

# 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 TO ABROGATE THE STATE JOINT LOCAL GOVERNMENT ACCOUNTS AND EMPOWER EACH LOCAL GOVERNMENT COUNCIL TO MAINTAIN ITS OWN SPECIAL ACCOUNT AND MAKE PROVISIONS FOR SAVINGS IN THE FEDERATION ACCOUNT BEFORE DISTRIBUTION TO OTHER LEVELS OF GOVERNMENT; AND FOR OTHER RELATED MATTERS, 2021

*Sponsored by Senator Abba Moro*

[ ] 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  
Principal Act

3           2. Section 7 of the Principal Act is altered by substituting for  
4 Subsection 1 a new (1) "the system of Local Government by democratically  
5 elected Local Government Councils is under this Constitution guaranteed" Alteration of  
Section 7

6           3. Subsection 1 of Section 1 of the Principal Act is further altered  
7 by inserting after (1) n(a-e)-

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

13           (b) Shall stand dissolved at the expiration of a period of 3 years,  
14 commencing from the date the members of the Council were sworn in;

15           (c). The democratically elected local government council shall be a

1 tier of government in Nigeria and shall consist of executive and legislative  
2 arms;

3 (d) The House of Assembly of every State shall ensure the existence  
4 of democratically elected Local Government Councils under a law which  
5 provides for the establishment elections, structure, composition, finance and  
6 functions of such Councils; and

7 (e) Subject to the provisions of this Constitution, person shall be  
8 qualified for election into the Local Government Council if he is a member of a  
9 political party and he is being sponsored by the party or he is an Independent  
10 Candidate.

11 4. Subsection 5 of Section 7 of the Principal Act is altered by  
12 substituting for (5) a new (5) in addition to the functions conferred upon Local  
13 Government Councils as specified in the Fourth Schedule to this, a House of  
14 Assembly of a State may by Law confer other functions on the Local  
15 Government Councils.

Deletion of  
Section 7(6)

16 5. Section 7(6) is hereby deleted.

Alteration of  
Section 162

17 6. Section 162 (2) of the Principal Act is altered by deleting all the  
18 words before 'shall' and inserting new words title Revenue Mobilization  
19 Allocation and Fiscal Commission, shall table before the National Assembly.

20 7. Section 162 (4) of the Principal Act is altered by deleting the entire  
21 subsection and inserting a new (4) "notwithstanding the provisions of this  
22 Section, 10% of any amount paid into the Federation Account shall be deducted  
23 and saved into a separate account prior to distribution to the respective levels of  
24 government and shall be held on such terms and conditions as may be  
25 prescribed by an Act of the National Assembly"

26 8. Section 162 (5) of the Principal Act is altered by deleting the entire  
27 subsection 5 and replacing with a new (5) "The amount standing in the  
28 Federation Account being savings shall not be distributed to the respective  
29 levels of government until at least 5 years from the date it was so saved"

30 9. Section 162 (6) of the Principal Act is altered by deleting the entire

1 subsection 6 and replacing it with a new (6) "any amount standing to the  
2 credit of the States and Local Government Councils in the Federation  
3 Account shall be distributed among the States and Local Government  
4 Councils on such terms and in such manner as may be prescribed by an Act  
5 of the National Assembly"

6 10. Section 162 (7) of the Principal Act is altered by deleting the  
7 subsection and replacing it with a new (7) "each Local Government Council  
8 shall maintain a special account to be called Local Government Council  
9 Allocation Account into which shall be paid directly such allocation to the  
10 Local Government Council from the Federation Account and from the  
11 Government of the State"

12 11. Section 162 (8) of the Principal Act is altered by deleting the  
13 entire (8) and replacing it with a new (8) "each State shall pay to Local  
14 Government Councils in its area of jurisdiction such proportion of its  
15 internally generated revenue on such terms and in such manner as may be  
16 prescribed by the House of Assembly"

17 12. Section 162 (9) of the Principal Act is altered by deleting the e  
18 replacing with a new entire (9) and (9) "the House of Assembly of each State  
19 shall by law prescribe such portion of the money allocated to the State and its  
20 Local Government Councils from the Federation Account to be used for the  
21 purpose of payment of salaries of primary schools teachers and such other  
22 purposes as it may determine"

23 13. Section 162 (10) of the Principal Act is altered by inserting a  
24 new (10) for the purpose of Subsection 9 of this Section, the Federation  
25 Account Allocation Committee shall deduct and remit salaries of primary  
26 school teachers to a body as may be prescribed by the House of Assembly of  
27 each State"

28 14. Section 318 of the Principal Act is altered by inserting, in  
29 alphabetical order, the following interpretation:

30 "Bye-law means enactment of a local government council;

1 "chairman or "vice chairman" when used with reference to a local government  
2 council means chairman or vice-chairman of the Local Government Council;  
3 "councilor" means a member of the Local Government Legislative Councils.

Citation

4 15. This Bill may be cited as the Constitution of the Federal Republic  
5 of Nigeria, 1999 (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to strengthen Local Government Administration in Nigeria and to abrogate the State Joint Local Government Accounts and empower each Local Government Council to maintain its own special account and make provisions for savings in the Federation Account before distribution to other levels of government.