

THE SENATE

FEDERAL REPUBLIC OF NIGERIA

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) BILL NO. 10, 2022**

A BILL  
FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE  
FEDERAL REPUBLIC OF NIGERIA, 1999 TO COMPEL PERSONS TO  
OBEY OR COMPLY WITH LEGISLATIVE SUMMON; AND FOR  
RELATED MATTERS

FIRST READING

TUESDAY, 15<sup>TH</sup> OCTOBER, 2019

SECOND READING

TUESDAY, 15<sup>TH</sup> OCTOBER, 2019

THIRD READING AND PASSAGE

TUESDAY, 1<sup>ST</sup> MARCH, 2022

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) BILL NO. 10, 2022



*Arrangement of Clauses*

Clause

1. Alteration of the Constitution
2. Alteration of section 89
3. Alteration of section 129
4. Citation

A BILL  
FOR  
AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF  
NIGERIA, 1999 TO COMPEL PERSONS TO OBEY OR COMPLY WITH LEGISLATIVE SUMMON;  
AND FOR RELATED MATTERS

{ } Commencement

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

1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of the Constitution
  
2. Section 89 of the Principal Act is altered – Alteration of section 89
  - (a) in subsection (1), by substituting for paragraph (d), a new paragraph "(d)" –

“(d) to issue a warrant to compel the attendance of any person who after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question” and
  - (b) by inserting after subsection (2), a new subsection "(3)" -

“(3) Notwithstanding anything to the contrary in this Constitution, any person who after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, commits an offence and is liable on conviction to such punishment as shall be prescribed by an Act of the National Assembly”.
  
3. Section 129 of the Principal Act is altered – Alteration of section 129
  - (a) in subsection (1), by substituting for paragraph (d), a new paragraph "(d)" –

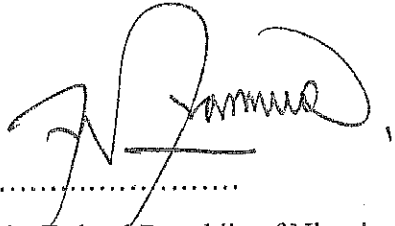
“(d) to issue a warrant to compel the attendance of any person who after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question” and
  - (b) by inserting after subsection (2), a new subsection "(3)" -

“(3) Notwithstanding anything to the contrary in this Constitution, any person who after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, commits an offence and is liable on conviction to such punishment as shall be prescribed by a law of the State House of Assembly”.
  
4. This Bill may be cited as the Constitution of the Federal Republic of Nigeria (Fifth Alteration) Bill No. 10, 2022. Citation

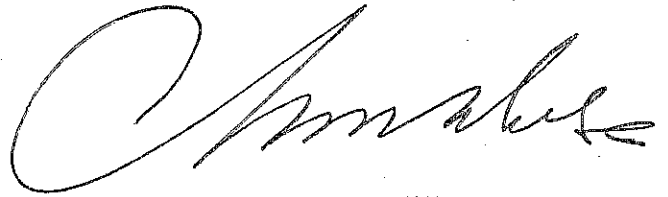
**Explanatory Memorandum**

The Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to compel persons to obey or comply with legislative summon.

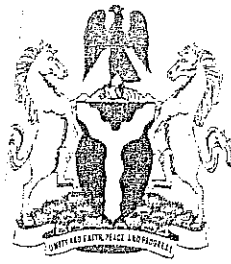
THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 1<sup>ST</sup> MARCH, 2022



.....  
President,  
Senate of the Federal Republic of Nigeria



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Clerk,  
Senate of the Federal Republic of Nigeria



HB — 1062

THE SENATE  
FEDERAL REPUBLIC OF NIGERIA

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) BILL NO. 9, 2022

A BILL  
FOR  
AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC  
OF NIGERIA, 1999 TO PROVIDE FOR THE FINANCIAL INDEPENDENCE  
OF STATE HOUSES OF ASSEMBLY AND STATE JUDICIARY; AND FOR  
RELATED MATTERS

FIRST READING	TUESDAY, 15 <sup>TH</sup> OCTOBER, 2019
SECOND READING	TUESDAY, 15 <sup>TH</sup> OCTOBER, 2019
THIRD READING AND PASSAGE	TUESDAY, 1 <sup>ST</sup> MARCH, 2022

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) BILL NO. 9, 2022



*Arrangement of Clauses*

Clause

1. Alteration of the Constitution
2. Alteration of section 121
3. Alteration of section 121
4. Alteration of Part II of the Third Schedule
5. Citation

A BILL  
FOR  
AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO  
PROVIDE FOR THE FINANCIAL INDEPENDENCE OF STATE HOUSES OF ASSEMBLY AND  
STATE JUDICIARY; AND FOR RELATED MATTERS

{ } Commencement

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

1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of the Constitution
  
2. Section 121 of the Principal Act is altered by: Alteration of section 121
  - (a) substituting for subsection (3), a new subsection "(3)" –  
“(3) Any amount standing to the credit of –
    - (a) a State House of Assembly in the Consolidated Revenue Fund of the State shall be paid directly into the account of the Assembly, and
    - (b) the Judiciary of a State in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.”
  
3. Section 121 of the Principal Act is altered by inserting, after subsection (3), new subsections "(4A) – (4H)" – Alteration of section 121

“(4A) For the purpose of subsection (3), there is established for each State of the Federation a Disbursement Committee comprising –

  - (a) the Commissioner of Finance, as Chairman;
  - (b) Accountant-General of the State;
  - (c) a representative of the State Budget Office or Ministry;
  - (d) Chief Registrar of the State High Court;
  - (e) Chief Registrar of the State Revenue Court (where applicable)
  - (f) Chief Registrar of Sharia Court of Appeal (where applicable)
  - (g) Chief Registrar of the Customary Court of Appeal (where applicable)
  - (h) the Clerk of the State House of Assembly;
  - (i) Secretary of the House of Assembly Service Commission;
  - (j) the Secretary of the State Judicial Service Commission; and
  - (k) the officer in charge of finance in the State House of Assembly.

(4B) All monies due to the House of Assembly and the Judiciary for capital and recurrent expenditure shall be paid by the State Accountant-General into the House of Assembly and Judiciary accounts in monthly installments respectively.

(4C) The monies due to the House of Assembly and the Judiciary shall be the amount appropriated in the Appropriation Law of the State for the year.

(4D) The monthly installment shall be –

- (a) determined by apportioning the approved budget on figures by twelve equal installments; and
- (b) adjusted to reflect the ratio of the gross allocation from Federal Accounts Allocation Committee and Internally Generated Revenue on the approved budget for the State.

(4E) Where the gross allocation from Federal Accounts Allocation Committee and Internally Generated Revenue in any month is lower than the budget amount for the month, the amount due to the House of Assembly and Judiciary shall be paid on a pro-rata basis.

(4F) When there is an increase in the subsequent income of the State, any previous shortfall shall be paid in arrears to the House of Assembly and the Judiciary.

(4G) The Accountant-General of the State shall furnish the Disbursement Committee with gross inflow from Federal Accounts Allocation Committee and Internally Generated Revenue, not later than seven days after the Federal Accounts Allocation Committee meeting for the month.

(4H) Pursuant to subsection (4B), the Commissioner responsible for Finance and the Accountant-General of the State shall make full disclosure of all revenues that accrue to the State and release the funds to the House of Assembly and Judiciary, not later than one week after the funds have become due”.

4. Part II of the Third Schedule to the Principal Act is altered by–

Alteration of Part II of  
the Third Schedule

(a) substituting for the existing heading, a new “heading” –

“STATE BODIES”;

(b) inserting a new subheading “AA” –

“AA – State House of Assembly Service Commission”; and

(c) inserting a new paragraph “IA”-

“1A. The composition, tenure, structure, finance, functions, powers, and other proceedings of the Commission shall be as prescribed by a Law of the House of Assembly”.

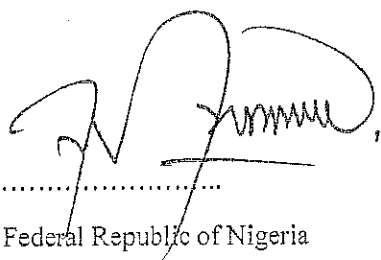


5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria (Fifth Alteration) Bill No. 9, 2022 Citation

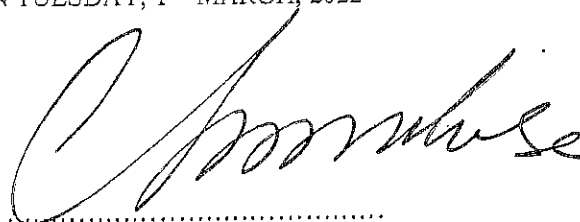
### Explanatory Memorandum

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria 1999 to provide for the financial independence of State Houses of Assembly and State Judiciary.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 1<sup>ST</sup> MARCH, 2022



.....  
President,  
Senate of the Federal Republic of Nigeria



.....  
Clerk,  
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