

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO QUALIFY CRIMINAL LIABILITY FOR CERTAIN PUBLIC OFFICERS UNDER SECTION 308 AND FOR RELATED MATTERS

Sponsored by Senator Ovie Omo-Agege

[] Commencement

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 Constitution
Alteration
- 2 this Act referred to as "the Principal Act") is altered as set out in this Act.
- 3 **2.** Section 308 of the Principal Act is altered by Alteration of
Section 308
- 4 (a) Substituting for subsection (2), a new subsection "(2)"-
- 5 "(2) The provisions of subsection (1) of this section shall not apply-
- 6 (a) to civil proceedings against a person to whom this section
- 7 applies in his official capacity or to civil or criminal proceedings in which
- 8 such a person is only a nominal party; and
- 9 (b) to persons who hold the office of Vice-President, Governor or
- 10 Deputy Governor, if it is determined either by the Economic Financial
- 11 Crimes Commission, Independent Corrupt Practices Commission, Nigerian
- 12 Police and State Security Service through a collaborative investigation that
- 13 the said person is indicted for:
- 14 (i) Financial misappropriation of funds belonging to the Federal,
- 15 State or Local Government; or
- 16 (ii) Sponsoring of thugs to perpetrate violence that cause injury or
- 17 death of a political opponent, a member of his family, agent or personal
- 18 representative."
- 19 (b) Inserting in subsection (3) in line 2 after the words "Deputy

- Citation
- 1 Governor", a comma and the phrase" except where otherwise is stated;".
 - 2 **3.** This Bill may be cited as the Constitution of the Federal Republic of
 - 3 Nigeria, 1999 (Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for qualification of the immunity clause to exclude immunity for Public Officers referred to in section 308 from criminal liability where the offence involves misappropriation of funds belonging to the Federal, State or Local Government and also the use of thugs to foment violence.