

A BILL

FOR

AN ACT TO AMEND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA
1979 AND FOR MATTERS CONNECTED THEREWITH.

Sponsored by SENATOR J. A. OLA ODEBIYI,
Egba. lo North/South Senatorial District,
Ogun State

AND

SENATOR S. A. AKINTOYE,
Ondo Central Senatorial District,
Ondo State

[]

Commence
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows -

3 1. Section 3 of the Constitution is hereby amended by *adding*
4 immediately after the word "Sokoto" the words "and such other States
5 as may from time to time be created in accordance with section 8 of this
6 Constitution".

Amendment
to section 3
of Constitu-
tion.

7 2. For section 8 of the Constitution there is hereby substituted
8 the following new section—

Amendment
to section 8
of Constitu-
tion

9 "New States and boundary adjustments. 8.—(1) An Act of the National Assembly for the purpose
10 of creating a new State shall be passed only if—

11 (a) a request for the creation of the new State is submitted
12 to the National Assembly ;

1 (b) the request is thereafter approved in a referendum
 2 by at least two-thirds majority of the indigenes of the area
 3 concerned who are up to the age of eighteen years and are
 4 registered by the National Referendum Commission ;

5 (c) the result of the referendum is then approved—

6 (i) by a simple majority of the Governments of all the
 7 States of the Federation supported by a simple majority
 8 of the members of each of the Houses of Assembly of those
 9 States, the Governments of which have approved the
 10 result of the referendum ; and

11 (ii) by a resolution passed by a two-thirds majority
 12 of members of the National Assembly sitting at a joint
 13 meeting.

14 (2) For the purpose of subsection (1) of this section,
 15 a request shall be in writing and dated and shall be signed
 16 by at least two-thirds majority of members representing
 17 the area demanding the creation of the new State in each
 18 of the following, namely—

19 (a) the Senate and the House of Representatives ;

20 (b) the House of Assembly in respect of the area ; and

21 (c) the local government councils in respect of the area.

22 PROVIDED that—

23 (a) paragraph (c) of this subsection shall not apply
 24 until after the first local government elections are held
 25 pursuant to section 7 of this Constitution ; and

(b) where the area demanding the creation of a new State consists of more local government areas than one (hereinafter referred to as the "component areas") and less than two-thirds majority of the members representing any component area in the National Assembly and the House of Assembly as aforesaid do in fact sign the request, the National Assembly shall exclude such component area from the request.

(3) Every request under subsection (1) of this section shall be submitted to the National Assembly through the President of the Senate and the Speaker of the House of Representatives.

(4) An Act of the National Assembly for the purpose of boundary adjustment of any existing State shall be passed only if—

(a) a request in writing for the boundary adjustment is submitted to the National Assembly ;

(b) the request is thereafter approved in a referendum by at least two-thirds majority of the indigenes of the area concerned who are up to the age of eighteen years and are registered by the National Referendum Commission ;

(c) the result of the referendum is then approved

(i) by the Government supported by a simple majority of the members of the House of Assembly of the State in respect of the area concerned ;

1 (ii) by the Government supported by a simple majority
2 of the members of the House of Assembly of the State
3 of which the area demanding the boundary adjustment
4 is to be merged by reason of the boundary adjustment ;
5 and

6 (iii) by a resolution passed by a two-thirds majority
7 of members of the National Assembly sitting at a joint
8 meeting.

9 (5) For the purpose of subsection (4) of this section, a
10 request shall be in writing and dated and shall be signed
11 by at least two-thirds majority of members representing
12 the area demanding the boundary adjustment in each of the
13 following, namely—

14 (a) the Senate and the House of Representatives ;

15 (b) the House of Assembly of the State in which the area
16 is for the time being included ; and

17 (c) the local government council or councils in respect of
18 the area.

19 (6) Every request under subsection (4) of this section
20 shall be submitted to the National Assembly through the
21 President of the Senate and the Speaker of the House of
22 Representatives.

23 (7) In this section, an "indigene" in relation to an area
24 means a person not less than eighteen years of age either
25 of whose parents or grand-parents belongs to a community
26 indigenous to the area or a component part of the area deman-
27 ding the creation of the new State or the boundary adjustment
28 as the case may be, and whose name is registered by the
29 National Referendum Commission.

(8) Any question as to whether or not a person is an indigene of an area shall be determined by the appropriate Sharia Court or Customary Court exercising jurisdiction in the area in question".

3. Section 140 of the Constitution is hereby amended in subsection (1) thereof by *adding* immediately after paragraph (i) the following new paragraph

Amendment to section 140 of Constitution.

"(j) National Referendum Commission".

4. Part I of the Third Schedule to the Constitution is hereby amended by *adding* immediately after paragraph 18 thereof the following new paragraphs—

Amendment to Part I of Third Schedule to Constitution.

J—*National Referendum Commission*

19. The National Referendum Commission shall comprise the following members, namely—

(a) a Chairman who shall be appointed by the President from amongst members specified in sub-paragraph (b) of this paragraph ;

(b) one member from each of the States of the Federation who shall be appointed by the President acting in accordance with the recommendation of the Governor of the State concerned.

20. The Commission shall have power—

(a) to organise, undertake and supervise all referenda for the purpose of the creation of new States or for the purpose of boundary adjustment in pursuance of section 8 of this Constitution or for the purpose of such other requirements as may be prescribed in any law made by the National Assembly ;

1 (b) to arrange for the registration of the indigenes of the
2 respective areas demanding the creation of new States or
3 boundary adjustment ; and

4 (c) to ensure that the register of indigenes is prepared and
5 maintained in such form as to facilitate its use for any referen-
6 dum pursuant to section 8 of this Constitution and for any
7 other purpose where the popular opinion of the indigenes of
8 an area is required under or by any law in force in any part of
9 the Federation”.

Interpreta-
tion.

10 5. In this Act—

11 “Constitution” means Constitution of the Federal Republic of
12 Nigeria 1979.

Short title.

13 6. This Act may be cited as the Constitution of the Federal Republic
14 of Nigeria (Amendment) Act 1982.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Constitution of the Federal Republic of Nigeria, 1979 so as to clarify those provisions relating to the procedure for the creation of new States and to make consequential provision relating to the number of States that make up the Federal Republic of Nigeria.

A BILL

FOR

AN ACT TO AMEND THE LEGAL EDUCATION (CONSOLIDATION, ETC.) ACT 1976
AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by Hon. UMAR SADIQ,
Kumbotso Federal Constituency,
Kano State*

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows—

3 1.—Section 1 of the principal Act is hereby amended by *inserting*
4 immediately after subsection (2) thereof the following new subsection—

Amendment
to section 1 of
principal Act.

5 “(3) Without prejudice to the generality of subsection (2) of this
6 section, the Council shall establish and maintain campuses of the
7 Nigerian Law School at Enugu, Kaduna and Lagos respectively.

8 2. For section 2 of the principal Act there shall be substituted the
9 following new section—

Amendment
to section 2 of
principal Act.

10 “Composi-
11 tion of
Council.

2. The Council shall consist of—

(a) the Attorney-General of the Federation who shall be

the Chairman of the Council ;

(b) the Attorneys-General of the States ;

(c) the head of the faculty of Law of any University in

- 1 Council as sufficient qualification for admission to the
2 Nigerian Law School ;
3 (d) the President of the Nigerian Bar Association ;
4 (e) ten persons entitled to practise as legal practitioners in
5 Nigeria of not less than ten years standing and selected or
6 elected by the Nigerian Bar Association ;
7 (f) the Director of the Nigerian Law School ; and
8 (g) two persons who shall be authors of published learned
9 works in the field of law, to be appointed by the Attorney-
10 General of the Federation.”
- Repeal. 11 3. Section 4 of the principal Act is hereby repealed.
- Interpreta- 12 4. In this Act—
tion. 13 “principal Act” means Legal Education (Consolidation, etc.)
14 Act 1976.
- Short title. 15 5. This Act may be cited as the Legal Education (Consolidation,
16 etc.) (Amendment) Act 1982.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to increase the number of campuses of the Nigerian Law School to three in order to cope with the ever-increasing number of legal practitioners being trained by that school. This Bill also seeks to make the Attorney-General of the Federation the chairman of the Council of Legal Education and correct the anomaly in section 4 of the principal Act.

A BILL

FOR

AN ACT TO REPEAL THE INDUSTRIAL ARBITRATION TRIBUNAL (VARIATION OF CERTAIN AWARD) ACT 1979 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. M. R. IS'HAQ,
Suleja Federal Constituency,
Niger State*

[] Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows:—

3 1.—(1) The Industrial Arbitration Tribunal (Variation of Certain
4 Award) Act 1979 is hereby *repealed*. Repeal of
1979. No. 78.

5 (2) Without prejudice to section 6 of the Interpretation Act 1964
6 (which relates to the consequences of the *repeal* of an enactment),
7 the salary scales prescribed in the Schedule to the Act repealed by
8 subsection (1) of this section shall continue to have effect until new
9 scales are *substituted* therefor by agreement of the parties concerned
10 or otherwise howsoever.

11 2. This Act may be cited as the Industrial Arbitration Tribunal
12 (Variation of Certain Award) (Repeal) Act 1982. Short title.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Industrial Arbitration Tribunal (Variation of Certain Award) Act 1979 in order to enable the Nigerian Airways Limited and their pilots, co-pilots and flight engineers negotiate and settle new salary scales if and when necessary.

A BILL

FOR

AN ACT TO AMEND THE INCOME TAX MANAGEMENT
ACT 1961 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by Chief Hon. TOM U. B. EGBUWOKU,
Isoko Federal Constituency,
Bendel State.*

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal Republic
2 of Nigeria as follows :—

3 1. The Third Schedule to the Income Tax Management Act 1961
4 is hereby amended by adding immediately after paragraph (x) thereof
5 the following new paragraph :—

Amendment
of Third
Schedule to
Act. 1961
No. 21.

6 “(y) Pensions payable to a public officer under any law relating
7 to pensions in force in Nigeria or any part thereof”.

8 2. This Act may be cited as the Income Tax Management (Amend-
9 ment) (No. 2) Act 1981 and shall be deemed to have come into force
10 on the 1st day of January, 1981.

Short title
and
commence-
ment.