

# A BILL

## FOR

AN ACT TO AMEND THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO MOVE WATER FOR DOMESTIC, COMMERCIAL, INDUSTRIAL, IRRIGATION, POWER, AND OTHER USES TO THE CONCURRENT LEGISLATIVE LIST, TO ALLOW STATE GOVERNMENTS TO PUT TO SUSTAINABLE USE WATERS WITHIN THEIR STATE MAKE PROVISION FOR STATE GOVERNMENTS TO ACCESS MINES IN THEIR STATES, PROVIDE FOR THE FINANCIAL AUTONOMY OF LOCAL GOVERNMENT COUNCILS BY PRESCRIBING AN INDEPENDENT CONSOLIDATED LOCAL GOVERNMENT COUNCIL ACCOUNT AND FOR OTHER RELATED MATTERS

*Sponsors:*

Hon. Ikeagwuonu Ugochinyere	Hon. Abdullmaleek Danga
Hon. Aliyu Mustapha	Hon. Francis Waive
Hon. Zakari Dauda Nyampa	Hon. Abdulla Muhammed
Hon. Abiante Awaji-Inombek D.	Hon. Ghali Tijani Mustapha
Hon. Chinedu Emeka	Hon. Emmanuel Ukpong-Udo
Hon. Chinwe M. Gwacham	Hon. Boma Goodhead
Hon. Matthew Nwogu	Hon. Onobun M. Iziegbeaya
Hon. Obinna Aguocha	Hon. Midala Balami
Hon. Peter Aniekwe	Hon. Emeka Idu G. Obiajulu
Hon. Mohammed Bello	Hon. Usman Basiru
Hon. Ukpongudo E. Effiong	Hon. Obinna Aguocha
Hon. Ukodhiko Ajirioghene Jonathan	Hon. Obika Joshua Chinedu
Hon. Peter Aniekwe	Hon. Amobi Godwin Ogah
Hon. Mark Esset Udo	Hon. Dekeri Sunday Anamero
Hon. Paul Nnamchi	Hon. Atu Chimaobi Sam
Hon. Odimayo Okunjimi	Hon. Gwacham M. Chhinwe
Hon. Jajere Mohammed Buba Fika	Tafoki Dalhatu Shehu

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria as follows:

- |   |   |                   |
|---|---|-------------------|
| 1 | <b>1.</b> The Constitution of the Federal Republic of Nigeria 1999 (As        | Amendment of      |
| 2 | Amended) (herein referred to as the "Principal Act") is further amended as    | Constitution 1999 |
| 3 | set out in this Bill.   |                   |
| 4 | <b>2.</b> Section 7(1) of the Principal Act is altered by deleting the extant | Amendment of      |
|   |   | Section 7(1)      |

1 subsections (1) and replacing it with a new subsection (1), and inserting new  
2 paragraph (a) and (b) as follows;

3 7(1) The system of Local Government by democratically elected  
4 Local Government councils is under this Constitution guaranteed; and  
5 accordingly, the Independent National Electoral Commission shall ensure that  
6 periodic elections for the establishment of the structure and composition of  
7 Local Governments are promptly conducted in accordance with a timelines to  
8 be determined by the Commission.

9 (a) Notwithstanding the provisions of this Constitution, the Local  
10 Government shall subject to section 8 of this Constitution, have the right to  
11 make or amend laws for the functions and administration of such councils;

12 (b) Have exclusive control of all Local Government funds, taxes and  
13 revenues.

Amendment of  
Section 7(4)

14 3. Section 7(4) of the Principal Act is altered by deleting the phrase "  
15 The Government of a State shall ensure that" as follows;

16 7(4) Every person who is entitled to vote or be voted for at an election to a  
17 House of Assembly shall have the right to vote or be voted for at an election to a  
18 Local Government Council.

Amendment of  
Section 7(6)

19 4. Section 7(6) of the Principal Act is amended by deleting paragraph  
20 (b).

Amendment of  
Section 162

21 5. Section 162 of the Principal Act is amended by deleting the extant  
22 subsection (5) and replacing it with a new subsection (5) paragraph a & b and  
23 deleting subsections 7 & 8 and renumbering accordingly as follows:

24 (5)(a) An Independent Consolidated Account for every Local  
25 Government Council of a State is hereby created. There shall be paid into the  
26 Independent Consolidated Account all revenues accruing to the Local  
27 Government Council from the Federation Account.

28 5(b) The amount standing to the credit of the Local Government  
29 Councils in the Federation Account shall be distributed directly from the  
30 Federation Account to the Local Government Councils Independent

1 Consolidated Account on such terms and in such manner as may be  
2 prescribed by the National Assembly.

3           **6.** Section 162 (7) of the Principal Act is amended by inserting a  
4 new subsections 8-11 immediately after the extant subsection (7) and before  
5 the extant subsection (8) and renumbering accordingly; Amendment of  
Section 162 (7)

6           "(8) Where a State Government fails to pay such proportion of its  
7 total revenue as prescribed by subsection (7) of this section, the Federal  
8 Government shall not release or appropriate any statutory allocations or  
9 funds due to such defaulting State Government from the Federation  
10 Account.

11           (9) The sanction under subsection (8) above shall be in force until  
12 the defaulting State Government remits all outstanding amounts to the  
13 affected Local Governments, within its jurisdiction.

14           (10) The Federal Government shall recover any outstanding sums  
15 owed to Local Governments from statutory allocations due to the defaulting  
16 State.

17           (11) This subsection applies notwithstanding anything to the  
18 contrary in this Constitution or any other law or enactment."

19 Part 1 of the Second Schedule is altered by deleting Item 64 and  
20 renumbering appropriately"

21           **7.** Part 2 of the Second Schedule of the Principal Act is altered by  
22 inserting a new item 31 as follows: Amendment of  
Part 1 of the  
Second Schedule

23 M- Mines and minerals

24           (1) The National Assembly may make laws for the Federation or  
25 any part thereof with respect to;

26           (a) Mines and minerals including oil fields, oil mining, geological  
27 surveys, and natural gas;

28           (b) exploration, establishment, operation and maintenance of oil  
29 refineries, management and development of mining resources across the  
30 Country.

1 Part 1 of the Second Schedule is altered by deleting Item 39 and renumbering  
2 appropriately"

Amendment of  
Part 2 of the  
Second Schedule 3 **8.** Part 2 of the Second Schedule of the Principal Act is altered by  
4 inserting a new paragraph 31, to read as follows:  
5 (31) A House of Assembly may make laws for the regulation of water  
6 for domestic, commercial, industrial, irrigation, power and other uses in the  
7 State.  
8 Part 2 of the Second Schedule is altered by inserting a new paragraph 32, to  
9 read as follows:  
10 "A House of Assembly may make laws with respect to the construction and  
11 maintenance of roads including trunk A federal roads."  
Citation 12 **9.** The Bill may be cited as the Constitution of the Federal Republic of  
13 Nigeria, 1999 (Alteration) Bill, 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution of the Federal Republic of Nigeria 1999 (As Amended) to move water for domestic, commercial, industrial, irrigation, power, and other uses to the Concurrent Legislative List, to allow State Governments to put to sustainable use waters within their State, make provision for State Governments to access mines in their States, provide for the financial autonomy of Local Government Councils by prescribing an independent consolidated Local Government Council account.