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 FOR RELATED MATTERS, 2020

Sponsored by Hon. Nkeiruka Onyejeocha

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

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.

2. Section 7 of the Principal Act is altered by-

   (a) substituting for subsection (1), a new subsection "(1)"

   “(1) The system of Local Government by democratically elected Local Government Councils is under this Constitution guaranteed.”

   (b) inserting, after subsection (1), new subsections "(1A)"-"(1D)"

   “(1A) A Local Government Council-

   (a) not democratically elected shall not be recognized by any authority and persons and shall not be entitled to any revenue allocation from the Federation Account or the state Government nor exercise any function exercisable by a Local Government Council under this Constitution or any law for the time being in force; and

   (b) shall stand dissolved at the expiration of a period of three years, commencing from the date the members of the Council were sworn in.

   (1B) The democratically elected Local Government Council shall be a tier of government in Nigeria and shall consist of executive and legislative arms.
The House of Assembly of every State shall ensure the existence of democratically elected Local Government Councils under a Law which provides for the establishment, elections, structure, composition, finance and functions of such councils.

Subject to the provisions of this Constitution, a person shall be qualified for election into the Local Government Council if he is a member of a political party and is sponsored by that party or he is an independent candidate; and

(c) substituting for subsection (5), a new section "(5)"-

“(5) In addition to the functions conferred upon Local Government Councils as specified in the Fourth Schedule to this Constitution, a House of Assembly of a State may by law confer other functions on the Local Government Councils”; and

d) deleting subsection (6).

3. Section 318 of the Principal Act is altered by inserting, in alphabetical order, the following interpretation-

“Bye-law” means enactment of a Local Government Council;

"Chairman" or "Vice-Chairman" when used with reference to a Local Government Council means Chairman or Vice-Chairman of the Local Government Council;

"Councilor" means a member of a Local Government Legislative Council; and

4. Part I of the Fifth Schedule to the Principal Act is altered in paragraph (3) by inserting, after the word, "State", in line 4, the words, "Chairman, Vice-Chairman and Councilors of Local Government Councils."

5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 6, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to strengthen the administration of Local Governments in Nigeria.