

A BILL

FOR

AN ACT TO ALTER ITEM 48 OF THE SECOND SCHEDULE (LEGISLATIVE POWERS), PART I OF THE EXCLUSIVE LEGISLATIVE LIST OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS ALTERED) TO REPEAL THE WORD "PRISONS" AND RE-ENACT IT WITH THE PHRASE: "CORRECTIONAL CENTRES ESTABLISHED BY EITHER FEDERAL AND STATE GOVERNMENTS AS PRESCRIBED UNDER PART II CONCURRENT LEGISLATIVE LIST-EXTENT OF FEDERAL AND STATE LEGISLATIVE POWERS, SECOND SCHEDULE OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS ALTERED)" FOR THE PURPOSE OF GRANTING LEGISLATIVE POWERS TO STATE GOVERNMENTS TO ESTABLISH PRISONS WITH IN ACCORDANCE WITH THE CURRENT EFFORTS OF THE FEDERAL GOVERNMENT TOWARDS DECONGESTION OF CORRECTIONAL CENTRES WITHIN NIGERIA AS CURRENTLY IMPLEMENTED BY THE PRESIDENTIAL COMMITTEE ON DECONGESTION OF CORRECTIONAL SERVICES HEADED BY HON. ATTORNEY-GENERAL AND MINISTER OF JUSTICE AND ALSO IN ACCORDANCE WITH THE GENERAL PRINCIPLES OF THE NIGERIAN CORRECTIONAL SERVICE (ESTABLISHMENT) ACT, 2019 AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

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| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (as | Constitution |
| 2 | amended), Chapter C.23, Laws of the Federation of Nigeria, 2004, 2010 (in | Alteration |
| 3 | this Bill referred to as "the Principal Act") is altered as set forth in this Bill. | Amendment of |
| 4 | 2. Item 48, Second Schedule, Part I, Exclusive Legislative List of | Item 48, Second |
| 5 | the Principal Act is amended by deleting the word "prison" and inserting a | Schedule Part I,
Exclusive Legislative
List of the Principal
Act |

	1	new phrase immediately; the new Item 48 reads as follows:
	2	“Item 48-“correctional centres established by either Federal and State
	3	Governments as prescribed under Part II Concurrent Legislative List-Extent of
	4	Federal and State Legislative Powers, Second Schedule of the Constitution of
	5	the Federal Republic of Nigeria, 1999 (as altered)”
Amendment of Part II, Concurrent Legislative List, Extent of Federal and State Legislative Powers of the Principal Act	6	3. Part II, Concurrent Legislative List of the Principal Act is amended
	7	by inserting a new Item 31 immediately after Item 30, after the insertion the
	8	new Section reads as follows:
	9	“Item 30-“correctional centres established by either Federal and State
	10	Governments”.
Citation	11	4. This Bill may be cited as Constitution of the Federal Republic of
	12	Nigeria, 1999 (as amended) (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter Item 48 of the Second Schedule (Legislative Powers), Part I of the Exclusive Legislative List of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) to repeal the word "prisons" and re-enact it with the phrase: "correctional centres established by either Federal and State Governments as prescribed under Part II Concurrent Legislative List-Extent of Federal and State Legislative Powers, Second Schedule of the Constitution of the Federal Republic of Nigeria (as altered)" for the purpose of granting legislative powers to State Governments to establish prisons with in accordance with the current efforts of the Federal Government towards decongestion of correctional centres within Nigeria as currently implemented by the Presidential Committee on Decongestion of Correctional Services headed by Hon. Attorney-General and Minister of Justice and also in accordance with the general principles of the Nigerian Correctional Service (Establishment) Act, 2019.