

PRESIDENTIAL (TRANSITION) BILL, 2015

ARRANGEMENT OF SECTIONS

*Section*

*The Transition Team*

1. The Transition Team
2. The Functions of the Team
3. Meetings of the Team
4. Sub-committees
5. The Advisory Council

*Handing-over Notes and Assets:*

6. Handing-over notes
7. Availability of handing-over notes
8. Presidential Estates Unit
9. Inventory of assets
10. Vacation of official residence
- Election of speaker of parliament and Swearing-in
11. Election of speaker of parliament
12. Swearing-in of the President

*Miscellaneous*

13. Interpretation
14. Transitional provisions



# A BILL

## FOR

AN ACT TO ESTABLISH ARRANGEMENTS FOR THE POLITICAL TRANSFER OF ADMINISTRATION FROM ONE DEMOCRATICALLY ELECTED PRESIDENT TO ANOTHER DEMOCRATICALLY ELECTED PRESIDENT, TO PROVIDE FOR THE REGULATION OF THE POLITICAL TRANSFER OF POWER AND FOR RELATED MATTERS

*Sponsored by Senator Robert Ajayi Boroffice*

[ ] Commencement

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

### THE TRANSITION TEAM

- 1                   1.-(1) Within twenty-four hours after the declaration of results of
- 2                   the Presidential election in accordance with article 5 (1) (a&b) of the
- 3                   Constitution:
- 4                   (a) The incumbent President shall appoint:
- 5                   (i) The Chief of staff;
- 6                   (ii) The Attorney-General; and
- 7                   (iii) The Ministers responsible for Finance, the Interior, Foreign
- 8                   Affairs and Defence.
- 9                   (b) The President elect shall appoint an equal number of persons as
- 10                  appointed under paragraph (a);
- 11                  To constitute a Transition team that shall include the Head of the Civil
- 12                  Service, the Secretary to the Government of the Federation and the National
- 13                  Security Adviser.
- 14                  (2) The incumbent President and the President elect shall be the co-
- 15                  chairpersons of the Team except that:
- 16                  (a) the incumbent may delegate, to any of persons specified in
- 17                  paragraph (a) of sub-section (1), any of the functions of incumbent President

The Transition Team

1 as a co-chairperson of the Team; and

2 (b) The President elect may delegate, to any of the persons appointed  
3 under paragraph (b) of sub-section (1), any of the functions of the President  
4 elect as a co-chairperson of the Team.

5 (3) Where the incumbent President is re-elected second term, the  
6 President shall designate members Transition Team which shall not be more  
7 than six (6).

8 (4) The members of the transition team and its subcommittee shall not  
9 receive any form of financial inducement or honoraria throughout the period of  
10 its assignment, however transport and accommodation shall be provided.

Functions of  
the Team

11 **2.** The functions of the Team are:

12 (a) To make comprehensive practical arrangements to regulate, in  
13 accordance with this Act, the transfer of political power following a  
14 presidential election and a general election;

15 (b) to ensure the provision of daily national security briefings for the  
16 President elect during the period before the assumption of office by the  
17 president-elect;

18 (c) to ensure that the salaries, allowances, facilities, privileges and  
19 the retiring benefits or awards:

20 (i) As determined by the Revenue Mobilisation, allocation and fiscal  
21 commission; and

22 (ii) Prescribed by National Assembly under Sec 84(1) which are due  
23 to the holders of the offices specified in the relevant section of the Constitution  
24 are paid or accorded to those persons without undue delay; and

25 (d) To undertake any other function which will enable the Team to  
26 achieve the object of this Act.

Meetings of  
the Team

27 **3.-(1)** For the purposes of this Act, the Team shall first meet not later  
28 that forty-eight hours after the declaration of the result of the Presidential  
29 election in accordance with section 1 of this act.

30 (2) The co-chairpersons shall convene any other meeting of the Team.

1 (3) The co-chairpersons shall preside at the meetings of the Team  
2 and in the absence of the co-chairpersons the two persons to whom functions  
3 are delegated under subsection (2) of section 1 shall preside.

4 (4) The Team shall by consensus arrive where the members fail to  
5 agree on chairpersons shall refer the issue to for expeditious determination  
6 at it decisions, but an issue, the co- the Advisory Council

7 (5) The members of the Team, unless otherwise provided by this  
8 section, shall determine the procedure for the meetings of the Team.

9 (6) The quorum required to transact business at the meeting of the  
10 Team shall be five (5) members of the Team present however, one (1) person  
11 from the opposite side must be present.

12 4.-(1) The Team shall establish, other top civil servants, financial Sub-committees  
13 inducement or provided with accommodation from among its members who  
14 shall not receive honorarium, but shall and feeding; and any be:

15 (a) An inauguration sub-committee, which shall be responsible for  
16 the organization of the inauguration of the President-elect into office, and  
17 for the taking of the oaths of office by the President-elect and Vice-President  
18 elect on a set date;

19 (b) A government machinery sub-committee, which shall be  
20 responsible for arrangements for the handing over to the new administration  
21 of the machinery of the civil service, including Ministers and the department  
22 and agencies under the Ministers; ensure the liabilities Ministers;

23 (c) A presidency sub-committee, which shall orderly transfer of all  
24 official assets and of the President, Vice-President, the Presidential staff to  
25 the new Administration; and

26 (d) Any other sub-committees which relevant in the performance  
27 of any the Team, but in any case not committees including the above the  
28 Team considers of the functions of more than six (6)sub

29 (2) A sub-committee shall consist of not more than Four (4)  
30 persons who shall select one of their members to preside at the meetings of

1 the sub-committee.

2 (3) The procedure for the meetings far as practicable apply to  
3 committees of the Team shall as meeting of its sub:

4 (4) A sub-committee shall, as soon as practicable, present its report to  
5 the Team, but, in any case within the time limit set by the team.

Advisory Council

6 **5.**-(1) There is established by this Act an Advisory Council consisting  
7 of:

8 (a) The Senate President as the chairperson;

9 (b) The Speaker, house of Representative;

10 (c) One eminent citizen appointed by the incumbent President; and

11 (d) One eminent citizen appointed by President elect.

12 (2) For the purposes of subsection (1) , the Senate president who  
13 becomes the chairperson of the Advisory Council shall continue as chairperson  
14 despite a change in personnel in the office of the senate president until the  
15 completion of the work of the Team.

16 (3) The Advisory Council shall determine the issue referred to the  
17 Council under subsection (4) of section 3 expeditiously, and the decision of the  
18 Council binds the Team and all of the subcommittees of the Team.

19 (4) When an incumbent is re elected there shall be no reason to have an  
20 advisory council in place.

#### 21 HANDING-OVER NOTES AND ASSETS

Handing-over  
Notes

22 **6.**-(1) The Office of the President shall prepare a set comprehensive  
23 handing-over notes covering the term of office of the President as the executive  
24 authority under section 5 (1) of the constitution of the Federal Republic of  
25 Nigeria.

26 (2) The notes prepared under subsection (1) shall include:

27 (a) the handing-over notes received by the President and the Ministers  
28 on assuming office, and

29 (b) notes on the activities of:

30 (i) the office the President and the Vice- President, and of the agencies

- 1 under the portfolios of the president and of the Vice-President;
- 2 (ii) the Ministries, departments and agencies; and
- 3 (iii) State Governors and local government Chief executives.
- 4 (3) The handing-over notes shall reflect the accurate developments
- 5 which have taken place during the tenure of office and the projections of
- 6 development to take place before the end of full tenure.
- 7 (4) The original and five other copies of the handing over notes
- 8 shall be presented to the Director-General appointed under section 8(2) of
- 9 this act, not later than thirty days before the date of the presidential election.
- 10 (5) The handing-over notes shall, in addition, be in electronic form.
- 11 7.-(1) The Director General shall make available to the President
- 12 Elect the original copies of the handing notes.
- 13 (2) Of the five other copies:
- 14 (a) The director-general shall retain one copy, and
- 15 (b) One copy shall be sent respectively to:
- 16 (i) The National Assembly;
- 17 (ii) The Chief Justice of Nigeria;
- 18 (iii) The Council of State;
- 19 (iv) The National Archives.
- 20 8. -(1) There is established by this act, a National Assets Unit, the
- 21 functions of which are:
- 22 (a) to take and keep an inventory of the assets and properties of the
- 23 Government which are assets and properties not vested in state or Local
- 24 governments;
- 25 (b) to ensure Government condition that are the assets maintained
- 26 and properties of the in good tenantable;
- 27 (c) to ensure that, where relevant, the assets and properties of the
- 28 Government are transferred in good tenantable condition.
- 29 (2) The National General who consultation confirmation Assets
- 30 Unit shall be under a Director - shall be appointed by the president in with

Availability of  
the handing-over  
notes

National Assets  
Unit

1 the Council of State and subject to by Senate.

2 (3) The Director-General shall have the same terms and conditions of  
3 service as a justice of the Supreme Court of Nigeria.

4 (4) The Director-General shall make recommendations to the  
5 President in consonance with article for budgetary allocations for the purpose  
6 of the transfer of the reins of government from one administration to the next  
7 administration.

8 (5) The National Assets Unit is responsible for the procurement of any  
9 assets or properties of Government which are assets and properties not vested  
10 in the states or local governments

11 (6) The Director-General shall in procuring assets, comply with the  
12 provisions of the Public Procurement Act,

Inventory of  
assets

13 **9.-(1)** The Director-General

14 (a) shall prepare a national register covering all the public lands and  
15 any other lands vested in the President by the Constitution or any other law and  
16 of all other official assets;

17 (c) shall conduct a stock-taking exercise, in the presence of the Chief  
18 of Staff to the president, of the official assets in the official residence and in the  
19 personal or private residence of the President, Vice- President and of each of  
20 the Ministers, thirty days:

21 (i) before the President - elect assumes office, and

22 (ii) before the incumbent President leaves office.

23 (2) Subsection (1) applies to other persons who by virtue of public  
24 office are supplied with official assets.

25 (3) The Director-General may conduct any other stock-taking  
26 exercise to ensure accountability and transparency.

Vacation of  
official residence

27 **10.-(1)** The incumbent President and the incumbent Vice- President  
28 shall each vacate the official residences before the day of the swearing-in of the  
29 President-elect and if either of them so desires, move into an alternate official  
30 residence.



1 (2) Any other person who ceases to hold office on the assumption  
2 of office of the President elect and is in occupation of an official residence  
3 shall vacate the residence within three months after that assumption of  
4 office.

5 (3) Where public officials vacating accommodation damages any  
6 item in the property the Director General is at liberty to surcharge the cost of  
7 the item to the severance package of the said public official.

8 **11.**-(1) The Clerk to The summon a meeting of Parliament,  
9 pursuant to President of the Federal National Assembly shall the elected  
10 members of the proclamation of the Republic of Nigeria.

Election of the  
Senate President  
and the Speaker  
of the House of  
Representatives  
Assembly in the  
National Assembly

11 (2) Members-elect, having assembled, the clerk to the National  
12 Assembly shall:

13 (a) read the proclamation for holding of the first session of the  
14 business of each chamber conducted according to the standing order of each  
15 respective chamber in existence in the previous Assembly.;

16 (b) call the respective Houses to order and proceed to the roll call  
17 and confirmation of Certificate of return of Members-elect in alphabetical  
18 order of States.

19 (3) Each member-elect called shall present the certificate which  
20 shall be laid before the Clerk.

21 (4) After the roll call, but before the swearing in of the respective  
22 houses, the clerk to the National Assembly shall preside over the election of  
23 both the Senate president and Speaker respectively. These elections shall  
24 take precedence over any other business and shall be conducted in  
25 accordance with the respective houses standing orders.

26 (5) Having elected both the Senate president and the Speaker  
27 respectively in both Senate and the House of Representatives, they shall  
28 respectively take the oaths of office as members of parliament pertaining to  
29 the office of the Senate president and the speaker and they shall respectively,  
30 in turn, administer the oath of office to their respective members.

	1	(6) (7) The Officers elected under subsection (4) and the members of
	2	Parliament who take their oaths of office under subsection (5) , assume office
	3	subject to the operation of relevant sections of the Constitution of Nigeria and
	4	accordingly take office on the terms provided by the same constitution.
Swearing-in of the President	5	<b>12.</b> The administration by the Chief Justice of Nigeria of the oaths of
	6	office to the President-elect shall take place in accordance with the provisions
	7	of the Constitution of the Federal Republic of Nigeria on the 29th of May
	8	following the presidential election.
Interpretation	9	<b>13.</b> In this Act, unless the context otherwise requires,
	10	"co-chairpersons" mean the incumbent President and the President-elect as the
	11	chairpersons of the Transition Team;
	12	"Minister" includes a substantive Minister of State, Minister of state, an
	13	Ambassador and a High Commission;
	14	"official document" includes a secret official code, word or pass word, a sketch,
	15	plan an article, a note or any other document or information which relates to or
	16	is used in the carrying out of a government business;
	17	"Team" means the Transition Team constituted under section 1 (1).
Transitional provisions	18	<b>14.</b> -(1) On the assumption of office of the President elect a person
	19	holding any of the offices specified in the schedule shall cease to hold that
	20	office, and shall be paid the relevant retirement benefits and the enjoyment of
	21	facilities as provided by law.
	22	(2) The functions of office of a person who ceases to hold office under
	23	subsection (1) shall be performed by a person so appointed by the President for
	24	the period specified in writing by the President.
	25	(3) A public officer, whose office is not specified in the Schedule,
	26	continues to hold office on office by President-elected subject to the
	27	Constitution and of the relevant law public officer.
	28	(4) Until the appointment of the Director-General, the State Protocol
	29	Division of the Civil Service shall be in charge of the Presidential Estates Unit.
	30	(5) Before the assumption of the office of the incoming Minister, a

1 person so appointed by the President shall be in charge of the relevant  
2 Ministry but shall not take a decision involving a policy issue except in the  
3 Ministry of Justice where the Solicitor-General shall be in charge of the  
4 Ministry.

5 **15.** This Bill may be cited as the Presidential (Transition) Bill, Citation  
6 2015.