SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 16th July, 2013

1. The Senate met at 10:31 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 11th July, 2013.

Question was put and the Votes and Proceedings were approved by unanimous consent.

3. **Announcements:**

(a) Senate Delegation:

Senate Delegation to Senator Albert Legogie's Burial on Saturday, 20th July, 2013:

The Senate President named the following Senators as the Senate delegation to late Senator Albert Legogie's burial:

(*i*)	Senator George Akume	—	Leader of Delegation
(*ii*)	Senator Emmanuel Bwacha	—	Member
(*iii*)	Senator Andy E. Uba	—	Member
(*iv*)	Senator Nenadi E. Usman	—	Member
(*v*)	Senator Heineken Lokpobiri	—	Member
(*vi*)	Senator Babafemi Ojudu	—	Member

(b) Acknowledgment:

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

(*i*) Staff and Students of Bristol Academy, Karu, Abuja; and

(*ii*) Leadership and Members of the Federation of Women Lawyers(FIDA) and other Women Groups on Gender Issues.

4. **Presentation of Bills:**

(*i*) Institute of Chartered Corporate And Business Management (Establishment, etc.) Bill 2013 (SB. 338) — *Read the First Time.*

(*ii*) National Biomedical and Hazardous Waste Management Agency (Establishment, etc.) Bill 2013 (SB. 339) — *Read the First Time.*

(*iii*) Kidnapping Bill 2013 (SB. 340) — *Read the First Time.*

(*iv*) Local Content in Building and Construction Industry Bill 2013 (SB. 341) — *Read the First Time.*

(*v*) Nigerian Oil Shipping Bill 2013 (SB. 342) — *Read the First Time.*

(*vi*) Green Cities Development Bill 2013 (SB. 343) — *Read the First Time.*

(*vii*) 2013 Appropriation Act (Amendment) Bill N0.2 (SB. 344) — *Read the First Time.*

5. Committee on Establishment and Public Services:
Report on the Screening of Nominees:
Motion made: That the Senate do receive the Report of the Committee on Establishment and Public Services on the screening of the following as Chairman and Members of National Assembly Service Commission:

S/No.	Name	State	Zone	Designation
1.	Dr. Adamu Mohammed Fika	Yobe	North East	Chairman
2.	Alhaji Idi Adamu Ningi	Bauchi	North East	Member
3.	Senator Dahiru Bako Gassol	Taraba	North East	Member
4.	Abubakar Tuta Garba Rufai	Kano	North West	Member
5.	Aliyu S. Abubakar III	Sokoto	North West	Member
6.	Stephen Yepwi	FCT	North Central	Member
7.	Alhaji Abdulkadir S. Abugi	Niger	North Central	Member
8.	Rt Hon. Chukwu Abel U	Enugu	South East	Member
9.	Barr. Godfrey Dikeocha	Imo	South East	Member
10.	Barr. Oluwafunmilola A. Lamuye	Osun	South West	Member
11.	Mrs. Riskat Alabi Adebimpe	Oyo	South West	Member
12.	Joseph Okpa Oru	Cross River	South South	Member
13.	Dr. (Barr.) Paul Oweh	Delta	South South	Member

(*Senator Babafemi Ojudu — Ekiti Central*).

Question put and agreed to.

Report Laid.

6. Committee on Establishment and Public Services:
Report on the National Assembly Service Commission Act Cap N7 2004 (Repeal and Re-enactment) Bill 2013 (SB.245):

Presentation of Report deferred to another Legislative Day.

7. Committee on Investment:
Report on the National Sugar Development Council Act N78 LFN 2004 (Amendment) Bill 2013 (SB. 198):
Motion made: That the Senate do receive the Report of the Committee on Investment, on the National Sugar Development Council Act N78 LFN 2004 (Amendment) Bill 2013 (*Senator Nenadi E. Usman — Kaduna South*).

Question put and agreed to.

Report Laid.

8. **Committee on Health and Primary Health Care:**
Report on the Public Health (Quarantine, Isolation and Emergency Health) (Establishment, etc.) Bill 2013 (SB. 210):
Motion made: That the Senate do receive the Report of the Committee on Health and Primary Health Care, on the Public Health (Quarantine, Isolation and Emergency Health) Bill 2013 (*Senator Ifeanyi A. Okowa — Delta North*).

Question put and agreed to.

Report Laid.

9. **Committee on the Review of the 1999 Constitution:**
Report on the Alteration of the Provisions of the Constitution of the Federal Republic of Nigeria, 1999, Bill 2013 (Adjourned debates - Thursday, 11th July, 2013 — Third allotted day):
Motion made: That the Senate do resolve into Committee of the Whole to resume consideration of the Report of the Committee on the Review of the 1999 Constitution, on the Alteration of the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 Bill 2013 *(Senate Leader).*

Question put and agreed to.

(SENATE IN COMMITTEE OF THE WHOLE)

RESUME CONSIDERATION OF A BILL FOR AN ACT TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 AND FOR OTHER MATTERS CONNECTED THEREWITH, 2013

Clause 2: **Alteration of section 9:**
Section 9 of the Principal Act is altered by inserting new subsections "(3A)" - (3N)" -

"(3A) For the purpose of altering the provisions of this Constitution, the assent of the President shall not be required.

(3B) The National Assembly may propose a new Constitution for the Federation.

(3C) A new Constitution shall come into effect in the manner stipulated under subsections (3D) - (3N) of this section -

(3D) There shall be a committee of the Senate and House of Representatives to be set up by the President of the Senate in consultation with the Speaker of the House of Representatives to be known as the Joint Constitution Drafting Committee.

(3E) The Joint Constitution Drafting Committee shall consist of -

(a) two members from each State of the Federation, one from the Senate and the other from the House of Representatives; and

(b) two members representing the Federal Capital Territory, one from the Senate and the other from the House of Representatives.

(3F) The President of the Senate shall in consultation with the Speaker of the House of Representatives appoint the Chairman of the Joint Constitution Drafting Committee;

(3G) The Joint Constitution Drafting Committee shall produce a draft Constitution which shall be submitted to the President of the Senate and the Speaker of the House of Representatives.

(3H) The draft Constitution shall be presented in each House of the National Assembly within 3 months thereafter as a committee report;

(3I) If the report of the Joint Constitution Drafting Committee is approved by two-thirds votes of the members of each House of the National Assembly, the report shall be forwarded to the State Houses of Assembly;

(3J) The members of the House of Assembly of each State shall vote for each section of the draft Constitution and any provision of the draft Constitution that receives a simple majority approval of members in two-thirds of the States shall form part of the proposed Constitution;

(3K) When returns are received from all State Houses of Assembly addressed to the President of the Senate, the President of the Senate shall direct the Clerk of the National Assembly to check the returns to ensure compliance with subsection (3J);

(3L) The Clerk shall thereafter circulate the draft Constitution to each member of the National Assembly and forward copies to the Independent National Electoral Commission;

(3M) The Independent National Electoral Commission shall, within 6 months of the receipt of the draft Constitution, cause a referendum to be conducted to approve the draft Constitution.

(3N) If the draft Constitution receives a simple majority of votes cast in two-thirds of all States of the Federation, it shall come into force as the Constitution of the Federal Republic of Nigeria.

Question: That Clause 2 do stand part of the Bill:

E-VOTING:

YES	-	**82**
NOES	-	**4**
ABSTAIN	-	**0**
TOTAL	-	**86**

Question by E-Vote — Agreed to.

Clause 3: **Alteration of section 26:**
Section 26 (2)(a) is altered by substituting for the word "woman", the word "person".

Question: That Clause 3 *do stand part of the Bill:*

E-VOTING:

YES	-	**96**
NOES	-	**3**
ABSTAIN	-	**1**
TOTAL	-	**100**

Question by E-Vote — Agreed to.

Clause 4: **Alteration of section 29:**
Section 29(4)(b) is deleted

Question: That Clause 29(4)(b) *be deleted:*

E-VOTING:

YES	-	**60**
NOES	-	**35**
ABSTAIN	-	**3**
TOTAL	-	**98**

Question by E-Vote — Negatived.

Clause 5: **Alteration of section 42:**
Section 42(1) is altered by inserting immediately after the word "sex" in line 2, the word "disability"

Question: That Clause 5 *do stand part of the Bill:*

E-VOTING:

YES	-	**98**
NOES	-	**0**
ABSTAIN	-	**0**
TOTAL	-	**98**

Question by E-Vote — Agreed to.

Clause 6: **Alteration of section 58:**
Section 58 is altered by inserting a new subsection "5A"

"5A"- Where the President neither signifies that he assents or that he withholds assent, the bill shall at the expiration of thirty days become law."

Question: That Clause 6 do stand part of the Bill:

E-VOTING:

YES	-	**89**
NOES	-	**11**
ABSTAIN	-	**0**
TOTAL	-	**100**

Question by E-Vote — Agreed to.

Clause 7: **Alteration of Section 6:**
Section 81 of the Principal Act (Section 6 of the First Alteration) Act is further altered by substituting for subsection (3)(a) - (c), new subsection "(3)(a) - (g)"-

(a) National Assembly,

(b) Independent National Electoral Commission,

(c) Judiciary,

(d) Attorney-General of the Federation,

Question: That Clause 7(d) *do stand part of the Bill:*

E-VOTING:

YES	-	**59**
NOES	-	**41**
ABSTAIN	-	**0**
TOTAL	-	**100**

Question by E-Vote — Negatived.

(e) Auditor-General of the Federation,

E-VOTING:

YES	-	**83**
NOES	-	**16**
ABSTAIN	-	**2**
TOTAL	-	**101**

Question by E-Vote — Agreed to.

(f) Revenue Mobilization, Allocation and Fiscal Commission; and

E-VOTING:

YES	-	**99**
NOES	-	**2**
ABSTAIN	-	**0**
TOTAL	-	**101**

Question by E-Vote — Agreed to.

(g) National Human Rights Commission;"

E-VOTING:

YES	-	**95**
NOES	-	**6**
ABSTAIN	-	**0**
TOTAL	-	**101**

Question by E-Vote — Agreed to.

Clause 8: **Alteration of Section 84:**
Section 84 is altered by inserting immediately after the existing subsection (5) a new subsection "(5A)" -

"(5A)- Any person who has held office as President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives, shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Deputy President of the Senate, Speaker or Deputy Speaker of the House of Representatives."

Question: That Clause 8 do stand part of the Bill:

E-VOTING:

YES	-	**86**
NOES	-	**13**
ABSTAIN	-	**1**
TOTAL	-	**100**

Question by E-Vote — Agreed to.

Clause 9: **Alteration of section 100:**
Section 100 of the Principal Act is altered by inserting a new subsection "5A"

"5A"- Where the Governor neither signifies that he assents or that he withholds assent, the bill shall at the expiration of thirty days become law."

Question: That Clause 9 do stand part of the Bill:

E-VOTING:

YES	-	**96**
NOES	-	**4**
ABSTAIN	-	**1**
TOTAL	-	**101**

Question by E-Vote — Agreed to.

Clause 10: **Alteration of section 121:**
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-

Question: That Clause 10 do stand part of the Bill:

(a) State Independent Electoral Commission;

E-VOTING:

YES	-	**73**
NOES	-	**24**
ABSTAIN	-	**0**
TOTAL	-	**97**

Question by E-Vote — Agreed to.

(b) House of Assembly of the State;

E-VOTING:

YES	-	**99**
NOES	-	**1**
ABSTAIN	-	**0**
TOTAL	-	**100**

Question by E-Vote — Agreed to.

(c) Auditor-General of the State;

E-VOTING:

YES	-	**98**
NOES	-	**2**
ABSTAIN	-	**1**
TOTAL	-	**101**

Question by E-Vote — Agreed to.

(d) Judiciary; and

E-VOTING:

YES	-	**99**
NOES	-	**1**
ABSTAIN	-	**0**
TOTAL	-	**100**

Question by E-Vote — Agreed to.

(e) Attorney-General of the State;

E-VOTING:

YES	-	**35**
NOES	-	**60**
ABSTAIN	-	**2**
TOTAL	-	**97**

Question by E-Vote — Negatived.

in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the respective bodies for the use of the Institution for which he is head; in the case of the Judiciary the amount shall be paid directly to the Heads of the Court concerned.

Clause 11: Substitution of Section 135 of the Principal Act (Section 12 of the First Alteration Act) with a New Section 135:

(1) Subject to the provisions of this constitution, a person shall hold office of President until-

(a) when his successor in office takes the oath of that office;

(b) he dies whilst holding such office; or

(c) the date when his resignation from office takes effect; or

(d) he otherwise ceases to hold office in accordance with the provision of this Constitution.

(2) Subject to the provisions of subsection (1) of this section, the President shall vacate his office at the expiration of a period of six years commencing from the date, when -

(a) in the case of a person elected as President under this Constitution, he took the Oath of Allegiance and the oath of office; and

(b) In any other case, the person elected to that office under this Constitution took the Oath of Allegiance and oath of office or would, but for his death, have taken such Oaths.

"(2A) In the determination of the six year term, where a re-run election has taken place and the person earlier sworn in wins the re-run election, the time spent in the office before the date the election was annulled, shall be taken into account."

(3) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of six- years mentioned in subsection (2) of this section from time to time; but no such extension shall exceed a period of six months at any one time.

Question: That Clause 11 *do stand part of the Bill:*

E-VOTING:

YES	-	**14**
NOES	-	**86**
ABSTAIN	-	**1**
TOTAL	-	**101**

Question by E-Vote — Negatived.

Clause 12: **Substitution of Section 136 with a new section 136:**

"136 (1) Where a person duly elected as President -

(a) dies before taking and subscribing the Oath of Allegiance and oath of office;

(b) is for any reason whatsoever unable to be sworn in;

(c) dies while holding such office, resigns from office or otherwise ceases to hold office in accordance with the provisions of this Constitution

the Vice-President -elect shall be sworn in as President and a Vice President appointed in accordance with the provisions of this Constitution and in the case of (c) above, the Vice-President shall hold the office of President and shall complete the remaining term of office of the President.

(2) Where a Vice President-elect or Vice- President succeeds the President-elect or the President in accordance with subsection (1) of this section, he shall not be eligible to contest for the office of the President in any subsequent election.

Question: That Clause 12 *do stand part of the Bill:*

E-VOTING:

YES	-	**31**
NOES	-	**64**
ABSTAIN	-	**0**
TOTAL	-	**95**

Question by E-Vote — Negatived.

Clause 13: **Alteration of section 137:**

Section 137(1)(b) is altered by-

(a) deleting the word "two";

(b) substituting for the word "elections", the word "election"; and

(c) inserting a new subsection "3";

"(3) A person holding the office of the President or Vice-President immediately before the coming into force of the alteration of sections 135 and 136 of this Constitution shall not be eligible to contest election for a single term of six years".

Question: That Clause 13 *do stand part of the Bill:*

E-VOTING:

YES	-	**8**
NOES	-	**90**
ABSTAIN	-	**1**
TOTAL	-	**99**

Question by E-Vote — Negatived.

Clause 14: **Substitution for section 150:**

Substitute for section 150, a new section "150"-

"Attorney-General of the Federation

(1) There shall be an Attorney-General of the Federation who shall be the Chief Law officer of the Federation.

(2) The President shall appoint the Attorney-General subject to confirmation by the Senate.

(3) A person shall not be qualified to hold or perform the functions of the office of Attorney-General for the Federation unless he-

(a) is qualified to practice as a legal practitioner;

(b) has been so qualified for not less than ten years.

(c) is not a member of a political party or a civil servant.

(4) The Attorney-General of the Federation shall not be subject to the direction or control of any other authority or person in the performance of the functions of his office.

(5) The Attorney-General shall hold office for a single term of seven years.

(6) A person holding the office of the Attorney-General of the Federation shall only be removed from office by the President acting on an address 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 offences relating to the code of conduct."

Question: That Clause 14 *do stand part of the Bill:*

E-VOTING:

YES	-	**62**
NOES	-	**35**
ABSTAIN	-	**0**
TOTAL	-	**97**

Question by E-Vote — Negatived.

Clause 15: Section 162 is altered by-

(a) substituting for subsection (5), a new section "(5)"-
"(5) Any amount standing to the credit of local government in the Federation Account shall be allocated and paid directly to the local governments for their benefit on such terms and in such manner as may be prescribed by the National Assembly"; and

(b) substituting for subsection (6), a new subsection "(6)"-
"(6) The amount standing to the credit of a local government without a democratically elected council shall be withheld until there is a democratically elected local government Council in such local government."

(c) inserting new subsections "(6A)"- "(6B)
"(6A) The provision of subsection (6) of this section shall not apply to a Local Government without a democratically elected council where elections have not been held for reasons of natural disaster, serious breach of peace and other emergencies".

(6B) Nothing in this Constitution shall empower a court to stop the holding of Local Government election".

Question: That Clause 15 *do stand part of the Bill:*

E-VOTING:

YES	-	**59**
NOES	-	**38**
ABSTAIN	-	**2**
TOTAL	-	**99**

Question by E-Vote — Negatived.

Clause 16: **Alteration of section 174:**
Section 174(1) is altered by inserting a new subsection "(1A)"-
"(a) may direct investigation of crimes; and
(b) renumbering the paragraphs appropriately.

Question: That Clause 16 *do stand part of the Bill:*

E-VOTING:

YES	-	**31**
NOES	-	**62**
ABSTAIN	-	**0**
TOTAL	-	**93**

Question by E-Vote — Negatived.

Clause 17: **Substitution of section 180 of the Principal Act (Section 18 of the First Alteration) Act with a New Section 180:**

(1) Subject to the provisions of this Constitution, a person shall hold the office of a Governor of a State until-

(a) when his successor in office takes the oath of that office; or

(b) he dies whilst holding such office; or

(c) the date when his resignation from office takes effect; or

(d) he otherwise ceases to hold office in accordance with the provisions of this Constitution.

(2) Subject to the provisions of subsection (1) of this section, the Governor shall vacate his office at the expiration of period of six years commencing from the date when -

(a) in the case of a person elected as Governor under this Constitution, he took the Oath of Allegiance and oath of office; and

(b) the person elected to that office took the Oath of Allegiance and oath of office or would, but for his death, have taken such oaths.

"(2A) In the determination of the six year term, where a re-run election has taken place and the person earlier sworn in wins the re-run election, the time spent in the office before the date the election was annulled, shall be taken into account"

(3) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may be resolution extend the period of six years mentioned in subsection (2) of this section from time to time, but no such extension shall exceed a period of six months at any one time.

Question: That Clause 17 *do stand part of the Bill:*

E-VOTING:

YES	-	**7**
NOES	-	**87**
ABSTAIN	-	**1**
TOTAL	-	**95**

Question by E-Vote — Negatived.

Clause 18: **Alteration of section 181:**
Substitution of Section 181 with a new section 181.
"181 (1) Where a person duly elected as Governor -

(a) dies before taking and subscribing the Oath of Allegiance and oath of office ;

(b) is for any reason whatsoever unable to be sworn in;

(c) dies while holding such office, resigns from office or otherwise ceases to hold office in accordance with the provisions of this Constitution -

the Deputy-Governor-elect shall be sworn in as Governor and a new Deputy-Governor appointed in accordance with the provisions of this Constitution and in the case of (c) above, the Deputy Governor shall hold the office of the Governor and shall complete the term of office of the Governor.

(2) Where a Deputy-Governor-elect or Deputy Governor succeeds the Governor-elect or Governor in accordance with subsection (1) of this section, he shall not be eligible to contest for the office of the Governor in any subsequent election.

Question: That Clause 18 *do stand part of the Bill:*

E-VOTING:

YES	-	**8**
NOES	-	**87**
ABSTAIN	-	**0**
TOTAL	-	**95**

Question by E-Vote — Negatived.

Clause 19: **Alteration of section 182:**
Section 182(1)(b) is altered by-

(a) deleting the word "two"; and

(b) substituting for the word "elections", the word "election"

(c) inserting a new subsection "3"';
"(3) A person holding the office of the Governor or Deputy Governor immediately before the coming into force of the alteration of sections 180 and 181 of this Constitution shall not be eligible to contest election for a single term of six years".

Question: That Clause 19 *do stand part of the Bill:*

E-VOTING:

YES	-	**0**
NOES	-	**93**
ABSTAIN	-	**0**
TOTAL	-	**93**

Question by E-Vote — Negatived.

Clause 20: **Alteration of section 195:**
Substitute for section 195, a new section "195"

"Attorney-General of the State

"(1) There shall be an Attorney-General of the State who shall be the Chief Law officer of the State.

(2) The Governor shall appoint the Attorney-General subject to confirmation by the State House of Assembly.

(3) A person shall not be qualified to hold or perform the functions of the office of Attorney-General of the State unless he-

(a) is qualified to practice as a legal practitioner;

(b) has been so qualified for not less than ten years;

(c) is not a member of a political party or a civil servant.

(4) The Attorney-General of the State shall not be subject to the direction or control of any other authority or person in the performance of his functions.

(5) The Attorney-General shall hold office for a single term of seven years; and

(6) A person holding the office of the Attorney-General of the State shall only be removed from office by the Governor of the state acting on an address supported by two-thirds majority of the State House of Assembly 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 offences relating to the code of conduct."

Question: That Clause 20 *do stand part of the Bill:*

E-VOTING:

YES	-	**17**
NOES	-	**76**
ABSTAIN	-	**3**
TOTAL	-	**96**

Question by E-Vote — Negatived.

Clause 21: **Alteration of section 211:**
Section 211 is altered by inserting a new subsection "(1)"-
"(a) may direct investigation of crimes; and

(b) renumbering the paragraphs appropriately.

Question: That Clause 21 *do stand part of the Bill:*

E-VOTING:

YES	-	**16**
NOES	-	**78**
ABSTAIN	-	**2**
TOTAL	-	**96**

Question by E-Vote — Negatived.

Clause 22: **Section 214 is altered by substituting for the word "Force"-**

(a) in heading B and marginal note, and in subsections (2)(a), (b), (c) and anywhere the Nigeria Police Force appears in this Constitution, with the word "Service";

Question: That Clause 22 do stand part of the Bill:

E-VOTING:

YES	-	**60**
NOES	-	**33**
ABSTAIN	-	**0**
TOTAL	-	**93**

Question by E-Vote — Negatived.

Clause 23: **Alteration of Section 233 of the Principal Act (Section 6 of the Second Alteration) Act:**

Section 233 of the Principal Act (Section 6 of the Second Alteration) Act is further altered by-

(a) deleting paragraph 6(2) (a); and

(b) inserting a new subsection "(3)"-

"(3) Three Justices of the Supreme Court 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 . "

Question: That Clause 23 do stand part of the Bill:

E-VOTING:

YES	-	**92**
NOES	-	**1**
ABSTAIN	-	**2**
TOTAL	-	**95**

Question by E-Vote — Agreed to.

Clause 24: **Alteration of section 285 of the Principal Act (Section 9 of the Second Alteration) Act:**

Section 9 is further altered by-

(a) substituting the heading;

"Time for Determination of Pre-Election Matters, Establishment of Election Tribunals and Time for Determination of Election Petitions"; and

(b) inserting a new sub-section "1A(i -v)":

(i) Notwithstanding anything to the contrary in this Constitution, every Pre-election matter shall be filed not later than 7 days from the date of the occurrence of the event, decision or action complained of in the suit;

(ii) A Court in every pre-election matter shall deliver its judgment in writing within 180 days from the date of filing of the suit;

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

(iv) 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".

(v) "pre-election matter means"-

(a) any suit by 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) any suit by 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 theselection or nomination of candidates and participation in an election.

(c) any suit by 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".

Question: That Clause 24 *do stand part of the Bill:*

E-VOTING:

YES - 94

NOES - 2

ABSTAIN - 0

TOTAL - 96

Question by E-Vote — Agreed to.

Clause 25: Alteration of section 299:
Section 299(a) is altered by deleting the words "President of the Federation", immediately after the word "the" in lines 4 and 5 and replacing with the words "Mayor of the Federal Capital Territory".

Question: That Clause 25 do stand part of the Bill:

E-VOTING:

YES - 57

NOES - 39

ABSTAIN - 2

TOTAL - 98

Question by E-Vote — Negatived.

Clause 26: Substitution for section 302:
Substitute for section 302 a new section "302"-

"(1) There shall be for the Federal Capital Territory a Mayor.

(2) The National Assembly shall make law to provide for the establishment, structure, composition, finance, and functions of the office of Mayor of the Federal Capital Territory.

(3) A person shall be qualified for election to the office of Mayor if
(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of thirty-five years;

(c) he is a member of a political party and is sponsored by that political party; and

(d) he has been educated up to at least School Certificate level or its equivalent.

(4) There shall be for the Federal Capital Territory a Deputy Mayor.
(i) In any election to which the foregoing provisions of this part of this Chapter relate, a candidate for the office of the Mayor of the Federal Capital Territory shall not be deemed to have been validly nominated for such office unless he nominates another candidate as his associate for his running for the office of Mayor, who is to occupy the office of Deputy Mayor; and that candidate shall be deemed to have been duly elected to the

office of Deputy Mayor if the candidate who nominated him is duly elected as Mayor in accordance with the said provisions.

(ii) The provisions of this Constitution relating to qualifications for election, tenure of office, disqualifications, declaration of assets and liabilities, Death, Removal, Resignation and Cessation of office of a Governor and Deputy Governor of a state shall apply to the offices of Mayor and Deputy Mayor respectively as if references to Governor and Deputy Governor were references to Mayor and Deputy Mayor.

Question: That Clause 26 do stand part of the Bill:

E-VOTING:

YES	-	**26**
NOES	-	**64**
ABSTAIN	-	**5**
TOTAL	-	**95**

Question by E-Vote — Negatived.

Clause 27: Section 315 is amended by deleting subsections (5), (a), (b), (c), (d) and (6):

(5) Nothing in this Constitution shall invalidate the following enactments, that is to say -

Question that Clause 27 do stand part of the Bill.

(a) the National Youth Service Corps Decree 1993;

E-VOTING:

YES	-	**63**
NOES	-	**33**
ABSTAIN	-	**0**
TOTAL	-	**96**

Question by E-Vote — Negatived.

(b) the Public Complaints Commission Act;

E-VOTING:

YES	-	**57**
NOES	-	**36**
ABSTAIN	-	**0**
TOTAL	-	**93**

Question by E-Vote — Negatived.

(c) the National Security Agencies Act;

E-VOTING:

YES	-	**45**
NOES	-	**40**
ABSTAIN	-	**0**
TOTAL	-	**85**

Question by E-Vote — Negatived.

(d) the Land Use Act,

E-VOTING:

YES	-	**40**
NOES	-	**53**
ABSTAIN	-	**1**
TOTAL	-	**94**

Question by E-Vote — Negatived.

and the provisions of those enactments shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9 (2) of this Constitution.

(6) Without prejudice to subsection (5) of this section, the enactments mentioned in the said subsection shall hereafter continue to have effect as Federal enactments and as if they related to matters included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution.

Clause 28: **Substitution of Part I of the First schedule of the Principal Act:** Part 1 of the First Schedule of the Principal Act is altered by-

Question that Clause 28 do stand part of the Bill.

(a) substituting the words "Afikpo North" and "Afikpo South" in paragraph 11 line 1, with the words "Afikpo" and "Edda"; and

E-VOTING:

YES	-	**75**
NOES	-	**19**
ABSTAIN	-	**3**
TOTAL	-	**97**

Question by E-Vote — Agreed to.

(b) substituting the words "Egbado North" and Egbado South" in paragraph 27 line 2 with the words "Yewa North" and Yewa south".

E-VOTING:

YES	-	**79**
NOES	-	**13**
ABSTAIN	-	**2**
TOTAL	-	**94**

Question by E-Vote — Agreed to.

Extension of Time:
Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

Question put and agreed to.

Clause 29: Alteration of Second Schedule Part I:
The Second Schedule Part I is altered by -

Question that Clause 29 do stand part of the Bill.

(a) inserting item "40A", immediately after item 40 "National Security";

E-VOTING:

YES	-	**90**
NOES	-	**6**
ABSTAIN	-	**0**
TOTAL	-	**96**

Question by E-Vote — Agreed to.

(b) substituting for item 46, a new item "46"- "46 Post and Telecommunications"; and

E-VOTING:

YES	-	**97**
NOES	-	**0**
ABSTAIN	-	**0**
TOTAL	-	**97**

Question by E-Vote — Agreed to.

(c) deleting items 34, 44, 48, 55 and 58;

(34) Labour:

E-VOTING:

YES	-	**77**
NOES	-	**19**
ABSTAIN	-	**2**
TOTAL	-	**98**

Question by E-Vote — Agreed to.

(44) Pensions.

E-VOTING:

YES	-	**83**
NOES	-	**8**
ABSTAIN	-	**0**
TOTAL	-	**91**

Question by E-Vote — Agreed to.

(48) Prisons

E-VOTING:

YES	-	**62**
NOES	-	**26**
ABSTAIN	-	**0**
TOTAL	-	**88**

Question by E-Vote — Negatived.

(55) Railways

E-VOTING:

YES	-	**73**
NOES	-	**23**
ABSTAIN	-	**1**
TOTAL	-	**97**

Question by E-Vote — Agreed to.

(58) Stamp Duties

E-VOTING:

YES	-	**89**
NOES	-	**5**
ABSTAIN	-	**0**
TOTAL	-	**94**

Question by E-Vote — Agreed to.

Clause 30: **Part II CONCURRENT LEGISLATIVE LIST:**
Part II is altered by inserting the following items-

Question that Clause 30 do stand part of the Bill.

(i) Arbitration;

E-VOTING:

YES	-	**82**
NOES	-	**3**
ABSTAIN	-	**0**
TOTAL	-	**85**

Question by E-Vote — Agreed to.

(ii) Aviation

E-VOTING:

YES	-	**71**
NOES	-	**17**

ABSTAIN - 0

TOTAL - 88

Question by E-Vote — Negatived.

(iii) Environment;

E-VOTING:

YES - 91

NOES - 2

ABSTAIN - 0

TOTAL - 93

Question by E-Vote — Agreed to.

(iv) Healthcare;

E-VOTING:

YES - 87

NOES - 2

ABSTAIN - 0

TOTAL - 89

Question by E-Vote — Agreed to.

(v) Agriculture.

E-VOTING:

YES - 87

NOES - 1

ABSTAIN - 0

TOTAL - 88

Question by E-Vote — Agreed to.

(vi) Pensions

E-VOTING:

YES - 89

NOES - 4

(vii) Railways;

E-VOTING:

YES	-	**84**
NOES	-	**2**
ABSTAIN	-	**0**
TOTAL	-	**86**

Question by E-Vote — Agreed to.

(viii) Road safety;

E-VOTING:

YES	-	**91**
NOES	-	**4**
ABSTAIN	-	**0**
TOTAL	-	**95**

Question by E-Vote — Agreed to.

(ix) Stamp duties;

E-VOTING:

YES	-	**94**
NOES	-	**1**
ABSTAIN	-	**0**
TOTAL	-	**95**

Question by E-Vote — Agreed to.

(x) Labour;

E-VOTING:

YES	-	**95**

NOES - 4

ABSTAIN - 0

TOTAL - 99

Question by E-Vote — Agreed to.

(xi) Youths

E-VOTING:

YES - 93

NOES - 0

ABSTAIN - 0

TOTAL - 93

Question by E-Vote — Agreed to.

Arbitration

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Inter-State arbitration (involving parties resident in different states of the federation or where the arbitration is conducted in a state other than where the parties reside, carry on business or the subject matter of the arbitration is located).

   (ii) International arbitration including arbitration or commercial transactions of an international nature or involving foreigners or persons not resident in Nigeria.

   (iii) Industrial arbitration and other forms of arbitration relating to labour, employment and trade disputes matters.

   (iv) Arbitration on items over which the National Assembly has exclusive legislative powers.

2. A House of Assembly may make laws for the State with respect to:
   (i) Intra-State arbitration involving parties resident or carrying on business within the state or where the arbitration is conducted in the same state where the subject matter of the arbitration is located.

   (ii) Arbitration in relation to items over which the State Assembly has residual legislative powers under the Constitution.

Aviation

1. The National Assembly may make laws for the federation or any part thereof with respect to the control and regulation of airports; regulation of professional bodies and associations in the aviation industry including the conditions for entrance and admission of persons entitled to own and

operate aircrafts in Nigeria; setting the minimum standards of health, safety, security and professionalism; setting up and designation of national airline and the construction and maintenance of airports and infrastructure throughout the federation except for those established and administered by state governments.

2. A House of Assembly may make laws for the State with respect to the construction, maintenance and administration of state airports, setting up and designation of a state airline and infrastructure

Environment

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Environmental issues affecting more than one state or transcending the boundaries of more than one state i.e. inter-state environmental issues.

   (ii) Environmental issues relating to coastal management and relating to the Exclusive Economic Zone of the Federation and other areas recognized under international law as territories belonging to Nigeria.

   (iii) Environmental issues relating to, arising from, pertaining to and connected with oil and gas exploration, mining activities and other forms of energy exploitation, extraction, transportation and processing.

   (iv) Environmental issues relating to freshwater bodies, ecosystem management, groundwater and other naturally occurring resources the extent of which transcends the boundaries of more than one state.

   (v) Management of fisheries and freshwater aquatic animals within the federation's coastal regions and Exclusive Economic Zone, wildlife, national reserves and parks as may be designated by the National Assembly to be of national interest and affecting more than one state.

2. The House of Assembly may subject to paragraph 1 hereto make laws relating to:
   (i) Environmental issues relating to matters within the state's territorial limit.

   (ii) Issues relating to sanitation, environmental management and protection of the environment of a state.

   (iii) Establishment and management of game reserves, parks, wildlife management and forestry within the state.

   (iv) Urban development, housing and infrastructural planning within the state.

Railways

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Construction and maintenance of inter-state railway tracks and infrastructures.

   (ii) Inter-state railway regulation and establishment of a national railway agency for regulation and management of railway operations throughout the federation.

   (iii) Maintenance of a national railway carrier for inter-state transportation throughout the federation.

2. A House of Assembly may make laws for the State with respect to the:
   (i) Establishment and maintenance of agencies for railway transportation within the state.

   (ii) Establishment of a state railway carrier and regulation of activities related to and connected with railway systems within the state including the construction and maintenance of railway tracks and infrastructures within the state.

Healthcare

(1) The National Assembly shall have powers to make Laws for the Federation or any part thereof with respect to:
   (i) Establishment of a National Health System, including the setting of minimum standards in relation to healthcare practice, healthcare provision, services and general access to healthcare throughout the federation.

   (ii) Establishment of a National Health Insurance Scheme for the advancement of health of all persons within the federation.

   (iii) Regulation of professional bodies in the healthcare sector throughout the federation, including the conditions for entrance and admissions of persons entitled to practice as health professionals in Nigeria.

   (iv) Establishment and regulation of tertiary health institutions and institutions for professional health education and health research.

   (v) Regulation of public health and primary health care.

2. A House of Assembly may make Laws for the state with respect to the:
   (i) Establishment within the State of tertiary, Secondary and Primary Healthcare institutions for the provision of health services within the State.

   (ii) Nothing in the foregoing paragraphs shall be construed so as to limit the powers of the House of Assembly to make laws for the State with respect to the regulation of public health, primary and secondary healthcare, including institutions for the pursuit of the objectives of such laws.

(3) Nothing in the foregoing paragraphs shall be construed to limit the role of local government councils in the participation of such council in the Government of a State in the provision and maintenance of primary healthcare.

Labour

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Labour and employment matters including the registration of trade unions and other industrial associations and the settlement of trade disputes.

   (ii) Prescribing a national minimum wage for federal government employees including mmunum wage for all categories of workers in federal establishments and agencies.

   (iii) Establishment of a body for the regulation, supervision and enforcement of compliance with minimum wage for the federal government.

2. The House of Assembly may subject to paragraph 1 hereto make laws relating to—
   (i) Employment of persons m the civil service of the state;

   (ii) making laws on issues relating to payment of wages and other emoluments for staff of the civil service of the State, institutions, bodies and agencies established and managed by the Government of the state including staff of local government councils and local government service commissions.

Stamp Duties

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Payment of stamp duties by incorporated companies and other activities or transactions over which the National Assembly have powers to legislate on.

   (ii) Payment of stamp duties by persons/individuals/businesses subject to federal taxation.

2. A House of Assembly may make laws for the State with respect to the:
   (i) Payment of stamp duties by persons/individuals/businesses resident within the state or subject to state taxation.

   (ii) Payment of stamp duties on transactions or activities over which the State House of Assembly has powers to legislate on.

Road safety

1. The National Assembly may make laws for the federation or any part thereof with respect to:
   (i) Safety of road and road users within federal highways and other roads subject to federal regulations including inter-state roads.

(ii) Establishment and control of an agency for the safety, control, regulation and maintenance of federal and inter-state roads and roads subject to federal regulation.

2. A House of Assembly may make laws for the State with respect to the:
(i) Safety of road and road users within the state.

(ii) Establishment of an agency for the safety, control, regulation and maintenance of road safety on trunk roads within the state and other roads subject to state regulation.

Pensions

1. The National Assembly may make laws for the federation or any part thereof with respect to:
(i) The regulation of matters relating to pension and gratuity of federal employees, persons in the public service of the federation, employees of federal statutory institutions and parastatals and other persons subject to federal regulation including employees of incorporated companies regulated by federal enactments.

(ii) Setting of standards for management of pension matters throughout the federation in respect of workers whether in private or public employment.

(iii) Make laws for regulation of pension matters in relation to persons in military service, the police force and other paramilitary and security agencies in the federation.

2. The House of Assembly may subject to paragraph 1 hereto make laws relating to the regulation of matters relating to pension and gratuity of state employees, persons in the civil service of the state, employees of state institutions and parastatals, employees of local governments within the state and other persons subject to state regulation including employees of business enterprises resident within the state and subject to state regulation.

Agriculture

1. The National Assembly may make laws:
(i) on Agricultural policies for the federation and implementation of international standards in relation to bio-diversity;

(ii) for the management and regulation of lands for Agricultural purposes in the Federal Capital Territory;

2. A House of Assembly may make laws relating to Agricultural Policies, management and regulation of lands for Agricultural purposes within the State.

Youth

1. The National Assembly may make laws for the federation or any part thereof with respect to:
(i) The administration and regulation of welfare and activities of children and young persons within the FCT and activities of

federal bodies and institutions, including Federal educational institutions, sports bodies and other federal recreational or correctional centres, as it relates to children, juveniles and young persons.

(ii) Youth and sport activities involving foreign competitions and participation in international events /programmes and other inter-state sport competitions.

2. A House of Assembly may make laws for the State with respect to:

(i) The administration and regulation of welfare and activities of children and young persons within the state and activities of state bodies and institutions, including state educational institutions, sports bodies and other state recreational or correctional centres, as it relates to children, juveniles and young persons resident in the state.

(ii) Youth and sport activities within the state and regulation of participation of persons resident in the state in inter-state youth and sports activities.

Clause 31: Alteration of Third Schedule of the Principal Act (Section 14 of the Third Alteration Act):

The Third Schedule is altered -

(a) in paragraph 12 -

(i) by substituting for subparagraphs (a) - (dd) and (dd), new subparagraphs "(a) - (dd)" -

"(a) a retired Chief Justice of Nigeria or a retired President of the Court of Appeal appointed by the President on the recommendation of the National Judicial Council who shall be the Chairman";

(b) "a retired Justice of the Court of Appeal;

(c) The Attorney General of the Federation;

(d) A retired Chief Judge of the Federal High Court or a retired Judge of the Federal High Court.

"(dd) a retired President or a retired Judge of the National Industrial Court".

(ii) in subparagraph (e), by substituting for the words "from a list of not less than four persons so qualified recommended" in lines 2 and 3, the word "nominated"

Question: That Clause 31 *do stand part of the Bill:*

E-VOTING:

YES - 26

NOES - 73

ABSTAIN - 0

TOTAL - 99

Question by E-Vote — Negatived.

Short Title:
This Bill may be cited as the Constitution (Fourth Alteration) Bill, 2013.

Question: That Short Title do stand part of the Bill:

E-VOTING:

YES - 95

NOES - 0

ABSTAIN - 1

TOTAL - 96

Question by E-Vote — Agreed to.

Attached hereto, as Annexure to the Votes and Proceedings, are individual details of E-Voting on a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Matters Connected Therewith, 2013

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on the Review of the 1999 Constitution, on the Alteration of the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 Bill 2013, approved and rejected some Clauses.

Question: That the Senate do approve the Report of Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now read the Third-Time *(Senate Leader).*

Question put and agreed to.

Bill accordingly read the Third Time and Passed.

10. **Adjournment:**
And it being 3:07 p.m., the Senate President adjourned the Sitting till Wednesday, 17th July, 2013 at 10.00 a.m.

Adjourned accordingly at 3:07 *p.m.*

Dr. David A. B. Mark, GCON, fnim
President,
Senate of the Federal Republic of Nigeria.