



Lagos State of Nigeria Official Gazette

No. 25

IKEJA — 23rd June, 2016

Vol. 49

Lagos State Government Notice No. 44

The followings are published as supplement to this Gazette:

Pages

- LAW. No. 4 — A law to Amend the Lagos State Independent Electoral Commission Law 2008(Cap L36 Laws of Lagos State 2015) and for connected purposes A 37-39
- No. 5 — A law to Amend the Local Government Election Tribunal law No. 16 of 2001(Cap L90 Laws of Lagos State 2015) and for connected purposes A41
- No. 6 — A law to Amend the Local Government Administration law, (Cap L89, Laws of Lagos State 2015) A 43-46

ASSENTED TO AT IKEJA THIS 5TH OF MAY, 2016

MR. AKINWUNMI AMBODE
Governor of Lagos State

LAW No. 4



2016

Lagos State of Nigeria

**A LAW TO AMEND THE LAGOS STATE INDEPENDENT ELECTORAL
COMMISSION LAW 2008 (CAP. L36 LAWS OF LAGOS STATE 2015)
AND FOR CONNECTED PURPOSES**

(5th May 2016)

Commence-
ment

LAGOS STATE HOUSE OF ASSEMBLY *enacts as follows*—

1. The Lagos State Independent Electoral Commission Law Cap L36 Laws of Lagos State 2015 (referred to as the "Principal Law") is amended as follows- Amendment to the Principal Law
2. The Principal Law is amended by deleting Section 5 and replacing it as follows- Amendment to Section 5.
 - (1) The Functions of the Commission shall be to- Functions of the Commission
 - (a) organise, undertake and supervise all elections to Local Government Areas and Local Council Development Areas within the State;
 - (b) render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of the register of voters;
 - (c) prescribe guidelines to political parties stipulating the rules and procedure for the conduct of Local Government elections in the State;
 - (d) conduct voters and civic education;
 - (e) promote knowledge of sound democratic election processes;
 - (f) conduct any referendum or plebiscite required to be conducted pursuant to the provisions of Constitution of Nigeria 1999 (as Amended) or any Law of the State House of Assembly;
 - (g) prepare and submits its budget directly to the House of Assembly;

- (h) liaise directly with the Commissioner of Police, Director, State Security Service and other relevant security bodies in order to facilitate violence-free and fair elections;
- (i) consult regularly with all registered political parties in the State and ensure free flow of information about the Commission;
- (j) appoint Counsel to defend the Commission and prosecute anyone who violates the provisions of the Law;
- (k) assign polls clerks and orderlies in respect of each polling station or unit to assist at the polls; and
- (l) perform such other functions as may be conferred on it by Law.

(2) (a) Subject to the provisions of the Independent National Electoral Commission Act, the Commission shall divide each Local Government Area into such number of Wards, not less than ten (10) or more than twenty (20), as the circumstances of each Local Government may require.

(b) The boundaries of each ward shall be such that the number of inhabitants of the Ward is as nearly equal to the population quota of the ward as is reasonably practicable.

(c) The Commission shall review the division of every Local Government into wards at intervals of every ten (10) years and may alter such wards in accordance with the provisions of this Subsection to such extent as it may consider desirable.

Amendment to
Section 21(1)

3. Section 21(1) of the Principal Law is amended by deleting the phrase "sixty (60) days" and replacing it with "ninety (90) days".

Amendment
to Section 40.

4. Section 40 of the Principal Law is amended by inserting a new subsection (4) as follows-

(4) "Where in this Law, an act is required to be done by or in the presence of a party agent, the omission of the party agent to do the act or the fact that the party agent is not present shall not invalidate the act if properly done".

Creation of a
new Section
62

5. The Principal Law is amended by creating a new Section 62 as follows-

62. (1) *Where a person duly elected as Chairman of a Local Government Area of a Local Government Area dies before subscribing to the Oath of Allegiance and Oath of office, the person elected with him Vice-Chairman shall be sworn in as Chairman.*

Death of the
Chairman of
a Local
Government
Area before
Swearing-in

- (2) *The Chairman shall subject to the approval of majority of the members of the Legislative Council nominate a Vice-Chairman.*
- (3) *Where the Vice-Chairman is appointed from amongst the Councillors, the Commission shall conduct a bye-election to fill the vacancy created by the appointment.*

6. The Principal Law is amended by creating a new Section 63 as follows- Creation of a new Section 63
- "Where the persons duly elected as Chairman and Vice-Chairman die, the Commission shall conduct an election to fill the vacancies."* Death of both Chairman and Vice-Chairman
7. The Principal Law is amended by creating a new Section 64 as follows- Creation of a new Section 64
- "In determining the tenure of a Chairman Vice-Chairman where a re-run election is ordered by the Tribunal, and the person earlier sworn-in as Chairman Vice-Chairman wins the re-run election, the time he had spent in office before the election was annulled shall be taken in account."* Tenure of office after re-run
8. The Principal Law is amended by renumbering all Sections Accordingly. Renumbering of Sections of the Principal Law
9. This Law may be cited as the Lagos State Independent Electoral (Amendment) Law 2016 and shall come into force on 5th day of May, 2016. Citation and Commencement

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

G. OABIRU
Clerk of the House of Assembly

ASSENTED TO AT IKEJA THIS 5TH OF MAY, 2016.

MR AKINWUNMI AMBODE
Governor of Lagos State

LAW No. 5



2016

Lagos State of Nigeria

ALAW TO AMEND THE LOCAL GOVERNMENT ELECTION TRIBUNAL LAW NO. 16 OF 2001 (CAP L90 LAWS OF LAGOS STATE 2015) AND FOR CONNECTED PURPOSES

(5th May, 2016)

Commence-
ment

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows-

- | | | |
|----|--|---------------------------------|
| 1. | The Local Government Election Tribunal Law No. 16 of 2001 (referred to as the "Principal Law") is amended as follows- | Amendment to the Principal Law. |
| 2. | Section 14 (1) of the Principal Law is amended by deleting the phrase "thirty (30) days and replacing it with forty-five (45) days". | Amendment to Section 14(1) |
| 3. | Section 54 (1) of the Principal Law is amended by deleting the entire provision and replacing as follows- | |

"The Tribunal shall have power, subject to the provisions of Sections 2(2) and 27 of this Law, to enlarge the time for doing any act or taking any proceeding on such terms as the justice of the case may require provided that such enlargement of time shall not be granted by the Tribunal to extend the life span of a petition beyond forty-five (45) days as provided for in Section 14 (1) of this Law".

Amendment to Section 54(1)

- | | | |
|----|---|----------------------------|
| 4. | This Law may be cited as the Local Government Election Tribunal (Second Amendment) Law 2016 and shall come into force on 5th day of May 2016. | Citation and Commence-ment |
|----|---|----------------------------|

G.O. ABIRU
Clerk of the House of Assembly

ASSENTED TO AT IKEJA THIS 5TH OF MAY, 2016

MR AKINWUNMI AMBODE
Governor of Lagos State



Law No. 6

2016

Lagos State of Nigeria

**A LAW TO AMEND THE LOCAL GOVERNMENT ADMINISTRATION
LAW, CAP. L89, LAWS OF LAGOS STATE 2015**

(5th May, 2016)

Commence-
ment

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. The Local Government Administration Law, Cap. L89, Laws of Lagos State, 2015 (referred to in this Law as the "Principal Law") is amended as follows-

Amendment
to the
Principal
Law.
2. Section 12(1) of the Principal Law is deleted and a new Section 12(1) is inserted as follows-

Amendment
to
Section 12(1)

“(1) The Council shall stand dissolved at the expiration of a period of four (4) years commencing from the date when the Councillors take and subscribe to their Oath of Membership.”
3. Section 21(1) of the Principal Law is amended by adding a new Section 21(1)(a) as follows-

Amendment
to
Section 21(1)

“(a) has been elected as Chairman of any Local Government Area or Local Council Development Area in the State at any two (2) previous elections.”
4. Section 24 (1), (2) and (5) of the Principal Law is amended as follows-

Amendment
to
Section 24

“(1) When the holder of the office acts in any way as to amount to misconduct in the performance of the functions of the office, a notice in writing signed by not less than one-half ($\frac{1}{2}$) of the members of the Council stating the misconduct, detailed particulars of which must be specified is presented to the Leader of the Council.

“(2) The Leader of the Council shall, within seven (7) days of the notice, direct that a copy of the notice be served on the holder of the office and each member of the 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 Council.

- (5) within seven (7) days of the passing of a motion under subsection (4) of this section, the Leader of the Council shall inform the Chief Judge of the State, who will appoint a Panel of seven (7) persons who in his opinion are of unquestionable integrity not being members of:
- (a) any public or civil service; or
 - (b) a legislative house; or
 - (c) a political party,
- to investigate the allegation as provided in this section."

Amendment
to Section 24A.

5. Section 24A of the Principal Law is deleted and replaced as follows-

- "(1) The House of Assembly may after necessary investigation pass a resolution by two-third ($\frac{2}{3}$) majority of members for the removal or suspension of any Chairman, Vice-Chairman or any elected official/political appointee of any Local Government Area or Local Council Development Area in the interest of peace, order and good governance of the State.
- (2) The resolution of the House of Assembly passed in accordance with subsection (1) above shall be communicated to the Governor for implementation.
- (3) Where the Governor fails to implement the resolution of the House in respect of the above, he shall communicate his refusal within fourteen (14) days of the notification of the resolution stated in subsection (1) of this Section to the House.
- (4) In the event of such communication of refusal or non communication by the Governor after fourteen (14) days of notification of the resolution for removal, the House of Assembly may by two-third ($\frac{2}{3}$) majority of members pass a resolution removing or suspending such Chairman, Vice-Chairman or any elected official/political appointee and such resolution shall take immediate effect.
- (5) Where the resolution stated in this Section relates to suspension, the affected Chairman, Vice-Chairman or any elected official/political appointee shall at the expiration of such suspension resume office and shall notify the House of Assembly of his resumption of office.
- (6) Nothing in this Section shall prevent the Governor from suspending any Chairman, Vice-Chairman or any elected official/political appointee of any Local Government Area or Local Council Development Area in the interest of peace, order and good governance of the State.

- (7) Where after due investigation a suspended Chairman, Vice-Chairman or any elected official/political appointee is cleared of the allegations levied against him, the House may by resolution of a simple majority approved by the Governor reinstate such official to Office."

6. Section 26 of the Principal Law is amended by adding subsection (5) as follows-

Amendment
to Section 26

- "(5) The person filling any vacancy under this Section shall only complete the unexpired term of office of the previous holder."

7. Section 27 (1), (2) and (3) of the Principal Law is deleted and new Section 27(1) and (2) is inserted as follows-

Amendment
to Section 27

- "(1) A person elected as Chairman shall hold office for a term of four (4) years commencing from the date the Oath of Allegiance and the Oath of Office is administered unless the person-

- (a) becomes a President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State;
- (b) becomes a member of a legislative house;
- (c) whose election was sponsored by a political party, resigns from that political party or becomes a member of another political party before the expiration of the period for which the Chairman was elected;
- (d) dies whilst holding that office;
- (e) resigns from office;
- (f) is proven to be a current member of a secret society;
- (g) otherwise ceases to hold office in accordance with the provisions of this Law.

- (2) The Secretary to the Local Government shall upon satisfactory evidence notify the Local Government Council that any of the provisions of subsection (1) has become applicable in respect of the Chairman."

Amendment
to Section 50

8. Section 50 of the Principal Law is amended by creating new subsections (3) and (4) as follows-

“(3) Upon submission of the Auditor-General’s report to the House of Assembly, the Speaker shall cause the report to be considered by the appropriate committee of the House which shall submit its findings and recommendations to the House for its resolutions.

(4) Where the recommendations of the appropriate committee indicts-

(a) a Civil Servant, the Speaker shall cause the Clerk of the House of Assembly to notify the Chairman of the Local Government Service Commission of the resolution of the House for necessary disciplinary actions and the decision of the Commission shall be communicated to the House;

(b) a political office holder, the provisions of Section 24A of this Law shall apply.”

Renumbering of
Sections and
Subsections

9. All sections, subsections and paragraphs are renumbered accordingly.

Citation and
Commence-
ment.

10. This Law may be cited as the Local Government Administration (Amendment) Law, 2016 and shall come into force on the 5th day of May 2016.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

G. O. ABIRU

Clerk of the House of Assembly