

CONSTITUTION AMENDMENT BILLS APPROVED BY THE 8TH NATIONAL ASSEMBLY JULY 2017

AWAITING STATES VOTES

An Advocacy Tool for Civil Society Organisations

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Committees in the National Assembly

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INTRODUCTION

In July 2017, both arms of the Nigerian National Assembly voted to pass certain amendments to the 1999 Constitution. These amendments appear in 21 separate bills. PLAC has compiled these bills into one volume, which is herein produced. These bills will now require approval by two-thirds of the 36 states of the Country, voting by simple majority before they return to the National Assembly for transmission to the President for Assent.

The Constitution Amendment process is a process whereby the Constitution of a country is amended to adapt it to changing realities of a Nation. The Constitution is the supreme law of any nation and is thus the grundnorm- provisions of laws enacted ought not to run contrary to its supreme law. By virtue of section 9 of the 1999 Constitution, a bill for an alteration of the Constitution shall be passed by two-thirds majority of all the members of each Chamber and approved by resolution of the two thirds of the State Houses of Assembly. In Nigeria, this has been successfully done by the 6th Assembly with the first, second and third alteration Acts of 2010.

The clamour in Nigeria for Constitution Review is high and the National Assembly has tried to address some of the concerns of the citizenry in the proposed bills. Although the bills address some of these concerns, they do not cover all, as the concerns are extensive and stretch into a “restructuring” debate.

This publication is geared towards sensitising Civil Society on the proposed alterations, as their engagement is useful and important. The National Assembly requires a return of simple majority from 24 states to satisfy the constitutional requirement of two-thirds of states approving the National Assembly’s Constitution Alteration bills, before they are transmitted for Presidential assent. In order to achieve passage, Civil Society organisations will need to position themselves strategically, working with other partners and stakeholders to advocate for passage of the bills. In driving the advocacy effort on these Constitution Alteration bills, it is necessary for Civil Society Organisations (CSOs) to visit Speakers of the State Houses of Assembly. Some other notable tools for advocating for the passage of the alteration bills could include:

- » Engagement and Sensitization of State Governors
- » Organising State and Zonal meeting of States House of Assembly members to educate them on the alterations bills
- » Engagement with the Media

- » Engagement with key unions such as Nigerian Union of Teachers (NUT), Nigerian Labour Congress (NLC) and Nigerian Union of Local Government Employees (NULGE)

This publication presents the Fourth Alteration Bill as passed by the 8th Assembly pending transmission to the State Houses of Assembly for their approval and consequently proceed to the President for Assent. The structure of the publication is as follows:

- » The first section looks into the previous alteration commenced by the 7th Assembly's;
- » The second section addresses the efforts of the 8th Assembly in resurrecting the 4th Alteration Bill and the surrounding discussions;
- » The third section summarises the bills proposed to form part of the fourth alteration and the vote taken by the respective chambers; and
- » The fourth section takes a detailed look at the bills to be transmitted to the State Houses of Assembly for their approval.

PLAC has worked closely with the National Assembly to bring forth the 8th Assembly's Fourth Alteration bill. By putting the Bill into a compilation together with explanatory notes, PLAC is providing a ready tool and advocacy material for civil society organisations to understand the background and contents of the bill and support its realisation by advocating passage in the State legislature as well as educating the polity to push for speedy assent by the President. It also serves as a tool for further advocacy on bills, which were rejected.

1 - PREVIOUS ALTERATION BY THE 7TH ASSEMBLY

The 7th Assembly which was inaugurated on June 6, 2011 for a tenure of four (4) years, initiated the process of the Fourth Alteration Bill which was eventually passed as the Constitution (Fourth Alteration) Bill in October 2014. Considering the 8-month period between the passage of the Fourth Alteration Bill and the lapse of the tenure of the 7th Assembly, ensuring it was successful was no easy feat. The Bill was transmitted to the President for Assent in February 2015 and Assent was withheld vide a letter to the National Assembly in April 2015. Some of the reasons cited by Former President Jonathan for withholding his assent to the proposed Fourth Alteration Bill include:

- » The proposed alterations did not meet key procedural requirements such as that enshrined in section 9(2) of the 1999 Constitution;
- » The alteration which seeks to dispense with Presidential assent is a breach of the doctrine of separation of powers and seeks to whittle down the powers of the Executive;
- » The provision of a distinct office of the Accountant General does not address how the office will be funded; and
- » Separation of the Attorney General of the Federation from the Office of the Minister of Justice might affect the structure of the Ministry of Justice.

2 - EFFORTS BY THE 8TH ASSEMBLY

In January 2016, the Senate President, Bukola Saraki, inaugurated a 51-member committee to review the constitutional amendments commenced in the 7th Assembly and ensure passage of the fourth alteration bill, in line with the expectations of Nigerians. This step was equally replicated by the Speaker of the House of Representatives, Yakubu Dogara, who inaugurated a 53-member Constitution Review Committee.

Following their inauguration, the Bills related to alterations of Constitution provisions were referred to the ad-hoc committees for legislative action. Prior to the vote by both Chambers, a harmonisation meeting was required to take place between both Chambers' Constitution Review Committees. This meeting, which ought to have held in March 2017, was delayed to July 2017. It held in Lagos with support from PLAC.

Both Constitution Review Committees of the two Chambers of the National Assembly met in Lagos to harmonise positions, and agree on what bills shall be put forward to form part of the compendium of bills towards the Fourth Alteration Bill. Having held a successful retreat, the bills were put forward for a vote at the Senate Chamber on 26th July 2017, 29 bills were approved. On 27th July 2017, the House of Representatives approved 21 bills. In total, 33 bills were put forward for a vote; of these 33 bills, 21 bills jointly approved by both Chambers. It is these approved 21 bills that the National Assembly will now transmit to the State Houses of Assembly for their votes and approval.

3 - PROPOSED BILLS AND VOTING PATTERN

S/N	Proposed Bills	Senate Decision	House of Reps. Decision	Transmission to State Houses of Assembly
1	To alter the Constitution to include Former heads of the National Assembly in the Council of State (Composition of Council of State)	Approved	Approved	Yes
2	To alter the Constitution to reduce the period within which the President of Governor may authorise the withdrawal of monies from the Consolidated Revenue Fund in the absence of an appropriation act from 6 months to 3 months. (Authorisation of Expenditure 1)	Approved	Approved	Yes
3	To alter the Constitution to move certain items from the Exclusive Legislative List to the Concurrent Legislative List to give more legislative powers to the State. (Devolution of Powers)	Rejected	Rejected	No
4	To alter the Constitution to provide for funding of the House of Assembly of States directly from the Consolidated Revenue Fund of the State. (Financial Autonomy for State Legislature)	Approved	Approved	Yes
5	To alter the Constitution 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. (Distributable Pool Account)	Approved	Approved	Yes
6	To alter the Constitution to strengthen Local Government administration in Nigeria. (Local Government)	Approved	Approved	Yes
7	To alter the Constitution to remove ambiguities in State creation and boundary adjustment. (State Creation and Boundary Adjustment)	Rejected	Rejected	No
8	To alter the Constitution to provide immunity for members of the legislature in respect of words spoken or written at plenary sessions or Committee proceedings and institutionalise legislative bureaucracy in the Constitution. (The Legislature)	Approved	Approved	Yes

S/N	Proposed Bills	Senate Decision	House of Reps. Decision	Transmission to State Houses of Assembly
9	To alter the Constitution to provide the Independent National Electoral Commission with sufficient time to conduct bye-elections and provide grounds for de-registration of political parties. (Political Parties and Electoral Matters)	Approved	Approved	Yes
10	To alter the Constitution to provide for timely passage of Bills. (Presidential Assent)	Approved	Approved	Yes
11	To alter the Constitution to require the President and Governor to submit the names of persons nominated as Ministers or Commissioners within thirty days of taking the Oath of Office for confirmation by the Senate or State House of Assembly. (Timeframe for submitting Ministerial or Commissioner Nominees)	Approved except clauses 2(c) and 3 (c)	Approved	Yes (excluding 2(c) and 3 (c))
12	To alter the Constitution of the to provide for the appointment of a Minister from the FCT, Abuja to ensure that FCT is represented in the Executive Council of the Federation. (Appointment of Minister from FCT)	Approved	Rejected	No
13	To alter the Constitution to provide for a change in the names of some Local Government Councils. (Change of Names of some local government councils)	Approved	Rejected	No
14	To alter the Constitution to provide for independent candidature in elections. (Independent Candidature)	Approved	Approved	Yes
15	To alter the Constitution to change the name of the police from Nigeria Police Force to Nigerian Police to reflect their core mandate of providing civil services. (The Nigerian Police Force)	Approved	Approved	Yes
16	To alter the Constitution to disqualify a person who was sworn-in as President or Governor to complete the term of the elected President or Governor from being elected to the same office for more than a single term. (Restriction of Tenure of the President and Governor)	Approved	Approved	Yes

S/N	Proposed Bills	Senate Decision	House of Reps. Decision	Transmission to State Houses of Assembly
17	To establish the office of the Accountant-General of the Federal Government separate from the office of the Accountant-General of the Federation. (Separation of the office of the Accountant-General of the FG from the office of the Accountant General of the Federation)	Approved	Approved	Yes
18	To make the office of the Auditor-General and Attorney-General of the Federation and for the State financially independent by placing them on the Consolidated Revenue of the Federation and of the State. (Office of the Auditor-General of the Federation and the State to be financially independent)	Approved	Approved	Yes
19	To establish the office of the Attorney-General of the Federation and of the State separate from the office of the Minister of, or Commissioner for, Justice of the State in order to make the offices of the Attorneys-General independent and insulated from partisanship. (Separation of the office of the Attorney General of the Federation and State from Minister of Justice)	Approved	Rejected	No
20	To alter the Constitution to further strengthen the judiciary for speedy dispensation of justice. (Judiciary)	Approved	Approved	Yes
21	To alter the Constitution to provide time for the determination of pre-election matters. (Determination of Pre-election matters)	Approved	Approved	Yes
22	To alter the Constitution to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps. (Nigerian Security and Civil Defence Corps)	Approved	Approved	Yes
23	To alter the Constitution to entitle married women claim the indigeneship of the State of their husbands. (Citizenship and Indigeneship)	Rejected	Rejected	No
24	To provide for the procedure for passing a Constitution Alteration Bill where the President withholds assent. (Overriding Presidential Veto)	Approved	Approved	Yes
25	To alter the Constitution to remove the law-making powers of the Executive Arm of Government. (Removal of Law Making powers of the Executive)	Approved	Rejected	No

S/N	Proposed Bills	Senate Decision	House of Reps. Decision	Transmission to State Houses of Assembly
26	To alter the Constitution to reflect the establishment of the Investments and Securities Tribunal under the Constitution. (Investment and Securities Tribunal)	Approved	Approved	Yes
27	To alter the Constitution to reduce the age for qualification for the offices of the President and Governor and membership of the Senate, House of Representatives and the State House of Assembly. (Reduction of Age for Election)	Approved	Approved	Yes
28	To alter the Constitution to specify the period within which the President or the Governor of a State shall present the Appropriation Bill before the National Assembly or House of Assembly. (Authorisation of Expenditure 2)	Approved	Approved	Yes
29	To alter the Constitution to delete the National Youth Service Corps Decree 1993 from the Constitution. (Deletion of NYSC Decree from Constitution)	Approved	Rejected	No
30	To alter the Constitution to delete the Public Complaints Commission Act from the Constitution. (Deletion of Public Complaints Commission from the Constitution)	Approved	Rejected	No
31	To alter the Constitution to delete the National Security Agencies Act from the Constitution. (Deletion of National Security Agencies Act from the Constitution)	Approved	Rejected	No
32	To alter the Constitution to delete the Land Use Act from the Constitution. (Deletion of Land Use Act from the Constitution)	Rejected	Rejected	No
33	To alter the Constitution to delete State Independent Electoral Commission from the Constitution. (Deletion of SIEC from the Constitution.)	Approved	Rejected	No

4- FOURTH ALTERATION BILL 2017

I. COMPOSITION OF MEMBERS OF THE COUNCIL OF STATE

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to include former heads of the National Assembly in the Council of State; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		Alteration of the Constitution 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.	
Third Schedule of the Constitution	<p style="text-align: center;">THIRD SCHEDULE Part I FEDERAL EXECUTIVE BODIES (ESTABLISHED BY SECTION 153) B – Council of State</p> <p>5. The Council of State shall comprise the following persons: (a) the President, who shall be the Chairman; (b) the Vice-President, who shall be the Deputy Chairman;</p>	<p>Alteration of Third Schedule</p> <p>2. Part I of the Third Schedule is altered in paragraph 5, by substituting for subparagraphs (e) and (f), new subparagraphs “(e)” and “(f)” –</p> <p style="padding-left: 40px;">“(e) the President of the Senate and all former Presidents of the Senate:</p> <p style="text-align: center;">Provided that such a person was not</p>	The Council of State is a one of the constitutionally created Federal Executive Bodies (Third Schedule, Part 1, B, section 5 and 6) will the aim of advising the President on issues relating to national population, prerogative of mercy, award of national honours, INEC, National Population Commission and maintenance of public order. The existing provisions already provide for the inclusion of the Senate President and Speaker of the House of Representatives. However, by this alteration, former Senate Presidents

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>(c) all former Presidents of the Federation and all former Heads of the Government of the Federation;</p> <p>(d) all former Chief Justices of Nigeria;</p> <p>(e) the President of the Senate;</p> <p>(f) the Speaker of the House of Representatives;</p> <p>(g) all the Governors of the states of the Federation; and</p> <p>(h) the Attorney-General of the Federation.</p>	<p>removed from office by the process of impeachment</p> <p>(f) the Speaker of the House of Representatives; and all former Speakers of the House of Representatives:</p> <p>Provided that such a person was not removed from office by the process of impeachment.</p>	<p>and Speakers of the House of Representatives would be included. By the explanatory memorandum, the aim of this alteration is to strengthen the representation of the legislature in the Council of State as former presidents and Chief Justices of Nigeria are included in the current provision.</p> <p>It is noteworthy that this alteration was included in the 4th Alteration Bill of the 7th Assembly; which also included the Minister of Justice and 6 traditional rulers reflecting Federal Character. However, those clauses were excluded from the Bill under consideration.</p>
		<p>Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No.1, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the Third Schedule to the Constitution to include former Presidents of the Senate and former Speakers of the House of Representatives as members of the Council of State. This is to ensure that the three arms of government are fairly represented in the Council.</p>	

II. AUTHORIZATION OF EXPENDITURE (1)

A Bill

For

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reduce the period within which the President or the Governor of a State may authorise the withdrawal of monies from the Consolidated Revenue Fund in the absence of an Appropriation Act from 6 months to 3 months; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		Alteration of the Constitution 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.	
82.	Authorisation of expenditure in default of appropriation. 82. If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to	Alteration of section 82 2. Section 82 of the Principal Act is altered by – (a) substituting for the word, "six" in line 5, the word, "three"; and (b) deleting, in lines 5 and 6,	By this alteration, the maximum period under which expenditure may be made from the Consolidated Revenue Fund before passage of a new budget is reduced from 6 months to 3 months. This amendment is to enable the National Assembly pass the budget timeously and improve the performance of their constitutional functions as it relates to the budgetary process.

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>carry on the services of the Government of the Federation for a period not exceeding six months or until the coming into operation of the Appropriation Act, whichever is the earlier:</p> <p>Provided that the withdrawal in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year.</p>	<p>the words “ or until the coming into operation of the Appropriation Act whichever is earlier:”</p>	<p>This alteration is identical to that which was put forward in the 7th Assembly’s version.</p>
Section 122	<p>Authorisation of expenditure in default of appropriations</p> <p>122. If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the Governor may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the State for the purpose of meeting expenditure necessary to carry on the services of the Government for a period not exceeding three months or until the coming into operation of the Law, whichever is the earlier - Provided that the withdrawal in respect of any such period shall not exceed the amount authorised to be</p>	<p>Alteration of section 122</p> <p>3. Section 82 of the Principal Act is altered by –</p> <p>(a) substituting for the word, “six” in line 5, the word, ”three”; and</p> <p>(b) deleting, in lines 5 and 6, the words “ or until the coming into operation of the Appropriation Act whichever is earlier:”</p>	<p>This alteration reduces the maximum period under which expenditure may be made from the Consolidated Revenue Fund of a State before the passage of a new budget from 6 months to 3 months. The aim is to ensure timely passage of the budget.</p> <p>This alteration is also identical to that which was put forward by the 7th Assembly</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>withdrawn from the Consolidated Revenue Fund of the State under the provisions of the Law passed by the House of the Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year.</p>		
		<p>Citation</p> <p>4. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 2, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide for the maximum period under which expenditure shall be made from the previous budget before the passage of a new budget from 6 months to 3 months.</p> <p>This Bill also seek to encourage early presentation and early passage of Appropriation Bills.</p>	

III. AUTHORIZATION OF EXPENDITURE (2)

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to specify the period within which the President or the Governor of a State shall present the Appropriation Bill before the National Assembly or House of Assembly; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>2. 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.</p>	
81.	<p>Authorisation of expenditure from the Consolidated Revenue Fund.</p> <p>81. (1) The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.</p> <p>(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an</p>	<p>Alteration of section 81</p> <p>2. Section 81 of the Principal Act is altered by substituting for subsection (1) a new subsection “(1)” –</p> <p>“(a) The President shall cause to be prepared and laid before each House of the National Assembly not later than ninety days to the end of a financial year estimates of the revenues and expenditure of the Federation for the next following financial year.</p>	<p>This section addresses when the President can submit its budget for the following financial year. The extant provision is flexible on the time frame for the laying of the budget before the National Assembly. The alteration attempts to address this by stipulating for the submission of the budget no later than 90 days to the end of the financial year. The alteration also states that the National Assembly shall pass the budget before the commencement of the next financial year.</p> <p>This is a direct response to the increasing</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.</p> <p>(3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the Federation shall be paid directly to the National Judicial Council for disbursement to the heads of the courts established for the Federation and the State under section 6 of this Constitution.</p> <p>(4) If in respect of any financial year it is found that -</p> <p>(a) the amount appropriated by the Appropriation Act for any purpose is insufficient; or</p> <p>(b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required shall be laid before each House of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.</p>	<p>(b) The National Assembly shall pass the Appropriation Bill before the commencement of the next financial year.”</p>	<p>delay in passing the budget, which has had an adverse impact on the country’s economy.</p>
Section 121	Authorisation of expenditure from Consolidated Revenue Fund	Alteration of section 121	This section addresses when a Governor can submit its budget for the following financial year. Under extant provisions,

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>121. (1) The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.</p> <p>(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.</p> <p>(3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.</p> <p>(4) If in respect of any financial year, it is found that -</p> <p>(a) the amount appropriated by the Appropriation Law for any purpose is insufficient; or</p> <p>(b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Law,</p> <p>a supplementary estimate showing the sums</p>	<p>3. Section 121 of the Principal Act is altered by substituting for subsection (1) a new subsection “(1)” –</p> <p>“(a) The Governor shall cause to be prepared and laid before the House of Assembly not later than ninety days to the end of a financial year estimates of the revenues and expenditure of the State for the next following financial year.</p> <p>(b) The House of Assembly shall pass the Appropriation Bill before the commencement of the next financial year.”</p>	<p>the Governor can submit the budget any time in the year. The alteration addresses this by stipulating an exact time frame for the submission of budget to not later than 90 days to the end of the financial year.</p> <p>The alteration also states that the State House of Assembly shall pass the budget before the commencement of the next financial year. If passed, this will ensure early presentation and timely passage of Appropriation Bills.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	required shall be laid before the House of Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.		
		<p>Citation</p> <p>4. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 28, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide for the time within which the President or Governor shall lay the Appropriation Bill before the National Assembly or House of Assembly to encourage early presentation and passage of Appropriation Bills.</p>	

IV. FINANCIAL AUTONOMY FOR STATE LEGISLATURE

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for funding of the House of Assembly of States directly from the Consolidated Revenue Fund of the State; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria-	
		<p>Alteration of the Constitution</p> <p>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.</p>	
121.	<p>Authorisation of expenditure from Consolidated Revenue fund</p> <p>121. (1) The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.</p> <p>(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that</p>	<p>Alteration of section 121</p> <p>2. Section 121 of the Principal Act is altered by substituting for subsection (3), a new subsection “(3)”-</p> <p>“(3) Any amount standing to the credit of the-</p> <p>(a) House of Assembly of the State, and</p> <p>(b) Judiciary,</p> <p>in the Consolidated Revenue Fund of</p>	<p>This amendment seeks to expand the arms of government to which payment is made directly from the Consolidated Revenue Fund to include State Houses of Assembly. Under extant provisions, only the Judiciary is covered. By this alteration any sums accruable to either body will be paid directly to the said bodies.</p> <p>It is noteworthy that a similar provision for the National Assembly is already contained under section 81(3) of extant provisions.</p>

	<p>expenditure and the appropriation of those sums for the purposes specified therein.</p> <p>(3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.</p> <p>(4) If in respect of any financial year, it is found that -</p> <p>(a) the amount appropriated by the Appropriation Law for any purpose is insufficient; or</p> <p>(b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Law, a supplementary estimate showing the sums required shall be laid before the House of Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.</p>	<p>the State shall be paid directly to the said bodies respectively; in the case of judiciary, such amount shall be paid directly the heads of the courts concerned.</p>	
		<p>Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 4, 2017.</p>	
		<p>Explanatory Memorandum</p> <p>This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to provide for the funding of the House of Assembly of states directly from the Consolidated Revenue Fund of the State.</p>	

V. DISTRIBUTABLE POOL ACCOUNT

A Bill For

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 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 related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		Alteration of the Constitution 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.	
Section 162	C - Public Revenue 162. (1) The Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.	Substitution for section 162 2. Substitute for section 162 of the Principal Act, a new "162"– "Distributable Pool Account 162. (1) The Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal	This provision contains extensive amendments. Below are highlights: <ul style="list-style-type: none"> • Subsection (2) provides that the Revenue Mobilisation Allocation and Fiscal Commission shall table revenue allocation proposals directly to the National Assembly and not through the President. • It also provides in the new subsection (4) that 10% of whatever funds are paid into the Federation account shall be deducted and put in a separate account

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>(2) The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density;</p> <p>Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.</p> <p>(3) Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manner as may be prescribed by the National Assembly.</p> <p>(4) Any amount standing to the credit of the States in the Federation Account shall be distributed among the States on such terms and in such manner as may be prescribed by</p>	<p>income tax of the personnel of the armed forces of the Federation, the Nigeria Police, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.</p> <p>(2) The Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density;</p> <p>Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.</p> <p>(3) Any amount standing to the credit of the Federation Account shall be</p>	<p>prior to distribution to levels of government. This amount set aside is also not to be distributed for at least 5 years and until terms are prescribed by the National Assembly under the new 162(5).</p> <ul style="list-style-type: none"> • It further provides for the creation of a local government council allocation account where monies from this account accruable to the Local Government may be paid into. In addition, each state is to pay a portion of its internally generated revenue to local government councils on terms as may be prescribed by State House of Assembly. • It also caters for the salaries of primary school teachers to be taken from a proportion of the sum from the Federation Account, which a Federation Account Allocation Committee can deduct and remit to the body as may be prescribed by the State Houses of Assembly. <p>This version of the alteration bill builds on and expands on a similar bill adopted by the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>the National Assembly.</p> <p>(5) The amount standing to the credit of Local Government Councils in the Federation Account shall also be allocated to the State for the benefit of their Local Government Councils on such terms and in such manner as may be prescribed by the National Assembly.</p> <p>(6) Each State shall maintain a special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the Local Government Councils of the State from the Federation Account and from the Government of the State.</p> <p>(7) Each State shall pay to Local Government Councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.</p> <p>(8) The amount standing to the credit of Local Government Councils of a State shall be distributed among the Local Government Councils of that State on such terms and in such manner as may be prescribed by the House of Assembly of the State.</p> <p>(9) Any amount standing to the credit of the</p>	<p>distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manner as may be prescribed by the National Assembly.</p> <p>(4) Notwithstanding the provisions of this Section, ten percent of any amount paid into the Federation Account shall be deducted and saved in a separate account prior to distribution to the respective levels of government and shall be held on such terms and conditions as may be prescribed by an Act of the National Assembly.</p> <p>(5) The amount standing in the Federation Account being savings shall not be distributed to the respective levels of government until at least five years from the date it was so saved.</p> <p>(6) Any amount standing to the credit of the States and Local Government Councils in the Federation Account shall be distributed among the States and Local Government Councils on such terms and in such manner as may be prescribed by an Act of the National Assembly.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>judiciary in the Federation Account shall be paid directly to the National Judicial Councils for disbursement to the heads of courts established for the Federation and the States under section 6 of this Constitution.</p> <p>(10) For the purpose of subsection (1) of this section, "revenue" means any income or return accruing to or derived by the Government of the Federation from any source and includes -</p> <p>(a) any receipt, however described, arising from the operation of any law;</p> <p>(b) any return, however described, arising from or in respect of any property held by the Government of the Federation;</p> <p>(c) any return by way of interest on loans and dividends in respect of shares or interest held by the Government of the Federation in any company or statutory body</p>	<p>(7) Each local Government Council shall maintain a special account to be called "Local Government Council Allocation Account" into which shall be paid directly such allocation to the Local Government Council from the Federation Account and from the Government of the State.</p> <p>(8) Each State shall pay to Local Government Councils in its area of jurisdiction such proportion of its <i>internally generated</i> revenue on such terms and in such manner as may be prescribed by the <i>House of Assembly</i>.</p> <p>(9) The House of Assembly of each State shall by law prescribe such portion of the money allocated to the State and its Local Government Council from the Federation Account to be used for the purpose of payment of salaries of primary school teachers and such other purposes as it may determine.</p> <p>(10) For the purpose of subsection (9), the Federation Account Allocation Committee shall deduct and remit the salaries of primary school teachers to a body as may be prescribed by the House of Assembly of each State."</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p style="text-align: center;">Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 5, 2017.</p>	
		<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the Constitution to abrogate the State Joint Local Government Accounts and empower each Local Government Council to maintain its own special account to be called Local Government Allocation Account into which all allocations due to the Local Government Council shall be directly paid from the Federation Account and from the Government of the State.</p>	

VI. LOCAL GOVERNMENT

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 for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		Alteration of the Constitution 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.	
7.	<p>Local Government System</p> <p>7. (1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.</p> <p>(2) The person authorised by law to prescribe</p>	<p>Alteration of section 7</p> <p>2. Section 7 of the Principal Act is altered by –</p> <p>(a) substituting for subsection (1), a new subsection “(1)” -</p> <p>“(1) The system of Local Government by democratically elected Local Government Councils is under this</p>	<p>This amendment is aimed at addressing the position of local governments as a 3rd tier in the Federation by effectively guaranteeing a democratically elected local government system making provision for elected officers and providing sanctions for breach. Specifically, the proposed 7 (1A) seeks to prevent the lawful recognition of any local government council not democratically elected.</p> <p>The amendments also stipulate that a local government council shall stand dissolved three (3) years from the date of swearing in</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>the area over which a local government council may exercise authority shall—</p> <p>(a) define such area as clearly as practicable; and</p> <p>(b) ensure, to the extent to which it may be reasonably Justifiable that, in defining such area regard is paid to—</p> <p>(i) the common interest of the community in the area;</p> <p>(ii) traditional association of the community, and,</p> <p>(iii) administrative convenience.</p> <p>(3) It shall be the duty of a local government council within the State to participate in economic planning and development of the area referred to in subsection (2) of this section and to this end an economic planning board shall be established by a Law enacted by the House of Assembly of the State.</p> <p>(4) The Government of a State shall ensure that every person who is entitled to vote or be voted for at an election to a House of Assembly shall have the right to vote or be voted for at an election to a local government council.</p>	<p>Constitution guaranteed.”</p> <p>(b) inserting, after subsection (1), new subsections “(1A)” – “(1D)” -</p> <p>“(1A) A Local Government Council -</p> <p>(a) not democratically elected shall not be recognized by any authority and persons and shall not be entitled to any revenue allocation from the Federation Account or the state Government nor exercise any function exercisable by a Local Government Council under this Constitution or any law for the time being in force; and</p> <p>(b) shall stand dissolved at the expiration of a period of three years, commencing from the date the members of the Council were sworn in.</p> <p>(1B) The democratically elected Local Government Council shall be a tier of government in Nigeria and shall consist of executive and legislative arms.</p> <p>(1C) The House of Assembly of every State</p>	<p>and provides further for qualifications for election to the local government council.</p> <p>This amendment is similar to the 7th Assembly proposal, save for the provision for dissolution after four (4) years. It is unclear why the tenure for local government councils is 3 years; providing for a four-year term would have made it homogenous with other elections in Nigeria.</p> <p>The new amendment also intends to delete 7(6) of extant provision, which provides that the National Assembly and State Houses of Assembly should make provisions for statutory allocation of public revenue to local government councils in the Federation and State respectively.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>(5) The functions to be conferred by Law upon local government councils shall include those set out in the Fourth Schedule to this Constitution.</p> <p>(6) Subject to the provisions of this Constitution—</p> <p>(a) the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and</p> <p>(b) the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.</p>	<p>shall ensure the existence of democratically elected Local Government Councils under a Law, which provides for the establishment, elections, structure, composition, finance and functions of such councils.</p> <p>(1D) Subject to the provisions of this Constitution, a person shall be qualified for election into the Local Government Council if he is a member of a political party and is sponsored by that party or he is an independent candidate”; and</p> <p>(c) substituting for subsection (5), a new section “(5)” -</p> <p>“(5) In addition to the functions conferred upon Local Government Councils as specified in the Fourth Schedule to this Constitution, a House of Assembly of a State may by law confer other functions on the Local Government Councils”; and</p> <p>(d) deleting subsection (6).</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
318.	Interpretation, Citation And Commencement	<p>Alteration of section 318</p> <p>3. Section 318 of the Principal Act is altered by inserting, in alphabetical order, the following interpretation -</p> <p>“Bye-law” means enactment of a Local Government Council;</p> <p>“Chairman” or “Vice-Chairman” when used with reference to a Local Government Council means Chairman or Vice-Chairman of the Local Government Council;</p> <p>“Councillor” means a member of a Local Government Legislative Council; and</p>	<p>This was amended to include additional interpretations following amendments on Local Government Councils.</p> <p>This is similar to the 7th Assembly bill which had an additional interpretation of “Member”</p>
Fifth Schedule Part I	<p style="text-align: center;">PART I</p> <p style="text-align: center;">Code of Conduct for Public Officers</p> <p style="text-align: center;">Prohibition of Foreign Accounts</p> <p>3. The President, Vice-President, Governor, Deputy Governor, Ministers of the Government of the Federation and Commissioners of the Governments of the States, Members of the National Assembly and the Houses of Assembly of the States, and such other public officers or persons as the National Assembly may by law prescribe</p>	<p>Alteration of Part I of the Fifth Schedule</p> <p>4. Part I of the Fifth Schedule to the Principal Act is altered in paragraph (3) by inserting, after the word, “State”, in line 4, the words, “Chairman, Vice-Chairman and Councillors of Local Government Councils.”</p>	<p>This is a consequential amendment to preclude local government council members from operating foreign bank accounts.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	shall not maintain or operate a bank account in any country outside Nigeria.		
		<p style="text-align: center;">Citation</p> <p>5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 6, 2017.</p>	
		<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to strengthen the administration of Local Governments in Nigeria.</p>	

VII. THE LEGISLATURE

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide immunity for members of the legislature in respect of words spoken or written at plenary sessions or Committee proceedings and institutionalise legislative bureaucracy in the Constitution; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>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.</p>	
4.	<p>Power of the Federal Republic of Nigeria</p> <p>4. (1) The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation, which shall consist of a Senate and a House of Representatives.</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(5)</p> <p>(6)</p> <p>(7) The House of Assembly of a State shall have</p>	<p>Alteration of section 4</p> <p>2. Section 4 of the Principal Act is altered by inserting after subsection (7), a new subsection“(7A)” -</p> <p>“(7A) In the course of exercising the foregoing legislative powers, no civil or criminal proceedings shall be instituted against a member of a legislative House in respect of words</p>	<p>The newly inserted 7A is aimed at providing immunity for the members of the legislature in respect of the words spoken or written at plenary sessions or at committee proceedings, to guarantee that freedom of speech, debates and proceedings in legislative houses are not impeached or questioned in any court.</p> <p>This is identical to the bill considered by the 7th Assembly. It is also noteworthy that these powers are already contained in the Legislative Houses (Powers and Privileges)</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters, that is to say:-</p> <p>(a) any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.</p> <p>(b) any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and</p> <p>(c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.</p> <p>(8).....</p> <p>(9).....</p>	<p>spoken or written before the House or a Committee thereof.”</p>	<p>Act 1953. However, there is an argument that the amendments would be better guaranteed via the Constitution.</p>
51.	<p style="text-align: center;">CHAPTER V</p> <p style="text-align: center;">STAFF OF THE NATIONAL ASSEMBLY</p> <p style="text-align: center;">National Assembly</p>	<p>Substitution for section 51</p> <p>3. Substitute for section 51 of the Principal Act, a new section “51” -</p> <p><i>“Establishment of the National Assembly Service Commission</i></p> <p>51. (1) There is established the National Assembly Service Commission whose composition, tenure,</p>	<p>This new section provides for the creation of the National Assembly Service Commission, and for the office of the Clerk to the National Assembly. The mode of appointment of the Clerk and other staff of National Assembly is to be prescribed by the Commission. This section seeks to enshrine the administrative arm of the National Assembly in the Constitution akin to what is obtainable with the Police Service Commission.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		<p>structure, finance, functions and powers shall be as prescribed by an Act of the National Assembly.</p> <p>(2) There shall be the Clerk to the National Assembly and such other staff as may be required.</p> <p>(3) The method of appointment of the Clerk and such other staff of the National Assembly, shall be as prescribed by the Commission”.</p>	
67.	<p>Right of Attendance of President</p> <p>67. (1) The President may attend any joint meeting of the National Assembly or any meeting of either House of the National Assembly, either to deliver an address on national affairs including fiscal measures, or to make such statement on the policy of government as he considers to be of national importance.</p> <p>(2) A Minister of the Government of the Federation attend either House of the National</p>	<p>Alteration of section 67</p> <p>4. Section 67 of the Principal Act is altered by substituting for subsection (1), a new subsection “ (1)” -</p> <p>“(1) The President –</p> <p>(a) shall attend a joint session of the National Assembly on the first legislative day of the month of May of each year to deliver an address in respect of the State of the</p>	<p>This provision seeks to provide for compulsory delivery of an address in respect of the State of the Nation at a joint session of the National Assembly on a specific day. That is, on the first legislative day in May yearly. The aim is to institutionalise democratic principles and, accountability and transparency in governance.</p> <p>This differs slightly from the bill presented by the 7th assembly in that it refers to “meetings” in the extant provisions as</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>Assembly if invited to express to the House the conduct of his Ministry, and in particular when the affairs of that Ministry are under discussion.</p> <p>(3) Nothing in this section shall enable any person who is not a member of the Senate or of the House of Representatives to vote in that House or in any of its committees.</p>	<p>Nation; and</p> <p>(b) may attend any joint session of the National Assembly, either to deliver an address on national affairs including fiscal measures, or to make such statement on the policy of government as he considers to be of national importance."</p>	<p>sessions and prescribes a specific time of the year for the Presidential State of the Nation speech.</p>
68.	<p style="text-align: center;">Tenure of Seat of members</p> <p>68. (1) A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if-</p> <p>(a).....</p> <p>(b)</p> <p>(c)</p> <p>(d).....</p> <p>(e) save as otherwise prescribed by this Constitution, be becomes a member of a Commission or other body established by this Constitution or any other law ;</p> <p>(f)</p> <p>(g)</p> <p>(h)</p> <p>(2)</p>	<p style="text-align: center;">Alteration of section 68 of the Constitution</p> <p>5. Section 68 (1) (e) of the Principal Act is altered by inserting, after the word, "Law" in line 3, the words, "except by virtue of office".</p>	<p>The amendment to this section is to avoid the requirement of a member having to vacate his seat in the National Assembly as a result of an appointment into a Commission or body as is presently the case in the Constitution.</p> <p>This provision was contained in the 4th Alteration Bill by the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
93.	<p style="text-align: center;">Part II</p> <p style="text-align: center;">HOUSE OF ASSEMBLY OF A STATE</p>	<p>Substitution for section 93</p> <p>6. Substitute for section 93 of the Principal Act, a new section "93" -</p> <p>"Establishment of State House of Assembly Service Commission</p> <p>93. (1) There is established a State House of Assembly Service Commission whose composition, tenure, structure, finance, functions and powers shall be as prescribed by a Law of the House of Assembly of the State.</p> <p>(2) There shall be the Clerk to the State House of Assembly and such other staff as may be required.</p> <p>(3) The method of appointment of the Clerk and such other staff of the State House of Assembly, shall be as prescribed by the Commission".</p>	<p>This new section provides for the creation of the State House of Assembly Service Commission and for the office of the Clerk to the State House of Assembly. The mode of appointment of the Clerk and other staff of the State House of Assembly is to be prescribed by a law of the State House of Assembly. This provision seeks to enshrine the administrative arm of the State House of Assembly in the Constitution.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
109.	<p style="text-align: center;">Tenure of Seat of members</p> <p>109. (1) A member of a House of Assembly shall vacate his seat in the House if -</p> <p>(a).....</p> <p>(b).....</p> <p>(c).....</p> <p>(d).....</p> <p>(e) save as otherwise prescribed by this Constitution, he becomes a member of a commission or other body established by this Constitution or by any other law;</p> <p>(f).....</p> <p>(g).....</p> <p>(h).....</p> <p>(2).....</p> <p>(3).</p>	<p>Alteration of section 109</p> <p>7. Section 109 of the Constitution is altered by inserting, after the word, “law”, in line 3, the words, “except by virtue of office”.</p>	<p>This amendment seeks to avoid the requirement of a member having to vacate his seat in the State House of Assembly as a result of an appointment into a Commission or body, as it presently the case in the Constitution.</p> <p>This provision was contained in the 4th Alteration Bill of the 7th Assembly.</p>
		<p>Citation</p> <p>8. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 8, 2017.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide immunity for members of the legislature in respect of words spoken or written at plenary sessions or at Committee proceedings and institutionalise legislative bureaucracy in the Constitution.</p>	

VIII. POLITICAL PARTIES AND ELECTORAL MATTERS

A Bill

For

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide the Independent National Electoral Commission with sufficient time to conduct bye-elections and provide grounds for de-registration of political parties; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>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.</p>	
134	<p>Election: Two or more Presidential candidates</p> <p>134. (1) A candidate for an election to the office of President shall be deemed to have been duly elected, where, there being only two candidates for the election –</p> <p>(2).....</p> <p>(3).....</p> <p>(4) In default of a candidate duly elected under the foregoing subsections, the Independent National Electoral Commission shall within 7 days</p>	<p>Alteration of section 134</p> <p>2. Section 134 of the Principal Act is altered -</p> <p>(a) in subsection (4), by substituting for the figure, “7” in line 2, the figures, “21”; and</p> <p>(b) in subsection (5), by substituting the figure, “7” in line 2, the</p>	<p>INEC has often claimed that the current provision provides insufficient time to conduct a run-off election as stipulated therein. The amendment takes this into account by extending the timeframe to allow for planning and logistics required to hold run-off elections such as printing new ballot papers for elections between two candidates.</p> <p>The same provision was contained in the 4th Alteration Bill of the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>of the result of the election held under the said subsections, arrange for an election between the two candidates and a candidate at such election shall be deemed elected to the office of President if -</p> <p>(a) he has a majority of votes cast at the election; and</p> <p>(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja</p> <p>(5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall, within 7 days of the result of the election held under the aforesaid subsection (4), arrange for another election between the two candidates to which the subsection relates and a candidate at such election shall be deemed to have been duly elected to the office of President, if he has a majority of the votes cast at the election.</p>	<p>figures, "21".</p>	
179	<p>Election: single candidate and two or more candidates</p> <p>179. (1) A candidate for an election to the office of Governor of a State shall be deemed to have been duly elected to such office where, being the only candidate nominated for the election-</p>	<p>Alteration of Section 179</p> <p>3. Section 179 of the Principal Act is altered-</p> <p>(a) in subsection (4), by substituting for the word, 'seven" in line 2, the</p>	<p>This provision takes into account the timeframe, logistics and planning that are required in holding run-off elections, such as printing new ballot papers for elections between two candidates.</p> <p>The same provision was contained in the 4th Alteration Bill of the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>((2)..... (3).....</p> <p>(4) In default of a candidate duly elected under subsection (2) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for an election between the two candidates and a candidate at such election shall be deemed to have been duly elected to the office of Governor of a State if - (a) he has a majority of the votes cast at the election; and (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the local government areas in the State.</p> <p>(5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for another election between the two candidates to which that sub-paragraph relates and a candidate at such election shall be deemed to have been duly elected to the office of governor of a State if he has a majority of the votes cast at the election.</p>	<p>figures, "21"; and</p> <p>(b) in subsection (5), by substituting for the word, "seven" in line 2, the figures, "21"</p>	
225.	Finances of political parties	Insertion of section 225A	This provision is a restatement of the 2010 Electoral Act, which has been challenged by parties on Constitutional grounds. The

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>225. (1) Every political party shall, at such times and in such manner as the independent National Electoral Commission may require, submit to the independent National Electoral Commission and publish a statement of its assets and liabilities.</p> <p>(2) Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require.</p> <p>(3) No political party shall - (a) hold or possess any funds or other assets outside Nigeria; or (b) be entitled to retain any funds or assets remitted or sent to it from outside Nigeria.</p> <p>(4) Any funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the Commission within twenty-one days of its receipt with such information as the Commission may require.</p> <p>(5) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall</p>	<p>4. Insert, after section 225, a new section "225A" -</p> <p>"225A. The Independent National Electoral Commission shall have power to de-register a political party for -</p> <p>(a) breach of any of the requirements for registration;</p> <p>(b) failure to win at least twenty-five percent of votes cast in - (i) one State of the Federation in a Presidential election, or (ii) one Local Government of the State in a Governorship election;</p> <p>(c) failure to win at least- (i) one ward in the Chairmanship election, (ii) one seat in the National or State House of Assembly election, or (iii) one seat in the Councillorship election".</p>	<p>provision is also an attempt to protect the provision of the Electoral Act to further sanitise the electoral process.</p> <p>Specifically, the insertion to section 225A gives INEC the powers to de-register a political party for breach of registration requirements and failure to meet a certain thresholds in an election cycle.</p> <p>This is an expanded version of the bill considered by the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>keep and, to examine all such books and records.</p> <p>(6) The powers conferred on the Commission under subsection (4) of this section may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.</p>		
		<p>Citation</p> <p>5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 9, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide the Independent National Electoral Commission with sufficient time to conduct bye-elections and provide grounds for de-registration of political parties.</p>	

IX. PRESIDENTIAL ASSENT

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for timely passage of Bills; and for related matters

SECTION	PROVISION OF THE CONSTITUTION/PRINCIPAL ACT	PROVISION OF HARMONIZED BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p style="text-align: center;">Alteration of the Constitution</p> <p>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.</p>	
Section 58	<p style="text-align: center;">Mode of exercising Federal Legislative power: general</p> <p>58.(1) The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided by subsection (5) of this section, assented to by the President.</p> <p style="text-align: center;">(2) (3) (4)</p> <p>(5) Where the President withholds his assent and the bill is again passed by each House by two-thirds</p>	<p>Alteration of section 58</p> <p>2. Section 58 of the Principal Act is altered by inserting, after subsection (5), a new subsection “(6)” –</p> <p style="padding-left: 20px;">“(6) Where the President neither signifies that he assents or that he withholds assent, the Bill shall, at the expiration of thirty days from the date of receipt, become law.”</p>	<p>This amendment is aimed at strengthening the legislative arm of government and ensuring timely passage of laws by stipulating that where the President fails to signify that he assents or withholds assent to a bill that has been passed by the National Assembly, within 30 days of receipt, that bill would become law.</p>

SECTION	PROVISION OF THE CONSTITUTION/PRINCIPAL ACT	PROVISION OF HARMONIZED BILL	REMARKS
	majority, the bill shall become law and the assent of the President shall not be required.		“
Section 59	<p style="text-align: center;">Mode of exercising Federal legislative power: money bills.</p> <p>59. – (1) The provisions of this section shall apply to –</p> <p>(a)</p> <p>(2)</p> <p>(3)</p> <p>(4) Where the President, within thirty days after the presentation of the bill to him, fails to signify his assent or where he withholds assent, then the bill shall again presented to the National Assembly sitting at a joint meeting, and if passed by two-thirds majority of members of both houses at such joint meeting, the bill become law and the assent of the President shall not be required.</p> <p>(5) In this section, "joint finance committee" refers to the joint committee of the National Assembly on finance established pursuant to section 62(3) of this Constitution.</p>	<p style="text-align: center;">Alteration of section 59</p> <p>3. Section 59 of the Principal Act is altered by substituting for subsection (4), a new subsection “(4)” –</p> <p>“(4) Where the President within 30 days after the presentation of a Bill to him, fails to signify his assent or where he withholds his assent, then-</p> <p>(a) the President of the Senate shall, within 7 days, convene a joint sitting of the National Assembly to reconsider the Bill; and</p> <p>(b) if passed by two-thirds majority of members of both Houses at such joint sitting, the Bill shall</p>	<p>This alteration is aimed at ensuring timely passage of the appropriation bill and other money bills. It is intended to address the lacuna in the current provision that does not clearly state who should convene the joint sitting of the National Assembly that is required where the President fails to signify his assent or withholding of same on a money bill. This is now clarified as it states that the Senate President should convene a joint sitting of National Assembly where the President withholds or fails to assent to the bill within 30 days in such instances to ensure that the bill is not left hanging.</p>

SECTION	PROVISION OF THE CONSTITUTION/PRINCIPAL ACT	PROVISION OF HARMONIZED BILL	REMARKS
		become law and the assent of the President shall not be required.”	
Section 100	<p>Mode of Exercising Legislative Power of a State</p> <p>100.(1) The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to by the Governor.</p> <p>(2).....</p> <p>(3).....</p> <p>(4).....</p> <p>.</p> <p>(5) Where the Governor withholds assent and the bill is again passed by the House of Assembly by two-thirds majority, the bill shall become law and the assent of the Governor shall not be required.</p>	<p>Alteration of section 100</p> <p>4 .Section 100 of the Principal Act is altered –</p> <p>(a) by inserting, after subsection (4), a new subsection “(5)” -</p> <p>“(4A) Where the Governor neither signifies that he assents nor that he withholds assent, the Bill shall at the expiration of thirty days from the date of receipt become law”; and</p> <p>(b) by renumbering the section appropriately.</p>	<p>This provision is similar to the amendment to section 58. However, in this case, it is aimed at strengthening the legislative arm of the State House of Assembly and ensuring timely passage of laws by stipulating that where the Governor withholds assent to a bill that has been passed by the State House of Assembly within 30 days of receipt, it becomes law.</p>
Citation		<p>Citation</p> <p>5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth</p>	

SECTION	PROVISION OF THE CONSTITUTION/PRINCIPAL ACT	PROVISION OF HARMONIZED BILL	REMARKS
		Alteration) Bill, No. 10, 2017.	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the Constitution to provide for the timely passage of Bills.</p>	

X. TIMEFRAME FOR SUBMITTING MINISTERIAL OR COMMISSIONERS NOMINEES

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to require the President and Governor to submit the names of persons nominated as Ministers or Commissioners within thirty days of taking the Oath of Office for confirmation by the Senate or State House of Assembly; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>1. Alteration of the Constitution of the Federal Republic of Nigeria, 1999 (Cap. 23 LFN 2004)</p> <p>The Constitution of the Federal Republic of Nigeria 1999 (in this Act referred to as “Constitution”) is altered as set out in this Bill.</p>	
147	<p>Ministers of the Federal Government</p> <p>147. (1) There shall be such offices of Ministers of the Government of the Federation as may be established by the President. (2) Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the</p>	<p>Amendment for Section 147</p> <p>2. Section 147 of the Constitution is altered by inserting after subsection (6), a new subsection “(7)”- “(7)” Notwithstanding the provision of subsection (2) of this Section –</p>	<p>This alteration sets time limits for the submission of Ministerial nominees by the President and requires that each nominee be assigned a portfolio. The alteration stipulates a period of 30 days after the date the President has taken the Oath of Office This is to ensure that there is no governance vacuum created from the absence of Ministers and to aid lawmakers assess nominees in respect of</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>President.</p> <p>(3) Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14(3) of this Constitution:- provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such State.</p> <p>(4)</p> <p>(5)</p> <p>(6)</p>	<p>(a) the nomination of any person to the office of a Minister for confirmation by the Senate shall be within thirty days after the date the President has taken the Oath of Office;</p> <p>(b) the submission of names of the Ministerial nominees to the Senate for confirmation shall be accompanied by the assigned portfolio of each nominee; and</p> <p>Provided that the President may appoint a Minister at any other time during his tenure and such appointment shall be subject to confirmation by the Senate.</p>	<p>their proposed portfolio.</p> <p>Notably, the clause, which provided for 35% of persons being appointed as Ministers to be women, was contained in this Bill. However, it was rejected by the Senate and thus failed.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
192.	<p align="center">Commissioners of the State Government</p> <p>192. (1) There shall be such offices of Commissioners of the Government of a State as may be established by the Governor of the State</p> <p>(2) Any appointment to the office of Commissioner of the Government of a State shall, if the nomination of any person to such office is confirmed by the House of Assembly of the State, be made by the Governor of that State and in making any such appointment the Governor shall conform with the provisions of section 14(4) of this Constitution.</p> <p>(3)</p> <p>(4)</p> <p>(5)</p>	<p align="center">Amendment for Section 192</p> <p>3. Section 192 of the Constitution is altered by inserting after subsection (5), a new subsection “(6)”-</p> <p>“(6)” Notwithstanding the provisions of subsection (2) of this Section –</p> <p>(a) the nomination of any person to the office of a commissioner for confirmation by the House of Assembly shall be within thirty days after the date the Governor has taken the oath of office;</p> <p>(b) the submission of the names of nominees for the office of Commissioners for confirmation by the House of Assembly shall be accompanied by the assigned portfolio of each nominee; and</p> <p>Provided that the Governor may appoint a Commissioner at any other time during his tenure and</p>	<p>This alteration sets time limits for the submission of Commissioner nominees by the Governor and requires that each nominee be assigned a portfolio. The alteration stipulates 30 days after the date the Governor has taken the oath of office; This is to ensure that there is no governance vacuum created in the absence of Commissioners and to aid lawmakers assess nominees in respect of their proposed portfolio.</p> <p>It is notable that a clause, which was also contained in this Bill providing that 35% of persons who are appointed as Commissioners should be women was rejected by the Senate and thus failed.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		such appointment shall be subject to confirmation by the House of Assembly.	
		<p>Citation</p> <p>4. This Act may be cited as the Constitution of the Federal Republic of Nigeria (Fourth Alteration) Bill, No. 11, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to provide a timeframe within which the President or a Governor shall forward to the Senate or State House of Assembly names of nominees for confirmation as Ministers or Commissioners, provide for attachment of portfolio and thirty-five percent affirmative action for women.</p>	

XI. INDEPENDENT CANDIDATURE

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for independent candidature in elections; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria as follows -	
		<p>Alteration of the Constitution</p> <p>1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as "Constitution") is altered as set out in this Bill.</p>	
Section 7	<p>Local Government System</p> <p>7.(1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and</p>	<p>Alteration of section 7</p> <p>2. Section 7 of the Principal Act is altered in subsection (4), by inserting before the word "the" in line 1, the words, "<i>Subject to the provisions of section 106 of this Constitution</i>";</p>	This ensures the application of section 7(4) and section 106 of the Constitution (Qualification for Membership of House of Assembly and Right of Attendance.)

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
	<p>functions of such councils.</p> <p>(2)</p> <p>(3).....</p> <p>(4) The Government of a State shall ensure that every person who is entitled to vote or be voted for at an election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.</p> <p>(5)</p> <p>(6).....</p>		
Section 65	<p><i>C - Qualifications for Membership of National Assembly and Right of Attendance</i></p> <p>65. (1) Subject to the provisions of section 66 of this Constitution, a person shall be qualified for election as a member of:</p> <p>(a) the Senate, if he is a citizen of Nigeria and has attained the age of 35 years; and</p> <p>(b) the House of Representatives, if he is a citizen of Nigeria and has attained the age of 30 years;</p> <p>(2) A person shall be qualified for election under subsection (1) of this section if:</p> <p>(a) he has been educated up to at least School Certificate level or its equivalent; and</p> <p>(b) he is a member of a political party and is sponsored by that party.</p>	<p>Alteration of section 65</p> <p>3. Section 65 of the Principal Act is altered –</p> <p>(a) in subsection (2) (b), by inserting, after the last word, “party”, the words, “or he is an independent candidate”; and</p> <p>(b) by inserting, after subsection (2), a new subsection “(3)” –</p> <p>“(3) The requirements and conditions for the nomination of an independent candidate under this Constitution shall</p>	<p>This alteration allows for independent candidacy in National Assembly elections. This would however, be subject to conditions stipulated by an Act of the National Assembly. While the former aims to expand the political space and open up more choices to the electorate, the later aims to respond to the concerns of opening the door to a floodgate of aspirants without regulations.</p> <p>This should also be cross read with the proposal in section 225 which allows the National Assembly to determine via law, procedures, guidelines and qualifications for access to the ballot by political parties, as well as, independent candidates.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
		be as may be specified by an Act of the National Assembly”.	
Section 106	<p><i>C-Qualification for Membership of House of Assembly and Right of Attendance</i></p> <p>106. Subject to the provisions of section 107 of this Constitution, a person shall be qualified for election as a member of a House of Assembly if -</p> <p>(a) he is a citizen of Nigeria;</p> <p>(b) he has attained the age of thirty years;</p> <p>(c) he has been educated up to at least the School Certificate level or its equivalent; and</p> <p>(d) he is a member of a political party and is sponsored by that party.</p>	<p>Alteration of section 106</p> <p>4. Section 106 (d) of the Principal Act is altered after the last of word, “party”, the words, “or he is an independent candidate.”</p>	<p>This alteration allows for independent candidacy in State House of Assembly elections. This is aimed at expanding the political space and opening up more choices to the electorate.</p>
Section 131	<p>Qualification for election as president</p> <p>131. A person shall be qualified for election to the office of the President if -</p> <p>(a) he is a citizen of Nigeria by birth;</p> <p>(b) he has attained the age of forty years;</p> <p>(c) he is a member of a political party and is sponsored by that political party; and</p> <p>(d) he has been educated up to at least School Certificate level or its equivalent.</p>	<p>Alteration of section 131</p> <p>5. Section 131 (c) of the Principal Act is altered by inserting after the word, “party” in line 2, the words, “or he is an independent candidate.”</p>	<p>This alteration allows for independent candidacy in Presidential elections. This is aimed at expanding the political space and opening up for more choices to the electorate.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
Section 177	<p align="center">Qualification for election as governor</p> <p>177. A person shall be qualified for election to the office of Governor of a State if</p> <p>(a) he is a citizen of Nigeria by birth;</p> <p>(b) he has attained the age of thirty-five years;</p> <p>(c) he is a member of a political party and is sponsored by that political party; and</p> <p>(d) he has been educated up to at least School Certificate level or its equivalent.</p>	<p align="center">Alteration of section 177</p> <p>6. Section 177 (c) of the Principal Act is altered by inserting after the word, "party" in line 2, the words, "or he is an independent candidate."</p>	<p>This alteration allows for independent candidacy in Governorship elections. This is aimed at expanding the political space and opening up for more choices to the electorate.</p>
Section 228	<p align="center">Powers of the National Assembly with respect to political parties (Section 228 & section (22), 1st Alteration Act)</p> <p>228. The National Assembly may by law provide -</p> <p>(a) guidelines and rules to ensure internal democracy within political parties, including making laws for the conduct of party primaries, party congresses and party conventions; and;</p> <p>(b) the conferment on the Independent National Electoral Commission of powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the practices of internal democracy, including the fair and transparent conduct of party primaries, party congresses and party conventions;</p> <p>(c); and</p>	<p align="center">Alteration of section 228</p> <p>7. Section 228 of the Principal Act is altered by inserting, after paragraph (c), a new paragraph "(ca)" –</p> <p>"(ca) for procedures, guidelines and qualifications for access to the ballot by political parties and independent candidates"</p>	<p>This seeks to allow the National Assembly to determine via law, procedures, guidelines and qualifications for access to the ballot by political parties, as well as, independent candidates. The intended consequence here is to regulate the process for contesting elections - for both political parties and independent candidates (if passed).</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
	(d)		
		<p style="text-align: center;">Citation</p> <p>8. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 14, 2017.</p>	
		<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to provide for independent candidature in elections.</p>	

XII. THE NIGERIA POLICE FORCE

A Bill For

An Act to alter the provision of the Constitution of the Federal Republic of Nigeria, 1999 to change the name of the police from Nigeria Police Force to Nigerian Police to reflect their core mandate of providing civil services; and for related matters

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria –	
		Alteration of the Constitution 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.	
34.	Right to dignity of human persons 34-(1)..... (2). for the purposes of subsection (1) (c) of this section, "forced or compulsory labour" does not include - (b) any labour required of members of the armed forces of the Federation or the Nigeria Police Force in pursuance of their duties as such;	Alteration of section 34 2. Section 34 (2) (b) of the Principal Act is altered by substituting for the words, “Nigeria Police Force”, in line 2, the words, “Nigeria Police”.	The alteration seeks to alter the name of “Nigeria Police Force” to “Nigeria Police”. The alteration seeks to correct the impression that the Nigerian Police is an agency that resorts to excessive force in the discharge of its functions.
35.	Right to personal liberty 35. (7) Nothing in this section shall be construed – (a)..... (b) as invalidating any law by reason only that it authorises the detention for a period not exceeding	Alteration of section 35 3. Section 35 (7) (b) of the Principal Act is altered by substituting for the words, “Nigeria Police Force” in line 3,	This follows the alteration to section 214 of the Constitution, which establishes the Nigerian Police and is one of the consequential alterations seeks to alter the name of “Nigeria Police Force” to “Nigeria Police”.

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
	three months of a member of the armed forces of the federation or a member of the Nigeria Police Force in execution of a sentence imposed by an officer of the armed forces of the Federation or of the Nigeria Police Force, in respect of an offence punishable by such detention of which he has been found guilty.	the words, "Nigeria Police".	
39.	<p align="center">Right to freedom of expression and the press</p> <p>39. (3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society –</p> <p>(b) imposing restrictions upon persons holding office under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law.</p>	<p align="center">Alteration of section 39</p> <p>4. Section 39 (3) (b) of the Principal Act is altered by substituting for the words, "Nigeria Police Force", in line 3, the words, "Nigeria Police".</p>	The alteration seeks to alter the name of "Nigeria Police Force" to "Nigeria Police".
214.	<p align="center">Establishment of Nigeria Police Force.</p> <p>214. (1) There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.</p> <p>(2) Subject to the provisions of this Constitution -</p> <p>(a) the Nigeria Police Force shall be organised and administered in accordance with such provisions as</p>	<p align="center">Alteration of section 214</p> <p>5. Section 214 of the principal Act is altered –</p> <p>(a) in the Heading, by substituting for the words, "Nigeria Police Force", the words, "Nigeria Police" and</p> <p>(b) in subsections (1) and (2) by substituting for the words,</p>	This section establishes the Nigeria Police Force. The alteration seeks to alter the name of Nigeria Police Force to Nigeria Police anywhere it appears in the Constitution. This is to properly represent the Police as a law enforcement agency in a democratically constituted civilian society and to correct the impression of the Nigerian police as being an agency that resorts to excessive force in the discharge of their duties.

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
	<p>may be prescribed by an act of the National Assembly;</p> <p>(b) the members of the Nigeria Police Force shall have such powers and duties as maybe conferred upon them by law;</p> <p>(c) the National Assembly may make provisions for branches of the Nigeria Police Force forming part of the armed forces of the Federation or for the protection of harbours, waterways, railways and air fields.</p>	<p>“Nigeria Police Force”, the words, “Nigeria Police”.</p>	
215.	<p>Appointment of Inspector-General and control of Nigeria Police Force</p> <p>215. (1) There shall be -</p> <p>(a) an Inspector-General of Police who, subject to section 216 (2) of this Constitution shall be appointed by the President on the advice of the Nigeria Police Council from among serving members of the Nigeria Police Force;</p> <p>(2) The Nigeria Police Force shall be under the command of the Inspector-General of Police and contingents of the Nigeria Police Force stationed in a state shall, subject to the authority of the Inspector-General of Police, be under the command of the Commissioner of Police of that state.</p>	<p>Alteration of Section 215</p> <p>6. Section 215 of the Principal Act is altered -</p> <p>(a) in the marginal note, by substituting for the words, “Nigeria Police Force”, the words, “Nigeria Police”;</p> <p>(b) in subsection (1), by substituting for paragraph (a), a new subsection “(a)” -</p> <p>“(a) an Inspector-General of Police who, subject to Section 216 (2) of this Constitution shall be appointed by the President on the advice of</p>	<p>This is a consequential alteration following from section 214. It simply deletes Force from the word “Nigeria Police Force.”</p>

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
		<p>the Nigeria Police Council from serving members of the Nigeria Police and subject to confirmation of such appointment by the Senate.”; and</p> <p>(c) by substituting for subsection (2), a new subsection “(2)” -</p> <p>“(2) The Nigeria Police shall be under the command of the Inspector-General of Police and contingents of the Nigeria Police stationed in a State shall, subject to the authority of the Inspector-General of Police, be under the command of the Commissioner of Police of that State.”</p>	
216.	<p>Delegation of powers to the Inspector-General of Police</p> <p>216. (1) Subject to the provisions of this constitution, the Nigeria Police Council may, with the approval of the President and subject to such conditions as it may think fit, delegate any of the powers conferred upon it by this Constitution to any of its members or to the Inspector-General of Police or any other member of the Nigeria Police Force.</p>	<p>Alteration of section 216</p> <p>7. Section 216 of the Principal Act is Altered by substituting for the words, “Nigeria Police Force”, in line 5, the words, “Nigeria Police”.</p>	<p>This is a consequential alteration following from section 214. It simply deletes Force from “Nigeria Police Force.”</p>

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
<p>Third Schedule of the Constitution</p>	<p style="text-align: center;">THIRD SCHEDULE Part I FEDERAL EXECUTIVE BODIES (ESTABLISHED BY SECTION 153) B – Council of State</p> <p>8. (1) In giving effect to the provisions of section 14(3) and (4) of this Constitution, the Commission shall have the power to:</p> <p>(a) work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the Federation, the Nigeria Police Force and other government security agencies, government owned companies and parastatals of the states;</p> <p>28. The functions of the Nigeria Police Council shall include -</p> <p>(a) the organisation and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the Force);</p> <p>30. The Commission shall have power to -</p> <p>(a) appoint persons to offices (other than office of</p>	<p>Alteration of the Third Schedule</p> <p>8. Part 1 of the Third Schedule to the Principal Act is altered-</p> <p>(a) in paragraph 8 (1) (a), by substituting for the words, “Nigeria Police Force”, in line 4, the words, “Nigeria Police”;</p> <p>(b) in paragraph 28 (a), by substituting for the words, “Nigeria Police Force”, the words, “Nigeria Police”; and</p>	<p>This is a consequential alteration following from section 214. It simply deletes Force from “Nigeria Police Force”</p>

SECTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
	the Inspector-General of Police) in the Nigeria Police Force; and	(c) in paragraph 30 (a),by substituting for the words, "Nigeria Police Force", the words, "Nigeria Police";	
		<p style="text-align: center;">Citation</p> <p>9. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 15, 2017</p>	
		<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks alter the Constitution of the Federal Republic of Nigeria, 1999 to change the name of the Police from Nigeria Police Force to Nigeria Police to reflect their call mandate of providing civil services.</p>	

XIII. RESTRICTION ON TENURE OF THE PRESIDENT AND GOVERNOR

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 to disqualify a person who was sworn-in as President or Governor to complete the term of the elected President or Governor from being elected to the same office for more than a single term; and for related matters

SECTIONS	CONSTITUTIONAL PROVISIONS	PROVISIONS OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of Constitution 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.</p>	
137	<p>Disqualifications 137. (2) Where in respect of any person who has been - (a) adjudged to be a lunatic; (b) declared to be of unsound mind; (c) sentenced to death or imprisonment; or (d) adjudged or declared bankrupt any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.</p>	<p>Alteration of section 137 2. Section 137 of the Principal is altered, by inserting, after subsection (2), a new subsection “(3)” - “(3) A person who was sworn-in as President to complete the term for which another person was elected as President shall not be elected to such office for more than a single term”.</p>	<p>This alteration appears to address the matter, which came up when former President Jonathan took over the Presidency of late President Yar’Adua who was the elected President and the question of how many tenures, President Jonathan was entitled to became controversial. The essence of this alteration is to limit the tenure of any President to two terms regardless of whether the President was elected from the very beginning or took over from another President to complete an already running tenure.</p>

SECTIONS	CONSTITUTIONAL PROVISIONS	PROVISIONS OF THE BILL	REMARKS
182	<p>Disqualifications</p> <p>(2) Where in respect of any person who has been</p> <p>(a) adjudged to be a lunatic;</p> <p>(b) declared to be of unsound mind;</p> <p>(c) sentenced to death or imprisonment; or</p> <p>(d) adjudged or declared bankrupt,</p> <p>an appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier</p>	<p>Alteration of section 182</p> <p>3. Section 182 of the Principal Act is altered, by inserting, after subsection (2), a new subsection “(3)” -</p> <p>“(3) A person who was sworn-in as Governor to complete the term for which another person was elected as Governor shall not be elected to such office for more than a single term”.</p>	<p>The amendment seeks to limit the tenure of any Governor to two terms regardless of whether the Governor was elected from the very beginning or took over from another Governor to complete an already running tenure.</p>
		<p>Citation.</p> <p>4. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 16, 2017.</p>	
		<p>Explanatory Memorandum</p> <p>This Bill seeks to disqualify a person who was sworn-in as President or Governor to complete the term of the elected President or Governor from being elected to the same office for more than a single term.</p>	

XIV. ESTABLISHMENT OF A SEPARATE OFFICE OF ACCOUNTANT-GENERAL OF THE FEDERAL GOVERNMENT

A Bill

For

An Act to establish the office of the Accountant-General of the Federal Government separate from the office of the Accountant-General of the Federation; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		<p>ENACTED by an Act of the National Assembly of the Federal Republic of Nigeria;</p>	
		<p>Alteration of the Constitution</p> <p>1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as “Constitution”) is altered as set out in this Bill.</p>	
<p>84.</p>		<p>Insertion of sections 84A – 84F</p> <p>2. Insert, after section 84 of the Principal Act, new sections “84A – 84F” –</p> <p>“Appointment of Accountant-General of the Federation</p> <p>84A. There shall be an Accountant-General of the Federation who shall be –</p>	<p>This amendment seeks to establish the Office of the Accountant General of the Federal Government as separate from the Office of the Accountant-General of the Federation.</p> <p>Currently, the Office of the Accountant General of the Federation is the chief accounting officer for all tiers of government. However, the amendment seeks to ease administration, by enabling the Federal Government have its own accounting officer</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		<p>(a) appointed by the President on the recommendation of National Economic Council, subject to confirmation by the Senate;</p> <p>(b) responsible for the administration and disbursement of allocations from the Federation Account to the tiers of government; and</p> <p>(c) a certified Accountant and has been so qualified for a minimum of ten years.</p> <p>Power of the Accountant-General of the Federation</p> <p>84B.The Accountant-General of the Federation shall have power to supervise and administer the Federation Account.</p> <p>Tenure of office of Accountant-General of the Federation</p> <p>84C. (1) The Accountant-General of the Federation shall hold office for a term of five years, which may be renewed for a further term of five years.</p>	<p>separate from the accounting officer that deals with the other tiers of government.</p> <p>The Accountant General of the Federation will deal with disbursements to the tiers of government and administer the Federation Account while that of the Federal Government will supervise and administer the Federal Government Account.</p> <p>The amendment proposal here defines the appointment into both separate offices; including the powers, tenure and process of removal for each.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		<p>(2) The Accountant-General shall remain in office until he attains the age of sixty years or thirty-five years of public service, whichever is earlier.</p> <p>Removal of Accountant-General of the Federation</p> <p>84D. The Accountant-General of the Federation shall be removed by the President acting on a resolution supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or incompetence.</p> <p>Appointment of Accountant-General of the Federal Government</p> <p>84E. There shall be an Accountant-General of the Federal Government who shall-</p> <ul style="list-style-type: none"> (a) be appointed by the President; (b) supervise and administer the Federal Government Account; and (c) be a certified accountant and has been so qualified for a minimum of ten years. 	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		<p>Tenure of office of Accountant-General of the Federal Government</p> <p>84F. (1) The Accountant-General of the Federal Government shall hold office for a term of five years which may be renewed for a further term of five years.</p> <p>(2) The Accountant-General shall remain in office until he attains the age of sixty years or thirty-five years of public service, whichever is earlier.</p>	
		<p>Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria (Fourth Alteration) Bill, No. 17, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to establish the office of the Accountant-General of the Federal Government separate from office of the Accountant-General of the Federation.</p>	

XV. FINANCIAL INDEPENDENCE FOR OFFICE OF THE AUDITOR-GENERAL

A Bill

For

An Act to make the office of the Auditor-General of the Federation and for the State financially independent by placing them on the Consolidated Revenue of the Federation and of the State; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	This Bill was passed with the Attorney General deleted from the long title and explanatory memorandum.
		<p>Alteration of the Constitution</p> <p>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.</p>	
81.	<p>Authorisation of expenditure from Consolidated Revenue Fund</p> <p>(3) The amount standing to the credit of the –</p> <p>(a) Independent National Electoral Commission,</p> <p>(b) National Assembly, and</p> <p>(c) Judiciary,</p> <p>In the Consolidated Revenue Fund of the Federation shall be paid directly to the said bodies respectively; in case of the Judiciary, such amount shall be paid to</p>	<p>Alteration of section 81</p> <p>2. Section 81 of the Principal Act is further altered by-</p> <p>(a) Substituting for subsections (3)(a) –(c), new subsections “(3)(a) – (e)” –</p> <p>(a) National Assembly;</p> <p>(b) Independent National Electoral Commission;</p>	<p>As it is, by the provisions of section 81, the Independent National Electoral Commission, (INEC), National Assembly and the Judiciary are on “first line charge” i.e. they are to be paid directly from the Consolidated Revenue Fund. However, this alteration expands the list to include the Office of the Auditor-General of the Federation.</p> <p>This is a significant reduction of the list proposed by the 7th Assembly, which sought</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
121	<p>the National Judicial Council for disbursement to the heads of the Courts established for the Federation and for the States under Section 6 of this Constitution.</p> <p>Distributable pool account</p> <p>(3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.</p>	<p>(c) Judiciary; and (d) Office of the Auditor-General of the Federation”</p> <p>(b) inserting after the word “bodies” in line 6, the word “offices.”</p> <p>Alteration of section 121</p> <p>3. Section 121 of the Principal Act is altered by substituting for subsection (3), a new subsection “(3)” - “3” Any amount standing to the credit of the –</p> <p>(a) House of Assembly of the State; (b) Office of the Auditor-General of the State; and (c) Judiciary;</p> <p>in the Consolidated Revenue Fund of the State shall be paid directly to the said bodies respectively, in the case of judiciary, such amount shall be paid directly to the head of the courts concerned.</p>	<p>to place the Office of the Attorney General, National Security Agencies, Nigerian Police and Revenue Mobilisation, Allocation and Fiscal Commission on first line charge.</p> <p>Extant provisions of section 121, provide for the judiciary to be paid directly from the Consolidated Revenue Fund. The alteration further seeks the inclusion of State Houses of Assembly and Office of the Auditor- General of the State, in the list of direct recipients of funds from the Consolidated Revenue Fund.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	HARMONIZED BILL	REMARKS
		<p>Citation</p> <p>4. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 18, 2017</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to make the office of the Auditor-General of the Federation and for the State financially independent by placing them on the Consolidated Revenue of the Federation and of the State.</p>	

XVI. SUBMISSIONS FROM THE JUDICIARY

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to further strengthen the judiciary for speedy dispensation of justice; and for related matters

SECTION	PROVISION OF THE CONSTITUTION/PRINCIPAL ACT	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria-	
		1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as “the Principal Act”) is amended as set out in this Bill.	
Section 233	<p><i>A - The Supreme Court of Nigeria</i></p> <p>233. (1) The Supreme Court shall have jurisdiction, to the exclusion of any other court of law in Nigeria, to hear and determine appeals from the Court of Appeal.</p> <p>(2) An appeal shall lie from decisions of the Court of Appeal to the Supreme Court as of right in the following cases -</p> <p>(a) where the ground of appeal involves questions of law alone, decisions in any civil or criminal proceedings before the Court of Appeal;</p> <p>(b) decisions in any civil or criminal proceedings on questions as to the interpretation or application of</p>	<p>Alteration of section 233.</p> <p>2. Section 233 of the Principal Act is altered by –</p> <p>(a) deleting subsection (2) (a);</p> <p>(b) renumbering the subsection appropriately; and</p> <p>(c) substituting for subsection (4), a new subsection “(4)” –</p> <p>“(4) Three Justices of the Supreme Court sitting in Chambers may dispose of any application for leave to</p>	<p>This section provides for the jurisdiction of the Supreme Court. The alteration seeks to include a new provision that stipulates that 3 Justices of the Supreme Court, can dispose of an application for leave to appeal after considering the record of proceedings if it is deemed that it is not in the interest of justice to proceed to oral hearing.</p> <p>This would go towards expediting the dispensation of justice and reduction of the backlog of cases at the Supreme Court.</p>

<p>this constitution,</p> <p>(c) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter IV of this Constitution has been, is being or is likely to be, contravened in relation to any person;</p> <p>(d) decisions in any criminal proceedings in which any person has been sentenced to death by the Court of Appeal or in which the Court of Appeal has affirmed a sentence of death imposed by any other court;</p> <p>(e) decisions on any question -</p> <p>(i) whether any person has been validly elected to the office of President or Vice-President under this Constitution,</p> <p>(ii) whether the term of office of office of President or Vice-President has ceased,</p> <p>(iii) whether the office of President or Vice-President has become vacant; and</p> <p>(f) such other cases as may be described by an Act of the National Assembly.</p> <p>(3) Subject to the provisions of subsection (2) of this section, an appeal shall lie from the decisions of the Court of Appeal to the Supreme Court with the leave of the Court of Appeal or the Supreme Court.</p> <p>(4) The Supreme Court may dispose of any application for leave to appeal from any decision of the Court Appeal in respect of any civil or criminal proceedings in the record of the proceedings if the Supreme Court is of opinion that the interests of justice do not require an oral hearing of the application.</p>	<p>appeal from any decision after consideration of the record of proceedings if the Justices are of the opinion that the interest of Justice does not require an oral hearing of the application and such decision shall be final".</p>	
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	<p>(5) Any right of appeal to the Supreme Court from the decisions of the Court of Appeal conferred by this section shall be exercisable in the case of civil proceedings at the instance of a party thereto, or with the leave of the Court of Appeal or the Supreme Court at the instance of any person having an interest in the matter, and in the case of criminal proceedings at the instance of an accused person, or subject to the provisions of this Constitution and any powers conferred upon the Attorney-General of the Federation or the Attorney-General of a state to take over and continue or to discontinue such proceedings, at the instance of such other authorities or persons as may be prescribed.</p> <p>(6) Any right of appeal to the Supreme Court from the decisions of the Court of Appeal conferred by this section shall, subject to section 236 of this Constitution, be exercised in accordance with any Act of the National Assembly and rules of court for the time being in force regulating the powers, practice and procedure of the Supreme Court.</p>		
<p>Section 237</p>	<p style="text-align: center;">B- The Court of Appeal</p> <p>237. (1) There shall be a Court of Appeal.</p> <p>(2) The Court of Appeal shall consist of -</p> <p>(a) a President of the Court of Appeal; and</p> <p>(b) such number of Justices of the Court of Appeal, not less than forty-nine of which not less than three shall</p>	<p>Alteration of section 237.</p> <p>3. Section 237 (2) of the Principal Act is altered by substituting for paragraph (b), a new subparagraph “(b)”-</p> <p>“(b) such number of Justices of the Court of Appeal, not less than one hundred of which at least twelve shall be learned in <i>the law and</i></p>	<p>This section addresses the composition of the Court of Appeal. Under extant provisions, the number of Court of Appeal Justices should not be less than 49 with at least 3 justices versed in Islamic personal law and Customary law. The alteration seeks to increase the number of Justices in the Court of Appeal to not less than 100 and makes a provision for not less than 12 justices versed in industrial relations and employment matters in addition to the requirement to the 3 justices learned in</p>

	<p>be learned in Islamic personal law, and not less than three shall be learned in Customary law, as may be prescribed by an Act of the National Assembly.</p>	<p><i>practice of industrial relations and employment conditions</i>, not less than three learned in Islamic Personal Law, and not less than three learned in Customary Law, as may be prescribed by an Act of the National Assembly.”</p>	<p>Islamic personal law and Customary law like in the extant provision.</p> <p>Apart from seeking to increase the timely adjudication of cases, it seeks to align with the proposed amendment to section 253, which provides a right of appeal from the National Industrial Court to the Court of Appeal.</p>
<p>Insertion 241</p>	<p>Appeal as of right from the Federal High Court or a High Court</p> <p>241. (1)</p> <p>(2) Nothing in this section shall confer any of appeal -</p> <p>(a) from a decision of the Federal High Court or any High Court granting unconditional leave to defend an action;</p> <p>(b) from an order absolute for the dissolution or nullity of marriage in favour of any party who, having had time and opportunity to appeal from the decree <i>nisi</i> on which the order was founded, has not appealed from that decree <i>nisi</i>; and</p> <p>(c) without the leave of the Federal High Court or a High Court or of Appeal, from a decision of the Federal High Court High Court made with the consent of the parties or as to costs only.</p>	<p>Alteration of section 241</p> <p>4. Section 241 of the Principal Act is altered by inserting, after subsection (1), a new subsection “(1A)” –</p> <p>“(1A) A Court or Tribunal shall not stay any proceedings on account of interlocutory appeal”.</p>	<p>This section addresses the right of appeal from the High Court/ Federal High Court to the Court of Appeal. The alteration stipulates that a Court or Tribunal shall not stay proceedings on account of an interlocutory appeal.</p> <p>This seeks to ensure that there is no clog on the wheels of justice and cases are dispensed with without hindrance.</p>

<p>Section 243</p>	<p>Exercise of the rights of appeal from the Federal High Court or a High Court in civil and criminal matters.</p> <p>243(1) Any right of appeal to the Court of Appeal from the decisions of the Federal High Court or a High Court conferred by this Constitution shall be -</p> <p>(a) exercisable in the case of civil proceedings at the instance of a party thereto, or with the leave of the Federal High Court or High Court or the Court of Appeal at the instance of any other person having an interest in the matter, and in the case of criminal proceedings at the instance of an accused person or, subject to the provisions of this Constitution and any powers conferred upon the Attorney-General of the Federation or the Attorney-General of a state to take over and continue or to discontinue such proceedings, at the instance of such other authorities or persons as may be prescribed;</p> <p>(b) exercised in accordance with any Act of the National Assembly and rules of court for the time being in force regulating the powers, practice and procedure of the Court of Appeal.</p> <p>(2) An appeal shall lie from the decision of the National Industrial Court as of right to the Court of Appeal on questions of fundamental rights as contained in Chapter IV of this Constitution as it relates to matters upon which the National Industrial Court has jurisdiction.</p> <p>(3) An Appeal shall only lie from the decision of the</p>	<p>Alteration of section 243</p> <p>5. Section 243 of the Principal Act is altered by substituting for subsection (3), a new subsection “(3)” –</p> <p>“(3) An appeal shall lie from the decision of the National Industrial Court to the Court of Appeal only with leave of the Court of Appeal and such decision shall be final”.</p>	<p>This section addresses cases where appeals are made from the High Court/ Federal High Court and National Industrial Court to the Court of Appeal. At present, appeals from the National Industrial Court lie as of right on issues contained in Chapter IV of the Constitution, which deals with fundamental rights. The alteration allows for appeals to go to the Court of Appeal from the National Industrial Court only with the leave of the Court of Appeal.</p>
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	<p>National Industrial Court to the Court of Appeal as may be prescribed by an Act of the National Assembly:</p> <p>Provided that where an Act or Law prescribes that an appeal shall lie from the decisions of the National Industrial Court to the Court of Appeal, such appeal shall be with the leave of the Court of Appeal.</p>		
Section 246	<p>Appeals from Code of Conduct Tribunals and other courts and tribunals. Fifth Schedule</p> <p>246. (1) An appeal to the Court of Appeal shall lie as of right from - (a) decisions of the Code of Conduct Tribunal established in the Fifth Schedule to this Constitution; (b) decisions of the National and State Houses of Assembly Election Tribunals on any question as to whether (i) any person has been validly elected as a member of the National Assembly or of a House of Assembly of a State under this Constitution, (ii) the term of office of any person has ceased or the seat of any such person has become vacant. (2)..... (3).....</p>	<p>Alteration of section 246</p> <p>6. Section 246 of the Principal Act is altered by inserting, after subsection (1), a new subsection "(1A)" -</p> <p>"(1A) Notwithstanding the provisions of subsection (1) of this section, no appeal shall lie to the Court of Appeal from any decision of an election tribunal in respect of an interlocutory decision,"</p>	<p>Section 246 addresses appeals from Tribunals. The alteration seeks to insert a subsection (1A) that stipulates that no appeal shall lie to the Court of Appeal from any interlocutory decision of an election tribunal. This is to ensure election cases are not stalled in the Courts and are completed within the timeframe stipulated by the Constitution.</p>
Section 247	<p>Constitution</p> <p>247. (1) For the purpose of exercising any jurisdiction conferred upon it by this Constitution or any other law, the Court of Appeal shall be duly constituted if it</p>	<p>Alteration of section 247.</p> <p>7. Section 247 of the Principal Act is altered by inserting, after subsection (1), a new subsection "(2)" –</p>	<p>This section provides for the Constitution of the Court of Appeal. The alteration seeks to include a new provision that stipulates that 3 Justices of the Court of Appeal, can dispose of an application for leave to appeal after considering the record of proceedings if it is</p>

	<p>consists of not less than three Justices of the Court of Appeal and in the case of appeals from -</p> <p>(a) a sharia Court of Appeal if it consists of not less than three Justices of the Court of Appeal learned in Islamic personal law; and</p> <p>(b) a Customary Court of Appeal, if it consists of not less than three Justices of Court of Appeal learned in Customary law.</p>	<p>"(2) Three Justices of the Court of Appeal sitting in Chambers may dispose of any application for leave to appeal from any decision after consideration of the record of proceedings if the Justices are of the opinion that the interest of Justice does not require an oral hearing of the application".</p>	<p>deemed that it is not in the interest of justice to proceed to oral hearing.</p> <p>This aims to go towards expediting the dispensation of justice and reduction of the backlog of cases at the Court of Appeal.</p>
Section 250	<p>Appointment of Chief Judge and Judges of the Federal High Court</p> <p>250. (1) The appointment of a person to the office of Chief Judge of the Federal High Court shall be made by the President on the advice of the National Judicial Council, subject to confirmation of such appointment by the Senate.</p>	<p>Alteration of section 250</p> <p>8. Section 250 of the Principal Act is altered in subsection (1), by substituting for the word, "advice", in line 2, the word, "recommendation."</p>	<p>This section speaks to the procedure for the appointment of Appointment of Chief Judge and Judges of the Federal High Court. The alteration seeks to replace the word "advice" of the National Judicial Council to the word "recommendation" of the National Judicial Council.</p>
Section 267	<p>Jurisdiction</p> <p>267. The Customary Court of Appeal of the Federal Capital Territory, Abuja shall, in addition to such other jurisdiction as may be conferred upon by an Act of The National Assembly Exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Customary law.</p>	<p>Alteration of Section 267</p> <p>9. Section 267 of the Principal Act is altered by inserting, after the word, "Law" in line 4, the words, "and related matters".</p>	<p>This section addresses the jurisdiction of the Customary Court of Appeal of the Federal Capital Territory, Abuja. The alteration seeks to expand the scope of their jurisdiction on matters related to Customary law.</p>
Section 281	<p>Appointment of President and Judges of the Customary court of Appeal of a State</p>	<p>Alteration of section 281.</p>	<p>The alteration seeks to replace the word "advice" of the National Judicial Council with "recommendation" of the National Judicial</p>

	<p>281. (1) The appointment of a person to the office of President of a Customary Court of Appeal shall be made by the governor of the State on the advice of the national Judicial Council, subject to confirmation of such appointment by the House of Assembly of the State.</p>	<p>10. Section 281 of the Principal Act is altered in subsection (1), by substituting for the word, "advice", in line 3, the word, "recommendation".</p>	<p>Council.</p>
<p>Section 282</p>	<p style="text-align: center;">Jurisdiction</p> <p>282. (1) A Customary Court of Appeal of a State shall exercise appellate and supervisory jurisdiction in civil proceedings involve questions of Customary law.</p> <p>(2) For the purpose of this section, a Customary Court of Appeal of a State shall exercise such jurisdiction and decide such questions as may be prescribed by the House of Assembly of the State for which it is established.</p>	<p>Alteration of Section 282</p> <p>11. Section 282 of the Principal Act is altered by inserting, after the word, "Law", in line 3, the words, "and related matters".</p>	<p>This alteration expands the jurisdiction of the Customary Court of Appeal of the State by expanding the scope of their jurisdiction on matters related to Customary law.</p>
<p>Section 291</p>	<p style="text-align: center;">Tenure of Office and Pension Rights of Judicial Officers</p> <p>291. (3) Any person who has held office as a judicial officer -</p> <p>(a) for a period of not less than fifteen years shall, if he retires at or after the age of sixty-five years in the case of the Chief Justice of Nigeria, a Justice of the Supreme Court, the President of the court of Appeal or a Justice of the Court of Appeal or at or after the age of sixty</p>	<p>Alteration of section 291.</p> <p>12. Section 291 (3) of the Principal Act is altered —</p> <p>(a) in paragraph (a), by substituting for the word, "fifteen", in line 1, the word, "ten"; and</p> <p>(b) in paragraph (b), by substituting for the word,</p>	<p>This section addresses the pension rights of retired judicial officers and stipulates a period for tenure of service before such rights can be guaranteed.</p> <p>The alteration seeks to reduce the tenure of office required to activate the claim for pension by a retired judicial officer from 15 years to 10 years.</p>

	<p>years in any other case, be entitled to pension for life at a rate equivalent to his last annual salary and all his allowances in addition to any other retirement benefits to which he may be entitled;</p> <p>(b) for a period of less than fifteen years shall, if he retires at or after the age of sixty-five years or sixty years, as the case may be, be entitled to pension for life at a rate as in paragraph (a) of this subsection pro rata the number of years he served as a judicial officer in relation to the period of fifteen years, and all his allowances in addition to other retirement benefits to which he may be entitled under his terms and conditions of service; and</p> <p>(c) in any case, shall be entitled to such pension and other retirement benefits as may be regulated by an Act of the National Assembly or by a Law of a House of Assembly of a State.</p> <p>(4)</p>	<p>"fifteen", in line 1, the word, "ten".</p>	
<p>3rd Schedule</p>	<p style="text-align: center;">Federal Judicial Service Commission</p> <p>12. The Federal Judicial Service Commission shall comprise the following members -</p> <p>(a) the Chief Justice of Nigeria, who shall be the Chairman;</p> <p>(b) the President of the Court of Appeal;</p> <p>(c) the Attorney-General of the Federation;</p> <p>(d) the Chief Judge of the Federal High Court;</p> <p>(e) two persons, each of whom has been qualified to</p>	<p style="text-align: center;">Alteration of the Third Schedule</p> <p>13. Part I of the Third Schedule to the Principal Act is altered –</p> <p>(a) in paragraph 12 -</p> <p>(i) subparagraph (b), by inserting, after the word, “Appeal”, the words, “who</p>	<p>This amendment seeks to alter the composition of the Federal Judicial Service Commission. The alteration seeks to make the President of the Court of Appeal the Deputy Chairman of the Commission and expands its membership to include the Minister of Justice, not Attorney-General of the Federation as currently provided.</p>

<p>Paragraph 13, 3rd Schedule</p>	<p>practice as a legal practitioner in Nigeria for a period of not less than fifteen years, from a list of not less than four persons so qualified and recommended by the Nigerian Bar Association; and (f) two other persons, not being legal practitioners, who in the opinion of the President are of unquestionable integrity.</p> <p style="text-align: center;">Federal Judicial Service Commission</p> <p>13. The Commission shall have power to - (a) advise the National Judicial Council in nominating persons for appointment, as respects appointments to the office of - (i) the Chief Justice of Nigeria; (ii) a Justice of the Supreme Court; (iii) the President of the Court of Appeal; (iv) a Justice of the Court of Appeal; (v) the Chief Judge of the Federal High Court; (vi) a Judge of the Federal High Court; and (iv) the Chairman and members of the Code of Conduct Tribunal.</p> <p>(b) recommend to the National Judicial Council, the removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph; and</p> <p>(c) appoint, dismiss and exercise disciplinary control over the Chief Registrars and Deputy Chief Registrars of the Supreme Court, the Court of Appeal, the Federal High Court and all other members of the staff of the judicial service of the Federation not otherwise</p>	<p>shall be the Deputy Chairman”,</p> <p>(ii) by substituting for subparagraph (c), a new subparagraph “(c)” –</p> <p>“(c) Minister of Justice”;</p> <p>(b) in paragraph 13, by substituting for subparagraph (c), a new subparagraph “(c)” -</p> <p>“(c) appoint, promote and exercise disciplinary control over the Chief Registrars and Deputy Chief Registrars of the Supreme Court, the Court of Appeal, Federal High Court, the National Industrial Court, Code of Conduct Tribunal and all</p>	<p>This amendment further addresses the powers of the Federal Judicial Service Commission. The alteration seeks to give the Commission powers to promote in addition to the appointment and exercise of disciplinary control over the Chief Registrars and Deputy Chief Registrars of the Supreme Court, the Court of Appeal, the Federal High Court and under this proposal, the Code of Conduct Tribunal as well</p>
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<p>Paragraph 20, 3rd Schedule</p>	<p>specified in this Constitution and of the Federal Judicial Service Commission.</p> <p style="text-align: center;">National Judicial Council</p> <p>20. The National Judicial Council shall comprise the following members -</p> <p>(a) the Chief Justice of Nigeria who shall be the Chairman</p> <p>(b) the next most senior Justice of the Supreme Court who shall be the Deputy Chairman;</p> <p>(c) the President of the Court of Appeal;</p> <p>(d) five retired Justices selected by the Chief Justice of Nigeria from the Supreme Court or Court of Appeal;</p> <p>(e) the Chief Judge of the Federal High Court;</p> <p>(f) five Chief Judges of States to be appointed by the Chief Justice of Nigeria from among the Chief Judges of the States and of the High Court of the Federal Capital Territory, Abuja in rotation to serve for two years;</p> <p>(g) one Grand Kadi to be appointed by the Chief</p>	<p>other members of staff of the judicial service of the Federation not otherwise specified in this Constitution and of the Federal Judicial Service Commission."; and</p> <p>(c) by substituting for paragraph 20, a new paragraph "20" -</p> <p>"20.-(1) The National Judicial Council shall comprise the following members —</p> <p>(a) the Chief Justice of Nigeria, who shall be the Chairman;</p> <p>(b) the next most senior Justice of the Supreme Court, who shall be the Deputy Chairman;</p> <p>(c) the President of the Court of Appeal;</p> <p>(d) three retired Justices of the Supreme Court, to serve for a period of three years only;</p> <p>(e) two retired Justices of the</p>	<p>This section addresses the composition of the National Judicial Council. The alteration seeks to amend the composition as follows:</p> <ul style="list-style-type: none"> • including and making the next most senior Justice of the Supreme Court the Deputy Chairman, • reduces the number of retired Supreme Court Justice from 5 to 3 and puts a time limit on their service (3 years). • includes two retired Justices of the Court of Appeal who would serve for 3 years as well, • includes the President of the National Industrial Court, • reduces the number of Chief Justices of States from 5 to 3, • provides for 1 retired Chief Judge of the Federal High Court, 1 retired President of the National Industrial Court and 1 retired Chief Judge of a State High Court for a time limit of 3 years,
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<p>Justice of Nigeria from among Grand Kadis of the Sharia Courts of Appeal to serve in rotation for two years;</p> <p>(h) one President of the Customary Court of Appeal to be appointed by the Chief Justice of Nigeria from among the Presidents of the Customary Courts of Appeal to serve in rotation for two years;</p> <p>(i) five members of the Nigerian Bar Association who have been qualified to practice for a period of not less than fifteen years, at least one of whom shall be a Senior Advocate of Nigeria, appointed by the Chief Justice of Nigeria on the recommendation of the National Executive Committee of the Nigerian Bar Association to serve for two years and subject to re-appointment. Provided that the five members shall sit in the Council only for the purposes of considering the names of persons for appointment to the superior courts of record; and</p> <p>(j) two persons not being legal practitioners, who in the opinion of the Chief Justice of Nigeria, are of unquestionable integrity.</p>	<p>Court of Appeal, to serve for a period of three years only;</p> <p>(f) the Chief Judge of the Federal High Court;</p> <p>(g) the President of the National Industrial Court;</p> <p>(h) three Chief Judges to serve in rotation for two years;</p> <p>(i) one retired Chief Judge of the Federal High Court, one retired President of the National Industrial Court and one retired Chief Judge of a State High Court to serve for a period of three years only;</p> <p>(j) one Grand Kadi of a Sharia Court of Appeal to be appointed from among the Grand Kadis of the Sharia Courts of Appeal to serve in rotation for two years only;</p> <p>(k) one President of a Customary Court of Appeal to be appointed from among the Presidents of the Customary Courts of Appeal to serve in rotation for two years only;</p>	<p>Includes the President of the Nigerian Bar Association</p> <ul style="list-style-type: none"> • Reduces the members of the NBA from 5 to 4 and their required number of years of practice from 15 to 10 years. <p>The alteration also seeks to include appointment of Chairman and Members of the Code of Conduct Tribunal on the list of positions that the Chief Justice of Nigeria in consultation with other Justices of the Supreme Court should recommend to the President for appointment.</p>
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		<p>(l) the President of the Nigerian Bar Association to serve for a period of two years only;</p> <p>(m) four senior members of the Nigerian Bar Association who have been qualified to practice for a period of not less than ten years, nominated by the National Executive Committee of the Nigerian Bar Association to serve for a period of two years only; and</p> <p>(n) two persons not being legal practitioners, who in the opinion of the Chief Justice of Nigeria, are of unquestionable integrity.</p> <p>(1) The Chief Justice of Nigeria shall, in exercising his power of appointment of members under subparagraph (1) of this paragraph, consult other Justices of the Supreme Court. "; and</p> <p>(d) by substituting for subparagraph (a), a new subparagraph "(a)":</p> <p>"(a) recommend to the President</p>	
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		<p>from among the list of persons submitted to it by the Federal Judicial Service Commission, persons for appointment to the offices of Chief Justice of Nigeria, the Justices of the Supreme Court, the President and Justices of the Court of Appeal, the Chief judge and Judges of the Federal High Court, the President and Judges of the National Industrial Court, the Chief judge and Judges of the High Court of the Federal Capital Territory, Abuja, Chairman and Members of the Code of Conduct Tribunal, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja".</p>	
<p>Paragraph 21, 3rd Schedule</p>	<p>National Judicial Council</p> <p>21. The National Judicial Council shall have power to - (a) recommend to the President from among the list of persons submitted to it by -</p>		

<p>(i) the Federal Judicial Service Commission, persons for appointment to the offices of the Chief Justice of Nigeria, the Justices of the Supreme Court, the President and Justices of the Court of Appeal, the Chief Judge and Judges of the Federal High Court, and</p> <p>(ii) the Judicial Service Committee of the Federal Capital Territory, Abuja, persons for appointment to the offices of the Chief Judge and Judges of the High Court of the Federal Capital Territory, Abuja, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja;</p> <p>(b) recommend to the President the removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph and to exercise disciplinary control over such officers;</p> <p>(c) recommend to the Governors from among the list of persons submitted to it by the State Judicial Service Commissions persons for appointments to the offices of the Chief Judges of the States and Judges of the High Courts of the States, the Grand Kadis and Kadis of the Sharia Courts of Appeal of the States and the Presidents and Judges of the Customary Courts of Appeal of the States;</p> <p>(d) recommend to the Governors the removal from the office of the judicial officers in sub-paragraph (c) of this paragraph, and to exercise disciplinary control over such officers.</p> <p>(e) collect, control and disburse all moneys, capital and recurrent, for the judiciary;</p> <p>(f) advise the President and Governors or any matter pertaining to the judiciary as may be referred to the</p>		
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	<p>Council by the President or the Governors; (g) appoint, dismiss and exercise disciplinary control over members and staff of the Council; (h) control and disburse all monies, capital and recurrent; for the services of the Council; and (i) deal with all other matters relating to broad issues of policy and administration.</p>		
<p>Part II, 3rd Schedule, Paragraph 5</p>	<p style="text-align: center;">State Judicial Service Commission</p> <p>5. A State Judicial Service Commission shall comprise the following members - (a) the Chief Judge of the State, who shall be the Chairman; (b) the Attorney General of the State; (c) (d) (e) two members, who are legal practitioners, and who have been qualified to practice as legal practitioners in Nigeria for not less than ten years; and (f)</p>	<p>Alteration of Part II of the Third Schedule.</p> <p>14. Part II, paragraph 5 of the Third Schedule to the Principal Act is altered by-</p> <p>(a) inserting, after subparagraph (a), a new subparagraph "(aa)" –</p> <p style="padding-left: 40px;">"(aa) the next most senior Head of Court who shall be the Deputy Chairman"; and</p> <p>(b) substituting for subparagraph (b), a new subparagraph "(b)"-</p> <p style="padding-left: 40px;">“(b) Commissioner for Justice”</p>	<p>This section addresses the composition of the State Judicial Service Commission. The alteration seeks to include the next most senior Head of Court as the Deputy Chairman and also includes the Commissioner for Justice.</p>
<p>Part III, 3rd Schedule, Paragraph I</p>	<p style="text-align: center;">FEDERAL EXECUTIVE BODIES</p> <p style="text-align: center;">Judicial Service Commission of the Federal Capital Territory, Abuja.</p>	<p>Alteration of Part 111 of the Third Schedule.</p> <p>15. Part III of the Third Schedule to the Principal Act is altered–</p>	<p>This part of the Constitution relates to Federal Executive Bodies. By the alteration, the word “executive” has been removed from the heading to enable it capture the nature of all bodies.</p>

	<p>1. The Judicial Service Committee of the Federal Capital Territory, Abuja shall comprise the following members -</p> <p>(a) the Chief Judge of the Federal Capital Territory, Abuja who shall be the Chairman.</p> <p>(b) the Attorney-General of the Federation;</p> <p>(c) the Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja;</p> <p>(d) the President of the Customary Court of Appeal of the Federal Capital Territory, Abuja;</p> <p>(e) one person who is a legal practitioner and who has been qualified to practice as a legal practitioner in Nigeria for a period of not less than twelve years; and</p> <p>(f) one other person, not being practitioner, who in the opinion of the President is of unquestionable integrity.</p>	<p>(a) by deleting the word, "EXECUTIVE" in the heading;</p> <p>(b) by substituting for subparagraph (b), a new subparagraph "(b)" –</p> <p>"(b) the next most senior Head of Court who shall be the deputy Chairman";</p> <p>(c) by substituting for paragraph 2 (c), a new paragraph "2 (c)" -</p> <p>"2 (c). The Committee shall have the power to appoint, promote and exercise disciplinary control over the Chief Registrar and Deputy Chief Registrars of the High Court, the Sharia Court of Appeal and the Customary Court of Appeal of the Federal Capital Territory, Abuja, if any, magistrates, Area Court Judges, Customary Court Judges, and all other members of staff of the judicial service of the Federal Capital Territory, Abuja not otherwise specified in this Constitution and of the Judicial Service Committee of the Federal Capital Territory, Abuja".</p>	<p>The alteration seeks make the next most senior Head of Court the Deputy Chairman of the Judicial Service Committee of the Federal Capital Territory, Abuja and also increases the number of persons on the Board by the inclusion of the Minister of Justice.</p> <p>The alteration of subsection 2(c) seeks to vest the power to promote in addition to appointment and exercise of disciplinary control of Chief Registrars and Deputy Chief Registrars of the High Court, the Sharia Court of Appeal and the Customary Court of Appeal of the Federal Capital Territory, Abuja, if any, magistrates, Area Court Judges, Customary Court Judges, and all other members of staff in the Judicial Service of the Federal Capital Territory, Abuja.</p>

<p>Part III, 3rd Schedule, Paragraph 2</p>	<p style="text-align: center;">Judicial Service Committee of the Federal Capital Territory</p> <p>2. The Committee shall have power -</p> <p>(a) to recommend to the National Judicial Council suitable persons for nomination for appointment to the office of -</p> <p>(i) the Chief Judge of the Federal Capital Territory, Abuja,</p> <p>(ii) a Judge of the High Court of the Federal Capital Territory, Abuja,</p> <p>(iii) the Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja</p> <p>(iv) the President of the Customary Court of Appeal of the Federal Capital Territory, Abuja,</p> <p>(v) a Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja,</p> <p>(vi) a Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja.</p> <p>(b) subject to the provisions of this Constitution, to recommend to the National Judicial Council the removal from office of the Judicial officers specified in sub-paragraph (a) of this paragraph;</p> <p>(c) to appoint, promote and exercise disciplinary control over the Chief Registrar and Deputy Chief Registrars of the High Court, the Sharia Court of Appeal and the Customary Court of Appeal of the Federal Capital Territory, Abuja, magistrates, the judges and members of the District and Area Courts of the Federal Capital Territory, Abuja, if any, and all other members of the staff of the judicial service of the Federal Capital Territory, Abuja not otherwise specified in this Constitution and of the Judicial Service</p>		
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<p>Part I, 5th Schedule, paragraph 15</p>	<p>Committee of the Federal Capital Territory, Abuja.</p> <p style="text-align: center;">Code of Conduct Tribunal</p> <p>15. (1) There shall be established a tribunal to be known as Code of Conduct Tribunal which shall consist of a Chairman and two other persons. (2) (3) (4)</p>	<p>Alteration of the Third Alteration No. 3, 2011</p> <p>16. The Constitution (Third Alteration No. 3, 2011) is further altered-</p> <p>(a) in section 6, by inserting, after paragraph (cc), a new paragraph “(cd)”-</p> <p>“(cd) Code of Conduct Tribunal”: and</p> <p>(b) in section 13, by inserting, after the word, “Court”, the words, Chairman and members of the Code of Conduct Tribunal”.</p> <p>Alteration of Part I of the Fifth Schedule</p> <p>17. Paragraph 15 of the Fifth Schedule to the Principal Act is altered –</p> <p>(a) in subparagraph (1), by substituting for the words, “a Chairman and two other persons”, in line 2, the expression-</p>	<p>-This seeks to create a new heading for the Code of Conduct Tribunal after the National Industrial Court (as amended in 2011). This amendment is somewhat inelegant, as it does not propose new sections following the creation of a new heading.</p> <p>-It also seeks to insert the Chairman and members of the Code of Conduct Tribunal in the definition of Judicial Officers under section 318 (the interpretation section of the Constitution) similar to the inclusion of the president and judges of the Industrial Court in the same section in the 2011 third alteration to the Constitution.</p> <p>- It goes on to Part 1 of the 5th schedule, which defines the composition of the Tribunal. The extant provision of this paragraph provides for the Code of Conduct Tribunal to be composed of a Chairman and two other members. However, this alteration seeks to increase the number of the members of the Tribunal from 2 members to not less than 24. It also states that 3 members will constitute the Tribunal.</p>
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		<p>“(a) a Chairman of the Code of Conduct Tribunal; and</p> <p>(b) such number of members of the Code of Conduct Tribunal not less than twenty-four as may be prescribed by an Act of the National Assembly”;</p> <p>(b) by substituting for subparagraph (3), a new subparagraph “(3)”-</p> <p>“(3) The Code of Conduct Tribunal shall be duly constituted if it consists of at least three members of the tribunal”; and</p> <p>(c) by inserting, after subparagraph (3), new subparagraphs “(3A)”- “(3C)”-</p> <p>“(3A) A person shall not be qualified to hold or perform the functions of the office of the Chairman or member of the Code of Conduct Tribunal unless he is</p>	<p>Additional to the foregoing, a provision is made for the office of the Chairman of the Code of Conduct Tribunal. The sole qualification for the position is a legal practitioner of not less than 10 years post call. Also where the office is vacant or the present Chairman is unable to perform his functions, the President shall appoint the most senior member of the Tribunal to act as Chairman for a period of 3 months.</p> <p>It goes further to provide that where the National Judicial Council does not recommend the said member to take over, a new appointment shall be made.</p>
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		<p>qualified to practise as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years.</p> <p>(3B) If the office of the Chairman of the Code of Conduct Tribunal is vacant or the person holding such office is, for any reason, unable to perform the functions of the office, then until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the President shall appoint the most senior member of the Code of Conduct Tribunal to perform those functions.</p> <p>(4C) Except on the recommendation of the National Judicial Council, an appointment made</p>	
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		<p>under sub-paragraph (3B) of this paragraph shall cease to have effect after the expiration of three months from the date of such appointment, and the president shall not re-appoint a person whose appointment has lapsed.”</p>	
		<p>Citation.</p> <p>17. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 20, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999, to further strengthen the judiciary for speedy dispensation of justice.</p>	

XVII. DETERMINATION OF PRE-ELECTION MATTERS

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide time for the determination of pre-election matters; and for related matters

SECTIONS	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of Constitution</p> <p>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.</p>	
285	<p>ESTABLISHMENT OF ELECTION TRIBUNALS AND TIME FOR DETERMINATION OF ELECTION PETITIONS</p> <p>Section 29 of the First Alteration Act and Section 285 of the Constitution are substituted for the following new section-</p> <p>“(1) There shall be established for each State of the Federation and Federal Capital Territory, one or more election tribunals to be known as the National and State Houses of Assembly Election Tribunals which shall, to the exclusion of any Court or tribunal, have original jurisdiction to hear and determine petitions as to whether-</p>	<p>Alteration of section 285 of the Constitution</p> <p>2. Section 285 of the Principal Act is further altered by-</p> <p style="padding-left: 40px;">(a) by substituting for the marginal note, a new “marginal note”-</p> <p>“Time for Determination of Pre-Election Matters, Establishment of Election Tribunals and Time for Determination of Election Petitions”;</p>	<p>The amendment substitutes the heading of the section that reads “Establishment of Election Tribunals and Time For Determination of Election Petitions “ with “Time for Determination of Pre-Election Matters, Establishment of Election Tribunals and Time for Determination of Election Petitions”;</p> <p>The alterations to section 285 are aimed towards speedy adjudication of election petitions for minimum interruption to governance. This alteration is as a result of extensive delays in the disposal of pre-election matters and election petitions.</p>

SECTIONS	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>(a)..... (b).....</p> <p>(2) There shall be established in each State of the Federation as election tribunal to be known as the Governorship Election Tribunal which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor of a State.</p> <p>(3) The composition of the National and State Houses of Assembly Election Tribunal and the Governorship Election Tribunal, respectively, shall be as set out in the Sixth Schedule to this Constitution.</p> <p>(4)..... (5).....</p> <p>(6) An election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition;</p> <p>(7) An appeal from a decision of an election tribunal or court shall be heard and disposed of within 60 days from the date of the delivery of judgment of the tribunal;</p>	<p>(b) by substituting for subsection (8), anew subsection “(8)” –</p> <p>“(8) Where a preliminary objection or any other interlocutory issue touching on the jurisdiction of the tribunal or court in any pre-election matter or on the competence of the petition itself is raised by a party, the tribunal or court shall suspend ruling thereon and deliver same at the stage of final judgment”; and</p> <p>(c) by inserting, after subsection (8), new subsections “(9) – “(14)”:</p> <p>“(9) Notwithstanding anything to the contrary in this Constitution, every pre-election matter shall be filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit.</p> <p>(10) A Court in every pre-election matter shall deliver its judgment in writing within 180 days from the date of filing of the suit.</p> <p>(11) An appeal from a decision in a pre-election matter shall be filed</p>	<p>The alterations provide that where an objection is raised on the jurisdiction of the tribunal, the decision should be delivered together with the final judgement. The alteration also includes that:</p> <ul style="list-style-type: none"> • pre-election matters should be filed not later than 14 days from the date of the event or action and the court is to determine the suit not later than 180 days from the filing. • Appeals on the decision of the lower court on a pre-election matter should be filed not later than 14 days from the date of judgment and the appeal should be disposed of within 60 days from the filing of the appeal. <p>In response to the Kogi election saga, a provision was created which states that a court or tribunal cannot declare a person winner of an election if they had not contested at all levels of the electoral process.</p> <p>The key import of this section is that it seeks to bring the adjudication of pre-election matters within the parameters of the Constitution.</p>

SECTIONS	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
	<p>(8) The court, in all final appeals from an election tribunal or court may adopt the practice of first giving its decision and reserving the reasons therefore to a later date;</p> <p>(10).....</p>	<p>within 14 days from the date of delivery of the judgment appealed against.</p> <p>(12) An appeal from a decision of a Court in a pre-election matter shall be heard and disposed of within 60 days from the date of filing of the appeal.</p> <p>(13) An election tribunal or court shall not declare any person a winner at an election in which such a person has not fully participated in all stages of the election.”</p> <p>(14) for the purpose of this section, “pre-election matter” means any suit by –</p> <p>(a) an aspirant who complains that any of the provisions of the Electoral Act or any Act of the National Assembly regulating the conduct of primaries of political parties and the provisions of the guidelines of a political party for conduct of party primaries has not been complied with by a political party in respect of the selection or nomination of</p>	

SECTIONS	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		<p>candidates for an election;</p> <p>(b) an aspirant challenging the actions, decisions or activities of the Independent National Electoral Commission in respect of his participation in an election or who complains that the provisions of the Electoral Act or any Act of the National Assembly regulating elections in Nigeria has not been complied with by the Independent National Electoral Commission in respect of the selection or nomination of candidates and participation in an election; and</p> <p>(c) a political party challenging the actions, decisions or activities of the Independent National Electoral Commission disqualifying its candidate from participating in an election or a complaint that the provisions of the Electoral Act or any other applicable law has not been complied with by the</p>	

SECTIONS	PROVISIONS OF THE CONSTITUTION	PROVISIONS OF THE BILL	REMARKS
		Independent National Electoral Commission in respect of the nomination of candidates of political parties for an election, timetable for an election, registration of voters and other activities of the Commission in respect of preparation for an election”.	
		<p>Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 21, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to make provisions for pre-election matters and time for the determination of pre-election disputes.</p>	

XVIII. CONSEQUENTIAL AMENDMENT ON CIVIL DEFENCE

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>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.</p>	
		<p>Insertion of new heading DA- Nigeria Security and Civil Defence Corps</p> <p>3. Insert, after section 213 of the Principal Act, a new heading “AA”-</p> <p><i>“AA- National Security and Civil Defence Corps</i></p> <p>Establishment of the Nigeria Security and Civil Defence Corps</p> <p>213A (1) There shall be a Civil Defence Corps for Nigeria which shall be known as the Nigeria Security and Civil Defence Corps.</p> <p>(2) Subject to the provisions of this Constitution, the</p>	<p>This alteration seeks to constitutionally establish and define the functions of the Nigerian Security and Civil Defence Corps as a security agency.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>Civil Defence Corps shall be responsible for-</p> <p>(a) the management of natural and man-made disasters, search, rescue and recovery, rehabilitation and reintegration of displaced persons and to help them recover from the immediate effects of hostilities or disasters and provide the conditions necessary for their survival; and</p> <p>(b) the protection of critical national assets which shall not be limited to oil industry infrastructure, railways, solid mineral minefields, telecommunication infrastructure, power infrastructure, hydrological infrastructure, nuclear infrastructure, cattle ranches, but critical national assets as may be strategically declared by an Act of the National Assembly.</p> <p>(3) The Civil Defence Corps shall-</p> <p>(a) regulate Private Guard Companies as an industry regulator;</p> <p>(b) register, monitor, supervise, sanction, deregister and determine the operational guidelines of private guard companies all over Nigeria as the nation strives to establish it as a viable tier of security;</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>(c) bear arms to enable it perform all or part of its functions; and</p> <p>(d) train, regulate, supervise, oversee and support the activities of vigilante groups, neighborhood security organisations or agencies, and any other such groups, agencies or organizations with a paramilitary character enacted by an Act of a State Assembly for the purpose of enhancing the security of any state of the federation.</p> <p>Appointment of Commandant-General</p> <p>213B. There shall be Commandant-General for the Civil Defence Corps who shall be appointed by the President from its officer cadre to administer and manage the Corps in a manner prescribed by an Act of the National Assembly”.</p>	
		<p>Citation</p> <p>3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 22, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps, which is a</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		consequential amendment as a result of including the national security and civil defence as an item in the Exclusive Legislative List under the Second Schedule to the Constitution.	

XIX. PROCEDURE FOR OVERRIDING PRESIDENTIAL VETO IN CONSTITUTIONAL ALTERATION

**A Bill
For**

An Act to provide for the procedure for passing a Constitution Alteration Bill where the President withholds assent

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>ENACTED by the National Assembly of the Federal Republic of Nigeria -</p>	
		<p>Alteration of the Constitution 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.</p>	
<p>9.</p>	<p>Mode of Altering Provisions of the Constitution</p> <p>9.(1) The National Assembly may, subject to the provision of this section, alter any of the provisions of this Constitution.</p> <p>(2) An Act of the National Assembly for the alteration of this Constitution, not being an Act to which section 8 of this Constitution applies, shall not be passed in either House of the National Assembly unless the proposal is supported by the</p>	<p>Alteration of section 9 2. Section 9 of the Principal Act is altered -</p> <p>(a) in subsection (2), by substituting for the words, “An Act of ” in line 1, the words, “A Bill before”;</p> <p>(b) by substituting for the word, “Act” in line 2, the words “a Bill”;</p> <p>(c) by substituting for the words, “the proposal ” in line 3, the words, “the</p>	<p>This section relates to the procedure for altering provisions of the Constitution. The amendment seeks to allow for the alteration of the Constitution without Presidential assent. In this case, where the President withholds assent to a bill seeking to amend the Constitution, the National Assembly can vote again on the bill, which must be passed by a two-third majority of each House. This alteration goes towards preventing a deadlock where the National Assembly and State Houses of Assembly have passed amendments to the Constitution, which fails to obtain assent like in the 7th Assembly.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the States.</p> <p>(3) An Act of the National Assembly for the purpose of altering the provisions of this section, section 8 or Chapter IV of this Constitution shall not be passed by either House of the National Assembly unless the proposal is approved by the votes of not less than four-fifths majority of all the members of each House, and also approved by resolution of the House of Assembly of not less than two-third of all States.</p> <p>(4).....</p>	<p>Bill”</p> <p>(d) by inserting a new subsection “(3A)”-</p> <p>“(3A) Where the President withholds his assent and the bill is again voted upon by each House of the National Assembly by two-thirds majority, the bill shall become law”.</p>	
		<p>3. Citation</p> <p>This Bill may be cited as Constitution of the Federal Republic of Nigeria (Fourth Alteration) Bill, No. 24, 2017</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to among other things provide the procedure for passing a Constitution Alteration Bill where the President withholds assent.</p>	

XX. INVESTMENT AND SECURITIES TRIBUNAL

A Bill

For

An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to reflect the establishment of the Investments and Securities Tribunal under the Constitution; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>1. The Constitution of the Federal republic of Nigeria, 1999 (in this Act referred to as the "Principal Act" is altered as set out under this Bill.</p>	
6.	<p>Judicial Powers</p> <p>6. (1) The judicial powers of the Federation shall be vested in the courts to which this section relates, being courts established for the Federation.</p> <p>(2)</p> <p>(3)</p> <p>(4)</p>	<p>Third Alteration</p> <p>Alteration of section 6</p> <p>2. Section 6 of the Principal Act is altered by inserting in the heading, after the word, "Nigeria", the words, "and Investments and Securities Tribunal".</p>	<p>This section lists the courts of Superior Record in the country and the alteration seeks to include the Investments and Securities Tribunal as one of those on the list.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>(5) This section relates to:-</p> <ul style="list-style-type: none"> (a) the Supreme Court of Nigeria; (b) the Court of Appeal; (c) the Federal High Court; (cc) the National Industrial Court; (d) the High Court of the Federal Capital Territory, Abuja; (e) a High Court of a State (f) the Sharia Court of Appeal of the Federal Capital Territory, Abuja; (g) a Sharia Court of Appeal of a State; (h) the Customary Court of Appeal of the Federal Capital Territory, Abuja; (i) a Customary Court of Appeal of a State; (j) such other courts as may be authorised by law to exercise jurisdiction on matters with respect to which the National Assembly may make laws; and (k) such other court as may be authorised by law to exercise jurisdiction at first instance or on appeal on matters with respect to which a House of Assembly may make laws. 		

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
84.	<p style="text-align: center;">Audit of Public Account</p> <p>84. (1) There shall be paid to the holders of the offices mentioned in this section such remuneration, salaries and allowances as may be prescribed by the National Assembly, but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.</p> <p>(2)</p> <p>....</p> <p>(3)</p> <p>....</p> <p>(4) The offices aforesaid are the offices of President, Vice-President, Chief Justice of Nigeria, Justice of the Supreme Court, President of the Court of Appeal, Justice of the Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, President of the National Industrial Court, Judge of the National Industrial Court, Chief Judge and Judge of the High Court of the Federal Capital Territory, Abuja, Chief</p>	<p>Alteration of section 84</p> <p>3. Section 84 (4) of the Principal Act is altered by inserting, after the words, "Judge of the National Industrial Court", the words, "Chairman of the Investments and Securities Tribunal, Member of the Investments and Securities Tribunal."</p>	<p>This alteration seeks to include the Chairman of the Investments and Securities Tribunal and Members of the Investments and Securities Tribunal on the list of office holders who are to receive remuneration, salaries and allowances as public office holders.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Judge of a State, Judge of the High Court of a State, Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, President and Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja, Grand Kadi and Kadi of the Sharia Court of Appeal of a State, President and Judge of the Customary Court of Appeal of a State, the Auditor-General for the Federation and the Chairmen and members of the following executive bodies, namely, the Code of Conduct Bureau, the Federal Civil Service Commission, the Independent National Electoral Commission, the National Judicial Council, the Federal Judicial Service Commission, the Judicial Service Committee of the Federal Capital Territory, Abuja, the Federal Character Commission, the Code of Conduct Tribunal, the National Population Commission, the Revenue Mobilisation Allocation and Fiscal Commission, the Nigeria</p>		

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Police Council and the Police Service Commission. (5) (6)</p>		
	<p style="text-align: center;">Appellate jurisdiction</p> <p>240. Subject to the provisions of this Constitution, the Court of Appeal shall have jurisdiction to the exclusion of any other court of law in Nigeria, to hear and determine appeals from the Federal High Court, National Industrial Court, the High Court of the Federation Capital Territory, Abuja, High Court of a state, Sharia Court of Appeal of the Federal Capital Territory, Abuja, Sharia Court of Appeal of a state, Customary Court of Appeal of a state and from decisions of a court martial or other tribunals as may be prescribed by an Act of the National Assembly.</p>	<p>Alteration of section 240</p> <p>4. Section 240 of the Principal Act is altered by inserting, after the words, “National Industrial Court”, the words, “the Investments and Securities Tribunal”.</p>	<p>This alteration seeks to vest the Court of Appeal with appellate jurisdiction over decisions emanating from the Investments and Securities Tribunal.</p>
	<p>Exercise of Right to appeal from the Federal High Court, National Industrial Court or a High Court in civil and criminal matters</p>	<p>Alteration of section 243</p> <p>5. Section 243 of the Principal Act is altered by-</p>	<p>This alteration seeks to make the Court of Appeal the final appellate court for matters emanating from the Investment and Securities Tribunal on capital market disputes.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	(1)..... (2)..... (3)..... (4).....	<p>(a) inserting, after the words, "National Industrial Court" in the marginal note and in the section, the words" the Investments and Securities Tribunal"; and</p> <p>(b) inserting, after sub-section (4), new subsections "(5)"-"(7)"-</p> <p style="padding-left: 40px;">“(5) An appeal shall lie from the final decision of the Investments and Securities Tribunal as of right to the Court of Appeal on capital market dispute as it relates to matters upon which the Investments and Securities Tribunal has jurisdiction.</p> <p style="padding-left: 40px;">(6) An appeal shall only lie from the decision of the Investments and Securities Tribunal to the Court of Appeal as may be prescribed by an Act of the National Assembly:</p> <p style="padding-left: 40px;">Provided that where an Act or law prescribes that an appeal shall lie from the decisions of the Investments and Securities Tribunal to the Court of Appeal, such appeal shall be with the leave of the Court of Appeal.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>(7) Without prejudice to the provisions of section 254C (5) of this Constitution, the decision of the Court of Appeal in respect of any appeal arising from any civil jurisdiction of the Investments and Securities Tribunal shall be final”.</p>	
	<p>Chapter VII, Part 1 Federal Courts</p> <p><i>C - The Federal High Court</i></p> <p>249. Establishment of the Federal High Court.</p> <p>250. Appointment of Chief Judge and Judges of the federal high Court.</p> <p>251. Jurisdiction</p> <p>252. Powers</p> <p>253. Constitution</p> <p>254. Practice and procedure</p> <p><i>CC- The National Industrial Court of Nigeria</i></p> <p>254A. Establishment and Composition of the National Industrial Court</p> <p>254B. Appointment of President and Judges of the National Industrial Court</p>	<p>Alteration of Chapter VII, Part 1 - Federal Courts</p> <p>6. Chapter VII, Part 1 of the Principal Act is altered by inserting, after section 254F, a new sub-heading "CB" and sections "254G -254K" –</p> <p><i>“CB- The Investments and Securities Tribunal</i></p> <p>Establishment and composition of the Investments and Securities Tribunal</p> <p>254G (1) There shall be established for the Federation an Investments and Securities Tribunal.</p> <p>(2) The Investments and Securities Tribunal shall consist of-</p>	<p>Further to the inclusion of the Investments and Securities Tribunal as a Court of Superior record, this alteration establishes the Investments and Securities Tribunal, provides for its composition, the procedure for appointment of the Chairman and 12 members of the Tribunal as well as their qualifications and the jurisdiction and powers of the Tribunal.</p> <p>By these alterations, the members of this Tribunal are akin to judges.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	254C. Jurisdiction 254D. Powers 254E. Constitution of Court 254F. Practice and Procedure	<p>(a) a Chairman of the tribunal; and</p> <p>(b) twelve other members of the tribunal.</p> <p>Appointments of Chairman and members of the Investments and Securities Tribunal</p> <p>254H (1) The appointment of the Chairman of the Tribunal shall be made by the President on the recommendation of the National Judicial Council subject to confirmation of such appointment by the Senate.</p> <p>(2) The appointment of members of the Tribunal shall be made by the President on the recommendation of the National Judicial Council.</p> <p>(3) A person shall not be eligible to be Chairman or a member of the Tribunal unless the person is qualified to practise as a legal practitioner in Nigeria and has been so qualified for a period of not less than ten years with cognate experience in capital market</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>matters.</p> <p>(4) If the office of the Chairman of the Tribunal becomes vacant, or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and assumed the functions of that office or until the person holding the office has resumed those functions, the President shall appoint the most senior member of the Tribunal having the qualification to be appointed as Chairman of the tribunal as provided under sub section(5) of this section to perform those functions.</p> <p>(5) Except on the recommendation of the National Judicial Council, an appointment pursuant to the provisions of sub section(4) of this section shall cease to have effect after the expiration of three months from the date of such appointment and the President shall not re-appoint a person whose appointment has lapsed.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>Jurisdiction</p> <p>254I (1) Notwithstanding the provisions of section 251, 257, 272 and anything contained in this Constitution and, in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Investments and Securities Tribunal shall, to the exclusion of any other court of law or body in Nigeria, exercise jurisdiction to hear and determine any question of law dispute involving:</p> <ul style="list-style-type: none"> (a) a decision or determination of the Commission in the operation and application of the Investments and Securities Act, and, in particular, relating to any dispute- <ul style="list-style-type: none"> (i) between capital market operators; (ii) between capital market operators and their clients, (iii) between an investor and a securities exchange or 	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>capital trade point or clearing and settlement agency, or</p> <p>(iv) between capital market operators and self-regulatory organisations;</p> <p>(b) the Commission and self-regulatory organisation;</p> <p>(c) a capital market operator and the Commission;</p> <p>(d) an investor and the Commission;</p> <p>(e) an issuer of securities and the Commission; and</p> <p>(f) disputes arising from the administration, management and operations of collective investment schemes.</p> <p>(2) The Tribunal shall also exercise jurisdiction in any other matter as may be prescribed by an Act of the National Assembly.</p> <p>(3) In the exercise of its jurisdiction, the</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>Tribunal shall have power to interpret any law, rule or regulation as may be applicable.</p> <p>(4) The Investments and Securities Tribunal shall have and exercise jurisdiction and powers to entertain any application for the enforcement of the award, decision, ruling or order made by any arbitral tribunal or commission, administrative body, or board of inquiry relating to or connected with, arising from or pertaining to any matter of which the Investments and Securities Tribunal has the jurisdiction to entertain.</p> <p>(5) The Investments and Securities Tribunal shall have and exercise jurisdiction and powers in criminal causes and matters arising from any causes or matter of which jurisdiction is conferred on the Investments and Securities Tribunal by this section or any other Act of the National Assembly or by any other law.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>(6) Notwithstanding anything to the contrary in this Constitution, the Investment and Securities Tribunal shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified relating to the capital market or matters connected therewith.</p> <p>(7) Notwithstanding anything to the contrary in this Constitution, appeal shall lie from the final decision of the Investments and Securities Tribunal from matters in sub section (1) of this section to the Court of Appeal as of right.</p> <p>Powers</p> <p>254J. (1) For the purpose of exercising any jurisdiction conferred upon it by this Constitution or as may be conferred by an Act of the National Assembly, the Investments and Securities Tribunal shall have all the powers of a Federal High Court.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>(2) Notwithstanding sub section (1) of this section, the National Assembly, make provisions conferring upon the Investments and Securities Tribunal powers additional to those conferred by this section as may appear necessary or desirable for enabling the Tribunal to be more effective in exercising its jurisdiction.</p> <p>Constitution of the Tribunal</p> <p>5. (1) For the purpose of exercising any jurisdiction conferred upon it by this constitution or any other law, the Investments and Securities Tribunal shall be duly constituted if it consists of not less than three members of the Tribunal.</p> <p>(2) For the purpose of exercising its criminal jurisdiction, the Chairman of the Tribunal may hear and determine or assign three members of the Tribunal to hear and determine such matter.</p> <p>(3) For the purpose of exercising any jurisdiction conferred upon it by the Constitution or any other law, the Tribunal may, if it deems it expedient to</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		<p>do so or in a manner prescribed under any enactment, law or rule of court, call in aid, one or more assessors specially qualified to try and hear the cause or matter wholly or partly with the assistance of such assessors.</p> <p>(4) For the purpose of sub subsection (3) of this section, an assessor shall be a person who is specially qualified and experienced in capital market and who has been so qualified for a period of not less than ten years.</p> <p>Practice procedure</p> <p>254K. (l) subject to the provisions of any Act of the National Assembly, the Chairman of the Tribunal may make rules for regulating the practice and procedure of the Tribunal.</p> <p>(2) For the purpose of exercising its criminal jurisdiction, the provisions of the Criminal Code, Penal Code, Criminal Procedure Code, Administration of Justice Act, Evidence Act and other relevant laws shall apply.</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Removal of judicial officers from office</p> <p>292. (1) A judicial officer shall not be removed from his office or appointment before his age of retirement except in the following circumstances -</p> <p>(a) in the case of -</p> <p>(i) Chief Justice of Nigeria, President of the Court of Appeal, Chief Judge of the Federal High Court, President of the National Industrial Court, Chief Judge of the High Court of the Federal Capital Territory, Abuja, Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and President, Customary Court of Appeal of the Federal Capital Territory, Abuja, by the President acting on an address supported by two-thirds majority of the Senate.</p> <p>(ii)</p> <p>(b)</p> <p>(2)</p>	<p>Alteration of section 292</p> <p>7. Section 292 (l) (a) (i) of the Principal Act is altered by inserting, after the words, "President of the National Industrial Court", the words, "Chairman of the Investments and Securities Tribunal."</p>	<p>This alteration is consequential to the establishment of the Investments and Securities Tribunal. It implies that the Chairman is included in the list of judicial officers that cannot be removed from office before the prescribed retirement age except in certain circumstances.</p>
	<p>Determination of cases and matters</p>	<p>Alteration of section 294 (4)</p> <p>8. Section 294 (4) of the Principal Act is altered</p>	<p>This alteration is consequential to the establishment of the Investments and Securities Tribunal and provides that the Investments and Securities Tribunal is</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>294. (1) Every court established under this Constitution shall deliver its decision in writing not later than ninety days after the conclusion of evidence and final addresses and furnish all parties to the cause or matter determined with duly authenticated copies of the decision within seven days of the delivery thereof.</p> <p>(2)</p> <p>(3)</p> <p>(4) For the purpose of delivering its decision under this section, the Supreme court, or the court of Appeal or the National Industrial Court shall be deemed to be duly constituted if at least one member of that court sits for that purpose.</p> <p>(5)</p> <p>(6)</p>	<p>by inserting, after the words, "National Industrial Court", the words, "Investments and Securities Tribunal".</p>	<p>duly constituted by at least one member when delivering its decision.</p>
	<p>Reference of question of law</p> <p>295. (1) Where any question as to the interpretation or application of this Constitution arises in any proceedings in any court of law in any part of Nigeria (other than in the Supreme Court, the</p>	<p>Alteration of section 295</p> <p>9. Section 295 of the Principal Act is altered-</p> <p>(a) in subsection (1), by inserting-</p> <p>(i) after the words, "National Industrial</p>	<p>The alterations to section 295 are consequential to the establishment of the Investments and Securities Tribunal.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Court of Appeal, the Federal High Court or the National Industrial Court or a High Court) and the court is of the opinion that the question involves a substantial question of law, the court may, and shall if any of the parties to the proceedings so requests, refer the question to the Federal High Court or the National Industrial Court or a High Court having jurisdiction in that part of Nigeria and the Federal High Court or the High Court shall</p> <p>(a) if it is of opinion that the question involves a substantial question of law, refer the question to the Court of Appeal; or</p> <p>(b) if it is of opinion that the question does not involve a substantial question of law, remit the question to the court that made the reference to be disposed of in accordance with such directions as the Federal High Court or Industrial Court or the High Court may think fit to give.</p> <p>(2) Where any question as to the interpretation or application of this constitution arises in any proceedings in the Federal High Court or Industrial Court or a High Court, and the court is of opinion that the question involves a</p>	<p>Court", the words, "Investments and Securities Tribunal", and</p> <p>(ii) after the word, "National Industrial Court" the words "Investments and Securities Tribunal"; and</p> <p>(c) in subsection (2), by inserting, after the words, "National Industrial Court", the words, "Investments and Securities Tribunal".</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>substantial question of law, the court may, and shall if any party to the proceedings so requests, refer the question to the Court of Appeal; and where any question is referred in pursuance of this subsection, the court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision.</p> <p>(3)</p>		
	<p style="text-align: center;">INTERPRETATION, CITATION AND COMMENCEMENT</p> <p>"Judicial office" means the office of Chief Justice of Nigeria or a Justice of the Supreme Court, the President or Justice of the Court of Appeal, the office of the Chief Judge or a Judge of the Federal High Court, the Office of the President or Judge of the National Industrial Court, the office of the Chief Judge or Judge of the High Court of the Federal Capital Territory, Abuja, the office of the Chief Judge of a State and Judge of the High Court of a State, a</p>	<p>Alteration of section 318</p> <p>10. Section 318 of the Principal Act is altered by inserting under the interpretation of -</p> <p style="padding-left: 40px;">(a) judicial office, after the words, "National Industrial Court", the words "the office of the Chairman or Member of the Investments and Securities Tribunal; and</p> <p style="padding-left: 40px;">(b) Public Service of the Federation, after the words", the National Industrial Court", "the Investments and Securities Tribunal" immediately".</p>	<p>This alteration is consequential to the establishment of the Investments and Securities Tribunal and includes the office of the chairman or a member the Investments and Securities Tribunal in the interpretation of "Judicial Office."</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Grand Kadi or Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, a President or Judge of the Customary Court of Appeal; of the Federal Capital Territory, Abuja, a Grand Kadi or Kadi of the Sharia Court of Appeal of a State; and a reference to a "judicial officer" is a reference to the holder of any such office;</p> <p>"public service of a State' means the service of the State in any capacity in respect of the Government of the State and includes service as:</p> <p>(a) Clerk or other staff of the House of Assembly;</p> <p>(b) member of staff of the Supreme Court, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja, the Sharia court of Appeal, the Customary Court of Appeal; or other courts established for a State by this Constitution or by a Law of a House of Assembly;</p> <p>(c) member or staff of any commission or authority established for the State by this Constitution or by a Law of a House of Assembly;</p> <p>(d) staff of any local government</p>		

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>council;</p> <p>(e) staff of any statutory corporation established by a Law of a House of Assembly;</p> <p>(f) staff of any educational institution established or financed principally by a government of a State; and</p> <p>(g) staff of any company or enterprise in which the government of a State or its agency holds controlling shares or interest;</p>		
	<p>E-Federal Judicial Service Commission</p> <p><i>E - Federal Judicial Service Commission</i></p> <p>12. The Federal Judicial Service Commission shall comprise the following members -</p> <p>(a) the Chief Justice of Nigeria, who shall be the Chairman;</p> <p>(b) the President of the Court of Appeal;</p> <p>(c) the Attorney-General of the Federation;</p> <p>(d) the Chief Judge of the Federal High Court;</p> <p>(dd) the President of the National Industrial Court</p> <p>(e) two persons, each of whom has been qualified to practice as a legal</p>	<p>Alteration of Third Schedule to the Principal Act</p> <p>11. The Third Schedule to the Principal Act is altered-</p> <p>(a) in paragraph 12, by inserting, after paragraph (dd), a new paragraph "(db)"-</p> <p>"(db]" the Chairman of the Investments and Securities Tribunal";</p> <p>(b) in paragraph 13 (a), by inserting new subparagraphs "(via)"and"(vib)", after the subparagraph "(vi)":</p> <p>"(via) the Chairman of the Investments and Securities Tribunal"; and</p>	<p>This alteration is consequential to the establishment of the Investments and Securities Tribunal. This alteration includes the hairman and a Member of the Investments and Securities Tribunal in the composition of the Federal Judicial Services Commission.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>practitioner in Nigeria for a period of not less than fifteen years, from a list of not less than four persons so qualified and recommended by the Nigerian Bar Association; and</p> <p>(f) two other persons, not being legal practitioners, who in the opinion of the President are of unquestionable integrity.</p> <p>13. The Commission shall have power to -</p> <p>(a) advise the National Judicial Council in nominating persons for appointment, as respects appointments to the office of -</p> <p>(i) the Chief Justice of Nigeria;</p> <p>(ii) a Justice of the Supreme Court;</p> <p>(iii) the President of the Court of Appeal;</p> <p>(iv) a Justice of the Court of Appeal;</p> <p>(v) the Chief Judge of the Federal High Court;</p> <p>(vi) a Judge of the Federal High Court;</p> <p>(via) the President of the National Industrial Court;</p> <p>(vib) a Judge of the National</p>	<p>(vib) a Member of the Investments and Securities Tribunal”;</p> <p>(c) in paragraph 13 (c) by inserting, after the words, "National Industrial Court", the words" Investments and Securities Tribunal”;</p> <p>(d) in paragraph 20, by inserting immediately after subparagraph "(ee)" a new subparagraph (eb):</p> <p>“(eb)" the Chairman of the National Industrial Court"; and</p>	

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>Industrial Court; and (iv) the Chairman and members of the Code of Conduct Tribunal. (b) (c)</p> <p><i>I - National Judicial Council</i></p> <p>20. The National Judicial Council shall comprise the following members - (a) the Chief Justice of Nigeria who shall be the Chairman (b) the next most senior Justice of the Supreme Court who shall be the Deputy Chairman; (c) the President of the Court of Appeal; (d) five retired Justices selected by the Chief Justice of Nigeria from the Supreme Court or Court of Appeal; (e) the Chief Judge of the Federal High Court; (ee) the President of the National Industrial Court; (f) five Chief Judges of States to be appointed by the Chief Justice of Nigeria from among the Chief Judges of the States and of the High Court of the Federal Capital Territory, Abuja in rotation to serve for two years;</p>	<p>(e) in paragraph 21 (a) (i), by inserting, after the words, "National Industrial Court", the words</p>	<p>This is a consequential amendment on the Investment and Securities Tribunal. It</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>(g) one Grand Kadi to be appointed by the Chief Justice of Nigeria from among Grand Kadis of the Sharia Courts of Appeal to serve in rotation for two years;</p> <p>(h) one President of the Customary Court of Appeal to be appointed by the Chief Justice of Nigeria from among the Presidents of the Customary Courts of Appeal to serve in rotation for two years;</p> <p>(i) five members of the Nigerian Bar Association who have been qualified to practice for a period of not less than fifteen years, at least one of whom shall be a Senior Advocate of Nigeria, appointed by the Chief Justice of Nigeria on the recommendation of the National Executive Committee of the Nigerian Bar Association to serve for two years and subject to re-appointment. Provided that the five members shall sit in the Council only for the purposes of considering the names of persons for appointment to the superior courts of record; and</p> <p>(j) two persons not being legal practitioners, who in the opinion of the Chief Justice of Nigeria, are of</p>	<p>"Chairman and Members of the Investments and Securities Tribunal".</p>	<p>gives powers to the National Judicial Council to recommend to the President, persons for appointment to the office of Chairman and Member of the Investment and Securities Tribunal.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>unquestionable integrity.</p> <p>21. The National Judicial Council shall have power to -</p> <p>(a) recommend to the President from among the list of persons submitted to it by -</p> <p>(i) the Federal Judicial Service Commission, persons for appointment to the offices of the Chief Justice of Nigeria, the Justices of the Supreme Court, the President and Justices of the Court of Appeal, the Chief Judge and Judges of the Federal High Court, the President and Judges of the National Industrial court, and</p> <p>(ii) the Judicial Service Committee of the Federal Capital Territory, Abuja, persons for appointment to the offices of the Chief Judge and Judges of the High Court of the Federal Capital Territory, Abuja, the Grand Kadi and Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the President and Judges of the Customary Court of Appeal of the Federal Capital Territory, Abuja;</p> <p>(b) recommend to the President the</p>		

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph and to exercise disciplinary control over such officers;</p> <p>(c) recommend to the Governors from among the list of persons submitted to it by the State Judicial Service Commissions persons for appointments to the offices of the Chief Judges of the States and Judges of the High Courts of the States, the Grand Kadis and Kadis of the Sharia Courts of Appeal of the States and the Presidents and Judges of the Customary Courts of Appeal of the States;</p> <p>(d) recommend to the Governors the removal from the office of the judicial officers in sub-paragraph (c) of this paragraph, and to exercise disciplinary control over such officers.</p> <p>(e) collect, control and disburse all moneys, capital and recurrent, for the judiciary;</p> <p>(f) advise the President and Governors or any matter pertaining to the judiciary as may be referred to the Council by the President or the Governors;</p> <p>(g) appoint, dismiss and exercise disciplinary control over members and staff of the Council;</p>		

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	(h) control and disburse all monies, capital and recurrent; for the services of the Council; and (i) deal with all other matters relating to broad issues of policy and administration.		
	<p style="text-align: center;">Judicial Oath</p> <p>I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as Chief Justice of Nigeria/Justice of the Supreme Court/President/Justice of the Court of Appeal/Chief Judge/Judge of the Federal High Court/President/Judge of the National Industrial Court/Chief Judge/Judge of the High Court of the Federal Capital Territory, Abuja/Chief Judge of State/Judge of the High Court of State/Grand Kadi/Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja/ Grand Kadi/Kadi of the Sharia Court of Appeal of State/President/Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja/President/Judge of the Customary Court of Appeal of State. I will discharge my duties, and perform my</p>	<p style="text-align: center;">Alteration of Seventh Schedule to the Principal Act</p> <p>12. The Seventh Schedule to the Principal Act is altered by inserting, after the words "President/Judge of the National Industrial Court under "Judicial Oath", the words "Chairman/Member of the Investments and Securities Tribunal".</p>	<p>This alteration is consequential to the establishment of the Investments and Securities Tribunal and provides for the taking of the judicial oath by the Chairman/Member of the National Investment and Securities Tribunal</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	<p>functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Federal Republic of Nigeria and the law, that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria</p> <p>So help me God</p>		
		<p>Citation 13. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 Bill, 2017</p>	
		<p>EXPLANATORY MEMORANDUM This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to reflect the establishment of the Investments and Securities Tribunal under the Constitution.</p>	

XXI. REDUCTION OF AGE FOR ELECTIVE OFFICES

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reduce the age for qualification for the offices of the President and Governor and membership of the Senate, House of Representatives and the State House of Assembly; and for other related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		Alteration of the Constitution 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.	
65	<i>C - Qualifications for Membership of National Assembly and Right of Attendance</i> 65. (1) Subject to the provisions of section 66 of this Constitution, a person shall be qualified for election as a member of: (a) the Senate, if he is a citizen of Nigeria and has attained the age of 35 years; and (b) the House of Representatives, if he is a citizen of Nigeria and has attained the age of 30 years;	Alteration of section 65 2. Section 65 (1) (b) of the Principal Act is altered by substituting for the word, "thirty", in line 2, the word, "twenty-five".	This alteration reduces the qualifying age for election into the House of Representatives from 30 years to 25 years.

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	(2)..... ...		
106	<p><i>C -Qualification for Membership of House of Assembly and Right of Attendance</i></p> <p>106. Subject to the provisions of section 107 of this Constitution, a person shall be qualified for election as a member of a House of Assembly if -</p> <p>(a) he is a citizen of Nigeria;</p> <p>(b) he has attained the age of thirty years;</p> <p>(c) he has been educated up to at least the School Certificate level or its equivalent; and</p> <p>(d) he is a member of a political party and is sponsored by that party.</p>	<p>Alteration of Section 106</p> <p>3. Section 106 (b) of the Principal Act is altered by substituting the words “Thirty” with the words “Twenty-five”.</p>	<p>This alteration reduces the age qualification for contesting for a State House of Assembly office from 30 years to 25 years.</p>
131	<p>Part I</p> <p>Federal Executive</p> <p><i>A - The President of the Federation</i></p> <p>131. A person shall be qualified for election to the office of the President if -</p> <p>(a) he is a citizen of Nigeria by birth;</p> <p>(b) he has attained the age of forty years;</p> <p>(c) he is a member of a political party and is sponsored by that political party; and</p>	<p>Alteration of Section 131</p> <p>4. Section 131 (b) of the Principal Act is altered by substituting for the word, “forty”, the word, “thirty-five”.</p>	<p>This alteration reduces the age qualification for contesting the office of President from 40 years to 35 years.</p>

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
	(d) he has been educated up to at least School Certificate level or its equivalent.		
		<p>Citation</p> <p>This Bill may be cited as Constitution of the Federal Republic of Nigeria (Fourth Alteration) Bill, No. 27, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reduce the age qualification for the offices of the President, Governor and membership of the Senate, House of Representatives and the State Houses of Assembly.</p>	

CONCLUSION

Given that the prevalent pressure of restructuring includes devolution of powers, these bills as proposed, hardly meet the expectations of Nigerians. Progressive amendments to the Constitution, in the light of the present Constitutional system, may only be achieved in an incremental fashion. Notwithstanding, very important amendment bills were passed by the National Assembly and it is important that the State Houses of Assembly proceed with approving the bills as passed. It is the role of the civil society to advocate for the passage of the bills and actively engage in the process, through engagement of key political figures such as the Speakers and Members of the State Houses of Assembly. It is also important that the President does proceed to assent to those bills once the requisite resolutions of the State Houses of Assembly is attained. The approval of the bills by the State Houses of Assembly and assent by the President should in no way restrain or preclude building national consensus on the Nigeria “restructuring” question or driving further discussions on bills which were rejected by the National Assembly.

ABOUT PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes. The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy

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