

TRANSITION BILL, 2021

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO PROVIDE AMONG OTHER THINGS, A FRAMEWORK FOR THE DOCUMENTATION AND TRANSMISSION OF HAND OVER NOTES FROM ONE ADMINISTRATION TO ANOTHER, AND TO ENSURE THE PUBLICATION OF SAME IN THE OFFICIAL GAZETTE AND FOR RELATED MATTERS

Sponsored by Hon. Omoregie Ogbeide-Ihama

[] Commencement

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

1 1.-(1) There shall be established a Transition Committee to be
2 inaugurated by an incumbent President not later than One (1) Month before
3 the expiration of the tenure of the President.

The Transition
Committee

4 (2) The Committee shall consist of a Chairman who shall be the
5 serving Secretary to the Government of the Federation and Six (6) other
6 members to include:

7 (i) The Head of Service of the Federation;

8 (ii) The Permanent Secretary, Federal Ministry of Finance;

9 (iii) The Permanent Secretary, Federal Ministry of Interior;

10 (iv) And any other three (3) members as may be appointed by an
11 incumbent President.

12 (3) The President-elect shall constitute a Committee one (1) month
13 to the date fixed for handing over who shall liaise with the Transition
14 Committee for a smooth transition process:

15 Provided that where an incumbent President will succeed himself,
16 the provision of sub-section (3) of this section shall not apply.

17 2.-(1) The Committee shall have the mandate to prepare and
18 publish hand over notes of an outgoing Administration and shall have the
19 following functions:

Functions of the
Committee

1 (a) to collate all 'relevant information from all Government
2 Ministries, Agencies, Departments and Public Corporations to enable the
3 preparation of the Hand over notes;

4 (b) to prepare 'a detailed inventory of all existing assets and liabilities
5 of the Government as at the date of the inventory;

6 (c) In synergy with the incumbent President, prepare the hand over
7 notes of the President's administration;

8 (d) make recommendations on current policies of the government;

9 (e) to publish the hand over notes in the official Gazette or such other
10 medium readily accessible to the public;

11 (f) to ensure that the severance benefits of the incumbent President
12 his Appointees and Aides are paid on or before the date of hand over;

13 (g) to do all such acts and things, whether incidental to the powers
14 aforesaid 'or not: as may be requisite in order to further the objects of this Act.

15 (2) Notwithstanding any provisions in this Act to the contrary, the
16 duty of the Committee to publish the hand over notes in the official Gazette is
17 subject to extant laws of the Federal Republic of Nigeria restricting the
18 publication of certain sensitive or classified information on issues bordering on
19 National Security/Defence and international relations.

Powers of the
Committee

20 3.-(1) The Committee shall have power to do any of the following:

21 (a) gather relevant information by demanding for reports, records,
22 documents, or other information from Government Ministries, Agencies,
23 Departments and Public Corporations;

24 (b) compel the production of any information required for the
25 performance of its functions by Government Ministries, Agencies,
26 Departments and Public Corporations;

27 (c) interview any person, group, organization or institution for the
28 purpose of carrying out its functions;

29 (d) hold inquiry or investigation on the affairs of Government
30 Ministries, Agencies, Departments and Public Corporations for the purpose of

1 carrying out its functions;

2 (e) access official records/documents of Government Ministries,
3 Agencies, Departments and Public Corporations for the purpose of carrying
4 out its functions;

5 (f) appoint any person, firm, organization or sub-committee as its
6 agent to carry out specific tasks in furtherance of the functions of the
7 Committee under this Act

8 (g) exclude from the hand over notes to be published in the Gazette,
9 information that may border on issues of National Security/Defence,
10 International relations or other classified information.

11 4.-(1) the Hand over notes to be prepared by the Committee shall
12 among other things includes the following:

Preparation of
Hand over notes

13 (a) summary of policies introduced and/or implemented by the
14 incumbent administration;

15 (b) summary of activities of the offices of the President and Vice-
16 President;

17 (c) summary of activities of the Ministries, Agencies, Departments
18 and Public Corporations;

19 (d) an inventory of the Assets and liabilities of the Government
20 including ongoing projects;

21 (e) recommendations and developmental projections.

22 5.-(1) The Committee shall conclude the hand over notes no later
23 than Fourteen (14) days before the day power is to be handed over to the
24 President-elect;

Presentation and
publication of
Hand over notes

25 (2) The Committee shall make available a copy of the Hand over
26 notes to each of the following State Organs:

27 (i) the Senate President;

28 (ii) the Speaker House of Representatives;

29 (iii) the Chief Justice of Nigeria.

30 (3) Subject to the provision of Section 2(2) of this Act, the

1 Committee 'shall cause the hand over notes to be published in the official
2 Gazette of the Federal Government not later than the date of transfer of power
3 to the new administration;

4 (4) Where the Committee fails to publish the hand over notes as
5 provided in sub-section (2) of this Section, it shall devolve on the new
6 administration to publish same within Fifteen days after assuming office.

7 (5) Where the Committee fails to publish the hand over notes and the
8 new administration also fails to publish same within the time stipulated by this
9 Act, any member of the public may apply to the office of the Secretary to the
10 Government of the Federation to be given a Certified Copy of the hand over
11 notes.

12 (6) Where any person applies for a certified copy of the hand over
13 notes and pays the prescribed fees, the office of the Secretary to the
14 Government of the Federation shall within thirty (30) days make available to
15 such person a certified copy of the hand over notes or give reasons in writing
16 for the denial.

17 (7) where a person who has applied for a copy of the hand over notes
18 and has paid the prescribed fees is denied access to the hand over notes within
19 the stipulated time, such a person may within Thirty (30) days after such denial
20 apply to the Court for a review of the matter or to compel the office of the
21 Secretary to the Government of the Federation to comply with the provisions of
22 this Act.

Offences

23 6.-(1) A person who:

24 (a) withholds information from the Committee or fails to respond to
25 an inquiry made to a Government Ministry, Agency, Department or Public
26 Corporation by the Committee within the timeframe specified for the delivery
27 of such information to the Committee;

28 (b) submits false or misleading information to the Committee;

29 (c) without justification or lawful excuse, obstructs, hinders, or
30 threatens a member or agent of the Committee acting under this Act, commits

1 an offence under this Act and shall be liable, on conviction to imprisonment
2 for a term of Six (6) months or to a fine of N500,000.00 (Five Hundred
3 Thousand Naira).

4 7.-(1) In this Bill:

Interpretation

5 "Administration" means the term of office accruing to any person occupying
6 the office of the President;

7 "Classified information" means any information or thing which, under any
8 system of security classification, from time to time, in use by or by any
9 branch of the government, is not to be disclosed to the public and of which
10 the disclosure to the public would be prejudicial to the security of Nigeria;

11 "Committee" means the Transition Committee;

12 "Government" means the Government of the Federation;

13 "President" means the President of the Federal Republic of Nigeria;

14 "Secretary to the Government" means a Person appointed as the Secretary to
15 the Government the Federation;

16 "Official Gazette" the official Journal of the Government used to convey
17 legal and state notices;

18 "Prescribed fees" means the amount to be charged an applicant for the hand
19 over notes in this Act which shall be fixed by the office of the Secretary to the
20 Government of the Federation.

21 8. This Bill may be cited as the Transition Bill, 2021.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to provide among other things, a framework for the documentation and transmission of hand over notes from one administration to another, and to ensure the publication of same in the official gazette.

