

Extraordinary



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A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO MAKE PROVISIONS FOR SAVINGS IN THE FEDERATION ACCOUNT BEFORE DISTRIBUTION TO OTHER LEVELS OF GOVERNMENT; AND FOR OTHER PURPOSES

Sponsored by Senator Rose Oko

[] 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
2 this Bill referred to as "the Principal Act") is altered as set out in this Bill. Constitution
- 3 **2.** Section 162 of the Principal Act is altered by inserting Alteration of
4 immediately after subsection "(3)", new subsections "(3A)" and "(3B)"- Section 162
- 5 “(3A) Notwithstanding the provisions of this Section, ten percent
6 of any amount paid into the Federation Account shall be deducted and saved
7 in a separate account prior to distribution to the respective levels of
8 government and shall be held on such terms and conditions as may be
9 prescribed by an Act of the National Assembly.
- 10 (3B) The amount standing in the Federation Account being savings
11 shall not be distributed to the respective levels of government until at least
12 five years from the date it was so saved”.
- 13 **3.** This Bill may be cited as the Constitution of the Federal Citation
14 Republic of Nigeria, 1999 (Fifth Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution to provide for savings in the Federation Account before distribution to other levels of Government, for the benefit of future generations and in order to protect the country from the volatile ups and downs of an oil-rich economy.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO RESERVE THIRTY-FIVE PERCENT OF
MINISTERIAL POSITIONS FOR WOMEN; AND FOR OTHER PURPOSES

Sponsored by Senator Rose Oko

[] Commencement

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
- 3 **2.** Section 147 of the Principal Act is altered by inserting after Alteration of
Section 147
4 subsection (6), a new subsection "(7)"-
5 “(7) Notwithstanding the provisions of subsection (2) of this
6 Section, not less than Thirty-Five percent of persons appointed as ministers
7 shall be women”.
- 8 **3.** Section 192 of the Principal Act is altered by inserting after Alteration of
Section 192
9 subsection (5), a new subsection "(6)"-
10 “(6) Notwithstanding the provisions of subsection (2) of this
11 Section, not less than Thirty-Five percent of persons appointed as
12 Commissioners shall be women”.
- 13 **4.** This Bill may be cited as the Constitution of the Federal Citation
14 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 reserve Thirty-Five percent of ministerial
positions for women.

FOR

Co-Sponsors:

Senator Ahmed Babba Kaita

[] Commencement

Alteration of the Constitution of the Federal Republic of Nigeria

Substitution for
Section 162

(2) The Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass,

1 terrain as well as population density:

2 Provided that the principle of derivation shall be constantly reflected
3 in any approved formula as being not less than thirteen per cent of the revenue
4 accruing to the Federation Account directly from any natural resources.

5 (3) Any amount standing to the credit of the Federation Account shall
6 be distributed among the Federal and State Governments and the Local
7 Government Councils in each State on such terms and in such manner as may
8 be prescribed by the National Assembly.

9 (4) Notwithstanding the provisions of this Section, ten percent (10 of
10 any amount paid into the Federation Account shall be deducted and saved in a
11 separate account prior to distribution to the respective levels of government
12 and shall be held on such terms and conditions as may be prescribed by all Act
13 of the National Assembly.

14 (5) The amount standing in the Federation Account being savings
15 shall not be distributed to the respective levels of government until at least five
16 years from the date it was so saved.

17 (6) Any amount standing to the credit of the States and Local
18 Government Councils in the Federation Account shall be distributed among
19 the States and Local Government Councils on such terms and in such manner
20 as may be prescribed by an Act of the National Assembly.

21 (7) Each Local Government Council shall maintain a special account
22 to be called "Local Government Council Allocation Account" into which shall
23 be paid all allocations to the Local Government Council from the Federation
24 Account and from the Government of the State.

25 (8) Each State shall pay to Local Government Councils in its area of
26 jurisdiction such proportion of its internally generated (why not "total revenue"
27 as used in constitution) revenue on such terms and in such manner as may be
28 prescribed by the House of Assembly.

29 (9) The amount standing to the credit of local government councils of
30 a State shall be distributed among the local government councils of that State

1 all such terms and in such manner as may be prescribed by the House of
2 Assembly of tire State.

3 (10) Any amount standing to the credit of the judiciary in the
4 Federation Account shall be paid directly to the National Judicial Council
5 for disbursement to the heads of courts established for the Federation and the
6 States under section 6 of this Constitution.

7 (11) For the purposes of subsection (1) of this section, "revenue"
8 means any income or return accruing to or derived by the Government of the
9 Federation from any source and includes:

10 (a) any receipt, however described, arising from the operation-of
11 any law;

12 (b) any return, however described, arising from or in respect of any
13 property held by the Government of the Federation;

14 (c) any return by way of interest on loans and dividends in respect
15 of shares or interest held by the Government of the Federation in any
16 company or statutory body.

17 **3.** This Bill may be cited as the Constitution of the Federal Citation
18 Republic of Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria by giving Local Government Councils direct control over their finances by maintaining its own special account to be called Local Government Allocation Account into which all allocations due to the Local Government Council shall be directly paid from the Federation Account and from the Government of the State.

FOR

Sponsored by Senator Olubunmi Adetunmbi

[] Commencement

Alteration of the Constitution

Alteration of Section 162 (2)

Citation

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to provide for an upward review of the derivation formula and include solid minerals and hydro power in the derivation principle.

A BILL

FOR

AN ACT TO ALTER SECTIONS 147 (2) AND (3) RESPECTIVELY OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO MAKE IT A MANDATORY REQUIREMENT FOR THE PRESIDENT TO SUBMIT WITHIN THIRTY (30) DAYS OF HIS SWEARING-IN, A LIST OF NOMINEES FOR THE POSITIONS OF MINISTERS OF THE FEDERAL REPUBLIC OF NIGERIA AND TO ASSIGN PORTFOLIOS TO THE SAID NOMINEES AT THE TIME OF SUBMISSION OF SAID LIST TO THE SENATE OF THE NATIONAL ASSEMBLY, AND FOR RELATED PURPOSES

Sponsored by Senator Olubunmi Adetumbi

[] Commencement

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

1 The Constitution of the Federal Republic of Nigeria, 1999 (as
2 amended), Chapter C.23, Laws of the Federation of Nigeria, 2004 (in this
3 Bill referred to as “the Principal Act”) is altered as set forth in this Bill.

4 **1.** Section 147 (2) of the Principal Act is altered by inserting a
5 Amendment of Section new phrase immediately after the phrase: “... be
6 made by the President”, after the insertion, the new section reads as follows:

Amendment of
Section 147 (2) (a)
of the Principal
Act

7 “Section 147 (2)-
8 Any appointment to the office of Minister of the Government of the
9 Federation shall, if the nomination of any person to such office is confirmed
10 by the Senate. be made by the President. The said list of nomination must be
11 submitted by the President within thirty days from the date of swearing-in
12 and the said nomination list for each of the nominees. In the event that the
13 President fails to comply, the President of the Senate shall undertake the
14 responsibility to assign portfolios and nominate Ministers”.

Amendment of Section 147 (3) of the Principal Act	1	2. Section 147 (3) of the Principal Act is altered by the insertion
	2	Amendment or Section of a phrase as follows: “Any appointment under
	3	subsection (2) Act (3) of the Principal of this section by the President shall be in
	4	conformity with the provisions of section 14 (3) of this Constitution Provided
	5	An Indigene Of The Federal Capital Territory Is Included Amongst The List Of
	6	Nominees”.
Citation	7	3. This Bill may be cited as Constitution of the Federal Republic of
	8	Nigeria, 1999 (as amended), (Alteration Number...) Bill. 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter Sections 147 (2) and (3) respectively of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to make it a mandatory requirement for the President to submit within thirty (30) days of his sweating-in, a list of nominees for the positions of Ministers of the Federal Republic of Nigeria and to assign portfolios to the said nominees at the time of submission of said list to the Senate of 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 DEVOLUTION
OF POWERS OF THE FEDERAL GOVERNMENT TO THE STATES AND
TRANSFER OF ITEMS FROM THE EXCLUSIVE LEGISLATIVE LIST TO THE
CONCURRENT LEGISLATIVE LIST AND FOR RELATED MATTERS

Sponsored 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
Constitution |
| 2 | altered as set out in this Bill. | |
| 3 | 2. The Second Schedule Part I of the Constitution is altered by | Alteration of the
Second Schedule
Part I |
| 4 | transferring the under-listed Items contained therein to the Second Schedule | |
| 5 | Part II- | |
| 6 | “Item No.2 - Arms and ammunition for the purpose of policing only; | |
| 7 | Item No. 8 - Census for the conduct of national and state census; | |
| 8 | Item No. 21 - Food, Drugs and poisons; | |
| 9 | Item No. 28 - Fingerprints, identification and criminal records; | |
| 10 | Item No. 34 - Labour including trade unions, relations, conditions, safety | Citation |
| 11 | and welfare of labour, disputes, prescribing minimum wage and | |
| 12 | arbitrations; | |
| 13 | Item No. 36 - Ownership and operations of ships and shipping only. | |
| 14 | 3. This Bill may be cited as the Constitution of the Federal | |
| 15 | 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 devolution of powers of the Federal Government to the States and transfer of items from the exclusive legislative list to the concurrent legislative list.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE PAYMENT OF
REMUNERATIONS OF STATE JUDICIAL OFFICERS DIRECTLY FROM THE
CONSOLIDATED REVENUE FUND OF THE STATE AND FOR RELATED
MATTERS

Sponsored by Senator Olubunmi Adetunmbi

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria, 1999 is Alteration of
2 altered as set out in this Bill. the Constitution
- 3 **2.** Section 84 (4) of the Constitution is altered by expunging the Alteration of
4 offices of "Chief Judge of a State", "Judge of the High Court of a State", Section 84
5 "Grand Kadi and Kadi of a Sharia Court of Appeal of a State", and "President
6 and Judge of a Customary Court of Appeal of a State".
- 7 **3.** Section 124 (2) of the Constitution is altered by inserting the Alteration of
8 words "a first line" immediately after tile word "be" in line two thereof. Section 124 (2)
- 9 **4.** Section 124 (4) of tile Constitution is altered by inserting the Alteration of
10 following words (offices) "Chief Judge of a State", "Presiding Judge and Section 124 (4)
11 Judge of a State Court of Appeal", "Judge of the High Court of a State",
12 "Grand Kadi and Kadi of a Sharia Court of Appeal of a State", and "President
13 and Judge of a Customary Court of Appeal of a State" immediately after the
14 words (office) "Deputy Governor" and also inserting the words "State
15 Judicial Council" immediately after the words " State Judicial Service
16 Commission" in the last line thereof.
- 17 **5.** This Bill may be cited as the Constitution of the Federal Citation
18 Republic of Nigeria, 1999 (Fourth 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 payment of remunerations of state judicial officers directly from the Consolidated Revenue Fund of the State.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE ESTABLISHMENT OF STATE POLICE AND TO ENSURE EFFECTIVE COMMUNITY POLICING IN NIGERIA AND FOR MATTERS CONNECTED THERETO, 2020

Sponsored by Senator Surajudeen Ajibola Basiru

[] Commencement

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

- 1 **1.** The 1999 Constitution of the Federal Republic of Nigeria, 1999
2 (hereinafter referred to as "the Principal Act") is hereby altered as set out in
3 this Bill. Alteration of the
1999 Constitution
- 4 **2.** Section 214, subsection (1) of the Principal Act is altered by
5 deleting the word "Force" and replacing thereto with the word "Service" and
6 wherever appearing in the Principal Act. Alteration of
Section 214
- 7 Section 214, Subsection (1) of the Principal Act is further altered by
8 deleting the phrase "and, subject to the provisions of this section no other
9 Police Force shall be established for the Federation or any part thereof
10 immediately after the word "Force".
- 11 **3.** The Principal Act is altered by inserting a new Section "214(3)"
12 to establish a Police Service for each State of the Federation as follows: Insertion of new
Section 214(3)
(Establishment
of State Police)
- 13 (3) There shall be a Police Service for each State of the Federation,
14 which shall be known as the State Police Service. Subject to the Provisions
15 of the Principal Act:
- 16 (a) The State Police Service shall be organized and administered in
17 accordance with such laws as may be prescribe by the Law passed by the
18 State House of Assembly;
- 19 (b) The members of the State Police Service shall have such

Insertion of new
Section 214(4)
(Appointment
of Commissioner
of Police of a
State Police
Service)

1 powers and duties as may be conferred on them by such Law;

2 (c) The State House of Assembly may make provisions for branches
3 of a State Police Service forming part of a State Security Structures or for the
4 protection of communities and localities.

5 4. The Principal Act is altered by inserting a new Section '214(4)' as
6 follows

7 (i) There shall be:

8 (a) A Commissioner of a State Police Service who, subject to Section
9 3 of this Bill be appointed by the Governor of the State on the advice of the
10 State Police Council from among serving members of the State Police Service;

11 (b) A Head of Police shall be appointed for a Local Government Area
12 by the State Police Service Commission.

13 (ii) Each State Police shall be under the Command of the
14 Commissioner of the State Police Service.

15 (iii) The Governor or such other official of a State as he may authorize
16 in that behalf may give to the Commissioner of the State Police Service such
17 directions with respect of the maintenance and securing of Public Safety,
18 Public Order and Community Policing as he may consider necessary and the
19 Commissioner of the State Police shall comply with those directions or cause
20 them to be complied with.

21 5. Principal Act is hereby amended by deleting item 45 from the
22 Exclusive Legislative List in part 1 of the second schedule of the Constitution.

23 6. The entire items on the Exclusive Legislative List in part 1 of the
24 second schedule of the Constitution is hereby rearranged and renumbered as
25 items 1 - 67 with the exclusion of the deleted item under this Bill.

26 7. The Principal Act is hereby amended by creating new section 21 in
27 part 2 of the second schedule of the Constitution as follows

28 8. Section 21- Police and other Government Security Agencies:

29 (1) The National Assembly may make laws for the federation or any
30 part thereof with respect to:

1 (a) Police Force and other government security services in respect
2 of anything pertaining to internal security and the maintenance of law and
3 order in Nigeria;

4 (b) Regulation of ownership and control of Federal Police and
5 other government security services.

6 (2) A House of Assembly of a state may make laws with respect to:

7 (a) The creation, formation or land establishment of Police and
8 other security services in respect of any matter pertaining to internal security
9 and the maintenance of law and order within that state and with regard to the
10 enforcement of any law validly made by the House of Assembly of that state;

11 (b) Regulation of ownership and control of State Police and other
12 State Government security services.

13 **9.** The Principal Act is hereby amended by renumbering the
14 existing sections 21 to 30 of part 2 of the second schedule of the constitution
15 as numbers 22 to 31.

16 **10.** State Police Council - Alteration of the Third Schedule to the
17 Constitution.

18 The Principal Act is altered by inserting new items 'D' and 'E' to Part II of the
19 Third Schedule to the Principal Act as follows:

20 *D - State Police Council:*

21 (1) The State Police Council shall comprise the following
22 members:

23 (a) The Governor who shall be the Chairman;

24 (b) The Chairman of each Local Government Area of the State;

25 (c) The Chairman of the State Police Service Commission;

26 (d) The Commissioner of the State Police Service;

27 (e) Representative of the Council of Chiefs;

28 (f) Representative of the Nigerian Bar Association; and

29 (g) Representative of the Council of Women Organizations

30 (2) The functions of the State Police Council shall include:

1 (a) The organization and administration of the State Police Service
2 and all other matters relating thereto (not being matters relating to the use and
3 operational control of the service or the appointment, disciplinary control and
4 dismissal of members of the Service);

5 (b) The general supervision of the State Police Service; and

6 (c) Advising the Governor on the appointment of the Commissioner
7 of the State Police Service:

8 *E - State Police Service Commission:*

9 (1) The State Police Service Commission shall comprise the
10 following members:

11 (a) A Chairman; and

12 (b) Such number of other persons, not less than four but not more than
13 six, as may be prescribed by a Law passed by the State House of Assembly

14 (2) The Commission shall have power to:

15 (a) Appoint persons to offices (other than the office of the
16 Commissioner of the State Police) in the State Police Service; and

17 (b) Dismiss and exercise disciplinary control over persons holding
18 any office referred to in sub-paragraph (a) of this paragraph.

Citation

19 **11.** This Bill may be cited as the Constitution of the Federal Republic
20 of Nigeria (Alteration) Bill, 2020.

EXPLANATORY NOTES

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 Cap. 23, Laws of the Federation of Nigeria, 2004 to delete item 45 from the Exclusive Legislative List and to make Police a concurrent matter, thereby granting the National Assembly and State Houses of Assembly the power to make laws with respect to the creation, formation and control of Police and ensure effective community policing in Nigeria.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO REFLECT THE ESTABLISHMENT AND CORE FUNCTIONS OF THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS; AND FOR RELATED MATTERS, 2020

Sponsored by Senator Bamidele, Micheal Opeyemi

[] Commencement

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

- | | |
|--|--|
| <p>1 1. The Constitution of the Federal Republic of Nigeria, 1999 (in</p> <p>2 this Bill referred to as "the Principal Act") is altered as set out in this Bill.</p> | <p>Alteration of the
Constitution, 1999</p> |
| <p>3 2. Insert, after section 213 of the Principal Act, a new heading</p> <p>4 "AA- Nigeria Security and Civil Defence Corps"and sections "213A -</p> <p>5 213B":</p> <p>6 "AA- Nigeria Security and Civil Defence Corps:</p> <p>7 213A (1) There shall be a Civil Defence Corps for Nigeria which</p> <p>8 shall be known as the Nigeria Security and Civil Defence Corps.</p> <p>9 (2) Subject to the provisions of the Constitution, the Nigeria</p> <p>10 Security and Civil Defence Corps shall:</p> <p>11 (a) regulate Private Guard Companies as an industry regulator;</p> <p>12 (b) register, monitor, supervise, sanction, deregister and determine</p> <p>13 the operational guidelines of private guard companies all over Nigeria as the</p> <p>14 nation strives to establish it as a viable tier of security;</p> <p>15 (c) bear arms to enable it perform all or part of its functions;</p> <p>16 (d) train, regulate, supervise, oversee and support the activities of</p> <p>17 vigilante groups, neighbourhood security organisations or agencies, and any</p> <p>18 other such groups, agencies or organizations with a paramilitary character</p> <p>19 enacted by an Act of a State Assembly for the purpose of enhancing the</p> | <p>Insertion of new
heading AA -
Nigeria Security
and Civil Defence
Corps</p> <p>Establishment of
the Nigeria Security
and Civil Defence
Corps</p> |

	1	security of any State of the Federation; and
	2	(e) perform such other functions or duties as may be prescribed by an
	3	Act of the National Assembly.
Appointment of Commandant- General and staff of the Civil Defence Corps	4	213B. There shall be a Commandant-General for the Nigerian
	5	Security and Civil Defence Corps and such other staff as may be prescribed by
	6	an Act of the National Assembly, and the method of appointment of the
	7	Commandant-General and other staff of the Nigerian Security and Civil
	8	Defence Corps shall be as prescribed by that Act.
Citation	9	3. This Bill may be cited as the Constitution of the Federal Republic
	10	of Nigeria, 1999 (Fourth Alteration, No. 22) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO SPECIFY THE PERIOD WITHIN
WHICH THE PRESIDENT OR GOVERNOR OF A STATE PRESENTS THE
APPROPRIATION BILL BEFORE THE NATIONAL ASSEMBLY OR HOUSE OF
ASSEMBLY; AND FOR RELATED MATTERS, 2020

Sponsored by Senator Bamidele, Micheal Opeyemi

[] 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 |
| 2 | this Act referred to as "the Principal Act") is altered as set out in this Bill. | the Constitution,
1999 |
| 3 | 2. Section 81 of the Principal Act is altered by: | Alteration of |
| 4 | (a) substituting for subsection (1), a new subsection "(1)": | section 81 |
| 5 | "(1) The President shall cause to be prepared and laid before each | |
| 6 | House of the National Assembly not later than ninety days to the end of a | |
| 7 | financial year, estimates of the revenues and expenditure of the Federation | |
| 8 | for the next following financial year"; and | |
| 9 | (b) inserting, after subsection (1), a new subsection "(1A)": | |
| 10 | "(1A)The National Assembly shall pass the Appropriation Bill | |
| 11 | before the commencement of the next financial year." | |
| 12 | 3. Section 121 of the Principal Act is altered by: | Alteration of |
| 13 | (a) substituting for subsection (1), a new subsection "(1)": | section 121 |
| 14 | "(1) The Governor shall cause to be prepared and laid before the | |
| 15 | House of Assembly not later than ninety days to the end of a financial year | |
| 16 | estimates of the revenues and expenditure of the State for the next following | |
| 17 | financial year"; and | |
| 18 | (b) inserting, after subsection (1), a new subsection "(1A)": | |

1 "(1A) The House of Assembly shall pass the Appropriation Bill
2 before the commencement of the next financial year."
Citation 3 **4.** This Bill may be cited as the Constitution of the Federal Republic
4 of Nigeria, 1999 (Fourth Alteration, No. 28) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the time within which the President or, Governor shall lay the Appropriation Bill before the National Assembly or House of Assembly to encourage early presentation and passage of Appropriation Bills.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FOURTH ALTERATION) BILL, 2020

ARRANGEMENT OF SECTIONS

Section:

1. Alteration of the Constitution, 1999
2. Alteration of section 230
3. Alteration of section 233
4. Alteration of section 237
5. Alteration of section 241
6. Alteration of section 243
7. Alteration of section 246
8. Alteration of section 247
9. Alteration of section 250
10. Alteration of Section 267
11. Alteration of section 281
12. Alteration of Section 282
13. Alteration of section 291
14. Alteration of the Third Schedule
15. Alteration of Part II of the Third Schedule
16. Alteration of Part III of the Third Schedule
17. Alteration of the Third Alteration No.3, 2011
18. Alteration of Part I of the Fifth Schedule
19. Citation

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO FURTHER STRENGTHEN THE JUDICIARY FOR
SPEEDY DISPENSATION OF JUSTICE; AND FOR RELATED MATTERS, 2020

Sponsored Senator Bamidele, Micheal Opeyemi

[] Commencement

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 amended as set out in this Bill. Alteration of the
Constitution, 1999
- 3 **2.** Section 230 of the Principal Act is altered by substituting for the Alteration of
Section 230
4 words "not exceeding twenty-one" in lines 1 to 2 of paragraph (b) of the
5 existing subsection (2), the words "not exceeding seventeen"
- 6 **3.** Section 233 of the Principal Act is altered by: Alteration of
Section 233
7 (a) deleting subsection (2) and inserting a new subsection (2):
8 "(2) All appeals from the Court of Appeal to the Supreme Court
9 shall be by leave of the Supreme Court"; and
10 (b) substituting for subsection (4), a new subsection "(4)":
11 "(4) Three Justices of the Supreme Court sitting in Chambers may
12 dispose of any application for leave to appeal from any decision after
13 consideration of the record of proceedings if the Justices are of the opinion
14 that the interest of justice does not require an oral hearing of the application
15 and such decision shall be final."
- 16 **4.** Section 237 (2) of the Principal Act is altered by substituting for Alteration of
Section 237
17 paragraph (b), a new subparagraph "(b)":
18 "(b) such number of Justices of the Court of Appeal, not less than
19 one hundred of which at least three shall be learned in the law and practice of
20 industrial relations and employment conditions, not less than three learned

	1	in Islamic Personal Law, and not less than three learned in Customary Law, as
	2	may be prescribed by an Act of the National Assembly."
Alteration of section 241	3	5. Section 241 of the Principal Act is altered by inserting, after
	4	subsection (1), a new subsection "(1A)":
	5	"(1A) A Court or Tribunal shall not stay any proceeding on account of
	6	interlocutory appeal."
Alteration of section 243	7	6. Section 243 of the Principal Act is altered by substituting .for
	8	subsection (3), a new subsection "(3)":
	9	"(3) An appeal shall lie from the decision of the National Industrial
	10	Court to the Court of Appeal only with leave of the Court of Appeal and such
	11	decision shall be final."
Alteration of section 246	12	7. Section 246 of the Principal Act is altered by inserting, after
	13	subsection (1), a new subsection "(1A)":
	14	"(1A) Notwithstanding the provisions of subsection (1) of this
	15	section, no appeal shall lie to the Court of Appeal from any decision of an
	16	election tribunal in respect of an interlocutory decision;"
Alteration of section 247	17	8. Section 247 of the Principal Act is altered by inserting, after
	18	subsection (1), a new subsection "(2)":
	19	"(2) Three Justices of the Court of Appeal sitting in Chambers may
	20	dispose of any application for leave to appeal from any decision after
	21	consideration of the record of proceedings if the Justices are of the opinion that
	22	the interest of justice does not require an oral hearing of the application" .
Alteration of section 250	23	9. Section 250 (1) of the Principal Act is altered, by substituting for
	24	the word, "advice", in line 2, the word, "recommendation".
Alteration of section 267	25	10. Section 267 of the Principal Act is altered by inserting, after the
	26	word, "Law" in line 4, the words, "and related matters."
Alteration of section 281	27	11. Section 281 (1) of the Principal Act is altered, by substituting for
	28	the word, "advice", in line 3, the word, "recommendation".
Alteration of section 282	29	12. Section 282 (1) of the Principal Act is altered by inserting, after
	30	the word, "Law" , in line 3, the words, "and related matters".

1	13. Section 291 (3) of the Principal Act is altered:	Alteration of section 291
2	(a) in paragraph (a), by substituting for the word, "fifteen", in line	
3	1, the word, "ten"; and	
4	(b) in paragraph (b), by substituting for the word, "fifteen", in line	
5	1, the word, "ten".	
6	14. Part I of the Third Schedule to the Principal Act is altered:	Alteration of the Third Schedule
7	(a) in paragraph 12:	
8	(i) subparagraph (b), by inserting, after the word, "Appeal", the	
9	words, "who shall be the Deputy Chairman",	
10	(ii) by substituting for subparagraph (c), a new	
11	subparagraph, "(c)":	
12	"(c) Minister of Justice";	
13	(b) in paragraph 13, by substituting for subparagraph (c), a new	
14	subparagraph "(c)";	
15	"(c) appoint, promote and exercise disciplinary control over the	
16	Chief Registrars and Deputy Chief Registrars of the Supreme Court, the	
17	Court of Appeal, Federal High Court, the National Industrial Court, Code of	
18	Conduct Tribunal and all other members of staff of the Judicial Service of	
19	the Federation not otherwise specified in this Constitution and of the Federal	
20	Judicial Service Commission."; and	
21	(c) by substituting for paragraph 20, a new paragraph "20":	
22	"20.-(1) The National Judicial Council shall comprise:	
23	(a) the Chief Justice of Nigeria, who shall be the Chairman;	
24	(b) the next most senior Justice of the Supreme Court, who shall be	
25	the Deputy Chairman;	
26	(c) the President of the Court of Appeal;	
27	(d) three retired Justices of the Supreme Court, to serve for a period	
28	of three years only;	
29	(e) two retired Justices of the Court of Appeal, to "serve for a period	
30	of three years only;	

- 1 (f) the Chief Judge of the Federal High Court;
- 2 (g) the President of the National Industrial Court;
- 3 (h) three Chief Judges to serve in rotation for two years;
- 4 (i) one Grand Kadi of a Sharia Court of Appeal to be appointed from
- 5 among the Grand Kadis of the Sharia Courts of Appeal to serve in rotation for
- 6 two years only;
- 7 (j) one President of a Customary Court of Appeal to be appointed
- 8 from among the Presidents of the Customary Courts of Appeal to serve in
- 9 rotation for two years only;
- 10 (k) the President of the Nigerian Bar Association to serve for a period
- 11 of two years only;
- 12 (l) four senior members of the Nigerian Bar Association who have
- 13 been qualified to practise for a period of not less than ten years, nominated by
- 14 the National Executive Committee of the Nigerian Bar Association to serve for
- 15 a period of two years only; and
- 16 (m) two persons not being legal practitioners, who, in the opinion of
- 17 the Chief Justice of Nigeria, are of unquestionable integrity,
- 18 (2) The Chief Justice of Nigeria shall, in exercising his power of
- 19 appointment of members under subparagraph (1) of this paragraph, consult
- 20 other Justices of the Supreme Court."; and
- 21 (d) by substituting for subparagraph 21 (a), a new subparagraph "(a)
- 22 (i)":
- 23 "(a) recommend to the President from among the list of persons
- 24 submitted to it by:
- 25 (i) the Federal Judicial Service Commission, persons for appointment
- 26 to the offices of Chief Justice of Nigeria, the Justices of the Supreme Court, the
- 27 President and Justices of the Court of Appeal, the Chief judge and Judges of the
- 28 Federal High Court, the President and Judges of the National Industrial Court
- 29 and the Chairman and Members of the Code of Conduct Tribunal."

1	15. Part II, of the Third Schedule to the Principal Act is altered in	Alteration of
2	paragraph 5 by:	Part II of the
3	(a) inserting, after subparagraph (a), a new subparagraph "(aa)":	Third Schedule
4	"(aa) the next most senior Head of Court who shall be the Deputy	
5	Chairman"; and	
6	(b) substituting for subparagraph (b), a new subparagraph "(b)":	
7	"(b) Commissioner for Justice"	
8	16. Part III of the Third Schedule to the Principal Act is altered:	Alteration of
9	(a) by deleting the word, "EXECUTIVE" in the heading;	Part III of the
10	(b) in paragraph 1, by substituting for subparagraph (b), a new	Third Schedule
11	subparagraph "(b)":	
12	"(b) the next most senior Head of Court who shall be the Deputy .	
13	Chairman";	
14	(c) by substituting for paragraph 2 (c), a new paragraph "2 (c)":	
15	"2 (c). The Committee shall have the power to appoint, promote	
16	and exercise disciplinary control over the Chief Registrar and Deputy Chief	
17	Registrars of the High Court, the Sharia Court of Appeal and the Customary	
18	Court of Appeal of the Federal Capital Territory, Abuja, if any, Magistrates,	
19	Area Court Judges, Customary Court Judges, and all other members of staff	
20	of the judicial service of the Federal Capital Territory, Abuja not otherwise	
21	specified in this Constitution and of the Judicial Service Committee of the	
22	Federal Capital Territory, Abuja".	
23	17. The Constitution (Third Alteration No.3, 2011) is further	Alteration of the
24	altered:	Third Alteration
25	(a) in section 6, by inserting, after heading CC, a new heading	No. 3, 2011
26	"CD"-	
27	"CD Code of Conduct Tribunal"; and	
28	(b) in section 13 (a), by inserting, after the word, "Court", in line 1,	
29	the words, "Chairman and member of the Code of Conduct Tribunal".	

Alteration of Part I of the Fifth Schedule	1	18. Paragraph 15 of the Fifth Schedule to the Principal Act is altered:
	2	(a) in subparagraph (1), by substituting for the words, "a Chairman
	3	and two other persons", in line 2, new paragraphs "(a)" and "(b)":
	4	"(a) a Chairman of the Code of Conduct Tribunal; and
	5	(b) such number of members of the Code of Conduct Tribunal not less
	6	than twenty-four as may be prescribed by an Act of the National Assembly";
	7	(b) by substituting for subparagraph (3), a new subparagraph "(3)":
	8	"(3) The Code of Conduct Tribunal shall be duly constituted if it
	9	consists of at least three members of the tribunal"; and
	10	(c) by inserting, after subparagraph (3), new subparagraphs "(3A)"-
	11	"(3C)":
	12	"(3A) A person shall not be qualified to hold or perform the functions
	13	of the office of the Chairman or member of the Code of Conduct Tribunal
	14	unless he is qualified to practise as a legal practitioner in Nigeria and has been
	15	so qualified for a period of not less than ten years.
	16	(3B) If the office of the Chairman of the Code of Conduct Tribunal is
	17	vacant or the person holding such office is, for" any reason, unable to perform
	18	the functions of the office, then until a person has been appointed to and has
	19	assumed the functions of that office, or until the person holding the office has
	20	resumed those functions, the President shall appoint the most senior member of
	21	the Code of Conduct Tribunal to perform those functions.
	22	(3C) Except on the recommendation of the National Judicial Council,
	23	an appointment made under sub-paragraph (3B) of this paragraph shall cease to
	24	have effect after the expiration of three months from the date of such
	25	appointment, and the President shall not re-appoint a person whose
	26	appointment has lapsed."
Citation	27	19. This Bill may be cited as the Constitution of the Federal Republic
	28	of Nigeria, 1999 (Fourth Alteration, No. 20) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to further strengthen the Judiciary for speedy dispensation of justice.