

LEGISLATIVE HOUSES (POWERS AND PRIVILEGES)

(AMENDMENT BILL), 2016

ARRANGEMENT OF SECTIONS

Clause:

1. Amendment Section
2. Repeal Section
3. Citation

A BILL

FOR

AN ACT TO AMEND THE LEGISLATIVE HOUSES(POWERS AND PRIVILEGES)
ACT CAP L12 LAWS OF FEDERATION OF NIGERIA TO MAKE MORE
STRINGENT THE OFFENCE OF FAILURE TO ATTEND INVESTIGATIVE
HEARINGS OF LEGISLATIVE HOUSES AND FOR RELETED MATTERS

Sponsored by Hon. Karimi S. Sunday

[] Commencement

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

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1. The Legislative Houses (Powers and Privileges) ACT CAP L12
Laws of the Federation of Nigeria 2004, is in this Bill referred to as the
Principal Act and is amended by inserting immediately after the existing
section 6 the following new sections 6A and 6B as follows:
“6A CONTEMPT OF LEGISLATIVE HOUSE:
Whenever a Person having been summoned to appear before a Legislative
House in consonance with the Constitution of the Federal Republic of
Nigeria and Section 6 of the Principal Act, and such a Person refuses to
comply with the summons or fails to attend the investigative hearing of the
legislative House or refuses to tender documents required by the Legislative
House without making any explanation to the satisfaction of the Legislative
House, or attends such investigative hearing but fails to answer questions
directed at him and such person does not fall within the provisions of section
8 of the Principal Act, such a person shall be guilty of the contempt of the
Legislative House and shall upon conviction be punishable with One Year
Imprisonment or a fine of One Million (N1,000,000.00) or both.
6B ENFORCEMENT OF CONTEMPT OF LEGISLATIVE HOUSE:
(1) A Legislative House may enforce Contempt against it by either
- Amendment
Section

1 of the following ways:

2 (a) By the Legislative House evoking its powers to compel the
3 attendance of the Person at the Plenary of the Legislative House by a warrant
4 executed by the a Police officer or Sergeant-At-Arms of the legislative House,
5 where the President of the Senate or the Speaker of the House shall preside and
6 the legislative House shall at plenary put questions to the person on the issue of
7 the disobedience of the Summons and if found guilty the said legislative House
8 shall by a simple majority vote resolve the issue against him and commit him to
9 the Custody of the Sergeant-At-Arms until he purges himself of the Contempt
10 by complying with the Summons of the legislative House:

11 Provided that at the Hearing of the Contempt Proceedings at the Plenary of the
12 legislative House in the manner aforesaid, such a Person shall be entitled to be
13 heard and shall also be entitled to appear with a legal Representative of his
14 Choice.

15 (b) By the Investigating Committee of the House reporting the failure
16 of the Person to comply with the House Summons to the legislative House
17 when the House is in session, and when not in session, a statement of fact
18 constituting such failure is reported to and deposited with the President of the
19 Senate or the Speaker of the House as the case may be and the President of the
20 Senate or Speaker of the House shall certify, the statement of facts aforesaid
21 under the seal of the Senate or House, as the case may be and forward same to
22 the Attorney General of the Federation, whose duty shall be to prosecute such
23 persons alleged of contempt of the legislative House.

24 (c) By the legislative House resolving at Plenary to file a suit at the
25 Federal High Court seeking a declaration that the person in disobedience of the
26 summons of the legislative House is obliged to obey the summons of the House
27 and be ordered to comply with the said summons within seven days or be guilty
28 of contempt of the Federal High Court and punished accordingly.

29 (2) Whenever the Attorney General of the Federation receives a
30 Statement of Fact of Contempt of a Legislative House and a direction to

1 prosecute the person alleged of contempt as aforesaid in subsection (1)
2 paragraph (b) of this Section, and the Attorney General refuses to prosecute
3 the person so cited for contempt of a Legislative House, the refusal to
4 prosecute by the Attorney General shall itself constitute Contempt of the
5 Legislative House and the President of the Senate or the Speaker of the
6 House shall institute a civil suit against the Attorney General at the Federal
7 High Court in consonance with Subsection (1) paragraph(c) of this Section".

8 2. Section 11 of the Principal Act is hereby repealed by this
9 Section.

Repeal of
Section 11 of the
Principal Act

10 3. This Bill may be cited as the Legislative Houses (Powers and
11 Privileges) Amendment Bill, 2016.

Citation

EXPLANATORY MEMORANDUM

This bill seeks to amend the Legislative Houses (Powers and Privileges) Act
Cap 12 Laws of Federation of Nigeria to provide for a procedure to enforce
the summons of legislative houses in Nigeria.