

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO STRENGTHEN LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA; AND FOR RELATED MATTERS, 2020

*Sponsored by Hon. Nkeiruka Onyejeocha*

[ ] Commencement

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

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.

Alteration of the  
Constitution

3  
4           **2.** Section 7 of the Principal Act is altered by-

Alteration of  
section 7

5           (a) substituting for subsection (1), a new subsection "(1)"-  
6           “(1) The system of Local Government by democratically elected  
7 Local Government Councils is under this Constitution guaranteed.”

8           (b) inserting, after subsection (1), new subsections "(1A)"- "(1D)"-  
9           “(1A) A Local Government Council-

10           (a) not democratically elected shall not be recognized by any  
11 authority and persons and shall not be entitled to any revenue allocation  
12 from the Federation Account or the state Government nor exercise any  
13 function exercisable by a Local Government Council under this  
14 Constitution or any law for the time being in force; and

15           (b) shall stand dissolved at the expiration of a period of three years,  
16 commencing from the date the members of the Council were sworn in.

17           (1B) The democratically elected Local Government Council shall  
18 be a tier of government in Nigeria and shall consist of executive and  
19 legislative arms.

1 (1C) The House of Assembly of every State shall ensure the existence  
2 of democratically elected Local Government Councils under a Law which  
3 provides for the establishment, elections, structure, composition, finance and  
4 functions of such councils.

5 (1D) Subject to the provisions of this Constitution, a person shall be  
6 qualified for election into the Local Government Council if he is a member of a  
7 political party and is sponsored by that party or he is an independent  
8 candidate”; and

9 (c) substituting for subsection (5), a new section "(5)"-

10 “(5) In addition to the functions conferred upon Local Government  
11 Councils as specified in the Fourth Schedule to this Constitution, a House of  
12 Assembly of a State may by law confer other functions on the Local  
13 Government Councils”; and

Alteration of  
section 318

14 (d) deleting subsection (6).

15 **3.** Section 318 of the Principal Act is altered by inserting, in  
16 alphabetical order, the following interpretation-

17 “Bye-law” means enactment of a Local Government Council;

18 “Chairman” or “Vice-Chairman” when used with reference to a Local  
19 Government Council means Chairman or Vice-Chairman of the Local  
20 Government Council;

Alteration of  
Part I of the  
Fifth Schedule

21 “Councilor” means a member of a Local Government Legislative Council; and

22 **4.** Part I of the Fifth Schedule to the Principal Act is altered in  
23 paragraph (3) by inserting, after the word, “State”, in line 4, the words,  
24 “Chairman, Vice-Chairman and Councilors of Local Government  
25 Councils.”

Citation

26 **5.** This Bill may be cited as the Constitution of the Federal Republic  
of Nigeria, 1999 (Fourth Alteration) Bill. No. 6, 2020.

#### EXPLANATORY MEMORANDUM

This Bill seeks to strengthen the administration of Local Governments in  
Nigeria.