

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 TO PROVIDE FOR THE OFFICE OF ADMINISTRATOR FOR THE FEDERAL CAPITAL TERRITORY ADMINISTRATION ABUJA AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

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

1 1. Subject to the preservation by National Assembly of legislative
2 authority over the nation's capital granted by Section 299 of the
3 Constitution, the intent of the National Assembly is to delegate certain
4 legislative powers to the government of the Federal Capital Territory;
5 authorize the election of certain officials by registered electorates in the
6 Federal Capital Territory; grant to the inhabitants of the Federal Capital
7 Territory powers of local self- government; modernize, reorganize, and
8 otherwise improve the administrative structure of the Federal Capital
9 Territory; and, to the greatest extent possible, consistent with the
10 constitutional mandate, relieve National Assembly of the burden of
11 legislating upon essentially area council matters.

Statement of purposes

12 2. For the purpose of this law also, the Administration of the
13 Federal Capital Territory shall be treated with the status of a state
14 government with regards to revenue allocation.

Revenue Allocation

15 3. The Federal Capital Act 1990 is hereby repealed.

Repeal of Federal Capital Act 1990

16 4. The Constitution of the Federal Republic of Nigeria, 1999, (hereinafter
17 called the principal Act) is hereby altered as set out below.

18 5. Section 256 is hereby amended deleting the words "President"
19 and "Senate", replacing them with the words "Administrator" and Federal

Amendment of Section 256

1 Capital Territory House of Assembly".

Amendment of
Section 299

2 6. Line 3 of Section 299 (a) is hereby amended, deleting the words
3 "National Assembly" and "President of the Federation", replacing them with
4 the words, "Federal Capital Territory House of Assembly" and "Administrator
5 of the FCT".

Amendment of
Section 300

6 7. Line 2 of Section 300 is hereby amended, deleting the word "one"
7 before Senatorial District and replacing it with "three" and adding the letter "s"
8 to Senatorial District.

Amendment of
Section 301

9 8. Section 301 paragraphs (a) and (c) of the principal Act is hereby
10 deleted and existing paragraph (b) re-numbered accordingly.

Amendment of
Section 302

11 9. Section 302 of the Principal Act is hereby deleted and replaced
12 with a new Section 302 as follows:

13 ADMINISTRATOR OF THE FEDERAL CAPITAL TERRITORY

Establishment
of the office of
the Administrator

14 (1)(a) There is established the Office of Administrator of the Federal
15 Capital Territory; and the Administrator shall be elected by the registered
16 electorates of Abuja;

17 (b) The Administrator of the Federal Capital Territory shall be the
18 Chief Executive of the Federal Capital Territory Administration.

Qualification
for election as
Administrator

19 (2) A person shall be qualified for election in the Office of the
20 Administrator if:

21 (a) he is a citizen of Nigeria by birth;

22 (b) he has attained the age of thirty-five years;

23 (c) he is a member of a political party and is sponsored by that party

24 (d) he has been educated up to at least School Certificate level or its
25 equivalent.

Election of
Administrator -
General

26 (3)(a) An election to the office of the Administrator of the Federal
27 Capital Territory shall be held on a date to be appointed by the Independent
28 National Electoral Commission;

29 (b) An election to the office of Administrator of the Federal Capital
30 Territory shall be held on a date not earlier than sixty days and not later than

1 thirty days before the expiration of the term of office of the last holder of that
2 office;

3 (c) Where in an election to the office of Administrator of the
4 Federal Capital Territory one of the two or more candidates nominated for
5 the election is the only candidate after the close of nomination, by reason of
6 the disqualification, withdrawal, incapacitation, disappearance or death of
7 the other candidates, the Independent National Electoral Commission shall
8 extend the time for nomination;

9 (d) For the purpose of an election under this section the Federal
10 Capital Territory shall be regarded as one constituency;

11 (e) Every person who is registered to vote at an election of a
12 member of a legislative house shall be entitled to vote at an election to the
13 office of Administrator of the Federal Capital Territory.

14 (4)(a) A candidate for an election to the office of Administrator of
15 the Federal Capital Territory shall be deemed to have been duly elected to
16 such office where, being the only candidate nominated for the election:

Election: single
candidate and
two or more
candidates

17 (i) he has a majority of YES votes over NO votes cast at the
18 election; and

19 (ii) he has not less than one-quarter of the votes cast at the election
20 in each of at least two-thirds of all the area councils in the Federal Capital
21 Territory, but where the only candidate fails to be elected in accordance with
22 this subsection, then there shall be fresh nominations.

23 (b) A candidate for an election to the office of Administrator of the
24 Federal Capital Territory shall be deemed to have been duly elected where,
25 there being two or more candidates:

26 (i) he has the highest number of votes cast at the election; and

27 (ii) he has not less than one-quarter of all the votes cast in each of at
28 least two-thirds of all the area councils in the Federal Capital Territory.

29 (c) In default of a candidate duly elected in accordance with
30 subsection (2) of this section there shall be a second election in accordance

1 with subsection (4) of this section at which the only candidates shall be:

2 (i) the candidate who secured the highest number of votes cast at the
3 election; and

4 (ii) one among the remaining candidates who secured a majority of
5 votes in the highest number of area councils in the Federal Capital Territory, so
6 however that where there are more than one candidate with a majority of votes
7 in the highest number of area councils, the candidate among them with the next
8 highest total of votes cast at the election shall be the second candidate.

9 (d) In default of a candidate duly elected under subsection (4) (b) of
10 this section, the Independent National Electoral Commission shall within
11 seven days of the result of the election held under that subsection, arrange for
12 an election between the two candidates and a candidate at such election shall be
13 deemed to have been duly elected to the office of Administrator of the Federal
14 Capital Territory if:

15 (i) he has a majority of the votes cast at the election; and

16 (ii) he has not less than one-quarter of the votes cast at the election in
17 each of at least two-thirds of all the area councils in the Federal Capital
18 Territory.

19 (e) In default of a candidate duly elected under subsection (4)(d) of
20 this section, the Independent National Electoral Commission shall within
21 seven days of the result of the election held under that subsection, arrange for
22 another election between the two candidates to which that sub-paragraph
23 relates and a candidate at such election shall be deemed to have been duly
24 elected to the office of Administrator of the Federal Capital Territory if he has a
25 majority of the votes cast at the election.

26 (5) (a) subject to the provisions of this Constitution, a person shall
27 hold the office of Administrator of the Federal Capital Territory until:

28 (i) When his successor in office takes the oath of that office;

29 (ii) he dies whilst holding such office;

30 (iii) the date when his resignation from office takes effect; or

1 (iv) he otherwise ceases to hold office in accordance with the
2 provisions of this constitution.

3 (b) Subject to the provisions of subsection 5(i) of this section, the
4 Administrator shall vacate his office at the expiration of period of four years
5 commencing from the date when:

6 (i) in the case of a person first elected as Administrator under this
7 Constitution, he took the Oath of Allegiance and oath of office; and

8 (ii) the person last elected to that office took the Oath of Allegiance
9 and oath of office Or would, but for his death, have taken such oaths.

10 (c) If the Federation is at war in which the territory of Nigeria is
11 physically involved and the President considers that it is not practicable to
12 hold elections, the National Assembly may by resolution extend the period
13 of four years mentioned in subsection (5) (b) (ii) of this section from time to
14 time, but no such extension shall exceed a period of six months at anyone
15 time.

16 (6)(a) If a person duly elected as Administrator dies before taking
17 and subscribing the Oath of Allegiance and oath of office, or is unable for
18 any reason whatsoever to be sworn in, the person elected with him as Deputy
19 Administrator shall be sworn in as Administrator and he shall nominate a
20 new Deputy- Administrator who shall be appointed by the Administrator
21 with the approval of a simple majority of the Federal Capital Territory
22 House of Assembly;

23 (b) Where the persons duly elected as Administrator and Deputy
24 Administrator of the Federal Capital Territory die or are for any reason
25 unable to assume office before the inauguration of the Federal Capital
26 Territory, the Independent National Electoral Commission shall
27 immediately conduct an election for the Administrator and Deputy
28 Administrator of the Federal Capital Territory.

29 (7) (a) No person shall be qualified for election to the office of the
30 Administrator of the Federal Capital Territory if:

1 (i) subject to the provisions of section 28 of this Constitution, he has
2 voluntarily acquired the citizenship of a country other than Nigeria or, except in
3 such cases as may be prescribed by the National Assembly, he has made a
4 declaration of allegiance to such other country;

5 (ii) he has been elected to such office at any two previous elections;

6 (iii) under the law in any part of Nigeria, he is adjudged to be a lunatic
7 or otherwise declared to be of unsound mind;

8 (iv) he is under a sentence of death imposed by any competent court of
9 law or tribunal in Nigeria or a sentence of imprisonment for any offence
10 involving dishonesty or fraud (by whatever name called) or any other offence
11 imposed on him by any court or tribunal or substituted by a competent
12 authority for any other sentence imposed on him by such a court or tribunal;

13 (v) within a period of less than ten years before the date of election to
14 the office of Administrator of the Federal Capital Territory he has been
15 convicted and sentenced for an offence involving dishonesty or he has been
16 found guilty of the contravention of the code of Conduct; or

17 (vi) he is an undischarged bankrupt, having been adjudged or
18 otherwise declared bankrupt under any law in force in Nigeria;

19 (vii) being a person employed in the public service of the Federation
20 or of any State, he has not resigned, withdrawn or retired from the employment
21 at least thirty days to the date of the election;

22 (viii) he is a member of any secret society;

23 (ix) he has been indicted for embezzlement or fraud by a Judicial
24 Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set
25 up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other
26 law by the Federal or State Government which indictment has been accepted
27 by the Federal or State Government; or

28 (x) he has presented a forged certificate to the independent National
29 Electoral Commission.

30 (b) Where in respect of any person who has been:

1 (i) adjudged to be a lunatic;
2 (ii) declared to be of unsound mind;
3 (iii) sentenced or declared bankrupt,
4 (iv) adjudged or declared bankrupt, an appeal against the decision
5 is pending in any court of law in accordance with any law in force in Nigeria,
6 subsection (7) (a) of this section shall not apply during a period beginning
7 from the date when such appeal is lodged and ending on the date when the
8 appeal is finally determined or, as the case may be, the appeal lapses or is
9 abandoned, whichever is earlier.

10 (8) The Administrator shall not, during the period when he holds
11 office, hold any other executive office or paid employment in any capacity
12 whatsoever.

13 (9) The National Assembly shall make provisions in respect of:

14 (a) persons who may apply to an election tribunal for the
15 determination of any question as to whether:

16 (i) any person has been validly elected to the office of
17 Administrator or Deputy Administrator,

18 (ii) the term of office of the Administrator or Deputy Administrator
19 has ceased, or

20 (iii) the office of Deputy Administrator has become vacant;

21 (b) circumstances and manner in which, and the conditions upon
22 which such application may be made; and

23 (c) powers, practice and procedure of the election tribunal in
24 relation to any such application.

25 (9)(a) A person elected to the office of the Administrator of the
26 Federal Capital Territory shall not begin to perform the functions of that
27 until he has declared his assets and liabilities as prescribed in the
28 Constitution and has subsequently taken and subscribed the Oath of
29 Allegiance and oath of office prescribed in the Seventh Schedule to this
30 Constitution;

1 (b) The Oath of Allegiance and the oath of office shall be administered
2 by the Chief Judge of the Federal Capital Territory or Grand Kadi of the Sharia
3 Court of Appeal of the Federal Capital Territory, if any or President of the
4 Customary Court of Appeal of the Federal Capital Territory, if any, or the
5 person for the time being respectively appointed to exercise the functions of
6 any of those offices in any State.

7 (10) There shall be for the Federal Capital Territory a Deputy
8 Administrator.

9 (11) (a) In any election to which the foregoing provisions of this part
10 of this Chapter relate a candidate for the Office of Administrator of the Federal
11 Capital Territory shall not be deemed to have been validly nominated for such
12 office unless he nominates another candidate as his associate for his running for
13 the Office of Administrator, who is to occupy the office of Deputy
14 Administrator; and that candidate shall be deemed to have been duly elected to
15 the Office of Deputy Administrator of the Federal Capital Territory if the
16 candidate who nominated him is duly elected as Administrator in accordance
17 with the said provisions;

18 (b) The provisions of this Part of this Chapter relating to qualification
19 for election, tenure of office, disqualifications, declaration of assets and
20 liabilities and Oath of Administrator shall apply in relation to the office of
21 Deputy Administrator as if references to Administrator were references to
22 Deputy Administrator.

23 (12) (a) The Administrator or Deputy Administrator of the Federal
24 Capital Territory may be removed from office in accordance with the
25 provisions of this section;

26 (b) Whenever a notice of any allegation in writing signed by not less
27 than one-third of the members of the Federal Capital Territory House of
28 Assembly:

29 (i) is presented to the Speaker of the House of Assembly of the Federal
30 Capital Territory;

1 (ii) stating that the holder of such office is guilty of gross
2 misconduct in the performance of the functions of his office, detailed
3 particulars of which shall be specified. the speaker of the Federal Capital
4 Territory House of Assembly shall, within seven days of the receipt of the
5 notice, cause a copy of the notice to be served on the holder of the office and
6 on each member of the House of Assembly, and shall also cause any
7 statement made in reply to the allegation by the holder of the office, to be
8 served on each member of the House of Assembly.

9 (c) Within fourteen days of the presentation of the notice to the
10 speaker of the Federal Capital Territory House of Assembly (whether or not
11 any statement was made by the holder of the office in reply to the allegation
12 contained in the notice, the Federal Capital Territory House of Assembly
13 shall resolve by motion, without any debate whether or not the allegation
14 shall be investigated;

15 (d) A motion of the Federal Capital Territory House of Assembly
16 that the allegation be investigated shall not be declared as having been
17 passed unless it is supported by the votes of not less than two-thirds majority
18 of all the members of the House of Assembly;

19 (e) Within seven days of the passing of a motion under the
20 foregoing provisions of this section, the Chief judge of the Federal Capital
21 Territory shall at the request of the Speaker of the Federal Capital Territory
22 House of Assembly, appoint a Panel of seven persons who in his opinion are
23 of unquestionable integrity, not being members of any public service,
24 legislative house or political party, to investigate the allegation as provided
25 in this section;

26 (f) The holder of an office whose conduct is being investigated
27 under this section shall have the right to defend himself in person or be
28 represented before the panel by a legal practitioner of his own choice;

29 (g) A Panel appointed under this section shall:

30 (i) have such powers and exercise its functions in accordance with

1 such procedure as may be prescribed by the House of Assembly; and

2 (ii) within three months of its appointment, report its findings to the
3 House of Assembly.

4 (h) Where the Panel reports to the House of Assembly that the
5 allegation has not been proved, no further proceedings shall be taken in respect
6 of the matter;

7 (i) Where the report of the Panel is that the allegation against the
8 holder of the office has been proved, then within fourteen days of the receipt of
9 the report, the house of Assembly shall consider the report, and if by a
10 resolution of the House of Assembly supported by not less than two-thirds
11 majority of all its members, the report of the Panel is adopted, then the holder of
12 the office shall stand removed from office as from the date of the adoption of
13 the report;

14 (j) No proceedings or determination of the Panel or of the House of
15 Assembly or any matter relating to such proceedings or determination shall be
16 entertained or questioned in any court;

17 (k) In this section:

18 "gross misconduct" means a grave violation or breach of the provisions of this
19 Constitution or a misconduct of such nature as amounts in the opinion in the
20 House of Assembly to gross misconduct.

21 (13) (a) The Administrator or Deputy Administrator of the Federal
22 Capital Territory shall cease to hold office if:

23 (i) by a resolution passed by two-thirds majority of all members of the
24 executive council of the Federal Capital Territory, it is declared that the
25 Administrator or Deputy Administrator is incapable of discharging the
26 functions of his office; and

27 (ii) the declaration in paragraph (a) of subsection (13) is verified, after
28 such medical examination as may be necessary, by a medical panel established
29 under subsection (13) (d) of this section in its report to the speaker of the House
30 of Assembly.

1 (b) Where the medical panel certifies in its report that in its opinion
2 the Administrator or Deputy Administrator is suffering from such infirmity
3 of body or mind as renders him permanently incapable of discharging the
4 functions of his office, a notice thereof signed by the Speaker of the House of
5 Assembly shall be published in the Official Gazette of the Federal Capital
6 Territory Administration;

7 (c) The Administrator or Deputy Administrator shall cease to hold
8 office as from the date of publication of the notice of the medical report
9 pursuant to subsection (13) (b);

10 (d) The medical panel to which this section relates shall be
11 appointed by the Speaker of the House of Assembly of the Federal Capital
12 Territory, and shall comprise five medical practitioners in Nigeria:

13 (i) one of whom shall be the personal physician of the holder of the
14 office concerned; and

15 (ii) four other medical practitioners who have, in the opinion of the
16 Speaker of the House of Assembly, attained a high degree of eminence in the
17 field of medicine relative to the nature of the examination to be conducted in
18 accordance with the foregoing provisions of this section.

19 (e) In this section, the reference to "executive council of the
20 Federal Capital Territory" is a reference to the body of Secretaries of the
21 Federal Capital Territory, howsoever called, established by the
22 Administrator and charged with such responsibilities for the functions of
23 Administration as the Administrator may direct.

24 (14) Whenever the Administrator transmits to the Speaker of the
25 House of Assembly a written declaration that he is proceeding on vacation or
26 that he is otherwise unable to discharge the functions of his office, until he
27 transmits to the Speaker of the House of Assembly a written declaration to
28 the contrary such functions shall be discharged by the Deputy Administrator
29 as Acting Administrator.

30 (15) (a) The Deputy Administrator of the Federal Capital Territory

1 shall hold the Office of Administrator of the Federal Capital Territory if the
2 office of Administrator becomes vacant by reason of death, resignation,
3 impeachment, permanent incapacity or removal of the Administrator from
4 office for any other reason in accordance with subsection (12) or (13) of this
5 Section;

6 (b) Where any vacancy occurs in the circumstances mentioned in
7 paragraph (a) of this sub-section during a period when the office of Deputy
8 Administrator of the Federal Capital Territory is also vacant, the Speaker of the
9 House of Assembly of the Federal Capital Territory shall hold the office of
10 Administrator of the Federal Capital Territory for a period of not more than
11 three months, during which there shall be an election of a new Administrator of
12 the Federal Capital Territory who shall hold office for the unexpired term of
13 office of the last holder of the office;

14 (c) Where the office of the Deputy Administrator becomes vacant:

15 (i) by reason of death, resignation, impeachment, permanent
16 incapacity or removal in accordance with section 188 or 189 of this
17 Constitution;

18 (ii) by his assumption of the office of Administrator of the Federal
19 Capital Territory in accordance with subsection paragraph (c)(i) of this sub-
20 section; or

21 (iii) for any other reason, the Governor shall nominate and with the
22 approval of the House of Assembly of the State, appoint a new Deputy
23 Governor.

24 (16) (a) There shall be such offices of Secretaries of the Federal
25 Capital Territory as may be established by the Administrator of the Federal
26 Capital Territory;

27 (b) Any appointment to the office of Secretary of the Federal Capital
28 Territory shall, if the nomination of any person to such office is confirmed by
29 the House of Assembly of the Federal Capital Territory, be made by the
30 Administrator of the Federal Capital Territory and in making any such

1 appointment the Administrator shall conform with the provisions of section
2 14(4) of this Constitution;

3 (c) Where a member of a House of Assembly or of the National
4 Assembly is appointed as Secretary of the Federal Capital Territory, he shall
5 be deemed to have resigned his membership of the House of Assembly or of
6 the National Assembly on his taking the Oath of office as Secretary.

7 (d) No person shall be appointed as a Secretary of the Federal
8 Capital Territory unless he is qualified for election as a member of the House
9 of Assembly of the State;

10 (e) An appointment to the Office of a Secretary of the Federal
11 Capital Territory under this section shall be deemed to have been made
12 where no return has been received from the House of Assembly within
13 twenty-one working days of the receipt of nomination, by the House of
14 Assembly.

15 (17) (a) The Administrator of the Federal Capital Territory may, in
16 his discretion, assign to the Deputy Administrator or any Secretary of the
17 Federal Capital Territory responsibility for any business of the Federal
18 Capital Territory, including the administration of any department of the
19 Federal Capital Territory;

20 (b) The Administrator of the Federal Capital Territory shall hold
21 regular meetings with the Deputy Administrator and all Secretaries of the
22 Federal Capital Territory for the purposes of:

23 (i) determining the general direction of the policies of the Federal
24 Capital Territory;

25 (ii) co-ordinating the activities of the Administrator, the Deputy
26 Administrator and the Secretaries of the Federal Capital Territory in the
27 discharge of their executive responsibilities; and

28 (iii) advising the Administrator generally in the discharge of his
29 executive functions, other than those functions with respect to which he is
30 required by this Constitution to seek the advice or act on the

1 recommendation of any other person or body.

2 (18) A Secretary of the Federal Capital Territory shall not enter upon
3 the duties of his office unless he has declared his assets and liabilities as
4 prescribed in this Constitution and has subsequently taken and subscribed the
5 oath of Allegiance and the oath for the due execution of the duties of his office
6 prescribed in the Seventh Schedule to this Constitution.

7 11. Line 3 of Section 303 of the Principal Act is hereby amended,
8 deleting the words National Assembly and replacing them with “Federal
9 Capital Territory House of Assembly”.

Citation

10 12. This Bill may be cited as the Constitution of the Federal Republic
11 of Nigeria 1999 (Alteration) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to Alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999 to provide for the Office of Administrator of the Federal Capital Territory Administration Abuja.