

# A BILL

## FOR

AN ACT TO ALTER THE SECOND SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA ACT (NO 24) 1999, (AS AMENDED) TO TRANSFER MINES AND MINERALS, INCLUDING OIL FIELDS, OIL MINING, GEOLOGICAL SURVEYS AND NATURAL GAS FROM THE EXCLUSIVE LEGISLATIVE LIST TO THE CONCURRENT LEGISLATIVE LIST; AND FOR RELATED MATTERS

*Sponsored by Hon. Abbas Tajudeen*

[ ] Commencement

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

1           1. The Second Schedule to the Constitution of the Federal  
2 Republic of Nigeria (as amended) (hereinafter refers to as "the Principal  
3 Act") is altered as follows:

Alteration of the  
Second Schedule  
to the Constitution,  
Act (No 24) 1999

4           (a) in Part I, in Exclusive Legislative List, delete item 39 thereof,  
5 and

6           (b) in Part II, in Concurrent Legislative List, after paragraph 30  
7 thereof, insert the following new item:

8           "HA- Mines and Minerals including oil fields, oil Mining;  
9 geological surveys and gas".

10           30A - The National Assembly may make Laws for the Federation  
11 or any part thereof with respect to Mines and Minerals, including oil fields,  
12 oil mining, geological Surveys and gas so for as the subject matter relates to  
13 matter which the National Assembly has power to make Laws in this  
14 constitution.

15           30B. A State House of Assembly may, subject to paragraph 30A  
16 hereof, make Laws for the State or any part thereof, with respect to mines  
17 and Minerals, including oil fields, oil mining, geological survey, and

Alteration of  
Section 44 of  
the Principal  
Act

1 natural gas so far as the subject matter relates to a matter which a House of  
2 Assembly has power to make Laws in this Constitution."

3 2. Section 44 of the Principal Act is altered by deleting the existing  
4 provision of subsection (3) thereof and inserting instead the following new  
5 provision:

6 "Notwithstanding the foregoing provisions of this section is altered as  
7 follows:

8 "(3)Notwithstanding the foregoing provisions of this Section, the  
9 entire property in and control of all minerals, mineral oils and natural gas:

10 (a) in, under or upon the territorial waters and the Exclusive and  
11 Economic Zone of Nigeria shall vest in the Government of the Federation and  
12 shall be managed in such manner as may be prescribed by the National  
13 Assembly, and

14 (b) in, under or upon any land and part of the continental shelf of  
15 Nigeria, in any State of the Federation, shall be managed in such manner as  
16 may be prescribed by the State House of Assembly."

Citation

17 3. This Bill may be cited as the Constitution of the Federal Republic of  
18 Nigeria (Fifth Alteration) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks alter the Second Schedule to the Constitution of the Federal Republic of Nigeria Act (No 24) 1999, as amended, to transfer Mines and Minerals, including oil field, oil Mining; geological surveys, and natural gas from the Exclusive Legislative list to the Concurrent Legislative List; to effect consequential alteration of section 44 thereof.