



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

**NIGERIAN LAW REFORM COMMISSION ACT
(REPEAL AND RE-ENACTMENT) BILL, 2022**

(HB. 14)

A BILL
FOR

AN ACT TO REPEAL THE NIGERIAN LAW REFORM COMMISSION ACT, CAP. N118, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE NIGERIAN LAW REFORM COMMISSION ACT, 2019, TO FACILITATE THE EFFECTIVE IMPLEMENTATION OF THE COMMISSION'S LAW REFORM PROPOSALS AND ENHANCE ITS PERFORMANCE AND FOR RELATED MATTERS, 2022

FIRST READING

THURSDAY, 30TH JANUARY, 2020

SECOND READING

TUESDAY, 15TH FEBRUARY, 2022

THIRD READING AND PASSAGE

TUESDAY, 15TH FEBRUARY, 2022

NIGERIAN LAW REFORM COMMISSION ACT (REPEAL AND RE-ENACTMENT) BILL, 2022



Arrangement of Clauses

Clauses

Establishment of the Commission.

Appointment, qualifications and tenure of office of members, etc.

Proceedings.

Committees.

Functions of the Commission.

Interim reports.

References by States.

Secretary and other staff of the Commission.

Service in the Commission to be pensionable, etc.

Establishment of Fund by the Commission.

Power to accept gifts.

Accounts and audit.

Annual report.

Regulations.

Savings, repeal, etc.

Interpretation.

Citation.

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[] Commencement

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

1. (1) There is established a Commission to be known as the Nigerian Law Reform Commission (in this Bill referred to as "the Commission"). Establishment of the Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.

2. (1) (a) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the Chairman, subject to confirmation of such appointment by the Senate. Appointment, qualifications and tenure of office of members, etc.

(b) The Chairman shall be the Chief Executive and Accounting Officer of the Commission.

(2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the Senate to be suitably qualified —

(a) by holding of a high judicial office;

(b) by experience as a legal practitioner of not less than fifteen years standing; or

(c) by being an eminent scholar in law.

(3) A person who holds high judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect the tenure of that judicial office or the rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, the service as a member of the Commission shall be taken to be service as the holder of that judicial office.

(4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.

(5) Subject to the provisions of subsection (4) of this section, a person holding the office to which this section applies may only be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he or she may be so removed for inability to discharge the functions of the office whether arising from infirmity of mind or body or any other cause or for misconduct.

(6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct:

Provided that the salary and allowances of the Chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria.

(7) Except in the case of persons holding high judicial office, the Chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.

3. (1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding — Proceedings.

(a) any vacancy in its membership or the absence of any member;

(b) any defect in the appointment of a member; or

(c) that a person not entitled to do so took part in its proceedings.

(2) The quorum at any meeting of the Commission shall be three Commissioners.

(3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

4. (1) Subject to its standing orders, the Commission may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned. Committees.

(2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be members of the Commission) as the Commission may determine in each case.

(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

5. (1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to research, take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law. Functions of the Commission.

(2) For the purposes of subsection (1) of this section, the Commission —

(a) shall receive and consider any proposal for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (in this Bill referred to as the

"Attorney-General") or the National Assembly;

(b) may prepare on its own initiative and submit to the Attorney-General and the National Assembly, from time to time, programme for the examination of different branches of the law with a view to reform;

(c) shall undertake, pursuant to any recommendation approved by the "Attorney-General" or the National Assembly the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposal for reform therein;

(d) shall prepare, from time to time, at the request of the Attorney-General or the National Assembly, comprehensive programmes of consolidation and statute law revision and undertake, the preparation of draft legislation pursuant to any such programme approved by the Attorney-General or the National Assembly;

(e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law; and

(f) may provide training on law reform and other related matters for a fee.

(3) The Attorney-General or the National Assembly may —

(a) modify the terms of a reference; and

(b) give directions to the Commission as to the order in which it is to deal with references.

(4) Every Federal Ministry, Department or Agency shall notify and may collaborate with the Commission in its law reform exercises.

(5) For the purpose of the efficient performance of its functions under this Bill, the Commission shall —

(a) engage in research into any branch of law or related subject; and

(b) where appropriate obtain such information as to the legal systems of other countries.

(6) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time and may carry out public enlightenment programmes on law reform activities.

(7) (a) Where the Attorney-General refers or approves a programme to the Commission, the Attorney-General shall lay before the Federal Executive Council any report prepared by the Commission pursuant to such programme, and after expiration of 3 months from the date of submission of the Commission's report to the Attorney-General, the Commission shall forward same to the National Assembly.

(b) Where any authority, body or person refers a programme to the Commission, the Commission shall forward to that authority, body or person any report of proposals for reform formulated by the Commission pursuant to such programme.

(8) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations.

(9) For the purposes of subsection (1) of this section "Federal laws" means all laws within the legislative competence of the Government of the Federation and includes all received laws and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.

6. Where the Attorney-General or the National Assembly has referred a matter to the Commission — Interim reports.

(a) the Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and

(b) the Attorney General or the National Assembly may, at any time before the commission makes it report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.

7. (1) Notwithstanding section 5 (1) of this Bill, the Commission shall have powers to consider proposal for reform of State laws from any state, group of states or all the states in the Federation and submit report thereon to the appropriate Attorney-General or Attorneys-General and the State House of Assembly or the States Houses of Assembly. References by States.

(2) The Commission may from time to time, whether pursuant to subsection (1) of this section or on its own initiative, consider or put forward proposal for the consideration of the States' Attorneys-General and the States' Houses of Assembly, or such number of them as may be appropriate in the circumstances, for uniformity between laws of the States or, as the case may require, the groups of State concerned.

(3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned.

(4) The provisions of sections 5 and 6 of this Bill shall apply with all necessary modifications to any reference made under this section, and accordingly, reference therein to the Attorney-General of a State or the State House of Assembly or reference to the President shall be read as if they were reference to Governor of a State.

(5) In this section, "State laws" includes any law which is not a Federal law as defined in section 5 (9) of this Bill.

8. (1) There shall be appointed for the Commission by the President, on the recommendation of the Attorney-General; a Secretary who shall — Secretary and other staff of the Commission.

(a) be a legal practitioner of not less than 15 years post call cognate experience and of proven integrity;

(b) hold office —

(i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and

(ii) on such terms and conditions as may be specified in his letter of appointment;

(c) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and

(d) carry out such other duties as may be directed, from time to time, by the Commission.

(2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.

(3) The remuneration of the employees of the Commission shall be determined by the Commission after consultation with the National Salaries, Incomes and Wages Commission.

9. (1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act.

Service in the Commission to be pensionable, etc.

(2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force.

(3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

10. (1) The Commission shall establish and maintain a Fund which shall be applied towards the discharge of its functions under this Bill.

Establishment of Fund by the Commission.

(2) There shall be paid and credited to the Fund so established pursuant to subsection (1) of this section —

(a) such sums as may be provided by the Government of the Federation for the Commission;

(b) any fees or money charged for services rendered by the Commission or for its publications;

(c) donations from the Federal Capital Territory, States, Local Government, Public Agencies, Companies and Individuals;

(d) all other sums accruing to the Commission by way of gifts, testamentary depositions, endowments and contributions from philanthropic persons and organisation or otherwise however.

(3) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Bill being sums representing —

(a) amounts payable to the Chairman and other members of the Commission (including

allowances);

(b) costs of employment of staff of the Commission;

(c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Bill or any other enactment;

(d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;

(e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Bill.

11. (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts.

(2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission.

12. (1) The Commission shall in each financial year prepare estimates of each recurrent and capital expenditure and when approved by the Commission, the estimates shall be forwarded to the National Assembly for approval. Accounts and audit.

(2) The Commission shall keep proper accounts and proper records in relation thereto.

(3) The accounts of the Commission shall be audited by an auditor appointed annually from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation on such terms as the Commission may, with the approval of the Minister of Finance determine.

13. (1) In addition to any other report prescribed under this Bill, the Commission shall prepare and submit to the President through the Attorney-General and to the National Assembly, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon. Annual report.

(2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

14. The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Bill. Regulations.

15. (1) The Nigerian Law Reform Commission Act Cap. N118 Laws of the Federation of Nigeria, 2004 is repealed. Savings, repeal, etc.

(2) The repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.

16. In this Bill — Interpretation.

"Chairman" means the Chairman of the Commission;

"Commission" means the Nigerian Law Reform Commission established under section 1 of this Bill;

"high judicial office" means any judicial office not below the rank of Justice of the Court of Appeal;

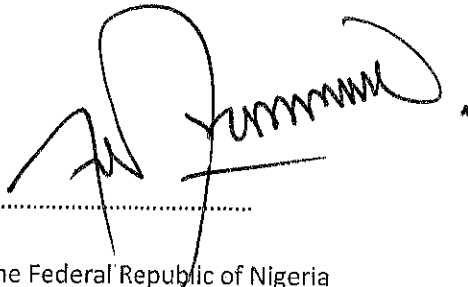
"member" means any member of the Commission and includes the Chairman.

17. This Bill may be cited as the Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, Citation. 2022.

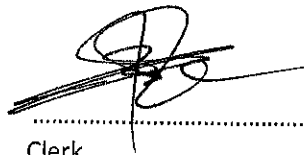
EXPLANATORY MEMORANDUM

This Bill seeks to Repeal the Nigerian Law Reform Commission Act and Re-Enact the Nigerian Law Reform Act, 2019 in order to facilitate the effective implementation of the Commission's Law Reform proposals and enhance its operational performance.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 15TH FEBRUARY, 2022



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria