

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999
(ALTERATION) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Amendment of the Constitution of the Federal Republic of Nigeria
1999 Cap C23 Laws of the Federation of Nigeria 2004
2. Amendment of section 144 of the Principal Act
3. Amendment of section 147 of the Principal Act
4. Amendment of section 189 of the Principal Act
5. Amendment of section 192 of the Principal Act
6. Citation



A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO AMONGST OTHER PROVISIONS TRANSFER THE POWER OF THE FEDERAL EXECUTIVE COUNCIL OR STATE EXECUTIVE COUNCIL TO DECLARE A SICK OR INCAPACITATED PRESIDENT OR GOVERNOR WHO IS UNABLE TO GOVERN THE FEDERATION OR STATE TO THE NATIONAL ASSEMBLY OR STATE ASSEMBLY AND PROVIDE FOR THE TIMEFRAME FOR THE APPOINTMENT OF MINISTERS AND COMMISSIONERS AND FOR RELATED MATTERS

Sponsored by Hon. Bode Ayorinde

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 1. The Constitution of the Federal Republic of Nigeria 1999 Cap
2 C23 Laws of the Federation of Nigeria 2004 in this Bill referred to as ("the
3 Principal Act") is amended as set out in this Bill.

Amendment of
the Constitution
of the Federal
Republic of
Nigeria 199 Cap.
C23 LFN, 2004

4 2. Section 144 (1)(a) of the Principal Act is amended:
5 (a) in subsection (1) (a) by substituting for the existing subsection
6 (1)(a), a new subsection (1)(a) thus:

Amendment of
section 144(1) (a)
of the Principal
Act

7 (1)(a) two-third majority of all members of the National Assembly
8 passes a resolution or a vote electronically monitored declaring the
9 President or Vice President incapable of discharging the functions of the
10 office of the President or Vice President; and

11 (b) deleting subsection (5).

12 3. Section 147 of the Principal Act is amended by:

Amendment of
Section 147 of
the Principal Act

13 (a) inserting a new subsection (2) (a) and (b) thus:

14 (2) (a) The President shall not later than 3 months after sworn in

1 forward to the National Assembly the list of ministerial nominees for
2 confirmation;

3 (b) Failure or neglect by the President to forward the list of ministerial
4 nominees in accordance with subsection (2) (a) shall constitute an impeachable
5 gross misconduct pursuant to section 143 of the Constitution of the Federal
6 Republic of Nigeria 1999.

7 (b) inserting a new subsection (7) (a) thus:

8 Where a vacancy exists in the office of a minister, the President shall within 30
9 days of the occurrence of the vacancy forward a name to fill the vacancy to the
10 National Assembly for confirmation, and

11 (c) renumbering the sections appropriately.

Amendment of
section 189 of
the Principal Act

12 4. Section 189 (1) (a) of the Principal Act is amended:

13 (a) in subsection (1) (a) by substituting for the existing subsection (1)
14 (a), a new subsection (1) (a) thus:

15 (1) (a) two-third majority of all members of the State House of
16 Assembly passes a resolution or a vote electronically monitored declaring the
17 Governor or Deputy Governor incapable of discharging the functions of the
18 office of the Governor or Deputy Governor; and

19 (b) deleting subsection (5).

Amendment of
section 192 of
the Principal Act

20 5. Section 192 of the Principal Act is amended by:

21 (a) inserting a new subsection (2) (a) and (b) thus:

22 (2) (a) The Governor shall not later than 3 months after being sworn in
23 forward to the State House of Assembly the list of commissioner nominees for
24 confirmation;

25 (b) Failure or neglect by the Governor to forward the list of the
26 commissioner nominees in accordance with subsection (2) (a) shall constitute
27 an impeachable gross misconduct pursuant to section 143 of the Constitution
28 of the Federal Republic of Nigeria 1999.

29 (b) inserting a new subsection (7) (a) thus:

30 Where a vacancy exists in the office of a commissioner, the Governor shall

1 within 30 days of the occurrence of the vacancy forward a name to fill the
2 vacancy to the State Assembly for confirmation, and

3 (c) renumbering the sections appropriately.

4 6. This Bill may be cited as the Constitution of the Federal Citation
5 Republic of Nigeria 1999 (Alteration) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Constitution of the Federal Republic of Nigeria, 1999 to amongst others transfer the power of the Federal Executive Council or State Executive Council to declare a sick President or Governor incapacitated and unable to govern the Federation or State to the National Assembly or State House of Assembly and Provide for the timeframe for the appointment of Ministers and Commissioners.

