

# LEAD DEBATE ON A BILL FOR AN ACT TO PROVIDE FOR THE PERIODIC REVISION OF THE LAWS OF THE FEDERATION OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH, 2016 – SB 341

Sponsored by Senator David Umaru (Niger East)

## 1.0 Introduction

Mr President, Distinguished Colleagues, I am most delighted for the opportunity to lead the debate on the general principles of the **Revised Edition (Laws of the Federation of Nigeria) Bill, 2016 – SB 341**. The Bill was read for the first time on the 7<sup>th</sup> day of December 2016.

The primary objective of this Bill is to provide a legal framework for the periodic review, codification, consolidation and publication of Acts of the National Assembly and other subsidiary legislations of the Federal Republic of Nigeria in order to prevent duplication of laws by the Legislature and to ensure ease of reference by the general public and researchers including legal practitioners, judges, scholars, etc.

It may be recalled that under the military administration, the Laws of the Federation of Nigeria was revised and consolidated by the Law Revision Committee headed by Hon. Justice B.A Coker of blessed memory, and published pursuant to the **Revised Edition (Laws of the Federation of Nigeria) Decree 1990**.

Another round of revision and compilation exercise involving laws passed by the National Assembly between 1999 and 2004 and other enactments before the advent democracy in 1999 was carried out in 2004. This led to the publication of the current Laws of the Federation of Nigeria 2004 as approved by the **Revised Edition (Laws of the Federation of Nigeria) Act, 2007**.

Further attempt to codify laws passed by the National Assembly since the 2004 compilation exercise has been mired in controversy and the volumes compiled as the Laws of the Federation 2010 have failed to receive judicial recognition due to controversies surrounding the legality of procedure that led the publication of the 2010 volumes.

Mr President, Distinguished Colleagues, the intendment of this bill is to address the major shortcomings associated with the review and codification of the laws of the federation. These shortcomings include the absence of a time frame or guideline for the conduct of codification exercises and secondly, the need to do away with the prevailing practice whereby the National Assembly is required at every given time to pass a law to approve every compilation of Laws of the Federation at the end of each exercise. Accordingly, it is proposed under this Bill that the Honourable Attorney General of the Federation carry out the revision of the Laws of the Federation every 10 years or such earlier period as he may deem necessary. Similarly, the passage of this Bill makes it unnecessary for the National Assembly to pass new legislations to bring every new compilation into force since the Bill gives legal recognition to laws compiled and published pursuant to the provisions of the bill.

## **2.0 Principles and structure of the Bill**

The overriding principle behind the introduction of this Bill is to ensure regular review and codification of our laws for clarity and ease of reference.

Secondly, the Bill was triggered by the need to make the conduct of law review and codification exercise an obligation of the Attorney General of the Federation instead of the present situation whereby the exercise is almost entirely at his discretion.

Thirdly, the Bill also seeks to address some of the issues surrounding the revision and compilation of Laws of the Federation such as the issue of what should be the content of every Revised Edition; the powers of the Attorney General to authorize omission of obsolete enactments; the procedure for bringing the revised edition into force; expenses associated with the exercise, composition and powers of the Law Revision Committee.

2.1 Against the backdrop of the above principles, the proposed Bill is crafted into 11 sections with the following as the major highlights-

Section 1- which provides the powers of the Attorney General of the Federation to periodically revise laws of the Federation and for the purpose of this, appoint a Law Revision Committee;

Section 2 - This provides for the categories of enactments to be contained in every revised edition of the laws of the Federation namely- all Federal enactments and subsidiary legislation. Section 2 of this Bill also requires that every revised edition of the laws of the Federation should have a table of contents, a chronological table of enactments, an index, etc;

Section 6 - which outlines the procedure for bringing into force the revised edition; and

The Schedule - the powers of the Law Revision Commission are contained in the Schedule therein.

### 3.0 Conclusion

Mr President , Distinguished Colleagues, in view of the importance of this Bill to administration of justice and deepening of democratic practice, I appeal for your kind support to give this Bill speedy passage.

In compliance with Order **77(3) Senate Standing Orders 2015**, as amended, the proposed Bill has no financial implication if passed into law.

Thank you most sincerely for your kind attention.

**A Bill  
For**

**An Act to Provide for the Periodic Revision of the Laws of the  
Federation of Nigeria and for Matters Connected Therewith**

Sponsored by : *Senator David Umaru*

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria  
as follows—

Commencement -  
of Nigeria

1.—(1) The Attorney-General of the Federation shall, at the expiration of a period of 10 years after the last revision of the Laws of the Federation of Nigeria or such earlier period as he may deem necessary, cause a revision of the Laws of the Federation of Nigeria or any part thereof to be carried out in accordance with the provisions of this Act.

Power of the  
Attorney-  
General of the  
Federation  
to periodically  
revise Laws of  
the Federation  
of Nigeria.

(2) For the purposes of this section, the Attorney-General of the Federation shall, from time to time, by Order published in the Federal Gazette, appoint a Law Revision Committee (in this Act referred to as "the Committee") which shall consist of a Chairman and such other specified number of members to revise the Laws of the Federation of Nigeria in accordance with the provisions of this Act.

2.—(1) Subject to the provisions of this section and Section 3 of this Act, the revised edition shall contain—

- (a) all Federal enactments in force on the appointed day, and all subsidiary instruments made thereunder and in force on the appointed day;
- (b) all Federal enactments which have been enacted or promulgated but not yet brought into operation on the appointed day and all subsidiary instruments made thereunder; and
- (c) a table of contents, a chronological table of enactments and an index.

Contents of  
the revised  
edition, etc.

(2) The Committee may in its discretion retain, as if it were part of a Federal enactment, any portion of any enactment which is included in the revised edition, if, in its opinion, such portion (in this Act referred to as "the State Law") cannot conveniently be omitted from the revised edition or if, in its opinion, the retention of such portion would be of utility to the Government of any State, notwithstanding that such portion of the enactment does not

have effect as a Federal enactment.

(3) The Committee shall, in the preparation of the revised edition, take no account of any earlier revised edition of the Laws of the Federation (including the revised edition prepared under the Revised Edition (Laws of the Federation) Act, 1990 but the Committee shall proceed as if no such edition had ever been prepared.

(4) The Committee may cause a different form of printing to be used including any electronic or digital form, so far as it is practicable, in respect of those enactments included in the revised edition which in its opinion are—

- (a) Federal enactments;
- (b) State laws.

(5) Nothing in this section shall empower the Committee to make any alteration or amendment in the matter or in the substance of any Federal enactment, without the approval of the National Assembly.

3.—(1) The Attorney-General of the Federation may by Order specify a Schedule of enactments which it shall not be necessary for the Committee to include in the revised edition upon the grounds that such enactments are—

- (a) obsolescent; or
- (b) of a temporary nature; or
- (c) under revision with a view to replacement; or
- (d) of restricted or personal application.

(2) Enactments, omitted in accordance with Subsection (1) of this section, shall have the same force and validity as if they had not been omitted in the revised edition.

4. In the preparation of the revised edition, the Committee shall have the powers set out in the Schedule to this Act.

5.—(1) The revised edition when brought into force in accordance with Section 6 of this Act, shall be and be taken by all courts and for all purposes whatsoever to be the authentic edition of Federal enactments enacted on or before the appointed day.

(2) Nothing in this section shall be construed to imply the validity of

Power of the Attorney-General of the Federation to authorize omission of certain enactments.

Powers of the Committee Schedule.

Validity and operation of the revised edition.

any enactment included in the revised edition where such enactment is inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

6.—(1) Each volume of the revised edition shall be submitted to the Federal Executive Council as and when completed for its consideration and approval.

(2) When the revised edition has been printed and bound, the Attorney-General may by Order direct that the revised edition shall come into force on such date as he thinks fit.

(3) One copy of each volume of the revised edition shall be dated and signed by the members of the Committee and shall be sealed with the public seal of the Federation and the copy shall be transmitted to the Chief Justice of Nigeria who shall deposit the same among the records of the Supreme Court of Nigeria.

7. The Accountant-General of the Federation shall, upon warrant addressed to him by the Minister of Finance, make payment of all expenses for and incidental to the preparation, printing and publication of the revised edition.

8. This Act or any Order for the appointment of the Committee shall be reprinted as an introduction to any of the revised edition of the Laws of the Federation of Nigeria.

9.—(1) The Revised Edition (Laws of the Federation of Nigeria) Act, 1990 is hereby repealed.

(2) The repeat of the enactment referred to in Subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.

10. In this Act, unless the context otherwise requires—  
“appointed day” means 31st day of December, 2002 for the Laws of the Federation of Nigeria, 2002 and in respect of subsequent revisions any day as the Attorney-General of the Federation may appoint by Order published in the Federal Gazette;  
“Committee” means the Law Revision Committee established under Section 1 of this Act;

Bringing  
into force of  
the revised  
edition.

Expenses.

Act to be  
reprinted as  
introduction to  
the revised  
edition.

Repeal, etc.

interpretation.

"enactment" means any provision of an Act and includes any subsidiary instrument made under such Act;

"Federal enactment" means—

(a) any enactment which is or has effect as if it were a law enacted by any Federal legislature in Nigeria with respect to any matter within its competence; and

(b) any Decree promulgated by any previous Military Government with respect to any matter whatsoever;

"the revised edition" means the revised edition of Federal enactments to be prepared under the authority of this Act;

"subsidiary instrument" means any order, rules, regulations, notices, rules of court or bye-laws;

"State" means a State as provided under Section 318 of the Constitution of the Federal Republic of Nigeria, 1999.

11. This Act may be cited as the Revised Edition (Laws of the Federation of Nigeria) Bill, 2004 and shall be deemed to have come into force on the 10th day of September, 2001.

Short Title and  
commence-

#### SCHEDULE



Section 4

Powers of the Committee

1. The Committee shall have power to—

- (a) omit all enactments which have—
  - (i) been expressly and specifically repealed, or
  - (ii) expired or have become spent; or
  - (iii) had their full effect;
- (b) omit all repealing enactments contained in Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
- (c) omit all preambles to Acts where such omissions can, in the opinion of the Committee, conveniently be made;
- (d) omit all enacting clauses;
- (e) omit all enactments prescribing the date when an Act or part of an Act is to come into operation, where such omission can, in the opinion of the Committee, conveniently be made;
- (f) omit all amending enactments or parts thereof where the amendments effected thereby have been embodied by the Committee in the Act to which they relate;
- (g) consolidate into one enactment any two or more enactments which are in pari materia making any alteration necessary thereto and affixing such date thereto as may seem most convergent;
- (h) alter the order of any section of any enactment, and in all cases, where it may appear to be necessary to re-number any section;
- (i) alter the form or arrangement of any section of any enactment by transferring words, by combining any such section in whole or in part with another section or other sections or by dividing it into two or more subsections;
- (j) divide enactments whether consolidated or not, into Parts or Divisions;
- (k) transfer any provision contained in an enactment from the enactment to any other enactment to which the Committee considers that it more properly belongs;

- (l) arrange the enactments, whether consolidated or not, in any sequence or group that may be convenient;
- (m) add a title to any enactment which may require it and alter the title or short title of any enactment;
- (n) supply or alter marginal notes;
- (o) supply or alter tables of contents;
- (p) correct cross-references;
- (q) shorten and simplify the phraseology of any enactment;
- (r) correct grammatical and typographical errors in any enactment and for that purpose make verbal additions, omissions or alterations not affecting the meaning of any enactment;
- (s) make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any enactment into conformity with the circumstances of any part of the Federation;
- (t) make such adaptations of or amendments to any enactment as may appear to be necessary or proper as a consequence of any change in the Constitution of the Federal Republic of Nigeria 1999; and
- (u) do all things relating to form and method which appear to the Committee necessary for the perfecting of the revised edition.

Explanatory Memorandum

The Bill seeks to provide for periodic revision of the Laws of the Federation and the establishment of the Law Revision Committee charged with the responsibility to revise and update the laws as well as provide for the powers of the Committee and for matters connected therewith.