

Extraordinary



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A BILL

FOR

AN ACT TO REPEAL THE EXCLUSIVE ECONOMIC ZONE ACT E7 LFN 2010 AND THE TERRITORIAL WATERS ACT CAP. T5 LFN 2010 AND ENACT THE MARITIME ZONES ACT TO PROVIDE FOR THE MARITIME ZONES OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH. 2020

Sponsored George Thompson Sekibo

[] Commencement

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

- 1 1.-(1) The normal baseline for measuring the breadth of the
2 territorial waters of the Federal Republic of Nigeria (hereinafter referred to
3 in this Act as "Nigeria") shall be the low water line along the coast and low-
4 tide elevations as marked on large scale charts officially recognised by
5 Nigeria.
- 6 (2) Notwithstanding the provisions of sub-section I of Section of
7 this Act, the Minister or Appropriate Authority may, if it deems it
8 appropriate and in accordance with the applicable principles of international
9 law delineate straight baselines joining appropriate base points for
10 measuring the breadth of the territorial waters in the following localities-
- 11 (a) where the coastline is deeply indented and cut into:
12 (b) where due to the presence of a delta and other natural
13 conditions, the coastline is highly unstable, the appropriate points may be
14 selected along the furthest seaward extent of the low water line and,
15 notwithstanding subsequent regression of the low water line, the straight
16 baselines shall remain effective until changed by Nigeria in accordance with
17 this Act;
- 18 (c) where a river flows directly into the sea, the baseline shall be a

Normal Baselines
and delineation
of Baselines

1 straight line across the mouth of the river between points on the low water of its
2 banks.

3 (3) For the purposes of this section, "appropriate base points" shall
4 include-

5 (a) the outermost permanent harbour works which form an integral
6 part of a port;

7 (b) low tide elevations.

8 (4) The Minister or Appropriate Authority may, delineate a closing
9 line across the mouth of a Bay and the waters enclosed shall be considered as
10 internal waters of Nigeria, if the Bay satisfies the following criteria-

11 (a) The Bay is a well-marked indentation whose penetration is in such
12 proportion to the width of its mouth as to contain landlocked waters and
13 constitute more than a mere curvature of the coast, and whose area is as large
14 as, or larger than, that of the semi-circle whose diameter is a line drawn across
15 the mouth of the indentation;

16 (b) the area of an indentation for the purposes of measurement, is that
17 line between the low water mark around the shore of the indentation and a line
18 joining the low water mark of its natural entrance points; (c) where, due the
19 presence of islands, an indentation has more than one mouth, the semi-circle
20 shall be drawn on a line as long as the sum total of the lengths of the lines across
21 the different mouths;

22 (d) islands within an indentation shall be included as if they were part
23 of the water area of the indentation;

24 (5) The Minister or Appropriate Authority shall designate officially
25 recognised charts for the purposes of this section and shall cause to be prepared
26 such charts or geographical coordinates showing the baselines of the territorial
27 waters as it may deem fit.

Internal waters

28 2. The internal waters of Nigeria for all purposes, consist of the
29 waters on the landward side of the straight baselines or closing lines from
30 which the breadth of the territorial waters of Nigeria is measured.

1 3.-(1) The waters within a distance of twelve nautical miles from Territorial waters
2 the baselines shall be the territorial waters of Nigeria.

3 (2) The sovereignty of Nigeria shall extend beyond its land
4 territory and internal waters to the territorial waters, the airspace over the
5 territorial waters as well as its seabed and subsoil.

6 (3) The right of innocent passage shall be enjoyed by vessels of all
7 States in the territorial waters of Nigeria in accordance with International
8 Law and laws enacted by Nigeria for this purpose.

9 (4) Where the distance between the coast of Nigeria and the coast
10 of a neighbouring State is less than 24 nautical miles, Nigeria shall delimit
11 the territorial waters boundary with that State, on the basis of agreement
12 with that State and where agreement cannot be reached, unless there is an
13 agreement with that state to the contrary, the territorial waters boundary with
14 that State shall be the median line every point of which is equidistant from
15 the nearest points on the baselines from which the breadth of the territorial
16 waters of Nigeria and that State is measured.

17 (5) Having regard to International Law and State practice, the
18 Minister or Appropriate Authority may by regulations amend limits of
19 territorial waters as the may be necessary from time to time.

20 4.-(1) Any act or omission which:

21 (a) is committed within the territorial waters of Nigeria, whether by
22 a citizen of Nigeria or a foreigner; and

Jurisdiction in
respect of offences
committed in
territorial waters

23 (b) would, if committed in any part of Nigeria, constitute an
24 offence under the law in force in that part, shall be an offence under that law
25 and the person who committed it may be arrested, tried and punished for it
26 as if he had committed it in that part of Nigeria.

27 (2) Subsection (1) of this section-

28 (a) shall apply whether or not the act or omission in question is
29 committed on board or by means of a ship or in, on or by means of a structure
30 resting on the sea bed or subsoil; and

1 (b) shall, in the case of an act or omission committed by a foreigner
2 on board or by means of a foreign ship, apply notwithstanding that the ship is a
3 foreign one.

4 (3) For the purposes of the issue of a warrant for the arrest of any
5 person who is by virtue of this section liable to be tried in some part of Nigeria
6 for an offence, that offence may be treated as having been committed in any
7 place in that part.

8 (4) Any jurisdiction conferred on any Court by this section shall be
9 without prejudice to any jurisdiction (and in particular any jurisdiction to try
10 acts of piracy as defined by the law of nations) exercisable apart from this
11 section by that or any other Court.

12 (5) Nothing in this section shall be construed as derogating from
13 possessed by Nigeria under the law of nations, whether in relation to persons on
14 board such ships or otherwise.

15 (6) In this section-
16 "foreigner" means a person who is not a citizen of Nigeria;
17 "foreign ship" means a ship of any country other than Nigeria;
18 "ship" includes floating craft and floating structured of every description.

Restriction on
trial of persons
other than Nigerian
citizens for offences
committed in
territorial waters

19 (7) Subject to the provisions of this section, a Nigerian Court shall not
20 try a person who is not a citizen of Nigeria for any offence committed on the
21 open sea within the territorial waters of Nigeria unless before the trial the
22 Attorney- General of the Federation has issued a certificate signifying his
23 consent to the trial of that person for that offence;

24 (8) Nothing in subsection (1) of this section-

25 (a) shall affect any power of arrest, search, entry, seizure or custody
26 exercisable with respect to an offence which has been, or is believed to have
27 been, committed as aforesaid;

28 (b) shall affect any obligation on any person in respect of a
29 recognizance or bail bond entered into a consequence of his arrest, or the arrest
30 of any other person, for such an offence;

1 (c) shall affect any power of any court to remand (whether on bail
2 or in custody) a person brought before the court in connection with such an
3 offence;

4 (d) shall affect anything done or omitted in the course of a trial
5 unless in the course of the trial objection has already been made that, by
6 reason of Subsection (1) of this section, the court is not competent on
7 proceed with the trial, or

8 (e) shall, after the conclusion of a trial, be treated as having affected
9 the validity of the trial if no such objection as aforesaid was made in the
10 proceedings at any stage before the conclusion of the trial.

11 (9) Subsection (1) of this section shall not apply to the trial of any
12 act of piracy as defined by the law of nations.

13 (10) A document purporting to be a certificate issued for the
14 purposes of subsection (1) of this section and to be signed by the Attorney-
15 General of the Federation shall received in evidence and shall, unless the
16 contrary is proved, be taken to be a certificate issued by the said Attorney-
17 General.

18 (11) Nothing in this section shall be construed as derogating from
19 the provisions of any other enactment restricting the persecution of any
20 proceedings or requiring the consent of any authority to the prosecution
21 thereof;

22 (12) in this section, "offence" means any act or omission which by
23 virtue of section 2 of this Act or any other enactment is an offence under the
24 law of Nigeria or any part thereof.

25 **5.-(1)** The contiguous zone of Nigeria shall be the sea beyond the Contiguous zone
26 territorial waters but within a distance of 24 nautical miles from the
27 baselines from which the breadth of the territorial waters is measured.

28 (2) The Minister or Appropriate shall have the jurisdiction to
29 exercise control as it deems necessary to prevent the infringement of its
30 customs, fiscal, immigration or sanitary laws and regulations within the

1 territory or territorial waters of Nigeria.

2 (3) Where persons who are responsible for the enforcement of
3 customs, fiscal, immigration or sanitary laws and regulations in Nigeria have
4 reasonable grounds to believe that a person in the contiguous zone of Nigeria if
5 he were to be allowed entry into the territory or territorial waters of Nigeria
6 would commit an offence, they shall prevent the entry of that person into the
7 territory or territorial waters of Nigeria and the commission of the offence.

8 (4) Where there are reasonable grounds to believe that a person within
9 the territory or territorial waters of Nigeria has committed an offence against
10 the customs, fiscal, immigration or sanitary laws and regulations of Nigeria,
11 power of arrest, entry, search and seizure or other powers that can be exercised
12 in Nigeria with regard to such offence shall be exercised in the contiguous zone
13 of Nigeria.

14 (5) The powers of arrest and seizure in the contiguous zone of Nigeria
15 shall be exercised subject to the consent of the Attorney General of the
16 Federation and Minister of Justice.

17 (6) The Minister or Appropriate Authority shall have the power to
18 make Regulations to put in place measures aimed at the prevention of the
19 infringement of the customs, fiscal, immigration, sanitary laws and regulations
20 of Nigeria in the Contiguous zone.

Archaeological
and Historical
Objects

21 6.-(1) Subject to any other law, Nigeria Shall with have regard to
22 objects of an archaeological or historical nature found in the contiguous zone,
23 the same rights and powers as it has in respect of its territorial waters.

24 (2) In order to control traffic in such archaeological and historical
25 objects, the Appropriate Authority may presume that their removal from the
26 seabed in the contiguous zone without its approval would result in an
27 infringement within its territory or territorial waters of its laws concerning such
28 objects.

29 (3) The Minster or Appropriate Authority may make regulations for
30 the purpose of ensuring that preventive measures are put in place to control,

1 avoid or prevent the traffic in archaeological and historical objects found in
2 the contiguous zone and that adequate licensing procedures are put in place
3 for their removal where necessary.

4 7.-(1) Any person who while in the territory or the territorial sea of
5 Nigeria commits an offence against the customs, fiscal, immigration or
6 sanitary laws and regulations of Nigeria and is apprehended in the
7 contiguous zone shall be charged to the Federal High Court which shall have
8 jurisdiction to entertain such matters.

Jurisdiction and
penalty

9 (2) Any person who while in the contiguous zone of Nigeria
10 removes from the seabed of that zone, any archaeological or historical objects
11 without the approval of the appropriate authority commits an offence and
12 shall be charged to the Federal High Court which shall have jurisdiction to
13 entertain such matters.

14 (3) Such offences shall be treated for the purposes of this Act as
15 taking place in Nigeria.

16 (4) Any person found guilty of removing archaeological or
17 historical objects from the seabed of the contiguous zone of Nigeria in
18 violation of this Act shall, on conviction be liable to imprisonment for a term
19 of not less than two years or fine of not less than 500,000.00.

20 8.-(1) The Exclusive Economic Zone of Nigeria shall be the area
21 beyond and adjacent to the territorial waters and which extends to a distance
22 of 200 nautical miles from baselines used to measure the breadth of the
23 territorial sea.

Exclusive
Economic Zone

24 (2) In cases where part of the Exclusive Economic Zone of Nigeria
25 overlaps with part of the Exclusive Economic Zone of a neighbouring State,
26 the delimitation between the Exclusive Economic Zone of Nigeria and the
27 Exclusive Economic Zone of the other State shall be effected by agreement
28 in good faith on the basis of international law.

29 (3) In the absence of an agreement, the delimitation of this zone as
30 between Nigeria and any other coastal State involved shall not extend

Sovereign Rights
and Jurisdiction
for the Exploration,
Exploitation, etc
of the Exclusive
Economic Zone

1 beyond the median line or the equidistance line measured from the respective
2 baselines from which the breadth of their territorial waters is measured.

3 **9.-(1)** In the Exclusive Economic Zone, Nigeria has-

4 (a) sovereign rights for the purposes of exploring, exploiting,
5 conserving and managing the natural resources whether living or non-living
6 resources of the waters superjacent to the seabed and of the seabed and its
7 subsoil and with regard to other activities for the economic exploration and
8 exploitation of the zone, such as, the production of energy from the water,
9 currents and winds;

10 (b) jurisdiction as provided for in the relevant provisions of the
11 Convention with regard to-

12 (i) the establishment and use of artificial islands, installations and
13 structures,

14 (ii) marine scientific research,

15 (iii) the protection and the preservation of the marine environment;

16 (c) other rights and duties provided for in the Convention

17 (2) Such rights or jurisdiction shall vest in the Federal Government of
18 Nigeria who shall exercise such by itself, or by such Minister or Appropriate
19 Authority as it may designate in that behalf either generally or in any special
20 case.

21 (3) Nigeria may, modify the application of the provisions of
22 subsection (1) of this section, by virtue of any Treaty, Convention or agreement
23 to which Nigeria is a Party.

Marine protected
areas

24 **10.-(1)** Nigeria shall designate under this section for social
25 protection, areas within its internal waters, territorial water or the exclusive
26 economic zone as marine protected areas.

27 (2) Such areas that are designated as marine protected area shall be
28 used for the conservation and protection of-

29 (a) endangered or threatened marine species;

30 (b) unique habitats;

- 1 (c) commercial and non-commercial fishery resources and their
2 habitats; and
3 (d) marine areas of high biodiversity.

4 **11.-(1)** In the Exclusive Economic Zone and on the Continental
5 Shelf, Nigeria shall have the exclusive right to construct, authorise and
6 regulate the construction, operation and use of artificial islands, installations
7 and structures and may authorise an Appropriate Authority to exercise this
8 right.

Exclusive right
of jurisdiction as
regards establishment
and use of islands,
installations, etc.

9 (2) Nigeria shall have exclusive jurisdiction over such artificial
10 islands, installations and structures, including jurisdiction with regard to
11 customs, fiscal, health, safety and immigration laws and regulations.

12 (3) The Minister or Appropriate Authority shall give due notice of
13 the construction of such artificial islands, installations or structures and
14 permanent means for giving warnings of their presence shall be maintained.

15 (4) The Minister or Appropriate Authority may direct that any
16 installation or structure which is abandoned or becomes disused shall be
17 removed to ensure safety of navigation,

18 (5) Such removal of disused or abandoned installation or structure
19 shall be subject to fishing, the need to protect the marine environment, and
20 the rights and duties of other states

21 (6) The Minister or Appropriate Authority shall give due publicity
22 to the depth, position and dimensions of any installations or structures not
23 entirely removed.

24 (7) The appropriate Authority may, for the purpose of protecting an
25 artificial island, installation or structure and for safety of navigation, by
26 order published in the Federal Gazette, prohibit any ship or person from
27 entering a designated area specified in such order.

28 (8) If any ship enters any part of a designated area in contravention
29 of an order made under this section, its owner or master shall be liable on
30 conviction to imprisonment for twelve months or to a fine of N5,600,000 or

1 both, unless he proves that the prohibition imposed by the order 'was not, and
2 would not on reasonable inquiry have become known to the master or the
3 owner of the ship.

4 (9) In this section, "designated area" means any area of the Exclusive
5 Economic Zone or Continental Shelf so designated by the appropriate
6 authority for the purposes of subsection (1) of this section.

7 (10) For the purposes of this Section, "due notice or due publicity"
8 shall include the timely issuance of notices to mariners under the Merchant
9 Shipping Act.

Prevention and
enforcement in
the Exclusive
Economic Zone

10 **12.**-(1) Nigeria shall have the power to exercise control as it deems
11 necessary, to prevent infringement of its customs, fiscal, health, safety and
12 immigration laws and regulations within its exclusive economic zone.

13 (2) Any person who while within the exclusive economic zone of
14 Nigeria commits an act or makes an omission which infringes against the
15 customs, fiscal health, safety or immigration laws and regulations shall be
16 charged before the Federal High Court.

17 (3) Such acts or omission shall be treated for the purposes of this Act,
18 as taking place in Nigeria.

19 (4) Arrested vessels and their crews shall be promptly released on
20 their provisions of reasonable bond or other more acceptable security.

Managing and
utilization of the
living resources

21 **13.**-(1) Nigeria shall promote the optimum utilization of its exclusive
22 economic zone.

23 (2) There shall be a determination of the capacity of Nigeria to harvest
24 its living resources, in the exclusive economic zone

25 (3) If Nigeria does not have the capacity to harvest the entire
26 allowable catch, it shall, through agreements or other arrangements give other
27 States access to the surplus of the allowable catch.

28 (4) In giving access to other States to its exclusive economic zone, it
29 shall consider the significance of such living resources to its economy and its
30 national interest.

1 (5) Nationals of other States fishing In the exclusive economic
2 zone of Nigeria shall comply with the conservation measures and with other
3 terms and conditions provided in the laws and regulations of Nigeria.

4 **14.-(1)** The Continental Shelf of Nigeria comprises the seabed and
5 subsoil of the submarine areas that extend beyond Nigeria's territorial
6 waters throughout the natural prolongation of Nigeria's land territory to the
7 outer edge of the continental margin, or to distance of 200 nautical miles
8 from the baselines from which the breadth of the Nigeria's territorial waters
9 is measured. where the outer edge of the continental margin does not extend
10 up to that distance and for the avoidance of doubt, any rights in the seabed
11 and subsoil of the continental shelf of Nigeria and its resources shall vest in
12 the Federal Government of Nigeria.

Delineation and
Delimitation of
the Continental
Shelf of Nigeria

13 (2) Subject to International Law and State practice, the outer limits
14 of the Continental Shelf of Nigeria shall not exceed 350 nautical miles from
15 the baselines from which the breadth of the territorial water is measured.

16 (3) In cases where part of the continental shelf of Nigeria overlaps
17 with part of the continental shelf of a neighbouring coastal State, then the
18 delimitation between the continental shelf of Nigeria and the Continental
19 Shelf of the other State shall be effected by agreement in good faith on the
20 basis on international law to achieve equitable solution.

21 (4) The Minister or Appropriate Authority may on the
22 recommendation of the National Boundary Commission make regulation
23 causing charts to be prepared and prescribing geographical co-ordinates of
24 points from which the outer limits of the continental margin or other outer
25 limits of the continental shelf of Nigeria may be determined.

26 (5) The Minister or Appropriate Authority shall submit to the
27 Secretary General of the United Nations Organisation charts and relevant
28 information, including geodetic data permanently describing the outer
29 limits of Nigeria's continental shelf.

Exploration,
Exploitation etc.
of the Continental
Shelf

1 **15.-(1)** Nigeria has Sovereign and exclusive rights over its
2 continental shelf for the purposes of exploring and exploiting the minerals and
3 other non-living natural resources of the seabed and sub-soil of the continental
4 shelf, together with living organisms belonging to sedentary species and for the
5 avoidance of doubt, any rights of Nigeria in the continental shelf are vested in
6 the Federal Government of Nigeria and shall be exercised by such Appropriate
7 Authority as the Government may designate in that behalf either generally or in
8 any specific case.

9 (2) The application of the provisions of subsection (1) of this section,
10 may be modified by Nigeria by virtue of any Treaty Convention or Agreement
11 to which Nigeria is a party.

12 (3) Nigeria shall have exclusive right to authorize, permit and
13 regulate drilling for all purposes on its continental shelf.

14 (4) If any geological petroleum structure or petroleum field, or any
15 single geological structure or field of any mineral deposit extends across the
16 outer limits lines of Nigeria's extended continental shelf and the part of such
17 structure or field which is situated on one side of the dividing line is
18 exploitable, wholly or in part, from the other side of the dividing line, Nigeria
19 shall in good faith seek to reach agreement with interested parties as to the
20 manner in which the structure or field shall be most effectively exploited and
21 the manner in which the proceeds deriving there from shall be equitably
22 apportioned.

Application of
Criminal and
Civil Laws etc.

23 **16.-(1)** Any act or omission which-

24 (a) takes place on, under or above an artificial island, installation or
25 structure in a designated area or any waters within 200 meters of such island,
26 installation or structure; and

27 (b) would, if taking place in any part of Nigeria, incur liability under
28 any enactment in force in that part, shall be treated for the purposes of that law
29 as taking place in Nigeria.

30 (2) In this section, "enactment" means any Act or Law relating to

1 criminal or civil law (including torts) and any subsidiary instrument made
2 hereunder, including rules of court and in matters other than criminal
3 matters, rules of law applicable to or adopted in any part of Nigeria.

4 **17.**-(1) Any person commits an offence in, under and above an
5 artificial island installation or structure in a designated area if he unlawfully
6 and intentionally:

7 (a) seizes or exercise control over by force or threat thereof or any
8 other form of intimidation;

9 (b) performs an act of violence against any person thereon if that
10 act is to endanger safety;

11 (c) destroys or causes damage which is likely to endanger its
12 safety; or

13 (d) places or causes to be placed thereon by any means whatsoever,
14 a device or substance which is likely to destroy it or likely to endanger its
15 safety;

16 (e) intimidates a population, company or compels a government or
17 an international organisation to do or to abstain from doing any act;

18 (f) uses against or discharges therefrom any explosive, radioactive
19 material or BCN weapon in a manner that causes or is likely to cause death or
20 serious injury or damage;

21 (g) discharges oil, liquefied natural gas, or other hazardous or
22 noxious substance, which is not covered by subparagraph (a), in such
23 quantity or concentration that causes or is likely to cause death or serious
24 injury or damage;

25 (h) threatens, with or without a condition, to commit any of the
26 offences set forth above.

27 (2) The Prosecution of offences under this Section shall be at the
28 instance of the Attorney-General of the Federation.

29 (3) All such offences shall be tried by the Federal High Court.

30 **18.** Where a person is found guilty of an offence under S17 of this

1 Act, he shall on conviction be liable to imprisonment of not less than 1 year or a
2 fine of N2,500,000 or both.

3 (2) Where a body corporate is guilty of an offence under this section
4 and the offence is proved to have been committed with the consent and
5 connivance of, or to be attributable to any neglect on the part of any director,
6 manager, secretary or other similar officer of the body corporate or of any
7 person purporting to act in any such capacity, he, as well as the body corporate
8 shall be guilty of the offence and shall be liable to be proceeded against and
9 punished accordingly.

10 (3) Where the body corporate is found to be guilty of the offence, it
11 shall be liable to pay a fine of not less than N5,000,000,00.

12 (4) If a director, manager, secretary or other similar officer of the
13 body corporate or any person purporting to act in any such capacity is found
14 guilty, he shall on he shall on conviction be liable to imprisonment not less than
15 1 year or a fine of not less than N2,500,000 or both.

laying of cables
and pipes on the
continental shelf

16 **19.**-(1) The delineation of the course for the laying of pipelines and
17 cables on the continental shelf of Nigeria is subject to the consent of Nigeria.

18 (2) Nothing in this section shall affect the right of Nigeria to set terms
19 and conditions for cables and pipelines entering its territory or territorial waters
20 or its jurisdiction over cables and pipelines constructed or used in connection
21 with the exploration of its continental shelf or exploitation of its resources or
22 the operation-of artificial islands, installations and structures under its
23 jurisdiction

Power to make
Regulations

24 **20.**-(1) The Minister or Appropriate Authority may make such
25 regulations as he thinks fit for the purposes of this Act.

26 (2) In particular and without prejudice to the foregoing power,
27 regulations made under subsection (1) of this section, may provide for-

28 (a) the regulation of the conduct of any person In the territorial waters,
29 the continental shelf or the exclusive economic zone;

30 (b) the regulation of the exploration and exploitation, conservation

1 and management of the resources of the continental shelf and the exclusive
2 economic zone;

3 (c) the regulation of the construction, maintenance of the artificial
4 islands, offshore terminals, installations and other structures and devices;

5 (d) the preservation and the protection of the marine environment
6 and the prevention and control of marine pollution;

7 (e) the regulation and conduct of scientific research;

8 (h) the fees in relation to licences; and

9 (g) any matter incidental to any of the matters specified in
10 paragraphs (a).

11 **21.-(1)**The-

Repeal t

12 (a) Territorial Waters Act (as amended); and

13 (b) Exclusive Economic Zones Act (as amended); are hereby
14 repealed.

15 **22.** Any Provisions of any existing laws with respect to any of the
16 maritime zones of Nigeria that are inconsistent with any provisions of this
17 Act shall be read subject to the provisions of this Act.

Supremacy of
this Act

18 **23.** Upon the enactment of this Act, The Exclusive Economic
19 Zone Act Cap. E17 Laws of the Federation 2010 and the Territorial Waters
20 Act Cap. T5 Laws of the Federation 2010 are hereby repealed.

Consequential
Repeal of Cap. E17
LFN and Cap. T5
LFN 2010

21 **24.** In this Act, unless the context otherwise requires:

Interpretation

22 "Appropriate Authority" means the Federal Government of Nigeria or any
23 of its Agencies so designated;

24 BCN weapons means biological weapons which are microbial or other
25 biological agents, or toxins whatever their origin or method of production,
26 of types and in quantities that have no justification for prophylactic,
27 protective or other peaceful purposes, chemical weapons which are toxic
28 chemical and their precursors and nuclear weapons and other nuclear
29 explosives devices;

30 "Convention" includes the United Nations Convention on the Law of the

1 Sea signed at Montague Bay on the 10th December, 1982 and its subsequent
2 amendments and protocols;

3 "Federal High Court" means the Court that has jurisdiction to try matters
4 arising in the Maritime Zones of Nigeria.

5 "Installation or structure" includes-

6 (a) any offshore drilling unit, production platform, subsea
7 installation, pumping station, living accommodation, storage structure,
8 loading or landing platform, dredger, floating crane, pipe lining or other barge
9 or pipeline, anchor, anchor cable or rig pad used in connection therewith;

10 (b) any ship, anchor, anchor cable or rig pad used in connection
11 therewith; and

12 (c) any other work or works as may be prescribed;

13 "Low Tide Elevations" means any naturally formed area of land which is
14 surrounded by and above water at low tide but submerged at high tide;

15 "Minister" includes the Minister responsible for transport or any other Minister
16 of the Federal Republic of Nigeria whose mandate covers any of the provisions
17 of this Act;

18 "Nautical Miles" means the International Nautical Miles of 1852 meters;

19 "Sedentary species" means organisms which at the harvestable stage either are
20 immobile on or under the seabed or are unable to move except in constant
21 physical contact with the seabed or the subsoil; and

22 "Ship" includes every description of vessel, boat, ship or craft designed, used
23 or capable of being used solely or partly for navigation in, on, through or
24 immediately above water without regard to methods or lack of propulsion.

Short title

25 **25.** This Bill may be cited as the Nigerian Maritime Zones
26 (Enactment) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Exclusive Economic Zone Act E7 LFN 2010 and the Territorial Waters Act Cap. T5 LFN 2010 and enact the Maritime Zones Act to provide for the Maritime Zones of Nigeria.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO PROVIDE FOR
THE AMENDMENT OF SECTION 54 (1) AND SECTION 96 (1) THEREIN, TO
PROVIDE FOR QUORUM AT THE INAUGURAL SITTING OF THE NATIONAL
AND STATES ASSEMBLY, AND FOR RELATED MATTERS, 2020

Sponsored by Senator Istifanus Gyang

[] Commencement

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

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|----|---|---------------------------------|
| 1 | 1. The constitution of the Federal Republic Nigeria 1999 (in this | Constitution
Alteration |
| 2 | Bill referred to as the Principal Act) is altered as set out in this Bill. | |
| 3 | 2. Section 54 of the Principal Act is altered to read: | Alteration of
section 54 (1) |
| 4 | 1. The quorum of the Senate or of the House of Representatives | |
| 5 | shall be one- third of all the members of the Legislative House concerned, | |
| 6 | However, for the purpose of the inaugural and first sitting of the Senate or of | |
| 7 | the House of Representatives, the quorum shall not be less than two-third of | |
| 8 | all the members of the Legislative House concerned. | |
| 9 | 3. Section 96 of the principal Act is altered | Alteration of
section 96 (1) |
| 10 | 1. The quorum of a House of Assembly shall be one-third of all the | |
| 11 | members of the house. However, for the purpose of the inaugural and first | |
| 12 | sitting of the house, the quorum shall not be less than two-third of all the | |
| 13 | members of the House. | |
| 14 | 4. This Bill may be cited as Constitution of the Federal Republic of | Citation |
| 15 | Nigeria 1999 (Alteration) Bill, 2020. | |

EXPLANATORY MEMORANDUM

The Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to provide for the amendment of section 54 (1) and section 96 (1) therein, to provide for quorum at the inaugural sitting of the National and States Assembly.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO PROVIDE FOR THE AMENDMENT OF SECTION 65 (2) (A), 131 (D) SECTION 106 (C) AND SECTION 177 (D) THERE IN, TO PROVIDE FOR MINIMUM QUALIFICATION FOR ELECTION INTO THE NATIONAL AND STATES ASSEMBLY, OFFICE OF THE PRESIDENT AND GOVERNOR, AND FOR RELATED MATTERS, 2020

Sponsored by Senator Istifanus Gyang

[] Commencement

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

- | | | |
|----|--|--------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria 1999 (in | Constitution |
| 2 | this Bill referred to as the Principal Act) is altered as set out in the Bill. | alteration |
| 3 | 2. Section 65 (2) (a) of the principal Act is altered: | Alteration of |
| 4 | 1. Section 65 (2) (a) is rephrased to read "he has been educated to | section 65 (2) (a) |
| 5 | at least National Diploma level or its equivalent". | |
| 6 | 3. Section 131 (d) is rephrased to read "he has been educated up to | Alteration of |
| 7 | at least HND level or its equivalent". | section 131 (d) |
| 8 | 4. Section 106 (c) is rephrased to read "he has been educated up to | Alteration of |
| 9 | National diploma level or its equivalent". | section 106 (c) |
| 10 | 5. Section 177 (d) is rephrased to read "he has been educated up to | Alteration of |
| 11 | at least Higher National Diploma Level or its equivalent". | section 177 (d) |
| 12 | 6. This Bill may be cited as the Constitution of the Federal | Citation |
| 13 | Republic of Nigeria 1999 (Alteration) Bill, 2020. | |

EXPLANATORY MEMORANDUM

The Bill seeks to alter the constitution of the Federal Republic of Nigeria to provide for the amendment of sections 65 (2) (a), 131 (d) section 106 (c) and section 177 (d) on minimum education qualification for those seeking election into the state assembly, Governor, National Assembly and office of the President.

A BILL

FOR

AN ACT TO ALTER THE FIRST SCHEDULE TO SECTION 3 OF THE
CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (CFRN) 1999 TO
REFLECT THE PROPER NAME OF BARKIN LADI LOCAL GOVERNMENT AREA
OF PLATEAU STATE AND FOR RELATED MATTERS

Sponsored by Senator Istifanus Gyang

[] Commencement

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

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1. Section 3 of the Principal Act is altered by substituting the name

"SARIKIN LADI" for the name "GWOL" in paragraph 31 line 1.

2. This Bill may be cited as the Constitution of the Federal

Republic of Nigeria 1999 (Alteration) Bill, 2020.
- Alteration of the

First Schedule

Citation

EXPLANATORY MEMORANDUM

The Bill seeks to alter the first schedule of section-3 of the Federal Republic
of Nigeria 1999 to reflect the proper name of Barkin Ladi Local Government
Area of Plateau State.

A BILL

FOR

AN ACT TO REPEAL SECTION 85(3) OF THE 1999 CONSTITUTION AND
AMONG OTHER THINGS RE-ENACT TO ENABLE THE AUDITOR GENERAL OF
THE FEDERATION TO AUDIT FEDERAL ACCOUNTS AND STATUTORY BODIES
AND FOR OTHER RELATED MATTERS

Sponsored by Senator Emmanuel Bwacha

[] Commencement

BE IT ENACTED by the National assembly of the Federal
republic of Nigeria as follows:

PART I

1. Section 85(3) of the 1999 Constitution of the Federal Republic
of Nigeria (in this bill referred to as "the Principal Act") is hereby repealed as
set out herein.

Repeal

2. Section 85 subsection (3) of the. 1999 Constitution is repealed
by re-enacting to enable the Auditor General of the Federation to audit
federal accounts and statutory bodies.

3. Under new section 85(3) all Federal Accounts and statutory
bodies will now be audited by the Auditor General of the Federation in the
course of performing its functions under this Act or pursuant to this Act.

Section 85(3) of
the Constitution

4. Section 85(3) of the 1999 constitution is repealed by
substituting it with a new section 85 subsection (3) enabling the Auditor
General of the Federation to audit federal accounts and statutory bodies.

New Section
85(3) of the
Constitution

4. This Bill may be cited as the Constitution (Alteration) Bill,
2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to repeal Section 85(3) of the 1999 Constitution and among
other things re-enact to enable the Auditor General of the Federation to audit
Federal accounts and statutory bodies.

A BILL

FOR

AN ACT TO ALTER THE PROVISION OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO REPLACE THE NAME, "NIGERIA POLICE FORCE" WITH "NIGERIAN POLICE" TO REFLECT THEIR CORE MANDATE OF PROVIDING CIVIL SERVICES; AND FOR RELATED MATTERS, 2020

Sponsored by Senator Bamidele, Micheal Opeyemi

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria 1999 (in
2 this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of the
Constitution, 1999
- 3 **2.** Section 34 (2) (b) of the Principal Act is altered by substituting
4 for the words, "Nigeria Police Force", in line 2, the words, "Nigerian
5 Police". Alteration of
section 34
- 6 **3.** Section 35 (7) (b) of the Principal Act is altered by substituting
7 for the words, "Nigeria Police Force" in line 3, the words, "Nigerian Police". Alteration of
section 35
- 8 **4.** Section 39 (3) (b) of the Principal Act is altered by substituting
9 for the words, "Nigeria Police Force", in line 3, the words, "Nigerian
10 Police". Alteration of
section 39
- 11 **5.** Section 214 of the Principal Act is altered: Alteration of
section 214
 - 12 (a) in the Heading, by substituting for the words, "Nigerian Police
13 Force", the words, "Nigerian Police";
 - 14 (b) in the marginal note, by substituting for the words, "Nigerian
15 Police Force", the words, "Nigerian Police"; and
 - 16 (b) in subsections (1) and (2) by substituting for the words,
17 "Nigerian Police Force", the words, "Nigerian Police".
- 18 **6.** Section 215 of the Principal Act is altered: Alteration of
section 215
 - 19 (a) in the marginal note, by substituting for the words, "Nigerian

	1	Police Force", the words, "Nigerian Police";
	2	(b) in subsection (1), by substituting for paragraph (a), a new
	3	subsection "(a)":
	4	"(a) an Inspector-General of Police who, subject to section 216 (2) of
	5	this Constitution, shall be appointed by the President on the advice of the
	6	Nigerian Police Council from serving members of the Nigerian Police and
	7	subject to confirmation of such appointment by the Senate."; and"
	8	(c) by substituting for subsection (2), a new subsection "(2)":
	9	"(2) The Nigerian Police shall be under the command of the
	10	Inspector-General of Police and contingents of the Nigerian Police stationed in
	11	a State shall, subject to the authority of the Inspector-General of Police, be
	12	under the command of the Commissioner of Police of that State."
Alteration of section 216	13	7. Section 216 (1) of the Principal Act is Altered by substituting for
	14	the words, "Nigeria Police Force", in line 5, the words, "Nigerian Police".
Alteration of the Third Schedule	15	8. Part 1 of the Third Schedule to the Principal Act is altered:
	16	(a) in paragraph 8 (1) (a), by substituting for the words, "Nigeria
	17	Police Force", in line 4, the words, "Nigerian Police";
	18	(b) in paragraph 28 (a), by substituting for the words, "Nigeria Police
	19	Force", in line 1, the words, "Nigerian Police"; and
	20	(c) in paragraph 30 (a), by substituting for the words, "Nigeria Police
	21	Force", in line 2, the words, "Nigerian Police".
Citation	22	9. This Bill may be cited as the Constitution of the Federal Republic
	23	of Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill alters the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to replace the name, "Nigeria Police Force" with "Nigerian Police" to reflect their core mandate of providing civil services.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE IMMUNITY FOR MEMBERS OF THE LEGISLATURE IN RESPECT OF WORDS SPOKEN OR WRITTEN AT PLENARY SESSIONS OR COMMITTEE PROCEEDINGS AND INSTITUTIONALISE LEGISLATIVE BUREAUCRACY IN THE CONSTITUTION; AND FOR RELATED MATTERS, 2020

Sponsored by Senator Bamidele, Micheal Opeyemi

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria, 1999 Cap. Alteration of the
2 C23, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the Constitution, 1999
3 Principal Act") is altered as set out in this Bill.
- 4 **2.** Section 4 of the Principal Act is altered by inserting, after Alteration of
5 subsection (7), a new subsection "(7A)": section 4
6 "(7A) In the course of exercising the legislative powers, no civil or
7 criminal proceedings shall be instituted against a member of a legislative
8 House in respect of words spoken or written before the House or a
9 Committee thereof."
- 10 **3.** Substitute for section 51 of the Principal Act, a new section Substitution for
11 "51": section 51
12 *"Establishment of the National Assembly Service Commission*
13 51.(1) There is established the National Assembly Service
14 Commission whose composition, tenure, structure, finance, functions and
15 powers shall be as prescribed by an Act of the National Assembly.
16 (2) There shall be the Clerk to the National Assembly and such
17 other staff as may be required.

	1	(3) The method of appointment of the Clerk and such other staff of the
	2	National Assembly shall be as prescribed by the Commission."
Alteration of section 67	3	4. Section 67 of the Principal Act is altered by substituting for
	4	subsection (1), a new subsection Alteration of " (1)":
	5	"(1) The President:
	6	(a) shall attend a joint session of the National Assembly on any
	7	legislative day immediately after the commencement of each Legislative year
	8	to deliver an address in respect of the State of the Nation; and
	9	(b) may attend any joint session of the National Assembly, either to
	10	deliver an address on national affairs including fiscal measures, or to make
	11	such statement on the policy of government as he considers to be of national
	12	importance."
Alteration of section 68	13	5. Section 68 (1) (e) of the Principal Act is altered by inserting, after
	14	the word, "Law", in line 3, the words, "except by virtue of office".
Substitution for section 93	15	6. Substitute for section 93 of the Principal Act, a new section "93":
	16	<i>"Establishment of the State House of Assembly Service Commission"</i>
	17	93. (1) There is established a State House of Assembly Service
	18	Commission whose composition, tenure, structure, finance, functions and
	19	powers shall be as prescribed by a Law of the House of Assembly of the State.
	20	(2) There shall be the Clerk to the State House of Assembly and such
	21	other staff as may be required.
	22	(3) The method of appointment of the Clerk and such other staff of the
	23	State House of Assembly, shall be as prescribed by the Commission".
Alteration of section 109	24	7. Section 109 (1) (e) of the Constitution is altered by inserting, after
	25	the word, "law", in line 3, the words, "except by virtue of office".
Citation	26	8. This Bill may be cited as the Constitution of the Federal Republic
	27	of Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide immunity for members of the legislature in respect of words spoken or written at plenary sessions or at Committee proceedings and institutionalise legislative bureaucracy in the Constitution.

A BILL

FOR

AN ACT TO FURTHER ALTER THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA TO PROVIDE FOR THE ESTABLISHMENT OF STATE
POLICE AND OTHER RELATED MATTERS

Sponsored by Senator Ike Ekweremadu

[] Commencement

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

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1. The Constitution of the Federal Republic of Nigeria (in this Act referred to as "the Principal Act) is hereby further altered as set out under this Bill.

2. Section 34 (2) (b) of the Principal Act is altered by substituting for the words, "Nigeria Police Force", in line 2, the words, "Federal Police".

3. Section 35 (7) (b) of the Principal Act is altered by substituting for the words, "Nigeria Police Force" in line 3, the words, "Federal Police".

4. Section 39 (3) (b) of the Principal Act is altered by substituting for the words, "Nigeria Police Force", in line 3, the words, "Federal Police".

5. Section 42 (3) of the Principal Act is altered by substituting the words, "Nigeria Police Force", in line 4, the words, "Federal Police".

6. Section 84 (4) of the Principal Act is altered by substituting for the words, "The Nigeria Police Council" and "The Police Service Commission", in lines 17 and 18, with the words, "National Police Service Commission" and "National Police Council",

7. Section 89 (2) of the Principal Act is altered by substituting for the words, "Nigeria Police Force", in line 2, with the words, "Federal Police".

8. Section 129 (2) of the Principal Act is altered by substituting for the words, "Nigeria Police Force", in line 2, with the words, "State Police",
- Constitution Alteration

Alteration of section 34 (2)

Alteration of section 35 (7)

Alteration of section 35 (3)(b)

Alteration of section 42 (3)

Alteration of section 84 (4)

Alteration of section 89 (2)

Alteration of section 129 (2)

Alteration of section 53	1	9. Section] 53 of the principal act is altered:
	2	(a) In Section 153(1)(J) by substituting the words "Nigerian Police
	3	Council" with the words "National Police Council".
	4	(b) In Section 153(1)(m) by substituting the words "Police Service
Alteration of section 162 (2)	5	Commission" with the words "National Police Service Commission".
	6	10. Section 162 (2) of the Principal Act is altered by substituting for
Alteration of section 197	7	the words, "Nigeria Police Force", in lines 4 and 5, the words, "Federal Police".
	8	11. Section 197 is altered by inserting a new "paragraph "d" after the
	9	existing paragraph (c) in subsection 1 thus:
	10	"(1)(d) State Police Service Commission"
Alteration of section 214	11	12. The existing header of Chapter VI, Part III (B), is substituted with
	12	the words "Federal Police Service",
	13	13. Section 214 is altered by substituting the provisions with the
	14	following:
	15	<i>"Establishment of Federal and State Police"</i>
	16	214 (1) The following bodies are hereby established for the
	17	maintenance of public security, preservation of public order and security "of
	18	persons and property throughout the federation:
	19	(i) The Federal Police, and
	20	(ii) State Police.
	21	(2) The National Assembly shall by an Act prescribe for the structure,
	22	organisation, administration and powers of the Federal Police and provide
	23	framework and guidelines for the establishment of State Police.
	24	(3) The Federal Police shall:
	25	(a) be responsible for the maintenance of public security, preservation
	26	of public order and security of persons and property throughout the federation
	27	to the extent provided for under this constitution or by an 'Act of the National
	28	Assembly;
	29	(b) Provide state policing for any state that is unable to operate a State
	30	Police until such a time that a State Police is established by the House of

1 Assembly of that state.

2 (4) Subject to subsection 4 and other provisions of this
3 Constitution, the Federal Police shall not interfere with the operations of any
4 State Police or the internal security affairs of a state except in the following
5 instances:

6 (a) To contain serious threats to public order where it is shown that
7 there is a complete breakdown of law and order within a state which the State
8 Police is unable to handle;

9 (b) Where the Governor of the state requests the intervention of the
10 Federal Police to prevent or contain a breakdown of law and order in the
11 state;

Alteration of
section 214

12 (c) Where a State Police is unable to function owing to
13 administrative, financial or other problems which render it inoperative at a
14 given time:

15 Provided that any intervention under this sub-section shall only be
16 made after approval by two-third majority of the Senate".

17 (5) State Police shall be organised and administered in accordance
18 with such provisions as may be prescribed by a Law of the House of
19 Assembly of a State subject to the framework and guidelines established by
20 an Act of the National Assembly.

21 **14.** Section 215 is altered by substituting the provisions with the
22 following:

Alteration of
section 215

23 "Appointment of Inspector General of Police and the Commissioner of
24 Police of a State"

25 215 (1)(a) The Federal Police shall be headed by an Inspector-
26 General of Police who shall be appointed by the President on the advice of
27 the National Police Council from among serving members of the Federal
28 Police, subject to confirmation of such appointment by the Senate;

29 (b) The term of office of the Inspector General of Police shall be for
30 a period of five years only or until he attains a retirement age as provided by

1 law, whichever is earlier.

2 (2) The Federal Police shall be under the command of the Inspector-
3 General of Police including contingents of the Federal Police service stationed
4 in a state for the enforcement of federal laws and regulations and other
5 administrative or collaborative roles in a state.

6 (3) The President or such other Minister of the Government of the
7 Federation as he may authorise in that behalf may give to the Inspector-General
8 of Police such lawful directions with respect to the maintenance and securing
9 of public safety and public order as he may consider necessary, and the
10 Inspector-General of Police shall comply with those direction or cause them to
11 be complied with.

12 (4) State Police shall be headed by a Commissioner of Police who
13 shall:

14 (a) be appointed by the Governor of the state on the advice of the
15 National Police Service Commission, subject to confirmation of such
16 appointment by the House of Assembly of the State;

17 (b) The term of office of the Commissioner of Police under a State
18 Police shall be for a period of five years only or until he attains a retirement age
19 prescribed by law, whichever is earlier.

20 (5) The Governor or such other Commissioner of the Government of
21 the State as he may authorise in that behalf may give to the Commissioner of
22 Police such lawful directions with respect to the maintenance and securing of
23 public safety and public order as he may consider necessary, and the
24 Commissioner of Police shall comply with those directions or cause them to be
25 complied with:

26 Provided that where the Commissioner of Police feels that any order
27 given under this subsection is unlawful or contradicts general policing
28 standards or practice, he may request that the matter be referred to the State
29 Police Service Commission for review and the decision of the State Po lice
30 Service Commission shall be final.

1 (6) The question as to whether any, and if so what, directions have
2 been given under this section shall not be inquired into by any court.

3 (7) An Act of the National Assembly may prescribe a bi-annual
4 certification review of the activities of State Police by the National Police
5 Service Commission to ensure they meet up with approved national
6 standards and guidelines of policing and their operations do not undermine
7 national integrity, promote ethnic, tribal or sectional agenda or marginalize
8 any segment of the society within the state.

9 **15.** Section 216 is altered by substituting the provisions with the Alteration of
10 following: section 216

11 *"Removal of Inspector General of Police and the Commissioner*
12 *of Police of a State"*

13 216 (1) An Inspector General of Police shall only be remove! by
14 the President upon the recommendation of the National Police Council
15 praying that he be so removed on any of the following grounds:

16 (a) Misconduct in the performance of his official duties;

17 (b) Serious breach of policing standards;

18 (c) Conviction of any offence by a court of law or tribunal,
19 including administrative tribunals set up by the police authorities for
20 internal discipline of police officers;

21 (d) Indictment by a judicial body or tribunal for corruption, fraud,
22 embezzlement or other unacceptable conducts in office;

23 (e) Bankruptcy;

24 (f) Mental Incapacity; and

25 (g) Participation in political activities of any kind either within or
26 outside the country and including sponsoring or giving aid to any political
27 group or movement:

28 Provided that such removal shall be subject to approval by a
29 resolution of a simple majority of the Senate.

30 (2) A Commissioner of Police of a State shall only be removed by

1 the Governor upon the recommendation of the National Police Service
2 Commission praying that he be so removed on any of the following grounds:

3 (a) Misconduct in the performance of his official duties;

4 (b) Serious breach of policing standards;

5 (c) Conviction of any offence by a court of law or tribunal, including
6 administrative tribunals set up by the police authorities for internal disciplining
7 of police officers;

8 (d) Indictment by a judicial body or tribunal for corruption, fraud,
9 embezzlement or other unacceptable conducts in office;

10 (e) Bankruptcy;

11 (f) Mental Incapacity; and

12 (g) Participation in political activities of any kind either within or
13 outside the state and including sponsoring or giving aid to any political group
14 of movement:

15 Provided that such removal shall be subject to approval by two-third
16 majority of the House of Assembly of the State.

17 (3) The Federal Government may from time to time provide grant or
18 aids to State Police on the recommendation of the National Police Service
19 Commission subject to the approval of the National Assembly.

20 (4) Members of the Federal and State Police shall be entitled to bear
21 arms in the execution of their policing duties and an Act of the National
22 Assembly shall specify from time to time the type of arms that members of
23 State Police shall bear."

Alteration of
Second Schedule

24 **16.** The Second Schedule to the Constitution is altered as follows:

25 (a) In Part I by deleting item 45;

26 (b) In Part II by inserting a new subsection "29A" after the existing
27 sub-paragraph 29:

28 (a) the National Assembly may make laws for the organisation and
29 administration of the Federal Police and the framework for the structure,
30 powers and approved guidelines of State and community Police;

1 (b) The House of Assembly of a State may make laws for the
2 establishment, organisation and administration of state and community
3 police within the state and ancillary matters related thereto."

4 17. Part I of the Third Schedule to the principal Act is altered as
5 follows:

Alteration of
Part I of the
Third Schedule

6 (a) In item "L" by Substituting the words 'Nigeria Police Council'
7 with the words 'National Police Council' in the header and throughout 'Item
8 L';

9 (b) Altering sub-paragraph C of Paragraph 27 to read 'Chairman of
10 the National Police Service Commission'.

11 (c) Substituting the provisions of sub-paragraph "cc" of paragraph
12 "27" as follows:

13 "Chairman of the State Police Service Commission of each State of the
14 Federation"

15 (d) Altering Paragraph 28 of Item L by substituting the words
16 "Nigeria Police Force" with the phrase "Federal Police and State Police"
17 throughout paragraph 28.

18 (c) By altering item "M" as follows:

19 (a) Substituting the name 'Police Service Commission' with
20 'National Police Service Commission' in the header and throughout 'Item
21 M';

22 (b) Deleting the existing Paragraphs 29 and 30 of Item M and
23 replacing them with new Paragraphs 29 and 30 as follows:

24 "(29). The National Police Service Commission shall comprise the
25 following:

26 (a) A Chairman to be appointed by the President subject to the
27 confirmation of the Senate;

28 (b) Two members representing the National Human Rights
29 Commission;

30 (c) One representative of the Public Complaints Commission;

1 (d) A representative of the Nigerian Labour Congress to be appointed
2 by the President of the Nigerian Labour Congress;

3 (e) Six retired police officers not below the rank of Assistant
4 Commissioner of Police representing each of the Geo-Political zones of the
5 country to be appointed by the President subject to confirmation of the Senate;

6 (f) A representative of the Nigerian Bar Association to be appointed
7 by the President of the Nigerian Bar Association;

8 (g) A representative of the Nigerian Union of Journalists to be
9 appointed by the President of the Nigerian Union of Journalist;

10 (h) The Attorney General of each of the States of the Federation:

11 "(30) (1) The National Police Service Commission shall be
12 responsible for:

13 (i) the appointment of persons to offices (other than office of the
14 Inspector-General of Police) in the Federal Police;

15 (ii) exercising disciplinary control over members of the Federal
16 Police;

17 (iii) Recommending to the Governor of a State the appointment of the
18 Commissioner of Police, Deputy Commissioners of Police and Assistant
19 Commissioners of Police of the State Police based on a list submitted to it by
20 the State Police Service Commission of the relevant state and subject to
21 confirmation by the House of Assembly of the State;

22 (iv) Recommending to the Governor, the discipline and removal of
23 the Commissioner of Police, Deputy Commissioners, of Police and Assistant
24 Commissioners of Police of the State Police;

25 (v) Supervising the activities of the Federal Police and State Police to
26 the extent provided for in this constitution or by an Act of the National
27 Assembly;

28 (vi) Prescribe standards for all police forces in the country in training,
29 criminal intelligence data bases, forensic laboratories and render assistance to
30 State Police in areas as may be requested by such State Police.

- 1 **18.** Part II of the Third Schedule to the Constitution is altered by
2 inserting a new item "D" after the existing item "C":
3 "D- State Police Service Commission"
4 A State Police Service Commission shall comprise the following members:
5 (a) A Chairman to be appointed by the Governor subject to the
6 confirmation of the State House of Assembly;
7 (b) A representative of the Federal Government to be appointed by
8 the National Police Service Commission;
9 (c) Two members to be appointed by the National Human Rights
10 Commission who must be indigenes of the respective State;
11 (d) One representative of the Public Complaints Commission.
12 (e) A representative of the Nigerian Labour Congress to be
13 appointed by the Chairman of the state branch;
14 (f) Three retired police officers to be appointed by the Governor
15 one from each senatorial zone of the state subject to confirmation of the
16 State House of Assembly;
17 (g) A representative of the Nigerian Bar Association to be
18 appointed by the President of the Nigerian Bar Association who must be a
19 lawyer from the respective state;
20 (h) A representative of the Nigerian Union of Journalists to be
21 appointed by the Chairman of the state branch.
22 The Commission shall be responsible for:
23 (a) Recommending the appointment of a Commissioner of Police,
24 Deputy Commissioner of Police and Assistant Commissioner of Police to
25 the National Police Service Commission;
26 (b) the appointment, discipline and removal of members of the
27 state police below the rank of Assistant Commissioner of Police;
28 (c) other functions and powers of the commission as may be
29 specified either in the Constitution or a Law of the House of Assembly of a
30 State; and

Alteration of
Part II of the
Third Schedule

1 (d) In recommending the appointment of a Commissioner of Police,
2 the Commission shall propose three qualified candidates to the National Police
3 Service Commission.

4 **19.** The Third Schedule Part 1, Paragraph 8(1)(a) line 4, is altered by
5 substituting the words "Nigeria Police Force", with the words "Federal
6 Police";

Citation

7 **20.** This Bill may be cited as the Constitution (Fifth Alteration) Bill,
8 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution to establish State and Community Police; change the names of Nigeria Police Force to Federal Police Service; the Nigerian Police Service Commission to National Police Service Commission; the Nigerian Police Council to the National Police Council.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO PRECLUDE THE FEDERAL HIGH COURT
FROM ENTERTAINING PRE-ELECTION DISPUTES EMANATING FROM
CONGRESSES, CONFERENCES, CONVENTIONS OR OTHER MEETINGS
CONVENED BY POLITICAL PARTIES FOR THE PURPOSE OF ELECTING
MEMBERS OF ITS EXECUTIVE COMMITTEES OR OTHER GOVERNING BODIES
AND FOR RELATED MATTERS

Sponsored by Senator Ovie Omo-Agege

[] Commencement

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

- | | | |
|----|---|------------------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Constitution
Alteration |
| 2 | this Act referred to as "the Principal Act") is altered as set out in this Act. | |
| 3 | 2. Section 251 of the Principal Act is further altered by inserting | Alteration of
Section 251 |
| 4 | after subsection (4), a new subsection "(5)": | |
| 5 | "(5) Nothing in this section shall empower the Federal High Court | |
| 6 | to entertain a dispute from a member of a political party challenging the | |
| 7 | actions or decisions of a political party in respect of the election of a | |
| 8 | principal officer or member of its executive committee or other governing | |
| 9 | body following from a congress, conference, convention or other meeting | |
| 10 | convened by that political party for the purpose of electing such principal | |
| 11 | officers or members." | |
| 12 | 3. This Bill may be cited as the Constitution of the Federal | Citation |
| 13 | Republic of Nigeria, 1999 (Fifth Alteration) Bill, 2020. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to preclude the Federal High Court from entertaining pre-election disputes emanating from congresses, conferences, conventions or other meetings convened by political parties for the purpose of electing members of its executive committees or other governing bodies.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO PRECLUDE THE HIGH COURT OF THE
FEDERAL CAPITAL TERRITORY FROM ENTERTAINING PRE-ELECTION
DISPUTES EMANATING FROM CONGRESSES, CONFERENCES, CONVENTIONS
OR OTHER MEETINGS CONVENED BY POLITICAL PARTIES FOR THE PURPOSE
OF ELECTING MEMBERS OF ITS EXECUTIVE COMMITTEES OR OTHER
GOVERNING BODIES AND FOR RELATED MATTERS

Sponsored by Senator Ovie Omo-Agege

[] Commencement

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

- | | | |
|----|---|------------------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Constitution
Alteration |
| 2 | this Act referred to as "the Principal Act") is altered as set out in this Act. | |
| 3 | 2. Section 257 of the Principal Act is further altered by inserting | Alteration of
Section 257 |
| 4 | after subsection (2), a new subsection "(3)": | |
| 5 | "(3) Nothing in this section shall empower the High Court of the | |
| 6 | Federal Capital Territory to entertain a dispute from a member of a political | |
| 7 | party challenging the actions or decisions of a political party in respect of the | |
| 8 | election of a principal officer or member of its executive committee or other | |
| 9 | governing body following from a congress, conference, convention or other | |
| 10 | meeting convened by that political party for the purpose of electing such | |
| 11 | principal officers or members." | |
| 12 | 3. This Bill may be cited as the Constitution of the Federal | Citation |
| 13 | Republic of Nigeria, 1999 (Fifth Alteration) Bill, 2020. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to preclude the High Court of the Federal Capital Territory from entertaining pre-election disputes emanating from congresses, conferences, conventions or other meetings convened by political parties for the purpose of electing members of its executive committees or other governing bodies.