

Extraordinary



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CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>		<i>Long Title</i>	<i>Page</i>
SB. 261	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1635 - 1635
SB. 274	A	Bill for an Act to Amend the Provisions of Section 3 and 4 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) and for Related Matters	C 1637 - 1638
SB. 275	A	Bill for an Act to Section 285 of the Constitution of the Federal Republic of Nigeria (Second Alteration) Act, No. 2 of 2010 and for Related Matters	C 1639 - 1640
SB. 276	A	Bill for an Act to Amend the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1641 - 1642
SB. 293	A	Bill for an Act to Amend the Provisions of the Nigerian Investment Promotion Commission Act Chapter N118, LFN, 2004 and for Other Related Matters	C 1643 - 1643
SB. 296	A	Bill for an Act to Amend the Provisions of the Nigerian Security and Civil Defence Corps (NSCDC) Act, Chapter N146 No. 6 LFN, 2007 and for Other Related Matters	C 1645 - 1646
SB. 320	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1647 - 1648
SB. 321	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1649 - 1655
SB. 322	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1657 - 1658
SB. 323	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1659 - 1660
SB. 324	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1661 - 1662
SB. 351	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1663 - 1664
SB. 356	A	Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 1665 - 1668

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A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE PROCEDURE FOR PASSING
A CONSTITUTION ALTERATION BILL WHERE THE PRESIDENT WITHHOLDS
ASSENT; AND FOR RELATED MATTERS, 2020

Sponsored by Senator Bamidele, Micheal Opeyemi

[] Commencement

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

- 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 9 of the Principal Act is altered: Amendment of
Section 9
- 4 (a) in subsection (2), by substituting for the words, "An Act of", in
5 line 1, the words, "A Bill before";
- 6 (b) by substituting for the word, "Act", in line 2, the words, "a Bill";
- 7 (c) by substituting for the words, "the proposal", in line 3, the
8 words, "the Bill"; and
- 9 (d) by inserting a new subsection "(3A)":
- 10 “(3A) Where the President withholds his assent and the Bill is
11 again voted upon by each House of the National Assembly by four fifths
12 majority, the Bill shall become law”.
- 13 **3.** This Bill may be cited as Constitution of the Federal Republic Citation
14 of Nigeria (Fourth Alteration, No. 24) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alters the provisions of the Constitution of the Federal
Republic of Nigeria, 1999 to among other things provide the procedure for
passing a Constitution Alteration Bill where the president withholds assent.

A BILL

FOR

AN ACT TO AMEND THE PROVISIONS OF SECTION 3 AND 4 OF THE
CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS
AMENDED) AND FOR RELATED MATTERS

Sponsored by Senator Adeola, Solomon Olamilekan

[] Commencement

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

1 **1.** The Constitution of the Federal Republic of Nigeria 1999 (as
2 Amended) is altered as set out in this Bill.

Amendment of
the Constitution
of Federal Republic
of Nigeria 1999
(as Amended)

3 **2.** Section 3 of the Constitution is altered by:

Amendment of
Section 3

4 (a) inserting immediately after the existing sub-section 6 a new
5 subsection 7 and 8 "(7) There shall be 6 Geo-Political Zones in Nigeria
6 namely: North-East, North-West, North-Central, South-East, South-West
7 and South-South.

8 (8) Each Geo-Political Zone of Nigeria shall consist of the area
9 within the states or Federal Capital Territory Abuja named in the First
10 column to Part 1 of the First Schedule to this Constitution.

11 **3.** Section 4(2), (3) and (7) of the Constitution is altered by
12 substituting "Exclusive Legislative List" with "Federal Legislative list" and
13 creation of "State Legislative List" as follows:

Amendment of
Section 4

14 (2) The National Assembly shall have powers to make laws for the
15 peace, order and good government of the Federation or any part thereof with
16 respect to any matter included in the "Federal Legislative List" set out in Part
17 1 of the Second Schedule to this Constitution.

18 (3) The power of the National Assembly to make laws for the
19 peace, order and good government of the Federation with respect to. any
20 matter included in the "Federal Legislative List" shall, save as otherwise

1 provided in the Constitution, be to the exclusion of the Houses of Assembly and
2 States.

3 (5) The House of Assembly of a State shall have power to make laws
4 for the peace, order and good government of the State or any part thereof with
5 respect to the following matters, that is to say:

6 (a) any matter not included in the Federal Legislative List set out in
7 Part I of the Second Schedule to this Constitution;

8 (b) any matter included in the Concurrent Legislative List and State
9 Legislative List set out in Parts II and III of the Second Schedule to this
10 Constitution;

11 (c) any other matter with respect to which it is empowered to make
12 laws in accordance with the provisions of this Constitution; and

13 (d) The power of the House of Assembly of States to make laws for the
14 peace, order and good government of the State with respect to any matter
15 included in the State Legislative List shall, save as otherwise provided in this
16 Constitution, be to the exclusion of the National Assembly.

Citation

17 4. This Bill may be cited as the Constitution of the Federal Republic
18 of Nigeria, 1999 (Further Amendment) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution of the Federal Republic of Nigeria 1999 (as Amended) to formally recognize the six geo-political zones and to further introduce a clear demarcation by creating the Federal and State Legislative lists as a substitute for the existing executive lists.

A BILL

FOR

AN ACT TO ALTER SECTION 285 OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA (SECOND ALTERATION) ACT. NO.2 OF 2010 AND
FOR RELATED MATTERS

Sponsored by Senator Adeola, Solomon Olarnilekan

[] Commencement

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

1 **1.** The Constitution of the Federal Republic of Nigeria (Second
2 Alteration) Act, No.2 of 2010 (herein referred to as the principal Act) is
3 altered as set out below:

Alteration of the
Constitution

4 **2.** Section 285 sub-section 6 of the Principal Act is altered by
5 introducing a proviso thereto as follow:

Alteration of
Section 285

6 "Provided that where an intervening event (natural or
7 circumstantial) occurs within the jurisdiction of the tribunal that makes it
8 impracticable for the tribunal to sit, the period of the event shall not be
9 counted in the computation of the 180 days period prescribed in sub-section
10 6"

11 **3.** Section 285 sub-section 7 of the principal Act is altered by
12 introducing a proviso thereto as follow:

13 "Provided that where an intervening event (natural or
14 circumstantial) occurs within the jurisdiction of the tribunal that makes it
15 impracticable for the tribunal to sit, the period of the event shall not be
16 counted in the computation of the 60 days period prescribed in sub-section
17 7"

18 **4.** This Bill may be cited as the Constitution of the Federal
19 Republic of Nigeria (Second Alteration) Act (Further Alteration) Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter section 285 sub-section (6 and 7) of the Constitution of Federal Republic of Nigeria (Second Alteration) Act 2010 to address the issue of intervening event occurring within the stipulated period for hearing and determination of an election petition or appeal before a tribunal or court of appeal.

A BILL

FOR

AN ACT TO AMEND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 CAP C 23 FOR THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS

Sponsored by Senator Adeola, Solomon Olamilekan

[] Commencement

BE IT 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
2 C23, Laws of the Federation of Nigeria, 2004 hereinafter referred to as "the
3 Principal Act") is hereby amended as set out in this section. Amendment of
the Constitution,
1999
- 4 **2.** Section 34(2) of the Principal Act is hereby amended by Amendment of
Section 34(2)
5 inserting or adding a new sub paragraph (i) immediately after Section 34(1)
6 (c) and retaining and making the existing subsection to now become
7 subsection (2) (ii). That is to say:
8 (2) (i) "For purposes of subsection (1) (a) of this section "torture or
9 inhuman or degrading treatment" includes:
10 (a) parading of persons arrested as suspects in the public or openly
11 "by the police or any other law enforcement agency:
12 (b) striping persons arrested and in detention of their clothes and
13 other apparels:
14 (c) using sticks, whip, batons, guns or any other form of torture on
15 persons arrested in order to extract evidence from them"
- 16 **2.** Section 162 (2) of the Principal Act is amended by substituting Amendment of
Section 162(2)
17 the word "thirteen" in the proviso thereto with the word "fifty" immediately
18 after the words "less than" and deleting the word "natural" immediately
19 before the word "resources" and adding the word "whatsoever" immediately
20 after the word "resources" that is to say:

	1	(2) "The President, upon receipt of advice from the Revenue
	2	Mobilization Allocation and Fiscal Commission, shall table before the
	3	National Assembly proposals for revenue allocation from the Federation
	4	Account and in determining the formular, the National Assembly shall take
	5	into account, the allocation principals, especially those population, equality of
	6	States; internal revenue generation, land mass, therein as well as population
	7	density:
	8	Provided that the principle of derivation shall be constantly reflected
	9	in any approved formula as being not less than "fifty" of the revenue accruing
	10	to the Federation Account directly from nay resources "whatsoever"
Amendment of Section 162(4)	11	3. Section 162 (4) of the Principal Act is also amended by inserting or
	12	adding a new sub section 3 to be numbered as 3{a) immediately after the
	13	subsisting Section 162 (3) of the Principal Act, that is to say:
	14	(3) (a) "The Federal Government shall set aside percent of the revenue
	15	in the Federation Account for its own use while the rest shall be kept in a
	16	distributive poll and distributed in line with subsection 2 of this Section"
Amendment of Section 162(4)	17	4. Section 162 (4) of the Principal Act is also amended by inserting or
	18	adding a new subsection 4 to be numbered as 4(a) immediately after the
	19	subsisting Section 162 (4) for the Principal Act, that is to say:
	20	(4) (a) "For the purposes of derivation provisions in this Section, the
	21	continental shelf of a State shall be deemed to be part of that State".
Citation	22	5. This Bill may be cited as the Constitution of the Federal Republic
	23	of Nigeria (Alteration) Bill, 2020.

EXPLANATORY NOTES

This Bill seeks to constitutionally end degrading, treatment of suspects arrested and in detention. The Bill also intends to promote equity in distribution of Revenue derivable from sources within a locality by ensuring more funds to areas of derivation.

A BILL

FOR

AN ACT TO AMEND THE PROVISIONS OF THE NIGERIAN INVESTMENT PROMOTION COMMISSION ACT CHAPTER N118, L.F.N. 2004 TO MAKE PROVISIONS FOR PROTECTION OF MICRO, SMALL AND MEDIUM ENTERPRISES (MSME) FROM UNFAIR COMPETITION AND FOR OTHER RELATED MATTERS

Sponsored by Senator Uche Ekwunife

[] Commencement

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

1 **1.** The Nigerian Investment Promotion Council Act, (in this Bill
2 referred to as "the Principal Act") is amended as set out in this Bill.

Amendment of
the Nigerian
Investment
Promotion
Council Act

3 **2.** Section 17 of the Principal Act is amended by removing the
4 period at the end of the section, and inserting the words, "except for the
5 under-listed activities which shall be reserved for Nigerians and Nigerian-
6 owned enterprises:

Amendment of
Section 17

7 (a). Provision of services and sales in open markets:

8 (b). Retail sales of personal computers, mobile phones and
9 accessories, air conditioners, refrigerators/freezers, televisions and cooking
10 utensils, tailoring accessories, clothing, jewelry, shoes, handbags, furniture,
11 and finished pharmaceutical products, except when they form part of the
12 stock of multinational registered supermarkets.

13 **3.** This Bill may be cited as the Nigerian Investment Promotion
14 Commission Act (Amendment) Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Investment Promotion Commission Act by protecting Micro, Small and Medium Enterprises (MSME) from unfair competition by foreign people or enterprises.

A BILL

FOR

AN ACT TO AMEND THE PROVISIONS OF THE NIGERIAN SECURITY AND CIVIL DEFENCE CORPS (NSCDC) ACT, CHAPTER N 146 NO. 6 LFN, 2007 BY PROVIDING FOR THE INSTALLATION AND MANAGEMENT OF CLOSED CIRCUIT TELEVISION (CCTV) IN CRITICAL INFRASTRUCTURES OF FEDERAL, STATES AND LOCAL GOVERNMENTS, IN ORDER TO ENHANCE ITS CAPACITY TO PROVIDE PROTECTION, CRISIS RESOLUTION AND SECURITY OF PUBLIC INFRASTRUCTURE AND FOR OTHER RELATED MATTERS

Sponsored by Senator Uche Ekwunife

[] Commencement

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

1 **1.** The Nigerian Security and Civil Defence Corps Act, (in this Bill
2 referred to as "the Principal Act") is amended as set out in this Bill.

Amendment of
the Nigerian
Security and Civil
Defence Corps
Act

3 **2.** Section 3 of the Principal Act is amended by deleting the entire
4 subsection 3(3) in the Principal Act and replacing it with the following:

Amendment of
Section 3

5 “(3). For the purposes of efficiently carrying out the functions set
6 out in section 3 of the Principal Act, the Corps shall:

7 (i). maintain an armed squad which shall be entitled to bear
8 firearms and deployed by the Office of the Commandant-General;

9 (ii). Make regulations regarding the installation and management
10 of Closed Circuit Television (CCTV) on Critical Infrastructures of the
11 Federal, States and Local Government”.

12 **3.** This Bill may be cited as the Nigeria Security and Civil Defence
13 Corps Act (Amendment) Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Security and Civil Defence Corps Act by authorizing the Corps to Make regulations concerning the installation and management of Closed Circuit Television (CCTV) in critical infrastructures of the Federal, States and Local Government.

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
A STATE 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 | Alteration of the
Constitution |
| 2 | this Act referred to as "the Principal Act") is altered as set out in this Act. | |
| 3 | 2. Section 272 of the Principal Act is further altered by inserting | Alteration of
Section 272 |
| 4 | after subsection (3), a new subsection "(4)": | |
| 5 | "(4) Nothing in this section shall empower the High Court of a | Citation |
| 6 | State to entertain a dispute from a member of a political party challenging | |
| 7 | the 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 | |
| 13 | Republic 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 preclude the High Court of a State 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 PROVIDE FOR THE
ESTABLISHMENT OF SEPARATE TRIBUNALS TO HEAR AND DETERMINE
PRE-ELECTION MATTERS AND ELECTION PETITIONS RESPECTIVELY, IN THE
PRESIDENTIAL, NATIONAL AND STATE HOUSES OF ASSEMBLY, AND
GOVERNORSHIP ELECTIONS AND FOR 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 Constitution of the Federal Republic of Nigeria, 1999 (in | Constitution |
| 2 | this Act referred to as "the Principal Act") is altered as set out in this Act. | Alteration |
| 3 | 2. Section 285 of the Principal Act is further altered by substituting | Alteration of |
| 4 | for the existing section 285, a new section "285": | Section 285 |
| 5 | "285. Establishment of Pre-Election Tribunals and time for | |
| 6 | determination of pre-election matters | |
| 7 | (1) There shall be established in the Federal Capital Territory, a | |
| 8 | pre-election matters tribunal to be known as the Presidential Pre-Election | |
| 9 | Matters Tribunal which shall, to the exclusion of any court or tribunal, have | |
| 10 | original jurisdiction to hear and determine matters as to whether any person | |
| 11 | was validly nominated by a political party as a candidate for the office of | |
| 12 | President of the Federation in accordance with the provisions of an Act of | |
| 13 | the National Assembly regulating the conduct of primaries of political | |
| 14 | parties and the provisions of regulations issued by the Independent National | |
| 15 | Electoral Commission in respect of the nomination of candidates for an | |
| 16 | election. | |
| 17 | (2) There shall be established in each State of the Federation a pre- | |

1 election matters tribunal to be known as the National and State Houses of
2 Assembly Pre- Election Matters Tribunal which shall, to the exclusion of any
3 court or tribunal, have original jurisdiction to hear and determine matters as to
4 whether any person was validly nominated by a political party as a candidate
5 for the National Assembly or a State House of Assembly in accordance with the
6 provisions of an Act of the National Assembly regulating the conduct of
7 primaries of political parties and the provisions of regulations issued by the
8 Independent National Electoral Commission in respect of the nomination of
9 candidates for an election.

10 (3) There shall be established in each State of the Federation, a pre-
11 election matters tribunal to be known as the Governorship Pre-Election
12 Matters Tribunal which shall, to the exclusion of any court or tribunal, have
13 original jurisdiction to hear and determine matters as to whether any person
14 was validly nominated by a political party as a candidate for the office of
15 Governor or Deputy Governor of a State in accordance with the provisions of
16 an Act of the National Assembly regulating the conduct of primaries of
17 political parties and the provisions of regulations issued by the Independent
18 National Electoral Commission in respect of the nomination of candidates for
19 an election.

20 (4) The composition of the Presidential Pre-Election Matters
21 Tribunal, National and State Houses of Assembly Pre- Election Matters
22 Tribunal, and the Governorship Pre-Election Matters Tribunal, respectively,
23 shall be as set out in the Sixth Schedule to this Constitution.

24 (5) The quorum of a pre- election tribunal established under this
25 section shall be the Chairman and one other member.

26 (6) Notwithstanding anything to the contrary in this Constitution,
27 every pre-election matter shall be filed not later than 7 days from the date of the
28 publication of candidates of political parties by the Independent National
29 Electoral Commission (INEC).

30 (7) A pre-election tribunal in every pre-election matter shall deliver its

1 judgment in writing within 45 days from the date of filing of the suit.

2 (8) An appeal from a decision of a pre-election tribunal shall be
3 filed in the Court of Appeal within 7 days from the date of delivery of the
4 judgment appealed against.

5 (9) An appeal from a decision of a pre-election tribunal shall be
6 heard and disposed of within 45 days from the date of filing of the appeal.

7 (10) The court of appeal, in all final appeals from a pre-election
8 tribunal may adopt the practice of first giving its decision and reserving the
9 reasons therefore to a later date.

10 (11) Where a preliminary objection or any other interlocutory issue
11 touching on the jurisdiction of the tribunal or court in any pre-election
12 matter or on the competence of the matter itself is raised by a party, the
13 tribunal or court shall suspend ruling and deliver it at the stage of final
14 judgment;

15 (12) For the purpose of this section, "pre-election matter" means
16 any suit by:

17 (a) an aspirant who complains that any of the provisions of the
18 Electoral Act or any Act of the National Assembly regulating the conduct of
19 primaries of political parties and the provisions of the guidelines of a
20 political party for conduct of party primaries has not been complied with by
21 a political party in respect of the selection or nomination of candidates for an
22 election;

23 (b) an aspirant challenging the actions, decisions or activities of a
24 political party in respect of his participation in the primaries or who
25 complains that the provisions of the Electoral Act or Constitution of a
26 political party regulating the conduct of primaries not been complied with
27 by the political party in respect of the selection or nomination of candidates
28 and participation in an election; and

29 (c) a political party challenging the actions, decisions or activities
30 of the Independent National Electoral Commission disqualifying its

1 candidate from participating in an election or a complaint that the provisions of
2 the Electoral Act or any other applicable law has not been complied with by the
3 Independent National Electoral Commission in respect of the nomination of
4 candidates of political parties for an election, timetable for an election,
5 registration of voters and other activities of the Commission in respect of
6 preparation for an election.

7 (13) "Pre-election matter" does not include a dispute by a member of a
8 political party challenging the actions or decisions of a political party in respect
9 of the election of a principal officer or member of its executive committee or
10 other governing body following from a congress, conference, convention or
11 other meeting convened by that political party for the purpose of electing such
12 principal officers or members."

Insertion of a
new Section
285A

13 **3.** Section 285 of the Principal Act is further altered by inserting after
14 section 285, a new section 285A:

15 "285A. Establishment of Election Tribunals and time for
16 determination of election petitions:

17 (1) There shall be established for each State of the Federation and the
18 Federal Capital Territory, one or more election tribunals to be known as the
19 National and State Houses of Assembly Election Tribunals which shall, to the
20 exclusion of any Court or Tribunal, have original jurisdiction to hear and
21 determine petitions as to whether:

22 (a) any person has been validly elected as a member of the National
23 Assembly; or

24 (b) any person has been validly elected as member of the House of
25 Assembly of a State.

26 (2) There shall be established in each State of the Federation an
27 election tribunal to be known as the Governorship Election Tribunal which
28 shall, to the exclusion of any court or tribunal, have original jurisdiction to hear
29 and determine petitions as to whether any person has been validly elected to the
30 office of Governor or Deputy Governor of a State.

1 (3) The composition of the National and State Houses of Assembly
2 Election Tribunal and the Governorship Election Tribunal, respectively,
3 shall be as set out in the Sixth Schedule to this Constitution.

4 (4) The quorum of an election tribunal established under this
5 section shall be the Chairman and one other member.

6 (5) An election petition shall be filed within 21 days after the date
7 of the declaration of result of the elections;

8 (6) An election tribunal shall deliver its judgment in writing within
9 180 days from the date of filing of the petition;

10 (7) An appeal from a decision of an election tribunal or Court of
11 Appeal in an election matter shall be heard and disposed of within 60 days
12 from the date of the delivery of judgment of the tribunal or Court of Appeal;

13 (8) The court, in all final appeals from an election tribunal or court
14 may adopt the practice of first giving its decision and reserving the reasons
15 therefore to a later date.

16 (9) An election tribunal or court shall not declare any person a
17 winner at an election in which such a person has not fully participated in all
18 stages of the election:

19 PROVIDED that in cases where the Court of Appeal, in a final
20 appeal from a pre-election tribunal on a pre-election matter, has made a
21 determination that a person was validly nominated by a political party as a
22 candidate for elections to a legislative house or for the office of President or
23 Governor, such person shall be deemed to have participated in all stages of
24 the election."

25 4. The Sixth Schedule of the Principal Act is further altered by:

Alteration of
the Sixth Schedule

26 (a) Inserting a new "Item C- National and State Houses of
27 Assembly Pre- Election Matters Tribunal" and a new paragraph (3)"

28 "C- National and State Houses of Assembly Pre- Election Matters
29 Tribunal

30 3.-(1) A National and State Houses of Assembly Pre-Election

1 Matters Tribunal shall consist of a Chairman and two other members.

2 (2) The Chairman who shall be either a Judge of the Federal High
3 Court or High court of a state or High Court of the Federal capital territory and
4 two other members shall be appointed from among Judges of the Federal High
5 Court or High court of a state or High Court of the Federal capital territory,
6 Kadis of a Sharia Court of Appeal, Judges of a Customary Court of Appeal or
7 other members of the judiciary not below the rank of a Chief Magistrate.

8 (3) The Chairman and members shall be appointed by a committee
9 comprised of the Chief Justice of Nigeria, President of the Court of Appeal and
10 Chief Judge of the Federal High Court in Consultation with the Chief Judge of
11 the State, the Grand kadi of Sharia Court of Appeal of the State or the President
12 of the Customary Court of Appeal as the case may be."

13 (b) Inserting a new "Item D- Governorship Pre- Election Matters
14 Tribunal" and a new paragraph (4)"

15 *"D- Governorship Pre- Election Matters Tribunal*

16 4.-(1) A Governorship Pre-Election Matters Tribunal shall consist of a
17 Chairman and two other members.

18 (2) The Chairman shall be either a Judge of the Federal High Court,
19 High Court of the state or High Court of the Federal Capital Territory and two
20 other members shall be appointed from among Judges of the Federal High
21 Court, High Court of the state or High Court of the Federal Capital Territory,
22 Kadis of a Sharia Court of Appeal, Judges of a Customary Court of Appeal or
23 other members of the judiciary not below the rank of a Chief Magistrate.

24 (3) The Chairman and members shall be appointed by a committee
25 comprised of the Chief Justice of Nigeria, President of the Court of Appeal and
26 Chief Judge of the Federal High Court in Consultation with the Chief Judge of
27 the State, the Grand Kadi of Sharia Court of Appeal of the State or the President
28 of the Customary Court of Appeal as the case may be."

29 (c) Inserting a new "Item E- Presidential Pre-Election Matters
30 Tribunal" and a new paragraph (5)"

1 *"E- Presidential Pre- Election Matters Tribunal*

2 5.-(I) The Presidential Pre-Election Matters Tribunal shall consist
3 of a Chairman and two other members.

4 (2) The Chairman shall be a Judge of the Federal High Court and
5 two other members shall be appointed from among Judges of the Federal
6 High Court or Judges of a High Court of the Federal Capital Territory.

7 (3) The Chairman and members shall be appointed by a committee
8 comprised of the Chief Justice of Nigeria and President of the Court of
9 Appeal in Consultation with the Chief Judge of the Federal High Court and
10 the Chief Judge of the High Court of the Federal Capital Territory."

11 **5.** This Bill may be cited as the Constitution of the Federal Citation
12 Republic 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 for the establishment of separate Tribunals to hear and determine Pre-election matters and Election petitions respectively, in the Presidential, National and State Houses of Assembly, and Governorship elections.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO QUALIFY CRIMINAL LIABILITY
FOR CERTAIN PUBLIC OFFICERS UNDER SECTION 308 AND FOR 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 Constitution of the Federal Republic of Nigeria, 1999 (in Constitution
2 this Act referred to as "the Principal Act") is altered as set out in this Act. Alteration
- 3 **2.** Section 308 of the Principal Act is altered by Alteration of
4 (a) Substituting for subsection (2), a new subsection "(2)"- Section 308
5 "(2) The provisions of subsection (1) of this section shall not apply-
6 (a) to civil proceedings against a person to whom this section
7 applies in his official capacity or to civil or criminal proceedings in which
8 such a person is only a nominal party; and
9 (b) to persons who hold the office of Vice-President, Governor or
10 Deputy Governor, if it is determined either by the Economic Financial
11 Crimes Commission, Independent Corrupt Practices Commission, Nigerian
12 Police and State Security Service through a collaborative investigation that
13 the said person is indicted for:
14 (i) Financial misappropriation of funds belonging to the Federal,
15 State or Local Government; or
16 (ii) Sponsoring of thugs to perpetrate violence that cause injury or
17 death of a political opponent, a member of his family, agent or personal
18 representative."
19 (b) Inserting in subsection (3) in line 2 after the words "Deputy

- Citation
- 1 Governor", a comma and the phrase" except where otherwise is stated;".
 - 2 **3.** This Bill may be cited as the Constitution of the Federal Republic of
 - 3 Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for qualification of the immunity clause to exclude immunity for Public Officers referred to in section 308 from criminal liability where the offence involves misappropriation of funds belonging to the Federal, State or Local Government and also the use of thugs to foment violence.

FOR

Sponsored by Senator Ovie Omo - Agege

[] Commencement

1 **1.** The Constitution of the Federal Republic of Nigeria, 1999 (in
2 this Act referred to as "the Principal Act") is altered as set out under this Act.

3 **2.** Section 31 of the Principal Act is altered by-

4 (a) Inserting new subsections "(2)" "(3)" and "(4)"-

5 "(2) For the purposes of this Chapter and giving effect to sections
6 65, 106, 147, 171 and 192, a citizen of Nigeria is an indigene of a State if-

7 (a) he was born in that State; or

8 (b) he has lived in the State for a continuous period of not less than
9 ten years; or

10 (c) can show evidence of residency in a given Local Government
11 Area for a continuous period of not less than ten years; or

12 (d) has evidence of tax returns issued in the State for a period of not
13 less than ten years; and

14 (e) has not been convicted for a criminal offence.

15 (3) A person mentioned in subsection (2) of this section shall be
16 entitled to apply to the Local Government Chairman for a certificate of
17 indigeneship of the State.

18 (4) A woman who is married to an indigene of a State for a period of
19 not less than five years shall automatically be an indigene of that State.

Alteration of the Constitution of the Federal Republic of Nigeria, 1999

Alteration of section 31

	1	(a) In the case of divorce or the death of her spouse, she remains an
	2	indigene if-
	3	(i) The marriage was for a period of not less than five years, and
	4	(ii) There are children born in the marriage.
	5	(b) re-numbering the existing section 3] appropriately
Alteration of section 318	6	3. Section 318 of the Principal Act is altered by inserting after the
	7	interpretation for House of Assembly, the interpretation of 'Indigene'-
	8	"Indigene" means a citizen of Nigeria who is indigenously born to a State, who
	9	has been granted indigeneship of the State after an application to the Local
	10	Government Chairman, or a woman who is for a period of not less than five
	11	years; married, divorced or widowed with children to an indigene of the State"
Citation	12	4. This Bill may be cited as the Constitution of the Federal Republic of
	13	Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to provides for indigeneship by application and the interpretation of the word "indigene."

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO ENABLE WOMEN BE IDENTIFIED
AS INDIGENES OF A STATE BY VIRTUE OF MARRIAGE WHEN RUNNING FOR
OFFICE AND FOR 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 Constitution of the Federal Republic of Nigeria, 1999 (in Alteration of the
2 this Act referred to as "the Principal Act") is altered as set out in this Act. Constitution 1999
- 3 **2.** Section 65 of the Principal Act is altered by Substituting for the Alteration of
4 existing subsection (2), a new Subsection "(2)"- section 65
- 5 (2) A person shall be qualified for election under subsection (1) of
6 this section if the person-
- 7 (a) He has been educated up to at least School Certificate level or
8 its equivalent; and
- 9 (b) Is a member of a political party and is sponsored by that party;
10 and
- 11 (c) Being a woman, is married to an indigene of the State".
- 12 **3.** Section 106 of the Principal Act is substituted for a new section' Alteration of
13 106'- section 106
- 14 "106. Subject to the provisions of section 107 of this Constitution,
15 a person shall be qualified for election as a member of a House of Assembly
16 if the person -
- 17 (a) Is a citizen of Nigeria;
- 18 (b) has attained the age of twenty-five years;
- 19 (c) He has been educated up to at least School Certificate level or

1 its equivalent;

2 (d) He is a member of a political party and is sponsored by that party;

3 and

4 (e) Being a woman, is married to an indigene of that State".

Citation

5 **4.** This Bill may be cited as the Constitution of the Federal Republic
6 of Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the identification of women as indigenes of a State by marriage when running for office.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO REMOVE GEOLOGICAL SURVEY
FROM EXCLUSIVE LEGISLATIVE LIST TO CONCURRENT LEGISLATIVE LIST
TO ALLOW FOR STATES TO ALSO LEGISLATE ON GEOLOGICAL SURVEY
AND OTHER MATTERS RELATED THERETO

Sponsored by Senator Uche Ekwunife

[] 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 of Nigeria, 1999 (in | Alteration of the |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | Constitution of |
| 3 | 2. Second Schedule, Part 1 of Principal Act is altered by deleting | the Federal Republic |
| 4 | the phrase "Geological Survey "from paragraph 39. | of Nigeria, 1999 |
| 5 | 3. Second Schedule part II of Principal Act is altered in paragraphs | Amendment of |
| 6 | 30 by renumbering the current paragraph 30 as 32 and inserting new | Second Schedule |
| 7 | paragraphs 30 and 31 as follows | Part I |
| 8 | 4. The National Assembly may make laws for the Federation or | Amendment of |
| 9 | any part thereof with respect to Geological Surveys in any part of the | Second Schedule |
| 10 | Federation. | Part II |
| 11 | 5. Paragraph 31. A House of Assembly may, subject to paragraph | Amendment of |
| 12 | 30 hereof, make laws for that state or any part thereof with respect to | paragraph 32 |
| 13 | Geological Surveys of the State. | |
| 14 | 6. This Bill may cited as the Exclusive and Concurrent legislative | Citation |
| 15 | Lists (Amendment) Bill, 2020. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria by removing Geological Survey from Exclusive Legislative List into Concurrent Legislative List, to give States of the Federation opportunity to participate in the process of research and gathering-of Geological information on non-oil minerals potentials of their State subject to the National Assembly.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE
ESTABLISHMENT OF STATES COURT OF APPEAL AND THE APPOINTMENT
OF JUDGES OF STATE COURTS BY THE STATES AND FOR RELATED
MATTERS

Sponsored by Senator Olubunmi Adetunmbi

[] 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 is Alteration of the
2 altered as set out in this Bill. Constitution
- 3 **2.** Section 6 (5) (b) of the Constitution is altered by substituting it Alteration of
4 with a new subsection (5) (b) as follows- section 6
- 5 "(5) (b) the Federal Court of Appeal or a State Court of Appeal".
- 6 **3.** Section 197 (1) of the Constitution is altered by inserting a new Alteration of
7 subsection (d) after the existing subsection (c) as follows: section 197
- 8 "(c) State Judicial Council."
- 9 **4.** Section 270 of the Constitution is altered by inserting a new Alteration of
10 section 270 (A) immediately preceding the existing section 270 as follows: section 270
- 11 "270 (A). (1) There shall be a State Court of Appeal for each State
- 12 of the Federation.
- 13 (2) The State Court of Appeal shall consist of:
- 14 (a) The Presiding Judge; and
- 15 (b) Such number of Judges of the State Court of Appeal as may be
- 16 prescribed by a law of the House of Assembly of the State".
- 17 **5.** Section 271 of the Constitution is altered by inserting a new Alteration of
18 section 271 (A) immediately preceding the existing section 271 as follows: section 271

1 "271 (A). (1) The appointment of a person to the office of Presiding
2 Judge of the State Court of Appeal shall be made by the Governor of the State
3 on the recommendation of the State Judicial Council subject to confirmation of
4 the appointment by the House of Assembly of the State. .

5 (2) The appointment of a person to the office of a Judge of the State
6 Court of Appeal shall be made by the Governor acting on the recommendation
7 of the State Judicial Council.

8 (3) A person shall not be qualified to hold the office of a Judge of the
9 State Court of Appeal unless he is qualified to practise as a legal practitioner in
10 Nigeria and has been so qualified for a period of not less than fifteen years.

11 (4) If the office of Presiding Judge of the State Court of Appeal is
12 vacant or if the person holding the office is for any reason unable to perform the
13 functions of the office, then until a person has been appointed to and has
14 assumed the functions of that office, or until the person holding the office has
15 assumed those functions, the Governor of the State shall appoint the most
16 senior Judge of the State Court of Appeal to perform those functions.

17 (5) Except on the recommendation of the State Judicial Council, an
18 appointment pursuant to subsection (4) of this section shall cease to have effect
19 after the expiration of three months from the date of such appointment and the
20 Governor shall not re-appoint a person whose appointment has lapsed."

Alteration of
section 272

21 **6.** Section 272 of the Constitution is altered by inserting a new
22 section 272 (A) immediately preceding the existing section 272 as follows:

23 "272 (A). (1) Subject to the provisions of this Constitution, the State
24 Court of Appeal shall have jurisdiction to the exclusion of any other court of
25 law in the State, to hear and determine appeals from the State High Court, State
26 Sharia Court of Appeal and the State Customary Court of Appeal and appeals
27 from the decisions of the State Court of Appeal shall be made directly to the
28 Supreme Court of Nigeria.

29 Advocate of Nigeria, appointed by the Chief Judge of the State on the
30 recommendation of the State Executive Committees, of the Nigerian Bar

1 Association to .serve for two years and subject to re-appointment:

2 Provided that the five members shall sit in Council only for the
3 purposes of considering the names of persons for appointment to the
4 superior courts of record.

5 **7.** The State Judicial Council shall have power to:

6 (a) recommend to the Governor from among the list of persons
7 submitted to it by the State Judicial Service Commission persons for
8 appointment to the offices of the Chief Judge of the State, Presiding Judge of
9 the State Court of Appeal, Judges of the State Court of Appeal and the State
10 High Court, Grand Kadi and Kadis of the State Sharia Court of Appeal and
11 the President and Judges of the Customary Court of Appeal of the State;

12 (b) recommend to the Governor the removal from office of the
13 judicial officers specified in sub-paragraph (c) of this paragraph, and to
14 exercise disciplinary control over such officers;

15 (c) collect, control and disburse all moneys, capital and recurrent
16 for the judiciary;

17 (d) advise the Governor on any matter pertaining to the state
18 judiciary as may be referred to the Council by the Governor;

19 (e) appoint; dismiss and exercise disciplinary control over
20 members of staff of the Council;

21 (f) control and disburse all monies, capital and recurrent, for the
22 services of the Council; and

23 (g) deal with all other matters relating to broad issues of policy and
24 administration.

25 **8.** The secretary of the Council shall be appointed by the State.

26 **9.** This Bill may be cited as Constitution of the Federal Republic Citation
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 for the establishment of States Court of Appeal and the appointment of Judges of State Courts by the States.