

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

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*Government Notice No. 43*

The following is published as supplement to this *Gazette* :

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**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 16) ACT, 2023**



ARRANGEMENT OF SECTIONS

*Section :*

1. Alteration of the Constitution
2. Alteration of Second Schedule
3. Citation



**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 16) ACT, 2023**

**ACT No. 23**

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF  
NIGERIA, 1999 TO MOVE THE ITEM “RAILWAYS” FROM THE EXCLUSIVE  
LEGISLATIVE LIST TO THE CONCURRENT LEGISLATIVE LIST ;  
AND FOR RELATED MATTERS.

[3rd day of March, 2023]

Commence-  
ment

ENACTED BY THE National Assembly of the Federal Republic of Nigeria—

**1.** The Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as “the Principal Act”) is altered as set out in this Act.

Alteration  
of the  
Constitution

**2.** The Second Schedule to the Principal Act is altered in —

Alteration of  
Second  
Schedule

(a) Part I by deleting item 55 “Railways”; and

(b) Part II by inserting a new paragraph “20A” —

**“20A. Railways**

(1) The National Assembly may make laws for the Federation or any part thereof with respect to —

(a) construction and maintenance of inter-state railway tracks and infrastructures ;

(b) establishment of a national railway agency for the regulation of railway operations throughout the Federation ; and

(c) establishment and maintenance of a national railway carrier for inter-state transportation throughout the Federation.

(2) A House of Assembly of a State may make laws for the State with respect to the establishment, operation and maintenance of a State railway carrier within the State including the construction and maintenance of railway tracks and infrastructures within the State”.

**3.** This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No. 16) Act, 2023.

Citation

I, certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

OJO O. A., fnia, fcia  
*Clerk to the National Assembly*  
*6th Day of February, 2023.*

EXPLANATORY MEMORANDUM

This Act alters the Constitution of the Federal Republic of Nigeria, 1999 to move the item “Railways” from the Exclusive Legislative List to the Concurrent Legislative List

**SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 16) BILL, 2023**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Constitution of The Federal Republic of Nigeria, 1999 (Fifth Alteration, No. 16) Bill, 2023.	An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to move the item “railways” from the Exclusive Legislative List to the Concurrent Legislative List ; and for related matters.	This Bill alters the Constitution of the Federal Republic of Nigeria, 1999 to move the item “railways” from the Exclusive Legislative List to the Concurrent Legislative List.	24th January, 2023.	25th January, 2023.

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

I ASSENT



Ojo O. A., fnia, fcia

*Clerk to the National Assembly  
6th Day of February, 2023.*

MUHAMMADU BUHARI, GCFR

*President of the Federal Republic of Nigeria  
3rd Day of March, 2023.*