

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH ALTERATION,
NO 29) ACT, 2020**

EXPLANATORY MEMORANDUM

This act provides 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.

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH ALTERATION,
NO 29) ACT, 2020**

Arrangement of Sections

Sections:

1. Alteration of the Constitution 1999.
2. Alteration of section 308.
3. Citation.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH ALTERATION, NO 29) ACT, 2020

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

Sponsor: Senator Ovie Omo-Agege (Delta Central)

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

1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as “the Principal Act”) is altered as set out in this Act.

2. **Alteration of Section 308**

Section 308 of the Principal Act is altered by

- (a) Substituting for subsection (2), a new subsection “(2)” –

“(2) the provisions of subsection (1) of this section shall not apply –

- (a) to civil proceedings against a person to whom this section applies in his official capacity or to civil or criminal proceedings in which such a person is only a nominal party; and
- (b) **to persons who hold the office of Vice-President, Governor or Deputy Governor**, if it is determined either by the Economic Financial Crimes Commission, Independent Corrupt Practices Commission, Nigerian Police and State Security Service through a collaborative investigation that the said person is indicted for:
 - (i) Financial misappropriation of funds belonging to the Federal, State or Local Government; or
 - (ii) Sponsoring of thugs to perpetrate violence that cause injury or death of a political opponent, a member of his family, agent or personal representative.”

- (c) **Inserting in subsection (3) in line 2 after the words “Deputy Governor”, a comma and the phrase “except where otherwise is stated;”**

3. This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration, No. 29) Act, 2020.