

*Extraordinary*



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*Government Notice No. 37*

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

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**A 320**      **2023 No. 17**      *Constitution of the Federal Republic of Nigeria, 1999*  
*(Fifth Alteration) (No. 6) Act, 2023*

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**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 6) ACT, 2023**



ARRANGEMENT OF SECTIONS

*Section :*

1. Alteration of the Constitution
2. Alteration of section 121
3. Alteration of Part II of the Third Schedule
4. Citation

**A 322**      **2023 No. 17**      *Constitution of the Federal Republic of Nigeria, 1999*  
*(Fifth Alteration) (No. 6) Act, 2023*

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**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 6) ACT, 2023**

**ACT No. 17**

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE FINANCIAL INDEPENDENCE OF STATE HOUSES OF ASSEMBLY AND STATE JUDICIARY ; AND FOR RELATED MATTERS.

[3rd day of March, 2023]

Commence-  
ment

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

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <p><b>1.</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Alteration of<br/>the<br/>Constitution</p> |
| <p><b>2.</b> Section 121 of the Principal Act is altered by —</p> <p>(a) substituting for subsection (3), a new subsection “(3)” —</p> <p style="padding-left: 20px;">“(3) Any amount standing to the credit of —</p> <p style="padding-left: 40px;">(a) a House of Assembly of a State in the Consolidated Revenue Fund of the State shall be paid directly into the account of the Assembly ; and</p> <p style="padding-left: 40px;">(b) the Judiciary of a State in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned ; and</p> <p>(b) inserting after subsection (3), new subsections “(3A) - (3H)” —</p> <p style="padding-left: 20px;">“(3A) For the purpose of subsection (3), there is established for each State of the Federation a Disbursement Committee comprising —</p> <p style="padding-left: 40px;">(a) the Commissioner of Finance of the State, as Chairman ;</p> <p style="padding-left: 40px;">(b) Accountant-General of the State ;</p> <p style="padding-left: 40px;">(c) a representative of the State Budget Office or Ministry ;</p> <p style="padding-left: 40px;">(d) Chief Registrar of the High Court of the State ;</p> <p style="padding-left: 40px;">(e) Chief Registrar of the Revenue Court of the State (where applicable) ;</p> <p style="padding-left: 40px;">(f) Chief Registrar of Sharia Court of Appeal of the State (where applicable) ;</p> <p style="padding-left: 40px;">(g) Chief Registrar of the Customary Court of Appeal of the State (where applicable) ;</p> <p style="padding-left: 40px;">(h) the Clerk of the State House of Assembly ;</p> <p style="padding-left: 40px;">(i) Secretary of the State House of Assembly Service Commission ;</p> <p style="padding-left: 40px;">(j) the Secretary of the State Judicial Service Commission ; and</p> <p style="padding-left: 40px;">(k) the officer in charge of finance in the House of Assembly of the State.</p> | <p>Alteration of<br/>section 121</p>          |

(3B) All moneys due to the House of Assembly of the State and the Judiciary of the State for capital and recurrent expenditures shall be paid by the State Accountant-General into the House of Assembly of the State and Judiciary of the State accounts in monthly installments respectively.

(3C) The moneys due to the House of Assembly of a State and the Judiciary of a State shall be the amount appropriated in the Appropriation Law of the State for the year.

(3D) The monthly installment shall be —

(a) determined by apportioning the approved budget on figures by twelve equal installments ; and

(b) adjusted to reflect the ratio of the gross allocation from Federation Accounts Allocation Committee and internally generated revenue on the approved budget for the State.

(3E) Where the gross allocation from Federation Accounts Allocation Committee and internally generated revenue in any month is lower than the budget amount for the month, the amount due to the House of Assembly of the State and Judiciary of the State shall be paid on a pro-rata basis.

(3F) When there is an increase in the subsequent income of the State, any previous shortfall shall be paid in arrears to the House of Assembly of the State and the Judiciary of the State.

(3G) The Accountant-General of the State shall furnish the Disbursement Committee with gross inflow from Federation Accounts Allocation Committee and internally generated revenue, not later than seven days after the Federation Accounts Allocation Committee meeting for the month.

(3H) The Commissioner responsible for Finance and the Accountant-General of the State shall, pursuant to subsection (3B), make full disclosure of all revenues that accrue to the State and release the funds to the House of Assembly of the State and Judiciary of the State, not later than one week after the funds have become due.

Alteration of  
Part II of the  
Third  
Schedule.

**3.** Part II of the Third Schedule to the Principal Act is altered by —

(a) substituting for the heading, a new “heading” —

“STATE BODIES” ;

(b) inserting a new subheading “AA” —

“AA — State House of Assembly Service Commission” ; and

(c) inserting a new paragraph “1A” —

“1A. The composition, tenure, structure, finance, functions, powers, and other proceedings of the Commission shall be as prescribed by a Law of the House of Assembly of the State”.

**4.** This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No. 6) 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 provide for the financial independence of State Houses of Assembly and State Judiciary.

**SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999**  
**(FIFTH ALTERATION) (NO. 6) 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. 6) Bill, 2023.	An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to provide for the financial independence of State Houses of Assembly and State Judiciary; and for related matters.	This Bill alters the Constitution of the Federal Republic of Nigeria, 1999 to provide for the financial independence of State Houses of Assembly and State Judiciary.	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., fma, 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.