

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO SEPARATE THE OFFICE OF THE ATTORNEY-GENERAL FROM THAT OF THE MINISTER OF JUSTICE AND TO PROVIDE FOR AN INDEPENDENT OFFICE OF THE ATTORNEY-GENERAL AND FOR MATTERS CONNECTED THERETO, 2021.

Sponsored by Senator George Thompson Sekibo

[] Commencement

BE IT ENACTED by the National Assembly of the Federal

Republic of Nigeria as follows-

1 1. The Constitution of the Federal Republic of Nigeria, 1999
2 (hereinafter referred to as "the Constitution") is altered as set out in this Bill.

Amendment of
the Constitution
of the Federal
Republic of Nigeria,
1999

3 2. Section 150 of the Constitution is hereby deleted and replaced
4 with a new section 150 as follows:

Amendment of
Section 150

5 "150 (1) There shall be an Attorney-General of the Federation who
6 shall be the Chief Law Officer of the Federation.

Attorney-General
of the Federation

7 (2) The Attorney-General shall establish offices in the Federal
8 Capital Territory and in each State of the Federation and employ such
9 number of staff as may be required for the discharge of his functions under
10 this Constitution.

Office of the
Attorney-General

11 (3) The Attorney-General shall in the discharge of his functions
12 under this Constitution, be independent and not subject to the direction or
13 control of any other authority or person.

Independence of
the Attorney-General

14 (4) The Attorney-General shall be appointed by the President upon
15 recommendation by the National Judicial Council and confirmed by the
16 Senate.

Appointment

17 (5) The National Judicial Council shall make recommendation for
18 the appointment of the Attorney-General upon being satisfied that the

Recommendation
by the National
Judicial Council

| | | |
|----|--|--|
| 1 | person to be so appointed is: | |
| 2 | (a) qualified to practice as a legal practitioner in Nigeria and has been | Qualification |
| 3 | so qualified for not less than fifteen years; | |
| 4 | (b) a distinguished member of the legal profession with knowledge of | |
| 5 | the working of the criminal justice system; | |
| 6 | (c) a person of integrity without any known political affiliation; | |
| 7 | (b) not a member of a secret society. | |
| 8 | (d) The Attorney-General shall hold office for a term of five years | Term |
| 9 | with an option for a further term of five years and no more, from the date he | |
| 10 | assumed office or until he attains the age of seventy years, whichever is earlier. | |
| 11 | (7) A person appointed to the office of Attorney-General shall not | Declaration of Assets, Oaths of Alliance and Office |
| 12 | begin to perform the functions of that office until he has declared his assets and | |
| 13 | liabilities as prescribed in this Constitution and has taken and subscribed the | |
| 14 | Oath of Alliance and the Oath of office prescribed in the Seventh Schedule to | |
| 15 | this Constitution. | |
| 16 | (8) The oaths aforesaid shall be administered by the Chief Justice of | |
| 17 | Nigeria or the person for the time being appointed to exercise the functions of | |
| 18 | that office. | |
| 19 | (9) The Attorney-General may be removed from office by the | Removal |
| 20 | President acting on a resolution supported by two-thirds majority of the Senate | |
| 21 | praying that he be so removed for inability to discharge the functions of his | |
| 22 | office (whether arising from infirmity of mind or body or any other cause) or | |
| 23 | for misconduct, negligence of duty or incompetence. | |
| 24 | (10) Subject to the provisions of section 174 of this Constitution the | Functions |
| 25 | Attorney-General shall: | |
| 26 | (a) institute legal action to defend, preserve and protect the | |
| 27 | Constitution, the Laws of the Federation and the property of the | |
| 28 | Federal Republic of Nigeria; | |
| 29 | (b) fight corruption, defend public and national interests and ensure | |
| 30 | the rule of law; | |

1 (c) investigate or cause to be investigated the conduct of affairs of
2 any person, authority, ministry or government department charged, or
3 intended to be charged with the duty or responsibility of:

4 (i) executing or administering laws enacted by the National
5 Assembly;

6 (ii) disbursing or administering moneys appropriated by the
7 National Assembly;

8 (d) supervise, monitor, control and ensure that all government
9 agencies with investigative and prosecutorial powers carry out their
10 functions in accordance with the law establishing them, with special
11 reference to the following government agencies:

12 (i) the Nigeria Police Force;

13 (ii) the Economic and Financial Crimes Commission;

14 (iii) the Independent Corrupt Practices Commission;

15 (iv) the Nigeria Customs Service;

16 (v) the Nigeria Prisons Service;

17 (vi) the Nigeria Immigration Service;

18 (vii) Federal Inland Revenue Service;

19 (viii) National Agency for Food and Drug Administration and
20 Control;

21 (ix) the Nigeria Drug Law Enforcement Agency;

22 (x) the Nigeria Security and Civil Defence Corps;

23 (xi) Quarantine Department.

24 (e) prosecute all criminal offenders in respect of any offence
25 created by or under any Act of the National Assembly;

26 (f) carry out such other functions as may be conferred upon the
27 office by the National Assembly.

28 (11) The Attorney-General shall submit to the National Assembly
29 the annual, supplementary or other budgets of his office for consideration
30 and approval and shall not spend any money for any purpose whatsoever,

Annual,
supplementary
budget and other
appropriation

1 save and except as approved by the National Assembly in the Annual
2 Appropriation Act, Supplementary Appropriation Act, or any other
3 appropriation or approval thereof.

Consolidated
Revenue Fund
of the Federation

4 (12) Any amount standing to the credit of the Office of the Attorney-
5 General in the Consolidated Revenue Fund of the Federation shall be paid
6 directly to the Office of the Attorney-General for disbursement thereof.

Record of accounts
and audit

7 (13) The Attorney-General shall cause to be kept, proper records of
8 the accounts of his office in respect of each year and shall cause the accounts of
9 his office to be audited within six months from the end of each financial year by
10 auditors appointed from the list approved from time to time by the Auditor-
11 General for the Federation.

Annual Returns

12 (14) The Attorney-General shall prepare and submit to the National
13 Assembly, not later than six months after the end of each financial year, a report
14 on the activities of his office for the preceding year and shall include therein the
15 audited account of his office for the year under review together with the
16 auditor's report thereon."

Citation

17 3. This Bill may be cited as the Constitution of the Federal Republic of
18 Nigeria, 1999 (Further Alteration) Bill, 2021. *

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to separate the Office of the Attorney-General from that of the Minister of Justice and to provide for an Independent Office of the Attorney-General.