



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY

**COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND
LEGAL MATTERS**

REPORT

ON

THE NIGERIAN LAW REFORM COMMISSION ACT
(REPEAL AND RE-ENACTMENT) BILL, 2018 (SB.27)

May, 2018

REPORT OF THE SENATE COMMITTEE ON JUDICIARY, HUMAN RIGHTS & LEGAL MATTERS ON A BILL FOR AN ACT TO REPEAL THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 AND RE-ENACT THE NIGERIAN LAW REFORM COMMISSION ACT, 2018, TO FACILITATE THE EFFECTIVE IMPLEMENTATION OF THE COMMISSION'S LAW REFORM PROPOSALS AND ENHANCE ITS PERFORMANCE AND FOR RELATED MATTERS.

1.0 BACKGROUND

The Nigerian Law Reform Commission Act (Amendment) Bill, 2016 (SB.27) was sponsored by ***Distinguished Senator Babajide C. Omoworare, CON*** (Osun East Senatorial District). The Bill was read for the *First Time* on Tuesday 6th October, 2015.

At the Plenary Sitting of the Senate on Wednesday 27th September, 2017, the Senate deliberated on the general principles of the Bill and after extensive deliberations on its merits by Distinguished Senators, it was read the *Second Time*, and referred to the Senate Committee on Judiciary, Human Rights and Legal Matters for further legislative action, vide *Senate Order of Referral dated 28th September, 2017*, to report back with its recommendations.

2.0 Objective of the Bill

In the Committee's view, the Bill seeks to amend the Nigerian Law Reform Commission Act Cap. N118 LFN, 2004 to among other things

bring it into conformity with its core mandate and global best practices by ensuring that some level of autonomy is conferred on the Commission, in the discharge of its responsibilities to among other things forward reports of its activities to the National Assembly.

Before now, the Commission's reports on very important legislations do not get to the National Assembly as a result of the fact that their only point of contact with the Presidency and the National Assembly, is through the Honourable Attorney General of the Federation and Minister of Justice. The passage of this Bill therefore, will address this bureaucratic bottleneck as the Commission will now be empowered to also forward copies of its reports directly to the National Assembly. This is in line with best practices obtainable in other jurisdictions, such as Canada, Australia and South Africa, Etc.

3.0 Methods of Work

After the referral of the Bill, the Committee held several meetings and resolved as follows:

- i. To consult widely with relevant Stakeholders on the merits of the Bill;
- ii. To hold a Committee Hearing in order to collate stakeholders' inputs on the Bill and to provide a platform for effective engagement and interactions;
- iii. Reference to the Constitution of the Federal Republic of Nigeria 1999, as amended; the Senate Standing Orders 2015, as amended; and other established practices of the Senate; and

- iv. To consider any other matter incidental thereto, that would assist the Committee in the discharge of its assignment.

4.0 Committee's Activities

Mr. President, Distinguished colleagues, it should be stated that in furtherance of the above and after wide consultations with stakeholders, the Committee organized a Committee Hearing with Stakeholders and interested members of the public. The rationale essentially, is to elicit further inputs on the merits of the proposed amendment. The Committee Hearing took place on Monday 4th December, 2017. The following Stakeholders attended and made presentations:

1. The Hon. Attorney General of the Federation & Minister of Justice
2. The Nigerian Law Reform Commission
3. The National Human Rights Commission
4. The Nigerian Institute of Advanced Legal Studies
5. The Nigerian Bar Association

4.1 Highlights of Presentations at the Committee's Hearing

It is important to state here, Mr. President, Distinguished colleagues, that Stakeholders present at the Hearing made far-reaching contributions on the justifications for the passage of the Bill. Their views in support of this Bill as well as contributions of Distinguished Senators during debates on the general principles of the Bill, have

been reflected in this report. Below, is the highlights of their presentations:

Firstly, stakeholders canvassed that the introduction of the Bill is a welcome development as it seeks to address the delay in the implementation of the Commission's report and the challenge of inadequate funding. The passage of the Bill will bring about improvement in the administrative capacity and enhance the needed collaboration with Ministries, Departments and Agencies of government in the law reform process, generally.

Secondly, they submitted that the intendment of the Bill is anchored on the principles of the supremacy of the Constitution, which has saddled the National Assembly with the onerous task of lawmaking and law reform is not an exception. Therefore, it is imperative for the Nigerian Law Reform Commission, which is the statutory body, empowered by an Act of Parliament to perform the task of law reform generally, be further strengthened to deliver on its mandate by the removal of unnecessary bureaucratic bottleneck, which has affected its performance since inception to date.

Thirdly, they averred that law reform is an indispensable element in the legislative process and for the lawmaking process to be thorough and all-inclusive, in order that legislative enactments, stand the test of time, there should be an unlimited collaboration and synergy between the Commission and the National Assembly. That in essence, is what this Bill seeks to achieve.

Finally, they enjoined Distinguished Senators to exercise their constitutional duty and ensure that this legislative proposal is accorded the needed attention for speedy passage as it will no doubt impact positively on the lawmaking process.

5.0 Legislative Summary

Mr. President, Distinguished colleagues, this legislative summary highlights further inputs/changes made on the provisions of the Bill by the Committee. These inputs, no doubt, will ensure that the Commission is strengthened further and repositioned for effective performance. It is pertinent to also stress here that the proposed amendment as well as the further inputs made by the Committee on the Bill, virtually touch on all the provisions of the principal Act. ***Therefore, it is our concerted opinion that the Act be repealed and re-enacted in order to holistically address all contending issues in the Act, which hitherto affected the effective performance of the Commission.*** We hereby recommend approval of this new proposal to this Distinguished Senate.

Long Title

The long title of the Bill was amended as set out in the table because there is nothing unconstitutional in the Nigerian Law Reform Commission Act that impedes the activities of the Commission. As a matter of fact, the amendment is aimed at repositioning the Commission for optimal performance of its functions.

Clause 2

Clause 2 of the Bill amends section 2 of the Principal Act. The clause deals with the appointment, qualification and tenure of office of members, etc. The Committee amended subsection (1) of the clause by renumbering it as subsection (1) (a) and introduced a new paragraph (b) as set out in the table. The reason is that the Chairman of the Commission being a full-Time Chairman, should as well be designated as the Chief Executive and Accounting Officer of the Commission in line with the Federal Government policy, applicable in other similar statutory bodies. Similarly, paragraph (2) (b) of the clause was amended by increasing the years of post-call experience of a legal practitioner that is to be appointed as a member of the Commission from 12 years to 15 years. The justification for this amendment is that, by the nature of the Commission's mandate, it is only appropriate that only legal practitioners with requisite experience and knowledge, are appointed so as to effectively and efficiently perform the functions of the Commission.

Clause 3

This clause deals with the functions of the Commission in the repealed Act. The Committee introduced new sub-clauses (4), (7) (a), (b). The rationale behind the introduction of these sub-clauses is to ensure that any report prepared by the Commission arising from a programme referred to it by the Attorney-General, does not end up as an exercise in futility, for failure or inability of the Attorney-

General to take necessary steps on the report or for whatever reason, as the case may be.

Section 8 of the Principal Act

This clause deals with the staff and financial provisions. The Committee deleted subsection (1) (a) in line with the amendment in clause 2 above vis-à-vis the provision of paragraph (c) of this clause, which provides that the role of the Secretary is to assist the Chairman in the discharge of the activities of the Commission and not otherwise.

Section 10 of the Principal Act

This clause deals with the establishment of Fund by the Commission. The Committee redrafted this clause to accommodate any source of fund that will accrue to the Commission after the commencement of this Bill.

New Clause 11 (1) and (2)

This new clause was introduced by the Committee as set out in the table because it is appropriate for the Nigerian Law Reform Commission to have a provision that makes it possible for it to accept gifts like other Commissions and Agencies, established by Acts of the National Assembly, provided that there are no conditions attached, that are contrary to its functions.

New Clause 15

This new clause deals with savings and repeal, etc. provisions. The Committee introduced this clause to among other things, provide for the repeal of the Nigerian Law Reform Act Cap. N118 Laws of the Federation of Nigeria, 2004, and re-enact the Act to encompass all the intendments of the Bill as well as the further inputs made by the Committee after the Committee Hearing. This recommendation is informed by the fact that the proposed amendments substantially, vary or change almost all the provisions of the Principal Act. Similarly all actions of the Commission before this repeal are also saved in the clause. We hereby commend the approval of this provision by the Senate.

6.0 Observations/Findings

In the light of the views canvassed at the Committee Hearing and subsequent clause-by-clause analysis of the provisions of the Bill by the Committee, we hereby make the following observations and findings:

1. That stakeholders in their contributions and commentaries unanimously supported the passage of the Bill;
2. That since the proposed amendments as well as the inputs made on the Bill after the Committee Hearing are substantial, it is only legislatively expedient to repeal the Act and re-enact it in order to avoid wordiness and inelegance in the Bill.

3. That the passage of the Bill, as recommended will not only strengthen and reposition the Commission for greater output but will also enhance the lawmaking process, as law reform is an integral part of the legislative process;
4. That the current bureaucratic bottleneck being experienced by the Commission in the handling and management of its reports by the Office of the Attorney-General of the Federation will be completely eliminated, thereby guaranteeing speed and efficiency in the law making and reform process; and
5. That this legislative step is a major breakthrough in the review, modification and reform of our laws that are obsolete, spent etc., to align them with global trends, which hitherto will lie fallow in the Office of the Attorney-General of the Federation, awaiting his action(s) and Executive approvals. And very often those reports do not see the light of day and it amounts to not only waste of time but also of public funds.

7.0 Recommendation

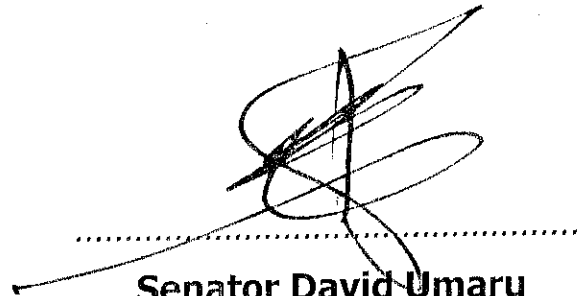
The Senate Committee on Judiciary, Human Rights and Legal Matters, to which the Bill was referred, having favourably considered same, recommends as follows:

"That the Senate do consider and pass the Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2018".

I SO MOVE.

7.0 Conclusion

Finally, we wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to respectfully commend the passage of this Bill by the Senate.

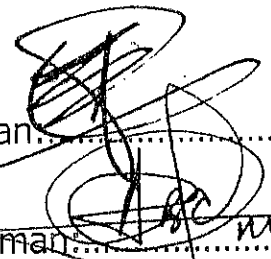
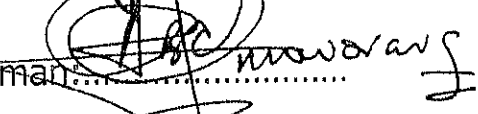
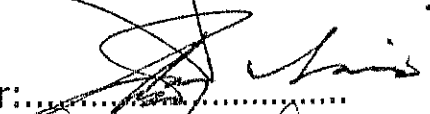
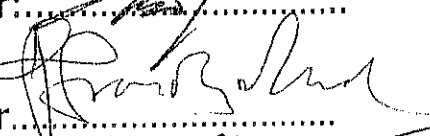
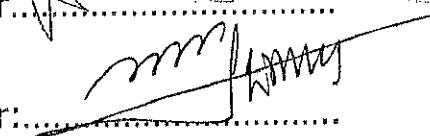
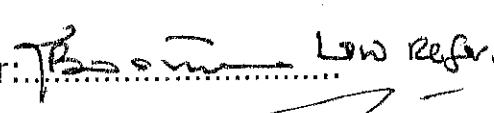
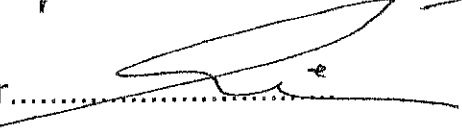
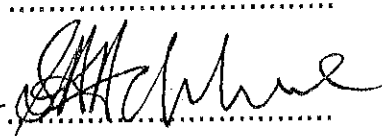
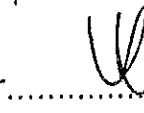
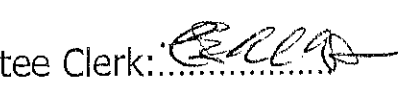


Senator David Umaru
Chairman

ENDORSEMENT PAGE

Senate Committee on Judiciary, Human Rights and Legal Matters

Membership

1. Senator David Umaru - Chairman.....
2. Senator Babajide C. Omoworare, CON - V/Chairman.....
3. Senator Godswill Akpabio, CON - Member:.....
4. Senator Joshua M. Lidani - Member:.....
5. Senator James E. Manager, CON - Member:.....
6. Senator Bala Ibn Na'Allah - Member:..... Low Refer.
7. Senator Abdullahi Adamu, CON - Member.....
8. Senator Chukwuka Godfrey Utazi - Member.....
9. Senator Ovie Omo-Agege - Member.....
10. Senator Suleiman Adokwe - Member:.....
11. Senator Atai A. Aidoko - Member.....
- Charles Luri Bala Esq. - Committee Clerk:.....



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REPORT

ON

**THE NIGERIAN LAW REFORM COMMISSION ACT (REPEAL AND RE-
ENACTMENT) BILL, 2018 (SB.27)**

MAY, 2018

NIGERIAN LAW REFORM COMMISSION ACT (REPEAL AND RE-ENACTMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

CLAUSES	
1.	Establishment of the Commission
2.	Appointment, Qualifications and Tenure of Office of Members, Etc.
3.	Proceedings
4.	Committees
5.	Functions of the Commission
6.	Interim reports
7.	References by States
8.	Secretary and other Staff of the Commission
9.	Service in the Commission to be Pensionable, Etc.
10.	Establishment of Fund by the Commission
11.	Power to Accept Gifts
12.	Accounts and Audit
13.	Annual report
14.	Regulations
15.	Savings, Repeal, Etc.
16.	Interpretation
17.	Citation

REPORT OF THE SENATE COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGALS MATTERS ON A BILL FOR AN ACT TO AMEND THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 TO REMOVE THE BOTTLE-NECK TO THE COMMISSION'S REFORM INITIATIVE ENSURE ITS AUTONOMY AND BRING THE ACT IN CONFORMITY WITH THE PROVISIONS OF 1999 CONSTITUTION (AS AMENDED) AND FOR OTHER MATTERS CONNECTED THEREWITH.

PROVISIONS OF THE PRINCIPAL ACT	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
Long Title AN ACT TO SET UP A LAW REFORM COMMISSION OF NIGERIA TO UNDERTAKE THE PREGRESSIVE DEVELOPMENT AND REFORM OF SUBSTANTIVE AND PROCEDURAL LAW APPLICABLE IN NIGERIA BY WAY OF CODIFICATION, ELIMINATION OF ANOMALOUS OR OBSOLETE LAWS AND GENERAL SIMPLIFICATION OF THE LAW IN ACCORDANCE WITH GENERAL DIRECTIONS ISSUED BY THE GOVERNMENT, FROM TIME TO TIME AND FOR MATTERS CONNECTED THEREWITH [1979 No.7].	Long Title A BILL FOR AN ACT TO AMEND THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 TO REMOVE THE BOTTLE-NECK TO THE COMMISSION'S REFORM INITIATIVE ENSURE ITS AUTONOMY AND BRING THE ACT IN CONFORMITY WITH THE PROVISIONS OF 1999 CONSTITUTION (AS AMENDED) AND FOR OTHER MATTERS CONNECTED THEREWITH.	Long Title A BILL FOR AN ACT TO REPEAL THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 AND RE-ENACT THE NIGERIAN LAW REFORM COMMISSION ACT, 2018, TO FACILITATE THE EFFECTIVE IMPLEMENTATION OF THE COMMISSION'S LAW REFORM PROPOSALS AND ENHANCE ITS PERFORMANCE AND FOR RELATED MATTERS.	There is nothing unconstitutional in the Act that impedes the activities of the Commission. This amendment is aimed at repositioning the Commission for optimal performance of its functions. And because the amendments are substantial, it is our concerted view that the Act be repealed and re-enacted.
Establishment of the Commission 1. (1) There is hereby established a Commission to be known as the Nigerian Law Reform Commission (in this Act referred to as "the Commission"). (2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.	Establishment of the Commission 1. The Nigerian Law Reform Commission Act, Cap.N118 LFN, 2004 in this Act referred to as "the Principal Act" is amended as set out in this Act.	Establishment of the Commission 1. (1) There is hereby established a Commission to be known as the Nigerian Law Reform Commission (in this Act referred to as "the Commission"). (2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.	

Appointment and Tenure of Office of Members etc.	Appointment, Qualifications and Tenure of Office of Members, Etc.	Appointment, Qualifications and Tenure of Office of Members, Etc.	
2. (1) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the Chairman. (2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the National Assembly to be suitably qualified – (a) by holding of a high judicial office; (b) by experience as a legal practitioner of not less than twelve years standing; or (c) by being an eminent scholar in law. (3) A person who holds high judicial office may be appointed as a	2. Section 2 of the Principal Act is amended by: (i) Deleting the word "National Assembly" in line 2-3 in subsection (2) and replacing same with the word, "the Senate" that is: "(2) The person appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the Senate to be suitably qualified"	2. (1) (a) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the Chairman, subject to confirmation of such appointment by the Senate. (b) The Chairman shall be the Chief Executive and accounting officer of the Commission. (2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the Senate to be suitably qualified – (a) by holding of a high judicial office; (b) by experience as a legal practitioner of not less than fifteen years standing; or (c) by being an eminent scholar in law. (3) A person who holds high judicial office may be appointed as a Commissioner without	The Chairman of the Commission is a full-Time Chairman. As such, it is appropriate to designate him as the Chief Executive and the Accounting Officer of the Commission. The years of experience has been increased because by the nature of the Commission's mandate, it needs members with experience and expertise to effectively perform the functions of the Commission.

Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect his tenure of that judicial office or his rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, his service as a member of the Commission shall be taken to be service as the holder of that judicial office.		relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect the tenure of that judicial office or the rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, the service as a member of the Commission shall be taken to be service as the holder of that judicial office.	
(4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.		(4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.	
(5) The National Assembly may terminate the appointment of a member on grounds of misbehaviour or inability to discharge the duties of his office by reason of physical or mental incapacity: Provided that this subsection shall not apply to a member who is the holder of a high judicial office, but if a member who is the holder of a high	(ii) Inserting a new subsection 5 thus: (5) "Subject to the provisions of subsection (4) of this section, a person holding the office to which this section applies may only be removed from that office by the President acting on the address supported by two-thirds majority of the Senate praying that he or she may be so removed for inability to discharge the functions of the office whether arising from infirmity of mind or body or any other cause or for misconduct."	(5) Subject to the provisions of subsection (4) of this section, a person holding the office to which this section applies may only be removed from that office by the President acting on the address supported by two-thirds majority of the Senate praying that he or she may be so removed for inability to discharge the functions of the office whether arising from infirmity of mind or body or any other cause or for misconduct.	

judicial office ceases to hold such office, the National Assembly may terminate his appointment. (6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct: Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria. (7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.		(6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct: Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria. (7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.	
Proceedings 3. (1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding- (a) any vacancy in its membership or the absence of any member; (b) any defect in the appointment of a member; or		Proceedings 3. (1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding- (a) any vacancy in its membership or the absence of any member; (b) any defect in the appointment of a member; or	

(c) that a person not entitled to do so took part in its proceedings. (2) The quorum at any meeting of the Commission shall be three Commissioners. (3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.		(c) that a person not entitled to do so took part in its proceedings. (2) The quorum at any meeting of the Commission shall be three Commissioners. (3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.	
Committees 4. (1) Subject to its standing orders, the Commission may appoint such number of standing and <i>ad hoc</i> committees as it thinks fit to consider and report on any matter with which the Commission is concerned. (2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case. (3) The quorum of any committee set up by the Commission shall be as		Committees 4. (1) Subject to its standing orders, the Commission may appoint such number of standing and <i>ad hoc</i> committees as it thinks fit to consider and report on any matter with which the Commission is concerned. (2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case. (3) The quorum of any committee set up by the Commission shall be as may be	

may be determined by the Commission.		determined by the Commission.	
Functions of the Commission 5. (1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to research, take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law. (2) For the purposes of subsection (1) of this section, the Commission – (a) shall receive and consider any proposals for the reform of the law which may be made or	Functions of the Commission 3. (1) Section 5 of the principal Act is amended by: (i) Inserting immediately after the word "Attorney-General of the Federation" in line 2 of subsection (2) (a) the word "or the National Assembly" that is: (a) shall receive and consider any proposal for the reform of the law which may be made or referred to it by the Attorney-	Functions of the Commission 5. (1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to research, take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law. (2) For the purposes of subsection (1) of this section, the Commission – (a) shall receive and consider any proposal for the reform of the law which may be made or referred to it	

referred to it by the Attorney-General of the Federation (in this Act referred to as "the Attorney-General"); (b) may prepare on its own initiative and submit to the Attorney-General, from time to time, programmes for the examination of different branches of the law with a view to reform; (c) shall undertake, pursuant to any recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposals for reform therein; (d) shall prepare, from time to	General of the Federation (in this Bill referred to as the "Attorney-General") or the National Assembly; (ii) Inserting immediately after the word "Attorney-General" in line 1 of subsection (2) (b) the word "and the National Assembly" that is: "(b) May prepare on its own initiative and submit to the Attorney-General and the National Assembly, from time to time, programme for the examination of different branches of the law with a view to reform". (iii) Inserting immediately after the Attorney-General in line 1-2 of subsection (2) (c) the word "or the National Assembly", that is: (c) shall undertake, pursuant to any recommendation approved by the "Attorney-General" or the National Assembly the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposal for reform therein". (iv) Inserting immediately after the word "Attorney-General" in line 1 and line 4 of, subsection (2) (d) the words "or the National Assembly" that is: (d) shall prepare, from time to time, at the	by the Attorney-General of the Federation (in this Bill referred to as the "Attorney-General") or the National Assembly; (b) May prepare on its own initiative and submit to the Attorney-General and the National Assembly, from time to time, programme for the examination of different branches of the law with a view to reform. (c) shall undertake, pursuant to any recommendation approved by the "Attorney-General" or the National Assembly the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposal for reform therein. (d) shall prepare, from time to time, at	
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time, at the request of the Attorney-General, comprehensive programmes of consolidation and statute law revision, and undertake the preparation of draft legislation pursuant to any such programme approved by the Attorney-General; (e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law. (3) The Attorney-General may – (a) modify the terms of a reference; and (b) give directions to the Commission as to the order in which it is to deal with references.	request of the Attorney-General or the National Assembly, comprehensive programmes of consolidation and statute law revision and undertake, the preparation of draft legislation pursuant to any such programme approved by the Attorney-General or the National Assembly”. (v) Inserting immediately after the word “Attorney-General” in subsection (3), the word “or the National Assembly”, that is: (3) The Attorney-General or the National Assembly may– (a) modify the terms of a reference; and (b) give directions to the Commission as to the order in which it is to deal with references.	the request of the Attorney-General or the National Assembly, comprehensive programmes of consolidation and statute law revision and undertake, the preparation of draft legislation pursuant to any such programme approved by the Attorney-General or the National Assembly. (e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law. (f) may provide training on law reform and other related matters for a fee. (3) The Attorney-General or the National Assembly may– (a) modify the terms of a reference; and (b) give directions to the Commission as to the order in which it is to deal with references. (4) Every Federal Ministry, Department or Agency shall notify and may collaborate with the Commission in its	This provision is line with the Commission’s mandate as it is
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(4) For the purpose of efficient performance of its functions under this Act, the Commission may, from time to time, obtain such information as to the legal systems of other countries as appears to it likely to facilitate the performance of any such function. (5) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time. (6) The Attorney-General shall lay before the President any programmes prepared by the Commission and any proposals for reform formulated by the Commission pursuant to such programmes.		law reform exercises. (5) For the purpose of the efficient performance of its functions under this Bill, the Commission shall – (a)engage in research into any branch of law or related subject; and (b)where appropriate obtain such information as to the legal systems of other countries. (6) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time and may carry out public enlightenment programmes on law reform activities. (7) (a) where the Attorney-General refers or approves a programme to the Commission, the Attorney-General shall lay before the Federal Executive Council any report prepared by the Commission pursuant to such programme, and after expiration of 3 months from the date of submission of the Commission's report to the Attorney-General, the Commission shall forward same to the National Assembly. (b) where any authority, body or person refers a programme to the Commission, the Commission shall forward to that authority, body or person any report of proposals for reform formulated by the	charged with the responsibilities of reviewing all Federal laws. This amendment will ensure effective sensitisation of the public on the activities of the Commission. The rationale behind the introduction of this sub-clause is to ensure that any report prepared by the Commission from a programme referred to it by the Attorney-General, does not end up as an exercise in futility.
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(7) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations. (8) For the purposes of subsection (1) of this section "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received law and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.		Commission pursuant to such programme. (8) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations. (9) For the purposes of subsection (1) of this section "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received laws and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.	
Interim Reports 6. Where the Attorney-General has referred a matter to the Commission – (a) the Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and	Interim Reports 4. Section 6 of the Principal Act is amended by: (i) Inserting immediately after the word "Attorney-General" the word "or the National Assembly" that is: 6. Where the Attorney-General or the National Assembly has referred a matter to the Commission – (ii) Section 6 (b) of the Principal Act is	Interim Reports 6. Where the Attorney-General or the National Assembly has referred a matter to the Commission – (a) The Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and	

(b) The Attorney-General may, at any time the Commission makes its report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.	amended by inserting immediately after the word "Attorney-General" in line 1 the word "or the National Assembly" that is: (b) The Attorney General or the National Assembly may, at any time before the commission makes it report in pursuance of the references, direct the Commission to make an interim report on its work under such reference".	(b) The Attorney General or the National Assembly may, at any time before the commission makes it report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.	
References by States 7. (1) Notwithstanding section 5 (1) of this , the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorneys-General. (2) The Commission may from time to time, whether in pursuant of	References by States 5. Section 7 of the Principal Act is amended by: (1) Inserting immediately after the words "Attorney-General" or "Attorneys-General" in lines 3 and 4 of subsection (1) the word "and the State House of Assembly or the State Houses of Assembly" that is: "Notwithstanding section 5 (1) of this Act, the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorneys-Generals and the State House of Assembly or the States House of Assembly." (2) Inserting immediately after the word "Attorneys-General" in line 3 of subsection (2) the word "and the States Houses of Assembly". That is: "The Commission may from time to time, whether pursuant to subsection (1) of this	References by States 7. (1) Notwithstanding section 5 (1) of this Bill, the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorneys-General and the State House of Assembly or the States Houses of Assembly. (2) The Commission may from time to time, whether pursuant to subsection (1) of this	

subsection (1) of this section or on its own initiative, consider or put forward proposals for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between the laws of the States or, as the case may require, the groups of State concerned. (3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned. (4) The provisions of sections 5 and 6 of this Act shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of the Federation shall be read as if they were references to the Attorney – General of a State and references to the President shall be read as if they were references to Governor of a State.	section or on its own initiative, consider or put forward proposal for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as" the case may require, the groups of State concerned". (3) Inserting immediately after the word "the Attorney-General of the Federation" in line 3 of subsection (4), the word, "or the National Assembly" and immediately after the word "the Attorney-General of a State" in line 3-4 "or the state Houses of Assembly" that is: (4) The provisions of sections 5 and 6 of this Act shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of a State and the State House of Assembly and reference to the President shall be read as if they were reference to Governor of a State".	section or on its own initiative, consider or put forward proposal for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as the case may require, the groups of State concerned. (3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned. (4) The provisions of sections 5 and 6 of this Bill shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of a State or the State House of Assembly or reference to the President shall be read as if they were reference to Governor of a State.	
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(5) In this section, "State laws" includes any law which is not a Federal law as defined in section 5 (8) of this Bill.		(5) In this section, "State laws" includes any law which is not a Federal law as defined in section 5 (9) of this Bill.	
Secretary and other staff of the Commission 8. (1) There shall be appointed for the Commission by the President, on the recommendation of the Attorney-General; a Secretary who shall - (a) Be the accounting officer of the Commission; (b) hold office - (i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and (ii) on such terms and conditions as may be specified in his letter of appointment; (c) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance		Staff and financial provisions Secretary and other staff of the Commission 8. (1) Retained as in the principal Act (a) be a legal practitioner of not less than 15 years post call cognate experience and of proven integrity. (b) hold office - (i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and (ii) on such terms and conditions as may be specified in his letter of appointment; (c) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and	This amendment is informed by the fact that the position of the Commission's Chairman is full-time. As such, the Chairman should function as the accounting officer/Chief Executive of the Commission as it is done in organisations that have full-time Chairmen as their Chief Executives. This amendment is in line with paragraph (c) of this clause, which provides that the role of the Commission's Secretary is to assist the Chairman in the discharge of the activities of the Commission.

with the objectives of the Federal Government; and (d) carry out such other duties as may be directed, from time to time, by the Commission. (2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit. (3) The remuneration of the employees of the Commission shall be determined by the Commission after consultation with the Federal Civil Service Commission.		(d) carry out such other duties as may be directed, from time to time, by the Commission. (2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit. (3) The remuneration of the employees of the Commission shall be determined by the Commission after consultation with the Salaries and Wages Commission.	
Service in the Commission to be Pensionable, Etc. 9. (1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act. (2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners		Service in the Commission to be Pensionable, Etc. 9. (1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act. (2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom	

holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force. (3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.		other provisions relating to pensions, gratuities and other retirement benefits are in force. (3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.	
Establishment of fund by the Commission 10. (1) The Commission shall establish and maintain a fund consisting of such monies as may in each financial year be appropriated by the Government of the Federation for the purposes of the Commission.		Establishment of Fund by the Commission 10. (1) The Commission shall establish and maintain a Fund which shall be applied towards the discharge of its functions under this Bill. (2) There shall be paid and credited to the Fund so established pursuant to subsection (1) of this section – (a) Such sums as may be provided by the Government of the Federation for the Commission; (b) Any fees or money charged for services rendered by the Commission or for its publications; (c) Donations from the Federal Capital Territory, States, Local Government, Public Agencies, Companies and Individuals;	The clause has been redrafted to accommodate every source of fund accruing to the Commission after the commencement of this Bill.

(2) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Act being sums representing- (a) amounts payable to the chairman and other members of the Commission (including allowances); (b) costs of employment of staff of the Commission; (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Act or any other enactment; (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission; (d) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Act.		(d) All other sums accruing to the Commission by way of gifts, testamentary depositions, endowments and contributions from philanthropic persons and organisation or otherwise however. (3) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Bill being sums representing- (a) amounts payable to the Chairman and other members of the Commission (including allowances); (b) costs of employment of staff of the Commission; (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Bill or any other enactment; (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission; (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Bill.	
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		Power to Accept Gifts 11. (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission.	New provision. It is appropriate for the Nigerian Law Reform Commission to accept gifts like every other Commission established by an Act of the National Assembly, provided that there are no conditions attached that are contrary to the functions of the commission.
Accounts and Audit 11. (1) The Secretary to the Commission shall in each financial year prepare estimates of recurrent and capital expenditure and, when approved by the Commission, the estimates shall be forwarded through the Attorney-General for approval by the Government of the Federation. (2) The Secretary shall keep proper accounts and proper records in relation thereto. (3) The accounts of the Commission shall be audited by an auditor appointed annually from the list of auditors and in accordance with the	Accounts and Audit 6. Section 11 of the Principal Act is amended by deleting the words "through the Attorney-General" in line 3 of subsection (1) and replacing same with the words "to the National Assembly" for approval. that is: 11. "The Secretary to the Commission shall in each financial year prepare estimates of each recurrent and capital expenditure and when approved by the Commission, the estimates shall be forwarded to the National Assembly for approval".	Accounts and Audit 12. (1) The Commission shall in each financial year prepare estimates of each recurrent and capital expenditure and when approved by the Commission, the estimates shall be forwarded to the National Assembly for approval. (2) The Commission shall keep proper accounts and proper records in relation thereto. (3) Retained as in the Principal Act	Section 11 of the Principal Act has been renumbered as clause 12 because of the introduction of new clause 11.

guidelines supplied by the Auditor-General for the Federation on such terms as the Commission may, with the approval of the Minister of Finance determine.			
Annual Report 12. (1) In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President through the Attorney-General, not later than the 30th June in each financial year, a report on the activities of the Commission during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Commission for that year and the auditor's report thereon. (2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.	Annual Report 7. Section 12 of the principal Act is amended by inserting immediately after the word "the Attorney-General" in line 2 of section (1), the word "and the National Assembly". That is: 12. In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President through the Attorney-General and the National Assembly, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon".	Annual Report 13. (1) In addition to any other report prescribed under this Bill, the Commission shall prepare and submit to the President through the Attorney-General and to the National Assembly, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon. (2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.	
Regulations 13. The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Bill.		Regulations 14. The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Bill.	

		Savings, Repeal, Etc. 15. (1) The Nigerian Law Reform Commission Act Cap. N118 Laws of the Federation of Nigeria, 2004 is repealed. (2) The repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.	The Committee having recommended for the repeal and re-enactment of the Act, hereby proposes a new clause, which deals with "savings and Repeal, etc." of the extant Act, accordingly.
Interpretation 14. In this Act, unless the context otherwise requires- "chairman" means the chairman of the Commission; "Commission" means the Nigerian Law Reform Commission established under section 1 of this Act; "high judicial office" means any judicial office not below the office of a Judge of a High Court; "member" means any member of the Commission and includes the chairman.		Interpretation 16. In this Bill: "Chairman" means the Chairman of the Commission; "Commission" means the Nigerian Law Reform Commission established under section 1 of this Bill; "high judicial office" means any judicial office not below the office of a Judge of a High Court rank of Justice of the Court of Appeal; "member" means any member of the Commission and includes the chairman;	This amendment is in view of the fact that the condition of service of members of the Commission, is equivalent to that of the Court of Appeal Justices.
Short Title 15. This Act may be cited as the Nigerian Law Reform Commission Act.	Citation 8. This Bill may be cited as the Law Reform Commission Act (Amendment) Bill, 2015.	Citation 17. This Bill may be cited as the Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2018.	
	EXPLANATORY MEMORADUM This Bill seeks to amend the Nigerian Law Reform Commission Act by bringing it in conformity with the provisions of the	EXPLANATORY MEMORADUM This Bill seeks to Repeal the Nigerian Law Reform Commission Act and Re-Enact the Nigerian Law Reform Act, 2018 in order	

	constitution and best global services that will ensure its autonomy as a legislative subject matter.	to facilitate the effective implementation of the Commission's Law Reform proposals and enhance its operational performance.	
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