

# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)

*Sponsored by Senator Ovie Omo-Agege*

[ ] Commencement

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

1           1. The Constitution of the Federal Republic of Nigeria 1999 (as  
2 amended) (in this Act referred to as "the Principal Act") is hereby further  
3 amended as set out in this Act. Amendment of  
the Principal Act

4           2. Sub-section 308(2) of the Principal Act is substituting for the  
5 following new subsection:

6           “(2) The provisions of subsection (1) of this section shall not apply  
7 to-

8           (a) civil proceedings against a person to whom this section applies  
9 in his official capacity or to civil or criminal proceedings in which such a  
10 person is only a nominal party;

11           (b) criminal proceedings connected to, related to or arising from  
12 economic and financial crimes.”

13           Section 308 shall now read as follows:

14           “(1) Notwithstanding anything to the contrary in this Constitution,  
15 but subject to subsection (2) of this section-

16           (a) no civil or criminal proceedings shall be instituted or continued  
17 against a person to whom this section applies during his period of office;

18           (b) a person to whom this section applies shall not be arrested or  
19 imprisoned during that period either in pursuance of the process of any court  
20 or otherwise; and

21           (c) no process of any court requiring or compelling the appearance

1 of a person to whom this section applies, shall be applied for or issued:  
2 Provided that in ascertaining whether any period of limitation has expired for  
3 the purposes of any proceedings against a person to whom this section applies,  
4 no account shall be taken of his period of office.

5 (2) The provisions of subsection (1) of this section shall not apply to-

6 (a) civil proceedings against a person to whom this section applies in  
7 his official capacity or to civil or criminal proceedings in which such a person is  
8 only a nominal party;

9 (b) criminal proceedings connected to, related to or arising from  
10 economic and financial crimes.

11 (3) This section applies to a person holding the office of President or  
12 Vice-President, Governor or Deputy Governor; and the reference in this  
13 section to "period of office" is a reference to the period during which the person  
14 holding such office is required to perform the functions of the office."

15 3. Sub-section 68(g) of the Principal Act is deleted.

16 4. This Bill may be cited as the Constitution of the Federal Republic  
17 of Nigeria (Fourth Alteration) Bill, 2016.

Citation

#### EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999  
(As Amended).