

A BILL

FOR

AN ACT TO AMEND THE INVESTMENTS AND SECURITIES ACT, CAP 124, LFN 2004 AND FOR RELATED MATTERS

Sponsored by Hon. Edward Gyang Pwajok

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BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The Investment and Securities Act, CAP 124, LFN 2004 is
2 amended as set out hereunder;

3 2. Section 171 (b) is amended by inserting after "any" the words
4 "Democratically elected" Section 171 (c) is amended by inserting the words
5 "Democratically elected" before Local Government.

Amendment of
Section 171 (b)

6 3. Section 173 (2) is amended by adding after the last word direct
7 the following: "and shall show proof of compliance with Section 175 of this
8 Act.

Amendment of
Section 173 (2)

9 Section 175 is amended by inserting a new sub section 4 and 5 as follow:

Amendment of
Section 175

10 4. "where the body is a state Government or the Federal Capital
11 Territory Abuja, the gazette shall also contain:

12 (a) A resolution of the State Executive Council approving the loan;

13 (b) A resolution of at least two thirds of the elected Local
14 Government Chairmen of the state approving the loan; and

15 (c) A resolution of the House of Assembly of the state approving the loan".

16 5. Where the body is an elected Local Government Council, the
17 gazette shall contain:

18 (a) A resolution of the elected Legislative arm of the Local
19 Government approving the loan; and

20 (b) A resolution of the House of Assembly of the state, which the
21 Local Government belongs to approving the loan.

- 1 Section 223 is amended in the definition of Chairman by inserting the word
2 "elected" after "the" but before the words "Chairman of a local government
3 council".
- 4 Section 224 (2) is amended by deleting the word "Minister" and substituting it
5 with "the National Judicial Council".
- 6 Section 225 (1) is amended by deleting the word "Minister" and substituting it
7 with "the National Judicial Council".
- 8 Section 225 (2) is amended by deleting the word "fifteen" and substituting it
9 with "Ten"
- 10 Section 231 is amended by repealing it wholly.
- 11 Section 232 (1) a is amended by deleting "Minister" and substituting it with
12 "the National Judicial Council".
- 13 Section 238 (2) is amended by deleting "solicitor" and substituting it with
14 "Legal Practitioner".
- 15 Section 243 (1) is amended by deleting the words "on points of the law".
- 16 Section 243 (2) is amended by deleting the whole sub section.
- 17 Section 245 is amended by repealing it.
- 18 Section 246 is amended by repealing it.
- 19 Section 247 is amended by repealing it.
- 20 Section 252 is amended by deleting N100, 000 and substituting it with N1,000.
21 000.
- 22 Section 256 is amended by repealing it.
- 23 Section 257 is amended by repealing sub section 1.
- 24 The Act is renumbered accordingly.

EXPLANATORY MEMORANDUM

This Bill makes it mandatory for the states seeking to obtain loans from the capital market to obtain the consent of their Legislative Houses, Executive Councils and elected Local Government Councils to give the Tribunal independence, and make the Court of Appeal the final Appeal Court with respect to the inter-protection of this Act.