

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 76

Lagos 26th April, 2023

Vol. 110

Government Notice No. 45

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

<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
25	Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration, No. 23) Act, 2023.	A355-358

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 70/42023/150

Annual Subscription from 1st January, 2023 is Local : ₦50,000.00 Overseas : ₦65,000.00 [Surface Mail] ₦80,000.00 [Second Class Air Mail]. Present issue ₦3,000 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FIRST ALTERATION) (NO. 23) ACT, 2023**



ARRANGEMENT OF SECTIONS

Section :

1. Alteration of the Constitution
2. Alteration of section 147
3. Alteration of section 192
4. Citation

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FIRST ALTERATION) (NO. 23) ACT, 2023**

ACT No. 25

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO REQUIRE THE PRESIDENT AND GOVERNORS TO SUBMIT THE NAMES OF PERSONS NOMINATED AS MINISTERS OR COMMISSIONERS WITHIN SIXTY DAYS OF TAKING THE OATH OF OFFICE FOR CONFIRMATION BY THE SENATE OR STATE HOUSE OF ASSEMBLY ; 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. Section 147 of the Constitution is altered — Alteration of section 147
 - (a) in subsection (2), by inserting after the word “President”, in line 3, a new “proviso” —

“Provided that no Ministerial nominee shall be confirmed by the Senate unless evidence of declaration of assets and liabilities of the nominee as prescribed in this Constitution is presented” ; and
 - (b) by inserting after subsection (6), a new subsection “(7)” —

”(7)” Notwithstanding the provision of subsection (2) of this section, the nomination of any person to the office of a Minister for confirmation by the Senate shall be done within sixty days after the date the President has taken the oath of office :

Provided that the President may appoint a Minister at any other time during his tenure and such appointment shall be subject to confirmation by the Senate”.

3. Section 192 of the principal Act is altered — Alteration of section 192
 - (a) in subsection (2), by inserting after the word, “Constitution”, in line 6, a new “proviso” —

“Provided that no Commissioner nominee shall be confirmed by the House of Assembly of the State unless evidence of declaration of assets and liabilities of the nominee as prescribed in this Constitution is presented” ; and

(b) by inserting after subsection (5), a new subsection “(6)”—

“(6)” Notwithstanding the provision of subsection (2) of this section, the nomination of any person to the office of a Commissioner for confirmation by the House of Assembly of a State shall be done within sixty days after the date the Governor has taken the oath of office:

Provided that the Governor may appoint a Commissioner at any other time during his tenure and such appointment shall be subject to confirmation by the House of Assembly of a State”.

Citation

4. This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No. 23) Act, 2023.

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 to provide a timeframe within which the President or a Governor shall forward to the Senate or State House of Assembly names of nominees for confirmation as Ministers or Commissioners.

**SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FIFTH ALTERATION) (NO. 23) 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.23) Bill, 2023.	An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to require the President and Governors to submit the names of persons nominated as Ministers or Commissioners within sixty days of taking the oath of office for confirmation by the Senate or State House of Assembly; and for related matters.	This Bill alters the Constitution of the Federal Republic of Nigeria, 1999 to require the President and Governors to submit the names of persons nominated as Ministers or Commissioners within sixty days of taking the oath of office for confirmation by the Senate or State House of Assembly.	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, feia

*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.*