

Extraordinary



National Assembly Journal

No. 05

Abuja - 25th February, 2021

Vol. 18

CONTENTS

INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
SB. 74	A Bill for an Act to Alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) and for Related Matters	C 103 - 103
SB. 337	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, Cap. C23 Laws of the Federation of Nigeria, 2004 and for Related Matters	C 105 - 117
SB. 403	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 119 - 120
SB. 501	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 and for Related Matters	C 121 - 122
SB. 515	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 and for Other Related Matters, 2021	C 123 - 126
SB. 607	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria 1999 Cap. C23 LFN 2004 and for Related Matters	C 127 - 128
SB. 652	A Bill for an Act to Establish the Clean Nigeria Agency for the purpose, among others to prohibit Open Urination/Open Defecation in order to keep Nigeria clean and diseases free and for Related Matters	C 129 - 146
SB. 653	A Bill for an Act to Alter the Constitution of the Federal Republic of Nigeria, 1999 to regulate the application of Regional and International Human Rights Treaties ratified by Nigeria and for Related Matters, 2021	C 147 - 147

Printed and Published by the National Assembly Press, Abuja, Nigeria

NASSP 05/252/2021/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) TO PROVIDE FOR
THE AMENDMENT OF SECTION 54 (1) AND SECTION 96 (1) THEREIN AND
FOR RELATED

Sponsored by Senator Istifanus Gyang

[] Commencement

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

- | | | |
|----|---|------------------|
| 1 | 1. The Constitution of the Federal Republic 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 54 of the Principal Act is altered to read: | Alteration of |
| 4 | (1) The quorum of the Senate or of the House of Representatives | Section 54 (1) |
| 5 | shall be one- third of all the members of the Legislative House concerned, | |
| 6 | However, for the purpose of the inaugural and first sitting of the Senate or of | |
| 7 | the House of Representatives, the quorum shall not be less than two-third of | |
| 8 | all the members of the Legislative House concerned. | |
| 9 | 3. Section 96 of the principal Act is altered: | Alteration of |
| 10 | (1) The quorum of a House of Assembly shall be one-third of all the | Section 96 (1) |
| 11 | members of the house. However, for the purpose of the inaugural and first | |
| 12 | sitting of the house, the quorum shall not be less than two-third of all the | |
| 13 | members of the House. | |
| 14 | 4. This Bill may be cited as Constitution of the Federal Republic of | Citation |
| 15 | Nigeria 1999 (Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria,
1999 to provide for the amendment of section 54 (1) and section 96 (1)
therein.

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 6 of the Principal Act
3. Alteration of Section 84 of the Principal Act
4. Alteration of Section 185 of the Principal Act
5. Alteration of Section 240 of the Principal Act
6. Alteration of Section 246 of the Principal Act
7. Alteration of Section 247 of the Principal Act
8. Insertion of Part 1 G.
9. Insertion of Section 270A-E.
10. Insertion of Part 20
11. Insertion of new Section 285A-E
12. Alteration of Section 288 of the Principal Act
13. Alteration of Section 289 of the Principal Act
14. Alteration of Section 292 of the Principal Act
15. Alteration of Section 318 of the Principal Act
16. Alteration of the Second Schedule to the Principal Act
17. Alteration of the Third Schedule to the Principal Act
18. Alteration of the Sixth Schedule to the Principal Act
19. Alteration of the Seventh Schedule to the Principal Act
20. Short title

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, CAP. C23 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE ESTABLISHMENT OF THE ECCLESIASTICAL COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY ABUJA AND THE ECCLESIASTICAL COURT OF APPEAL OF THE STATES; AND FOR RELATED MATTERS

Sponsored by; Senator Gyang Istifanus Dung

[] 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 Bill referred to as "the Principal Act") is altered as set out in this Bill. | Cap. C23 LFN, |
| 3 | 2. Section 6(5) of the Principal Act is altered by inserting two new | 2004 |
| 4 | subparagraphs (j) (aa)-(bb): | Alteration of |
| 5 | " (j) (aa) the Ecclesiastical Court of Appeal of the Federal Capital | Section 6 of the |
| 6 | Territory, Abuja; | Principal Act |
| 7 | (bb) an Ecclesiastical Court of Appeal of a State;" | |
| 8 | 3. Section 84 of the Principal Act is altered in sub-section 4 by: | Alteration of |
| 9 | (a) inserting immediately after the word "President and Judge of | Section 84 of the |
| 10 | the Customary Court of Appeal of the Federal Capital Territory, Abuja," in | Principal Act |
| 11 | lines 7 and 8, the words "Grand Cardinal and Cardinals of the Ecclesiastical | |
| 12 | Court of Appeal of the Federal Capital Territory, Abuja; and | |
| 13 | (b) inserting immediately after the words "President and Judge of | |
| 14 | the Customary Court of Appeal of a State," in lines 9 and 10, the words | |
| 15 | "High Cardinal and Cardinals of the Ecclesiastical Court of Appeal of a | |
| 16 | State." | |

Alteration of Section 185 of the Principal Act	1	4. Section 185 of the Principal Act is altered in subsection 2 by
	2	inserting immediately after the words, "President of the Customary Court of
	3	Appeal of a State," in line 3, the words "Grand Cardinal of the Ecclesiastical
	4	Court of Appeal of a State".
Alteration of Section 240 of the Principal Act	5	5. Section 240 of the Principal Act is altered by:
	6	(a) inserting immediately after the words, "Customary Court of
	7	Appeal of the Federal Capital Territory, Abuja," in lines 5 and 6, the words,
	8	"Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja"; and
	9	(b) inserting immediately after the words "Customary Court of
	10	Appeal of a State," in lines 6 and 7, the words, "Ecclesiastical Court of Appeal
	11	of a State".
Alteration of Section 246 of the Principal Act	12	6. Section 246 of the Principal Act is altered by inserting a new section
	13	246A:
	14	"246A(1) An appeal shall lie from decisions of the Ecclesiastical
	15	Court of Appeal to the Court of Appeal as of right in any civil proceedings
	16	before the Ecclesiastical Court of Appeal with respect to any question of
	17	Ecclesiastical law or Christian personal law and such other matters as may be
	18	prescribed by an Act of the National Assembly.
	19	(2) Any right of appeal to the Court of Appeal from the decision of an
	20	Ecclesiastical Court of Appeal conferred by this section shall be:
	21	(a) exercisable at the instance of a party thereto or, with the leave of
	22	the Ecclesiastical Court of Appeal or of the Court of Appeal, at the instance of
	23	any other person having an interest in the matter;
	24	(b) exercised in accordance with any Act of the National Assembly
	25	and rules of court for the time being in force regulating the powers, practice and
	26	procedure of the Court of Appeal."
Alteration of Section 247 of the Principal Act	27	7. Section 247(1) of the Principal Act is altered by inserting a new
	28	paragraph (c)
	29	"(c) an Ecclesiastical Court of Appeal, if it consists of not less than 3
	30	Justices learned in Ecclesiastical law or Christian personal law."

Insertion of
Part I G.

Insertion of
Section 270A-E

30 (b) he has attended and has obtained a recognized qualification in

1 Ecclesiastical Law or Christian Personal Law from an institution approved by
2 the National Judicial Council and has held the qualification for a period of not
3 less than twelve years;

4 (c) he has either considerable experience in the practice of
5 Ecclesiastical Law or Christian Personal Law; or

6 (d) he is a distinguished scholar of Ecclesiastical Law or Christian
7 Personal Law.

8 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
9 Appeal is vacant or if the person holding the office is for any reason unable to
10 perform the functions of the office, then, until a person has been so appointed to
11 and has assumed the functions of that office or until the person holding the
12 office has resumed those functions, the President shall appoint the most senior
13 Cardinal from amongst the Cardinals of the Ecclesiastical Court of Appeal to
14 perform those functions.

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

20 270C - (1) The Ecclesiastical Court of Appeal shall, in addition to
21 such other jurisdiction as may be conferred upon it by an Act of the National
22 Assembly exercise such appellate and supervisory jurisdiction in civil
23 proceedings involving questions of Ecclesiastical Law, Christian Personal
24 Law or Ecclesiastical Law.

25 (2) For the purposes of subsection (1) of this section, the
26 Ecclesiastical Court of Appeal shall be competent to decide:

27 (a) any question of Christian personal law regarding marriage
28 concluded in accordance with that law; including a question relating to the
29 validity or dissolution of such marriage or a question that depends on such a
30 marriage and relating to family relationship or the guardianship of an infant;

1 (b) where all the parties to the proceedings are Christians, any
2 question or Christian personal law regarding a marriage where no prior or
3 subsequent customary or statutory marriage is contracted, including the
4 validity or dissolution of that marriage, or regarding family relationship, a
5 foundling or the guardianship of an infant;

6 (c) any question of Christian personal law regarding a will or
7 succession where the endower, donor, testator or deceased person is a
8 Christian;

9 (d) any question of Christian personal law regarding an infant,
10 prodigal or person of unsound mind who is a Christian or the maintenance or
11 the guardianship of a Christian who is physically or mentally infirm; or

12 (e) where all the parties to the proceedings, being Christians, have
13 requested the court that hears the case in the first instance to determine, that
14 case in accordance with Christian personal law, or any question.

15 270D. For the purpose of exercising any jurisdiction conferred
16 upon it by this Constitution or any Act of the National Assembly, the
17 Ecclesiastical Court of Appeal shall be duly constituted if it consists of at
18 least three Cardinals of that Court.

19 270E. Subject to the provisions of any Act of the National
20 Assembly, the Grand Cardinal of the Ecclesiastical Court of Appeal of the
21 Federal Capital Territory, Abuja may make rules for regulating the practice
22 and procedure of the Ecclesiastical Court of Appeal of the Federal Capital
23 Territory, Abuja."

24 **10.** Chapter VII of the Principal Act is altered by inserting a new
25 Part 2 D:

Insertion of
Part 20

26 "D - The Ecclesiastical Court of Appeal of a State".

27 **11.** The Principal Act is altered by inserting new sections 285A-E-
28 "285A (1) There shall be an Ecclesiastical Court of Appeal of a
29 State.

Insertion of new
Section 285A-E

30 (2) The Ecclesiastical Court of Appeal of a State shall consist of:

- 1 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal; and
2 (b) such number of Cardinals of the Ecclesiastical Court of Appeal as
3 may be prescribed by a law of the House of Assembly of a State.

4 285B (1) The appointment of a person to the office of the Grand
5 Cardinal of the Ecclesiastical Court of Appeal of a State shall be made by the
6 Governor of the State on recommendation of the National Judicial Council,
7 subject to the confirmation of such appointment by the House of Assembly of
8 the State.

9 (2) The appointment of a person to the office of a Cardinal of the
10 Ecclesiastical Court of Appeal of a State shall be made by the Governor of a
11 State on the recommendation of the National Judicial Council.

12 (3) Apart from such other qualification as may be prescribed by a Law
13 of the House of Assembly of a State, a person shall not be qualified to hold the
14 office of Grand Cardinal or a Cardinal of an Ecclesiastical Court of Appeal of a
15 State unless:

16 (a) he is a legal practitioner in Nigeria and has been so qualified for a
17 period of not less than ten years and has obtained a recognized qualification in
18 Ecclesiastical Law or Christian personal law from an institution acceptable to
19 the National Judicial Council;

20 (b) he has attended and has obtained a recognized qualification in
21 Ecclesiastical Law or Christian Personal Law from an institution approved by
22 the National Judicial Council and has held the qualification for a period of not
23 less than twelve years; and

24 (i) he has either considerable experience in the practice of
25 Ecclesiastical Law or Christian Personal Law: or

26 (ii) he is a distinguished scholar of Ecclesiastical Law or Christian
27 Personal Law.

28 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
29 Appeal is vacant or if the person holding the office is for any reason unable to
30 perform the functions of the office, then, until a person has been so appointed to

1 and has assumed the functions of that office or until the person holding the
2 office has resumed those functions, the Governor shall appoint the most
3 senior Cardinal from amongst the Cardinals of the Ecclesiastical Court of
4 Appeal to perform those functions.

5 (5) Except on the recommendation of the National Judicial
6 Council, an appointment pursuant to the provisions of subsection (4) of this
7 section shall cease to have effect after the expiration of three months from
8 the date of such appointment and the Governor shall not re-appoint a person
9 whose appointment has lapsed.

10 285C (1) The Ecclesiastical Court of Appeal shall, in addition to
11 such other jurisdiction as may be conferred upon it by a Law of the House of
12 Assembly of a State exercise such appellate and supervisory jurisdiction in
13 civil proceedings involving questions of Ecclesiastical Law, Christian
14 Personal Law or Ecclesiastical Law.

15 (2) For the purposes of subsection (1) of this section, the
16 Ecclesiastical Court of Appeal shall be competent to decide:

17 (a) any question of Christian personal law regarding marriage
18 concluded in accordance with that law, including a question relating to the
19 validity or dissolution of such marriage or a question that depends on such a
20 marriage and relating to family relationship or the guardianship of an infant;

21 (b) where all the parties to the proceedings are Christians, any
22 question or Christian personal law regarding a marriage where no prior or
23 subsequent customary or statutory marriage is contracted, including the
24 validity or dissolution of that marriage, or regarding family relationship, a
25 foundling or the guardianship of an infant;

26 (c) any question of Christian personal law regarding a will or
27 succession where the endower, donor, testator or deceased person is a
28 Christian;

29 (d) any question of Christian personal law regarding an infant,
30 prodigal or person of unsound mind who is a Christian or the maintenance or

1 the guardianship of a Christian who is physically or mentally infirm; or
2 (e) where all the parties to the proceedings, being Christians, have
3 requested the court that hears the case in the first instance to determine, that
4 case in accordance with Christian personal law, or any question.

5 285D. For the purpose of exercising any jurisdiction conferred upon it
6 by this Constitution or a Law of the House of Assembly, the Ecclesiastical
7 Court of Appeal shall be duly constituted if it consists of at least three Cardinals
8 of that Court.

9 286E. Subject to the provisions of any Law of the House of Assembly
10 of a State, the Grand Cardinal of the Ecclesiastical Court of Appeal of a State
11 may make rules for regulating the practice and procedure of the Ecclesiastical
12 Court of Appeal of the State."

Alteration of
Section 288 of
the Principal
Act

13 **12.** Section 288 of the Principal Act is altered:

14 (a) in subsection 1 by inserting after the word, "law" in line 5, the
15 words "persons learned in Christian personal law"; and

16 (b) in subsection 2 by inserting a new paragraph (c):

17 "(c) a person shall be deemed to be learned in Christian personal law if
18 he is a legal practitioner in Nigeria and has been so qualified for a period of not
19 less than fifteen years in the case of a Justice of the Supreme Court or not less
20 than twelve years in the case of a Justice of a Court of Appeal and has in either
21 case and in the opinion of the National Judicial Council considerable
22 knowledge and experience in Christian personal law.

Alteration of
Section 289 of
the Principal
Act

23 **13.** Section 289 of the Principal Act is altered:

24 (a) by deleting the word, "or" after the word, "Appeal" in line 3; and

25 (b) by inserting after the word, "Appeal" in line 4, the words, "or
26 Cardinal of the Ecclesiastical Court of Appeal".

Alteration of
Section 292 of
the Principal
Act

27 **14.** Section 292 of the Principal Act is altered:

28 (a) in subsection (1) (a) (i):

29 (i) by deleting the word, "and" before the word, "President" in line 4,

30 and

1 (ii) by inserting after the word, "Abuja" in line 5, the words, " and
2 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
3 Territory Abuja",

4 (b) in subsection (1)(b)(ii) by:

5 (i) deleting the word, "or" after the word, "Appeal" in line 1 ;and

6 (ii) by inserting after the word, "State" in line 2, the words, " or
7 Grand Cardinal of the Ecclesiastical Court of Appeal of a State".

8 **15.** Section 318 of the Principal Act is altered:

Alteration of
Section 318 of
the Principal
Act

9 (a) in the interpretation of the words "judicial office":

10 (i) by inserting after the word, "Abuja" in line 8, the words, "the
11 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
12 Territory, Abuja";

13 (ii) by inserting after the word, "State" in line 10, the words, "or
14 Grand Cardinal of the Ecclesiastical Court of Appeal of a State",

15 (b) in the interpretation of the words, "public service of the
16 Federation" by inserting after the word, "Abuja" in line 4, the words, "or the
17 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja";

18 (c) in the interpretation of the words, "public service of a State" by
19 inserting after the word, "Appeal" in paragraph (b), line 2, the words, "the
20 Ecclesiastical Court of Appeal".

21 **16.** The Second Schedule to the Principal Act is altered - in Part 1
22 item 61 by inserting after the words, "Customary law", in line 2, the words,
23 "Ecclesiastical Law".

Alteration of
the Second
Schedule to the
Principal Act

24 **17.** The Third Schedule to the Principal Act is altered:

Alteration of
the Third
Schedule to the
Principal Act

25 (a) in Part I Item 20 by inserting a new sub paragraph (i)(aa):

26 "(i)(aa) one Grand Cardinal of Ecclesiastical Court of Appeal to be
27 appointed by the Chief Justice of Nigeria from among the Grand Cardinals
28 of the Ecclesiastical Court of Appeal to serve in rotation of two years;"

29 (b) in Part II item 21 by inserting after the word, "Abuja" in
30 paragraph (a) (ii), line 6, the words, "Grand Cardinal and Cardinals of the

- 1 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja";
- 2 (c) in Part I item 21 by inserting after the word, "States" in paragraph
- 3 (c), line 6, the words, "Grand Cardinal and Cardinals of the Ecclesiastical
- 4 Court of Appeal of the States";
- 5 (d) in Part II C- State Judicial Service Commission:
- 6 (i) by inserting a new paragraph (f)(aa):
- 7 "(f) (aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 8 the State, if any,"
- 9 (ii) by inserting in item 6, a new sub paragraph (vi)(aa):
- 10 "(iv)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 11 the State, if any;"
- 12 (iii) by inserting a new paragraph (vii):
- 13 "(vii) Cardinal of the Ecclesiastical Court of Appeal of the State, if
- 14 any;"
- 15 (e) by inserting in item 6 paragraph (c) before the word, "magistrates"
- 16 in line 3, the word "Ecclesiastical Court of Appeal";
- 17 (f) by inserting in Item 6 paragraph (c), by inserting immediately after
- 18 the words, "Customary Courts" in line 4, the words "Ecclesiastical Courts";
- 19 (g) in Part III Item 1- Judicial Service Committee of the Federal
- 20 Capital Territory, Abuja by inserting a new paragraph (e)(aa):
- 21 "(e)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 22 the of the Federal Capital Territory;"
- 23 (h) in Part III Item 2, Judicial Service Committee of the Federal
- 24 Capital Territory, Abuja by inserting a new paragraph (a) sub paragraph" (vii)":
- 25 "(vii) a Cardinal of the Ecclesiastical Court of Appeal of the of the
- 26 Federal Capital Territory;"
- 27 (i) in Part III Item 2(c), Judicial Service Committee of the Federal
- 28 Capital Territory, Abuja by inserting immediately after the word "Abuja" in
- 29 line 4, the words "Ecclesiastical Court of Appeal of the Federal Capital
- 30 Territory".

1	18. The Sixth Schedule is altered:	Alteration of the Sixth Schedule to the Principal Act
2	(a) in Section 1 (2) by inserting after the words, "Customary Court	
3	of Appeal" in line 3, the words, " Cardinals of the Ecclesiastical Court of	
4	Appeal";	
5	(b) in Section 1 (3),by the inserting after the words, " State" in line 3	
6	the words, " Grand Cardinal of the Ecclesiastical Court of Appeal of the	
7	State"	
8	(c) in Section 2 (2) by the inserting before the word, "or" in line	
9	3,the words" Cardinals of the Ecclesiastical Court of Appeal"; and	
10	(d)" in Section 2 (3) by the inserting after the word, "State" in line 4,	
11	the words, "Grand Cardinal of the Ecclesiastical Court of Appeal of the	
12	State".	
13	19. The Seventh Schedule, Judicial Oath, is altered:	Alteration of the Seventh Schedule to the Principal Act
14	(a) by the inserting after the word, "State" in line 10, the words	
15	"/Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal	
16	Capital Territory, Abuja/Cardinal of the Ecclesiastical Court of Appeal of	
17	the State"	
18	20. This Bill may be cited as the Constitution of the Federal	Short title
19	Republic of Nigeria (Alteration) Bill, 2021.	

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, Laws of the Federation Cap C23, 2004 to provide for the Ecclesiastical Court of Appeal of the Federal Capital Territory Abuja and the Ecclesiastical Court of Appeal of the States to provide for the functions, jurisdiction qualification and appointment and tenure of the Ecclesiastical Court of Appeal.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE INCLUSION OF THE SOVEREIGN WEALTH FUNDS ESTABLISHED UNDER THE NIGERIA SOVEREIGN INVESTMENT AUTHORITY (ESTABLISHMENT, ETC) ACT, CAP N166 LFN 2004 IN THE DISTRIBUTION OF ANY AMOUNT STANDING TO THE CREDIT OF THE FEDERATION ACCOUNT AND FOR RELATED MATTERS

Sponsored by Senator Bassey Albert Akpan

[] 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 (as
2 amended) (in this Bill referred to as "the Principal Act") is hereby altered as
3 set out in this Bill. Amendment of
the Constitution
of the Federal
Republic of
Nigeria, 1999
- 4 **2.** The Principal Act is amended in section 162(3) by adding the
5 words "and the sovereign wealth funds established under the Nigeria
6 Sovereign Investment Authority (Establishment, etc.) Act, Cap N166 LFN,"
7 immediately after the word "state" in the third line of that subsection as
8 follows: Amendment of
Section 162(3)
- 9 162 (3) Any amount standing to the credit of the Federation
10 Account shall be distributed among the Federal and State Governments and
11 the Local Government Councils in each State and the sovereign wealth
12 funds established under the Nigeria Sovereign Investment Authority
13 (Establishment, etc) Act, Cap N166 LFN on such terms and in such manner
14 as may be prescribed by the National Assembly. Distributable
pool account
- 15 **3.** This Bill may be cited as the Constitution of the Federal Citation
16 Republic of Nigeria, 1999 (Alteration) (Federation Account Distribution)
17 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter The Constitution of The Federal Republic of Nigeria, 1999 to provide for the Inclusion of the Sovereign Wealth Funds established under the Nigeria Sovereign Investment Authority (Establishment, Etc.) Act, Cap N166 LFN 2004 in the distribution of monthly revenue accruing to the Federation Account.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999, TO AMONG OTHER THINGS UNBUNDLE THE INDEPENDENT NATIONAL ELECTORAL COMMISSION IN ORDER TO ESTABLISH A CONSTITUENCY DELIMITATION CENTRE CHARGE WITH THE RESPONSIBILITY TO DIVIDE AND PERIODICALLY REVIEW THE DIVISION OF THE FEDERATION, STATES AND LOCAL GOVERNMENTS INTO SENATORIAL DISTRICTS, FEDERAL CONSTITUENCIES, STATE CONSTITUENCIES AND LOCAL GOVERNMENT WARDS AT INTERVAL OF NOT LESS THAN TEN YEARS AS PROVIDED IN THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS ALTERED); AND FOR RELATED MATTERS

Sponsored Senator Mohammed Sani Musa

[] Commencement

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

- | | | | |
|----|----|--|---------------------------------|
| 1 | 2 | 1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as "the Principal Act") is altered as set out in this Bill. | Alteration of the Principal Act |
| 3 | 4 | 2. Section 71 of the Principal Act is altered by substituting the words "Independent National Electoral Commission", for the words "Constituency Delimitation Centre". | Alteration of Section 71 |
| 6 | 7 | 3. Section 73(1) and (2) of the Principal Act is altered by substituting the words "Independent National Electoral Commission", for the words "Constituency Delimitation Centre". | Alteration of Section 73 |
| 9 | 10 | 4. Section 112 of the Principal Act is altered by substituting the words "Independent National Electoral Commission" after the word "the" in line 2, for the words "Constituency Delimitation Centre". | Alteration of Section 112 |
| 12 | 13 | 5. Section 113 of the Principal Act is altered by inserting the words "Provided that no State constituency shall straddle more than one local | Alteration of Section 113 |

	1	government" after the word "practicable",
Alteration of Section 114	2	6. Section 114(1) and (2) of the Principal Act is altered by substituting
	3	the words "Independent National Electoral Commission" after the word "The",
	4	for the words "Constituency Delimitation Centre".
Citation	5	7. This Bill may be cited as Constitution of the Federal Republic of
	6	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 unbundle the Independent National Electoral Commission in order to establish a Constituency Delimitation Centre charge with the responsibility to divide and periodically review the division of the Federation, States and Local Governments into Senatorial districts, Federal constituencies, State constituencies and Local Government wards at interval of not less than ten years as provided in the Constitution of the Federal Republic of Nigeria 1999 (as altered).

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO STRENGTHEN LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA AND TO ABROGATE THE STATE JOINT LOCAL GOVERNMENT ACCOUNTS AND EMPOWER EACH LOCAL GOVERNMENT COUNCIL TO MAINTAIN ITS OWN SPECIAL ACCOUNT AND MAKE PROVISIONS FOR SAVINGS IN THE FEDERATION ACCOUNT BEFORE DISTRIBUTION TO OTHER LEVELS OF GOVERNMENT; AND FOR OTHER RELATED MATTERS, 2021

Sponsored by Senator Abba Moro

[] 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. | Principal Act |
| 3 | 2. Section 7 of the Principal Act is altered by substituting for | Alteration of |
| 4 | Subsection 1 a new (1) "the system of Local Government by democratically | Section 7 |
| 5 | elected Local Government Councils is under this Constitution guaranteed" | |
| 6 | 3. Subsection 1 of Section 1 of the Principal Act is further altered | |
| 7 | by inserting after (1) n(a-e)- | |
| 8 | (a) A local Government Council not democratically elected shall | |
| 9 | not be recognized by any authority and persons and shall not be entitled to | |
| 10 | any revenue allocation from the Federation Account or the State | |
| 11 | Government nor exercise any function exercisable a Local Government | |
| 12 | Council under this Constitution or any Law for the time being in force; | |
| 13 | (b) Shall stand dissolved at the expiration of a period of 3 years, | |
| 14 | commencing from the date the members of the Council were sworn in; | |
| 15 | (c). The democratically elected local government council shall be a | |

1 tier of government in Nigeria and shall consist of executive and legislative
2 arms;

3 (d) The House of Assembly of every State shall ensure the existence
4 of democratically elected Local Government Councils under a law which
5 provides for the establishment elections, structure, composition, finance and
6 functions of such Councils; and

7 (e) Subject to the provisions of this Constitution, person shall be
8 qualified for election into the Local Government Council if he is a member of a
9 political party and he is being sponsored by the party or he is an Independent
10 Candidate.

11 4. Subsection 5 of Section 7 of the Principal Act is altered by
12 substituting for (5) a new (5) in addition to the functions conferred upon Local
13 Government Councils as specified in the Fourth Schedule to this, a House of
14 Assembly of a State may by Law confer other functions on the Local
15 Government Councils.

Deletion of
Section 7(6)

16 5. Section 7(6) is hereby deleted.

Alteration of
Section 162

17 6. Section 162 (2) of the Principal Act is altered by deleting all the
18 words before 'shall' and inserting new words tithe Revenue Mobilization
19 Allocation and Fiscal Commission, shall table before the National Assembly.

20 7. Section 162 (4) of the Principal Act is altered by deleting the entire
21 subsection and inserting a new (4) "notwithstanding the provisions of this
22 Section, 10% of any amount paid into the Federation Account shall be deducted
23 and saved into a separate account prior to distribution to the respective levels of
24 government and shall be held on such terms and conditions as may be
25 prescribed by an Act of the National Assembly"

26 8. Section 162 (5) of the Principal Act is altered by deleting the entire
27 subsection 5 and replacing with a new (5) "The amount standing in the
28 Federation Account being savings shall not be distributed to the respective
29 levels of government until at least 5 years from the date it was so saved"

30 9. Section 162 (6) of the Principal Act is altered by deleting the entire

1 subsection 6 and replacing it with a new (6) "any amount standing to the
2 credit of the States and Local Government Councils in the Federation
3 Account shall be distributed among the States and Local Government
4 Councils on such terms and in such manner as may be prescribed by an Act
5 of the National Assembly"

6 **10.** Section 162 (7) of the Principal Act is altered by deleting the
7 subsection and replacing it with a new (7) "each Local Government Council
8 shall maintain a special account to be called Local Government Council
9 Allocation Account into which shall be paid directly such allocation to the
10 Local Government Council from the Federation Account and from the
11 Government of the State"

12 **11.** Section 162 (8) of the Principal Act is altered by deleting the
13 entire (8) and replacing it with a new (8) "each State shall pay to Local
14 Government Councils in its area of jurisdiction such proportion of its
15 internally generated revenue on such terms and in such manner as may be
16 prescribed by the House of Assembly"

17 **12.** Section 162 (9) of the Principal Act is altered by deleting the e
18 replacing with a new entire (9) and (9) "the House of Assembly of each State
19 shall by law prescribe such portion of the money allocated to the State and its
20 Local Government Councils from the Federation Account to be used for the
21 purpose of payment of salaries of primary schools teachers and such other
22 purposes as it may determine"

23 **13.** Section 162 (10) of the Principal Act is altered by inserting a
24 new (10) for the purpose of Subsection 9 of this Section, the Federation
25 Account Allocation Committee shall deduct and remit salaries of primary
26 school teachers to a body as may be prescribed by the House of Assembly of
27 each State"

28 **14.** Section 318 of the Principal Act is altered by inserting, in
29 alphabetical order, the following interpretation:

30 "Bye-law means enactment of a local government council;

	1	"chairman or "vice chairman" when used with reference to a local government
	2	council means chairman or vice-chairman of the Local Government Council;
	3	"councilor" means a member of the Local Government Legislative Councils.
Citation	4	15. This Bill may be cited as the Constitution of the Federal Republic
	5	of Nigedria, 1999 (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to strengthen Local Government Administration in Nigeria and to abrogate the State Joint Local Government Accounts and empower each Local Government Council to maintain its own special account and make provisions for savings in the Federation Account before distribution to other levels of government.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 CAP. C23 LAWS OF THE FEDERATION OF NIGERIA 2004 TO INCREASE THE NUMBER OF STATES FROM 36 TO 37 IN FAVOUR OF SOUTH EAST GEO-POLITICAL ZONE OF NIGERIA, FOR THE PURPOSE OF BRINGING THE ZONE AT PER WITH OTHER GEOPOLITICAL ZONES OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Senator Chukwuka Utazi

[] 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 of Nigeria 2004 (in this bill referred to as "the</p> <p>3 Principal Act") is altered as set out in this Bill.</p> | <p>Alteration of
the Constitution</p> |
| <p>4 2. Section 3(1) of the principal Act is altered by inserting, after the</p> <p>5 word "Abia", the word "Adada".</p> | <p>Alteration of
Section 3 of the
Principal Act</p> |
| <p>6 3. Part I of the First Schedule to the Principal Act is amended, by</p> <p>7 inserting after the first row which described "Abia State, its Local</p> <p>8 Government Areas, and Capital City", a new "row and</p> <p>9 Columns"-</p> <p>10 "Adada, Igbo Etiti, Igbo Eze North, Igbo Nsukka</p> <p>11 Eze South, Isi Uzo, Nsukka,</p> <p>12 Udenu, Uzo Uwan"</p> | <p>Alteration of
First Schedule</p> |
| <p>13 4. In this Bill-</p> <p>14 "Southeast geopolitical zone" is a zone that comprises of Abia, Anambra,</p> <p>15 Enugu, Ebonyi and Imo States;</p> | |
| <p>16 5. This Bill may be cited as the Constitution of the Federal</p> <p>17 Republic of Nigeria 1999 (Alteration) Bill, 2021.</p> | |

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Constitution of the Federal Republic of Nigeria 1999 Cap. C23 Laws of the Federation of Nigeria 2004 to increase the number of States from 36 to 37 in favour of South East geo-political zone of Nigeria, for the purpose of bringing the zone at par with other geopolitical zones of Nigeria.

CLEAN NIGERIA AGENCY (ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENTS OF SECTIONS

Sections:

PART I - ESTABLISHMENT OF THE CLEAN NIGERIA AGENCY

1. Recognition of the Clean Nigeria Agency

PART II -ESTABLISHMENT OF THE MEMBERSHIP OF THE
GOVERNING BOARD

2. Membership of the Governing Board
3. Tenure of Office of Members of the Governing Board
4. Cessation of Membership
5. Allowances of Members
6. Powers of the Board

PART III -MANAGEMENT AND STAFF 'OF THE AGENCY

7. The Executive Secretary of the Agency
8. Appointment of the Secretary and Staff of the Agency
9. Service in the Agency to be Pensionable

PART IV - FUNCTIONS OF THE AGENCY

10. Functions of the Agency

PART V - OFFENCES TO BE PROHIBITED

11. Offences to be prohibited

PART VI - PROVISION OF TOILETS IN PRIVATE AND PUBLIC PLACES

12. Provision of Toilets in Private and Public Places

PART VII - FUND FOR THE AGENCY

14. Fund for the Agency
15. Expenditure for the Agency
16. Power to Accept Gifts
17. Annual Estimates and Expenditure
18. Annual Reports
19. Power to Borrow Money

PART VIII - PROVISION RELATING TO THE ACQUISITION OF LAND

19. Provision Relating to the Acquisition of Land

PART IX - MISCELLANEOUS PROVISION

20. Limitation of Suits against the Agency
21. Service of Documents
22. Restrictions on the execution against property of the Agency
23. Indemnity of Staff and officers of the Agency
24. Jurisdiction of the Agency
25. Savings and Transfer of Liabilities of the Agency
26. Interpretation
27. Short Title
28. Explanatory Memorandum

A BILL

FOR

AN ACT TO ESTABLISH THE CLEAN NIGERIA AGENCY FOR THE PURPOSE,
AMONG OTHERS TO PROHIBIT OPEN URINATION/OPEN DEFECATION IN
ORDER TO KEEP NIGERIA CLEAN AND DISEASES FREE AND FOR RELATED
MATTERS

Sponsored by Senator Clifford Akhimienmona Ordia

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE CLEAN NIGERIA AGENCY

2 1.-(1) There is hereby Established a body to be known as the Clean Establishment
3 Nigeria Agency (in this Act referred to as the "Agency"). of the Clean
Nigeria Agency

4 (2) The Clean Nigeria Agency Shall:

5 (a) be a body corporate with perpetual succession and a common
6 seal;

7 (b) may sue or be sued in its corporate name; and

8 (c) May acquire, hold, purchase, mortgage and deal howsoever
9 with property, moveable or immovable, real or personal, subject to the
10 provisions of the Land use Act.

11 (3) The Agency shall enforce and administer the provisions of this
12 Act.

13 PART II - ESTABLISHMENT AND MEMBERSHIP OF THE
14 GOVERNING BOARD ETC.

15 2.-(1) There is hereby established for the Agency a Governing Establishment
16 Board (in this Act referred to as the "Board") which shall, subject to this Act, and Membership
17 have general control of the Agency. of the Governing
Board

18 (2) The Board shall consist of:

19 (a) a Chairman;

- 1 (b) one representatives of each of the following, that is:
- 2 (i) the Federal Ministry of water Resources;
- 3 (ii) the Federal Ministry of Environment;
- 4 (iii) The Federal Ministry of Health;
- 5 (c) Two other persons to represent public interest and who shall be
- 6 persons who possess cognate experience in Environment matters; and
- 7 (d) The Executive Secretary of the Secretary of the Agency.
- 8 (3) The Chairman and members of the Board apart from the ex-officio
- 9 members, shall be:
- 10 (a) appointed by the president on the recommendation of the Minister
- 11 of Water Resources;
- 12 (d) persons of proven character, integrity, ability and necessary
- 13 educational qualification
- 14 (4) The supplementary provisions set out in the schedule to this Act
- 15 shall have effect with respect to the proceedings of the Board and other matters
- 16 contained therein.

17 *[Schedule]*

Tenure of office

- 18 **3.** Subject to the provisions of this Act, a member of the Board, other
- 19 than the ex- officio members, shall hold office:
- 20 (a) for a term of four years in the first instance and may be re-
- 21 appointed for a further term of four years and no more; and
- 22 (b) on such terms and conditions as may be specified in his letter of
- 23 appointment.

Cessation of
Membership

- 24 **4.-(1)** Notwithstanding the provisions of section 3 of this Act, a
- 25 person shall cease to hold office as a member of the Board if:
- 26 (a) he becomes bankrupt, suspends payment or compounds with his
- 27 creditors; or
- 28 (b) he is convicted of a felony or any offence involving dishonesty or
- 29 fraud; or

1 (c) he becomes of unsound mind or is incapable of carrying out his
2 duties; or

3 (d) he is guilty of serious misconduct in relation to his duties; or

4 (e) in the case of a person possessed of professional qualifications,
5 he is disqualified or suspended, other than at his own request, from
6 practicing in any part of the world by an order of competent authority made
7 in respect of that member; or

8 (f) he resigns his appointment by a letter addressed to the President.

9 (2) If a member of the Board ceases to hold office for any reason
10 whatsoever before the expiration of the term for which he is appointed,
11 another person representing the same interest as that member shall be
12 appointed to the Board for the unexpired term.

13 (3) A member of the Board may be removed by the President on the
14 recommendation of the Minister of Water Resources if he is satisfied that it
15 is not in the interest of the Agency or the interest of the Public that the
16 member continues in office.

17 5. There shall be paid to every member of the Board such Allowances of
18 allowances and expenses as the Federal Government may, from time to time, Members
19 direct.

20 6. The Board shall have power to:

21 (a) provide the general policies and guidelines relating to the major Powers of the
22 expansion programme of the Agency; Board

23 (b) manage and superintend the affairs of the Agency;

24 (c) subject to the provisions of this Act make, alter and revoke rules
25 and regulations for carrying on the functions of the Agency;

26 (d) fix terms and conditions of service including remuneration of
27 the employees of the Agency; and

28 (e) do such other things which in the opinion of the Board are
29 necessary to ensure the efficient performance of the functions of the
30 Secretariat.

	1	PART III - MANAGEMENT AND STAFF OF THE AGENCY
The Executive Secretary of the Agency	2	7.-(1) The Agency shall be headed by an Executive Secretary.
	3	(2) The Executive Secretary shall be:
	4	(a) The Chief Executive Officer of the Agency and shall direct the day
	5	to day operations of the Agency;
	6	(b) Responsible to the Minister of Water Resources for the day to day
	7	operations of the Agency;
	8	(c) Appointed by the President on the Recommendation of the
	9	Minister of Water Resources on such terms and conditions as may be specified
	10	in" his/her letter of appointment or as may be determined, from time to time, by
	11	the Ministry of Water Resources;
	12	(d) Appointed for a term of 5 years in the first instance and may,
	13	subject to a satisfactory performance, be re-appointed for a further term of 5
	14	years and no more.
	15	(3) A person shall not be appointed as the Executive Secretary, except
Appointment of Secretary and Staff of the Agency	16	he/she has a recognized professional degree in water Sanitation and any other
	17	related degree or certification in Environmental Sciences.
	18	(4) The Executive Secretary may be suspended or removed from
	19	office by the President on the recommendation of the Minister where he/she:
	20	(a) Has demonstrated inability to effectively perform the duties of the
	21	office
	22	(b) Is found guilty of gross misconduct;
	23	(c) Disqualified by a competent body from practicing his profession
	24	in any part of the world;
	25	(d) is in breach of the conflict of interest and use of insider
	26	information for personal gains;
	27	8.-(1) Board shall appoint for the Agency a Secretary who shall:
	28	(a) be a legal practitioner and shall have been so qualified for a period
	29	of not less than twelve years;

1 (b) conduct the correspondence of the Board and keep the records
2 of the Agency; and

3 (c) perform such other functions as the Board or the Executive
4 Secretary, as the case may be, may, from time to time, assign to him.

5 (2) The Board shall designate or cause to be deployed directly staff
6 from the department of water quality in the Ministry of water resources to
7 assist it in the effective discharge of its duties and functions under this Act.

8 (3) Notwithstanding the provisions of subsection (1) and (2) of this
9 section, the Board shall have power to appoint for the Agency either directly
10 or on secondment from any public service in the Federation such number of
11 employees as may in the opinion of the Board be required to assist the
12 Agency in the discharge of any of its functions under this Act.

13 (4) Nothing in subsection (3) of this section, shall preclude the
14 Board from appointing persons outside the public service of the Federation
15 or of the state whenever it deems it necessary so to do.

16 (5) (a) the terms and conditions of service including remuneration,
17 allowances and benefits of the Executive Secretary and its personal Aides
18 shall be in line with the terms and conditions of the Revenue Mobilization
19 Allocation and Fiscal Commission;

20 (b) the terms and conditions of service including remuneration,
21 allowances, benefits and pensions of the employees seconded from the
22 Ministry of water resources or any other Federal Government Agency
23 designated to the Agency shall be determined by the Board.

24 9.-(1) Service in the Agency shall be approved service for the
25 purposes of the Pension Act;

Service in the
Agency to be
Pensionable

26 (2) The officers and other persons employed in the Agency shall be
27 entitled to pensions, gratuities and other retirement benefits, as are enjoyed
28 by persons holding equivalent grades in the civil service of the Federation.

29 (3) Nothing in subsections (1) and (2) of this section shall prevent
30 the appointment of a person to any office on terms which preclude the ,grant

1 of pension and gratuity in respect of that office.

2 (4) For the purposes of the application of the provisions of the
3 Pensions Act, any power exercisable thereunder by the Minister or other
4 authority of the Government of the federation, other than the power to make
5 regulations under section 23 thereof, is hereby vested in and shall be
6 exercisable by the Board and not by any person or authority.

7 PART IV - FUNCTIONS OF THE AGENCY

Functions of
the Agency

8 10.-(1) The Clean Nigeria Agency in the Federal Ministry of Water
9 Resources and its branch offices in each of the States and FCT will/shall:

10 (a) Make rules/issue guidelines and regulations for enforcing and
11 implementing this Act;

12 (b) Issue license to Private Corporation for the construction and
13 operation of public toilets;

14 (c) Certify public toilet facility to be fit for use by members of the
15 public;

16 (d) Shut down any public place that does not meet the required
17 standard of public toilet facility prescribed by the Agency;

18 (e) Prepare an annual plan with budget to carry out campaigns across
19 Nigeria;

20 (f) Advise the government-Federal and State, on how to include
21 campaign cost in the annual budget.

22 PART V - OFFENCES TO BE PROHIBITED

Offences to be
prohibited

23 11.-(1) It shall be an offence for anybody to urinate or defecate in any
24 place other than a place so designated for that purpose:

25 (a) Anybody who deliberately urinates, defecates, or dispose urine or
26 excreta on any place, except in household toilets or public toilets or any other
27 place designated for the that purpose by the Government, commits an offence,
28 and shall upon conviction be punishable by a fine not less than N10,000 (Ten
29 Thousand Naira Only) or a community service for a period not less than 1
30 month;

1 (b) Anybody, who counsels, intentionally aids or abets anybody
 2 who urinates or defecates in a public place, other than a place designated for
 3 that purpose commits an offence, and shall upon conviction be sentenced to
 4 a fine of N5000 (Five Thousand Naira) or a community service for a period
 5 not less than 2 weeks;

6 (c) The parent, guardian or adult who allows a child he/she is
 7 responsible for to openly defecate or urinate in a place where the parent,
 8 guardian or adult will ordinarily know that such child will defecate or
 9 urinate if not properly cared for; will be held liable as if such parent,
 10 guardian -or adult committed the offence himself/herself;

11 (d) It shall be duty of any parent, guardian or adult with a toddler to
 12 make adequate arrangement for urination or defecation of their child, and it
 13 shall not be her defense that the offender is a child.

14 PART VI - PROVISION OF TOILETS IN PRIVATE AND PUBLIC PLACES

15 12. With regard to Private and Public Places:

Provision of
Toilets in Private
and Public Places

16 (a) It shall be the duty of every landlord to make adequate and
 17 suitable provision of toilets for his building in line with the guidelines
 18 prescribed by the Agency;

19 (b) Every public building shall have adequate toilets for such
 20 building. What is adequate shall be determined by the Agency having regard
 21 to the number of person(s) using the building and the rate of maintenance;

22 (c) The landlord of - any Building be it residential or Commercial
 23 without adequate toilets commits an offence and shall upon conviction be
 24 made to pay a fine of N500,000 and build such number toilets recommended
 25 by the Agency under the supervision of the Agency;

26 (d) Where the building is a government building, the Agency shall
 27 immediately notify the Head of the Agency, Ministry or Department of such
 28 inadequacy and make recommendation how such shall be rectified;

29 PART VII - FUND FOR THE AGENCY

30 13.-(1) The Agency shall establish and maintain a fund from which

Fund for the
Agency

Expenditure
of the Agency

Poer to accept
gifts

1 shall be defrayed all expenditure incurred by the Agency (2) There shall be paid
2 and credited to the fund established pursuant to subsection (1) of this section:

3 (a) all subventions and budgetary allocation from the Government of
4 the Federation;

5 (b) All monies raised for the purposes of the Agency by way of gifts,
6 loan, grants-in-aid, testamentary dispositions or otherwise; and proceeds 'from
7 all other assets that may, from time to time, accrue to the Agency;

8 (c) All monies accruing from the payment of fines and licenses.

9 (3) The fund shall be managed in accordance with the rules made 'by
10 the Ministry, and without prejudice to the generality of the power to make rules
11 under this subsection; the rules shall in particular contain provisions:

12 (a) Specifying the manner in which the assets or the fund of the
13 Agency are to be held, and regulating the making of payments into and out of
14 the Fund;

15 (b) And requiring an efficient keeping of proper accounts and records
16 for the purpose of the Fund in such form as may be specified in the rules.

17 **14.** The Agency shall, from time to time, apply the funds at its
18 disposal for:

19 (a) the administration and maintenance of the Agency;

20 (b) publicize and promote the activities of the Agency;

21 (c) pay allowances, expenses and other benefits of members of the
22 Board and committees of the Board;

23 (d) pay the salaries, allowances and benefits of employees of the
24 Agency;

25 (e) pay other overhead allowances and benefits and other
26 administrative costs of the Agency; and

27 (f) undertake such other activities as are connected with all or any of
28 the functions of the Agency under this Act

29 **15.-(1)** The Agency may accept gifts of land, money or other property
30 on such terms and conditions, if any, as may be specified by the person or

1 organization making the gift.

2 (2) The Agency shall not accept any gift, if the conditions attached
3 by the person or organization making the gift are inconsistent with the
4 functions of the Agency under this Act.

5 16.-(1) The Board shall, not later than 30 September in each year, Annual estimates
6 submit to the President through the Minister an estimate of the expenditure and expenditure
7 and income of the Agency during the next succeeding year.

8 (2) The Board shall cause to be kept proper accounts of the Agency
9 in respect of each year and proper records in relation thereto and shall cause
10 the accounts to be audited not later than six months after the end of each year
11 by the Auditor-General for the Federation.

12 17. The Board shall prepare and submit to the President, through Annual report
13 the Minister of Water Resources, not later than 30th June in each year, a
14 report in such form as the president may direct on the activities of the
15 Agency during the immediate preceding year and shall include in the report,
16 a copy of the audited accounts of the Agency for that year and the auditor's
17 report thereon.

18 18.-(1) The Agency may, from time to time, borrow by overdraft or Power to borrow
19 otherwise, such sums as it may require for the performance of its functions
20 under this Act.

21 (2) The Agency shall not, without the approval of the President,
22 borrow money which exceeds at any time limit set by the President.

23 (3) Notwithstanding subsection (1) of this section, where the sum
24 to be borrowed is in foreign currency the Agency shall not borrow the sum
25 without prior approval of the President.

26 (4) The Board may, with the approval of the Minister, borrow on
27 such terms and conditions, such sums of money as the Board may require in
28 the exercise of the functions conferred on it under this Act.

29 (5) The Board may, subject to the provisions of this Act and the
30 conditions of any trust created in respect of any property invest all or any of

Provision relating
to the acquisition
of Land

1 its funds with the approval of the Minister or in accordance with any general
2 guidelines approved by the President.

3 (6) The Board may invest any surplus funds in such securities as may
4 be approved by the Minister.

5 PART VIII - PROVISION RELATING TO THE ACQUISITION OF LAND

6 **19.**-(1) The Agency may subject to the Land use Act or any relevant
7 law acquire any land for the purpose of discharging its functions under this Act.

8 (2) Where there is any hindrance in the acquisition of nay land by the
9 Agency under this Act, including any failure by the Agency to reach an
10 agreement as to the amount to be paid in respect of the acquisition, the Agency
11 may apply to the Minister for a declaration under subsection (3) of this section.

12 (3) the Minister on receiving an application from the Agency and after
13 such enquiry as he may deem fit in the circumstance, may request the FCT
14 Minister in case of the Federal Capital Territory, the Governor of the state or the
15 'relevant authority where the land is situated to declare that the land is required
16 for the service of the Agency and accordingly for an over-riding public
17 purpose.

18 (4) Where a declaration is made under subsection (3) of this section,
19 the land to which the declaration relates shall be deemed to be land acquired for
20 the purpose of the Federation within the meaning of the Land use Act and the
21 Agency shall acquire the land accordingly.

22 (5) where a declaration has been made under subsection (3) of this
23 section in respect of any land and the:

24 (a) land has been acquired pursuant to subsection (4) of this section;

25 (b) the FCT Minister or Governor of the state concerned is satisfied
26 that there is no rights subsisting in respect of the land; the FCT Minister or the
27 Governor of the state my vest the land in the Agency by issuing a Certificate of
28 Occupancy in respect of it. In favour of and in the name of the Agency

29 (6) The compensation, if any, payable under the Land Use Act for the
30 revocation of any rights relating to the land, where applicable, shall be paid by

1 the Agency.

2 (7) The plan of the land referred to in subsection (2) of this section:

3 (a) Containing measurement of the boundaries of the land;

4 (b) Showing the relationship of the land to any sufficient
5 identifying mark; and

6 (c) signed by the Surveyor-General; shall be a sufficient
7 description of the land for the purpose of an application under the
8 subsection.

9 (8) The Agency shall not, without prior approval in writing by the
10 FCT Minister or the Governor of the state in which the land is situated,
11 alienate, mortgage, charge or otherwise demise any immovable property
12 which has been vested in the Agency under this section or in respect of
13 which a right of Occupancy has been granted to the Agency.

14 PART IV - MISCELLANEOUS PROVISIONS

15 **20.**-(1) Subject to the provisions of this Act, the provisions of the
16 Public Officers Protection Act shall apply in relation to any suit instituted
17 against any officer or employee of the Agency.

Limitation of
suits against the
Agency

18 [Cap. P41]

19 (2) Notwithstanding anything contained in any other law or
20 enactment, no suit shall lie against any member of the Board, the Executive
21 Secretary or "any other officer or employee of the Agency for any act done in
22 pursuance or execution of this Act or any or any other law or enactment, or of
23 any public duty or authority or in respect of any alleged neglect or default in
24 the execution of this Act or such law or enactment, duty or authority, shall lie
25 or be instituted in any court unless-

26 (a) it is commenced within three months next after the act, neglect
27 or default complained of; or

28 (b) in the case of a continuation of damage or injury, within six
29 months next after the ceasing thereof.

30 (3) No suit shall be commenced against a member of the Board, the

	1	Executive Secretary, officer or employee of the Agency before the expiration
	2	of a period of one month after written notice of intention to commence the suit
	3	shall have been served upon the Agency by the intending plaintiff or his legal
	4	representative.
	5	(4) The notice referred to in subsection (3) of this section shall clearly
	6	and explicitly state the cause of action, the particulars of the claim, the name
	7	and place of abode of the intending plaintiff and the relief which he claims.
Service of Documents	8	21. A notice! summons or other documents required or authorized to
	9	be served upon the Agency under the provisions of this Act or any other law or
	10	enactment may be served by delivering it to the Executive Secretary or by
	11	sending it by a registered post should be addressed to the Executive Secretary at
	12	the principal office of the Agency.
Restriction ob execution against property of the Agency	13	22. -(1) In any action or suit against the Agency, no execution or
	14	attachment of process in the nature thereof, shall be issued against the Agency.
	15	(2) Any sum of money which may by the judgment of any court be
	16	awarded against the Agency shall, subject to any direction given by the court
	17	where notice of appeal of the said judgment has been given, be paid from the
	18	general reserve fund of the Agency.
Indemnity of Officers	19	23. A member of the Board, the Executive Secretary, any officer or
	20	employee of the Agency, shall be indemnified out of the assets of the Agency
	21	against any proceeding, whether civil or criminal, in which judgment is given
	22	in his favour, or in which he is acquitted, if any such proceeding is brought
	23	against him in his capacity as a member of the Board, the Managing Director,
	24	officer or employee of the Agency.
Jurisdiction	25	24. The Magistrate Court in FCT and all the 36 states shall have
	26	Jurisdiction to try offences committed under this Act.
Savings and transfer of liabilities	27	25. -(1) The statutory functions, rights, interest, obligation and
	28	liabilities of the Directorates, existing before the commencement of this Act,
	29	under any contract or instrument, or in law or in equity shall, by virtue of this

1 Act, be deemed to have been assigned to and vested in the Agency
2 established by this Act.

3 (2) Any such contract or instrument as is mentioned in subsection
4 (1) of this section, shall be of the same force and effect against or in favour of
5 the Agency established by this Act and shall be enforceable as fully and
6 effectively as if instead of the Directorates existing before the
7 commencement of this Act, the Agency by this Act has been named therein
8 or had been a party thereto.

9 (3) The Agency established by this Act shall be subject to all the
10 obligations and liabilities to which the Directorates existing before the
11 commencement of this Act and all other persons shall have the same rights,
12 powers and remedies against the Agency established by this Act, as they had
13 against the Directorates existing before the commencement of this Act.

14 (4) Any proceeding pending or cause of action existing
15 immediately before the commencement of this Act, by or against the
16 Directorates existing before the commencement of this Act in respect of any
17 right, interest, obligation or liability of the Directorates, may be continued or
18 as the case may be, commenced in any court of law, tribunal or before any
19 other authority or person and any determination of a court of law, tribunal or
20 other authority or person may be enforced by or against the Agency
21 established by this Act., to the same extent that such proceeding or cause of
22 action or determination might have been continued, commenced or enforced
23 by or against the Directorates existing before the commencement of this Act.

24 **26.** In this Bill:

Interpretation

25 (a). "Board" means the Governing Board of the Agency as
26 mentioned in section 2 of this Act;

27 (b) "Defecate" means- to pass the contents of the bowels out of the
28 anus;

29 (d) "Defecation in open/public places" means defecation in any
30 place other than the place designated for that purpose;

1 (e) "Executive Secretary" means the chief accountings officer and
2 head of the Agency;

3 (f) "Members" means a member of Board which also include the
4 Chairman;

5 (g) "Minister" means the Minister of water resources

6 (h) "Open/public place" refers to any public accessible landscapes,
7 structures and infrastructure, whether owned privately or publicly, to which the
8 public have unbridled access by right or by invitation, expressed or implied,
9 whether by payment of money or not, and includes, but not limited to: Schools,
10 worship places, motor parks, markets, apartment houses, office buildings,
11 transport facilities, recreational parks, plazas, streets, libraries, bridges,
12 stairways, roadside, waterworks, shops, gutters, bushes, uncompleted
13 buildings.

14 (i) "Urinate" means- to pass urine from the body.

15 (j) "Agency" means the Clean Nigeria Agency established by Section
16 of this Act.

Short title

17 **27.** This Bill may be called the Clean Nigeria Agency (Establishment)
18 Bill, 2021.

19 SCHEDULE

20 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

21 *Proceedings of the Board*

22 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
23 Board may make standing orders regulating its proceedings or those of any of
24 its committees.

25 ,(2) The quorum of the Board shall be the chairman or the person
26 presiding at the meeting and five other members of the Board, two of whom
27 shall be ex-officio members and the quorum of any committee of the board
28 shall be as determined by the Board.

29 2.-(1) The Board shall meet whenever it is summoned by the
30 Chairman and if the Chairman is required to do so by notice given to him by not

1 less than six other members, he shall summon a meeting of the Board to be
2 held within fourteen days from the date on which the notice is given.

3 (2) At any meeting of the Board, the Chairman shall preside but if
4 he is absent the members present at the meeting shall appoint one person
5 amongst them to preside over the meeting .

6 (3) Where the Board desires to obtain the advice of any person on a
7 particular matter, the Board may co-opt him to the Board for such period as it
8 deems fit, but a person who is in attendance by virtue of this paragraph, shall
9 not be entitled to vote at any meeting of the Board and shall not count
10 towards a quorum.

11 3.-(1) The Board may appoint one or more committees to carry out
12 on behalf of the Board such functions as may be determined by the Board.

13 (2) A committee appointed under this paragraph shall consist of
14 such number of persons as may be determined by the Board and a person
15 shall hold office on the committee in accordance with the terms of his
16 appointment.

17 (3) A decision of a committee of the Board shall be of no effect until
18 it is ratified by the Board.

19 4.-(1) The fixing of the seal of the Agency shall be authenticated by
20 the signatures of the Chairman, the Executive Secretary or any person
21 generally or specifically authorized by the Board to act for that purpose.

22 (2) Any contract or instrument, which if made or executed by a
23 person not being a body corporate, would not be required to be under seal
24 may be made or executed on behalf of the Agency by the Executive
25 Secretary or any person generally or specifically authorized by the Board to
26 act for that purpose

27 (3) A document purporting to be a document duly executed under
28 the seal of the Agency shall be received in evidence and shall, unless and
29 until, the contrary is proved, be presumed to be so executed.

30 5. The validity of any proceedings of the Board or of a committee

- 1 shall not be adversely affected by:
- 2 (a) a vacancy in the membership of the Board or of a committee; or
- 3 (b) a defect in the appointment of a member of the Board or
- 4 committee; or
- 5 (c) reason that a person not entitled to do so took part in the
- 6 proceedings of the Board or committee

EXPLANATORY MEMORANDUM

This Bill seeks to provide legislative backing to the Presidential Executive Order 009 on the Open Defecation Free Nigeria by 2025.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO REGULATE THE APPLICATION OF REGIONAL AND INTERNATIONAL HUMAN RIGHTS TREATIES RATIFIED BY NIGERIA AND FOR RELATED MATTERS, 2021

Sponsors:

Senator Basiru, Surajudeen Ajibola

Senator Umar, Suleiman Sadiq

[] 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 Alteration of the
2 (hereinafter referred to as "the Principal Act") is hereby altered as set out in 1999 Constitution
3 this Bill.
- 4 **2.** Section 12 of the Principal Act is altered by inserting a new Alteration of
5 Section" 12(4)" to read as follows: Section 12
6 12(4) "Notwithstanding subsection (1) of this section, all regional
7 and international human rights treaties ratified by the Federal Republic of
8 Nigeria shall be deemed to have been enacted into law by the National
9 Assembly and have the force of law throughout the Federation."
- 10 **3.** This Bill may be cited as the Constitution of the Federal Citation
11 Republic of Nigeria, 1999 (Alteration) Bill, 2021.

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 regulate the application of regional and international human rights treaties ratified by Nigeria.