

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FOURTH
ALTERATION, NO. 21) ACT, 2017**

EXPLANATORY MEMORANDUM

This Act alters the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to make the provisions for pre-election matters and time for the determination of pre-election disputes.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FOURTH ALTERATION, NO. 21) ACT, 2017

Arrangement of Sections

Section:

1. Alteration of the Constitution, 1999.
2. Alteration of section 285.
3. Citation.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FOURTH ALTERATION, NO. 21) ACT, 2017

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.

{ } Commencement.

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 altered as set out in this Act. Alteration of Constitution, 1999.

2. Section 285 of the Principal Act is further altered by- Alteration of section 285:

(a) substituting for the marginal note, a new "marginal note"-

"Time for determination of pre-election matters, establishment of Election Tribunals and time for determination of election petitions";

(b) substituting for subsection (8), a new subsection "(8)" -

"(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 its ruling and deliver it at the stage of final judgment"; and

(c) inserting, after subsection (8), new subsections "(9)" - "(14)" -

"(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.

(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.

(11) An appeal from a decision in a pre-election matter shall be filed within 14 days from the date of delivery of the judgment appealed against.

(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.

(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.

(14) For the purpose of this section, "pre-election matter" means any suit by –

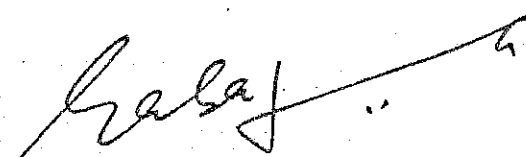
(a) an aspirant who complains that any of the provisions of the Electoral Act or any Act of the National Assembly regulating the conduct of primaries of political parties and the provisions of the guidelines of a political party for conduct of party primaries has not been complied with by a political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

(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

(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 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."

3. This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 21,) Act, 2017.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

4th

DAY OF MAY, 2018

Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 21) Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration, No. 21) Bill, 2017.	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.	This Bill alters the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to make the provisions for pre-election matters and time for the determination of pre-election disputes.	26 th July, 2017	3 rd October, 2017

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


MOHAMMED ATABA SANI-OMOLORI

Clerk to the National Assembly
 4th Day of May, 2018

I ASSENT


MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

01 Day of May, 2018
