majority of the members, and in the event of an equality of votes, the President or the Chairman, as the case may be, shall have a second of casting vote.
- (3) Standing Orders made for a committee shall, provide for the committee to report back to the Council on any matter referred to it by the Council.
- (4) The quorum of the Council, be seven and the quorum of a committee of the Council shall be fixed by the Council.

*General Meeting of the Institute*

- 4 (1) The Council shall convene the annual general meeting of the Institute on 30th April in every year, or on such other day as the Council may from time to time, appoint so however, that if the meeting is not held within one year after the previous meeting, no more than fifteen months shall elapse between the respective dates of the two meetings:  
  
Provided that, notice of the annual general meeting shall be given to all members of the Institute not later than twenty one days from the date of the meeting.
- (2) A special general meeting of the Institute may be convened by the Council at anytime and if not less than twenty members of the Institute so require, by notice in writing addressed to the Chairman of the Council setting out the objects of the proposed meeting, the Chairman of the Council shall convene a special general meeting of the Institute;  
  
Provided that, notice of the special general meeting shall be given to all members of the Institute not later than twenty one days from the date of the meeting.
- (3) The quorum of any annual general meeting of the Institute and that of any special general meeting of the Institute shall each be twenty members.

*Meeting of the Council*

5. (1) Subject to the provisions of any standing order of the Council, the Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so, by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At the meeting of the Council, the Chairman or in his absence any one of the Vice-Chairmen stated in section (5) (2) (b) of this Act in the descending order of their status shall preside, but if the Chairman and the two Vice-Chairmen are absent, the members present at the meeting shall appoint one of their member to preside at the meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council may think fit, but a person who is a member by virtue of this sub-paragraph shall not count towards a quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the President of the Institute.

*Committees*

6. (1) The council may, appoint one or more committees to carry out on behalf of the Institute or Council such functions as the Council may determine.
- (2) A committee appointed under this paragraph shall, consist of the number of persons determined by the Council, of whom not more than one third may be persons who are not members of the Council and a person other than a member of the Council shall, hold office on the committee in accordance with the terms of the letter by which he is appointed.

- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

*Miscellaneous*

7. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or of some other members of the Council authorized generally or specially by the Institute to act for that purposes.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council, as the case may require, by any person generally or specially authorized to act for that purpose by the Council;
- (3) Any document purporting to be a document, duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved be deemed to be so executed.
8. The validity of any proceedings of the Institute or the Council or of a committee of the Council shall, not be adversely affected by any vacancy in membership or by any defect in the appointment of a member of the Institute or of the Council or of a person to serve on the Committee or by reason that a person not entitled to do so took part in the proceedings.
9. Any member of the Institute or of the Council or any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute or by a committee of the Council on behalf of the Council shall, forthwith disclose his interest to the committee or to the Council, as the case may be and shall not vote on any question relating to the contract or arrangement.
10. A person shall not by reason on only of his membership of the Institute be treated as holding an office in the public service of the Federation (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that the provisions of Schedule 1 stand part of the Bill, put and agreed to.*

SCHEDULES 2

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Qualifications and Tenure of Office of Members of the Council*

1. The quorum of the Disciplinary Tribunal shall be four members.
2. (1) The Attorney-General of the Federation shall make rules as to the selection of members of the Disciplinary Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Tribunal.
- (2) The rules shall in particular provide—
- (a) for securing that notice of the proceedings shall be given at such time and in such manner, as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceeding shall, if he so require, be entitled to be heard by the Tribunal;
- (d) for securing that any party to the proceedings may be represented by a legal practitioner;
- (e) subject to the provisions of section 13(6) of this Act, as to the cost of proceedings before the Disciplinary Tribunal;



- (f) for requiring, in any case where it is alleged that the person who is the subject of the proceedings involved himself in unprofessional conduct in any professional respect, that where the Disciplinary Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates; and
  - (g) for publishing notice of any direction of the Tribunal which has taken effect, providing that a person's name shall be struck off a register.
- 3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may, administer Oaths and any party to the proceedings may issue out of the registry of the Federal High Court writs of subpoena *ad testificandum* and *duces tectum*, but no person appearing before the Disciplinary Tribunal shall be compelled—
  - (a) to make any statement before the Tribunal tending to incriminate himself; or
  - (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.
- 4.
  - (1) For the purposes of advising the Tribunal on question of law arising in the proceedings before it, there shall in all such proceedings be an assessor to the Disciplinary Tribunal who shall be appointed by the Council in the nomination of the Attorney-General of the Federation and shall be a legal Practitioner of not less than seven years standing.
  - (2) The Attorney-General of the Federation shall make rules as to the functions of Assessor appointed under this paragraph and in particular such rules shall contain provisions for securing that—
    - (a) where an assessor advises the Disciplinary Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or a person representing a party to the proceedings who appears mere or if the advice is tendered while the Tribunal is deliberating in private that every such party or person as aforesaid shall be informed of what advice the assessor had tendered.;
    - (b) every such party or person as aforesaid shall, be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid
  - (3) An assessor may, be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the letter by which he was appointed.
- 5. The quorum of the Investigating Panel shall be three.
- 6.
  - (1) The Investigating Panel may, at any of its meetings attended by all the members of the Investigating Panel, make standing orders with respect to the Investigating Panel.
  - (2) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own proceedings.
- 7.
  - (1) A person ceasing to be a member of the Investigating Panel or the Disciplinary Tribunal shall, be eligible for re-appointment as a member of the Investigating Panel or Disciplinary Tribunal as the case may be, however, nobody shall serve in the Investigating Panel for more than two consecutive terms totaling four years.
  - (2) A person may, if otherwise eligible, be a member of both the Disciplinary Tribunal and the Investigating Panel, but no person who acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Tribunal with respect to that case.
- 8. The investigating Panel or the Disciplinary Tribunal may act, notwithstanding any vacancy in it membership, and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body or subject to paragraph 7 (2) of this Schedule by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body,

9. **Any** document authorized or required by virtue of this Act to be served on the Disciplinary Tribunal or the Investigating Panel shall be served on the Registrar.
10. Any expenses of the Disciplinary Tribunal or the Investigating Panel shall be defrayed by the Institute (*Hon. Clever Ikisikpo*) — *Agreed to.*

*Question that the provisions of Schedule 2 stand part of the Bill, put and agreed to.*

*Chairman to report Bill.*

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole, considered the Report of the Committee on Banking and Currency on a Bill for an Act to Repeal the Chartered Institute of Bankers of Nigerian Act, 1990 and Re-Enact the Chartered Institute of Bankers of Nigerian Act and Matters Connected Therewith, 2005. It approved Clauses 1 - 12, amended Clause 13, approved Clause 14 - 18, amended Clause 19, approved Clauses 20 - 23 and the First and Second Schedules to the Bill.

*Question that the House do adopt the Report of the Committee of Whole, put and agreed to,*

**11. Adjournment:**

That this House do now adjourn till Thursday, 14 September, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*).

*Adjourned accordingly at 12.15 p.m.*

**Aminu Bello Masari**  
*Speaker*