

Extraordinary



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A BILL

FOR

AN ACT TO ALTER SECTION 291 {4TH ALTERATION} ACT NO 4 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO ALLOW FOR CONSISTENCY IN THE RETIREMENT AGE AND ALLOWANCES OF JUDICIAL OFFICERS OF SUPERIOR COURTS OF RECORD, AND FOR RELATED MATTERS 2021

Sponsored by Senator Samuel Ominyi Egwu

[] Commencement

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

- 1 **1.** The Constitution of The Federal Republic of Nigeria 1999 (As
2 Amended) Hereinafter referred to as the Principal Act is hereby amended. Alteration of
the Constitution
- 3 **2.** Sections 291(1) and 291(3)(a)(b)(c) of the Constitution of The
4 Federal Republic of Nigeria 1999 (As Amended) are hereby altered to allow
5 for consistency in the retirement age and allowances of judicial officers of
6 superior courts of record as follows:
- 7 **3.** S.291 (1) "A judicial officer appointed to the Supreme Court,
8 Court of Appeal, Federal High Court, National Industrial Court, High Court
9 of Federal Capital Territory Abuja, High Court of a State, Sharia Court of
10 Appeal of the Federal Capital Territory Abuja, Customary Court of Appeal
11 of the Federal Capital Territory, Abuja; Sharia Court of Appeal of a State and
12 Customary Court of Appeal of a State may retire when he attains the age of
13 sixty-five years and he shall cease to hold office when he attains the age of
14 seventy years". Alteration of
Section 291(1)
- 15 **4.** S.291 (3) Any person who has held office as a judicial officer: Alteration of
Section 291(3)
(a)(b)(c)
- 16 (a) For a period of not less than fifteen years shall, if he retires at or
17 after the age of sixty-five years, be entitled to pension for life at a rate
18 equivalent to his last annual salary and all allowances in addition to any

1 other retirement benefit to which he may be entitled;

2 (b) For a period of less than fifteen years shall, if he retires at or after
3 the age of sixty-five years, be entitled for pension for life at a rate as in
4 paragraph (a) of this subsection pro-rata the number of years he served as a
5 judicial officer in relation to the period of fifteen years; and all allowances in
6 addition to other retirement benefits to which he may be entitled under his
7 terms and conditions of service; and

8 (c) in any other case, shall be entitled to such pension and other
9 retirement benefits as may be regulated by an Act of National Assembly.

Further alteration
of Section 291(3)
by inserting a
new sub-section
(d) and (e)

10 **5.** Section 291(3) of the Constitution of The Federal Republic of
11 Nigeria 1999 (As Amended) is further altered by inserting a new subsection (d)
12 and (e) after subsection "(C)" as follows:

13 (d) All pensions, allowances and other retirement benefits to which a
14 Judicial Officer maybe entitled, shall be a charge upon the consolidated
15 Revenue fund of the Federation and shall be paid directly by the National
16 Judicial Council.

17 (e) Subject to the provisions of this section of the constitution, the
18 provisions of any other laws that provides for pensions, gratuities and other
19 retirement benefits for persons in the public service of the Federation or of a
20 State shall apply.

Short title

21 **6.** This Bill may be cited as the Constitution of the Federal Republic
22 of Nigeria, 1999 (As Amended) (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter Section 291 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) to allow for consistency in the retirement age and allowances of judicial officers of superior courts of record.

A BILL

FOR

AN ACT TO ALTER SECTION 121(3) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO REFLECT THE AUTHORITY OF PERSON MANDATED TO EFFECT PAYMENT AND RECEIVE FUNDING FOR THE HOUSE OF ASSEMBLY AND JUDICIARIES OF STATES FROM THE CONSOLIDATED REVENUE FUND OF THE FEDERATION, AND FOR RELATED MATTERS, 2021

Sponsored by Senator Samuel Ominyi Egwu

[] Commencement

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

- | | | | |
|----|-----------|--|------------------|
| 1 | 1. | The Constitution of The Federal Republic of Nigeria 1999 (As | Alteration of |
| 2 | | Amended) Hereinafter referred to as the Principal Act is hereby amended. | the Constitution |
| 3 | 2. | Sections 121(3) of the Constitution of The Federal Republic of | Amendment of |
| 4 | | Nigeria 1999 (As Amended) is hereby altered to state as follows: | Section 121(3) |
| 5 | | "3" Any amount standing in the credit of the: | |
| 6 | | (a) House of Assembly of a State; and | |
| 7 | | (b) Judiciary of a State; | |
| 8 | | shall be a charge upon the Consolidated Revenue Fund of the Federation and | |
| 9 | | shall be paid directly to the Heads of the bodies in the State by the | |
| 10 | | Accountant General of the Federation. | |
| 11 | 3. | Constitution of the Federal Republic of Nigeria, 1999 (As | Short title |
| 12 | | Amended)(Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter Section 121 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) to reflect the authority of person mandated to make and receive payment for funding of Houses of Assembly and Judiciaries of states from the consolidated revenue fund of the Federation.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO MAKE LOCAL GOVERNMENT
AREAS ADMINISTRATIVE UNITS OF EACH STATE AND FOR RELATED
MATTERS

Sponsored by Senator Adetunmbi, Olubunmi Ayodeji

[] 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
2 altered as set out in this Bill. the Constitution
- 3 **2.** Section 7 of the Constitution is altered by substituting it with a Alteration of
4 new section 7 as follows: Section 7
- 5 "(1) the system of Local Government by democratically elected
- 6 Local Government Councils as full administrative units under each state, is
- 7 guaranteed under this constitution and accordingly, the government of each
- 8 state shall ensure their existence under a law of the state which provides for
- 9 their establishment, structure, composition, finance and functions.
- 10 (2) Each State shall in prescribing the area over which a Local
- 11 Government Council may exercise authority:
- 12 (a) define such area as clearly as practicable; and
- 13 (b) ensure, that in defining such area regard is paid to:
- 14 (i) the common interest of the community in the area,
- 15 (ii) traditional association of the community, and
- 16 (iii) administrative convenience.
- 17 (3) It shall be the duty of A Local Government Council within the
- 18 state to participate in economic planning and development of the area
- 19 referred to subsection (2) of this section and to this end an economic

	1	planning board shall be established by a law enacted by the House of Assembly
	2	of the State.
	3	(4) the government of a state shall ensure that every person who is
	4	entitled to vote or be voted for at an election to a house of assembly shall have
	5	the right to vote and be voted for at an election to a local government council.
	6	(5) The House Of Assembly of a State shall make provisions for
	7	statutory allocation of public revenue to local government councils within the
	8	state.
Alteration of Section 8	9	3. Section 8 of the Constitution is altered by deleting subsections (5)
	10	and (6) thereof.
Alteration of Section 162	11	4. Section 162 of the Constitution is altered as follows:
	12	"in subsection (3) by deleting the words 'and the local government
	13	councils in each state' in line 3 thereof.
	14	"subsections (5), (6) and (7) are hereby deleted".
Alteration of the First Schedule	15	5. The First Schedule, part i to the Constitution is hereby deleted.
Alteration of the Fourth Schedule	16	6. The Fourth Schedule to the Constitution is hereby deleted.
Citation	17	7. This Bill may be cited as the Constitution of the Federal Republic of
	18	Nigeria, 1999 (Fourth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to bring the Local Government system of government under the control of the States.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF SECTION 290 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO MAKE PROVISION THAT A JUDICIAL OFFICER ELEVATED TO A HIGHER COURT SHALL CONCLUDE ANY PART HEARD CRIMINAL MATTER(S) PENDING BEFORE HIM AT THE TIME OF THE ELEVATION 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 | 1. The Constitution of the Federal Republic Nigeria 1999 (in this | Alteration of |
| 2 | Bill referred to as the Principal Act) is altered as set out in this Bill. | the Constitution |
| 3 | 2. Section 290 of the principal Act is altered by inserting | Alteration of |
| 4 | immediately after the existing subsection (1) a new subsection (1A): | Section 290 |
| 5 | "(1A) - Provided that a judge of the High Court who has been | |
| 6 | elevated to the Court of Appeal shall have dispensation to continue to sit as a | |
| 7 | High Court judge only for the purpose of concluding any part heard criminal | |
| 8 | matter pending before him at the time of his elevation and shall conclude | |
| 9 | same within a reasonable time. This subsection shall however, not prevent | |
| 10 | him from assuming duty as a judge of the Court of Appeal". | |
| 11 | 3. This Bill may be cited as the Constitution of the Federal | Citation |
| 12 | Republic of Nigeria 1999 (Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

The Bill seeks to alter Section 290 of the Constitution of the Federal Republic of Nigeria, 1999 to make provision that a judicial officer elevated to a higher court, when granted a fiat, shall conclude any part heard criminal matter(s) pending before him at the time of his elevation to a Judge of the Court of Appeal.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA 1999 TO PROVIDE FOR A TIME-LINE FOR
THE DATE OF FIRST SITTING OF THE NATIONAL ASSEMBLY; 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. The Constitution of the Federal Republic of Nigeria 1999 (in

this Bill referred to as the ‘Principal Act’)

2. Section 64 of the Principal Act is altered.

3. The Senate and House of Representatives shall each stand

dissolved at the expiration of a period of four years commencing from the

date contained in the President's proclamation for the holding of the first

session of the National Assembly as provided in this section.

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

Republic of Nigeria (Alteration) Bill, 2021.
- Alteration of
the Constitution

Alteration of
Section 64 (1)

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the constitution of the Federal
Republic of Nigeria 1999 to provide for a time-line for the date of first sitting
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 AMENDMENT
OF SECTION 96 (1) THERE IN; 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 | 1. The Constitution of the Federal Republic of Nigeria 1999 (in | Alteration of
the Constitution |
| 2 | this Bill referred to as the “Principal Act”) is altered as set out in the Bill. | |
| 3 | 2. Section 96 of the Principal Act is altered. | Alteration of
Section 96 (1) |
| 4 | 3. The quorum of a House of Assembly shall be one-third of all the | |
| 5 | members of the house; however, for the purpose of the inaugural and first | |
| 6 | sitting of the house, the quorum shall not be less than two-third of all the | |
| 7 | members of the House. | |
| 8 | 3. This Bill may be cited as the Constitution of the Federal | Citation |
| 9 | Republic of Nigeria 1999 (Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

The Bill seeks to alter the provisions of the constitution of the Federal
Republic of Nigeria 1999 to provide for the amendment of section 96 (1)
there in.

A BILL

FOR

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

Sponsored by Senator Istifanus Dung Gyang

[] Commencement

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

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1. The Constitution of the Federal Republic of Nigeria, 1999, Cap. C23 Laws of the Federation of Nigeria, 2004 (referred to as "the Principal Act") is altered as set out in this Bill.

2. The First Schedule to Section 3 of the Principal Act is altered by deleting Alteration of section 3 in Part 1 (STATES OF THE FEDERATION) the name "Barikin Ladi" appearing under Local Government Areas of Plateau State and inserting the name "Gwol" instead thereof.

3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2021.
- Alteration of Cap. C23 LFN, 2004

Alteration of Section 3

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999 (as amended) to reflect the right and proper name of Gwol in the Constitution of the Federal Republic of Nigeria.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA
(ALTERATION) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

1. Alteration of Cap C23 LFN 2004.
2. Alteration of Section 153 of the Principal Act
3. Insertion of clause 160A
4. Alteration of Section 197 of the Principal Act
5. Insertion of clause 204A
6. Establishment of the Council of Traditional rulers for the Federal
Capital Territory, Abuja.
7. Alteration of the Third Schedule to the Principal Act
8. Citation

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 TO MAKE PROVISION FOR THE ESTABLISHMENT OF THE COUNCIL OF TRADITIONAL RULERS AND THEIR ROLE IN ENSURING GOOD GOVERNANCE IN THE STATES AND IN THE FEDERATION AND FOR RELATED MATTERS.

Sponsored by Senator Ethelbert Anayo Okorochoa

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Constitution of the Federal Republic of Nigeria Cap. C23</p> <p>2 Laws of the Federation 2004 (in this bill referred to as "the Principal Act") is</p> <p>3 altered as set out in this Bill.</p> | <p>Alteration of
Cap. C23 LFN,
2004</p> |
| <p>4 2. Section 153 of the Principal Act is altered in subsection (1) by</p> <p>5 inserting a new paragraph (o)-</p> <p>6 "(o) National Council of Traditional Rulers."</p> | <p>Alteration of
Section 153 of
the Principal Act</p> |
| <p>7 3. The Principal Act is altered by inserting a new section 161A:</p> <p>8 "161A The provisions of sections 154, 155, 156, 157, 158, 159 and</p> <p>9 160 of the Principal Act shall not apply to the body established under clause</p> <p>10 2 of this Bill."</p> | <p>Insertion of
Clause 160A</p> |
| <p>11 4. Section 197 of the Principal Act is altered in subsection (1) by</p> <p>12 inserting a new paragraph (d)-</p> <p>13 "(d) State Council of Traditional Rulers."</p> | <p>Alteration of
Section 197 of
the Principal Act</p> |
| <p>14 5. The Principal Act is altered by inserting a new section 205A:</p> <p>15 "205A The provisions of sections 198, 199, 200, 201, 202, 203, 204 and 205</p> <p>16 shall not apply to the body established under clause 2 of the Bill."</p> | <p>Insertion of
Clause 204A</p> |
| <p>17 6. There is established for the Federal Capital Territory, Abuja, a</p> <p>18 council of Traditional Rulers, the composition and functions of which is as</p> | <p>Establishment of
the Council of
Traditional rulers
for the Federal
Capital Territory,
Abuja.</p> |

	1	provided in Part III of the Third Schedule to the Principal Act.
Alteration of the Third Schedule to the Principal Act	2	7. The Third Schedule to the Principal Act is altered by:
	3	"(a) inserting a new paragraph 0 in Part 1:
	4	0 - National Council of traditional rulers
	5	(1) The National Council of traditional rulers shall comprise of all
	6	traditional rulers in Nigeria.
	7	(2) The Council shall:
	8	(a) advise the Federal government on the security measures to be
	9	adopted to ensure protection of lives and properties in the Federation;
	10	(b) facilitate the dissemination of Federal government policies and
	11	programmes in the Federation;
	12	(c) serve as members of the security council of the Federation and
	13	to be represented by at least one traditional ruler from each geopolitical
	14	zone, and
	15	(d) advise the Federal government on the general socio-economic
	16	development of the Federation.
	17	(b) inserting a new paragraph D in Part II:
	18	D -State Council of traditional rulers
	19	(1) The State Council of Traditional Rulers shall comprise of all
	20	traditional rulers within the Stat.
	21	(2) The Council shall:
	22	(a) advise the State government on the security measures to be
	23	adopted to ensure protection of lives and properties within the State;
	24	(b) advise the State government on the security measures to be
	25	adopted by the Federal government in ensuring the protection of lives and
	26	property within the State;
	27	(c) facilitate the dissemination of the State government policies and
	28	programmes within the State;
	29	(d) serve as members of the security council of the state, and
	30	(e) advise the State Government on the general socio-economic

1 development of the State.

2 (c) inserting a new paragraph in Part III:

3 Council of Traditional Rulers for the Federal Capital Territory,
4 Abuja:

5 (1) The Council of Traditional Rulers for the Federal Capital
6 Territory, Abuja shall comprise of all traditional rulers within the Federal
7 Capital Territory, Abuja.

8 (2) The Council shall:

9 (a) advise the government on the security measures to be adopted
10 to ensure protection of lives and properties within the Federal Capital
11 Territory, Abuja;

12 (b) facilitate the dissemination of government policies and
13 programmes within the Federal Capital Territory, Abuja;

14 (c) serve as members of the security council of the Federal Capital
15 Territory, Abuja, and

16 (d) advise the government on the general socio-economic
17 development of the Federal Capital Territory, Abuja."

18 **8.** This Bill may be cited as the Constitution of the Federal Citation
19 Republic of Nigeria 1999 (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999 (as altered) to make provision for the establishment of the Council of Traditional Rulers and their role in ensuring good governance in the states and in the Federation.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999, TO AMONG OTHER THINGS EMPOWER THE NATIONAL ASSEMBLY TO ESTABLISH A COURT WITH SUBORDINATE JURISDICTION TO THAT OF A COURT OF APPEAL AND FOR RELATED MATTERS

Sponsored by Senator Mohammed Sani Musa

[] 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 Principal Act
- 3 **2.** Section 6 of the Principal Act is altered by substituting the Alteration of
Section 6
4 existing subsection "(4)(a)" for a new subsection "(4)(a)(b)":
5 "(4) Nothing in the foregoing provisions of this section shall be
6 construed as precluding:
7 (a) the National Assembly from establishing courts, other than
8 those to which this section relates, with subordinate jurisdiction to that of a
9 Court of Appeal; or
10 (b) any House of Assembly from establishing courts, other than
11 those to which this section relates, with subordinate jurisdiction to that of a
12 High Court".
- 13 **3.** This Bill may be cited as Constitution of the Federal Republic of Citation
14 Nigeria 1999 (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999, to among other things empower the National Assembly to establish a Court with subordinate jurisdiction to that of a Court of Appeal.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO AMONGST OTHER PROVISIONS, PROVIDE FOR THE CONSTITUTIONAL PROTECTION AGAINST DISCRIMINATION FOR THE RIGHTS OF PERSONS WITH DISABILITY AND FOR RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

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

1 **1.** The Constitution of the Federal Republic of Nigeria 1999 Cap C
2 23 Laws of the Federation of. Nigeria 2004 in this Bill referred to as ("the
3 Principal Act") is amended as set out in this Bill.

Amendment of
the Constitution
of the Federal
Republic of
Nigeria 1999
Cap C23 LFN,
2004

4 **2.** Section 42 of the Principal Act is amended:
5 (a) In subsection 1 by substituting the existing subsection 1 with a
6 new subsection 1 thus:

Amendment of
Section 42 of the
Principal Act

7 "A citizen of Nigeria of a particular community, ethnic group,
8 disability, place of origin, sex, religion or political opinion shall not, by
9 reason only that he is such a person."

10 **3.** This Bill may be cited as the Constitution of the Federal
11 Republic of Nigeria 1999 (Alteration) Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Constitution of the Federal Republic of Nigeria 1999 to amongst other provisions provide for the constitutional protection against discrimination for the rights of persons with disability in Nigeria.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF SECTION 290 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO MAKE PROVISION THAT A JUDICIAL OFFICER ELEVATED TO A HIGHER COURT SHALL CONCLUDE ANY PART HEARD CRIMINAL MATTER(S) PENDING BEFORE HIM AT THE TIME OF THE ELEVATION AND FOR RELATED MATTERS

Sponsored by Senator Istifanus Gyang

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Constitution of the Federal Republic Nigeria 1999 (in this</p> <p>2 Bill referred to as the Principal Act) is altered as set out in this Bill.</p> <p>3 Alteration of Section 290</p> | <p>Alteration of
the Constitution</p> |
| <p>4 2. Section 290 of the Principal Act is altered by inserting</p> <p>5 immediately after the existing subsection (1) a new subsection (1A):</p> <p>6 "(1 A) - Provided that a judge of the High Court who has been</p> <p>7 elevated to the Court of Appeal shall have dispensation to continue to sit as a</p> <p>8 High Court judge only for the purpose of concluding any part heard criminal</p> <p>9 matter pending before him at the time of his elevation and shall conclude</p> <p>10 same within a reasonable time. This subsection shall however, not prevent</p> <p>11 him from assuming duty as a judge of the Court of Appeal".</p> | <p>Alteration of
Section 290</p> |
| <p>12 3. This Bill may be cited as the Constitution of the Federal</p> <p>13 Republic of Nigeria 1999 (Alteration) Bill, 2021.</p> | <p>Citation</p> |

EXPLANATORY MEMORANDUM

This Bill seeks to alter Section 290 of the Constitution of the Federal Republic of Nigeria, 1999 to make provision that a judicial officer elevated to a higher court, when granted a fiat, shall conclude any part heard criminal matter(s) pending before him at the time of his elevation to a Judge of the Court of Appeal.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO SEPARATE THE OFFICE OF THE ATTORNEY-GENERAL FROM THAT OF THE MINISTER OF JUSTICE AND TO PROVIDE FOR AN INDEPENDENT OFFICE OF THE ATTORNEY-GENERAL AND FOR MATTERS CONNECTED THERETO, 2021.

Sponsored by Senator George Thompson Sekibo

[] 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 | Amendment of the Constitution of the Federal Republic of Nigeria, 1999 |
| 2 | (hereinafter referred to as "the Constitution") is altered as set out in this Bill. | |
| 3 | 2. Section 150 of the Constitution is hereby deleted and replaced | Amendment of Section 150 |
| 4 | with a new section 150 as follows: | |
| 5 | “150 (1) There shall be an Attorney-General of the Federation who | Attorney-General of the Federation |
| 6 | shall be the Chief Law Officer of the Federation. | |
| 7 | (2) The Attorney-General shall establish offices in the Federal | Office of the Attorney-General |
| 8 | Capital Territory and in each State of the Federation and employ such | |
| 9 | number of staff as may be required for the discharge of his functions under | |
| 10 | this Constitution. | |
| 11 | (3) The Attorney-General shall in the discharge of his functions | Independence of the Attorney-General |
| 12 | under this Constitution, be independent and not subject to the direction or | |
| 13 | control of any other authority or person. | |
| 14 | (4) The Attorney-General shall be appointed by the President upon | Appointment |
| 15 | recommendation by the National Judicial Council and confirmed by the | |
| 16 | Senate. | |
| 17 | (5) The National Judicial Council shall make recommendation for | Recommendation by the National Judicial Council |
| 18 | the appointment of the Attorney-General upon being satisfied that the | |

	1	person to be so appointed is:
Qualification	2	(a) qualified to practice as a legal practitioner in Nigeria and has been
	3	so qualified for not less than fifteen years;
	4	(b) a distinguished member of the legal profession with knowledge of
	5	the working of the criminal justice system;
	6	(c) a person of integrity without any known political affiliation;
	7	(d) not a member of a secret society.
Tenure	8	(6) The Attorney-General Shall hold office for a term of five years
	9	with an option for a further term of five years and no more, from the date he
	10	assumed office or until he attains the Age of seventy years, whichever is earlier.
Declaration of Assets, Oaths of Allegiance and office	11	(7)A person appointed to the office of Attorney-General shall not
	12	begin to perform the functions of that office until he has declared his assets and
	13	liabilities as prescribed in this Constitution and has taken and subscribed the
	14	Oath of Allegiance and the Oath of office prescribed in the Seventh Schedule to
	15	this Constitution.
	16	(8) The oaths aforesaid shall be administered by the Chief Justice of
	17	Nigeria or the person for the time being appointed to exercise the functions of
	18	that office.
Removal	19	(9) The Attorney-General may be removed from office by the
	20	President acting on a resolution supported by two-thirds majority of the Senate
	21	praying that he be so removed for inability to discharge the functions of his
	22	office (whether arising from infirmity of mind or body or any other cause) or
	23	for misconduct, negligence of duty or incompetence.
Functions	24	(10) Subject to the provisions of section 174 of this Constitution the
	25	Attorney-General shall:
	26	(a) institute legal action to defend, preserve and protect the
	27	Constitution, the Laws of the Federation and the property of the
	28	Federal Republic of Nigeria;
	29	(b) fight corruption, defend public and national interests and ensure
	30	the rule of law;

1 (c) investigate or cause to be investigated the conduct of affairs of
2 any person, authority, ministry or government department charged, or
3 intended to be charged with the duty or responsibility of:

4 (i) executing or administering laws enacted by the National
5 Assembly;

6 (ii) disbursing or administering moneys appropriated by the
7 National Assembly;

8 (d) supervise, monitor, control and ensure that all government
9 agencies with investigative and prosecutorial powers carry out their
10 functions in accordance with the law establishing them, with special
11 reference to the following government agencies:

12 (i) the Nigeria Police Force;

13 (ii) the Economic and Financial Crimes Commission;

14 (iii) the Independent Corrupt Practices Commission;

15 (iv) the Nigeria Customs Service;

16 (v) the Nigeria Prisons Service;

17 (vi) the Nigeria Immigration Service;

18 (vii) Federal Inland Revenue Service;

19 (viii) National Agency for Food and Drug Administration and
20 Control;

21 (ix) the Nigeria Drug Law Enforcement Agency;

22 (x) the Nigeria Security and Civil Defence Corps;

23 (xi) Quarantine Department.

24 (e) prosecute all criminal offenders in respect of any offence
25 created by or under any Act of the National Assembly;

26 (f) carry out such other functions as may be conferred upon the
27 office by the National Assembly.

28 (11) The Attorney-General shall submit to the National Assembly
29 the annual, supplementary or other budgets of his office for consideration
30 and approval and shall not spend any money for any purpose whatsoever,

Annual,
supplementary
budget and other
appropriation

	1	save and except as approved by the National Assembly in the Annual
	2	Appropriation Act, Supplementary Appropriation Act, or any other
	3	appropriation or approval thereof.
Consolidated Revenue Fund of the Federation	4	(12) Any amount standing to the credit of the Office of the Attorney-
	5	General in the Consolidated Revenue Fund of the Federation shall be paid
	6	directly to the Office of the Attorney-General for disbursement thereof.
Record of accounts and audit	7	(13) The Attorney-General shall cause to be kept, proper records of
	8	the accounts of his office in respect of each year and shall cause the accounts of
	9	his office to be audited within six months from the end of each financial year by
	10	auditors appointed from the list approved from time to time by the Auditor-
	11	General for the Federation.
Annual Returns	12	(14) The Attorney-General shall prepare and submit to the National
	13	Assembly, not later than six months after the end of each financial year, a report
	14	on the activities of his office for the preceding year and shall include therein the
	15	audited account of his office for the year under review together with the
	16	auditor's report thereon."
Citation	17	3. This Bill may be cited as the Constitution of the Federal Republic of
	18	Nigeria, 1999 (Further Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to separate the Office of the Attorney-General from that of the Minister of Justice and to provide for an Independent Office of the Attorney-General.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999
(ALTERATION) BILL, 2021

ARRANGEMENT OF CLAUSES

1. Amendment of the Constitution of the Federal Republic of Nigeria
1999 Cap C 23 Laws of the Federation of Nigeria 2004
2. Amendment of Section 34 (2) b of the Principal Act
3. Amendment of Section 35 (7) b of the Principal Act
4. Amendment of Section 39 (3) of the Principal Act
5. Amendment of Section 42 (3) of the Principal Act
6. Amendment of Section 84 (4) of the Principal Act
7. Amendment of Section 129 (2) of the Principal Act
8. Amendment of Section 153 of the Principal Act
9. Amendment of Section 197 of the Principal Act
10. Amendment of Section 214 of the Principal Act
11. Amendment of Section 215 of the Principal Act
12. Amendment of Second and Third Schedule of the Principal Act
13. Amendment of item 45 of Part I of the Second Schedule of the
Principal Act
14. Amendment of Part II of the Second Schedule of the Principal Act
15. Amendment of Part I of the Third Schedule of the Principal Act
16. Amendment of Part II of the Third Schedule of the Principal Act
17. Citation

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE ESTABLISHMENT OF STATE POLICE FORCE AND FOR OTHER RELATED MATTERS

Sponsored by Senator Uba Sani

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

- | | | |
|----|--|------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria 1999 Cap | Amendment of |
| 2 | C 23 Laws of the Federation of Nigeria 2004 in this Bill referred to as ("the | the Constitution |
| 3 | Principal Act") is amended as set out in this Bill. | of the Federal |
| 4 | 2. Section 34 (2) b of the Principal Act is amended in line 2 by | Republic of |
| 5 | adding the words " ... and State Police Force" immediately after " ... Nigeria | Nigeria 1999 |
| 6 | Police Force ... " | Cap C23 LFN, |
| 7 | 3. Section 35 (7) b of the Principal Act is amended in lines 3 and 4 | 2004 |
| 8 | by adding the words " ... and State Police Force" immediately | Amendment of |
| 9 | after" ...Nigeria Police Force ... " | Section 34 (2) b |
| 10 | 4. Section 39 (3) b of the Principal Act is amended in line 3 by | of the Principal |
| 11 | adding the words" ... and State Police Force" immediately after" ... Nigeria | Act |
| 12 | Police Force ... " | Amendment of |
| 13 | 5. Section 42 (3) of the Principal Act is amended in line 4 by | Section 39 (3) |
| 14 | adding the words" ... and State Police Force" immediately after " ... Nigeria | of the Principal |
| 15 | Police Force ... " | Act |
| 16 | 6. Section 84 (4) of the Principal Act is amended by substituting | Amendment of |
| 17 | for the words "Police Service Commission" with the words "Federal Police | Section 84 (4) |
| 18 | Service Commission". | of the Principal |
| | | Act |

Amendment of Section 129 (2) of the Principal Act	1	7. Section 129 (2) of the of the Principal Act is amended by
	2	substituting for the words "Nigeria Police Force" with the words "State Police
	3	Force"
Amendment of Section 153 (1) of the Principal Act	4	8. Section 153 (1) m of the Principal Act is amended by substituting
	5	for the words "Police Service Commission" with the words "Federal Police
	6	Service Commission"
Amendment of Section 197 of the Principal Act	7	9. Section 197 of the Principal Act is amended by inserting a new
	8	paragraph "d" after the existing paragraph "c" in subsection 1 thus:
	9	"State Police Service Commission"
Amendment of Section 214 of the Principal Act	10	10. Section 214 of the Principal Act is amended by substituting the
	11	existing Section 214 with a new section 214 thus:
	12	"(1) There shall be a police force for Nigeria and the Federal Capital
	13	Territory, which shall be known as the Nigeria Police Force, as well as State
	14	Police Forces established for each of the 36 states of the Federation, and subject
	15	to the provisions of this section no other police force shall be established for the
	16	Federation or any part thereof
	17	(2) Subject to the provisions of this Constitution:
	18	(a) The Nigeria Police Force and the 36 State Police Forces shall be
	19	organised and administered in accordance with such provisions as may be
	20	prescribed by an act of the National Assembly and the House of Assembly of
	21	each state;
	22	(b) The Nigeria Police Force shall provide state policing for any state
	23	that is unable to establish and operate a state police until such a time that one is
	24	established:
	25	Provided that pending the establishment of a State Police Force in any
	26	State, the Governor of such a State or a Commissioner of the State as the
	27	Governor may authorize in that behalf, shall have the authority to give to the
	28	Commissioner of Police of that State such lawful directions with respect to the
	29	maintenance and securing of public safety and public order within the state as
	30	he may consider necessary, and the Commissioner of Police shall comply with

1 those directions or cause them to be complied with.

2 (c) The Nigeria Police Force shall not interfere with the operations
3 of any State Police Force or the internal security affairs of a state except in
4 the following instances:

5 (i) To investigate all crimes not assigned exclusively to another law
6 enforcement agency and gather intelligence;

7 (ii) To investigate threats to national security;

8 (iii) Where a State Police Force is unable to function owing to
9 administrative, financial or other challenges that renders it inoperative at a
10 given time and the Governor of such a state has requested the intervention of
11 the Nigeria Police Force in order to prevent and/or contain a breakdown of
12 law and order in the state:

13 Provided that any such request by the Governor for intervention by
14 the Nigeria Police Force shall only be made after the approval of two-thirds
15 majority of the State House of Assembly.

16 (d) The members of the Nigeria Police Force and the State Police
17 Forces shall have such powers and duties as maybe conferred upon them by
18 law;

19 (e) The National Assembly may make provisions for branches of
20 the Nigeria Police Force forming part of the armed forces of the Federation
21 or for the protection of harbours, waterways, railways and airfields.

22 **11.** Section 215 of the Principal Act is amended:

Amendment of
Section 215
of the Principal
Act

23 (a) In subsection (1) b by substituting the existing subsection (1) b
24 with a new subsection (1) b thus:

25 "A Commissioner of Police for each state of the Federation who
26 shall be appointed and/or removed by the Governor of the State on the
27 advice of the State Police Service Commission subject to the approval of
28 such appointment and/or removal by two-thirds majority of the House of
29 Assembly of the State"

30 (b) In subsection (2) by substituting the existing subsection (2)

1 with a new subsection (2) thus:

2 "The Nigeria Police Force shall be under the command of the
3 Inspector General of Police and contingents of the Nigeria Police Force
4 stationed in a state shall be subject to the authority of the Inspector General of
5 Police, other than officers of the State Police Force who shall be subject to the
6 authority of the Commissioner of Police of that State."

7 (c) In subsection (4) by substituting the existing subsection (4) with a
8 new subsection (4) thus:

9 "Subject to the provisions of this section, the Governor of a State or
10 such Commissioner of the State as the Governor may authorize in that behalf,
11 shall give to the Commissioner of Police of that State such lawful directions
12 with respect to the maintenance and securing of public safety and public order
13 within the state as he may consider necessary, and the Commissioner of Police
14 shall comply with those directions or cause them to be complied with."

Amendment of
Second and
Third Schedule
of the Principal
Act

15 **12.** The Second and Third Schedules to the Principal Act are amended
16 as set out in this Bill.

Amendment of
item 45 of Part I
of the Second
Schedule of the
Principal Act

17 **13.** Item 45 of Part I of the Second Schedule to the Principal Act is
18 amended by substituting the existing Item 45 with a new Item 45 thus:
19 "Nigeria Police Force and other government security services established by
20 law"

Amendment of
Part II of the
Second Schedule
of the Principal
Act

21 **14.** Part II of the Second Schedule to the Principal Act is amended by
22 inserting new paragraph 31 thus:

23 "31. A House of Assembly shall have power to make laws for the state
24 with respect to the establishment of a State Police Force, subject to the
25 framework and guidelines established by an act of the National Assembly"

Amendment of
Part I of the
Third Schedule
of the Principal
Act

26 **15.** Part I of the Third Schedule to the Principal Act is amended:

27 (a) Altering Paragraph 27(c) to read thus: "the Chairman of the
28 Federal Police Service Commission"

29 (b) Altering Paragraph 28 by substituting the words "Nigeria Police
30 Force" with the phrase "Nigeria Police Force and State Police Force"

1 throughout paragraph 28

2 (c) Altering Item "M" by substituting the name Police Service
3 Commission with "Federal Police Service Commission" in the heading and
4 throughout Item "M"

5 **16.** Part II of the Third Schedule to the Principal Act is amended:

Amendment of
Part II of the
Third Schedule
of the Principal
Act

6 (a) By inserting a new item "D" after the existing item "C" thus:

7 "D. State Police Service Commission

8 The State Police Service Commission shall comprise the following
9 members:

10 (b) A Chairman to be appointed by the Governor subject to the
11 confirmation of the State House of Assembly;

12 (c) Such number of other persons, not less than seven but more than
13 nine, as may be prescribed by an the State House of Assembly;

14 The Commission shall be responsible for:

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

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

19 **17.** This Bill may be cited as the Constitution of the Federal
20 Republic of Nigeria 1999 (Alteration) Bill, 2021. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Constitution of the Federal Republic of Nigeria 1999 to amongst other provisions establish State Police Force in the 36 states of the Federation, change the name of the Police Service Commission to the Federal Police Service Commission, establish the State Police Service Commission and amend the Second and Third Schedules of the Constitution of the Federal Republic of Nigeria, 1999.