

No. 3: Devolution of Powers

A Bill For

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to move certain items from the Exclusive Legislative List to the Concurrent Legislative List to give more legislative powers to States; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the Constitution</p> <p>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.</p>	
Second Schedule Part I	<p>Second Schedule Legislative Powers Part I</p> <p>Exclusive Legislative List</p> <p>34. Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitration.</p> <p>40. National parks being such areas in a State as may, with the consent of the Government of that State, be designated by the National Assembly as national parks.</p> <p>44. Pensions, gratuities and other-like benefit payable out of the Consolidated Revenue Fund or</p>	<p>Alteration of Second Schedule</p> <p>2. The Second Schedule to the Principal Act is altered –</p> <p>(a) in Part I, by–</p> <p>(i) inserting, after item 40, a new item “40A”- “40A “National security and civil defence”;</p> <p>(ii) substituting for item 46, a new item “46” - “46. Post and telecommunications”; and</p>	

	any other public funds of the Federation. 46. Posts, telegraphs and telephones 55. Railways 58. Stamp duties	(iii) deleting items 40, 44, 55 and 58.	
Second Schedule of Part II of the Constitution	<p style="text-align: center;">Part II – CONCURRENT LEGISLATIVE LIST</p> <p>(1)..... (2)..... (3)..... (4)..... (5)..... (6)..... (7)..... (8)..... (9)..... (10)..... (11).....</p>	<p>(b) in Part II, by:</p> <p>(i) inserting, in alphabetical order, the following new “items”-</p> <p>“Agriculture</p> <p>(1) The National Assembly may make laws –</p> <p>(i) on Agricultural policies for the federation and implementation of international standards in relation to bio-diversity; and</p> <p>(ii) for the management and regulation of lands for Agricultural purposes in the Federal Capital Territory.</p> <p>(2). A House of Assembly may make laws relating to Agricultural Policies, management and regulation of lands for Agricultural purposes within the State.</p> <p>Arbitration</p> <p>(1). The National Assembly may make laws for the federation or any part thereof with respect to –</p> <p>(i) Inter-State Arbitration (involving</p>	
Agriculture			
Arbitration			

		<p>parties resident in different states of the federation or where the arbitration is conducted in a state other than where the parties reside, carry on business or the subject matter of the arbitration is located);</p> <ul style="list-style-type: none">(ii) international arbitration including arbitration on commercial transactions of an international nature or involving foreigners or persons not resident in Nigeria;(iii) industrial arbitration and other forms of arbitration relating to labour, employment and trade disputes matters;(iv) arbitration on items over which the National Assembly has exclusive legislative powers. <p>(2). A House of Assembly may make laws for the State with respect to:</p> <ul style="list-style-type: none">(i) Intra-State Arbitration involving parties resident or carrying on business within the state or where the arbitration is conducted in the same state where the subject matter of the arbitration is located;(ii) arbitration in relation to items over which the State Assembly has residual legislative powers under the Constitution.	
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Environment		<p>Environment</p> <p>(1). The National Assembly may make laws for the federation or any part thereof with respect to:</p> <ul style="list-style-type: none">(i) environmental issues affecting more than one state or transcending the boundaries of more than one state;(ii) environmental issues relating to coastal management and relating to the Exclusive Economic Zone of the Federation and other areas recognized under international law as territories belonging to Nigeria;(iii) environmental issues relating to, arising from, pertaining to and connected with oil and gas exploration, mining activities and other forms of energy exploitation, extraction, transportation and processing;(iv) environmental issues relating to freshwater bodies, ecosystem management, groundwater and other naturally occurring resources the extent of which transcends the boundaries of more than one state; and(v) management of fisheries and freshwater aquatic animals within the federation's coastal regions and Exclusive Economic Zone, wildlife,	
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<p>Railways</p>		<p>national reserves and parks as may be designated by the National Assembly to be of national interest and affecting more than one state.</p> <p>(2). The House of Assembly may subject to paragraph (1) hereto make laws relating to –</p> <ul style="list-style-type: none"> (i) environmental issues relating to matters within the state’s territorial limit; (ii) issues relating to sanitation, environmental management and protection of the environment of a state; (iii) establishment and management of game reserves, parks, wildlife management and forestry within the state; (iv) Urban development, housing and infrastructural planning within the state. <p>Railway</p> <p>(1)the National Assembly may make laws for the Federation or any part thereof with respect to:</p> <ul style="list-style-type: none"> (i) construction and maintenance of inter-state railway tracks and infrastructures; (ii) Inter-State railway regulation and establishment of a national railway agency for regulation and 	
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<p>Health-care</p>		<p>management of railway operations throughout the federation;</p> <p>(iii) maintenance of a national railway carrier for inter-state transportation throughout the federation.</p> <p>(2). A House of Assembly of a State may make laws for the State with respect to –</p> <p>(i) establishment and maintenance of agencies for railway transportation within the state; and</p> <p>(ii) establishment of a state railway carrier and regulation of activities related to and connected with railway systems within the state including the construction and maintenance of railway tracks and infrastructures within the state.</p> <p>Health</p> <p>(1). The National Assembly shall have powers to make laws for the Federation or any part thereof with respect to –</p> <p>(i) establishment of a National Health System, including the setting of minimum standards in relation to healthcare practice, healthcare provision, services and general access to healthcare throughout the Federation;</p>	
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<p>Parks</p>		<ul style="list-style-type: none"> (ii) establishment of a National Health Insurance for the advancement of health of all persons within the Federation; (iii) regulation of professional bodies in the healthcare sector throughout the Federation, including the conditions for entrance and admissions of persons entitled to practice as health professionals in Nigeria; (iv) establishment and regulation of tertiary health institutions and institutions for professional health education and health research; and (v) regulation of public health and primary healthcare. <p>(2). A House of Assembly may make laws for the State with respect to the establishment within the State Tertiary, Secondary and Primary Healthcare institutions for the provision of health services within the state; and</p> <p>(3) Nothing in the foregoing paragraphs shall be construed so as to limit the powers of the House Assembly to make laws for the State with respect to the regulation of public health, primary and secondary healthcare, including institutions for the pursuit of the objectives of such laws.</p> <p>Parks</p> <p>(1) The National Assembly may make laws for</p>	
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<p>Stamp duties</p>		<p>the Federation or any part thereof with respect to national parks.</p> <p>(2). A House of Assembly may make laws for the State with respect to such areas designated as parks in a State.</p> <p>Stamp duties</p> <p>(1). The National Assembly may make laws for the Federation or any part thereof with respect to Payment of stamp duties by:</p> <ul style="list-style-type: none"> (i) incorporated companies and other activities or transactions over which the National Assembly have powers to legislate on. (ii) persons, individuals, or businesses subject to federal taxation. <p>(2). A House of Assembly may make laws for the State with respect to the Payment of stamp duties -</p> <ul style="list-style-type: none"> (i) by persons/individuals/businesses resident within the state or subject to state taxation; and (ii) on transactions or activities over which the State House of Assembly has powers to legislate on. 	
<p>Road Safety</p>		<p>Road Safety</p> <p>(1). The National Assembly may make laws for the federation or any part thereof with respect to</p>	

<p>Pensions</p>		<p>—</p> <ul style="list-style-type: none"> (i) safety of road and road users within federal highways and other roads subject to federal regulations including inter-state roads; and (ii) establishment and control of an agency for the <i>production and issuance of a driver's licence</i>, safety, control, regulation and maintenance of federal and inter-state roads and roads subject to federal regulation. <p>(2). A House of Assembly may make laws for the State with respect to the:</p> <ul style="list-style-type: none"> (1) safety of road and road users within the state; and (ii) establishment of an agency for the safety, control, regulation and maintenance of road safety on trunk roads within the state and other roads subject to state regulation. <p>Pension</p> <p>(1). The National Assembly may make laws for the federation or any part thereof with respect to</p> <p>—</p> <ul style="list-style-type: none"> (i) the regulation of matters relating to pension and gratuity of federal employees, persons in the public 	
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<p>Youth</p>		<p>service of the federal government, employees of federal statutory institutions and parastatals and other persons subject to federal regulation including employees of incorporated companies regulated by federal enactments;</p> <p>(ii) setting of standards for management of pension matters throughout the federation in respect of workers whether in private or public employment;</p> <p>(iii) making laws for the regulation of pension matters in relation to persons in military service, the police force and other paramilitary and security agencies in the federation.</p> <p>(2). The House of Assembly may subject to paragraph 1 hereto make laws relating to the regulation of matters on pension and gratuity of state employees, persons in the civil service of the state, employees of state institutions and parastatals, employees of local governments within the state and other persons subject to state regulation including employees of business enterprises resident within the state and subject to state regulation.</p> <p>Youth.</p> <p>(1). The National Assembly may make laws for the federation or any part thereof with respect to-</p>	
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	<p>F – Electric Power</p> <p>14. A House of Assembly may make laws for the</p>	<ul style="list-style-type: none"> (i) the administration and regulation of welfare and activities of children and young persons within the FCT and activities of federal bodies and institutions, including Federal educational institutions, sports bodies and other federal recreational or correctional centres, as it relates to children, juveniles and young persons; and (ii) youth and sport activities involving foreign competitions and participation in international events or programmes and other inter-state sport competitions. <p>(2). A House of Assembly may make laws for the State with respect to -</p> <ul style="list-style-type: none"> (i) the administration and regulation of welfare and activities of children and young persons within the state and activities of state bodies and institutions, including state educational institutions, sports bodies and other state recreational or correctional centres, as it relates to children, juveniles and young persons resident in the state; (ii) youth and sport activities within the state and regulation of participation of persons resident in the state in inter-state youth and sports 	
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	<p>State with respect to –</p> <p>(a) electricity and the establishment in that State of electric power stations;</p> <p>(b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State.</p>	<p>activities;”</p> <p>(d) substituting for paragraph 14 (b), a new paragraph 14 (b) -</p> <p>“14 (b) the generation, transmission and distribution of electricity within that State or in collaboration with any other State; and”.</p>	
Third Schedule Part I	<p>Federal Executive Bodies Part I</p> <p>Federal Executive Bodies (Established by section 153)</p>	<p>Alteration of Part I of the Third Schedule</p> <p>3. Part I of the Third Schedule to the Principal Act is altered by deleting, after the word, “Federal”, in line 1 of the head notes, the word, “Executive”.</p>	
Third Schedule Part II	<p>State Executive Bodies Part II</p> <p>State's Executive Bodies (Established by section 197)</p>	<p>Alteration of Part II of the Third Schedule</p> <p>4. Part II of the Third Schedule to the Principal Act is altered by deleting, after the word, “States”, in line 1 of the head note the word, “Executive”.</p>	
		<p>Citation</p> <p>5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 3, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to decongest the Exclusive Legislative List by transferring certain items contained therein to the Concurrent List, thereby enabling the States to make laws in respect of those items.</p>	