

Outcome of the Constitution Review Process in the 9th National Assembly (2019 - 2023)

A. Constitution Amendment Bills Assented to by the President.

- » President Muhammadu Buhari Assented to 16 Constitution Alteration Bills on 17th March 2023
- » President Bola Ahmed Tinubu Assented to 2 Constitution Alteration Bills, the first on 8th June 2023 and the second on 12th June 2023

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 1 | Change the Names of Afikpo North and Afikpo South Local Government Areas (Ebonyi State) <i>Part 1 of the First Schedule</i> | This replaces “Afikpo North” and “Afikpo South” with “Afikpo” and “Edda”. |
| 2 | Change of the Name of Kunchi Local Government Area (Kano State) <i>Part 1 of the First Schedule</i> | This replaces “Kunchi” with “Ghari”. |
| 3 | Change the Names of Egbado North and Egbado South Local Government Areas (Ogun State) <i>Part 1 of the First Schedule</i> | This replaces “Egbado North” and “Egbado South” with “Yewa North” and “Yewa South”. |
| 4 | Correct the name of Atigbo Local Government Area (Oyo State) <i>Part 1 of the First Schedule</i> | This replaces the word “Atigbo” for “Atisbo”. |
| 5 | Correction of Name of Obia/Akpor Local Government Area (Rivers State) <i>Part 1 of the First Schedule</i> | This alteration substitutes the words “Obia/Akpor” for “Obio/Akpor”. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 6 | Financial autonomy of State Legislatures and State Judiciary <i>Sections 121 and Part II of the Third Schedule</i> | Provides for the financial independence of State Houses of Assembly and State Judiciary. It also includes the State Houses of Assembly Service Commission in the Constitution. |
| 7 | Inauguration of Members-Elect <i>Sections 54, 96 and 311</i> | To regulate the first session and inauguration of members-elect of the National and State Houses of Assembly to ensure the quorum of at least two-thirds of all the members of the House is met for the purpose of the first and inaugural session of members-elect. |
| 8 | Deletion of reference in the Constitution to the provisions of the Criminal Code, Penal Code, Criminal Procedure Act, Criminal Procedure Code or Evidence Act. <i>Section 254F</i> | The amendment deleted section 254F which made reference to the provisions of the Criminal Code, Penal Code, Criminal Procedure Act, Criminal Procedure Code and Evidence Act. This amendment was effected because the criminal jurisdiction conferred on the Industrial Court is limited to labour and employment issues. |
| 9 | Provision for Intervening Events in the Computation of Time for the Determination of Pre-Election Petitions, Election Petitions and Appeals therefrom <i>Section 285</i> | This alters the provisions of the Constitution to exclude the period of intervening events, like disasters and force majeure (act of God) in the computation of time for determining pre-election petitions, election petitions and appeals therefrom. This amendment makes room for these possibilities by explicitly stating that the period of such emergencies should not be counted in determining whether a litigant is out of time in filing court processes or whether a court or tribunal is out of time to hear petitions and render its verdict. |
| 10 | Appointment of Secretary of the National Judicial Council <i>Part 1 of the Third Schedule</i> | This amendment provides for the appointment, qualification and post call experience of the Secretary of the National Judicial Council. The Secretary is to be appointed by the National Judicial Council on the recommendation of the Federal Judicial Service Commission and is required to be a legal practitioner with a minimum of fifteen years post call experience. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 11 | Devolution of Powers (Correctional Services) <i>Part I & II of the Second Schedule</i> | The amendment changes the word “Prisons” to “Correctional Services”. Also, the amendment moves correctional services to the Concurrent legislative list, to enable the State Houses of Assembly to make laws with respect to the establishment and management of correctional centres and custodial facilities in their States. |
| 12 | Devolution of Powers (Railways) <i>Part I & II of the Second Schedule</i> | This amendment moved “Railways” to the Concurrent legislative list, thereby empowering a House of Assembly of a State to make laws 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. |
| 13 | Devolution of Powers (National Grid System) <i>Part I & II of the Second Schedule</i> | This amendment expanded the powers of a House of Assembly of a State to enable them make laws with respect to the generation, transmission and distribution of electricity in areas covered by the National grid. This was formerly impossible, as States were only able to make laws with respect to areas “not covered by the national grid”. |
| 14 | Timeframe for the Submission of the Names of Ministerial or Commissioner nominees <i>Sections 147 & 192</i> | This amendment specifies that a President or a Governor is to forward to the Senate or State House of Assembly, as the case may be, names of nominees for confirmation as Ministers or Commissioners within 60 days after the oath of office has been taken. |
| 15 | Correction in the Definition of the Boundary of the Federal Capital Territory Abuja <i>Part II of the First Schedule</i> | The amendment corrected the error in the definition of the boundary of the Federal Capital Territory, Abuja, by substituting the word “Plateau” for the word “Nasarawa”. |
| 16 | Food Security <i>Section 16</i> | The amendment requires that the Government directs its policy towards ensuring right to food and food security by ensuring strategies that guarantee accessibility, availability and affordability of food, while ensuring food is safeguarded against compromise by individuals, groups or institution. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 17 | <p>Uniform Retirement Age for Judicial Officers and pension rights</p> <p><i>Section 291</i></p> <p><i>* signed by President Bola Ahmed Tinubu</i></p> | <p>The Act eliminates the disparity in the retirement age of judicial officers of superior courts of record established under the Constitution by harmonising the retirement age of all judicial officers of superior courts of record at 70 years of age.</p> <p>It further reduces the period of service required to activate and determine the rate of a judicial officer's pension from fifteen to ten years.</p> |
| 18 | <p>Membership of the National Security Council to Include Presiding Officers of the National Assembly</p> <p><i>Part I of the Third Schedule</i></p> <p><i>* signed by President Bola Ahmed Tinubu</i></p> | <p>This includes presiding officers of the National Assembly (the President of the Senate and the Speaker of the House of Representatives) in the membership of the National Security Council.</p> |

B. Bills Passed by Both the National Assembly and the State Houses of Assembly but not Signed by the President

| S/N | BILL TITLE & SECTION | OUTCOME |
|-----|--|--|
| 1 | <p>Enforcement of Legislative Summons</p> <p><i>Sections 89 & 129</i></p> | <p>This was aimed at ensuring the obedience or compliance with legislative summons in either the National Assembly, or a State House of Assembly.</p> <p>The amendment sought to make the refusal or neglect to comply with legislative summons without satisfactory reason an offence punishable on conviction by a court of law, in line with laws prescribed by the National or State Houses of Assembly.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 2 | <p>Expansion of the Interpretation of “Judicial Office”</p> <p><i>Section 318</i></p> | This sought to expand the interpretation of judicial office to include courts or tribunals created by an Act of the National Assembly or a State House of Assembly. |
| 3 | <p>Devolution of Powers (Airports)</p> <p><i>Part I & II of the Second Schedule</i></p> | To move Airports from the Exclusive Legislative List to the Concurrent Legislative List. |
| 4 | <p>Devolution of Powers (Fingerprints, Identification and Criminal Records)</p> <p><i>Part I & II of the Second Schedule</i></p> | To move fingerprints, identification and criminal records from the Exclusive Legislative List to the Concurrent Legislative List. |
| 5 | <p>Power to Enforce Compliance of Remittance of Accruals into the Federation Account and Review of Revenue Allocation Formula</p> <p><i>Section 162 & Part I of the Third Schedule</i></p> | To empower the Revenue Mobilization, Allocation, and Fiscal Commission to enforce compliance with remittance of accruals into and disbursement of revenue from the Federation Account and streamline the procedure for reviewing the revenue allocation formula. |
| 6 | <p>Independence of Certain Bodies</p> <p><i>Sections 158 & 202</i></p> | To enhance the independence of certain regulatory and oversight institutions created by the Constitution. Particularly, the newly created National Assembly and State Assembly Service Commissions in addition to existing bodies such as the National Judicial Commission, Independent National Electoral Commission and the Civil Service Commission etc. |
| 7 | <p>Removal of Transitional Law-making Powers of the Executive</p> <p><i>Section 315</i></p> | This intended to remove the provision inserted as a transitional clause in the Constitution following the change from military to civil rule and sought to bring the Constitution in conformity with the democratic process and emphasise the law-making powers of the National Assembly. Transitional law-making powers confer powers on the President or the Governor to modify Federal or State laws respectively. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 8 | Domestication of Treaties <i>Section 12</i> | To require the President to present International treaties between the Federation and any other country to the National Assembly for enactment not later than 180 days after it was agreed upon. |
| 9 | Timeline for the Presentation of Appropriation Bills <i>Sections 81 & 121</i> | To require the President or a Governor of a State to lay the Appropriation Bill before the National Assembly or State House of Assembly at most 90 days to 31 st December of every year. It also provided that the National Assembly or a State House of Assembly shall pass the Appropriation Bill prior to the commencement of the next financial year. The intent of this bill is to entrench a January to December budget year in the Constitution which will make National and State budget more predictable. |
| 10 | Establishment of State Security Council <i>Section 197 & Part II of the Third Schedule</i> | To establish a State Security Council to advise the Governor on matters relating to public security in the States. |
| 11 | Power to Summon the President and Governors <i>Sections 67 & 108</i> | To empower the National Assembly and State Houses of Assembly to summon the President of the Federal Republic of Nigeria and Governors of States to answer questions on issues on which the National and State Houses of Assembly have powers to make laws. |
| 12 | Authorisation of Expenditure <i>Sections 82 & 122</i> | To reduce the period within which the President or the Governor of a State may authorise the withdrawal of monies from the Consolidated Revenue Fund in the absence of an Appropriation Act from six months to three months. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 13 | <p>Replacement/Correction of the Usage of the “Consolidated Revenue Fund of the Federation” with the “Consolidated Revenue Fund of the Federal Government” in the Constitution</p> <p><i>Sections 80, 81, 82 & 83</i></p> | <p>The amendment intended to effect a name change by replacing the “Consolidated Revenue Fund of the Federation” with the “Consolidated Revenue Fund of the Federal Government” to bring it in line with the realities which is that only the Federal Government can withdraw funds from it.</p> |
| 14 | <p>Establishment of the Office Accountant General of the Federation and the Office of the Accountant General of the Federal Government</p> <p><i>Section 84(5) A</i></p> | <p>To establish the office of the Accountant-General of the Federal Government distinct from the office of the Accountant-General of the Federation. The proposed amendment was aimed at ensuring ease of administration by enabling the Federal Government to have its own accounting officer separate from the accounting officer that deals with the other tiers of Government.</p> |
| 15 | <p>State of the Nation and State of the State Address</p> <p><i>Sections 67 & 108</i></p> | <p>This provides for a State of the Nation and State of the State Address by the President and Governor of a State respectively.</p> |
| 16 | <p>Composition of Members of the Council of State</p> <p><i>Part I of the Third Schedule</i></p> | <p>This was intended to include former Presidents of the Senate and former Speakers of the House of Representatives in addition to the current office holders, as members of the Council of State, to ensure that the three arms of government are equally represented in the Council.</p> |
| 17 | <p>Restriction on Formation of Political Parties</p> <p><i>Sections 222 & 223</i></p> | <p>To enhance existing provisions on the formation of political Parties by ensuring political parties establish offices in at least 2/3 of all the States and the Federal Capital Territory. It also provided that a political party must have a minimum of 3 percent of registered voters as members and ensure that the federal character of Nigeria is reflected in the membership of the National and State Executive Committee. This aimed at ensuring the national orientation, viability and sustainability of political parties.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 18 | <p>Fundamental Human Rights</p> <p><i>Sections 18 and 45</i></p> | <p>This was aimed at ensuring that the Government directs their policies to eliminate illiteracy by providing quality education in the form of free, compulsory basic education for children between primary to junior secondary school age; free senior secondary education including technical and vocational education, literacy programmes and ensuring access to qualitative higher education.</p> |
| 19 | <p>Nigeria Security and Civil Defence Corps</p> <p><i>Section 213 & Part III</i></p> | <p>The alteration seeks to entrench the establishment and core functions of the Nigeria Security and Civil Defence corps in the Constitution. The NSCDS is currently only established by law, as its establishment is not enshrined in the Constitution.</p> |

C. Bills Passed by the National Assembly but not Adopted by the States

| S/N | BILL TITLE & SECTION | OUTCOME |
|-----|--|--|
| 1 | <p>Local Government Financial Autonomy</p> <p><i>Sections 162, 318 and the Fifth Schedule</i></p> | <p>This sought to establish the financial autonomy of Local Government Councils by abrogating the State Joint Local Government Account and providing for a special account into which all allocations due to Local Government Councils from the Federation Account and from the internally generated revenue of the State Government is to be directly paid.</p> <p>Also, the responsibility for the payment of teaching and non-teaching staff of the Universal Basic Education Scheme was intended to be shared between the Federal, States and Local Government Councils such that the least amount will be deducted from the account of the Local Government Councils.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 2 | <p>Local Government Administrative Autonomy</p> <p><i>Section 7</i></p> | <p>This sought to establish the Local Government Councils as a substantive tier of government in the Constitution and guarantee their democratic existence and tenure by entrenching the fundamental governance structure of the Local Government Councils in the Constitution.</p> <p>It also contained express constitutional provisions prohibiting the exercise of legislative, executive and administrative powers of the council by any entity other than the democratically elected council members.</p> |
| 3 | <p>Code of Conduct</p> <p><i>Part I of the Fifth Schedule</i></p> | <p>This sought to permit public servants to engage in other occupations beyond farming, such as healthcare education, production and services.</p> |
| 4 | <p>Fair Hearing in the Process of Recommending the Removal of Judicial Officers</p> <p><i>Part II of the Third Schedule</i></p> | <p>This intended to impose the requirement of fair hearing in the process of recommendation for the removal of judicial officers by the State Judicial Service Commission.</p> |
| 5 | <p>Membership of the National Security Council to Include Presiding Officers of the National Assembly</p> <p><i>Part I of the Third Schedule</i></p> | <p>This intended to include presiding officers of the National Assembly (the President of the Senate and the Speaker of the House of Representatives) in the membership of the National Security Council.</p> |
| 6 | <p>Timeframe for the Conduct of Population Census</p> <p><i>Section 213 & Part I of the Third Schedule</i></p> | <p>This aimed to provide for the conduct of population census every ten years after the President has published a population census report in the official gazette of the government of the Federation. This was to ensure the periodic conduct of the census by making it mandatory.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 7 | <p>Separation of the Office of the Attorney-General of the Federation and of the State from the Office of the Minister or Commissioner for Justice</p> <p><i>Sections 150, 174, 195, 211, 318 & Part I of the Third Schedule</i></p> | <p>This aimed at establishing the office of the Attorney General of the Federation and of the State, separate from the office of the Minister or Commissioner for Justice of the State. The intention was to ensure that the Office of the Attorney-General is purely professional, independent and insulated from partisanship.</p> |
| 8 | <p>Independent Candidacy</p> <p><i>Sections 7, 65, 106, 131, 177 & 228</i></p> | <p>This intended to provide for independent candidates to contest elective positions and the conditions that must be met by each person who seeks to contest as an independent candidate.</p> <p>The amendment was aimed at expanding the space for democratic participation by providing a platform outside political parties for persons to participate and contest elections.</p> |

D. Bills Considered by the National Assembly but not Passed

| S/N | BILL TITLE & SECTION | OUTCOME |
|-----|--|---|
| 1 | <p>Change of Name of Barikin Ladi Local Government Area of Plateau State</p> <p><i>Part I of the First Schedule</i></p> | <p>This intended to substitute the words “Barikin Ladi” for the words “Gwol”.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
|-----|---|---|
| 2 | <p>Procedure for Overriding Presidential Veto in Constitution Alteration</p> <p><i>Section 9</i></p> | <p>This sought to give the National Assembly powers to override Presidential veto by providing that a bill seeking to alter the provisions of the Constitution maybe assented to by four-fifth majority of each House of the National Assembly where the president withholds assent.</p> <p>This is a system of checks and balances designed to prevent abuse of powers by the Executive.</p> |
| 3 | <p>Procedure for Overriding Executive Veto in Respect of Ordinary or Money Bills</p> <p><i>Sections 59 & 100</i></p> | <p>This sought to abridge the procedure in sections 59 and 100 of the Constitution for overriding Executive Veto by the National Assembly or a State House of Assembly in respect of ordinary and money bills by specifying a time frame of seven days within which the President of the Senate or the Speaker of a State House of Assembly shall convene a sitting of the National Assembly or the State House of Assembly, respectively to reconsider the bill.</p> |
| 4 | <p>Removal of Presiding Officers</p> <p><i>Sections 50 & 92</i></p> | <p>This sought to provide for a comprehensive procedure of fair hearing to precede the removal of presiding officers of the National and State Legislatures.</p> |
| 5 | <p>Pension for Presiding Officers of the Legislature</p> <p><i>Sections 84 & 124</i></p> | <p>This sought to provide pension for the presiding officers of the National and State Legislatures and their Deputies in the same manner as the heads of the Executive and Judicial arms of government.</p> |
| 6 | <p>Establishment of the Federal Revenue Court and Revenue Courts of a State</p> <p><i>Sections 6, 46, 84, 240, 243, 251, 254, 274, 287, 289, 292, 294, 295, 318, Part I of the Third Schedule & the Seventh Schedule</i></p> | <p>This sought to establish the Federal Revenue court for the Federation and Revenue court for the States. It sought to remove powers to adjudicate on Revenue matters from the Federal High Court to ensure expeditious disposal of Public Revenue disputes in the Federation or the States.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 7 | <p>Judicial Reforms (General)</p> <p><i>Sections 6, 84, 230, 231, 237, 238, 241, 243, 247, 249, 250, 253, 254, 256, 258, 261, 266, 270, 271, 273, 276, 281, 318, Parts I, II, and III of the Third Schedule & Part I of the Fifth Schedule</i></p> | <p>This alteration sought to reform the judiciary in substantive and procedural matters for efficient administration and dispensation of justice.</p> <p>It also sought to make extensive provisions aimed at reducing the backlog of cases in our courts. For example, it sought to alter the Constitution to enable 3 Justices of the Supreme Court/Court of Appeal sitting in chambers to hear an application for leave to appeal and dispose of it in chambers.</p> |
| 8 | <p>Timelines for the Determination of Civil and Criminal Causes</p> <p><i>Section 287A</i></p> | <p>This sought to provide a timeline of 270 and 210 days respectively, within which a trial superior court of record or a trial inferior court of record is to deliver judgement in writing after the filing of civil or criminal matters, except election petitions. This is to ensure speedy dispensation of justice.</p> |
| 9 | <p>Virtual/ Remote Court Hearings</p> <p><i>Sections 36 & 318</i></p> | <p>This sought to allow court or tribunal proceedings to be conducted, either wholly or in part, through the use of internet or such other virtual platforms or tools or any other technology-driven innovation.</p> |
| 10 | <p>Inclusion of Judges of the National Industrial Court in the Composition of Election Tribunals</p> <p><i>Sixth Schedule</i></p> | <p>This sought to include Judges of the National Industrial Court in the pool of judges for the composition of Election Tribunals.</p> |
| 11 | <p>Inclusion of Value Added Tax on the Exclusive Legislative List</p> <p><i>Part I of the Second Schedule</i></p> | <p>The amendment intended to include “Value Added Tax” in the Exclusive Legislative List.</p> |
| 12 | <p>Special Seats for Women</p> <p><i>Sections 48, 49, 71, 77 & 117</i></p> | <p>This sought to create special seats for women in the Senate, House of Representatives and State Houses of Assembly as a temporary special measure aimed at enhancing and encouraging women’s participation and representation in politics.</p> |
| 13 | <p>Expansion of the Scope of Citizenship by Registration</p> <p><i>Section 26</i></p> | <p>This sought to allow the foreign male spouses of Nigerian women to acquire citizenship by registration.</p> |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 14 | Affirmative Action for Women in Political Party Administration <i>Section 223</i> | This sought to provide for affirmative action in favour of women in political party administration by prescribing that at least thirty-five percent of party executives are women. |
| 15 | Indigeneship Rights <i>Sections 31 & 318</i> | This sought to prescribe the criteria for qualification to become an indigene of a state in Nigeria. It also prescribed that a woman married to an indigene of a state different from her state of origin for at least five years should be deemed to be an indigene of that state and therefore is entitled to all rights and privileges such as employment, appointment or election into any political or public office. |
| 16 | Expansion of the Scope of Executive Immunity <i>Section 308</i> | To expand the scope of executive immunity under section 308 of the Constitution to the Legislative and Judicial Arms of government, by including the holders of the following offices: President of the Senate, Speaker of the House of Representatives, Deputy President of the Senate, Deputy Speaker of the House of Representatives, Speaker and Deputy Speaker of the House of Assembly of a State and Chief Justice of Nigeria. |
| 17 | Termination of Tenure on Account of Change of Political Party (Cross-Carpeting) <i>Section 180</i> | This intended to curb the act of cross-carpeting, by terminating the tenure of a Governor of a State or his Deputy on account of a change of political party except as a result of a division in the political party or merger of two or more political parties. |
| 18 | Diaspora Voting <i>Sections 77 & 117</i> | The amendment sought to allow Nigerians living outside the country to participate in the electoral process and vote in certain elections. |
| 19 | Mayoralty Status for the FCT <i>Sections 299, 301, 302 & 303</i> | This sought to create a democratic governance structure for the FCT by establishing the office of Mayor for the Federal Capital Territory, Abuja, who is to be democratically elected. |

| S/N | BILL TITLE & SECTION | OUTCOME |
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| 20 | <p>Appointment of Minister from the FCT</p> <p><i>Sections 147</i></p> | <p>This intended to provide for the appointment of a Minister from the FCT and setting out the criteria to be met for such appointment. It further provided that only a person who is a registered voter and is resident in the FCT can be appointed as a Minister for the FCT.</p> |
| 21 | <p>Defining Acts that Constitute Torture, Inhuman or Degrading Treatment</p> <p><i>Section 34</i></p> | <p>This intended to expand the definition of torture, inhuman or degrading treatment to include publicly parading persons arrested by the police or any other law enforcement agency.</p> |
| 22 | <p>Traditional Rulers and Institutions</p> <p><i>Sections 153, 197 & Part II of the Third Schedule</i></p> | <p>This sought to establish the National and State Councils of Traditional Rulers respectively to advise the President and Governors on matters related to customary law, security and public order etc.</p> |
| 23 | <p>Affirmative Action</p> <p><i>Section 147</i></p> | <p>This sought to ensure the appointment of not less than 10 percent of women as Ministers and Commissioners in the Federal and State Executive Council to guarantee the inclusion of women in governance.</p> |



About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

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