

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (WITH THE ALTERATIONS) FOR THE PROVISIONS OF MEASURES AND CONDITIONS; TO STRENGTHEN THE LOCAL GOVERNMENT SYSTEM IN NIGERIA, AND FOR RELATED MATTERS

Sponsored by Hon. Paschal C. Obi

[] Commencement

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

- 1 1. The Constitution of the Federal Republic of Nigeria, 1999 (in
2 this Bill referred to as the "Principal Act") is altered as set out in this Bill. 1999 Constitution
Alteration
- 3 2. Local Government System:
- 4 Section 7 Of The Constitution:
- 5 (1) The system of local government by democratically elected
6 local government councils is under this Constitution guaranteed; and
7 accordingly, the Government of every state shall subject to section ~~7~~ of this
8 Constitution, ensure their existence under a Law which provides for the
9 establishment, structure, composition, finance, and functions of such
10 councils.
- 11 (2) The person authorized by law to prescribe the area over which a
12 local government may exercise authority shall:
- 13 (a) define such area as clearly as practicable; and
- 14 (b) ensure, to the extent to which it may be reasonably justifiable,
15 that in defining such area regard is paid to:
- 16 (i) the common interest of the Community in the area;
- 17 (ii) traditional association of the community;
- 18 (iii) administrative convenience.
- 19 (3) It shall be the duty of a local government council within the

1 state to participate in economic planning and development of the area referred
2 to in subsection (2) of this section and to this end, an economic planning board
3 shall be established by a Law enacted by the House of Assembly of the State.

4 (4) The Government of a State shall ensure that every person who is
5 entitled to vote or be voted for at an election to a House of Assembly shall have
6 the right to vote or to be voted for at an election to a local government council.

7 (5) The functions to be conferred by Law upon local government
8 councils shall include those set out in the Fourth schedule to this constitution.

9 (6) Subject to the provisions of this Constitution:

10 (a) The National Assembly shall make provisions for statutory
11 allocation of public revenue to local government councils in the Federation;
12 and

13 (b) The House of Assembly of a State shall make provisions for
14 statutory allocation of public revenue to local government councils within the
15 state.

16 PROPOSED ALTERATIONS TO SECTION 7 OF THE CONSTITUTION

17 Section 7:

18 (1) The system of local government by democratically elected local
19 government councils is under this Constitution guaranteed; and accordingly:
20 the Constitution forbids any form of care-taker or interim system for the
21 purpose of administering and managing the local government councils in the
22 Federation of Nigeria".

23 (2) The person authorized by law to prescribe the area over which a
24 local government council may exercise authority shall:

25 (a) define such area as clearly as practicable;

26 (b) ensure, to the extent to which it may be reasonably justifiable that
27 in defining such area, regard is paid to:

28 (i) the common interest of the communities in the area;

29 (ii) traditional association of the communities in the area;

30 (iii) Retained

1 (iv) "ensure their existence under a Law which provides for their
2 establishment, structure, composition, finance, and functions of each
3 council.

4 (3) Retained

5 (4) "The rights of participations and qualifications for elections
6 into the local government councils shall be as guaranteed in this
7 Constitution, and shall remain for all adults of eighteen years and above as
8 voters; twenty-five years and above for councilors; and thirty years and
9 above for the position of a Chairman of a local government council".

10 (5) Retained

11 (6) subject to the provisions of this Constitution:

12 (a) "The National Assembly shall make provisions for statutory
13 allocation of public revenue to local government councils in the Federation:

14 Provided that such allocation of public revenue shall not be
15 released to such local government councils administered and managed
16 otherwise by a democratically elected system."

17 (b) the House of Assembly of a State shall make provisions for
18 statutory allocation of public revenue to local government councils within
19 the State:

20 Provided that such allocation of public revenue shall not be
21 released to such local government councils administered and managed
22 otherwise by a democratically elected system.

23 (c) "such allocation of public revenue to local government councils
24 administered and managed otherwise by a democratically elected system by
25 a Governor of a State shall amount to gross misconduct with the attendant
26 constitutional actions by the House of Assembly of such a State."

27 3. This Bill may be cited as the Constitution of the Federal
28 Republic of Nigeria, 1999, (Alteration) Bill, 2021. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter Section 7 of the Constitution of the Federal Republic of Nigeria, 1999 (with the Alterations) to provide for stringent measures and democratic conditions for the administration and management of the local government councils in Nigeria.