



# FACTSHEET

July, 2019

## Outcome of the Constitution Review Process in the 8th National Assembly (2015-2019)

### Background

This document gives a quick background on the Constitution Review exercise of the 8th Assembly highlighting Bills that successfully passed and gained Presidential Assent, as well as, those that failed to progress through critical stages in the process.

It aims to enable readers review outstanding issues that could feed into the work of the 9th National Assembly's Constitution review agenda by examining the Bills that were considered and adopted in the 4th Constitution Alteration by the previous Assembly and outstanding issues/ reform proposals.

This factsheet sets out the details and trajectory of the bills according to the amendment stages as follows:

### Presidential Assent Stage

- A. Constitution Amendment Bills that were Assented to i.e. signed into law by the President in 2018
- B. Constitution Amendment Bill Passed by the 8th National Assembly and State Assemblies and transmitted to the President, but with no indication of Assent or Veto
- C. Constitution Amendment Bills that were passed by the National Assembly and State Assemblies but Vetoed by the President

### State Assemblies Adoption Stage

- D. Constitution Amendment Bills that were passed by the National Assembly but not Adopted by State Assemblies

### National Assembly Stage

- E. Constitution Amendment Bills that were passed by the National Assembly but not Transmitted to the States

- F. Constitution Amendment Bills proposed by the Constitution Review Committees but not passed by the National Assembly

#### A. Constitutional Amendment Bills that were Assented/Signed into law by the President

S/N	Bill Title & Section	Objective
1.	<b>Financial Autonomy for State Legislatures</b>  <b>Section 121</b>	This provides for the funding of State Houses of Assembly directly from the Consolidated Revenue Fund of the State i.e. putting them on the “first line charge.”
2.	<b>Political Parties and Electoral Matters</b>  <b>Sections 134, 179 and 255A</b>	This provides the Independent National Electoral Commission (INEC) with sufficient time to conduct run-off elections in default of a candidate being elected in Presidential and Governorship elections by extending the time for the election to occur to within 21 days of the result of the election as against the current provision of 7 days.  It also provides grounds for INEC to deregister political parties e.g. for breach of registration requirements and failure to win certain number of seats.
3.	<b>Restriction on Tenure of the President and Governor</b>  <b>Sections 137 and 182</b>	This disqualifies a person who was sworn in as President or Governor to complete the term of office of the elected President or Governor, from being elected to the same office for more than a single term. The aim is to limit the term of any President or Governor to two terms irrespective of whether the person occupying any of these offices was elected from the very beginning or took over to complete the term of a predecessor.
4.	<b>Determination of Pre-Election Matters</b>  <b>Section 285</b>	This provides time for the determination of pre-election matters by stating that every pre-election matter must be filed no later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit and the court is to determine the suit not later than 180 days from the filing. It also gives 14 days to appeal a decision given in a pre-election matter from the date of delivery of judgment appealed against and the appeal should be disposed of within 60 days of filing.  The Bill also contains a provision preventing any election tribunal or court from declaring any person a winner at an election where such person has not fully participated in all stages of the election.

5	<p><b>Reduction of Age for Certain Elective Offices</b></p> <p><b>Sections 65, 106 and 131</b></p>	<p>This improves the political participation of young persons in elections by reducing the age qualification of the Office of the President and Membership of the House of Representatives and State House of Assembly.</p> <p>The qualifying age for contesting the office of the President was reduced from 40 to 35 years. The qualifying age for election into the Federal House of Representatives and State Houses of Assembly was also reduced from 30 years to 25 respectively.</p>
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## **B. Constitution Amendment Bill Passed by the 8th National Assembly and State Assemblies and transmitted to the President, but with no indication of Assent or Veto**

S/N	Bill Title & Section	Objective
1.	<p><b>Submissions from the Judiciary</b></p> <p><b>Sections 233, 237, 241,243, 246,247,250,267,281,282,291, Third Schedule, Part 2 of the Third Schedule, the Third Alteration No. 3(2011) and Part 1 of the Fifth Schedule</b></p>	<p>This bill has extensive amendments. It seeks to strengthen the Judiciary for speedy dispensation of justice. E.g. it enables the disposal of an application for leave to appeal by 3 Justices of the Supreme Court/Court of Appeal after considering the record of proceedings if they are of the opinion that it does not require an oral hearing. It also increases the number of justices in the Court of Appeal from not less than 49 to not less than 100 with at least 12 learned in the practice of industrial relations and employment conditions. It stipulates that a Court or Tribunal shall not stay proceedings on account of an interlocutory appeal and that that no appeal shall lie to the Court of Appeal from any decision of an election tribunal in respect of an interlocutory decision. It provides that appeal from the National Industrial Court to the Court of Appeal shall be with leave of the Appeal Court and such decision shall be final. It alters the composition of the National Judicial Council and Code of Conduct Tribunal and makes other changes to the Judicial Service Commission.</p>

## **C. Constitution Amendment Bills that were passed by the National Assembly and State**

## Assemblies but Vetoed by the President

S/N	Bill Title & Section	Objective
1.	<p><b>The Legislature</b></p> <p><b>Sections 4,51,67,68, 93 and 109</b></p>	<p>This bill sought to prevent civil and criminal proceedings from being instituted against a Member of a Legislative House in respect of words spoken or written at plenary sessions or Committee proceedings.</p> <p>The proposal also sought to institutionalise legislative bureaucracy in the Constitution by providing for a National Assembly Service Commission in the Constitution- similar to the Federal Civil Service and Judicial Service Commissions as set up in the Constitution for the executive and judiciary arms of government respectively.</p>
2	<p><b>Consequential Amendment on Civil Defence</b></p> <p><b>Section 213</b></p>	<p>Bill sought to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps (NSCDC) in the 1999 Constitution following a proposed accompanying amendment to include “National Security &amp; Civil Defence” on the Exclusive Legislative List. This was intended to elevate the status of the NSCDC, which currently draws its powers from an Act of the National Assembly. The bill appoints a Commandant General for the Corps, allows the NSCDC to regulate private security companies, supervise vigilante groups and to bear arms in exercise of their functions.</p>
3.	<p><b>Procedure for Overriding Presidential Veto in Constitution Alteration</b></p> <p><b>Section 9</b></p>	<p>This provided a procedure for passing a Constitution Alteration bill into law where a President withholds Assent to the bill as passed by NASS and approved by the State Houses of Assembly.</p> <p>It proposed that a Constitution Alteration Bill would become law if a two-thirds majority of each House of the National Assembly votes again to pass the amendment after the President withholds Assent.</p>
4	<p><b>The Nigeria Police Force</b></p> <p><b>Sections 34, 35, 39, 214, 215, 216 and Third Schedule</b></p>	<p>This intended to change the name of the Police from “Nigeria Police Force’ to “Nigeria Police” to reflect their core mandate of providing service in a civil manner.</p>

5	<b>Authorisation of Expenditure (1)</b>  <b>Sections 82 and 122</b>	This aimed to reduce the period within which the President or Governor could authorise the withdrawal of monies from the Consolidated Revenue Fund in the absence of an Appropriation Act i.e. the Budget from 6 months to 3 months.
6	<b>Authorisation of Expenditure (2)</b>  <b>Sections 81 and 121</b>	This provided for the President or Governor of a State to present an Appropriation Bill before the National Assembly or State House of Assembly no later than 90 days to the end of a financial year respectively.  It also mandated the National Assembly and State House of Assembly to pass the Appropriation Bill before the commencement of the next financial year.

### **D. Constitution Amendment Bills that were Passed by the National Assembly But not Adopted by State Assemblies**

<b>S/N</b>	<b>Bill Title &amp; Section</b>	<b>Objective</b>
1.	<b>Distributable Pool Account</b>  <b>Section 162</b>	This proposal sought to make local governments financially independent of the States by abrogating the State Joint Local Government Account and empowering each Local Government Council to maintain its own Special Account. It also made provisions for savings in the Federation Account before distribution to other levels of Government.
2.	<b>Local Government</b>  <b>Sections 7, 318, and Part 1 of Fifth Schedule</b>	This sought to strengthen local government administration in Nigeria by guaranteeing a system of local government as a third tier of government consisting of executive and legislative arms i.e. democratically elected local government councils entrenched in the Constitution.
3.	<b>Independent Candidature</b>  <b>Sections 7, 65, 106, 131, 177 and 228</b>	This proposal aimed for independent candidacy in Presidential, Governorship, National Assembly and State Houses of Assembly elections.  However, it subjected the process of how an independent candidate could be nominated or appear on the ballot to an Act of the National Assembly.

### **E. Constitution Amendment Bills that were passed by the National Assembly but not**

## Transmitted to the States

S/N	Bill Title & Section	Objective
1.	<p><b>Composition of Council of States</b></p> <p><b>Third Schedule of the Constitution</b></p>	<p>This sought to alter the Constitution to include former Senate Presidents and Speakers in the Council of State (a constitutionally created Federal Executive Body that advises 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 but sought to include former Senate Presidents and Speakers with the justification of strengthening 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>
2	<p><b>Presidential Assent</b></p> <p><b>Section 58</b></p>	<p>This proposal sought to alter Constitutional provision on passing ordinary bills to close a loophole that fails to indicate what happens to a bill when the President fails to signify either his assent or veto to a bill.</p> <p>Specifically, it provided that where the President fails to signify that he assents or withholds assent to a Bill passed by the National Assembly, it would become law after 30 days of his/her receipt of the bill.</p>
3	<p><b>Separation of Office of the Accountant General of the Federal Government from the Office of the Accountant General of the Federation</b></p> <p><b>Section 84</b></p>	<p>This sought to establish an 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 of all tiers of government. The amendment however sought to ease administration by enabling the Federal Government have its own accounting officer separate from the accounting officer that deals with the other tiers of Government.</p> <p>It was proposed here that the Accountant- General of the Federation should deal with disbursements to the tiers of government and administer the Federation Account while that of the Federal Government should supervise and administer the Federal Government Account.</p>

4	<p><b>Financial Independence for the Office of the Auditor-General of the Federation and the State</b></p> <p><b>Sections 81 and 121</b></p>	<p>This sought to make the office of the Auditor General of the Federation and of the State financially independent by placing them on the Consolidated Revenue Fund of the Federation and of the State respectively.</p>
5	<p><b>Investment and Securities Tribunal</b></p> <p><b>Sections 6, 84, 240, 243, 254, 292, 294, 295, 318, Third and Seventh Schedules</b></p>	<p>This was an extensive proposal that sought to establish the Investment and Securities Tribunal as a Superior Court of Record under the Constitution. It also provided for the composition of the tribunal, the qualification of the Chairman, Members and its jurisdiction.</p> <p>The implication of this proposal was to elevate the tribunal to be at par with the High Court and National Industrial Court. Some consequential amendments that would have followed here included adjusting the jurisdiction of the Court of Appeal to make it the final appellate court for matters emanating from the Investment and Securities Tribunal on capital market disputes.</p>

## **F. Constitution Amendment Bills proposed by the Constitution Review Committees but not passed by the National Assembly**

<b>S/N</b>	<b>Bill Title &amp; Section</b>	<b>Objective</b>
1	<p><b>Devolution of Powers</b></p> <p><b>Second Schedule</b></p>	<p>This sought 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.</p>
2	<p><b>State Creation and Boundary Adjustment</b></p> <p><b>Section 8</b></p>	<p>This sought to clarify the process of creation of new States and remove the ambiguities in State creation and boundary adjustment by providing that two-thirds of States of the Federation can approve a referendum for the creation of a new State with two-thirds of each House of the National Assembly confirming this.</p>
3	<p><b>Timeframe for Submitting Ministerial or Commissioner Nominees</b></p> <p><b>Sections 147 and 192</b></p>	<p>This required the President/Governor to submit names of persons nominated as Ministers or Commissioners to the Senate or State House of Assembly for confirmation within thirty days of taking the Oath of office</p>



4	<b>Appointment of Minister from FCT</b>  <b>Section 147</b>	This provided for the appointment of a Minister from the FCT to ensure that the FCT is represented in the Executive Council of the Federation
5	<b>Change of Name of Some Local Government Councils</b>  <b>First Schedule</b>	This proposed a change of name for some local government councils. Examples are "Afikpo North" and "Afikpo South" to "Afikpo" and "Edda"; Egbado North" and Egbado South to "Yewa North" and "Yewa South".
6	<b>Separation of the office of the Attorney-General of the Federation and State from the Minister/Commissioner for Justice</b>  <b>Sections 150, 174, 195 211, 318, Third Schedule</b>	This aimed to establish the office of the Attorney General of the Federation and of the State as separate from the office of the Minister or Commissioner for Justice of the State. The intention of the proposal was to make the Offices of the Attorney-General purely professional, independent and insulated from partisanship.
7	<b>Citizenship and Indigeneship</b>  <b>Section 26</b>	This proposal sought to enable married women claim either the indigeneship of their home State or that of their husbands
8	<b>Removal of Law Making Powers of the Executive</b>  <b>Section 315</b>	This sought to remove the law making powers of the Executive Arm of Government
9	<b>Deletion of NYSC Decree from Constitution</b>  <b>Section 315</b>	This sought to delete the NYSC Decree 1993 from the Constitution
10	<b>Deletion of Public Complaints Commission from the Constitution</b>  <b>Section 315</b>	This sought to delete the Public Complaints Commission Act from the Constitution
11	<b>Deletion of Land Use Act from the Constitution</b>  <b>Section 315</b>	This sought to delete the Land Use Act from the Constitution.



12	<b><i>Deletion of State Independent Electoral Commission (SIEC) from the Constitution</i></b>  <b><i>Section 197, Third Schedule Part II</i></b>	This sought to delete State Independent Electoral Commission from the Constitution
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## **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. PLAC receives funding support from donors and other philanthropic sources.

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