

*Extraordinary*



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FEDERAL POLYTECHNIC OROGUN, DELTA STATE

(ESTABLISHMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

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2. Functions of the Polytechnic
3. Establishment and Constitution of the Council, etc.
4. Visitation
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Schedule - Supplementary Provisions Relating to the Council.

# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL POLYTECHNIC OROGUN, DELTA STATE TO PROVIDE FULL-TIME COURSES IN TECHNOLOGY, APPLIED SCIENCE, MANAGEMENT AND OTHER FIELDS OF STUDIES AND TO MAKE PROVISIONS FOR THE GENERAL ADMINISTRATION OF THE POLYTECHNIC AND FOR RELATED MATTERS

*Sponsored by Senator Ovie Omo-Agege*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

- |   |   |
|---|---|
| <p>1               <b>1.</b> There is hereby established the Federal Polytechnic Orogun,</p> <p>2       Delta State specified in the Schedule to this Bill (in this Bill severally</p> <p>3       referred to as "the Polytechnic") which shall have such powers and exercise</p> <p>4       such functions as are specified in this Bill.</p>  | <p>Establishment<br/>of the Federal<br/>Polytechnic<br/>Orogun, Delta<br/>State</p> |
| <p>5               <b>2.</b>-(1) The functions of the Polytechnic shall be-</p> <p>6               (a) to provide full-time or part-time courses of instruction and</p> <p>7       training-</p> <p>8               (i) in technology, applied science, commerce and management;</p> <p>9       and</p> <p>10              (ii) in such other fields of applied learning relevant to the needs of</p> <p>11       the development of Nigeria in the area of industrial and agricultural</p> <p>12       production and distribution and for research in the development and</p> <p>13       adaptation of techniques as the Council may from time to time determine;</p> <p>14              (b) to arrange conferences, seminars and study groups relative to</p> <p>15       the fields of learning specified in paragraph (a) of this sub-clause (1);</p> <p>16              (c) to perform such other functions as in the opinion of the Council</p> <p>17       may serve to promote the objectives of the Polytechnic</p> <p>18              (2) Nothing in this Clause shall preclude the government of a State</p> | <p>Functions of<br/>Federal Polytechnic<br/>Orogun, Delta<br/>State</p>             |

Establishment  
and Constitution  
of the Council,  
etc.

1 or any of its agencies from setting up a polytechnic similar to any Polytechnic  
2 established under this Bill.

3 3.-(1) There shall be established for the Polytechnic a Council  
4 (hereafter in this Bill referred to as "the Council") which shall be a body  
5 corporate with perpetual succession and a common seal and may sue and be  
6 sued in its corporate name.

7 (2) The Council shall consist of a Chairman and the following other  
8 members, that is-

9 (a) one person to represent the Polytechnic;

10 (b) one person to represent the Manufacturers' Association of Nigeria;

11 (c) one person to represent professional bodies whose disciplines are  
12 taught at the Polytechnic;

13 (d) one person selected from a Federal or State public utility statutory  
14 corporation;

15 (e) one person of standing in the community where the Polytechnic is  
16 situate;

17 (f) the Rector of the Polytechnic;

18 (g) one representative of the Minister charged with responsibility for  
19 matters relating to Polytechnics;

20 (h) one representative of the Permanent Secretary of the Ministry  
21 charged with responsibility for matters relating to industries;

22 (i) one representative of the academic board of the Polytechnic;

23 (j) one representative of the State Commissioner of Education; and

24 (k) five other persons, at least one of whom shall be a woman, to be  
25 selected each on his personal merit based on his contribution to either the  
26 development of industry, technology or commerce or special interest in  
27 technical education.

28 (3) The Chairman and members of the Council other than ex-officio  
29 members shall be appointed by the President.

30 (4) The provisions set out in the Schedule to this Bill shall apply in

1 relation to the Constitution of the Council and the other matters therein  
2 specified.

3 4.-(1) The Minister of Education shall be the Visitor to the Visitation  
4 Polytechnic.

5 (2) The Visitor shall, not less than once in every five years, conduct  
6 a visitation of the college or appoint a Visitation Panel, consisting of not less  
7 than five experts. To conduct the visitation-

8 (a) for the purpose of evaluating the academic and administrative  
9 performance of the Polytechnic;

10 (b) for such other purpose or in respect of any other affairs of the  
11 Polytechnic as the Visitor may deem fit.

12 5.-(1) There shall be a Registrar to the Polytechnic who shall be Registrar of the  
13 responsible to the Rector for the day-to-day administration of the Polytechnic  
14 Polytechnic and shall perform such other duties as the Council or, as the case  
15 may be, the Rector may from time-to-time require him to do.

16 (2) The Registrar shall be the Secretary to the Council, the  
17 Academic Board and any committee of the Council and shall attend all the  
18 meetings of those bodies unless excused for good reason by the Chairman of  
19 the Council.

20 (3) In the absence of the Registrar, the Chairman of the Council  
21 may, after consultation with the Rector, appoint a suitable person to act as  
22 Secretary for any particular meeting of the Council.

23 (4) The Secretary to the Council or a person appointed to act under  
24 sub-clause (3) of this Clause, shall not vote on any question before the  
25 Council or count towards a quorum unless he is so entitled as a member of  
26 the Council.

27 6.-(1) A Registrar-

28 (a) shall hold office for a period of five years beginning from the  
29 effective date of his appointment and on such terms and conditions as may  
30 be specified in the letter of his appointment; and

Tenure of Office  
of the Registrar

Functions of the  
Council and its  
Finance and  
General Purposes  
Committee t

1 (b) may be re-appointed for one further period of five years and no  
2 more.

3 7.-(1) Subject to provision of this Bill, the Council shall be the  
4 governing body of the Polytechnic and shall have responsibility for the general  
5 management of the affairs of the Polytechnic, and in particular, the control of  
6 the property and finances of the Polytechnic; and shall also have power to do  
7 anything which in its opinion is calculated to facilitate the carrying out of the  
8 activities of the Polytechnic and promote its best interests.

9 (2) The Council may acquire and hold such movable or immovable  
10 property as may be necessary or expedient for carrying into effect the  
11 provisions of this Bill, and for the same purpose may sell, lease, mortgage or  
12 otherwise alienate or dispose of any property so acquired.

13 (3) The Council may enter into such contracts as may be necessary or  
14 expedient for carrying into effect the provisions of this Bill.

15 (4) The Minister may give to the Council directions of a general  
16 character or relating generally to particular matters (but not any individual  
17 person or case) with regard to the exercise by the Council of its functions and it  
18 shall be the duty of the Council to comply with the directions.

19 (5) There shall be a committee of the Council, to be known as the  
20 Finance and General Purposes Committee, which shall, subject to the  
21 directions of the Council, exercise control over the property and expenditure of  
22 the Polytechnic and perform such other functions of the Council as the Council  
23 may from time to time delegate to it.

24 (6) Provision shall be made by Statute with respect to the Constitution  
25 of the Finance and General Purposes Committee.

26 (7) The Council shall ensure that proper accounts of the Polytechnic  
27 are kept and that the accounts of the Polytechnic are audited annually by  
28 auditors appointed by the Council from the list and in accordance with  
29 guidelines supplied by the Auditor-General of the Federation; and that an  
30 annual report is published by the Polytechnic together with certified copies of

1 the said accounts as audited.

2 (8) Subject to this Bill the Statutes, the Council and the Finance and  
3 General Purposes Committee may each make rules for the purpose of  
4 exercising any of their respective functions or of regulating their own  
5 procedure.

6 (9) Rules made under sub-clause (8) of this Clause by the Finance  
7 and General Purposes Committee shall not come into force unless approved  
8 by the Council; and in so far and to the extent that any rules so made by that  
9 committee conflict with any directions given by the Council (whether  
10 before or after the coming into force of the rules in question), the directions  
11 of the Council shall prevail.

12 (10) There shall be paid to the members of the Council, of the  
13 Finance and General Purposes Committee and of any other committee set up  
14 by the Council respectively allowances in respect of traveling and other  
15 reasonable expenses, at such rates as may from time to time be fixed by the  
16 Council.

17 (11) The Council shall meet as and when necessary for the  
18 performance of its functions under this Bill, and shall meet at least three  
19 times in every year.

20 (12) If requested in writing by any five members of the Council, the  
21 Chairman shall within twenty-eight days after the receipt of such request  
22 call a meeting of the Council; and the request shall specify the business to be  
23 considered at the meeting and no business not so specified shall be  
24 transacted at that meeting.

25 *Staff*

26 **8.-(1)** There shall be a Rector of the Polytechnic ("the Rector") who  
27 shall be appointed by the President in accordance with the provisions of this  
28 Clause.

The Rector of  
the Polytechnic

29 (2) Where a vacancy occurs in the post of Rector, the Council shall-

30 (a) advertise the vacancy in a reputable journal or widely read



- 1 newspaper in Nigeria, specifying-
- 2 (i) the qualities of the person who may apply for the post; and
- 3 (ii) the terms and conditions of service applicable to the post, and
- 4 thereafter, draw up a short list of suitable candidates for consideration;
- 5 (b) constitute a Search Team consisting of-
- 6 (i) a member of the Council, not being a member of the Academic
- 7 Board, as Chairman;
- 8 (ii) two members of the Academic Board, not below the rank of Chief
- 9 Lecturer;
- 10 (iii) two members of the Academic Community of the college not
- 11 below the rank of Chief Lecturer, to be selected by Council, to identify and
- 12 draw up a short list of persons who are not likely to apply on their own volition
- 13 because they feel that it is not proper to do so.
- 14 (3) A Joint Council and Academic Board Selection Board consisting
- 15 of-
- 16 (a) the Chairman of the Council;
- 17 (b) two members of the Council not being members of the Academic
- 18 Board;
- 19 (c) two members of the Academic Board not below the rank of Chief
- 20 Lecturer, who were not members of the Search Team, shall consider the
- 21 candidates on the short list drawn up under sub-clause (2) of this Clause
- 22 through an examination of their curriculum vitae and interaction with them and
- 23 recommend, through the Council, three candidates for consideration.
- 24 (4) The President shall appoint, as Rector, one of the candidates
- 25 recommended to him under the provisions of sub-clause (3) of this Clause.
- 26 (5) Subject to this Bill and the general control of the Council, the
- 27 Rector shall be the Chief Executive of the Polytechnic and shall be charged
- 28 with responsibility for matters relating to the day-to-day management and
- 29 operations of the Polytechnic.
- 30 (6) The Rector-

1 (a) shall hold office for a period of four years beginning with the  
2 effective date of his appointment and on such terms and conditions as may  
3 be specified in his letter of appointment;

4 (b) may be re-appointed for a further period of four years and no  
5 more.

6 **9.-(1)** There shall be for the Polytechnic a Deputy Rector. Deputy Rectors

7 (2) The Council shall appoint the Deputy Rector from among the  
8 Chief Lecturers in the Polytechnic in one of the following ways-

9 (a) from a list of three candidates, in order of preference, submitted  
10 by the Rector;

11 (b) on the recommendation of a Selection Board constituted under  
12 this Clause; or

13 (c) on the nomination of the Rector.

14 (3) The Selection Board referred to in sub-clause (2) of this Clause  
15 shall-

16 (a) consist of-

17 (i) the Chairman of the Council;

18 (ii) the Rector;

19 (iii) two members of the Council not being members of the  
20 Academic Board; (iv) two members of the Academic Board; and

21 (b) make such inquiries as it deems fit before making the  
22 commendation required under that sub-clause.

23 (4) The Deputy Rector-

24 (a) shall assist the Rector in the performance of his functions;

25 (b) act in the place of the Rector when the post of Rector is vacant  
26 or if the Rector is for any reason absent or unable to perform his functions as  
27 Rector; and

28 (c) perform such other functions as the Rector may, from time to  
29 time, assign to him.

30 (5) The Deputy Rector-

	1	(a) shall hold office for a period of two years beginning from the
	2	effective date of his appointment and on such terms and conditions as may be
	3	specified in his letter of appointment; and
	4	(b) may be re-appointed for one further period of two years and no
	5	more.
Other Principal Officers of the Polytechnic	6	<b>10.-(1)</b> There shall be for the Polytechnic the following other
	7	Principal Officers, that is-
	8	(a) the Registrar under Clause 5 and 6 of this Bill;
	9	(b) the Bursar; and
	10	(b) the Polytechnic Librarian, who shall all be appointed by the
	11	Council on the recommendation of the Selection Board constituted under
	12	Clause 9 (2)(b) of this Bill.
	13	(2) The Bursar shall be the Chief Financial Officer of the Polytechnic
	14	and be responsible to the Rector for the day-to-day administration and control
	15	of the financial affairs of the Polytechnic.
	16	(3) The Polytechnic Librarian shall be responsible to the Rector for
	17	the administration of the Polytechnic library and the co-ordination of the
	18	library services in the teaching units of the Polytechnic.
	19	(4) The Bursar or Librarian-
	20	(a) shall hold office for a period of five years in the first instance and
	21	on such terms and conditions as may be specified in his letter of appointment;
	22	(b) may be re-appointed for a further period of five years and no more.
Resignation of Appointment of Principal Officers	23	<b>11.</b> A principal officer may resign his appointment-
	24	(a) in the case of the Rector, by notice to the Visitor;
	25	(b) in any other case, by notice to the Council.
Selection Board for other Principal Officers	26	<b>12.-(1)</b> There shall be, for each College, a Selection Board which shall
	27	consist of-
	28	(a) the Chairman of the Council;
	29	(b) the Rector;
	30	(c) four members of the Council not being members of the Academic

1 Board; (d) two members of the Academic Board.

2 (2) The functions and procedure and other matters relating to the  
3 Selection Board constituted under sub-clause (1) of this Clause shall be as  
4 the Council may, from time-to-time, determine.

5 13. -(1) The Council may appoint such other persons to be  
6 employees of the Polytechnic as the Council may determine to assist the  
7 Rector and the Principal Officers of the Polytechnic in the performance of  
8 their functions under this Bill.

Other Employees  
of the Polytechnic

9 (2) The power to appoint all other employees of the Polytechnic  
10 shall be exercised-

11 (a) in the case of senior employees, by the Council on the  
12 recommendation of the Appointment and Promotions Committee set up  
13 under the provisions of paragraph 3 (2) (a) of the Schedule to this Bill;

14 (b) in the case of junior employees, by the Rector on the  
15 recommendation of the Junior Staff Appointments and Promotions  
16 Committee constituted under paragraph 3 (2) (b) of the Schedule to this Bill.

17 (3) Subject to the provisions of this Bill, the remuneration, tenure  
18 of office and conditions of service of the employees of the Council shall be  
19 determined by the Council in consultation with the Federal Civil Service  
20 Commission.

21 14.-(1) The Federal Civil Service Commission may by order  
22 published in the Federal Gazette declare the office of the Rector or any other  
23 person employed by the Council to be a pensionable office for the purposes  
24 of the Pensions Act.

Application of  
the Pensions Act

25 (2) Nothing in the provisions of sub-clause (1) of this Clause shall  
26 prevent the appointment of any person to any office on terms which preclude  
27 the grant of a pension or gratuity in respect of service in that office.

28 Establishment of the Academic Board.

29 15. -(1) There shall be established for the Polytechnic a board to be  
30 known as the

The Academic  
Board

1 Academic Board which shall consist of the following members-

- 2 (a) the Rector of the Polytechnic, as the Chairman;  
 3 (b) the Deputy-Rector of the Polytechnic;  
 4 (c) all Heads of Departments;  
 5 (d) the Polytechnic Librarian; and  
 6 (e) not more than two members of the Academic Staff, other than  
 7 Heads of Departments, who may be appointed by the Academic Board.

8 (2) The Academic Board shall be responsible for-

- 9 (a) the direction and management of academic matters of the  
 10 Polytechnic including the regulation of admission of students, the award of  
 11 certificates and diplomas, scholarships, prizes and other academic distinctions;  
 12 (b) the making to the Council of such periodic reports on such  
 13 academic matter as the Academic Board may think fit or as the Council may  
 14 from time-to-time direct; and  
 15 (c) the discharge of any other functions which the Council may  
 16 delegate to it.

17 *Tenure of Office*

Removal from  
Office of Members  
of the Council  
and the Rector

18 **16.-(1)** If it appears to the Council that a member of the Council (other  
 19 than an ex-officio member) or the Rector should be removed from office on the  
 20 ground of misconduct or inability to perform the functions of his office, the  
 21 Council shall make a recommendation to that effect to the President, and if the  
 22 President, after making such inquiries as he considers necessary, approves the  
 23 recommendation, the President, shall, in writing, declare the office of such  
 24 member vacant.

25 (2) The President may remove any member of the Council if he is  
 26 satisfied that it is not in the public interest or in the interest of the Polytechnic  
 27 that such member should continue as a member of the Council.

Removal and  
Discipline of  
Academic,  
Administrative  
and Technical  
Staff

28 **17.-(1)** If it appears to the Council that there are reasons for believing  
 29 that any person employed as a member of the academic, administrative or  
 30 technical staff of the Polytechnic, other than the Rector, should be removed

1 from office on the ground of misconduct or inability to perform the  
2 functions of his office, the Council shall-

3 (a) give notice of those reasons to the person in question;

4 (b) afford him an opportunity of making representations in person  
5 on the matter to the Council; and

6 (c) if he or any three members of the Council so request within the  
7 period of one month beginning with the date of the notice, make  
8 arrangements-

9 (i) if he is an academic staff, for a joint committee of the Council  
10 and the Academic Board to investigate the matter and to report on it to the  
11 Council; or

12 (ii) for a committee of the Council to investigate the matter, where  
13 it relates to any other member of the staff of the Polytechnic and to report on  
14 it to the Council; and

15 (iii) for the person in question to be afforded an opportunity of  
16 appearing before and being heard by the investigating committee with  
17 respect to the matter, and if the Council, after considering the report of the  
18 investigating committee, is satisfied that the person in question should be  
19 removed as aforesaid, the Council may so remove him by an instrument in  
20 writing signed on the directions of the Council.

21 (2) The Rector may, in a case of misconduct by a member of the  
22 staff which in the opinion of the Rector is prejudicial to the interests of the  
23 Polytechnic, suspend such member and any such suspension shall forthwith  
24 be reported to the Council

25 (3) For good cause, any member of staff may be suspended from  
26 office or his appointment may be terminated by the Council, and for the  
27 purpose of this sub-clause, "good cause" means-

28 (a) any physical or mental incapacity which the Council, after  
29 obtaining medical advice, considers to be such as to render the person  
30 concerned unfit for the discharge of the functions of his office;

1 (b) any physical or mental incapacity which the Council, after  
2 obtaining medical advice, considers to be such as to render the person  
3 concerned unfit to continue to hold his office;

4 (c) conduct of a scandalous or other disgraceful nature which the  
5 Council considers to be such as to render the person concerned unfit to continue  
6 to hold his office; or

7 (d) conduct which the Council considers to be such as to constitute  
8 failure or inability of the person concerned to discharge the functions of his  
9 office or to comply with the terms and conditions of his service.

10 (4) Any person suspended pursuant to sub-clause (2) or (3) of this  
11 Clause, shall be placed on half pay and the Council shall before the expiration  
12 of the period of three months after the date of such suspension consider the case  
13 against that person and come to a decision as to-

14 (a) whether to continue such person's, suspension and if so on what  
15 terms (including the proportion of his emoluments to be paid to him);

16 (b) whether to reinstate such person, in which case the Council shall  
17 restore his full emoluments to him with effect from the date of suspension;

18 (c) whether to terminate the appointment of the person in question, in  
19 which case such a person, will not be entitled to the proportion of his  
20 emoluments withheld during the period of suspension; or

21 (d) whether to take such lesser disciplinary action against such person  
22 (including the restoration of such proportion of his emoluments that might  
23 have been withheld) as the Council may determine, and in any case where the  
24 Council, pursuant to this Clause, decides to continue a person's suspension or  
25 decides to take further disciplinary action against a person, the Council shall  
26 before the expiration of a period of three months from such decision come to a  
27 final determination in respect of the case concerning any such person.

28 (5) It shall be the duty of the person by whom an instrument of  
29 removal is signed in pursuance of sub-clause (1) of this Clause, to use his best  
30 endeavours to cause a copy of the instrument to be served as soon as reasonably

1 practicable on the person to whom it relates.

2 (6) Nothing in the foregoing provisions of this Clause shall prevent  
3 the Council from making such regulations for the discipline of other  
4 categories of staff and workers of the Polytechnic as it may think fit.

5 *Discipline*

6 **18.-(1)** Subject to the provisions of this Clause, where it appears to Discipline of  
7 the Rector that any student of the Polytechnic has been guilty of misconduct, Students  
8 the Rector may, without prejudice to any other disciplinary powers  
9 conferred on him by this Bill or regulations made hereunder direct-

10 (a) that the student shall not during such period as may be specified  
11 in the direction, participate in such activities of the Polytechnic, or make use  
12 of such facilities of the Polytechnic, as he may specify;

13 (b) that the activities of the student shall, during such period as may  
14 be specified in the directions, be restricted in such manner as may be so  
15 specified;

16 (c) that the student be suspended for such period as may be  
17 specified in the directions; or

18 (d) that the student be expelled from the Polytechnic.

19 (2) Where there is temporarily no Rector or where the Rector  
20 refuse to apply any disciplinary measures, the Council, either directly or  
21 through some other staff, may apply such disciplinary actions as are  
22 specified in sub-clause (1) of this Clause to any student of the Polytechnic  
23 who is guilty of misconduct.

24 (3) Where a direction is given under sub-clause (1)(c) or (d) of this  
25 Clause in respect of any student, the student may, within a period of 21 days  
26 from the date of the letter communicating the decision to him, appeal from  
27 the direction to the Council; and where such an appeal is brought, the  
28 Council shall, after causing such inquiry to be made in the matter as the  
29 Council considers just, either confirm or set aside the direction or modify it  
30 in such manner as the Council may think fit.



1 (4) The fact that an appeal from a direction is brought in pursuance of  
2 sub-clause (3) of this Clause shall not affect the operation of the direction while  
3 the appeal is pending.

4 (5) The Rector may delegate his power under this Clause to a  
5 disciplinary committee consisting of such members of the Polytechnic as he  
6 may nominate.

7 (6) Nothing in this Clause shall be construed as preventing the  
8 restriction or termination of a student's activities at the Polytechnic otherwise  
9 than on the ground of misconduct.

10 (7) It is hereby declared that a direction under sub-Clause (1) (a) of  
11 this Clause may be combined with a direction under sub-clause (1) (b) of this  
12 Clause.

13 (8) In all cases under this Clause, the decision of the Council shall be  
14 final.

Discipline of  
Junior Staff

15 **19.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
16 Rector may suspend him for not more than three months and forthwith shall  
17 direct the Junior Staff Appointments and Promotions Committee- (a) to  
18 consider the case; and

19 (b) to make recommendations as to the appropriate action to be taken  
20 by the Rector.

21 (2) In all cases under this Clause, the officer shall be informed of the  
22 charge against him and shall be given reasonable opportunity to defend  
23 himself.

24 (3) The Rector may, after considering the recommendation made  
25 pursuant to sub-clause (1) (b) of this Clause, dismiss, terminate, retire or down-  
26 grade the officer concerned.

27 (4) Any person aggrieved by the Rector's decision under sub-clause  
28 (3) of this Clause, may within a period of 21 days from the date of the letter  
29 communicating the decision to him, address a petition to the Council to  
30 reconsider his case and the Council's decision thereon shall be final.

1 (5) In any case of gross misconduct on the part of a Junior Staff, the  
2 Rector shall forthwith suspend him and thereafter refer the matter to the  
3 Junior Staff Appointments and Promotions Committee to be dealt with  
4 according to the foregoing provision of this Clause.

5 *Financial Provisions*

6 **20.**-(1) Each Council shall keep proper accounts and proper Audits of  
Accounts  
7 records in relation thereto and shall cause to be prepared, not later than 1 day  
8 of October in each financial year, an estimate of its revenue and expenditure  
9 for the ensuing financial year and when prepared, the estimate shall be  
10 submitted to the National Board for Technical Education for approval.

11 (2) At the end of each financial year but not later than 30th June the  
12 Council shall cause to be prepared a statement of its income and expenditure  
13 during the previous financial year.

14 (3) The statement of accounts referred to in sub-clause (2) of this  
15 Clause shall when certified by the Rector, be audited by a firm of auditors  
16 appointed from the list and in accordance with the guidelines supplied by the  
17 Auditor-General of the Federation and shall be published in the annual  
18 report of the Polytechnic.

19 **21.** The funds of the Council shall include-

Funds of the  
Council

20 (a) fees charged by and payable to the Council in respect of  
21 students;

22 (b) any other amounts due to or recoverable by the Council;

23 (c) revenue from time to time accruing to the Council from the  
24 Federal Government by way of subvention, Appropriation Act,  
25 Supplementary Appropriation Act, grant-in-aid, endowment or otherwise  
26 howsoever;

27 (d) donations and legacies accruing to the Council from any source  
28 for the special purpose of the Council.

29 **22.**-(1) Donations of money to be applied to any particular purpose Donations for  
Particular Purposes  
30 shall be placed to the credit of a special reserve account approved by the

	1	Council until such time as they may be expended in fulfillment of such
	2	purpose.
	3	(2) No Council shall be obliged to accept a donation for a particular
	4	purpose unless it approves of the terms and conditions attached to such
	5	donation.
Payment into Bank	6	<b>23.</b> All sums of money received on account of the Council shall be
	7	paid into the bank for the credit of the Council as may be approved by the
	8	Council.
Annual Report	9	<b>24.</b> The Council shall on or before 31 December in each year prepare
	10	and submit to the President through the Minister, a report of the activities
	11	during the preceding financial year and shall include in the report, the audited
	12	accounts of the Polytechnic in respect of that financial year and the auditors'
	13	comments on the account.
	14	<i>Miscellaneous and Supplemental</i>
Power to make Bye-laws	15	<b>25.-(1)</b> The Council may make bye-laws relating to any matter within
	16	its competence under this Bill other than matters for which provision is to be
	17	made by standing orders pursuant to paragraph 7 of the Schedule to this Bill.
	18	(2) All such bye-laws shall be in writing and shall come into force
	19	when sealed with the seal of the Council unless some other date for their
	20	commencement is prescribed therein.
	21	(3) Nothing in sub-clause (2) of this Clause, shall make it obligatory
	22	for the Council to publish any of the said bye-laws in the Federal Gazette but
	23	the Council shall bring such bye-laws to the notice of all affected thereby.
Exclusion of Discrimination on Account of Race, Religion, etc.	24	<b>26.</b> No person shall be required to satisfy requirements as to any of
	25	the following matters, that is to say race (including ethnic grouping), sex, place
	26	of birth or of the family origin or religious or political persuasion or as a
	27	condition of becoming or continuing to be a student at the Polytechnic or as a
	28	holder of any certificate of the Polytechnic, or of any appointment or
	29	employment at the Polytechnic, or a member of any body established by virtue
	30	of this Bill; and no person shall be subjected to any disadvantage or accorded

1 any advantage in relation to the Polytechnic by reference to any of those  
2 matters:

3           Provided that, nothing in this Clause shall be construed as  
4 preventing the polytechnic from imposing any disability or restriction on  
5 any of the aforementioned persons where such a person willfully refuses or  
6 fails on grounds of religious belief to undertake any duty generally and  
7 uniformly imposed on all such persons or any group of them which duty,  
8 having regard to its nature and the special circumstances pertaining thereto  
9 is, in the opinion of the Polytechnic, reasonably justifiable in the national  
10 interest.

11           **27.** Subject to the provisions of paragraph 6 (2) of the Second  
12 Schedule to this Bill and any standing orders or bye-law made under this  
13 Bill, the quorum and procedure of any body of persons established by this  
14 Bill shall be such as may be determined by that body.

Quorum and  
Procedure of  
Bodies established  
under this Bill

15           **28.** In this Bill, unless the context otherwise requires-

Interpretation

16 "The Academic Board" means the board established under Clause 15 of this  
17 Bill;

18 "The Appointments and Promotions Committee" means a body by that  
19 name established under paragraph 3 (2) (a) of the Schedule to this Bill;

20 "Polytechnic" means the respective polytechnic set up under Clause 1 of this  
21 Bill;

22 "The Junior Staff Appointments and Promotion Committee" means a body  
23 by that name set up under paragraph 3 (2) (b) of the Schedule to this Bill;

24 "The Minister" means the Minister charged with responsibility for matters  
25 relating to technical education;

26 "The Registrar" means the Registrar of the Polytechnic appointed under  
27 Clause 5 of this Bill.

28           **29.** This Bill may be cited as the Federal Polytechnic Orogun,  
29 Delta State Bill 2019.

Short title

## 1 SCHEDULE

## 2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3 *[Clause 7]*

## 4 PUBLIC OFFICERS FOR THE PURPOSES OF THE CODE OF CONDUCT

## 5 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

6 *Terms of Office of Members*

7 1.-(1) A member of the Council other than an ex-officio member shall  
8 hold office for a period of three years beginning with the date on which he was  
9 appointed and shall be eligible for re-appointment for a further term of three  
10 years and thereafter he shall no longer be eligible for re- appointment.

11 (2) Members of the Council holding office as specified in paragraph 1  
12 (1) of this Schedule, shall be paid remuneration or allowance in respect of  
13 traveling and other reasonable expenses, at such rates as may from time to time  
14 be fixed by the Council, of the Finance and General Purposes Committee and  
15 of any other committee set up by the Council.

16 (3) A member of the Council holding office as specified in paragraph I  
17 (1) of this Schedule may by notice in writing to the Minister resign his office.

18 2.-(1) Where a vacancy occurs in the membership of the Council, that  
19 vacancy shall be filled by the appointment of a successor to hold office for the  
20 remainder of the term of office of his predecessor; so however that the  
21 successor shall represent the same interest as his predecessor.

22 (2) The Council may act notwithstanding any vacancy in its  
23 membership or the absence of any member or that a person not entitled to do so  
24 took part in its proceedings.

25 *Committees*

26 3.-(1) The Council may appoint one or more committees to which it  
27 may delegate any of its functions.

28 (2) Without prejudice to the generality to sub-paragraph (1) of this  
29 Schedule, the Council shall appoint the following committees, that is-

30 (a) the Appointments and Promotions Committee which shall without

1 prejudice to Clause 13 (2) (a) of this Bill-

2 (i) consist of a Chairman to be appointed by the Rector from  
3 members of the Senior Staff of the Polytechnic and four other members who  
4 shall be appointed by the Council;

5 (ii) be charged with the responsibility for making  
6 recommendations to the Council on the appointment and promotion of the  
7 academic and Senior Staff of the Polytechnic and have a quorum of three  
8 members;

9 (b) the Junior Staff Appointments and Promotions Committee  
10 which shall consist of a chairman and four other members to be appointed by  
11 the Council and shall have the powers set out in Clause 13 (2) (b) of this Bill;

12 (c) the Committee on Students' Affairs which shall consist of the  
13 following members-

14 (i) a Chairman who shall be appointed by the Rector from among  
15 the senior employees of the Polytechnic;

16 (ii) one member of the Council;

17 (iii) two members of the Academic Staff of the polytechnic; and

18 (iv) four students of the Polytechnic, and the Committee on  
19 Students' Affairs shall be charged with the duty of-

20 (i) considering any matter which relates to the welfare of students;

21 (ii) any other matter referred to it by either the Council or students  
22 of the Polytechnic;

23 (iii) any matter which the students wish to refer to the Council shall  
24 be referred to the Committee on Students' Affairs in the first instance.

25 (3) No decision of a committee shall have effect unless it is  
26 confirmed by the Council.

27 *Proceedings of the Council*

28 4.-(1) The Council shall meet for the conduct of business at such  
29 times as the Chairman of the Council may appoint but shall meet not less  
30 than twice in a year.

(2) The Chairman of the Council may at any time and shall at the request in writing of not less than five members of the Council summon a meeting of the Council.

(3) Particulars of the business to be transacted shall be circulated to members with the notice of the meeting at least two weeks before the date of the meeting.

7                   5. Where the Council desires to obtain the advice of any person on  
8   any particular matter, it may co-opt such person as a member for a meeting  
9   whether or not expressly convened for the purpose of considering the particular  
10   matter but no coopted member shall be entitled to vote or shall count towards  
11   quorum.

12           6.-(l) Every question put before the Council at a meeting shall be  
13   decided by a simple majority of the members present and voting.

14           (2) Seven members shall form a quorum at any meeting of the  
15 Council.

(3) The Chairman shall, at any meeting of the Council, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7. Subject as aforesaid, the Council may make standing orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

22 8. If the Chairman of the Council is absent from a meeting of the  
23 Council, the members present shall elect one of their number to act as  
24 Chairman for the purposes of that meeting.

25 *Miscellaneous*

26           9. Any contract or instrument which if entered into by a person not  
27   being a body corporate would not be required to be under seal, may in like  
28   manner be entered into or executed on behalf of the Council by any person  
29   generally or specifically authorised by it for that purpose.

30 10.-(I) The common seal of the Council shall not be used or affixed to

1 any document except in pursuance of a resolution duly passed at a properly  
2 constituted meeting of the Council and recorded in the minutes of such  
3 meeting.

4 (2) The fixing of the seal of the Council shall be authenticated by  
5 the signature of the Chairman of the Council and some other member  
6 authorised generally or specifically by the Council to act for that purpose.

7 (3) Any document purporting to be a document duly executed  
8 under the seal of the Council shall be received in evidence and shall, unless  
9 the contrary is proved, be deemed to be so executed.

10 11. Any member of the Council or a committee thereof who has a  
11 personal interest in any contract or arrangement entered into or proposed to  
12 be considered by the Council or a committee thereof, shall forthwith  
13 disclose his interest to the Council and shall not vote on any question  
14 relating to such contract or arrangement.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal Polytechnic Orogun, Delta State to provide full-time courses in technology, applied science, management and other fields of studies and to make provisions for the General Administration of the Polytechnic.





DORMANT ACCOUNTS MANAGEMENT BOARD BILL, 2019

ARRANGEMENT OF CLAUSES

1. Objectives of the Bill
  2. Application
  3. Establishment of the Dormant Account Fund and the Board
  4. Powers of the Board, etc
  5. Functions of the Board etc.
  6. Sources of Revenue for the Fund
  7. Utilisation and Investment of the Fund
  8. Perfect Hedging of the Fund against the Consolidated Revenue Fund, etc
  9. Payment of Owners Dormant Account and of Unclaimed Dividend
  10. Head Office and other Offices of the Board
  11. Membership of the Board
  12. Disqualification from Appointment
  13. Establishment of Directorates of the Board
  14. Tenure
  15. Remuneration of Members of the Board
  16. Cessation
  17. Secretary and other Staff
  18. Annual Plan and Report by the Board
  19. Disclosure Interests
  20. Accounts and Audit
  21. Recovery of Monies and unclaimed dividend Transferable to the Fund
  22. Notification of Transfer
  23. Reactivation and Repayment
  24. Power to accept gifts
  25. Limitation on Liability of the Board
  26. Legal proceedings
  27. Indemnification
  28. Penalty
  29. Prosecution of offences
  30. Interpretation
  31. Short Title
- SCHEDULE



# A BILL

FOR

AN ACT TO PROVIDE FOR THE CREATION OF THE DORMANT ACCOUNTS  
FUND; ESTABLISHMENT OF THE DORMANT ACCOUNTS FUND  
MANAGEMENT BOARD; MANDATE THE TRANSFER OF MONIES IN  
DORMANT AND UNCLAIMED DIVIDEND TO THE DORMANT ACCOUNT FUND  
FOR TRANSPARENT PUBLIC MANAGEMENT AND UTILIZATION, AND  
GUARANTEE PAYMENT OF MONIES FROM THE DORMANT ACCOUNTS FUND  
TO PERSONS ENTITLED TO THE MONIES AND FOR OTHER RELATED  
MATTERS

*Sponsored by Senator Ovie Omo-Agege*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1           **1.** The objectives of the Bill are to-

### Objectives of the Bill

(1) create a public custodian to hold and manage monies in dormant accounts and unclaimed dividend in banks and financial institutions in Nigeria;

(2) guarantee payment of monies in dormant accounts and unclaimed dividend in banks and financial institutions in Nigeria to the rightful owners; and

8 (3) sanction defaulters of the provisions of this Bill.

9                   2.-(1) Notwithstanding anything to the contrary contained in any Application  
10   law or enactment, this Bill shall apply to all monies in dormant accounts in a  
11   bank and unclaimed dividend held in any Financial Institution in Nigeria.

## Application

12 (2) The Fund shall be applied for-

13 (a) payment of monies in dormant accounts and unclaimed  
14 dividend that have been transferred to the Fund to the owners; and

15 (b) the utilization of monies in the Fund for national development,

	1	growth and maintenance of critical public infrastructure.
Establishment of the Dormant Account Fund and the Board	2	<b>3.-(1)</b> There is established-
	3	(i) a Fund to be known as the Dormant Accounts Fund (in this Bill
	4	referred to as "the Fund"),
	5	(ii) a body to be known as the Dormant Accounts Fund Management
	6	Board (in this Bill referred to as "the Board") to perform the functions
	7	conferred on it under this Bill.
	8	(2) The Board-
	9	(i) shall be a body corporate with perpetual succession and a common
	10	seal;
	11	(ii) may sue and be sued in its corporate name; and
	12	(iii) shall have power to acquire and hold property in movable or
	13	immovable.
Powers of the Board, etc.	14	<b>4.</b> The Board shall-
	15	(1) carry out the objectives of this Bill and enforce compliance with
	16	this Bill;
	17	(2) appoint, officers, employees, consultants, inspectors, experts and
	18	other persons with requisite skills and experience in fields that are relevant to
	19	the functions of the Board;
	20	(3) enter into contract or partnership with any company, firm or
	21	person which in its opinion will facilitate the discharge of its functions;
	22	(4) liaise with relevant bodies or institutions national and
	23	international for effective performance of its functions under the Bill; and
	24	(5) have all such powers that are necessary for or incidental to the
	25	performance of its functions under this Bill.
Functions of the Board etc.	26	<b>5.</b> The Board shall perform the following functions-
	27	(1) administer and manage the Fund;
	28	(2) monitor and enforce the transfer of the monies in all dormant
	29	accounts and unclaimed dividend in Nigeria;
	30	(3) pay the owners of monies in dormant accounts and unclaimed

1 dividend that have been transferred to the Fund and make such other  
2 payments and disbursements from the Fund as prescribed under this Bill;

3 (4) account for all monies and unclaimed dividend transferred to  
4 the Fund, disbursed, paid out or otherwise expended from the Fund;

5 (5) manage and supervise its affairs and make rules and regulations  
6 for carrying out its functions;

7 (6) pay its staff such lawful remuneration and allowances as  
8 appropriate;

9 (7) enter into such contracts and arrangements as may be necessary  
10 or expedient for the efficient performance and discharge of its functions; and

11 (8) such other things as may be necessary and expedient for the  
12 efficient performance of its functions and achievement of its objectives.

13 **6.** The sources of revenues for the Fund shall be-

Sources of  
Revenue for the  
Fund

14 (1) monies in dormant accounts in Banks and unclaimed dividend  
15 in Financial Institutions which shall be transferred to the Fund as provided in  
16 this Bill;

17 (2) returns, profits, earnings or and interests that may accrue from  
18 investing the Fund;

19 (3) gifts and donations; and

20 (4) such other revenues or revenue sources as may be determined  
21 by the Board.

22 **7.-(1)** The Fund may be utilized to pay owners of dormant account  
23 and unclaimed dividend.

Utilization and  
Investment of  
the Fund

24 (2) Government may on terms agreed with the Board borrow or  
25 direct that the Fund be utilized for development of critical infrastructure or  
26 to fund government social intervention programs.

27 **8.** The Fund shall be deemed at all times to be perfectly hedged and  
28 charged against the Consolidated Revenue Fund or any other fund or  
29 account belonging to the Government and in the custody of the Central  
30 Bank.

Perfect hedging  
of the Fund against  
the Consolidated  
Revenue Fund, etc.

Payment of Owners of Dormant Account and Unclaimed Dividend	1	<b>9.</b> An owner of monies in a dormant account and unclaimed dividend
	2	whose monies or unclaimed dividend are transferred to the Fund shall be
	3	entitled to payment of a maximum of 1.5% simple interest rate per annum
	4	computed from the date that the monies or unclaimed dividend were
	5	transferred to the Fund.
Head Office and other Offices of the Board	6	<b>10.</b> The Board shall have its head office in the Federal Capital
	7	Territory and may open branches in any part of Nigeria.
Membership of the Board	8	<b>11.-(1)</b> The Board shall consist of the following sixteen (16) members
	9	who shall be appointed by the President-
	10	(i) Chairman;
	11	(ii) Managing Director who shall have not less than 15 years
	12	experience in Management shall be the Chief Executive responsible for the day
	13	to day administration of the affairs of the Board;
	14	(iii) six (6) Executive Directors, with at least 10 years experience in
	15	Management; one each representing a geopolitical zone of the Federation, at
	16	least two (2) of whom shall be women;
	17	(iv) eight (8) Non-Executive Directors appointed as follows-
	18	(a) five (5) persons not below the rank of Deputy Director each
	19	representing the Federal Ministry in charge of-
	20	(i) Works,
	21	(ii) Transport,
	22	(iii) Power,
	23	(iv) Finance, and
	24	(v) Justice;
	25	(b) the Governor, Central Bank or his representative;
	26	(c) the Managing Director, Nigeria Deposit Insurance Corporation or
	27	his or her representative; and
	28	(d) the Director-General, Securities and Exchange Commission or his
	29	or representative.
	30	(2) The appointment of the Chairman, Managing Director and the

1 Executive Directors shall be subject to confirmation by the Senate.

2 **12.** A person shall be disqualified from appointment as a member Disqualification  
3 of the Board if the person is- from appointment

4 (1) not a citizen of Nigeria;

5 (2) of unsound mind;

6 (3) an undischarged bankrupt; or

7 (4) convicted for an offence involving fraud or dishonesty.

8 **13.** There shall be established in the Head Office, the following Establishment  
9 Directorates under the supervision of an Executive Director- of Directorates  
of the Board

10 (1) the Directorate of Operations;

11 (2) the Directorate of Legal Services;

12 (3) the Directorate of Finance;

13 (4) the Directorate of Administration and Human Resources;

14 (5) the Directorate of Government Relations and Public

15 Infrastructure; and

16 (6) the Directorate of Planning, Research and Technology.

17 **14.-(1)** The Chairman, Managing Director and the Executive Tenure

18 Directors shall in the first instance hold office for a period of five years and  
19 thereafter eligible for reappointment for a further term of 5 years only.

20 (2) Persons appointed under clause 11(1)(iv)(a) shall hold office at  
21 the pleasure of the Ministry they represent.

22 (3) Ex-officio members on the Board appointed under  
23 clause 11(1)(iv)(a), (b), (c) and (d) shall hold office for the period of their  
24 tenure of their primary appointment.

25 (4) Subject to the provision of clause 11(1), if any member of the  
26 Board dies, resigns, retires, becomes disqualified or is removed from office,  
27 the President shall nominate a replacement who, upon confirmation by the  
28 Senate, shall serve for the remainder of the term of office of the member  
29 replaced.



Remuneration of Members of the Board	1	<b>15.</b> A member of the Board shall be paid remunerations and
	2	allowances as may be approved by the President.
Cessation	3	<b>16.</b> A Board member shall cease to hold office if-
	4	(1) he resigns from office by a letter addressed to and accepted by the
	5	President;
	6	(2) he is removed by the President on the ground of gross misconduct;
	7	(3) he is removed by the President for his or her inability to discharge
	8	the functions of his office.
Secretary and Employees	9	<b>17.</b> -(1)The Board shall appoint a person with relevant academic and
	10	professional qualifications as its Secretary.
	11	(2) The Secretary shall arrange meetings, conduct the correspondence
	12	and perform such other functions as the Board or Managing Director may
	13	direct.
	14	(3) The Board may employ such other staff as may be necessary to
	15	assist the Managing Director in carrying out the functions of the Board under
	16	this Bill.
	17	(4) The terms and conditions of service including the promotion and
	18	discipline of employees shall be determined by the board as it deems fit
Annual Plan and Report by the Board	19	<b>18.</b> The Board shall-
	20	(1) not later than the 31st of December in each year, prepare and
	21	submit to the President, a comprehensive Annual Plan for the management of
	22	the Fund in the year next following;
	23	(2) review, assess and report to the President, at the end of every
	24	quarter in each year, the extent to which objectives specified in the Annual Plan
	25	for the management of the Fund have been achieved;
	26	(3) not earlier than 1st of December and not later than the 31st of
	27	December in each year, make a comprehensive Annual Report to the President
	28	on the operation, administration and management of the Fund in that year; and
	29	(4) not earlier than 1st of December and not later than the 31st of
	30	December in each year, submit to the National Assembly a copy each of the

1 comprehensive Annual Plan and comprehensive Annual Report referred to  
2 in this clause.

3 **19.**-(1) Any member of the Board who has interest in a matter on Disclosure of  
4 which it would make a decision shall disclose same to the Board in writing, Interest  
5 the facts and nature of the interest.

6 (2) Where a member discloses an interest in a matter under this  
7 clause, the disclosure and the decision of the Board thereafter shall be  
8 recorded in the minutes of the meeting.

9 (3) Any member of the Board who contravenes the provision of this  
10 clause shall be guilty of an offence.

11 **20.**-(1) The Board shall keep proper accounts in respect of each Accounts and  
12 financial year and cause its accounts to be audited at the end of each financial Audit  
13 year by auditors from the list and in accordance with the guidelines supplied  
14 by the Auditor General of the Federation.

15 (2) The Auditors shall on completion of the audit of the accounts of  
16 each financial year, prepare and submit to the Board a report setting out their  
17 observations and recommendations on all aspects of the accounts of the  
18 Board for that year; and the Board shall forward a copy of the report to the  
19 President and the National Assembly.

20 **21.**-(1) Upon the commencement of this Bill, the Board shall serve Recovery of  
21 on banks and financial institutions, a request for a comprehensive list of all Monies and  
22 dormant accounts and unclaimed dividend, as the case may be; and Unclaimed  
23 thereafter, this list shall be updated by each bank and financial institution Dividend  
24 and sent to the Board every six months. Transferable to  
the Fund

25 (2) All monies in Dormant Accounts and unclaimed Dividend shall  
26 be transferred to the Fund within six (6) months of the commencement of  
27 this Bill and thereafter within six (6) months of the date that an account is  
28 dormant, or dividend is unclaimed.

29 (3) The Board shall recover from a bank or financial institution  
30 with interest at the prevailing rate monies and unclaimed dividend not

	1	transferred to the Fund within the six (6) months period prescribed in subclause
	2	(2).
	3	(4) Any person, bank or financial institution that contravenes the
	4	provisions of this clause is guilty of an offence.
Notification of Transfer	5	<b>22.</b> After the transfer of monies or unclaimed dividend to the Fund,
	6	the bank or financial institution shall notify the owners of the dormant account
	7	or unclaimed dividend by publication in a national newspaper of the transfer of
	8	the monies in the dormant account or unclaimed dividend to the Fund.
Reactivation and Repayment	9	<b>23.</b> -(1) The owner of a dormant account or unclaimed dividend whose
	10	money or dividend has been transferred to the Fund may reactivate the account
	11	or claim the dividend by application to the bank or financial institution
	12	respectively, and upon verification, the bank or financial institution shall
	13	reactivate the dormant account or pay the dividend on the same terms as if the
	14	account was never dormant or dividend unclaimed.
	15	(2) The bank or financial institution shall keep a record of payments
	16	made under sub-clause (1) and is entitled to make application to the Board for
	17	reimbursement of monies paid to dormant account holders whose accounts
	18	have been reactivated or owners of unclaimed dividend whose dividend have
	19	been paid.
	20	(3) The Board shall, before payment to a bank or financial institution
	21	verify all applications for reimbursement.
	22	(4) It shall be an offence-
	23	(a) in the case of a person, if he falsely makes a claim or application
	24	for reactivation;
	25	(b) or an application for reimbursement; or
	26	(c) the person, bank or financial institution knowingly receives
	27	payment of money, dividend or reimbursement.
Power to accept gifts	28	<b>24.</b> -(1) The Board may accept any gift, grant or donation from any
	29	person upon such terms and conditions, if any, as may be specified by the
	30	person making the gift, grant or donation.

1 (2) The Board shall not accept any gift, grant or donation under  
 2 sub-clause (1) if the conditions attached thereto are inconsistent with the  
 3 functions of the Board under this Act.

4 **25.** -(1) The Board shall not be liable for any breach of contract, Limitation on  
 5 misrepresentation, breach of duty, breach of trust or other legal or equitable Liability of the  
 6 wrongs arising from the relationship between the bank or financial Board  
 7 institutions and the dormant account holder.

8 **26.** -(1) No action shall be commenced against the Board before the Legal proceedings  
 9 expiration of thirty days after a written notice of an intention to commence  
 10 the action have been served on the Board by the intending claimant; and the  
 11 notice shall set out details of the cause of action, particulars of claim and the  
 12 reliefs sought.

13 (2) The chairman, directors and employees of the Fund shall not be  
 14 personally liable for any claim of a dormant account holder or owner of  
 15 unclaimed dividend on account of anything done or omitted to be done in  
 16 exercise of any functions or powers conferred on the Board.

17 **27.** Where the Board is adjudged to be liable for a wrong Indemnification  
 18 committed by a bank or financial institution, the bank or financial institution  
 19 shall indemnify the Board to the extent of the loss suffered.

20 **28.** -(1) Where the offence is under clause 19 of this Bill- Penalty

21 (a) in the case of an individual, upon conviction shall be liable to a  
 22 sentence of imprisonment for a minimum term of six months and forfeit to  
 23 the Fund any proceeds or benefits derived from the non-disclosure; and

24 (b) in the case of a corporate body, shall be liable to a fine of ten  
 25 million Naira and forfeit to the Fund any proceeds or benefit derived from  
 26 the offence.

27 (2) Where an offence is committed under clause 21 of this Bill-

28 (a) in the case of an individual, upon conviction shall be liable to a  
 29 sentence of imprisonment for a minimum term of five years with an option  
 30 of fine of two million Naira or both; and

	1	(b) in the case of a corporate body, shall be liable to a fine at least twice
	2	the amount withheld.
	3	(3) Where an offence is committed under clause 23 of this Bill-
	4	(a) in the case of an individual, upon conviction shall be liable to a
	5	sentence of imprisonment for a minimum term of five years with an option of
	6	fine of two million Naira or both; and
	7	(b) in the case of a corporate body that-
	8	(i) applied for reimbursement, it shall on conviction be liable to a fine
	9	at least the amount applied for;
	10	(ii) received reimbursement, shall without prejudice to the liabilities
	11	of the directors of that corporate body, upon conviction be liable to a fine at
	12	least the amount applied for.
Prosecution of offences	13	<b>29.</b> The Prosecution of offences under this Bill shall be by the
	14	Attorney General of the Federal of the Federation or his officers or any other
	15	legal practitioner with the consent of the Attorney General of the Federation.
Power to make Regulations	16	<b>30.</b> The Board may make regulations to give effect to the provisions
	17	of this Bill.
Interpretation	18	<b>31.</b> In this Bill-
	19	"bank" means a body corporate licensed to carry on banking business as
	20	defined under section 66 of the Banks and Other Financial Institutions Act
	21	1991 (as amended in 1997, 1998, 1999 And 2002);
	22	"dormant account" means a bank account has no customer or depositor-
	23	initiated transaction in it for a period of six (6) years after the last customer or
	24	depositor-initiated transaction;
	25	"dormant account holder" means a person having a legal or beneficial interest
	26	in, or right (including any encumbrance) over, an account or monies held or
	27	deemed to be held in a dormant account;
	28	"financial institution" means a body corporate carrying on financial services
	29	business or authorized to hold unclaimed dividend;
	30	"unclaimed dividend" means dividend paid by a company but have not been

1 claimed by the owner or beneficiary.

2           **32.** This Bill may be cited as the Dormant Accounts Fund   Short title  
3 Management Board Bill, 2019.

4                               SCHEDULE

5                               PROCEEDINGS OF THE BOARD

6                               *Board to regulate proceedings*

7                       1. Except as many otherwise be provided in this schedule, the  
8 Board shall regulate, by standing orders or otherwise, its procedure and  
9 business.

10                              *Timing of meetings*

11                       2-(1) meetings of the Board shall take place as often as may be  
12 required, but not less than nine times in every financial year of the  
13 corporation.

14                       (2) The Board shall hold its first meetings on the date of  
15 inauguration of the Board or as soon as it is practicable after that date.

16                       (3) The Board shall meet whenever it is convened by the chairman  
17 and if the chairman is requested to do so by notice given to him by not less  
18 than two other members, he shall convene a meeting of the Board to be held  
19 within fourteen days from the date in which the notice was given.

20                              *Committees of the Board*

21                       3. The Board may establish such number of committees as it  
22 deems fit and may also establish such advisory committees which may  
23 include persons who are not members of the Board as it considers necessary:  
24 Provided that the report of any such committee shall not be effective  
25 unless approve by the Board.

26                              *Quorum*

27                       4.-(1) The quorum for the meeting of the board shall be five  
28 members two of whom must be an Executive Directors and if there is a  
29 vacancy on the Board, three members one of whom must be Executive  
30 Director.

1 (2) A meeting held while there is a vacancy in the Board shall be valid  
2 notwithstanding the vacancy, as long as there is a quorum.

3 *Presiding Officer*

4 5. At a meeting of the Board, if the chairman is-

5 (a) present he shall preside over the meeting; and

6 (b) absent or the office of chairman is vacant, the appointed members  
7 present shall choose one of them to preside over the meeting

8 *Voting*

9 6. At a meeting of the Board each member present shall be entitled to  
10 one vote and any question on which a vote is required shall be determined by a  
11 majority of votes of members present and voting but in the case of an equal  
12 division of votes, the chairman or the other members presiding over the  
13 meeting shall have a casting vote.

14 7. Where the Board seeks the advice of any person on a particular  
15 matter, the Board may invite that person to attend for such period as it deems fit  
16 but a person who is invited by virtue of this paragraph shall not be entitled to  
17 vote at any meeting of the Board and shall not count towards the quorum.

18 *Tele-conference meeting*

19 8.-(1) In addition to meeting with all participants physically present,  
20 the board may hold or continue a meeting by the use of any means of  
21 communication by which all participants can be heard at the same time and  
22 such a meeting is referred to in this clause as "tele-conference meeting".

23 (2) A member of the Board who participates in tele-conference  
24 meeting shall be taken for all purposes to have been present at the meeting.

25 (3) The Board may establish procedures for tele -conference  
26 meetings (including recording the minutes of such meetings) in its minute's  
27 book.

28 *Resolutions by circulation*

29 9.-(1) The Board may pass a resolution without a meeting being held,  
30 if all the members entitled to vote on the resolution sign a document containing

1 a statement that they are in favour of the resolution in the document.

2 (2) A resolution referred to in sub-paragraph (1) may be passed by  
3 the members or some of them signing separate copies of the document  
4 referred to in that sub-paragraph, if the date and time of each signature is  
5 indicated on the document concerned.

6 (3) A resolution passed in accordance with this paragraph is taken  
7 to have been passed at the time on which the last members signs.

8 (4) Subject to the provisions of this Act, the corporation may  
9 validly act notwithstanding one or more vacancies among the members of  
10 the Board

11 10.-(1) The Board shall, as soon as possible after the coming into  
12 force of this Act, provide the Corporation with a seal.

13 (2) The seal of the corporation shall be authenticated by the  
14 signatures of the Managing Director and Secretary to the Board or any two  
15 Directors.

16 (3) Any document purporting to be a document duly executed  
17 under seal of the Fund and purporting to be authenticated in accordance with  
18 sub-paragraph (2) of this paragraph, shall be received in evidence and shall,  
19 unless the contrary is proved, be presumed to be so executed.

20 (4) In the case of a contract or instrument that, if entered into or  
21 executed by an individual, would not be required to be under seal, the Board  
22 may delegate the authority to enter into such contract or execute such  
23 instrument as the Board may deem fit.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the creation of the Dormant Accounts Fund; establishment of the Dormant Accounts Fund Management Board; mandate the transfer of monies in dormant and unclaimed dividend to the Dormant Account Fund for transparent public management and utilization, and guarantee payment of monies from the Dormant Accounts fund to persons entitled to the monies.





# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL INDUSTRIAL COURT ACT, 2006 AND  
FOR MATTERS CONNECTED THEREWITH

*Sponsored by Senator Ovie Omo-Agege*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

- |    |   |                  |
|----|---|------------------|
| 1  | <b>1.</b> The National Industrial Court Act (in this Act referred to as "the  | Amendment of     |
| 2  | Principal Act") is hereby amended as set out in this Act.                     | the National     |
| 3  | <b>2.</b> Section 9 of the Principal Act is amended by inserting after        | Industrial Court |
| 4  | subsection (2), a new subsection "(3)":                                       | Act, 2006        |
| 5  | "(3) An appeal to the Court of Appeal in all other matters relating to        | Amendment of     |
| 6  | the exercise of original jurisdiction in civil proceedings by the Court other | Section 9        |
| 7  | than questions of fundamental rights, shall be with leave of the Court of     |                  |
| 8  | Appeal and on such other terms as may be prescribed by the Court of Appeal    |                  |
| 9  | Act or Rules, from time to time."   |                  |
| 10 | <b>3.</b> This Bill may be cited as the National Industrial Court             | Citation         |
| 11 | (Amendment) Bill, 2019.   |                  |

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Industrial Court Act, 2006 and for  
Matters Connected Therewith.



# A BILL

## FOR

AN ACT TO AMEND THE COURT OF APPEAL ACT 1976 CAP. C36 LAWS OF  
THE FEDERATION OF NIGERIA 2004 AND FOR OTHER MATTERS  
CONNECTED THEREWITH

*Sponsored by Senator Ovie Omo-Agege*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

- 1           **1.** The Court of Appeal Act CAP C36 LFN 2004 (in this Bill  
2 referred to as "the Principal Act") is hereby amended as set out in this Bill. Amendment of  
the Court of Appeal  
Act 1976 Cap. C36  
LFN, 2004
- 3           **2.** Section 15 of the Principal Act is amended by inserting the new  
4 subsections "(3) and "(4)", as follows:  
5           "(3)Where in the exercise by the National Industrial Court of its  
6 original jurisdiction in civil proceedings, an order or decision is made in the  
7 course of any suit or matter, an appeal shall, by leave of the Court of Appeal,  
8 lie to the Court of Appeal; but no appeal shall lie from any order made ex  
9 parte, or by consent of the parties, or relating only to costs.
- 10           (4) Any right of appeal to the Court of Appeal from the decisions of  
11 the National Industrial Court in the case of civil proceedings as conferred by  
12 the Constitution or by any Act of the National Assembly shall be exercisable  
13 at the instance of a party thereto, or at the instance of any other person having  
14 an interest in the matter."
- 15           **3.** This Bill may be cited as the Court of Appeal (Amendment) Bill, Citation  
16 2019.

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Court of Appeal Act 1976 Cap. C36 LFN, 2004  
and other matters connected therewith.



# A BILL FOR

AN ACT TO PREVENT, PROHIBIT AND REDRESS SEXUAL HARASSMENT OF STUDENTS IN TERTIARY EDUCATIONAL INSTITUTIONS AND FOR MATTERS CONNECTED THEREWITH, 2019

*Sponsor: Senator Ovie Omo-Agege*

*Co-sponsors:*

Senator Theodore Orji	Senator Orji Uzor Kalu
Senator Enyinnaya Abaribe	Senator Philips Tanimu Aduda
Senator Yaroe Binos Dauda	Senator Dahiru Aishatu Ahmed
Senator Ishaku Elisha Cliff	Senator Bassey Albert
Senator Chris Ekpeyong	Senator Eyakenyi Akon Etim
Senator Uche Ekwunife	Senator Ifeanyi Ubah
Senator Stella Odua-ogiemwonyi	Senator Jika Dauda Halliru
Senator Bulkachuwa Adamu Muhammad	Senator Lawal Gumau
Senator Ewhrudjakpo Lawrence	Senator Degi Eremienyo Biobaraku Wangara
Senator Diri Douye	Senator Patrick Abba Moro
Senator Emmanuel Yisa Orkar-jev	Senator Gabriel Suswam
Senator Kashim Shettima	Senator Kyari Abubakar Shaib
Senator Mohammed Ali Ndume	Senator Gershon Bassey
Senator Rose Okoji Oko	Senator Onor Sandy Ojang
Senator James Manager	Senator Peter Nwaoboshi
Senator Sam Egwu	Senator Michael Ama-nnachi
Senator Joseph Ogba	Senator Clifford Ordia
Senator Matthew Urhoghide	Senator Francis Alimikhena
Senator Michael Opeyemi Bamidele	Senator Adetunmbi Olubunmi Ayodeji
Senator Adebayo Clement Adeyeye	Senator Utazi Chukwuka
Senator Chimaroke Nnamani	Senator Ike Ekweremadu
Senator Mohammed Danjuma Goje	Senator Sa'idu Ahmed Alkali
Senator Amos Bulus Kilawangs	Senator Onyewuchi Francis Ezenwa
Senator Rochas Okorochoa	Senator Ibrahim Hassan Hadejia
Senatordanladi Abdullahi Sankara	Senator Mohammed Sabo
Senator Suleiman Abdu Kwari	Senator Danjuma Laah
Senator Uba Sani	Senator Jubrin Barau
Senator Kabiru Ibrahim Gaya	Senator Ibrahim Shekarau
Senator Bello Mandiya	Senator Kabir Barkiya
Senator Ahmad Babba Kaita	Senator Bala Ibn Na'allah
Senator Adamu Aliero	Senator Abdullahi Abubakar Yahaya
Senator Yakubu Oseni	Senator Jibrin Isah
Senator Dino Melaye	Senator Ibrahim Yahaya Oloriegbe
Senator Umar Suleiman Sadiq	Senator Ashiru Oyelola
Senator Adebayo Osinowo	Senator Solomon Olamilekan Adeola
Senator Oluremi Tinubu	Senator Akwashiki Godiya
Senator Abdullahi Adamu	Senator Umaru Tanko Al-makura
Senator Mohammed Sani Musa	Senator Abdullahi Aliyu Sabi
Senator Bima Muhammad Enagi	Senator Boroface Robert Ajayi
Senator Akinyelure Patrick Ayo	Senator Nicholas Tofowomo
Senator Odebiyi Tolulope Akinremi	Senator Ibikunle Amosun
Senator Ramoni Olalekan Mustapha	Senator Oriolowo Adelere Adeyemi
Senator Fadahunsi Francis Adenigba	Senator Ajibola Basiru
Senator Abdulfatai Buhari	Senator Kola Balogun
Senator Teslim Folarin	Senator Istifanus Gyang
Senator Dimka Ayuba	Senator Ignatius Datong Longjan
Senator Thompson Sekibo	Senator Barinada Mpigi
Senator Jocelyn Apiafi	Senator Abdullahi Ibrahim Gobir
Senator Aliyu Wamakko	Senator Shehu Abubakar Tambuwal
Senator Shuaibu Lau	Senator Yusuf Abubakar Yusuf
Senator Emmanuel Bwacha	Senator Ibrahim Gaidam
Senator Bomai Ibrahim Mohammed	Senator Ya'u Sahabi
Senator Mohammed Hassan	Senator Lawali Hassan Anka

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria  
as follows:

Objective	<p>1                   <b>1.</b> This Bill is enacted to promote and protect ethical standards in</p> <p>2                   tertiary education, the sanctity of the student-educator fiduciary relationship of</p> <p>3                   authority, dependency and trust and respect for human dignity in tertiary</p> <p>4                   educational institutions, by providing for:</p> <p>5                   (1) protection of students against sexual harassment by educators in</p> <p>6                   tertiary educational institutions;</p> <p>7                   (2) prevention of sexual harassment of students by educators in</p> <p>8                   tertiary educational institutions; and</p> <p>9                   (3) redressal of complaints of sexual harassment of students by</p> <p>10                  educators in tertiary educational institutions.</p>
Relationship of Authority, Dependency and Trust	<p>11                  <b>2.</b> A relationship of authority, dependency and trust shall be</p> <p>12                  construed to exist between an educator and a student in an institution if:</p> <p>13                  (1) the educator is directly or indirectly involved in the full-time or</p> <p>14                  part-time academic training, teaching, advising, supervision and education of</p> <p>15                  the student;</p> <p>16                  (2) the educator has direct or indirect academic or non-academic</p> <p>17                  authority over the student; or</p> <p>18                  (3) the student depends, directly or indirectly, on the educator in any</p> <p>19                  manner whatsoever.</p> <p>20                  <b>3.</b> To uphold the Objective of this Bill, an educator shall observe a</p> <p>21                  fiduciary duty of care to every student by not exploiting a student or his/her</p> <p>22                  relationship with a student for personal gains, sexual pleasure, or immoral</p> <p>23                  satisfaction, or in any way whatsoever that violates the sacrosanctity, honour</p> <p>24                  and inviolability of the fiduciary relationship of authority, dependency and</p> <p>25                  trust between him/her and a student.</p>
Offences	<p>26                  <b>4.</b> An educator shall be guilty of committing an offence or a felony of</p> <p>27                  sexual harassment if he/she-</p> <p>28                  (1) has sexual intercourse with a student or demands for sex from a</p> <p>29                  student or a prospective student;</p> <p>30                  (2) intimidates or creates a hostile or offensive environment for the</p>

1 student by soliciting for sex from the student or making sexual advances  
2 towards the student;

3 (3) directs or induces another person to commit any act of sexual  
4 harassment under this Bill, or cooperates in the commission of sexual  
5 harassment by another person without which it would not have been  
6 committed;

7 (4) grabs, hugs, kisses, rubs or strokes or touches or pinches the  
8 breasts or hair or lips or hips or buttocks or any other sensual part of the body  
9 of a student;

10 (5) displays, gives or sends by hand or courier or electronic or any  
11 other means naked or sexually explicit pictures or videos or sex related  
12 objects to a student; or

13 (6) whistles or winks at a student or screams or exclaims or jokes or  
14 makes sexually complimentary or uncomplimentary remarks about a  
15 student's physique or stalks a student.

16 5. For the purposes of the offences created in Clause 4 of this Bill, it  
17 shall be a defence that the educator and the student are legally married.

18 6. It shall not be a defence to any offence created in Clause 4 of this  
19 Bill that a student consented to any offence.

20 7. For the purpose of proving the commission of any of the  
21 offences in Clause 4 of this Bill, it shall not be necessary for the prosecution  
22 to prove the intention of the accused person or the condition under which the  
23 act of sexual harassment was carried out.

24 8. A written Sexual Harassment Petition complaining of the  
25 offence or felony of sexual harassment against an educator may be filed or  
26 made by a student or by a student's representative who may be a relative, a  
27 guardian, or a lawyer of the student, or any person who has interest in the  
28 wellbeing of the student to the Nigerian Police Force, or the Attorney-  
29 General who shall take necessary measures to prosecute the educator in  
30 accordance with the provisions of this Bill.

Commencement  
of Criminal  
Proceedings



	1	<b>9.</b> A copy of the written Sexual Harassment Petition complaining of
	2	sexual harassment in Clause 8 of this Bill shall be delivered by the student or
	3	the student's representative to both the administrative head and Secretary of the
	4	Independent Sexual Harassment Committee of the affected institution for
	5	record purposes and such actions that may be required under this Bill.
	6	<b>10.</b> Criminal proceedings shall commence or be deemed to have
	7	commenced under this Bill when a charge has been filed in Court and the
	8	processes served on an educator who is alleged to have committed a sexual
	9	harassment offence under this Bill.
Penalty	10	<b>11.</b> Any person who commits any of the offences or acts specified in
	11	Clause 4 (1), (2) and (3) of this Bill is guilty of an offence of felony and shall, on
	12	conviction, be sentenced to an imprisonment term of up to 14 years but not less
	13	than 5 years, without an option of a fine.
	14	<b>12.</b> Any person who commits any of the offences or acts specified in
	15	Clause 4 (4), (5) and (6) of this Bill is guilty of an offence and shall be liable on
	16	conviction to imprisonment term of up to 5 years but not less than 2 years,
	17	without an option of a fine.
Civil Action for Breach of Fiduciary Duty	18	<b>13.</b> Notwithstanding the provisions of Clauses 4, 8, 9, 10, 11 and 12 of
	19	this Bill or any other part of this Bill thereof, the right of a student who
	20	complains of or alleges sexual harassment by an educator to commence and
	21	maintain a civil action in Court for breach of fiduciary duty of care contrary to
	22	Clauses 2 and 3 of this Bill is preserved.
	23	<b>14.</b> The standard of proof in any proceedings for an educator's breach
	24	of the fiduciary duty owed to a student under Clauses 2 and 3 of this Bill shall be
	25	the same standard applicable in all civil proceedings.
Institutional Disciplinary Measures	26	<b>15.</b> Nothing under this Bill shall preclude an institution from
	27	proceeding under its established policies, rules and regulations for the internal
	28	administrative discipline of its staff and students, provided that:
	29	(1) Where criminal proceedings have been commenced under this
	30	Bill or pending in a Court in respect of a complaint of sexual harassment of a

1 student by an educator, no disciplinary body including an Independent  
2 Sexual Harassment Prohibition Committee in an institution shall have the  
3 power to commence or continue disciplinary proceedings or render any  
4 decision in respect of the acts or offences complained of.

5 (2) Where a student makes a Sexual Harassment Complaint against  
6 an educator, an institution's Independent Sexual Harassment Prohibition  
7 Committee established under this Bill shall investigate, determine and  
8 render a final decision on the merits of the complaint in line with the  
9 provisions of this Bill. In determining a complaint of sexual harassment, the  
10 provisions of this Bill shall supersede any existing policies, rules or  
11 regulations for internal administrative discipline of its staff and students.

12 (3) Where an Independent Sexual Harassment Prohibition  
13 Committee established under this Bill has concluded its investigative  
14 proceedings and rendered a final decision, such proceedings or decision  
15 shall not operate to bar or prevent criminal prosecution or civil proceedings  
16 in a Court [for acts] of sexual harassment under this Bill.

17 (4) Where internal administrative or disciplinary sanctions are  
18 imposed by a Sexual Harassment Prohibition Committee against or on an  
19 educator in accordance with the provisions of this Bill before  
20 commencement of criminal proceedings, a Court, in passing sentence, shall  
21 have regard to the sanctions already imposed on the educator.

22 **16.-(1)** The administrative head of an institution shall establish an  
23 Independent Sexual Harassment Prohibition Committee in consultation  
24 with the highest management body of the institution.

Independent  
Sexual Harassment  
Prohibition  
Committee

25 (2) The membership of the Sexual Harassment Prohibition  
26 Committee shall be seven (7) staff members of the institution, including a  
27 Chairman who shall not be less than the rank of a senior lecturer or a deputy  
28 director in the federal civil service and a Secretary who shall not be less than  
29 the rank of a lecturer or an assistant deputy director in the federal civil  
30 service. The membership of an Independent Sexual Harassment Prohibition

1 Committee shall at any material time consist of at least two students, two non-  
2 academic staff members and two academic staff members of the institution and  
3 shall include at least three (3) women or females.

4 (3) An administrative head of an institution who fails to comply with  
5 the provisions of sub-clauses (1) and (2) of this Clause of this Bill is guilty of an  
6 offence and shall be liable on conviction to a minimum fine of N5,000,000 or  
7 imprisonment for 5 years, or both.

8 (4) An Independent Sexual Harassment Committee shall be  
9 independent and impartial in all its dealings, proceedings and affairs.

10 (5) The members of an Independent Sexual Harassment Prohibition  
11 Committee shall be persons of high moral standing and good reputation.

12 (6) The Chairman and every Member of an Independent Sexual  
13 Harassment Prohibition Committee shall hold office for such period, not  
14 exceeding two (2) years, from the date of their appointment as may be specified  
15 in writing by the administrative head.

16 (7) Where the Chairman or any Member of an Independent Sexual  
17 Harassment Prohibition Committee-

18 (a) contravenes the provisions of this Bill;

19 (b) has been convicted for an offence or an inquiry into an offence  
20 under any law for the time being in force is pending against him;

21 (c) has been found guilty in any disciplinary proceedings or a  
22 disciplinary proceeding is pending against him; or

23 (d) has so abused his position as to render his continuance in office  
24 prejudicial to the public interest, the Chairman or such a Member, as the case  
25 may be, shall be removed from the Committee by an institution's  
26 administrative head with the approval of an institution's highest management  
27 body and the vacancy so created or any casual vacancy shall be filled by the  
28 administrative head in consultation with the institution's highest management  
29 body.

30 (8) Any five (5) members of an Independent Sexual Harassment

1 Prohibition Committee shall form a quorum. The members present shall  
2 select an ad-hoc Chairman and/or Secretary for the purpose of hearing the  
3 complaint brought before it if the substantive Chairman and/or Secretary are  
4 absent.

5 (9) An Independent Sexual Harassment Prohibition Committee  
6 shall conduct its proceedings with utmost thoroughness, fairness and in  
7 compliance with the rules of natural justice exercise its discretion  
8 judiciously and fairly with regards to facts, evidence and the number of  
9 witnesses that may be allowed to testify during its proceedings.

10 (10) Decisions of the Independent Sexual Harassment Prohibition  
11 Committee shall be by a simple majority; rendered in writing and read  
12 openly to the parties by the Chairman of the Committee.

13 (11) All decisions, including the final decision, of an Independent  
14 Sexual Harassment Prohibition Committee shall be signed by all members  
15 of the Committee who participated in the inquiry and sealed/stamped by the  
16 Secretary with the Committee's seal or stamp which shall be kept in the  
17 custody of the Secretary.

18 (12) The Secretary of an Independent Sexual Harassment  
19 Prohibition Committee shall communicate the final decision of the  
20 Committee in writing and within seven (7) working days of giving the  
21 decision to all parties to a sexual harassment complaint, whether they  
22 participated in the Committee's proceedings or not.

23 (13) The Secretary of an Independent Sexual Harassment  
24 Prohibition Committee shall issue sealed/stamped certified true copies of  
25 the Committee's decisions, including its final decisions, in respect of sexual  
26 harassment complaints to any person, including parties in any of its  
27 proceedings within seven (7) working days of giving such a decision,  
28 provided that the person shall apply for the certified true copies of the  
29 decision and pay such reasonable fees to be prescribed by the Committee's  
30 Chairman and remitted to the institution by the Secretary.

1           (14) A Secretary of an Independent Sexual Harassment Prohibition  
2 Committee who wilfully fails to comply with the provisions of sub-clauses  
3 (12) or (14) of this Clause of this Bill is guilty of an offence and shall be liable  
4 on conviction to a maximum fine of N1,000,000 or imprisonment for six (6)  
5 months, or both.

6           (15) Subject to approval by the highest management body of an  
7 institution, an administrative head shall provide such resources, funding,  
8 facilities, materials and support that are reasonably required for an  
9 Independent Sexual Harassment Committee to carry out its functions under  
10 this Bill.

11          (16) The Chairman of every Independent Sexual Harassment  
12 Committee shall make and submit an annual report on sexual harassment  
13 complaints received and actions taken on them to the highest management  
14 body of the institution.

15          (17) Except otherwise stated in this Bill, a person under a positive  
16 obligation to perform an act or otherwise restrained from performing an act  
17 prescribed in this Bill commits an offence if he wilfully acts contrary to the  
18 provisions of this Bill relating to him and shall be liable on conviction to a  
19 maximum fine of N2,000,000 or imprisonment for twelve (12) months, or  
20 both.

21          (18) In the constitution of an Independent Sexual Harassment  
22 Prohibition Committee, an administrative head of an institution shall ensure  
23 that at least one (1) lawyer is a member of the Committee at any material time,  
24 provided that there are lawyers who are staff members of the institution and  
25 satisfy the provisions of this Bill in respect of the membership of the  
26 Committee.

27          (19) A member of an Independent Sexual Harassment Prohibition  
28 Committee shall not be removed from the Committee, except in accordance  
29 with the provision of sub-clause (8) of this Clause of this Bill or by an order of  
30 Court.

1 (20) An Independent Sexual Harassment Prohibition Committee  
2 shall not be dissolved, suspended or rendered redundant or inoperative by an  
3 administrative head or any person on any ground whatsoever, except by an  
4 order of Court.

5 17.-(1) Where a student complains of sexual harassment, he or she  
6 shall submit a written Sexual Harassment Complaint to the administrative  
7 head of the institution where the complaint arose and shall specify the name  
8 and department, office or home address of the educator who is alleged to  
9 have committed an offence under this Bill.

Institutional  
Disciplinary  
Procedure

10 (2) The complaint mentioned in sub-clause (1) of this Clause of this  
11 Bill may be made by the student personally or by the student's representative  
12 who may be the student's relative, guardian, or lawyer, or any person who  
13 has interest in the wellbeing of the student.

14 (3) An administrative head shall refer or transmit every Sexual  
15 Harassment Complaint received from students to an Independent Sexual  
16 Harassment Committee through its Chairman within fourteen (14) working  
17 days of the receipt of such a complaint for purpose of investigation,  
18 determination and a final decision.

19 (4) Upon receipt of a Sexual Harassment Complaint, an  
20 Independent Sexual Harassment Committee shall take immediate steps to  
21 investigate, determine and reach a final written decision on the complaint  
22 within 45 working days from the date of receipt of the complaint from the  
23 administrative head.

24 (5) Where the complaint of a student is proved or made out, the  
25 Independent Sexual Harassment Prohibition Committee shall take the  
26 circumstances of the proven complaint into account and recommend any of  
27 the following sanctions to both the administrative head and the highest  
28 management body of the institution for implementation:

29 (a) the dismissal of the educator and reasons for the dismissal shall  
30 be stated in writing and given to all the parties; or

	1	(b) a reduction in the rank of the educator and reasons for the
	2	reduction shall be stated in writing and given to all the parties; or
	3	(c) such sanctions as may be appropriate.
Judicial Review	4	<b>18.</b> An educator or a student shall be entitled to apply to a High Court
	5	for a judicial review of the final decision of an Independent Sexual Harassment
	6	Prohibition Committee if the educator or student is dissatisfied with that
	7	decision or part thereof. An application for judicial review under this Clause
	8	may be consolidated with any civil proceedings commenced on behalf of the
	9	affected student pursuant to the provisions of this Bill.
Criminal Liability of Administrative Head	10	<b>19.</b> Where before the commencement of criminal proceedings for
	11	sexual harassment under this Bill a student or his or her representative makes a
	12	Sexual Harassment Complaint to the administrative head of an institution
	13	against an educator, it shall be a misdemeanour if the administrative head fails,
	14	to refer the complaint to the institution's Independent Sexual Harassment
	15	Prohibition Committee within fourteen (14) working days of receiving the
	16	complaint from the student.
	17	<b>20.</b> An administrative head who is guilty of the offence of not
	18	referring a Sexual Harassment Complaint to an institution's Independent
	19	Sexual Harassment Prohibition Committee under Clause 19 of this Bill for the
	20	purpose of investigation, determination and a final decision, is guilty of an
	21	offence and shall be liable on conviction to a minimum fine of N5,000,000 or
	22	imprisonment for a minimum of 2 years, or both.
Liability for false Complaint	23	<b>21.</b> Where at the completion of an investigation into a Sexual
	24	Harassment Complaint, an Independent Sexual Harassment Prohibition
	25	Committee finds or determines in its final decision that the complaint is false
	26	and malicious, the Committee may, recommend sanctions to the administrative
	27	head against the student who made the complaint, which may include
	28	suspension of the student provided that failure to prove an allegation of sexual
	29	harassment shall not be conclusive to establish that the complaint is false or
	30	made with malice or prevent further investigations or criminal prosecution of

1 an educator for the offence alleged to have been committed contrary to any  
2 provisions of this Bill.

3 **22.** An administrative head shall implement the final decision or  
4 recommendations of an Independent Sexual Harassment Prohibition  
5 Committee if, after twenty-one (21) working days of the Committee's final  
6 decision or recommendations, an educator or student did not bring an action  
7 in Court for a judicial review of the final decision or recommendations.

8 **23.** The administrative head of an institution shall ensure that a  
9 student who makes a Sexual Harassment Complaint under this Bill is  
10 adequately protected and not subjected to any form of victimization by the  
11 educator who is complained against or any other educator or person within  
12 the institution or in another institution.

Protection of  
Students from  
Victimization

13 **24.** Any educator or person in an institution where sexual  
14 harassment is alleged or in another institution who victimizes a student in  
15 respect of a Sexual Harassment Complaint under this Bill shall be liable to  
16 the same criminal sanctions, disciplinary punishment or damages as the  
17 educator whom the student originally complained against.

18 **25.** For the purpose of commencing any civil proceedings in court  
19 for breach of fiduciary duty of care or any criminal proceedings against an  
20 Educator under this Bill, the limitation period for commencement of actions  
21 against a public officer stipulated in the Public Officers Protection laws or  
22 any other law limiting the time of commencement of proceedings against a  
23 public officer in force in Nigeria or any part thereof shall not be applicable.

24 **26.** In this Bill, unless the context indicates otherwise,  
25 "administrative head" means a vice chancellor of a university, a rector of a  
26 polytechnic/monotechnic, a provost of a college of education or any officer  
27 who is the chief executive officer of any tertiary academic institution or any  
28 person acting in that capacity;  
29 "attorney-general" means Attorney-General of the Federation or Attorney-  
30 General of a State;

Interpretation



1 "court" means a High Court of a State or of the Federal Capital Territory and the  
2 Federal High Court;

3 "educator" means every employee of a tertiary educational institution  
4 including all academic and non-academic staff, or a faculty or non-faculty  
5 member of a tertiary educational institution including a professor, lecturer,  
6 graduate assistant, post-doctoral fellow or associate serving as a full-time or  
7 part-time instructor or a teaching fellow in similar institutional roles who  
8 teaches, educates or trains students or who provides professional educational  
9 services; or a staff or member of any tertiary educational institution who may  
10 have authority over or a mentoring relationship with any student and also  
11 includes, coaches, supervisors of student employees, advisors and directors of  
12 student organizations, students' residential fellows, and persons who advise,  
13 mentor, or evaluate students or any person who oversees any aspect of any  
14 student's academic work;

15 "fiduciary duty" means an inviolable duty of care founded on honourable  
16 human behaviour, obligation of good faith, honesty, and respect for human  
17 dignity and rights owed to a student by an educator on the basis of a unique  
18 relationship of authority, dependency and trust by which an educator exercises  
19 direct or indirect supervisory responsibilities or superiority over a student;

20 "highest management body" means the body of officials or persons in charge of  
21 the day to day management and administration of a tertiary educational  
22 institution;

23 "institution" means any public or private tertiary or post-secondary educational  
24 institution in Nigeria and this includes any university, polytechnic,  
25 monotechnic, or college of education;

26 "relationship of authority, dependency and trust" means a relationship between  
27 an educator and a student where the educator exercises or is reasonably  
28 expected to exercise direct or indirect supervisory responsibilities over the  
29 student; a relationship that forbids all forms of sexual coercion or sexual  
30 consensus, including amorous relationships that jeopardizes or likely to

1       jeopardize the integrity of the educational process or impairs the learning  
2       environment through conflict of interest;  
3       "sexual intercourse" means penetration of a sexual nature of the vagina or  
4       anus or mouth of the student by the penis or mouth or finger of the educator  
5       or any instrument or toy by the educator and for this purpose, a male student  
6       can be sexually harassed by a female educator;  
7       "student" refers to any person enrolled in any educational or training  
8       programs of a tertiary educational institution or post-secondary institution.  
9       "supervision" means course teaching, training, examining, grading,  
10      advising, counselling, and includes any other form of guidance of a student  
11      on any academic or non-academic matter.

12               **27.** This Bill may be cited as the Prevention, Prohibition and      Citation  
13      Redressal of Sexual Harassment in Tertiary Educational Institutions Bill,  
14      2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to prevent, prohibit and redress Sexual Harassment of  
Students in Tertiary Educational Institutions.



# A BILL

## FOR

AN ACT TO AMEND THE ELECTORAL ACT (NO. 6), 2010 AND FOR OTHER  
RELATED MATTERS, 2019

*Sponsor Senator Ovie Omo-Agege*

*Co-sponsor: Senator Abubakar Kyari*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

1           **1.** Section 8 of the Principal Act is amended by inserting after  
2 subsection (4), a new subsection "(5)", as follows: Amendment of  
Section 8

3           "(5) (a) A person who, being a member of a political party or is  
4 beneficially affiliated or connected to a political party, seeks appointment or  
5 employment with the Commission, shall disclose this membership,  
6 affiliation, or connection to the Commission;

7           (b) A person who acts in breach of paragraph (a) of this subsection  
8 commits an offence and shall be liable, on conviction, to a minimum  
9 imprisonment of five (5) years or a minimum fine of N5,000,000, or both."

10           **2.** Section 9 of the Principal Act is amended by- Amendment of  
Section 9

11           (a) inserting, after subsection (1), a new subsection "(1A)"-

12           "(1A) The Commission shall keep the register of voters as the  
13 National Register of Voters in both manual and electronic formats in its  
14 National Headquarter and other locations as the Commission may deem.";   
15 and

16           (b) in subsection (5) in line 2, by substituting for the figure "30", the  
17 figure "60".

18           **3.** Section 15 of the Principal Act is amended by inserting after the Amendment of  
Section 15  
19 word "printed" in line 1, the expression "or reproduced, copied, duplicated  
20 or saved in an electronic format".

Amendment  
of Section 19

- 1                   **4.** Section 19 of the Principal Act is amended by-
- 2                   (a) substituting for subsection (1), a new subsection "(1)", as follows:
- 3                   "(1) Subject to the provisions of section 9(5) of this Act, the
- 4                   Commission shall, not later than 30 days to a general election, appoint a period
- 5                   of 7 days during which a copy of the voters' register for each Local
- 6                   Government, Area Council or Ward shall be displayed or published for public
- 7                   scrutiny at every Registration Area and on its official website or any website
- 8                   established by the Commission for that purpose.";
- 9                   (b) inserting, after subsection (1), a new subsection "(1A)" -
- 10                  "(1A) Upon displaying or publishing the voters register in accordance
- 11                  with this section, the Commission shall accept and consider objections and
- 12                  complaints in relation to the names omitted or included in the voters' register or
- 13                  in relation to any necessary correction, within 14 days of publishing the voters
- 14                  register in accordance with this section."; and
- 15                  (b) inserting after subsection (3), a new subsection "(4)", as follows:
- 16                  "(4) Failure to display or publish the voters' register as provided under
- 17                  subsection (1) of this section shall constitute an offence for which any officer or
- 18                  staff of the Commission responsible for such default shall be guilty and liable,
- 19                  on conviction, to imprisonment for a minimum term of 6 months or a minimum
- 20                  fine of N100,000."

Amendment of  
Section 36

- 21                  **5.** Section 36 of the Principal Act is amended by-
- 22                  (a) deleting the words "or the Resident Electoral Commissioner" in
- 23                  line 2/3 of subsection (1); and
- 24                  (b) inserting after subsection (2), a new subsection "(3)", as follows:
- 25                  "(3) If after the commencement of polls and before the announcement
- 26                  of the final result and declaration of a winner, a candidate dies,
- 27                  (a) the Commission shall, being satisfied of the fact of the death,
- 28                  suspend the election for a period not exceeding 21 days;
- 29                  (b) the political party whose candidate died may, if it intends to
- 30                  continue to participate in the election, conduct a fresh primary within 14 days

1 of the death of its candidate and submit the name of anew candidate to the  
2 Commission; and

3 (c) subject to paragraphs (a) and (b) of this subsection, the  
4 Commission shall continue with the election, announce the final result and  
5 declare a winner."

6 **6.** Section 43 of the Principal Act is amended by inserting after  
7 subsection (4), new subsections "(4A)", "(4B)", and "(4C)", as follows:

Amendment of  
Section 43

8 "(4A) Polling Agents who are in attendance at a polling unit, shall  
9 be entitled, before the commencement of the election, to have originals of  
10 electoral materials to be used by the Commission for the election inspected;  
11 and this process may be recorded as evidence in writing, on video or by other  
12 means by any Polling Agent, accredited observer or official of the  
13 Commission.

14 (4B) An election conducted at any polling unit in violation of  
15 subsections (3), (4), (4A) or (5) of this section shall be invalid.

16 (4C) A Presiding Officer who contravenes subsections (3), (4),  
17 (4A) or (5) of this section commits an offence and shall be liable, on  
18 conviction, to a minimum imprisonment term of one (1) year or a minimum  
19 fine of N1,000,000, or both."

20 **7.** Section 44 of the Principal Act is amended by inserting after  
21 subsection (2), new subsections "(3)", "(4)" and "(5)" respectively, as  
22 follows:

Amendment of  
Section 44

23 "(3) The Commission shall, not later than 20 days to an election,  
24 invite in writing, a political party that nominated a candidate in the election  
25 to inspect its identity appearing on samples of relevant electoral materials  
26 proposed for the election; and the political party may state in writing within  
27 2 days of being so invited by the Commission that it approves or disapproves  
28 of its identity as it appears on the samples.

29 (4) Unless the political party disapproves of its identity under  
30 subsection (3) of this section in writing, it shall not complain of unlawful

Amendment of  
Section 49

1 exclusion from the election under this Act in relation to its identity appearing  
2 on electoral materials used for the election.

3 (5) A political party that fails to comply with an invitation by the  
4 Commission under subsection (3) of this section shall be deemed to have  
5 approved its identity on samples of electoral materials proposed to be used for  
6 an election."

7 **8.** Substitute for Section 49 of the Principal Act a new Section "49",  
8 as follows:

9 "49. Accreditation of Voters, Transmission of accreditation data,  
10 Issuance of ballot papers to voters, etc

11 (1) A person intending to vote in an election shall present himself with  
12 his voter's card to a Presiding Officer, or any other designated officer of the  
13 Commission, for accreditation at a polling unit where he is a registered voter.

14 (2) The Presiding Officer shall use a Smart Card Reader or any other  
15 technological device prescribed by the Commission for the accreditation of  
16 voters, to verify, confirm or authenticate -

17 (a) the genuineness or otherwise of the voter's card;

18 (b) that the voter's card presented by the voter is registered to the  
19 polling unit where the card is presented;

20 (c) the biometric connection or otherwise of the intending voter with  
21 the voter's card; and

22 (d) the number of duly accredited voters in the polling unit.

23 (3) An intending voter shall not be accredited to vote in an election if  
24 the voter's card presented by him to the Presiding Officer is not -

25 (a) a genuine voter's card issued by the Commission to the intending  
26 voter;

27 (b) registered to the polling unit where the card is presented; and

28 (c) biometrically connected to the intending voter.

29 (4) Subject to subsections (1), (2) and (3) of this section, the Presiding  
30 Officer shall, upon confirming that the intending voter's name is on the

1 Register of Voters, issue him with a ballot paper and manually record, by  
2 ticking in the appropriate box on the Register of Voters, that the intending  
3 voter, having been accredited, received a ballot paper to vote in the  
4 particular election.

5 (5) The number of intending voters whose names are manually  
6 ticked as accredited on the Register of Voters under subsection (4) of this  
7 section shall not be inconsistent with the number of intending voters  
8 accredited with Smart Card Readers or other technological devices under  
9 subsections (2) and (3) of this section.

10 (6) At the end of accreditation of voters, the Presiding Officer shall-

11 (a) manually record or document the total number of intending  
12 voters accredited to vote, with other relevant voter accreditation data from  
13 the polling unit, in forms or electoral documents as shall be prescribed by the  
14 Commission for this purpose; and

15 (b) transmit the voter accreditation data in paragraph (a) of this  
16 subsection by secured mobile electronic communication to the:

17 (i) collation center at each level of collation of results to which the  
18 polling unit belongs in the constituency where the election is held; and

19 (ii) central database of the Commission kept at the National  
20 Headquarter of the Commission.

21 (7) Where there is a breach of the foregoing provisions of this  
22 section, the election in the polling of interest shall be invalidated by a  
23 Tribunal or Court.

24 (8) A Presiding Officer who knowingly contravenes any provision  
25 of this section that applies to him shall be guilty of an offence and shall be  
26 liable, on conviction, to minimum imprisonment for at least 5 years, without  
27 an option of fine.

28 (9) In respect of data of accreditation of voters, including polling  
29 unit results, for an election, the Commission shall not shut down its central  
30 database kept at its National Headquarter until all election petitions and



	1	appeals pertaining to that election are heard and determined by a Tribunal or
	2	Court.
	3	(10) A report issued by the Commission and certified by its designated
	4	official in its National Headquarter showing the number of voters accredited
	5	under subsections (2) and (3) of this section shall be prima facie proof of the
	6	record of accreditation of voters in an election."
Amendment of Section 52	7	<b>9.</b> Section 52 of the principal Act is amended by-
	8	(a) substituting for subsection (2), a new subsection "(2)",-
	9	"(2) The Commission may adopt electronic voting or any other
	10	method of voting in any election it conducts as it may deem fit."
Amendment of Section 53 (2)	11	<b>10.</b> Section 53 (2) of the Principal Act is amended by inserting after
	12	the word:
	13	(a) "exceeds" in line 1, the word "either"; and
	14	(b) "of" in line 2, the words "accredited or".
Amendment of Section 63	15	<b>11.</b> Section 63 of the Principal Act is amended by-
	16	(a) substituting for subsection (4), a new subsection (4), as follows:
	17	"(4) At the end of voting in an election, the Presiding Officer shall-
	18	(a) sort and thereafter count the votes at the polling unit;
	19	(b) record the sorted and counted votes in forms or electoral
	20	documents as shall be prescribed by the Commission for this purpose;
	21	(c) announce the result at the polling unit;
	22	(d) transmit the result of the election from the polling unit to the first
	23	level of collation of results to which the polling unit belongs in the constituency
	24	where the election is held.";and
	25	(b) by inserting after subsection (4), a new subsection "(5)", as
	26	follows:
	27	"(5) The process and procedure in subsections (1) to (4) may be
	28	recorded by any member of the public, party agent, accredited observer or
	29	official of the Commission."

1 (c) by inserting after subsection (5), a new subsection "(6)", as  
2 follows:

3 "(6) A Presiding Officer who wilfully contravenes any provision of  
4 this section shall be guilty of an offence and shall be liable on conviction to a  
5 minimum imprisonment term of 5 years without an option of fine."

6 **12.** Insert after section 65, a new section 65A:

Insertion of a new  
section 65A

7 "National Electronic Register of Election Results;

8 "65A. (1) The Commission shall compile, maintain and update on  
9 a continuous basis, a register of election results to be known as the National  
10 Electronic Register of Election Results which shall be a database of election  
11 results from each polling unit, including collated election results of each  
12 election conducted by the Commission.

13 (2) National Electronic Register of Election Results shall be kept  
14 by the Commission at its National Headquarter.

15 (3) Any person or political party may obtain from the Commission,  
16 on payment of reasonable fees as may be determined by the Commission, a  
17 certified true copy of any election result kept in the National Electronic  
18 Register of Election Results for the Federation, a State, Local Government,  
19 Area Council, Ward or Polling Unit, as the case may be and the certified true  
20 copy may be in printed or electronic format."

21 **13.** Insert after section 67, a new section 67A:

Insertion of a  
new section 67A

22 "Verification and confirmation of results

23 67A. (1) A Collation Officer or Returning Officer at an election  
24 shall collate and announce the result of an election, subject to his  
25 verification and confirmation that the:

26 (a) number of accredited voters stated on the collated result are  
27 correct and consistent with the number of accredited voters recorded and  
28 transmitted directly from polling units under section 49(6) of this Act; and

29 (b) the votes stated on the collated result are correct and consistent  
30 with the votes or results recorded and transmitted directly from polling units

1 under section 63(4) of this Act.

2 (2) Subject to subsection (1) of this section, where the number of  
3 accredited voters and votes recorded and transmitted to a Collation or  
4 Returning Officer are inconsistent with a polling unit or a collated result, the  
5 Collation officer at that level or Returning Officer shall use the number of  
6 accredited voters recorded and transmitted directly from polling units under  
7 section 49(6) of this Act and the votes or results recorded and transmitted  
8 directly from polling units under section 63(4) of this Act to collate and  
9 announce the result of the election.

10 (3) Where during collation of results, there is a dispute regarding a  
11 collated result or the result of an election from any polling unit, the Collation  
12 Officer or Returning Officer shall use the following to determine the  
13 correctness of the disputed result:

14 (a) the original of the disputed collated result or manual result for each  
15 polling unit where the election is disputed;

16 (b) the Smart Card Reader or other technological device used for  
17 accreditation of voters in each polling unit where the election is disputed for the  
18 purpose of obtaining accreditation data directly from the Smart Card Reader or  
19 technological device;

20 (c) data of accreditation recorded and transmitted directly from each  
21 polling unit where the election is disputed, as prescribed under section 49 (6) of  
22 this Act; and

23 (d) the votes and result of the election manually recorded and  
24 transmitted directly from each polling unit where the election is disputed, as  
25 prescribed under section 63(4) of this Act.

26 (4) If the disputed result under subsection (3) is found to be incorrect,  
27 the Collation Officer or Returning Officer shall re-collate and announce the  
28 correct result using the information in subsection (3) of this section.

29 (5) Where the dispute under subsection (3) of this section arose at the  
30 final level of collation and the Returning Officer has satisfied the provision of

1 subsection (3) of this section, the Returning Officer shall accordingly  
2 declare the winner of the election.

3 (6) A Returning Officer or Collation Officer, as the case may be,  
4 who wilfully and knowingly contravenes a provision of this section that  
5 applies to him shall be guilty of an offence if the results he collated or  
6 announced are false and he shall be liable on conviction, to a minimum  
7 imprisonment term of 5 years without an option of fine."

8 **14.** Insert after section 76, a new section "76A", as follows:

Insertion of a  
new section "76A"

9 "Recording of details of electoral materials;

10 76A. (1) The result of an election conducted at a polling unit  
11 without the prior recording in the forms prescribed by the Commission of  
12 the quantity, serial numbers and other particulars of results sheets, ballot  
13 papers and other sensitive electoral materials made available by the  
14 Commission for the conduct of the election shall be cancelled by a Tribunal  
15 or Court.

16 (2) A Presiding, Collation or Returning Officer who announces or  
17 signs any election result in violation of subsection (1) of this section is guilty  
18 of an offence and shall be liable on conviction to a minimum imprisonment  
19 term of one (1) year without an option of fine."

20 **15.** Section 78(5) of the Principal Act is amended by inserting after  
21 the word "cancelled" in line 3, the words "and the association and each of its  
22 executives or principal officers shall, on account of the false or misleading  
23 information, be guilty of an offence and be liable, on conviction-

Amendment of  
section 78(5)

24 (a) in the case of the association, to a fine of N5,000,000; and

25 (b) in the case of each executive or principal officer of the  
26 association, to a minimum imprisonment term of 6 months or a minimum  
27 fine of N1,000,000 or both."

28 **16.** Substitute for section 87 of the Principal Act a new section "87"  
29 as follows:

Substitution for  
a new section "87"

30 "87. Nomination of Candidates by Parties:

1           (1) A political party seeking to nominate candidates for elections  
2 under this Act shall hold direct or indirect primaries for aspirants to all elective  
3 positions, which shall be monitored by the Commission and the result of the  
4 primaries may be endorsed or certified by the Commission.

5           (2) A political party shall not impose nomination qualification or  
6 disqualification criteria, measures, or conditions on any aspirant or candidate  
7 for any election in its constitution, guidelines, or rules for nomination of  
8 candidates for elections, except as prescribed under sections 65, 66, 106, 107,  
9 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria,  
10 1999 (as amended).

11           (3) For the purpose of nomination of candidates for election, the total  
12 fees, charges, dues and any payment howsoever named imposed by a political  
13 party on an aspirant shall not exceed:

14           (i) One Hundred and Fifty Thousand Naira (N150,000) for a Ward  
15 Councillorship aspirant in the FCT;

16           (ii) Two Hundred and Fifty Thousand Naira (N250,000) for an Area  
17 Council Chairmanship aspirant in the FCT;

18           (iii) Five Hundred Thousand Naira (N500,000) for a House of  
19 Assembly aspirant;

20           (iv) One Million Naira (N1,000,000) for a House of Representatives  
21 aspirant;

22           (v) Two Million Naira (N2,000,000) for a Senatorial aspirant;

23           (vi) Five Million naira (N5,000,000) for a Governorship aspirant; and

24           (vii) Ten Million Naira (N10,000,000) for a Presidential aspirant.

25           (4) Any requirement, criteria, measures, or conditions for the  
26 nomination of candidates for elections outside the provisions of subsections (2)  
27 or (3) of this section shall be invalid.

28           (5) Every political party shall publish the venues, dates, times,  
29 guidelines, procedures and other relevant information of its primaries,  
30 conventions or any event conveyed for the purpose of nominating candidates

1 for the party in, at least, two (2) national newspapers and, at least, ten (10)  
2 days before the date of the event to nominate candidates for the party.

3 *Direct Primaries*

4 (6) A political party that adopts the system of direct primaries for  
5 the nomination of its candidate(s) for an election shall ensure that all  
6 aspirants are given equal opportunity of being voted for by registered  
7 members of the party and comply with the procedure outline below-

8 (a) in the case of nominations to the position of Presidential  
9 candidate in a Presidential election, a political party shall, where it intends to  
10 sponsor a candidate:

11 (i) conduct direct primaries in the registration areas in the 36 States  
12 of the Federation and the FCT where all registered members of the party  
13 shall be eligible to vote;

14 (ii) declare the Presidential Aspirant with the highest number of  
15 valid votes cast during the primaries across the 36 States of the Federation  
16 and the FCT as the winner of the Presidential primaries;

17 (iii) hold a National Convention where it shall present the winner  
18 of the primaries to the public as the Presidential candidate of the party; and

19 (iv) forward the name of the winner of the Presidential primaries to  
20 the Commission as the Presidential candidate of the party in the Presidential  
21 election.

22 (b) in the case of nomination to the position of Governorship  
23 candidate in a Governorship election in a State, a political party shall, where  
24 it intends to sponsor a candidate:

25 (i) conduct direct primaries in the registration areas in each Local  
26 Government Area in the particular State where all registered members of the  
27 party in the State shall be eligible to vote;

28 (ii) declare the Governorship aspirant with the highest number of  
29 valid votes cast in all Local Government Areas in the particular State as the  
30 winner of the Governorship primaries in the State;

1 (iii) hold a State Congress where it shall present the winner of the  
2 Governorship primaries to the public as the Governorship Candidate of the  
3 party in the Governorship election; and

4 (iv) forward the name of the winner of the primaries to the  
5 Commission as the Governorship candidate of the party in the election for the  
6 State.

7 (c) in the case of nominations to the position of Senatorial candidate,  
8 House of Representatives candidate and State House of Assembly candidate  
9 for a Senatorial District, a Federal Constituency and a State House  
10 Constituency respectively, a political party shall, where it intends to sponsor  
11 candidates in elections for these elective positions:

12 (i) conduct direct primaries in the registration areas in each Local  
13 Government Area in the Senatorial District where all registered members of the  
14 party in the Senatorial District shall be eligible to vote;

15 (ii) conduct direct primaries in the registration areas in each Local  
16 Government Area in the Federal Constituency where all registered members of  
17 the party in the Federal Constituency shall be eligible to vote;

18 (iii) conduct direct primaries in the registration areas in each Local  
19 Government Area in the State Assembly Constituency where all registered  
20 members of the party in the State Assembly Constituency shall be eligible to  
21 vote;

22 (iv) subject to sub-paragraph (i) of this paragraph, declare the  
23 Senatorial aspirant with the highest number of valid votes cast in all Local  
24 Government Areas in the particular Senatorial District as the winner of the  
25 primaries in the Senatorial District and forward the name of the winner to the  
26 Commission as the Senatorial candidate of the party in the election for the  
27 Senatorial District;

28 (v) subject to sub-paragraph (ii) of this paragraph, declare the House  
29 of Representatives aspirant with the highest number of votes in all Local  
30 Government Areas in the Federal Constituency as the winner of the primaries

1 in the Federal Constituency and forward the name of the winner to the  
2 Commission as the House of Representatives candidate of the party in the  
3 election for the Federal Constituency; and

4 (vi) subject to sub-paragraph (iii) of this paragraph, declare the  
5 State House of Assembly Aspirant with the highest number of votes in all  
6 Local Government Areas in the House of Assembly Constituency as the  
7 winner of the primaries in the House of Assembly Constituency and forward  
8 the name of the winner to the Commission as the State House of Assembly  
9 Candidate of the party in the election for the State Assembly Constituency.

10 (d) in the case of the position of a Chairmanship candidate of an  
11 Area Council in the Federal Capital Territory, a political party shall, where it  
12 intends to sponsor a candidate:

13 (i) conduct direct primaries in the registration areas in the Area  
14 Council, where all registered members of the party in the Area Council shall  
15 be eligible to vote;

16 (ii) declare the Chairmanship aspirant with the highest number of  
17 votes in all registration areas in the Area Council as the winner of the  
18 Chairmanship primaries in the Area Council and forward the name of the  
19 winner of the Chairmanship primaries to the Commission as the  
20 Chairmanship candidate of the party in the election for the Area Council.

21 *Indirect Primaries*

22 (7) (a) Political Party that adopts the system of indirect primaries  
23 for the nomination of its candidates for elections shall have both Statutory  
24 Delegates and Ad-hoc Delegates who, subject to the provisions of this Act,  
25 shall be the only delegates eligible to vote;

26 (b) For the purpose of indirect primaries-

27 (i) Ad-hoc Delegates shall be registered members of the Party  
28 elected at Ad-Hoc Delegates Elections conducted by the Party in accordance  
29 with subsection (8) of this section;

30 (ii) Statutory Delegates are elected officials of the Party and



1 elected government functionaries identified and listed in subsection (9) of this  
2 section; and

3 (iii) an Ad-Hoc Delegates Election is an intra-party election  
4 conducted by the Party under subsection (8) of this section to elect the Party's  
5 ad-hoc delegates and this election shall, except for a delegates election or  
6 primaries in respect of Local Government Council Chairmanship and Ward  
7 Councillorship offices in a State of the Federation under subsection (13) of this  
8 section, be monitored by the Commission.

9 *Election of Ad-hoc Delegates*

10 (8) Ad-hoc Delegates to a Political Party's indirect primaries shall be  
11 elected in Ad-hoc Delegates Elections at-

12 (a) Ward Congresses which shall be held by the Party in every Ward in  
13 the Local Government Areas in the States of the Federation and the FCT, Abuja  
14 and where all registered members of the Party in a Ward shall be eligible to  
15 elect at least Five (5) Ad-hoc Ward Delegates (at least one (1) of whom, except  
16 otherwise impracticable, shall be a woman) who, being registered members of  
17 the party in that Ward and not delegates already under this Act, presented  
18 themselves to be voted for as Ad-hoc Ward Delegates of the Party in that Ward;

19 (b) Local Government Congresses, where Ad-hoc Ward Delegates  
20 elected in every Ward in a Local Government Area under paragraph (a) of this  
21 subsection shall be eligible to elect in and for that Local Government Area-

22 (i) at least Fifty (50) Ad-hoc Local Government Delegates (at least  
23 Ten (10) of whom, except otherwise impracticable, shall be women) who,  
24 being registered members of the party in that Local Government Area and not  
25 delegates already under this Act, presented themselves to be voted for as Ad-  
26 hoc Local Government Delegates of the Party in that Local Government Area,  
27 and these delegates shall be reasonably spread across the Wards in the Local  
28 Government Area;

29 (ii) at least Five (5) Ad-hoc State/FCT Delegates (at least One (1) of  
30 whom, except otherwise impracticable, shall be a woman) who, being

1 registered members of the party in that Local Government Area and not  
2 delegates already under this Act, presented themselves to be voted for as Ad-  
3 hoc State/FCT Delegates of the Party in that Local Government Area, and  
4 these delegates shall be reasonably spread across the Wards in the Local  
5 Government Area; and

6 (iii) at least Five (5) Ad-hoc National Delegates (at least One (1) of  
7 whom, except otherwise impracticable, shall be a woman) who, being  
8 registered members of the party in that Local Government Area and not  
9 delegates already under this Act, presented themselves to be voted for as Ad-  
10 hoc National Delegates of the Party in that Local Government Area and  
11 these delegates shall be reasonably spread across the Wards in the Local  
12 Government Area.

13 *Delegates to Nominate Party's Candidates for Elections in Indirect*

14 *Primaries*

15 (9) The Statutory and Ad-hoc Delegates listed in each paragraph  
16 hereunder for the type of election in this subsection shall be eligible to vote  
17 in a Political Party's indirect primaries to nominate the party's candidate for  
18 that election.

19 *Delegates to Nominate Presidential Candidate*

20 (a) For the purpose of a Presidential Election, the Statutory and Ad-  
21 hoc Delegates listed hereunder shall be eligible to nominate the Presidential  
22 Candidate of a Political Party at the Presidential Indirect Primaries or  
23 Special National Convention of the Party convened in the FCT Abuja or the  
24 capital of a State of the Federation mainly for that purpose:

25 *Statutory Delegates*

- 26 (i) Serving members of the Board of Trustees of the Party;  
27 (ii) Elected serving members of the National Executive Committee  
28 of the Party;  
29 (iii) Elected serving members of the Zonal Executive Committees  
30 of the Party;

1 (iv) Serving and past Presidents and Vice Presidents of Nigeria  
2 produced by the party and who are still members of the Party;

3 (v) Serving and past Governors and Deputy Governors of States of the  
4 Federation produced by the party and who are still members of the Party;

5 (vi) Serving Senators who are registered members of the Party and  
6 former Senators who served on the Party's platform and who are still registered  
7 members of the Party;

8 (vii) Serving Members of the House of Representatives who are  
9 registered members of the Party and past Members of the House of  
10 Representatives who served on the Party's platform and who are still registered  
11 members of the Party;

12 (viii) Serving Presiding and Principal Officers of States' Houses of  
13 Assembly, and past Presiding Officers of States' Houses of Assembly produced  
14 by the Party and who are still members of the Party;

15 (ix) Elected serving Chairmen, Secretaries, Treasurers, Women  
16 Leaders and Youth Leaders of State Executive Committees of the Party,  
17 including those of the FCT, Abuja;

18 (x) Elected serving Chairmen and Secretaries of Local Government  
19 Executive Committees of the Party in the Federation;

20 (xi) Elected serving Local Government Council Chairmen produced  
21 by the Party and who are still members of the Party; and

22 *Ad-hoc Delegates*

23 (xii) Ad-hoc National Delegates (at least Five [5] per Local  
24 Government Area) elected under subsection (8)(b)(iii) of this section at each  
25 Local Government Congress held by the Party in every Local Government  
26 Area in each State of the Federation and the FCT, Abuja.

27 *Delegates to Nominate Governorship Candidate*

28 (b) For the purpose of a Governorship Election in a State of the  
29 Federation, the Statutory and Ad-hoc Delegates listed hereunder shall be  
30 eligible to nominate the Governorship Candidate of a Political Party at the

1 Party's State Governorship Indirect Primaries or State Congress which shall  
2 hold in the capital of that particular State for that purpose:

3 *Statutory Delegates*

4 (i) Serving members of the Board of Trustees of the Party who are  
5 registered members of the Party in that State;

6 (ii) Elected serving members of the National Executive Committee  
7 of the Party who are registered members of the Party in that State;

8 (iii) Elected serving members of the Zonal Executive Committees  
9 of the party who are registered members of the Party in that State;

10 (iv) Serving and past Presidents and Vice Presidents of Nigeria  
11 produced by the party and who are still registered members of the Party in  
12 that State;

13 (v) Serving and past Governors and Deputy Governors of the State  
14 produced by the party and who are still registered members of the Party in  
15 that State;

16 (vi) Serving Senators who are registered members of the Party in  
17 that State and former Senators who served on the Party's platform and who  
18 are still registered members of the Party in that State;

19 (vii) Serving Members of the House of Representatives who are  
20 registered members of the Party in that State and past Members of the House  
21 of Representatives who served on the Party's platform and who are still  
22 registered members of the Party in that State;

23 (viii) Serving Presiding, Principal Officers and Members of that  
24 States House of Assembly, and past Presiding Officers of that State House of  
25 Assembly produced by the Party who are still registered carrying members  
26 of the Party in that State;

27 (ix) Elected serving members of the State's Executive Committee  
28 of the Party;

29 (x) Elected serving Chairmen and Secretaries of Local  
30 Government Executive Committees of the Party in that State;

1 (xi) Elected serving Local Government Council Chairmen and  
2 Vice/Deputy Chairmen produced by the Party and who are still members of the  
3 Party in that State;

4 *Ad-hoc Delegates*

5 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under  
6 subsection (8)(a) of this section at each Ward Congress held by the Party in  
7 every Ward in the Local Government Areas of the States of the Federation;

8 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per  
9 Local Government Area) elected under subsection (8)(b)(i) of this section at  
10 each Local Government Congress held by the Party in every Local  
11 Government Area in the particular State;

12 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government  
13 Area) elected under subsection (8)(b)(ii) of this section at each Local  
14 Government Congress held by the Party in every Local Government Area in  
15 the particular State; and

16 (xv) Ad-hoc National Delegates (at least Five [5] per Local  
17 Government Area) elected under subsection (8)(b)(iii) of this section at each  
18 Local Government Congress held by the Party in every Local Government  
19 Area in the particular State.

20 *Delegates to Nominate Senatorial Candidate*

21 (c) For the purpose of a Senatorial Election to elect a Senator to  
22 represent a Senatorial District in a State of the Federation or the FCT, Abuja in  
23 the National Assembly, the Statutory and Ad-hoc Delegates listed hereunder  
24 shall be eligible to nominate the Senatorial Candidate of a Political Party at the  
25 Party's Senatorial Indirect Primaries or Senatorial Congress which shall hold in  
26 the headquarters of that Senatorial District (as shall be designated by the  
27 Commission) for that purpose:

28 *Statutory Delegates*

29 (i) Serving members of the Board of Trustees of the Party who are  
30 registered members of the Party in that Senatorial District;

- 1 (ii) Elected serving members of the National Executive Committee  
2 of the Party who are registered members of the Party in that Senatorial  
3 District;
- 4 (iii) Elected serving members of the Zonal Executive Committees  
5 of the Party who are registered members of the Party in that Senatorial  
6 District;
- 7 (iv) Serving and past Presidents and Vice Presidents of the  
8 Federation produced by the Party and who are still registered members of  
9 the Party in that Senatorial District;
- 10 (v) Serving and past Governors and Deputy Governors of the State  
11 produced by the Party and who are still registered members of the Party in  
12 that Senatorial District;
- 13 (vi) Serving Senators who are registered members of the Party in  
14 that Senatorial District and former Senators who served on the Party's  
15 platform and who are still registered members of the Party in that Senatorial  
16 District;
- 17 (vii) Serving Members of the House of Representatives who are  
18 registered members of the Party in that Senatorial District and past Members  
19 of the House of Representatives who served on the Party's platform and who  
20 are still registered members of the Party in that Senatorial District;
- 21 (viii) Serving Presiding and Principal Officers of a State House of  
22 Assembly, and former Presiding Officers of a State House of Assembly  
23 produced by the Party and who are still registered members of the Party in  
24 that Senatorial District;
- 25 (ix) Elected serving Chairman, Secretary, Treasurer, Women  
26 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive  
27 Committee who are registered members of the Party in that Senatorial  
28 District;
- 29 (x) Elected serving Chairmen and Secretaries of Local  
30 Government Executive Committees of the Party who are registered

1 members of the Party in that Senatorial District;

2 (xi) Elected serving Local Government Council Chairmen and  
3 Vice/Deputy Chairmen produced by the Party who are still registered members  
4 of the Party in that Senatorial District;

5 *Ad-hoc Delegates*

6 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under  
7 subsection (8)(a) of this section at each Ward Congress held by the Party in  
8 every Ward in Local Government Areas in that Senatorial District;

9 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per  
10 Local Government Area) elected under subsection (8)(b)(i) of this section at  
11 each Local Government Congress held by the Party in every Local  
12 Government Area in that Senatorial District;

13 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government  
14 Area) elected under subsection (8)(b)(ii) of this section at each Local  
15 Government Congress held by the Party in every Local Government Area in  
16 that Senatorial District; and

17 (xv) Ad-hoc National Delegates (at least Five [5] per Local  
18 Government Area) elected under subsection (8)(b)(iii) of this section at each  
19 Local Government Congress held by the Party in every Local Government  
20 Area in that Senatorial District.

21 *Delegates to Nominate House of Representatives Candidate*

22 (d) For the purpose of the election of a Member of the House of  
23 Representatives to represent a Federal Constituency in a State of the Federation  
24 or the FCT, Abuja in the National Assembly, the Statutory and Ad-hoc  
25 Delegates listed hereunder shall be eligible to nominate the House of  
26 Representatives Candidate of a Political Party at the Party's House of  
27 Representatives Indirect Primaries which shall hold in the headquarters of that  
28 Federal Constituency (as shall be designated by the Commission):

29 *Statutory Delegates*

30 (i) Serving members of the Board of Trustees of the Party who are

- 1 registered members of the Party in that Federal Constituency;
- 2 (ii) Elected serving members of the National Executive Committee
- 3 of the Party who are registered members of the Party in that Federal
- 4 Constituency;
- 5 (iii) Elected serving members of the Zonal Executive Committees
- 6 of the Party who are registered members of the Party in that Federal
- 7 Constituency;
- 8 (iv) Serving and past Presidents and Vice Presidents of the
- 9 Federation produced by the Party and who are still members of the Party in
- 10 that Federal Constituency;
- 11 (v) Serving and past Governors and Deputy Governors of the State
- 12 produced by the Party and who are still members of the Party in that Federal
- 13 Constituency;
- 14 (vi) Serving Senators who are registered members of the Party in
- 15 that Federal Constituency and former Senators who served on the Party's
- 16 platform and who are still registered members of the Party in that Federal
- 17 Constituency;
- 18 (vii) Serving Members of the House of Representatives who are
- 19 registered members of the Party in that Federal Constituency and past
- 20 Members of the House of Representatives who served on the Party's
- 21 platform and who are still registered members of the Party in that Federal
- 22 Constituency;
- 23 (viii) Serving Presiding and Principal Officers of a State House of
- 24 Assembly, and former Presiding Officers of a State House of Assembly
- 25 produced by the Party and who are still registered/ members of the Party in
- 26 that Federal Constituency;
- 27 (ix) Elected serving Chairman, Secretary, Treasurer, Women
- 28 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive
- 29 Committee who are registered members of the Party in that Federal
- 30 Constituency;



1 (x) Elected serving Chairman, Secretary, Treasurer, Women Leader  
2 and Youths Leader of Local Government Executive Committees of the Party  
3 who are registered members of the Party in that Federal Constituency;

4 (xi) Elected serving Local Government Council Chairmen and Vice  
5 Chairmen produced by the Party and who are still registered members of the  
6 Party in that Federal Constituency;

7 *Ad-hoc Delegates*

8 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under  
9 subsection (8)(a) of this section at each Ward Congress held by the Party in  
10 every Ward in Local Government Areas in that Federal Constituency;

11 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per  
12 Local Government Area) elected under subsection (8)(b)(i) of this section at  
13 each Local Government Congress held by the Party in every Local  
14 Government Area in that Federal Constituency;

15 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government  
16 Area) elected under subsection (8)(b)(ii) of this section at each Local  
17 Government Congress held by the Party in every Local Government Area in  
18 that Federal Constituency; and

19 (xv) Ad-hoc National Delegates (at least Five [5] per Local  
20 Government Area) elected under subsection (8)(b)(iii) of this section at each  
21 Local Government Congress held by the Party in every Local Government  
22 Area in that Federal Constituency.

23 (e) Delegates to Nominate House of Assembly Candidate:

24 For the purpose of the election of a Member of a State House of Assembly to  
25 represent a State Constituency in a State of the Federation, the Statutory and  
26 Ad-hoc Delegates listed hereunder shall be eligible to nominate the House of  
27 Assembly Candidate of a Political Party at the Party's House of Assembly  
28 Indirect Primaries which shall hold in that State Constituency:

29 *Statutory Delegates*

30 (i) Serving members of the Board of Trustees of the Party who are

- 1 registered members of the Party in that State Constituency;
- 2 (ii) Elected serving members of the National Executive Committee
- 3 of the party who are registered members of the Party in that State
- 4 Constituency;
- 5 (iii) Elected serving members of the Zonal Executive Committees
- 6 of the party who are registered members of the Party in that State
- 7 Constituency;
- 8 (iv) Serving and past Presidents and Vice Presidents of the
- 9 Federation produced by the Party and who are still registered members of
- 10 the Party in that State Constituency;
- 11 (v) Serving and past Governors and Deputy Governors of a State
- 12 produced by the Party and who are still registered members of the Party in
- 13 that State Constituency;
- 14 (vi) Serving Senators who are registered members of the Party in
- 15 that State Constituency and former Senators who served on the Party's
- 16 platform and who are still registered members of the Party in that State
- 17 Constituency;
- 18 (vii) Serving Members of the House of Representatives who are
- 19 registered members of the Party in that State Constituency and past
- 20 Members of the House of Representatives who served on the Party's
- 21 platform and who are still registered members of the Party in that State
- 22 Constituency;
- 23 (viii) Serving and past members of a State House of Assembly
- 24 produced by the Party and who are still registered members of the Party in
- 25 that State Constituency;
- 26 (ix) Elected serving members of a State Executive Committee of
- 27 the Party who are registered members of the Party in that State
- 28 Constituency;
- 29 (x) Elected serving members of a Local Government Executive

1 Committee of the Party who are registered members of the Party in that State  
2 Constituency;

3 (xi) Elected serving members of a Ward Executive Committee of the  
4 Party who are registered members of the Party in that State Constituency;

5 (xii) Elected serving Local Government Council Chairman and Vice  
6 Chairman produced by the Party and who are still registered members of the  
7 Party in that State Constituency; and

8 *Ad-hoc Delegates*

9 (xiii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected  
10 under subsection (8)(a) of this section at any Ward Congress held by the Party  
11 in that State Constituency.

12 (f) Delegates to Nominate Local Government Area Chairmanship  
13 Candidate:

14 For the purpose of a Local Government Council Chairman Election, the  
15 Statutory and Ad-hoc Delegates listed hereunder shall be eligible to nominate a  
16 Local Government Council Chairmanship Candidate of a Political Party at the  
17 Party's Local Government Chairmanship Indirect Primaries which shall hold  
18 in that Local Government Area headquarters:

19 *Statutory Delegates*

20 (i) Serving members of the Board of Trustees of the Party who are  
21 registered members of the Party in that Local Government Area;

22 (ii) Elected serving members of the National Executive Committee of  
23 the Party who are registered members of the Party in that Local Government  
24 Area;

25 (iii) Elected serving members of the Zonal Executive Committees of  
26 the Party who are registered members of the Party in that Local Government  
27 Area;

28 (iv) Serving and past Presidents and Vice Presidents of the Federation  
29 produced by the Party and who are still registered members of the Party in that  
30 Local Government Area;

1 (v) Serving and past Governors and Deputy Governors of the State  
2 produced by the Party and who are still registered members of the Party in  
3 that Local Government Area;

4 (vi) Serving Senators who are registered members of the Party in  
5 that Local Government Area and former Senators who served on the Party's  
6 platform and who are still registered members of the Party in that Local  
7 Government Area;

8 (i) Serving Members of the House of Representatives who are  
9 registered members of the Party in that Local Government Area and past  
10 Members of the House of Representatives who served on the Party's  
11 platform and who are still registered members of the Party in that Local  
12 Government Area;

13 (ii) Serving and past members of the State House of Assembly  
14 produced by the Party and who are still registered members of the Party in  
15 that Local Government Area;

16 (iii) Elected serving members of a State Executive Committee of  
17 the Party who are registered members of the Party in that Local Government  
18 Area;

19 (iv) Elected serving members of a Local Government Executive  
20 Committee of the Party who are registered members of the Party in that  
21 Local Government Area;

22 (v) Elected serving members of a Ward Executive Committee of  
23 the Party who are registered members of the Party in that Local Government  
24 Area;

25 (vi) Elected serving and past Local Government Council Chairmen  
26 and Vice Chairmen produced by the Party and who are still registered  
27 members of the Party in that Local Government Area; and

28 *Ad-hoc Delegates*

29 (vii) Ad-hoc Ward Delegates elected at Ward Congresses in that  
30 Local Government Area under subsection (8)(a) of this section.

1            *Guidelines, Rules, etc on Primaries and Ad-hoc Delegates Election*

2            (10) A Political Party that adopts the system of indirect primaries for  
3            the nomination of its candidates may outline nomination guidelines, rules and  
4            procedures to guarantee free, fair, and credible indirect primaries and Ad-hoc  
5            Delegates Elections, but such guidelines, rules and procedures shall not be  
6            inconsistent with the provisions of this Act.

7            (11) Necessity and Validity of Ad-hoc Delegates Elections:

8            (a) A party that adopts the system of indirect primaries for the  
9            nomination of candidates for elections shall not nominate candidates for any  
10           election unless it has conducted Ad-hoc Delegates Election to elect its ad-hoc  
11           delegates who shall nominate its candidates for the elections, as provided in  
12           this Act;

13           (b) Any Ad-hoc Delegates Election and/or indirect primaries  
14           conducted in contravention of or contrary to the provisions of subsections (7),  
15           (8), (9), (10) and/or 11(a) of this section shall be invalid.

16           (12) Time for Electing Delegate and their Term:

17           (a) A Political Party nominating candidates by indirect primaries for a  
18           general election shall conduct its Ad-hoc Delegates Elections to elect its Ad-  
19           hoc Delegates not later than 80 days before the date appointed by the  
20           Commission for a general election;

21           (b) A Political Party nominating candidates by indirect primaries for  
22           any election conducted by the Commission other than a general election shall  
23           not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates  
24           who nominated the candidate(s) of the party for the immediate past general  
25           election under paragraph (a) of this subsection shall (with Statutory Delegates)  
26           be eligible to nominate the party's candidate(s) for that election,

27           PROVIDED that if more than half of the Ad-hoc Delegates who  
28           nominated the Party's candidate in the immediate past general election are no  
29           longer members of the party, confirmed dead or otherwise not available, the  
30           Party shall conduct fresh Ad-hoc Delegates Election(s) and nominate

1 candidates for that election not later than 10 days before the date of the said  
2 election;

3 (c) A Political Party nominating candidates by indirect primaries  
4 for a Local Government Council Chairmanship and Ward Councillorship  
5 general election conducted by a State Independent Electoral Commission all  
6 over a State of the Federation shall conduct its Ad-hoc Delegates Elections  
7 to elect its Ad-hoc Delegates not later than 80 days before the date appointed  
8 by the State's Independent Electoral Commission for the Local Government  
9 Council Chairmanship and Ward Councillorship general election in that  
10 State;

11 (d) A Political Party nominating candidates by indirect primaries  
12 for any election conducted by a State Independent Electoral Commission  
13 other than a general Local Government Council Chairmanship and Ward  
14 Councillorship election conducted by a State Independent Electoral  
15 Commission all over a State of the Federation shall not conduct a fresh Ad-  
16 hoc Delegates Election but the same Ad-hoc Delegates who nominated the  
17 candidates of the party for the immediate past general Local Government  
18 Council Chairmanship and Ward Councillorship election under paragraph  
19 (c) of this subsection shall (with Statutory Delegates) be eligible to nominate  
20 the party's candidates for that election,

21 PROVIDED that if more than half of the Ad-hoc Delegates who  
22 nominated the Party's candidate in the immediate past general Local  
23 Government Council Chairmanship and Ward Councillorship election held  
24 all over the State are no longer members of the Party, confirmed dead or  
25 otherwise not available, the Party shall conduct fresh Ad-hoc Delegates  
26 Election(s) and nominate candidates for that general Local Government  
27 Council Chairmanship and Ward Councillorship election not later than 10  
28 days before the date of the said election.

29 (13) Any Ad-Hoc Delegates Election or primaries held by a  
30 Political Party to nominate Local Government Council Chairmanship and

1 Ward Councillorship candidates in a State of the Federation shall be monitored  
2 by the State Independent Electoral Commission in that State and the result of  
3 such an Ad-hoc Delegate Election or primaries shall be endorsed or certified by  
4 the State Independent Electoral Commission for the correctness and validity of  
5 what it states.

6 *Issuance of False Results*

7 (14) Any official of the Commission or a State Independent Electoral  
8 Commission who issues, endorses or certifies a false report or result in respect  
9 of an Ad-hoc Delegates Election or primaries of a Political Party commits an  
10 offence and shall be liable on conviction to minimum imprisonment term of  
11 five (5) years, without an option of a fine.

12 *Guarantee of Equal Opportunity for Aspirants*

13 (15) A Political Party that adopts the system of indirect primaries for  
14 the nomination of its candidate(s) for election shall ensure that all aspirants are  
15 given equal opportunity of being voted for by Ad-hoc and Statutory delegates  
16 of the Party who shall be registered members of the Party as provided in this  
17 Act.

18 *Procedures for Nominating Candidates by Indirect Primaries*

19 (16) Subject to subsection (17) of this section, a Political Party  
20 nominating candidates for elections by the system of indirect primaries shall  
21 adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection  
22 for each type of election.

23 *Nomination of Presidential Candidate*

24 (a) In the case of nominations to the position of Presidential candidate  
25 for Presidential election, a Political Party shall, where it intends to sponsor a  
26 candidate-

27 (i) hold Presidential primaries or a Special Presidential Convention at  
28 a designated place in the FCT or the headquarters of a State of the Federation  
29 and on a date agreed by the National Executive Committee of the party where  
30 both Ad-hoc and Statutory Delegates of the Party listed in subsection (9)(a) of

1 this section shall be eligible to vote for any presidential aspirant of the Party;  
2 and

3 (ii) the presidential aspirant with the highest number of votes at the  
4 end of voting shall be declared the winner of the Presidential primaries and  
5 the Party shall forward the winner's name to the Commission as the  
6 Presidential candidate of the Party for the Presidential Election.

7 *Nomination of Governorship Candidate*

8 (b) In the case of nominations to the position of Governorship  
9 candidate for Governorship election, a Political Party shall, where it intends  
10 to sponsor a candidate in a State-

11 (i) hold Governorship primaries or a Special State Congress in a  
12 designated place in the State headquarters and on a date agreed by the party  
13 where Ad-hoc and Statutory Delegates of the party identified and listed  
14 under sub-section (9)(b) of this section shall be eligible to vote for any  
15 Governorship aspirant of the party in the State; and

16 (ii) the Governorship aspirant with the highest number of votes at  
17 the end of voting shall be declared the winner of the Governorship primaries  
18 of the party in the State and the party shall forward the winner's name to the  
19 Commission as the candidate of the party for the Governorship Election in  
20 that State.

21 *Nomination of Senatorial Candidate*

22 (c) In the case of nominations to the position of a Senatorial  
23 candidate for Senatorial Election, a Political Party shall, where it intends to  
24 sponsor a candidate in a Senatorial District-

25 (i) hold Senatorial primaries in a designated place in the  
26 headquarters of the Senatorial District (and the headquarters shall be  
27 designated by the Commission) and on a date agreed by the Party where both  
28 Ad-hoc and Statutory delegates of the party identified and listed under  
29 subsection (9)(c) of this section shall be eligible to vote for any Senatorial  
30 aspirant of the party in the Senatorial District; and



1 (ii) the Senatorial aspirant with the highest number of votes at the end  
2 of voting in the Senatorial primaries shall be declared the winner of the  
3 Senatorial primaries of the Party for that Senatorial District and the Party shall  
4 forward the winner's name to the Commission as the Senatorial candidate of  
5 the party for that Senatorial District.

6 *Nomination of House of Representatives Candidate*

7 (d) In the case of nominations to the position of a House of  
8 Representatives candidate for a Federal Constituency Election, a Political  
9 Party shall, where it intends to sponsor a candidate in a Federal Constituency-

10 (i) hold House of Representatives primaries in a designated centre or  
11 place in the headquarters of the Federal Constituency (and the headquarters  
12 shall be designated by the Commission) and on a date agreed by the party  
13 where both Ad-hoc and Statutory Delegates of the party identified under  
14 subsections (9)(d) of this section shall be eligible to vote for any House of  
15 Representatives aspirant of the party in the Federal Constituency; and

16 (ii) the House of Representatives aspirant with the highest number of  
17 votes at the end of voting in the Federal Constituency primaries shall be  
18 declared the winner of the primaries of the Party for that Federal Constituency  
19 and the Party shall forward the winner's name to the Commission as the House  
20 of Representatives candidate of the party for that Federal Constituency.

21 *Nomination of House of Assembly Candidate*

22 (e) In the case of nomination to the position of a State House of  
23 Assembly candidate of a State Constituency, a Political Party shall, where it  
24 intends to sponsor a candidate-

25 (i) hold State House of Assembly primaries in a designated centre or  
26 place within the State Constituency and on a date agreed by the Party where  
27 both Ad-hoc and Statutory Delegates of the Party identified under subsection  
28 (9)(e) of this section shall be eligible to vote for any House of Assembly  
29 aspirant of the Party in the State Constituency; and

30 (ii) the House of Assembly aspirant with the highest number of votes

1 at the end of voting in the State Constituency primaries shall be declared the  
2 winner of the primaries of the party for the State Constituency and the party  
3 shall forward the name of the winner to the Commission as the House of  
4 Assembly candidate of the party for that State Constituency.

5 *Nomination of Local Government Council Chairmanship Candidate*

6 (f) In the case of nomination to the position of a Chairmanship  
7 candidate of a Local Government Area/Council in a State of the Federation  
8 or the FCT, Abuja, a Political Party shall, where it intends to sponsor a  
9 candidate-

10 (i) hold Local Government Council Chairmanship primaries in a  
11 designated center or place in the headquarters of the Local Government  
12 Area/Council and on a date agreed by the Party where both Ad-hoc and  
13 Statutory Delegates of the party identified under sub-section (9)(f) of this  
14 section shall be eligible to vote for any Local Government Council  
15 Chairmanship aspirant of the Party; and

16 (ii) the Chairmanship aspirant with the highest number of votes at  
17 the end of voting shall be declared the winner of that Local Government  
18 Area/Council primaries and the Party shall forward the winner's name to the  
19 Commission (in the case of a Local Government Council in the FCT, Abuja)  
20 or a State Independent Electoral Commission (in the case of a Local  
21 Government Area of a State in the Federation) as the Chairmanship  
22 candidate of the Party for that Local Government Area/Council.

23 (17) Subject to the provisions of this Act, a Political Party shall  
24 have the option to and may hold ad-hoc delegates elections or primaries to  
25 nominate its candidates for different types of elections at the same dates and  
26 venues as it may deem convenient in the same electoral constituencies  
27 provided that its Presidential and Governorship primaries convened to  
28 nominate its Presidential and Governorship candidates respectively shall  
29 stand alone.

30 (18) Where there is only one aspirant in a Political Party for any of

1 the elective positions mentioned in subsections (15)(a), (15)(b), (15)(c) and  
2 (15)(d) of this section, the Party shall convene a Special Convention or  
3 Congress, as the case may be, at a designated centre in the particular  
4 constituency on a specified date to vote to confirm that aspirant as the candidate  
5 of the Party and the Party shall forward the name of the aspirant to the  
6 Commission as the candidate of the Party for the position in question.

7 (19) Where there is only one aspirant for an elective position in a  
8 Political Party that has adopted the system of direct primaries, such an aspirant  
9 shall be deemed to be unchallenged and the Party shall forward the name of the  
10 aspirant to the Commission as the candidate of the Party in the election in  
11 question.

12 *Nomination of Councillorship Candidate*

13 (20) In the case of nomination to the position of a Councillorship  
14 candidate of a Ward Constituency, a Political Party shall, where it intends to  
15 sponsor a candidate-

16 (a) conduct direct primaries in the Ward Constituency where only  
17 registered members of the Party in that Ward shall be eligible to vote for any  
18 member of the Party who, subject to the provisions of the Constitution of the  
19 Federal Republic 1999 (as amended) and this Act, presents himself or herself to  
20 be voted for as the Candidate of the Party in that Ward; and

21 (b) the Party shall forward the name of the Councillorship aspirant  
22 with the highest number of votes at the end of voting in the Ward Constituency  
23 under paragraph (a) of this subsection to the Commission (in the case of the  
24 FCT, Abuja) or a State Independent Electoral Commission (in the case of a  
25 State in the Federation) as the Councillorship candidate of the Party for that  
26 Ward Constituency.

27 *Political Appointee Not Eligible as Delegate*

28 (21) A political appointee at any level of government shall not be a  
29 delegate at the primaries, Convention or Congress of a Political Party  
30 convened for the purpose of nominating candidates for any election under the

indirect primaries system, except where such a political appointee is also a Statutory or Ad-hoc delegate under subsection (9) of this section.

*Commission's Endorsement of Result of Primaries as Proof of Result*

(22) A report of a Political Party's primaries or delegates election that is duly issued by the Commission shall be prima facie proof of the holding of the Party's primaries or delegates election and the aspirants who participated in the Party's primaries or delegates election.

*Staggered Primaries*

(23) Nothing in this section shall prevent a Political Party from organising staggered primaries.

*Jurisdiction of Courts*

(24) Notwithstanding the provisions of this Act or rules of a Political Party, an aspirant who complains that any of the provisions of this Act or rules of a Political Party has not been complied with in the nomination of a candidate of a Political Party for election, may apply to the Federal High Court or the High Court of a State or the FCT for redress.

*Court Cannot Stop General Election, etc*

(25) Nothing in this section shall empower the Courts to stop the holding of ad-hoc delegates elections, primaries or general election or the processes thereof under this Act pending the determination of the suit.

(26) Except the context otherwise warrants, reference to "registered members" of a Political Party in this section or any other part of this Act means persons of voting age whose names and other relevant personal particulars are duly recorded in the Ward Register of that Party.

**17.** Section 112 of the Principal Act is amended by inserting after subsection (3), a new subsection "(4)", as follows:

Amendment of  
Section 112

"(4) If after the commencement of polls and before the announcement of the final result and declaration of a winner, a candidate dies:

(a) the Commission shall, being satisfied of the fact of the death,

1 suspend the election for a period not exceeding 21 days;

2 (b) the political party whose candidate died may, if it intends to  
3 continue to participate in the election, conduct a fresh primary within 14 days  
4 of the death of its candidate and submit the name of a new candidate to the  
5 Commission; and

6 (c) subject to paragraphs (a) and (b) of this subsection, the  
7 Commission shall continue with the election, announce the final result and  
8 declare a winner."

Amendment of  
Section 138

9 **18.** Section 138 of the Principal Act is amended by:

10 (a) inserting after the word "Act" in line 2 of subsection (1)(b), the  
11 words "and published manuals, guidelines, regulations and or procedures  
12 issued by the Commission for the conduct of the election.";

13 (b) inserting after the word "Act" in line 4 of subsection 2, the words  
14 "and published manuals, guidelines, regulations and/or procedures issued by  
15 the Commission for the conduct of the election."; and

16 (c) inserting after subsection (2), a new subsection "(3)", as follows:  
17 "(3) With respect to subsection (1) (a) of this Section, a person shall be deemed  
18 to be qualified for an elective office and his election shall not be questioned on  
19 grounds of qualification if, with respect to the particular election in question,  
20 he meets the applicable requirements of sections 65, 106, 131 or 177 of the  
21 Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he is  
22 not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the  
23 Constitution of the Federal Republic of Nigeria, 1999."

Amendment of  
Section 139

24 **19.** Section 139 of the Principal Act is amended by inserting after the  
25 word "Act" in line 4 of subsection (1), the words "and published manuals,  
26 guidelines, regulations and/or procedures issued by the Commission for the  
27 conduct of the election".

Amendment of  
Section 140

28 **20.** Section 140 of the Principal Act is amended by:

29 (a) adding the small letter "s" to the word "subsection" in line 1 of  
30 subsection (1);

1 (b) inserting after the expression "subsection (2)" in line 1 of  
2 subsection (1), the expression "and (4)";

3 (c) inserting after the word "election" in line 4 of subsection (1), the  
4 words "and shall order the Commission to conduct a fresh election not later  
5 than ninety (90) days after the decision if an appeal is not filed against the  
6 decision, or not later than ninety (90) days after the nullification of the  
7 election by the court having final appellate jurisdiction in respect of the said  
8 election.";

9 (d) substituting for subsection (2) a new subsection "(2)", as  
10 follows:

11 "(2) Where an election Tribunal or Court nullifies an election on  
12 the ground that the person who obtained the highest votes at the election was  
13 not qualified to contest the election, the election Tribunal or Court shall  
14 declare the person with the second highest number of valid votes cast at the  
15 election who satisfies the requirements of the Constitution and this Act as  
16 duly elected

17 PROVIDED that the person with the second highest number of  
18 valid votes cast at the election remains a member of the political party on  
19 which platform he contested the election; otherwise, the candidate with the  
20 next highest number of votes in the election and who satisfies the same  
21 conditions herein shall be declared the winner of the election."; and

22 (e) inserting after subsection (3), new subsections "(4)" and "(5)",  
23 as follows:

24 "(4) Where an election Tribunal or Court nullifies an election on  
25 the ground that the election was marred by substantial irregularities or non-  
26 compliance with the provisions of this Act, the election tribunal or court  
27 shall not declare the person with the second highest votes as elected.

28 (5) All objections filed in an election petition shall be determined at  
29 time of final judgment."

Insertion of a  
new section  
"142A"

1                   **21.** Insert after section 142, a new section "142A", as follows:  
2                   "Sufficiency of documentary evidence;  
3                   142A. It shall not be necessary for a party who alleges non-  
4 compliance with the provisions of this Act and the published manuals,  
5 guidelines, regulations or procedures issued by the Commission for the  
6 conduct of elections to call oral evidence if originals or certified true copies of  
7 electoral documents or materials used by the Commission to conduct the  
8 election in the polling unit(s) where the noncompliance is alleged are listed in a  
9 petition and tendered at the trial of the petition in proof of the non-compliance  
10 complained of."

Amendment of  
Section 151

11                   **22.** Section 151 of the Principal Act is amended by inserting after  
12 subsection (2), a new subsection "(3)", as follows:  
13                   "(3) Where there is a breach of an order of a court or tribunal directed  
14 at the Commission particularly, order to produce, inspect or take copies of  
15 electoral materials, such disobedience shall attract court sanctions, which shall  
16 include the committal by the Tribunal or Court of the Commission's official to  
17 whom the order is directed to summary conviction to imprisonment for at least  
18 two (2) years, without an option of fine."

Insertion of  
new sections

19                   **23.** The Principal Act is amended by inserting after section "152",  
20 new sections "152A", "152B", "152C" and "152D" as follows:  
21                   "152A. Subject to the Constitution of the Federal Republic of Nigeria,  
22 1999 (as amended), the provisions of this Act guaranteeing the conduct of free,  
23 fair and credible elections by the Independent National Electoral Commission  
24 shall apply with equal force to elections conducted by State Independent  
25 Electoral Commissions in the Federation.  
26                   152B All elections conducted by a State Independent Electoral  
27 Commission to a local government council in the Federation shall be in  
28 compliance with relevant provisions this Act.  
29                   152C. Any election conducted by a State Independent Electoral  
30 Commission to a local government council in the Federation in violation of

1 section 152B of this Act shall be null, void and of no effect whatsoever.

2 152D. Any official of a State Independent Electoral Commission  
3 who acts in contravention of section 152B or any provision of this Act shall  
4 be subject to prosecution as if he were an official of the Independent  
5 National Electoral Commission."

6 **24.** Paragraph 46(4) of the First Schedule to the Principal Act is Amendment of  
7 amended by inserting after the word "consent" in line 2, the expression "; First Schedule  
8 such documentary evidence shall be deemed demonstrated in open court;  
9 the parties in the petition shall be entitled to address and argue on the content  
10 of the document; and the tribunal or court shall evaluate the content of the  
11 documents as part of the process of ascribing probative value to them."

12 **25.** Section 156 of the Principal Act is amended by: Amendment of  
13 (a) inserting after the definition of the words "Electoral Officer", Section 156

14 the definition of the expression "electronic format", as follows:  
15 "electronic format" refers to the electronic version of the Register of Voters  
16 or National Electronic Register of Election Results, as the case may be,  
17 created, recorded, transmitted or stored in digital form or in other intangible  
18 form by electronic, magnetic or optical means or by any other means that has  
19 capabilities for creation, recording, transmission or storage similar to those  
20 means and which may be converted to or reproduced in a paper document;

21 (b) inserting after the definition of the phrase "National  
22 Assembly", the definition of the expression "number of unaccredited  
23 voters", as follows:

24 ""number of unaccredited voters" as used in section 49(4) of this Act means  
25 number of intending voters not accredited to vote in a polling unit under  
26 section 49(3) of this Act."

27 (c) inserting after the definition of the word "President", the  
28 definition of the expression "Presiding Officer", as follows:

29 "Presiding Officer" means a person appointed by the Commission to be in  
30 charge of the conduct of election in a polling unit or polling station, and this



1 shall include persons who may be under different titles but who are charged by  
2 the Commission with the same responsibilities at a polling unit or polling  
3 station as a Presiding Officer."; and

4 (d) inserting after the definition of the words "Presiding Officer", the  
5 definition of the expression "published manuals, guidelines, regulations and/or  
6 procedures issued by the Commission for the conduct of the election", as  
7 follows:

8 "published manuals, guidelines, regulations and/or procedures issued by the  
9 Commission for the conduct of the election" means any book, booklet or  
10 manual published by the Commission-

11 (a) that is consistent with the provisions of this Act;

12 (b) for the purpose of guiding the conduct of free, fair and credible  
13 elections; and

14 (c) which is made public by the Commission at least thirty (30) days  
15 before the date of a general election."

16 (e) inserting after the definition of the word "Return", the definition of  
17 the expression "Returning Officer", as follows:

18 "Returning Officer" means a person appointed by the Commission to declare  
19 the result of an election in a constituency, and this shall include persons who  
20 may be under different titles but who are charged by the Commission with the  
21 same responsibilities in a constituency as a Returning Officer."

22 (f) inserting after the definition of the word "State Commission", the  
23 definition of the word "transmit", as follows:

24 "transmit" includes to convey electoral documents or other electoral  
25 information or data by manual, electronic or other means (prescribed by the  
26 Commission) from one person to another, one place to another, one stage to  
27 another, one process to another, or one system to another, as the case may be."

Citation

27 **26.** This Bill may be cited as the Electoral Act No. 6, 2010  
28 (Amendment) Bill, 2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electoral Act (No. 6), 2010 and for related matters.