

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO DESIGNATE A DEFINITE AND CERTAIN DAY FOR CONVENING THE FIRST SESSION AND INAUGURATION OF ELECTED MEMBERS OF NATIONAL ASSEMBLY AND STATE HOUSE OF ASSEMBLY FOLLOWING THEIR DISSOLUTION BY THE PRESIDENT AND GOVERNOR PURSUANT TO SECTIONS 64 (3) AND SECTION 105 (3), PROVIDE SAVING PROVISIONS REGARDING THE STANDING ORDERS OF THE LEGISLATIVE HOUSES DISSOLVED BY THE PRESIDENT AND GOVERNOR IN EXERCISE OF THEIR POWERS UNDER SECTIONS 64(3) AND 105(3) OF THE CONSTITUTION RESPECTIVELY; AND FOR RELATED MATTERS.

Sponsored by Senator Gabriel Torwua Suswam

[] Commencement

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

- | | | |
|----|---|-------------------|
| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of |
| 2 | this Bill referred to as the "Principal Act") is altered as follows: | Constitution 1999 |
| 3 | 2. Section 64 of the Principal Act is altered by inserting after | Alteration of |
| 4 | subsection (3), new subsections "(4)" and "(5)": | Section 64 |
| 5 | "(4) without prejudice to the powers of the person elected as | |
| 6 | President to issue a proclamation for the dissolution of the National | |
| 7 | Assembly and for the holding of the first session of elected members of the | |
| 8 | National Assembly as provided under subsection (3) of this section, the first | |
| 9 | Tuesday immediately following the swearing-in of the person elected as the | |
| 10 | President and dissolution of the National Assembly is hereby designated as | |
| 11 | the day for inaugurating and holding the first session of elected members of | |
| 12 | the National Assembly. | |
| 13 | (5) The proclamation issued by the person elected as the President | |

1 in exercise of his powers under subsection (3) of this section shall be addressed
2 in writing and delivered to the Clerk to the National Assembly not later than the
3 eve of the day designated under subsection (4) of this section as the
4 inauguration and day for holding the first session of elected members of the
5 National Assembly."

Alteration of
Section 105

6 **3.** Section 105 of the Principal Act is altered by inserting after
7 subsection (3), new subsections "(4)" and "(5)":

8 "(4) without prejudice to the powers of the person elected as Governor
9 to issue a proclamation for the dissolution and for the holding of the first
10 session of elected members of the State House of Assembly as provided under
11 subsection (3) of this section, the first Tuesday immediately following the
12 swearing-in of the person elected as the Governor and dissolution of the State
13 House of Assembly is hereby designated as the day for inaugurating and
14 holding the first session of elected members of the State House of Assembly.

15 (5) The proclamation issued by the person elected as the Governor in
16 exercise of his powers under subsection (3) of this section shall be addressed in
17 writing and delivered to the Clerk to the State House of Assembly not later
18 than the eve of the day designated under subsection (4) of this section as the
19 inauguration and day for holding the first session of elected members of the
20 National Assembly."

Alteration of
Section 311

21 **4.** Section 311 of the Principal Act is altered by substituting for
22 subsection (2), (3), (4), (5) and (6), new subsection "(2)", "(3)", "(4)", "(5)" and
23 "(6)":

24 "(2) The Standing Orders of the Senate dissolved by the President in
25 exercise of his powers under section 64(3) of the Principal Act shall apply in
26 relation to the Proceedings of the first session of the Senate Convened by the
27 President pursuant to his powers under the Principal Act.

28 (3) The Standing Orders of the House of Representatives dissolved by
29 the President in exercise of his powers under Section 64(3) of the Principal Act
30 shall apply in relation to the Proceedings of the first session of the House of

1 Representatives convened by the President pursuant to his powers under this
2 Constitution.

3 (4) The Standing Orders of the State House of Assembly dissolved
4 by the Governor in exercise of his powers under section 105(3) of the
5 Principal Act shall apply in relation to the proceedings of first session of the
6 State House of Assembly Convened by the Governor pursuant to his powers
7 under this Constitution.

8 (5) The Standing Orders of the legislative Houses dissolved by the
9 President and Governor in exercise of their powers under sections 64(3) and
10 section 105(3) of the Principal Act respectively shall be modified within
11 such a reasonable time after the inauguration and first session of such
12 legislative houses to bring them into conformity with the proceedings of the
13 newly inaugurated legislative houses.

14 (6) In this section "newly Inaugurated legislative houses" refers to
15 the Senate, House of Representatives and State House of Assembly
16 inaugurated following the dissolution of the National Assembly and State
17 House of Assembly by the President and Governor in exercise of their
18 powers under section 64(3) and section 105(3) of this Constitution the
19 (Principal Act) respectively".

20 **5.** This Bill may be cited as the Constitution of the Federal Citation
Republic of Nigeria (Alteration) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of sections 64, 105 and 311 of the Constitution (Principal Act) to designate a definite day for convening the first session of the National Assembly and State House of Assembly following the exercise of the powers of the President under section 64(3) and 105 (3) of the Constitution respectively. It ensures clarity and certainty with respect to the day for convening and inaugurating elected members of the National Assembly and elected members of the State House of Assembly. It further seeks to ensure smooth transition of legislative powers in the National Assembly and State House of Assembly by stipulating saving provisions regarding the Standing Orders of the Senate, House of Representatives and State House of Assembly dissolved by the President and Governor in exercise of their powers under section 64(3) and section 105(3) of the Principal Act respectively.