

TRANSITION AND ASSUMPTION OF OFFICE BILL, 2020
ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO PROVIDE FOR THE PROCEDURE AND CEREMONY FOR TRANSITION AND ASSUMPTION OF THE OFFICE OF THE PRESIDENT AND VICE-PRESIDENT BY THE PRESIDENT-ELECT AND VICE-PRESIDENT-ELECT, AND TO FACILITATE THE HANDOVER PROCESS BY THE OUTGOING PRESIDENT AND VICE-PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon Kpam Sokpo

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 PART I - ESTABLISHMENT OF THE TRANSITION AND ASSUMPTION

2 OF OFFICE COMMITTEE

3 1.-(1) There is established the Transition and Assumption of Office
4 Committee (in this Bill referred to as "the Committee").

Establishment
of the Transition
and Assumption
of Office Committee

5 (2) The Committee shall be ad hoc and consist of:

6 (a) the Secretary to the Government of the Federation who shall be
7 the Chairman;

8 (b) the Attorney-General of the Federation;

9 (c) the Permanent Secretary of the Ministry of Internal Affairs;

10 (d) the Permanent Secretary of the Ministry of Foreign Affairs;

11 (e) the Permanent Secretary of the Ministry of Information;

12 (f) the Chief of Defence Staff;

13 (g) the National Security Adviser;

14 (h) the Inspector-General of Police;

15 (i) the Chief of Staff to the President;

16 (j) the Deputy Clerk to the National Assembly;

17 (k) the Chief Registrar of the Supreme Court;

1 (l) six persons nominated by the President-elect representing the six
2 geo-political zones of Nigeria; and

3 (m) the Coordinator appointed under section 7(2) of this Bill.

4 (3) The Chairman of the Committee shall convene the meetings of the
5 Committee as prescribed under this Bill.

6 (4) The Permanent Secretary, Office of the Secretary to the
7 Government of the Federation shall be Secretary to the Committee.

8 (5) A vacancy in the membership of the Committee shall not affect the
9 decisions of the Committee.

10 (6) The quorum for the conduct of the business at a meeting of the
11 Committee shall be two-thirds of all the members of the Committee.

Functions of
the Committee

12 2. The Committee shall:

13 (a) facilitate the handover process by the outgoing President and
14 Vice-President to the President-elect and Vice-President-elect;

15 (b) organise for the security of the President-elect and Vice-
16 President-elect;

17 (c) organise for the necessary facilities and personnel for the
18 President-elect and Vice-President-elect;

19 (d) coordinate the briefings of the President-elect and Vice-
20 President-elect by relevant public officers;

21 (e) facilitate communication and information between the outgoing
22 President and Vice-President and the President-elect and Vice-President-elect.

Powers of the
Committee

23 3. The Committee shall:

24 (a) apply the funds provided in this Bill to achieve its objectives;

25 (b) prepare a budget setting out the proposed expenditure for the
26 transition and assumption of office of the President-elect and Vice-President-
27 elect;

28 (c) send a copy of its budget to the President;

29 (d) send a copy of its budget to the Senate and House of
30 Representatives of the National Assembly;

- 1 4.-(1) The Committee may constitute sub-committees to facilitate
2 the achievement of its functions under this Bill. Sub-committees
of the Committee
- 3 (2) The Committee may co-opt into the membership of a sub-
4 committee constituted under subsection (1), persons whose knowledge and
5 expertise are considered necessary for the functions of the Committee.
- 6 5.-(1) Subject to the provisions of this Bill, the Committee may Procedure of the
Committee
7 determine its own procedure.
- 8 (2) The six Committee members nominated by the President-elect
9 under section 1 (2) (I) may cause the Chairman to call for a meeting to
10 consider important matters of an urgent nature regarding the transition and
11 assumption of office by the President-elect and Vice-President-elect.
- 12 6. The Committee shall act in accordance with the Constitution of Objects of the
Committee
13 the Federal Republic of Nigeria, 1999 in the performance of its functions
14 and exercise of its powers to achieve its objects under this Bill.
- 15 7.-(1) There is established a Presidential Estates Unit (in this Bill Presidential
Estates Unit
16 referred to as "the Unit").
- 17 (2) The Unit shall be headed by a Coordinator appointed by the
18 President in consultation with the Council of State.
- 19 (3) The Coordinator shall be on the same terms and conditions of
20 service as a Justice of the Court of Appeal.
- 21 (4) The Coordinator shall make recommendations to the President Act No. 14, 2007
22 in accordance with the Constitution, the Public Procurement Act and the
23 Fiscal Responsibility Act for the purpose of the transition from one
24 administration to the next administration.
- 25 (5) The Unit shall be responsible for the procurement of any asset Cap. L5 LFN,
2004
26 or property of Government which are not vested in the Governor of a State as
27 provided by the Land Use Act.
- 28 8.-(1) There is established the Transition and Assumption of Office Fund of the
Committee
29 Fund for the administration of the Committee into which shall be paid such
30 sums as shall be appropriated by the National Assembly for the purpose of

1 transition and assumption of office in a Presidential election year.

2 (2) The President shall apply the funds appropriated by the National
3 Assembly to:

4 (a) the cost of establishing and maintaining the office of the
5 Coordinator appointed under this Bill;

6 (b) pay allowances and other benefits of the members of the
7 Committee;

8 (c) pay the emolument and entitlement of the Coordinator and other
9 members of staff of the Presidential Estates Unit established in this Bill;

10 (d) publicise the activities of the Committee; and

11 (e) undertake any other activity in connection with all or any of the
12 functions of the Committee.

13 PART II - ASSUMPTION OFFICE BY THE PRESIDENT-ELECT AND
14 VICE-PRESIDENT-ELECT

Security details

15 9. Upon the declaration of the final results of a Presidential election by
16 the Independent National Election Commission, the Committee shall ensure
17 that the President-elect and Vice-President-elect are provided adequate
18 security.

Security briefing

19 10. The Committee shall ensure that the President-elect and Vice-
20 President-elect receives security briefings from the relevant national security
21 agencies.

Provision of
required information
by public officers

22 11.-(1) The President-elect and Vice-President-elect shall, in
23 consultation with the Committee, carry out such preparations as may be
24 necessary for the purpose of assuming office.

25 (2) The President-elect may, in carrying out preparations under
26 subsection (1), request in writing for such information from a public officer as
27 the President-elect may consider necessary.

28 (3) A public officer from whom information is requested under
29 subsection (2) shall provide the information within a reasonable time.

30 (4) A public officer who fails to comply with the provisions of this

1 section commits an offence and is liable on conviction to a fine of at least
2 N2,000,000 or to imprisonment for a term of at least two years, or to both.

3 PART III - THE SWEARING-IN CEREMONY

4 12. The Inspector-General of Police and the Chief of Defence Staff Security
5 shall ensure the provision of adequate security during the conduct of the
6 swearing-in ceremony.

7 13.-(1) The swearing-in of the President-elect and Vice-President-
8 elect shall be conducted in a public ceremony held in the capital city, Abuja
9 in accordance with the Constitution. Swearing-in of
the President-elect

10 (2) The Committee shall publish, by notice in the Federal
11 Government Gazette, the date and venue for the conduct of the searing-in
12 ceremony.

13 (3) The day on which the President-elect and Vice-President-elect
14 is sworn-in shall be a public holiday.

15 14.-(1) The President-elect and Vice-President-elect shall, during
16 the searing-in ceremony take and subscribe to the oaths of office and
17 allegiance as prescribed by the Constitution. Taking of oath
and sign certificate
inauguration

18 (2) The oath under subsection (1) shall be administered to the
19 President-elect and Vice-President-elect by the Chief Justice of Nigeria not
20 earlier than 10.00am and not later than 2.00pm.

21 (3) Where the Chief Justice of Nigeria is absent, the oath under
22 subsection (1) shall be administered by the most senior Justice of the
23 Supreme Court.

24 (4) Upon taking and subscribing to the oath under subsection (1),
25 the President shall sign a certificate of inauguration in the presence of the
26 Chief Justice of Nigeria or in his absence, the most senior Justice of the
27 Supreme Court.

28 15.-(1) The Office of the President shall prepare a set of Handover notes
29 comprehensive handover notes covering the term of office of the President
30 as provider under section 135 of the Constitution.

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

2 (a) the handover notes received by the President, Vice- President and
3 Ministers on assuming office; and

4 (b) notes on the activities of:

5 (i) the Office of the President and the Office of the Vice-President, and
6 of the agencies under the Presidency, and

7 (ii) the ministries, departments and agencies.

8 (3) The handover notes shall reflect the accurate developments which
9 have taken place during the tenure of office and the projections of development
10 to take place before the end of the full tenure.

11 (4) The original and five other copies of the handover notes shall be
12 presented to the Coordinator appointed under section 7 (2) not later than 30
13 days before the date of the presidential election.

14 (5) The handover notes shall, in addition, be in electronic form.

15 (6) The Coordinator shall make available to the President-elect the
16 original copies of the handover notes.

17 (7) The Coordinator shall retain one copy of the handover notes and
18 send one copy respectively to:

19 (a) the National Assembly;

20 (b) the Chief Justice of Nigeria;

21 (c) the Council of State;

22 (d) the Federal Ministry of Information for public records and
23 archives.

24 **16.-(1)** Upon signing the certificate of inauguration, the outgoing
25 President shall hand over to the President, the following instruments of power
26 and authority:

27 (a) a sword; and

28 (b) the Constitution.

29 (2) The provisions of this section shall not apply where the incumbent
30 is re-elected into office.

1 (d) any other information relating to its functions that the Committee
2 considers necessary.

3 (4) The Committee shall publish the report in the Federal Government
4 Gazette and in such other manner as the Committee may determine.

Publication of
information
records

5 22.-(1) The Committee shall publish and publicise all important
6 information within its mandate affecting the nation.

7 (2) A request for information in the public interest by a citizen:

8 (a) shall be addressed to the Chairman or such other person as the
9 Committee may for that purpose designate;

10 (b) may be subject to the payment of a reasonable fee in instances
11 where the Committee incurs expenses in providing the information; and

12 (c) may be subject to confidentiality requirements of the Committee.

13 (3) Subject to section 39 of the Constitution, the Committee may
14 decline to give information to an applicant where-

15 (a) the disclosure of such information is undesirable in the public
16 interest;

17 (b) the information requested is at a deliberative stage by the
18 Committee; and

19 (c) failure of payment of the prescribed fee; or

20 (d) failure of the applicant to satisfy confidentiality requirements by
21 the Committee.

22 (4) The right of access to information under section 39 of the
23 Constitution shall be limited to the nature and extent specified under that
24 section.

25 (5) Every member and staff assigned to the Committee shall sign a
26 confidentiality undertaking.

Regulations

27 23. The Committee shall in consultation with the Coordinator make
28 regulations for the achievements of the Committee as provided under this Bill.

Offences and
penalties

29 24. A person who violates any provision of this Bill commits an
30 offence and is liable on conviction to a fine of at least N2,000,000 or to a term of

1 imprisonment of at least two years, or both.

2 25. The Coordinator shall:

Inventory of assets

3 (a) prepare a national register covering all the public lands and any
4 other lands vested in the President by the Constitution or any other law and
5 of all other official assets;

6 (b) conduct a stock-taking exercise in the presence of the
7 Permanent Secretary of the State House, of the official assets in the official
8 residence and in the personal or private residence of the President, Vice-
9 President and of each of the Ministers, 30 days:

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

11 (ii) before the incumbent President leaves office.

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

14 (3) The Coordinator may conduct any other stock-taking exercise
15 to ensure accountability and transparency.

16 26. The incumbent President and Vice-President shall vacate the
17 official residence before the day of the swearing-in of the President-elect
18 and Vice-President-elect.

Vacation of official residence

19 27. In this Bill:

Interpretation

20 "Constitution" means the Constitution of the Federal Republic of Nigeria,
21 1999 Cap. C23, laws of the Federation of Nigeria, 2004;

22 "President" includes the Vice-President; and

23 "President-elect" includes the Vice-President-elect.

24 28. This Bill may be cited as the Transition and Assumption of
25 Office Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the procedure and ceremony for transition and assumption of the Office of the President, and Vice-President-elect by the President-elect and Vice-President-elect and to facilitate the handover process by the outgoing President and Vice- President of the Federal Republic of Nigeria.