

A BILL

FOR

AN ACT TO FREEZE LIMITATION PERIODS STIPULATED IN STATUTES, REGULATIONS, RULES OR BYE-LAWS DURING PUBLIC HEALTH EMERGENCY OR ANY EMERGENCY DECLARED IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Onofio Akpan Luke

[] Commencement

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

1 PART I - GENERAL PROVISIONS

2 1. The President may make appropriate orders when victims of an
3 emergency or other persons affected by an emergency may be prejudiced by
4 the operation of the law of the Federal Republic of Nigeria or any part of it.

Order of emergency

5 2. If the conditions set out in section 3 are satisfied, the President,
6 on the recommendation of the Attorney General of the Federation, may by
7 order:

Suspension of operation of statute, regulation, etc,

8 (a) temporarily suspend the operation of a provision of a statute,
9 regulation, rule, by-law or order of the Federal Republic of Nigeria or any
10 part of it; and

11 (b) if it is appropriate to do so, set out a replacement provision to be
12 in effect during the temporary suspension period only.

13 3. The conditions referred to in section 2 are:

Conditions for making orders

14 (a) where a public health emergency has been declared pursuant to
15 Quarantine Act, Cap. Q2, Laws of the Federation, 2004, or any other statute;

16 (b) where the provision:

17 (i) establishes a limitation period or a period of time within which a
18 step must be taken in a proceeding, or

19 (ii) requires the payment of fees in respect of a proceeding or in
20 connection with anything done in the administration of justice; and

1 (c) where the order would facilitate providing assistance to victims of
 2 the emergency or would otherwise help victims or other persons to deal with
 3 the emergency and its aftermath.

Maximum period,
 renewals and
 new orders

4 4. The period of temporary suspension under an order shall not
 5 exceed 30 days, but the President may:

6 (a) before the end of the period of temporary suspension, review the
 7 order and, if the conditions set out in section 3 continue to apply, make an order
 8 renewing the original order for a further period of temporary suspension not
 9 exceeding 30 days;

10 (b) at any time, make a new order under section 2 for a further period
 11 of temporary suspension not exceeding 30 days.

Further renewals

12 5. An order that has previously been renewed under section 4 (1) may
 13 be renewed again, and in that case section 4 (1) applies with necessary
 14 modifications.

Effect of temporary;
 time, period

15 6. If a provision establishing a limitation period or a period of time
 16 within which a step must be taken in a proceeding is temporarily suspended by
 17 the order and the order does not provide for a replacement limitation period or
 18 period of time, the limitation period or period of time resumes running on the
 19 date on which the temporary suspension ends and the temporary suspension
 20 period shall not be counted.

Effect of
 temporary
 suspension, fee

21 **Effect of temporary; fee**
 22 7. If a provision requiring the payment of a fee is temporarily suspended by the
 23 order and the order does not provide for a replacement fee, no fee is payable at
 24 any time with respect to things done during the temporary suspension period.

Restriction

25 8. This Bill does not authorise:
 26 (a) shortening a limitation period or a period of time within which a
 27 step must be taken in a proceeding; or
 28 (b) increasing the amount of a fee.

COVID-19,
 limitation periods

29 PART II - SPECIFIC PROVISIONS
 30 9. Any provision of any statute, regulation, rule, bye-law or order of

1 the Federal Republic of Nigeria, States of the Federation or Local
 2 Government Areas establishing any limitation period shall be suspended for
 3 the duration of the emergency declared by the President and States, and the
 4 suspension shall be retroactive to Monday, March 30, 2020.

5 **10.** Any provision of any statute, regulation, rule, bye-law or order
 6 of the Federal Republic of Nigeria, States of the Federation or Local
 7 Government Areas establishing any period of time within which any step
 8 must be taken in any proceeding in Nigeria or any part of it, including any
 9 intended proceeding, shall, subject to the discretion of the court, tribunal or
 10 other body responsible for the proceeding, be suspended for the duration of
 11 the emergency declared by the President and States, and the suspension shall
 12 be retroactive to Monday, March 30, 2020 until when full court session
 13 resumes.

Period of time,
steps in proceedings

14 **11.** In this Bill-
 15 "COVID-19" means coronavirus disease of 2019 named and declared by the
 16 World Health Organisation as a pandemic;
 17 "emergency" includes COVID-19, dangerous infectious disease as defined
 18 in Quarantine Act, Cap. Q2, Laws of the Federation, 2004, and a situation of
 19 an impending situation that constitutes a danger of major proportions that
 20 could result in serious harm to persons or substantial damage to property and
 21 that is caused by the forces of nature, a disease or other health risk, an
 22 accident or an act whether intentional or otherwise;
 23 "statute" includes Acts of the National Assembly and laws enacted by House
 24 of Assembly of a State.

Interpretation

25 **12.** This Bill may be cited as the Limitation Periods (Freezing)
 26 Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to freeze limitation periods stipulated in statutes, regulations, rules or bye-laws during public health emergency or any emergency declared in Nigeria.

