

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN LAW REFORM COMMISSION ACT CAP. N118 LAWS OF THE FEDERATION OF NIGERIA 2004 TO REMOVE THE BOTTLE-NECK TO THE COMMISSION'S REFORM INITIATIVE ENSURE ITS AUTONOMY AND BRING THE ACT IN CONFORMITY WITH THE PROVISIONS OF 1999 CONSTITUTION (AS AMENDED) AND FOR RELATED MATTERS

Sponsored by Hon Evelyn Omavowan Oboro

[] Commencement

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

- 1 1. The Nigerian Law Reform Commission Act, CAP N118 LFN,
2 2004 in this Act referred to as "the Principal Act" is amended as set out in this
3 Act.
- 4 2. Section 2 subsection 2 of the Principal Act is amended by
5 deleting the word "National Assembly" in line 2-3 and replacing same with
6 the word, "the Senate". That is:
7 "The person appointed to be full time Commissioners under subsection 1 of
8 this section shall (except as already provided therein) be persons appearing
9 to the Senate to be suitably qualified."
- 10 3. Section 2 subsection 5 of the Principal Act is amended by
11 insertion of new subsection 5 thus:
12 (5) "subject to the provisions of subsection 4 of this section, a
13 person holding the office to which this section applies may only be removed
14 from that office by the; President acting on the address supported by two-
15 thirds majority of the Senate praying that he or she may be so removed for
16 inability to discharge the functions of the office whether arising from
17 infirmity of mind or body or any other cause or for misconduct."
- 18 4. Section 5 of the Principal Act is amended by inserting

1 immediately after the word "Attorney-General of the federation" in line 2 of
2 subsection (2) (a) the word "or the National Assembly." That is:

3 (a) Shall receive and consider any proposal for the reform of the law
4 which may be made or referred to it by the Attorney General of the Federation
5 (in this Act referred to as the "Attorney-General) or the National Assembly;

6 (b) Inserting immediately after the word "Attorney-General" in line 1
7 of subsection (2)(b) the word "and the National Assembly". That is: "May
8 prepare on its own initiative and submit to the Attorney-General and the
9 National Assembly, from time to time programme for the examination of
10 different branches of the law with a view to reform".

11 (c) Inserting immediately after the Attorney-General in line 1-2 of
12 subsection (2)(c) the word "or the National Assembly", that is: (shall
13 undertake, pursuant to any recommendation approved by the "Attorney -
14 General" or the National Assembly the examination of particular branches of
15 the law and the formulation, by means of draft legislation or otherwise of
16 proposal for reform therein".

17 (d) Inserting immediately after the word "Attorney-General" in line 1
18 and line 4 of subsection (2) (d) the word "or the National Assembly". That is:
19 "Shall prepare, from time to time, at the request of the Attorney-General or the
20 National Assembly, comprehensive programmes of consolidation and statute
21 law revision and undertake, the preparation of draft legislation pursuant to any
22 such programme approved by the Attorney-General or the National
23 Assembly".

24 5. Section 5 (3) of the Principal Act is amended by Inserting
25 immediately after the word "Attorney-General" the word "or The National
26 Assembly". That is:
27 "the Attorney-General or the National Assembly may".

28 6. Section 6 of the Principal Act is amended by:

29 (a) Inserting immediately after the word "Attorney-General" the word
30 "or The National Assembly". That is:

1 "Where the Attorney-General or the National Assembly has referred a
2 matter to the Commission".

3 (b) Section 6 (b) of the Principal Act is amended by inserting
4 immediately after the word "Attorney-General" in line 1 the word "or the
5 National Assembly" that is:

6 "the Attorney-General or the National Assembly may, at any time before the
7 commission makes it report in pursuance of the references, direct the
8 Commission to make an interim report on its work under such reference".

9 7. Section 7 of the Principal Act is amended by:

10 (1) Inserting immediately after the words "Attorney - General" or
11 "Attorneys - General" in lines 3 and 4 of subsection (1) the word "and the
12 State House of Assembly or the State Houses of Assembly". That is:

13 "Notwithstanding section 5 (1) of this Act, the Commission shall have
14 powers to consider proposal for reform of State laws from any state, group of
15 states or all the states in the Federation and submit report thereon to the
16 appropriate Attorney-General or Attorneys Generals and the State House of
17 Assembly or the States House of Assembly."

18 (2) Inserting Immediately after the word "Attorneys General" in
19 line 3 of subsection (2) the word "and the States Houses of Assembly". That
20 is:

21 "The Commission may from time to time, whether in pursuant of subsection
22 (1) of this section or on its own initiative, consider or put forward: proposal
23 for the consideration of the States' Attorney-General and the States' Houses
24 of Assembly, or such number of them as may be appropriate in the
25 circumstance s, for uniformity between laws of the States or,

26 (3) Inserting immediately after the word "the Attorney - General of
27 the Federation" in line 3 of subsection (4), the word, "or the National
28 Assembly" and immediately after the word "the Attorney-General of a
29 State" in line 3-4 "or the state Houses of Assembly". That is:

30 "the provisions of section 5 and 6 of this Act shall apply with all necessary

1 modifications to any reference made under this section, and accordingly,
2 reference therein to the Attorney - General of a State and the State House of
3 Assembly and reference to the President shall be read as if they were reference
4 to Governor of a State".

5 8. Section 11 of the principal Act is amended by deleting the words
6 "through the Attorney-General" in line 3 of subsection (1) and replacing same
7 with the words "to the National Assembly" for approval. That is:
8 "the Secretary to the Commission shall in each financial year prepare estimates
9 of each recurrent and capital expenditure and when approved by the
10 Commission, the estimates shall be forwarded to the National Assembly for
11 approval".

12 9. Section 12 of the principal Act is amended by inserting
13 immediately after the word "the Attorney - General" in line 2 of section (1), the
14 word "and the National Assembly". That is: "In addition to any other report
15 prescribed under this Act, the Commission shall prepare and submit to the
16 President through the Attorney-General and the National Assembly, not later
17 than the 30th of June in each financial year, and shall include in such report a
18 copy of the audited accounts of the Commission for that year and the Auditor's
19 report thereon".

Citation

20 10. This Bill may be cited as the Law Reform Commission Act
21 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Law Reform Commission Act by bringing it in conformity with the provisions of the constitution and best global practices that will ensure its autonomy as a legislative subject matter.