



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FIFTH ALTERATION) BILL NO. 2, 2022

A BILL
FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999 TO ESTABLISH LOCAL
GOVERNMENT COUNCILS AS TIER OF GOVERNMENT AND
GUARANTEE THEIR DEMOCRATIC EXISTENCE, TENURE; AND FOR
RELATED MATTERS

FIRST READING

TUESDAY, 15TH OCTOBER, 2019

SECOND READING

TUESDAY, 15TH OCTOBER, 2019

THIRD READING AND PASSAGE

TUESDAY, 1ST MARCH, 2022

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999
(FIFTH ALTERATION) BILL NO. 2, 2022



Arrangement of Clauses

Clause

1. Alteration of the Constitution

2. Alteration of Section 7

3. Citation

A Bill
For

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to establish Local Government Councils as tier of government and guarantee their democratic existence, tenure; and for related matters

{ } Commencement

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

1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as "the Principal Act") is altered as set out in this Bill. Alteration of the Constitution
2. Section 7 of the Principal Act is altered by substituting for section 7, a new Section "7" - Alteration of Section 7

"Local Government System

7 (1) The local government councils established by this Constitution shall be a tier of government and shall consist of democratically elected members of the executive and legislative arms.

(2) A Local Government Council that is not democratically elected shall not -

- (i) be recognized by any authority or person,
- (ii) be entitled to any revenue allocation from the Federation Account or the State Government, and
- (iii) perform any function exercisable by a local government council under this Constitution or any law.

(3) The membership of a Local Government Council shall come to an end at the expiration of three years, commencing from the date the members of the Council were sworn in.

(4) The tenure of an elected member of a Local Government Council shall not be suspended, interfered with or terminated by any person or authority except in the manner provided in this Constitution:

Provided that where a person whose election to the office of the Chairman, Deputy Chairman or Councilor of a local government council was sponsored by a political party becomes a member of another political party before the expiration of his tenure, he shall vacate the office for which he was elected if his membership of the latter political party is not as a result of -

- (a) a division in the political party of which he was previously a member, or
- (b) a merger of two or more political parties, or a faction by one of which he was previously sponsored.

(5) The Chairman or Vice-Chairman of a local government council may be removed from office in accordance with the provisions of this section.

(6) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the local government legislative council -

- (a) is presented to the Leader of the local government legislative council;
- (b) stating that the holder of such office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified,

the Leader of the local government legislative council shall, within seven days of the receipt of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the local government legislative council and shall also cause any statement made in reply to the allegation by the holder of the office, to be served on each member of the local government legislative council.

(7) Within fourteen days of the presentation of the notice to the Leader of the local government legislative council (whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice), the local government legislative council shall resolve by motion, without any debate, whether or not the allegation shall be investigated.

(8) A motion of the local government legislative council that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the local government legislative council.

(9) Within seven days of the passing of a motion under the foregoing provisions of subsection (8) of this section, the Chief judge of the State shall at the request of the Leader of the local government legislative council, appoint a panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section.

(10) The holder of an office whose conduct is being investigated under subsection (9) of this section shall have the right to defend himself in person or be represented before the panel by a legal practitioner of his own choice.

(11) A panel appointed under subsection (9) of this section shall –

(a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by the local government legislative council; and

(b) within three months of its appointment, report its findings to the local government legislative council.

(12) Where the panel reports to the local government legislative council that the allegation has not been proved, no further proceedings shall be taken in respect of the matter.

(13) Where the report of the panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report, the local government legislative council shall consider the report, and if by a resolution of the local government legislative council, supported by not less than two-thirds majority of all its members, the report of the panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report.

(14) No proceedings or determination of the panel or of the local government legislative council or any matter relating to such proceedings or determination shall be entertained or questioned in any court.

(15) In subsection (6) of this section, "gross misconduct" means a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion of the local government legislative council to gross misconduct.

(16) Each State shall, in prescribing the area over which a local government council may exercise authority—

- (a) define such area as clearly as practicable; and
- (b) ensure that, in defining such area, regard shall be had to—

- (i) the common interest of the community in the area,
- (ii) traditional association of the community, and
- (iii) administrative convenience.

(17) The functions to be conferred by Law upon local government council shall include those set out in the Fourth Schedule to this Constitution.

(18) Subject to the provisions of this Constitution —

(a) the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and

(b) the House of Assembly of a State shall make provisions for statutory allocation from internally generated public revenue to local government councils within the State.

(19) It shall be the duty of a local government council within the State to participate in economic planning and development of the area referred to in subsection (6) of this section and, to this end, an economic planning board shall be established by a law enacted by the House of Assembly of the State.

(20) Every person who is entitled to vote or be voted for at an election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.”

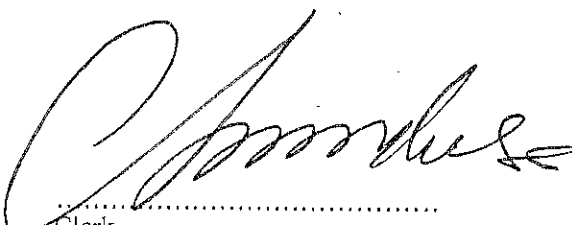
3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) Bill No. 2, 2022.

Explanatory Memorandum

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to establish Local Government Councils as a tier of government and guarantee their democratic existence and tenure.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 1ST MARCH, 2022


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President,
Senate of the Federal Republic of Nigeria


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Clerk,
Senate of the Federal Republic of Nigeria