CABINET COMPOSITION BILL, 2015

ARRANGEMENT OF SECTIONS

Section

- 1. Objectives of the Act
- 2. Submission of names of Nominees
- 3. Referral of nomination to Committees
- 4. Petitions against Nominees
- 5. Timeframe to form a Cabinet
- 6. Offences
- 7. Interpretation
- 8. Citation

A BILL

FOR

AN ACT TO PROVIDE FOR TIMELY COMPOSITION OF A CABINET WITH ATTACHED PORTFOLIOS BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Hon. Omoregie Ogbeide-Ihama Commencement ENACTED by the National Assembly of the Federal Republic of Nigeria as follows: 1.-(1) The Primary objective of this Act is to prescribe a time frame Objective of the Act within which the President shall constitute and inaugurate his Cabinet/Executive Council. The Act also aims at ensuring that a Ministerial Nomination list sets out the proposed Portfolio which every Nominee is intended to be assigned. 2.-(1) A President shall within 8 weeks after taking his Oath of Submission of 6 names of Office submit to the Senate the written list of his Ministerial Nominees; Nominees (2) the list mentioned in subsection 1 of this Section shall contain 8 the designated Portfolio's the Nominees are to be assigned if appointed; (3) the names of the said Ministerial Nominees shall be contained 10 in not more than two lists.]] 3.-(1) Subject to the provisions of Sections 147(2) of the 1999 Referral of 12 nomination to Committees Constitution of the Federal Republic of Nigeria as amended, when a list is 13 submitted to the Senate, the nomination(s) may be referred to the 14 Committees with jurisdiction over the Position or Agency in which the 15 position exists. 16 (2) when the nomination(s) is referred to the Senate Committee by 17 the Senate, the Committee may carry out hearings and revert to the Senate 18 within the time specified by the Senate. 19 (3) the Senate after it receives the Committee's report shall proceed 20

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| | 1 | to screen the nominees according to its standing rules and thereafter revert to |
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| | 2 | the President within the time frame allowed by the Constitution to render a |
| | 3 | return. |
| Petitions against Nominees | 4 | 4(1)Any person, group or organization who objects to the |
| | 5 | nomination of any nominee shall express his/their objection by a Petition |
| | 6 | addressed to the Senate within Seven (7) days after such nomination is made. |
| | 7 | (2) The said objection shall set out the grounds of the Petition and the |
| | 8 | full identity of the Petitioners. |
| | 9 | (3) Where a Petition is submitted to the Senate, the President shall be |
| | 10 | in copy and be availed a copy of the Petition by the Petitioners. |
| | 11 | (4) Upon receipt of the Petition, the Senate shall forthwith refer the |
| | 12 | Petition to the relevant Committee for further investigation. |
| Fime frame to form a cabinet | 13 | 5(1) Subject to the provisions of sections 147(2)&(6) of the 1999 |
| | 14 | Constitution of the Federal Republic of Nigeria as amended, the President shall |
| | 15 | have a maximum period of Three(3) Months after he takes his Oath of office to |
| | 16 | inaugurate his Ministers: |
| | 17 | Provided that, where the President nominates any person for appointment as a |
| | 18 | Minister and the Nominee gets rejected by the Senate, the President shall have |
| | 19 | a further period of not more than Four (4) weeks from the date of rejection of |
| | 20 | the Nominee to submit a fresh name to the Senate for confirmation. |
| | 21 | (2) In the event that a new Nominee is submitted to replace a rejected |
| | 22 | Nominee, such appointment must be made within a maximum period of Two |
| | 23 | (2) Months after the date the former Nominee is rejected. |
| Offences | 24 | 6(1) It shall be unlawful for the President to carry on the |
| | -25 | administration of the Country for a period exceeding Three Months without |
| | 26 | having a fully composed cabinet. |
| | 27 | (2)Any president who carries on the administration of the Country in |
| | 28 | contravention of sub-section 1 of this Section commits an offence and the |
| | 29 | offence amounts to gross misconduct. |

| 1 | 7. In this Act, unless the context otherwise requires, the following | Interpretation |
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| 2 | expressions have the meanings hereby assigned to them respectively- | |
| 3 | "List" means the official communication from the President to the Senate | |
| 4 | which contains the names of persons and their proposed Portfolio's; | |
| 5 | "Nominee" means a person whose name has been submitted by the | |
| 6 | President to the Senate for confirmation for appointment as a Minister; | |
| 7 | "Petition" means any formal complaint to the Senate against a Nominee | |
| 8 | showing cause why the Nominee should not be appointed to the proposed | |
| 9 | Portfolio; | |
| 10 | "Portfolio" refers to the Ministry to which a nominee will be appointed to as | |
| 11 | a Minister. | |
| 12 | 8. This Bill shall be cited as the Cabinet Composition Bill, 2015. | Citation |
| | EXPLANATORY MEMORANDUM | |
| | This Bill seeks to prescribe the timeframe within which the President shall | • |
| | constitute and inaugurate his Cabinet/Executive Council and also aims to | |
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ensure that a Ministerial Nomination list sets out the proposed Portfolio which every Nominee is intended to be assigned.