

LOCAL GOVERNMENT REFORMS

1. Local Government Autonomy Bill

Bill No: SB 471 (Consolidated)

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 A TIER OF GOVERNMENT AND GUARANTEE THEIR DEMOCRATIC EXISTENCE, TENURE; AND FOR RELATED MATTERS

Section	Provisions of the Constitution	Provisions of the Bill	Remarks
		ENACTED by the National Assembly of the Federal Republic of Nigeria-	
		Clause 1 Alteration of Constitution 1999 The Constitution of the Federal Republic of Nigeria 1999 (As Amended) is hereby amended as set out in this Bill.	
	Legislative powers (1) The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representatives. (2) The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution. (3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States.	CLAUSE 2 Alteration of Section 4 Section 4 of the Principal Act is altered – (a) by inserting after subsection (7), new subsection “(7A)” and (7B) –	

	<p>(4) In addition and without prejudice to the powers conferred by subsection (2) of this Section, the National Assembly shall have power to make laws with respect to the following matters, that is to say-</p> <p>(a) any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and</p> <p>(b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.</p> <p>(5) If any Law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other Law shall to the extent of the inconsistency be void.</p> <p>(6) The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State.</p> <p>(7) The House of Assembly of a State shall have power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters, that is to say-</p> <p>(a) any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution;</p> <p>(b) any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and</p>	<p>“(7A) The legislative powers of a Local Government shall be vested in the Local Government Council.</p> <p>(7B) The Local Government Council shall make bye laws for the peace, order and good government of the Local Government or any part thereof with respect to the following matters –</p> <p>(a) any matter contained in the Fourth Schedule to the Constitution; and</p>	
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	<p>(c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.</p> <p>(8) Save as otherwise provided by this Constitution, the exercise of legislative powers by the National Assembly or by a House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law.</p> <p>(9) Notwithstanding the foregoing provisions of this section, the National Assembly or a House of Assembly shall not, in relation The Constitution of the Federal Republic of Nigeria Updated with the First, Second , Third and Fourth Alterations 21 to any criminal offence whatsoever, have power to make any law which shall have retrospective effect.</p>	<p>(b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of the Constitution.”</p> <p>(b) In subsection (8), by substituting for the words, “National Assembly or by a House of Assembly” in lines 3 and 7, the words “National Assembly, House of Assembly or by a Local Government Council”</p> <p>(c) In subsection (9), by substituting for the words, “National Assembly or by a House of Assembly”, the words “National Assembly, House of Assembly or by a Local Government Council”</p>	
5	<p style="text-align: center;">Executive powers</p> <p>(1) Subject to the provisions of this Constitution, the executive powers of the Federation-</p> <p>(a) shall be vested in the President and may, subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the public service of the Federation; and</p> <p>(b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws.</p>	<p style="text-align: center;">CLAUSE 3</p> <p style="text-align: center;">Alteration of Section 5.</p> <p>Section 5 of the Principal Act is altered –</p> <p>(a) by inserting after subsection (3), new subsections “(3A)” and “(3B)”:</p>	

	<p>(2) Subject to the provisions of this Constitution, the executive powers of a State-</p> <p>(a) shall be vested in the Governor of that State and may, subject as aforesaid and to the provisions of any Law made by a House of Assembly, be exercised by him either directly or through the Deputy Governor and Commissioners of the Government of that State or officers in the public service of the State; and</p> <p>(b) shall extend to the execution and maintenance of this Constitution, all laws made by the House of Assembly of that State and to all matters with respect to which the House of Assembly has for the time being power to make laws.</p> <p>(3) The executive powers vested in a State under subsection (2) of this section shall be exercised as not to-</p> <p>(a) impede or prejudice the exercise of the executive powers of the Federation;</p> <p>(b) endanger any asset or investment of the Government of the Federation in that State; or</p> <p>(a) endanger the continuance of a federal government in Nigeria.</p> <p>(4) Notwithstanding the foregoing provisions of this section-</p> <p>(a) the President shall not declare a state of war between the Federation and another country except with the sanction of a resolution of both Houses of the National Assembly sitting in a joint session; and</p>	<p>“(3A) Subject to the provisions of this Constitution, the Executive Powers of a Local Government:</p> <p>(a) shall be vested in the Chairman of that Local Government, and may, subject as aforesaid and to the provision of any law made by the National Assembly or State House of Assembly of the State, be exercised by him either directly or through the Vice Chairman of the Local Government or Supervisory Councilors of the Local Government Council or other officers in the public service of the Local Government; and</p> <p>(b) shall extend to the execution and maintenance of this Constitution, all laws made by the National Assembly and House of Assembly of that State and to all matters with respect to which the Local Government Council has for the time being power to make bye laws.</p>	
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	<p>(b) except with the prior approval of the Senate, no member of the armed forces of the Federation shall be deployed on combat duty outside Nigeria.</p> <p>(5) Notwithstanding the provisions of subsection (4) of this section, the President, in consultation with the National Defence Council, may deploy members of the armed forces of the Federation on a limited combat duty outside Nigeria if he is satisfied that the national security is under imminent threat or danger: Provided that the President shall, within seven days of actual combat engagement, seek the consent of the Senate and the Senate shall thereafter give or refuse the said consent within fourteen days.</p>	<p>(3B) The executive powers vested in a Local Government Council under subsection (3A) of this section shall be exercised as not to-</p> <p>(a) impede or prejudice the exercise of the executive powers of the Federation or the State;</p> <p>(b) endanger any asset or investment of the Government of the Federation or State in that Local Government; or</p> <p>(c) endanger the continuance of the federal government in Nigeria.</p>	
7.	<p style="text-align: center;">Local Government System</p> <p>(1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.</p> <p>(2) The person recognized by law to prescribe the area over which a local government council may exercise authority shall-</p> <p>(a) define such area as clearly as practicable; and The Constitution of the Federal Republic of Nigeria Updated with the First, Second, Third and Fourth Alterations 25</p> <p>(b) ensure, to the extent to which it may be reasonably justifiable, that in defining such area regard is paid to –</p> <p style="padding-left: 40px;">(i) the common interest of the community in the area,</p> <p style="padding-left: 40px;">(ii) traditional association of the community, and</p> <p>(251) administrative convenience.</p>	<p style="text-align: center;">CLAUSE 4 Substitution for section 7</p> <p>Substitute for section 7 of the Principal Act, a new section “7” -</p> <p>“Local Government System</p> <p>7. (1) The Local Government system shall be a tier of government democratically elected in this Constitution.</p> <p>(2) A State House of Assembly shall make laws for the structure and administration of Local Government subject to the provisions of this Constitution.</p> <p>(3) Each State shall, in prescribing the area over which a local government council may exercise authority—</p> <p style="padding-left: 40px;">(a) define such area as clearly as practicable; and</p> <p style="padding-left: 40px;">(b) ensure that, in defining such area, regard is paid to—</p>	

	<p>(3) 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 (2) 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.</p> <p>(4) The Government of a State shall ensure that 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.</p> <p>(5) The functions to be conferred by Law upon local government council shall include those set out in the Fourth Schedule to this Constitution. (Fourth Schedule)</p> <p>(6) Subject to the provisions of this Constitution –</p> <p>(a) the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and</p> <p>(b) the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.</p>	<p>(i) the common interest of the community in the area,</p> <p>(ii) traditional association of the community, and</p> <p>(iii) administrative convenience.</p> <p>(4) The functions to be conferred by Law upon local government council shall include those set out in the Fourth Schedule to this Constitution.</p> <p>(5) Subject to the provisions of this Constitution –</p> <p>(a) the National Assembly shall make provisions for statutory allocation of public revenue to Local Governments in the Federation; and</p> <p>(b) the House of Assembly of a State shall make provisions for statutory allocation from internally generated public revenue to Local Government within the State.</p> <p>(6) It shall be the duty of a Local Government council within a 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.</p> <p>(7) 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.</p>	
129	House of Assembly of a State	<p>CLAUSE 5</p> <p>Insertion of a new Part III</p>	

		<p>“Part III</p> <p><i>Local Government Council</i></p> <p><i>A. Composition and Staff of Local Government Council</i></p> <p>129A Local Government Legislative Council</p> <p>(1) There shall be for each Local Government, a Local Government Council which shall consist of all the councilors elected to represent each ward within the Local Government.</p> <p>(2) There shall be for the Local Government Council a Speaker, Majority Leader and Minority Leader (where a minority party exists) who shall be elected by members from among themselves.</p> <p>129B Staff of the legislative Council</p> <p>There shall be a Clerk to a legislative Council and such other staff as may be prescribed by a Law enacted by the House of Assembly, and the method of appointment of the Clerk and other staff of the House shall be as prescribed by that Law.</p> <p><i>B. Declaration of assets and qualification for election into the Local Government Council</i></p> <p>129C Declaration of assets and liabilities; oaths of members</p> <p>(1) Every person elected to a Local Government Council shall, before taking his seat in that Local Government Council , declare his assets and liabilities in the manner</p>	
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		<p>prescribed in this Constitution and subsequently take and subscribe before the Speaker of the House, the Oath of Allegiance and Oath of Membership prescribed in the Seventh Schedule to this Constitution, but a member may, before taking the oaths, take part in the election of the Speaker and Deputy Speaker of the Local Government Council.</p> <p>(2) The Speaker and Deputy Speaker of a Local Government Council shall declare their assets and liabilities in the manner prescribed by this Constitution and subsequently take and subscribe to the Oath of Allegiance and the oath of membership prescribed as aforesaid before the Clerk of the Local Government Council.</p> <p>129D Qualification for election to the local government legislative council</p> <p>(1) A person shall be qualified for election to the local government legislative Council if he -</p> <ul style="list-style-type: none"> (a) is a citizen of Nigeria by birth; (b) has attained the age of twenty-five years; (c) is a member of a political party and is sponsored by that political party; and (d) has been educated up to at least school certificate level or its equivalent. <p>129E Disqualifications</p> <p>(1) No person shall be qualified for election to a Local Government Council if –</p>	
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		<p>(a) subject to the provisions of section 28 of this Constitution, he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, he has made a declaration of allegiance to such other country;</p> <p>(b) under the law in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;</p> <p>(c) he is under a sentence of death imposed by any competent court of law or tribunal in Nigeria or a sentence of imprisonment for any offence involving dishonesty or fraud (by whatever name called) or any other offence imposed on him by any court or tribunal or substituted by a competent authority for any other sentence imposed on him by such a court or tribunal;</p> <p>(d) within a period of less than ten years before the date of election to a local government legislative council, he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of the contravention of the code of Conduct;</p> <p>(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria;</p> <p>(f) being a person employed in the public service of the Federation or of any State, he has not resigned, withdrawn or retired from the employment at least thirty days to the date of the election;</p>	
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		<p>(g) he is a member of any secret society; or</p> <p>(h) he has presented a forged certificate to the State Independent Electoral Commission.</p> <p>(2) Where in respect of a person who has been -</p> <p>(a) adjudged to be a lunatic;</p> <p>(b) declared to be of unsound mind;</p> <p>(c) sentenced to death or imprisonment; or</p> <p>(d) adjudged or declared bankrupt,</p> <p>an appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.</p>	
212	<p>Prerogative of mercy</p> <p>(1) The Governor may –</p> <p>(a) grant any person concerned with or convicted of any offence created by any Law of a State a pardon, either free or subject to lawful conditions;</p> <p>(b) grant to any person a respite, either for an indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;</p>	<p>CLAUSE 6</p> <p>Insertion of a new Part IIA</p> <p>“Part IIA</p> <p>Local Government Executive</p> <p>212A. Establishment of the office of the Chairman</p>	

	<p>(c) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or</p> <p>(d) remit the whole or any part of any punishment imposed on that person for such any offence or of any penalty forfeiture otherwise due to the State on account of such an offence.</p> <p>(2) The powers of the Governor under subsection (1) of this section shall be exercised by him after consultation with such advisory council of the State on prerogative of mercy as may be established by Law of the State.</p>	<p>(1) There shall be for each Local Government of a State, a Chairman.</p> <p>(2) The Chairman of a Local Government shall be the Chief Executive of that Local Government.</p> <p>212B Qualification for election as Chairman</p> <p>A person shall be qualified for election to the office of the Chairman of Vice Chairman of a Local Government Council if he -</p> <ul style="list-style-type: none"> (a) is a citizen of Nigeria by birth; (b) has attained the age of twenty-five years; (c) is a member of a political party and is sponsored by that political party; (d) has been educated up to at least School certificate level or its equivalent; and (e) has not been elected to such office at any two previous elections. <p>212C Tenure of office of Chairman</p> <p>(1) Subject to the provisions of this Constitution, a person shall hold the office of Chairman of a Local Government until –</p> <ul style="list-style-type: none"> (a) when his successor in office takes the oath of that office; (b) he dies whilst holding such office; 	
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		<p>(c) the date when his resignation from office takes effect; or</p> <p>(d) he otherwise ceases to hold office in accordance with the provisions of this Constitution.</p> <p>(2) Subject to the provisions of subsection (1) of this section, the Chairman shall vacate his office at the expiration of a period of three years commencing from the date when –</p> <p>(a) in the case of a person first elected as Chairman under this Constitution, he took the Oath of Allegiance and oath of office; and</p> <p>(b) the person last elected to that office took the Oath of Allegiance and oath of office or would, but for his death, have taken such oaths.</p> <p>(3) In the determination of the three year term, where a re-run election has taken place and the person earlier sworn in wins the re-run election, the time spent in office before the date the election was annulled shall be taken into account.</p> <p>(4) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of three years mentioned in subsection (2) of this section from time to time, but no such extension shall exceed a period of six months at any one time.</p> <p>212D. Death, etc., of Chairman-elect before oath of office</p>	
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		<p>(1) If a person duly elected as Chairman dies before taking and subscribing the Oath of Allegiance and oath of office, or is unable for any reason whatsoever to be sworn in, the person elected with him as Vice Chairman shall be sworn in as Chairman and he shall nominate a new Vice Chairman who shall be appointed by the Chairman with the approval of a simple majority of the Legislative Council of the Local Government.</p> <p>(2) Where the persons duly elected as Chairman and Vice Chairman of a State die or are for any reason unable to assume office before the inauguration of the Legislative Council, the State Independent Electoral Commission shall immediately conduct an election for a Chairman and Vice Chairman of the State.</p> <p>212E Disqualifications</p> <p>(1) No person shall be qualified for election to the office of Chairman of a Local Government if he –</p> <p>(a) subject to the provisions of section 28 of this Constitution, has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, he has made a declaration of allegiance to such other country;</p> <p>(b) has been elected to such office at any two previous elections;</p> <p>(c) under the law in any part of Nigeria, is adjudged to be a lunatic or otherwise declared to be of unsound mind;</p>	
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		<p>(d) is under a sentence of death imposed by any competent court of law or tribunal in Nigeria or a sentence of imprisonment for any offence involving dishonesty or fraud (by whatever name called) or any other offence imposed on him by any court or tribunal or substituted by a competent authority for any other sentence imposed on him by such a court or tribunal;</p> <p>(e) within a period of less than ten years before the date of election to the office of Chairman of a local government council has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of the contravention of the code of Conduct;</p> <p>(f) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria;</p> <p>(g) being a person employed in the public service of the Federation or of any State, has not resigned, withdrawn or retired from the employment at least thirty days to the date of the election;</p> <p>(h) is a member of any secret society; or</p> <p>(i) has presented a forged certificate to the State Independent Electoral Commission.</p> <p>(2) Where in respect of any person who has been</p> <p>(a) adjudged to be a lunatic;</p> <p>(b) declared to be of unsound mind;</p>	
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		<p>(c) sentenced to death or imprisonment; or</p> <p>(d) adjudged or declared bankrupt,</p> <p>an appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.</p> <p>212 F Declaration of assets and liabilities: oaths of office of Chairman</p> <p>(1) A person elected to the office of the Chairman of a Local Government shall not begin to perform the functions of that office until he has declared his assets and liabilities as prescribed in the Constitution and has subsequently taken and subscribed the Oath of Allegiance and oath of office prescribed in the Seventh Schedule to this Constitution.</p> <p>(2) The Oath of Allegiance and the oath of office shall be administered by the Chief Judge of the State or Grand Kadi of the Sharia Court of Appeal of the State, if any or President of the Customary Court of Appeal of the State, if any, or the person for the time being respectively appointed to exercise the functions of any of those offices in any State</p> <p>212G Establishment of the office of Vice-Chairman</p>	
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		<p>There shall be for each Local Government of a State of the Federation a Vice-Chairman.</p> <p>212 H Nomination and election of Vice-Chairman</p> <p>(1) In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for the office of Chairman of a Local Government Council shall not be deemed to have been validly nominated for such office unless he nominates another candidate as his associate for his running for the office of Chairman, who is to occupy the office of Vice-Chairman, and that candidate shall be deemed to have been duly elected to the office of Vice-Chairman if the candidate who nominated him is duly elected as Chairman in accordance with the said provisions.</p> <p>(2) The provisions of this Part of this Chapter relating to qualification for election, tenure of office, disqualifications, declaration of assets and liabilities and Oath of Chairman shall apply in relation to the office of Vice-Chairman as if references to Chairman were references to Vice-Chairman.</p> <p>212I Removal of Chairman or Vice-Chairman from Office</p> <p>(1) The Chairman or Vice-Chairman of a Local Government may be removed from office in accordance with the provisions of this section.</p> <p>(2) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the Local Government council –</p>	
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		<p>(a) is presented to the Speaker of the Local Government council;</p> <p>(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,</p> <p>the Speaker of the Local Government 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 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 Council.</p> <p>(3) Within fourteen days of the presentation of the notice to the Speaker of the Local Government 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 Council shall resolve by motion, without any debate, whether or not the allegation shall be investigated.</p> <p>(4) A motion of the Local Government 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 Council.</p> <p>(5) Within seven days of the passing of a motion under the foregoing provisions of this section, the Chief Judge of the State shall at the request of the Speaker of the Local Government Council, appoint a panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house</p>	
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		<p>or political party, to investigate the allegation as provided in this section.</p> <p>(6) The holder of an office whose conduct is being investigated under 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.</p> <p>(7) A panel appointed under subsection (9(5) of this section shall –</p> <p>(a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by the local government legislative council; and</p> <p>(b) within three months of its appointment, report its findings to the local government legislative council.</p> <p>(8) Where the panel reports to the Local Government Council that the allegation has not been proved, no further proceedings shall be taken in respect of the matter.</p> <p>(9) 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 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.</p> <p>(10) No proceedings or determination of the panel or of the Local Government Council or any matter relating to such proceedings or determination shall be entertained or questioned in any court.</p>	
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		<p>(11) In 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 Council to gross misconduct.</p> <p>212J Permanent incapacity of Chairman or Vice-Chairman</p> <p>(1) The Chairman or Vice-Chairman of a Local Government Council shall cease to hold office if-</p> <p>(a) by a resolution passed by two-thirds majority of all members of the Local Government Council, it is declared that the Chairman or Vice-Chairman is incapable of discharging the functions of his office; and</p> <p>(b) the declaration in paragraph (a) of this subsection is verified, after such medical examination as may be necessary, by a medical panel established under subsection (4) of this section in its report to the Speaker of the Local Government Council.</p> <p>(2) Where the medical panel certifies in its report that in its opinion the Chairman or Vice-Chairman is suffering from such infirmity of body or mind as renders him permanently incapable of discharging the functions of his office, a notice thereof signed by the Speaker of the Local Government Council shall be published in the Official Gazette of the Government of the State.</p> <p>(3) The Chairman or Vice-Chairman shall cease to hold office as from the date of publication of the notice of the medical report pursuant to subsection (2) of this section.</p>	
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		<p>(4) The medical panel to which this section relates shall be appointed by the Speaker of the Local Government Council, and shall comprise five medical practitioners in Nigeria –</p> <p>(a) one of whom shall be the personal physician of the holder of the office concerned; and</p> <p>(b) four other medical practitioners who have, in the opinion of the Speaker of the Local Government Council, attained a high degree of eminence in the field of medicine relative to the nature of the examination to be conducted in accordance with the foregoing provisions of this section.</p> <p>212 K Acting Chairman during temporary absence of Chairman</p> <p>(1) Whenever the Chairman is proceeding on vacation or is otherwise unable to discharge the functions of his Office, he shall transmit a written declaration to the Speaker of the Local Government Council to that effect, and until he transmits to the Speaker of the Local Government Council a written declaration to the contrary, the Vice-Chairman shall perform the functions of the Chairman as Acting Chairman.</p> <p>(2) In the event that the Chairman is unable or fails to transmit the written declaration mentioned in subsection (1) of this section within 21 days, the Local Government Council shall, by a resolution made by a simple majority of the vote of the Local Government Council, mandate the Vice-Chairman to perform the functions of the office of the Chairman as Acting Chairman until the</p>	
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		<p>Chairman transmits a letter to the Speaker that he is now available to resume his functions as Chairman.</p> <p>212 L Discharge of the functions of Chairman</p> <p>(1) The Vice-Chairman of a Local Government shall hold the office of Chairman of the Local Government if the office of Chairman becomes vacant by reason of death, resignation, impeachment, permanent incapacity or removal of the Chairman from office for any other reason in accordance with section 212 J or 212 K of this Constitution.</p> <p>(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section during a period when the office of Vice-Chairman of the Local Government is also vacant, the Speaker of the Local Government Council shall hold the office of Chairman of the Local Government for a period of not more than three months, during which there shall be an election of a new Chairman of the Local Government who shall hold office for the unexpired term of office of the last holder of the office.</p> <p>(3) Where the office of the Vice-Chairman becomes vacant –</p> <p>(a) by reason of death, resignation, impeachment, permanent incapacity or removal in accordance with section 212 H or 212 I of this Constitution;</p> <p>(b) by his assumption of the office of Chairman of a Local Government in accordance with subsection (1) of this section; or</p> <p>(c) for any other reason,</p>	
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		<p>the Chairman shall nominate and with the approval of the Local Government Council, appoint a new Vice-Chairman.</p> <p>212M Supervisory Councilors of the Local Government Council</p> <p>(1) There shall be such offices of Supervisory Councilors of the Local Government as may be established by the Chairman of the State.</p> <p>(2) Any appointment to the office of Supervisory Councilor of the Local Government shall, if the nomination of any person to such office is confirmed by the Local Government Council, be made by the Chairman of that Local Government and in making any such appointment the Chairman shall conform with the provisions of section 14(4) of this Constitution.</p> <p>(3) Where a member of a Local Government Council is appointed as Supervisory Councilor of the Local Government, he shall be deemed to have resigned his membership of the Local Government Legislative Council on his taking the oath of office as Supervisory Councilor.</p> <p>(4) No person shall be appointed as a Supervisory Councilor of the Local Government unless he is qualified for election as a member of the Local Government Council.</p> <p>(5) An appointment to the office of Supervisory Councilor under this section shall be deemed to have been made where no return has been received from the Local Government Council within twenty-one working days</p>	
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		of the receipt of nomination by the Local Government Council.	
Second Schedule	<p style="text-align: center;">SECOND SCHEDULE PART I</p> <p style="text-align: center;">Exclusive Legislative List</p> <p>21. Drugs and poisons.</p> <p>22. Election to the offices of President and Vice-President or Governor and Deputy Governor and any other office to which a person may be elected under this Constitution, excluding election to a local government council or any office in such council.</p> <p>23. Evidence.</p> <p>24. Exchange control.</p>	<p style="text-align: center;">CLAUSE 7 Alteration of the Second Schedule</p> <p>Part I Item 22 of the Second Schedule is altered by deleting the words, “excluding election to a Local Government Council or any office in such Council”.</p>	
Third Schedule	<p style="text-align: center;">THIRD SCHEDULE PART I</p> <p style="text-align: center;"><i>Federal Executive Bodies (Established by section 153.)</i></p> <p>15. The Commission shall have power to —</p> <p>(a) organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation;</p>	<p style="text-align: center;">CLAUSE 8 Alteration of the Third Schedule</p> <p>Part I Paragraph (15) (a) of the Third Schedule to the Principal Act is altered by substituting for the words “each State of the Federation”, the words “each State and Local Government Councils of the Federation”.</p>	

	<p>(b) register political parties in accordance with the provisions of this Constitution and an Act of the National Assembly ;</p> <p>(c) monitor the organisation and operation of the political parties, including their finances, conventions, congresses and party primaries ;</p>		
Fourth Schedule	<p style="text-align: center;">FOURTH SCHEDULE</p> <p style="text-align: center;">Functions of a Local Government Council</p> <p>1. The main functions of a local government council are as follows —</p> <p style="padding-left: 40px;">(a) the consideration and the making of recommendations to a State commission on economic planning or any similar body on —</p> <p style="padding-left: 80px;">(i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and</p> <p style="padding-left: 80px;">(ii) proposals made by the said commission or body;</p> <p style="padding-left: 40px;">(b) collection of rates, radio and television licences;</p> <p style="padding-left: 40px;">(c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;</p>	<p style="text-align: center;">CLAUSE 9</p> <p style="text-align: center;">Alteration of the Fourth Schedule</p> <p style="text-align: center;">The Fourth Schedule to the Principal Act is amended –</p> <p style="padding-left: 40px;">(a) in paragraph 1 by -</p>	

	<p>(d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;</p> <p>(e) establishment, maintenance and regulation of slaughterhouses, slaughter-slabs, markets, motor-parks and public conveniences;</p> <p>(f) construction and maintenance of roads, streets, other public highways, street lightings, drains, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;</p> <p>(g) naming of roads and streets and numbering of houses;</p> <p>(h) provision and maintenance of public conveniences, sewage and refuse disposal;</p> <p>(i) registration of all births, deaths and marriages;</p> <p>(j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and</p> <p>(k) control and regulation of —</p> <p style="padding-left: 40px;">(i) outdoor advertising and hoarding,</p>	<p>(i) substituting for subparagraph (f) a new subparagraph (f) -</p> <p>“(f) construction and maintenance of Local Government roads, cleaning of culverts and drainages of public highways, construction and maintenance of streets, street lightings, drains, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;”</p> <p>(ii) inserting after subparagraph (h), new subparagraph “(ha)”-</p> <p>“(ha) the provision of adult and non-formal education;”</p> <p>(iii) substituting for the opening of subparagraph (k), a new opening -</p> <p>“(k) exclusive jurisdiction, control and regulation of -”</p>	
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	<ul style="list-style-type: none"> (ii) movement and keeping of pets of all description, (iii) shops and kiosks, (iv) restaurants, bakeries and other places for sale of food to the public, (v) laundries; and (vi) licencing, regulation and control of the sale of liquor. <p>2. The functions of a local government council shall include participation of such council in the government of a State as respects the following matters—</p> <ul style="list-style-type: none"> (a) the provision and maintenance of primary, adult and vocational education; (b) the development of agriculture and natural resources, other than the exploitation of minerals; (c) the provision and maintenance of health services; and (d) such other functions as may be conferred on a local government council by the House of Assembly of the State. 	<p>(b) in paragraph 2 by -</p> <ul style="list-style-type: none"> (i) Deleting subparagraph (a) (ii) substituting for subparagraph (c), a new subparagraph “(c)” – <p>“(c) maintenance of primary health care”</p> <ul style="list-style-type: none"> (ii) inserting after subparagraph (d), a new “proviso” – <p>“Provided that such functions have not been conferred on the State by this Constitution.”</p>	
		Clause 10	

		<p style="text-align: center;">Citation</p> <p>This Bill may be cited as Constitution of the Federal Republic of Nigeria (Amendment) Bill, 2025</p>	
		<p style="text-align: center;">Explanatory Memorandum</p> <p>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.</p>	