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*Extraordinary*



# Federal Republic of Nigeria Official Gazette

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*Government Notice No. 1*

The following are published as Supplement to this *Gazette* :

<i>Decree No.</i>	<i>Short Title</i>	<i>Page</i>
1	Trade Unions (Amendment) Decree 1999	A 1
2	Trade Unions (International Affiliation) (Amendment) Decree 1999	A 11
3	State Government (Basic Constitutional and Transitional Provisions) Decree 1999	A 13

**F. CLIFTON WHITE RESOURCE CENTER** 4/00  
**INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS**

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**TRADE UNIONS (AMENDMENT) DECREE 1999**



**Decree No. 1**

[1st September 1998] Commencement.

**WHEREAS** the Federal Military Government is desirous of preparing an environment conducive for the democratisation of trade unionism in Nigeria;

**AND WHEREAS** in order to ensure the smooth and peaceful transition from guided to free and democratic trade union activities, the Federal Military Government has repealed some of the legislation which had tended to impinge on the democratisation of trade unions;

**NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows:-

1. The Trade Unions Act (in this Decree referred to as the "principal Act"), as amended, is hereby further amended as set out in this Decree.

Amendment of  
Cap 437 LFN.  
1996 No. 4.  
1996 No. 26.

2. Section 5 of the principal Act is amended -

Amendment of  
section 5.

(a) in paragraph (b) of subsection (5) by substituting for the word "Minister" the words "appropriate court";

(b) by inserting immediately after the existing subsection (6) the following new subsection, that is -

"(7) Notwithstanding anything to the contrary contained in this Act, the Registrar, shall on the coming into effect of this section of this Act, register the trade unions specified in Part A and

Part C of the Third Schedule to this Act; and on such registration the said trade unions shall have all the powers and duties of a trade union registered under this Act."

Amendment of section 7.

3. Section 7 of the principal Act is amended in subsection (3) by substituting for the word "Minister" the words "appropriate court"

Amendment of section 8.

4. Section 8 of the principal Act is amended in subsection (1) by substituting for the word "Minister" the words "appropriate court"

Amendment of section 16A.

5. Section 16A of the principal Act is amended by substituting for -

(a) paragraph (b) thereof the following new paragraph, that is -

"(b) pay any sum so deducted directly to the registered office of the trade union.";

(b) the existing proviso the following new proviso, that is -

"Provided that compliance with the provisions of this section of this Act shall be subject to the insertion of "No Strike" and "No Lock-Out" clauses in the relevant Collective Bargaining Agreements between the workers and their employers."

Amendment of section 33.

6. Section 33 of the principal Act is amended by -

(a) deleting the words "twenty-nine" appearing in subsection (2) thereof;

(b) substituting for the existing subsection (3) the following new subsection, that is -

"(3) The names and jurisdictional scope of the trade unions areas are as specified in Part B of the Third Schedule to this Act.";

(c) deleting subsections (4), (8), (9) and (10) and renumbering the existing subsections as subsections (1), (2), (3), (4) and (5) respectively.

7. Section 50A of the principal Act is amended by substituting therefor the following new section, that is -

Amendment of section 50A.

"50A. No question as to the validity of any action taken by any person or authority in pursuance of this Act shall be entertained by any court other than the appropriate court having the jurisdiction to entertain such matters."

8. Section 52 of the principal Act is amended by -

Amendment of section 52.

(a) inserting in alphabetical sequence the following new interpretation, that is -

"appropriate court" means the Industrial Arbitration Panel and the National Industrial Court as the case may be;"

(b) substituting for the interpretation of the word "member of a trade union" the following new interpretation, that is -

"member of trade union" means a person normally engaged in a trade or industry which the trade union represents and a person either elected or appointed by a trade union to represent workers interest;"

9. The First Schedule to the principal Act is amended by substituting for the existing paragraphs 7, 8 and 9 thereof the following new paragraphs, that is -

Amendment of the First Schedule.

"7. A provision for the appointment and removal of appointed and elected officers.

8. The qualifications for membership of the trade union which shall include a provision to the effect that such a person shall be normally engaged in the trade or industry or elected or appointed to represent workers' interest in the **said trade or industry.**

9. A provision that the general committee of management (by whatever name called) shall consist of all persons all of whom are members of the trade union."

Amendment of the  
Third Schedule.

10. The Third Schedule to the principal Act is amended -

(a) in Part A by -

(i) deleting the figure "29" appearing in the sub-head,

(ii) substituting for item 8 thereof the following new item, that is -

"8. National Union of Chemical, Footwear, Rubber, Leather and Non-metallic Products Employees.",

(ii) inserting immediately after the existing paragraph 29, the following new paragraph, that is -

"30. Any other workers' trade union registered under this Act and publish, from time to time, in the Federal *Gazette*:";

(b) in Part B by -

(i) deleting the figure "29" appearing in the sub-head,

(ii) substituting for items 1,2,8,19 and 28, the following new items, that is -

<i>No.</i>	<i>Trade Unions</i>	<i>Area of Jurisdiction</i>
1	Agricultural and Allied Workers Union of Nigeria.	Workers in all agricultural and livestock production, plantations; agricultural services including animal husbandry; fishing and horticulture; veterinary services, pest control; irrigation services (River Basin services). Forestry, logging and game reserves. Agricultural Research Institutions.
2.	Amalgamated Union of Public Corporations, Civil Service Technical and Recreational Services Employees	All junior staff employed in the Federal and State Corporations; Civil Service Employees classified as technical; workers of Sports Commissions and stadia; Public Recreation clubs by whatever name called; swimming pools; amusement centres including carnivals, circuses, zoological gardens and services similarly classified. excluding Radio, Television, NITEL, NIPOST, Railways, Nigeria Airways and other Corporation workers already unionized  Components: (1) Civil Service Technical Workers Union of Nigeria, (2) National Union of Public Corporation Employees. (3) Recreational Services Employees Union.
8.	National Union of Chemical, Footwear, Rubber, Leather and Non-metallic Products Employees	Workers in manufacture of basic industrial organic and inorganic chemicals, except products of petroleum and coal but including fertilizers, explosives and fireworks, synthetic fibre and rubber, resins, plastics, elastomers and vegetable and animal oils and fats, including the production of cake and meal by crushing or extractions from oil seeds and nuts. Manufacture of medicinal and pharmaceutical preparations, perfumes, cosmetics and other toilet preparations. Soaps and other washing and cleaning compounds including detergents. Polishes, inks, matches, candles and insecticides. Manufacture of clay products such as bricks, tiles, pipes, crucibles, architectural terracotta, stove lining, chimney pipes, and tops and refectories. Manufacture of glass and glass products except the grinding of optical lenses. Pottery, china and earthenware. Manufacture of all types of hydraulic cement such as portland. Manufacture of concrete, gypsum and plaster products. Stone products and other similar chemical and non-metallic products. Manufacture of all kinds of footwear, leggings and gaiters from leather, fabrics, plastic, wood and other

No.	<i>Trade Unions</i>	<i>Area of Jurisdiction</i>
8	National Union of Chemical, Footwear, Rubber, Leather and Non- metallic Products Employees <i>—continued</i>	<p>materials. Tanning, currying, finishing, embossing and japanning of all kinds of hides and skins and the manufacture of leather products such as luggage handbags, pocket-books, saddlery, harness whip and other articles made of leather and leather products. Manufacture from natural or synthetic rubber of all kinds of rubber products such as tubes and tyres, vulcanized footwear, industrial and mechanical rubber goods and rubber sundries such as mats, gloves, sponges and other vulcanized articles. The reclaiming of rubber from used tyres, scrap and miscellaneous waste rubber. Rebuilding, retreading and vulcanizing of tyres. Dipping, mixing, rolling, cutting and related processing of natural rubber, except on rubber plantations.</p> <p><i>Components:</i> (1) National Union of Chemicals and Non-Metallic Products Workers.</p> <p>(2) Footwear, Leather and Rubber Products Workers Unions of Nigeria.</p>
19	Nigeria Civil Service Union	All junior employees of the Federal and State Civil Service but excluding enforcement employees in the Nigerian Customs and Immigration Services Technical Typists, Stenographic, Medical, Nurses and Midwives and recognized professional and Administrative cadres.
28.	Radio, Television Service Union	Workers engaged in Radio, Television, Theatre, motion picture production, distribution and projection; operation of cinemas and services allied to the foregoing including workers in the music industry and Arts Councils."



(c) by inserting immediately after the existing Part B thereof the following new Part C, that is -

**"PART C**

**SENIOR STAFF AND EMPLOYERS'  
ASSOCIATIONS**

1. National Association of Aircraft Pilots and Engineers.
2. Nigerian Union of Pharmacists, Medical Technologists and Professions Allied to Medicine.
3. Nigerian Merchant Navy Officers' and Waters Transport Senior Staff Association.
4. Academic Staff Union of Universities.
5. Association of Senior Civil Servants of Nigeria.
6. Association of Senior Staff of Banks, Insurance and Financial Institutions.
7. Food, Beverage and Tobacco Senior Staff Association.
8. Shop and Distributive Trade Senior Staff Association.
9. Construction and Civil Engineering Senior Staff Association.
10. Petroleum and Natural Gas Senior Staff Association of Nigeria.
11. Chemical and Non-Metallic Products Senior Staff Association.
12. Footwear, Leather and Rubber Products Senior Staff Association.
13. Senior Staff Association of Shipping, Clearing and Forwarding Agencies.
14. Textiles, Garment and Tailoring Senior Staff Association.
15. Automobile, Boatyard, Transport Equipment and Allied Senior Staff Association.
16. Senior Staff Association of Statutory Corporations and Government owned Companies.
17. Senior Staff Association of Universities, Teaching Hospitals, Research Institutes and Associated Institutions.

18. Metal Products Senior Staff Association of Nigeria.
19. Precision, Electrical and Related Equipment Senior Staff Association.
20. Hotel and Personal Services Senior Staff Association.
21. Paper and Paper Products Senior Staff Association.
22. Agricultural and Allied Senior Staff Association.
23. National Union of Agricultural and Allied Employers.
24. National Union of Dock Labour Employers.
25. Nigeria Employers' Association of Banks, Insurance and Allied Institutions.
26. Association of Food, Beverage and Tobacco Employers.
27. Hotel and Personal Services Employers' Association.
28. Construction and Civil Engineering Employers' Association of Nigeria.
29. Road Transport Employers' Association.
30. Precision, Electrical and Related Equipment Employers Association.
31. Iron and Steel Senior Staff Association of Nigeria.
32. Automobile, Boatyard, Transport Equipment and Allied Employers Association.
33. Iron and Steel Employers Association of Nigeria.
34. Shipping, Shipping Agencies, Clearing and Forwarding Employers Association.
35. Performing Musician Employers Association.
36. Association of Furniture, Fixtures and Woodworking Employers of Nigeria.
37. Nigerian Textiles, Garments and Tailoring Employers Association.
38. Shop and Distributive Trade Employers Association.
39. Air Transport Services Senior Staff Association of Nigeria.
40. Chemical and Non-Metallic Products Employers Federation.
41. Association of Metal Products Employers of Nigeria.

42. Employers Association of Leather, Footwear and Rubber Industries of Nigeria.
43. Association of Iron and Steel Employers of Nigeria.
44. Paper and Paper-Board Manufacturers and Converters Association.
45. Any other Unions of Senior Staff registered after 3rd August, 1977."

11. This Decree may be cited as the Trade Unions (Amendment) Decree 1999. Citation.

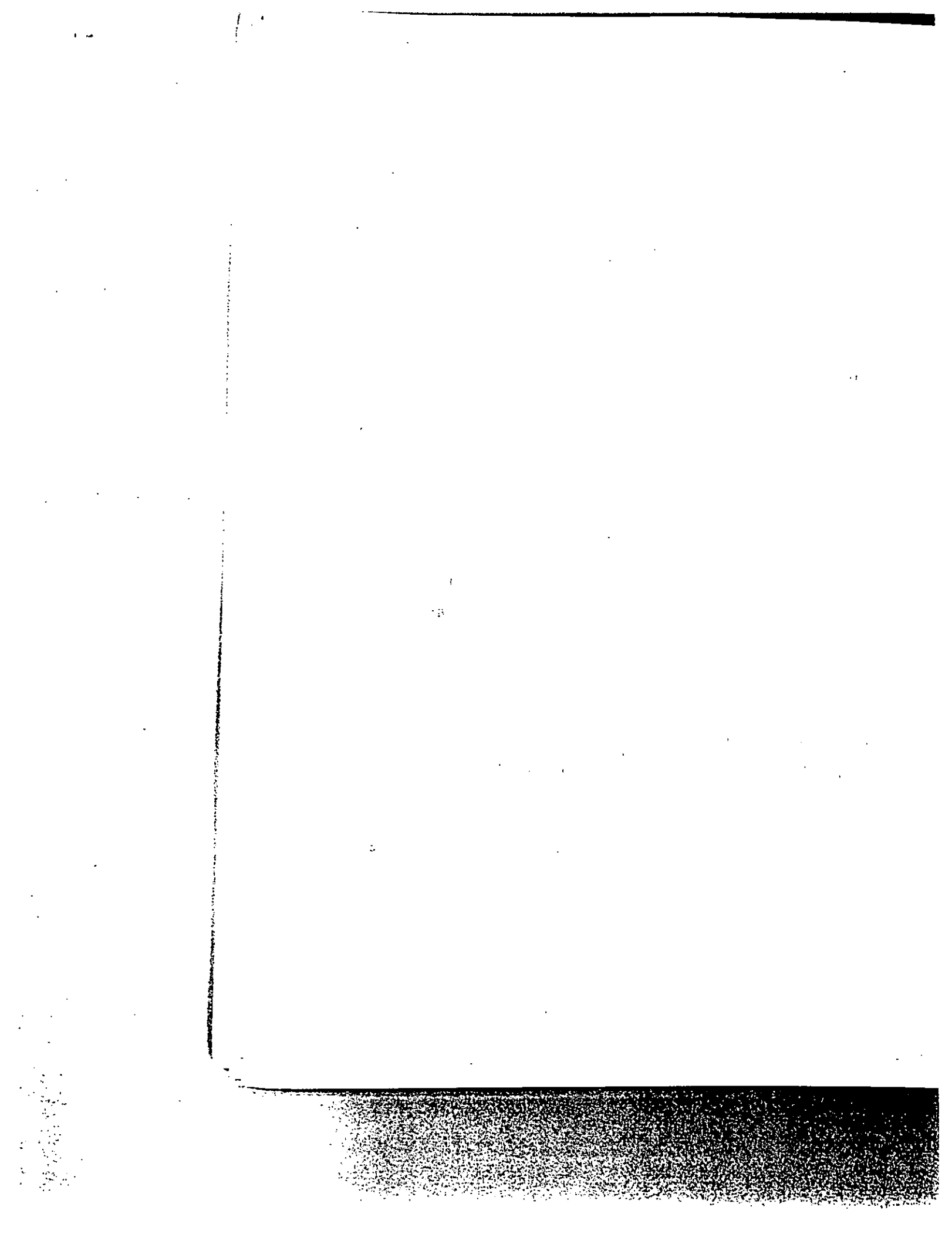
MADE at Abuja this 6th day of January 1999.

GENERAL ABDUSALAMI ALHAJI ABUBAKAR,  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria*

#### EXPLANATORY NOTE

*(This note does not form part of the above Decree but  
is intended to explain its purport)*

The Decree amends the Trade Unions Act, as amended, to provide, among other things, for the Senior Staff and Employers' Associations.



**TRADE UNIONS (INTERNATIONAL AFFILIATION)  
(AMENDMENT) DECREE 1999**



**Decree No. 2**

[1st September 1998] Commencement.

**THE FEDERAL MILITARY GOVERNMENT** hereby  
decrees as follows:-

1. The Trade Unions (International Affiliation) Decree 1996 (in this Decree referred to as "the principal Decree") is hereby amended as set out in this Decree. Amendment of  
1996 No.29.

2. Section 1 of the principal Decree is amended by substituting therefor the following new section, that is - Amendment of  
section 1.

"Affiliation of  
international  
labour organi-  
sation, etc.  
Cap.437 LFN.  
1996 No. 4.  
1996 No. 26.

1.-(1) As from the commencement of this Decree, any trade union or the Central Labour Organisation may affiliate with any international labour organisation or trade secretariat in accordance with the provisions of this Decree.

(2) An application by a trade union or the Central Labour Organisation for affiliation under this Decree shall be submitted with the details of such affiliation to the Minister for his approval who shall be required to furnish the trade union or the Central Labour Organisation with his decision within a period of 30 days of documented evidence of receipt of such application.

(3) Where a trade union or the Central Labour Organisation does not receive the decision of the Minister within the period specified in subsection (2) of this section and within 7 days immediately thereafter, it shall be deemed that an approval has been so received.

(4) Where the Minister for whatever reason refuses, objects or withholds his approval of the affiliation of a trade union or the Central Labour Organisation he shall cause the reason for such refusal, objection or his disapproval to be communicated to the trade union or the Central Labour Organisation within the period specified in subsection (2) of this section.

(5) A trade union or the Central Labour Organisation whose application for affiliation has been refused, objected to or withheld shall, in the first instance make further representation to the Minister and on any further refusal, have a right of appeal to the National Industrial Court."

Deletion of sections 2,3 and 4, etc.

3.-(1) Sections 2, 3 and 4 of the principal Decree are hereby deleted.

(2) Accordingly, the existing sections 5 and 6 of the principal Decree are hereby renumbered as sections 2 and 3 respectively.

Citation.

4. This Decree may be cited as the Trade Unions (International Affiliation) (Amendment) Decree 1999.

MADE at Abuja this 6th day of January 1999

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,**  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria.*

**STATE GOVERNMENT (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999**



*Section*                    **ARRANGEMENT OF SECTIONS**

**PART I - STATES OF THE FEDERATION AND THE  
FEDERAL CAPITAL TERRITORY**

1. States of the Federation, Local Government Areas and the Federal Capital Territory.

**PART II - HOUSE OF ASSEMBLY OF A STATE**

2. Establishment of House of Assembly for each State.
3. Composition of House of Assembly.
4. Speaker of House of Assembly.
5. Staff of House of Assembly.
6. Declaration of assets and liabilities and Oaths of members.
7. Presiding at sittings.
8. Quorum.
9. Languages of the House.
10. Voting.
11. Unqualified persons sitting or voting: penalty.
12. Mode of exercising legislative power of a State.
13. Power to regulate procedure.
14. Vacancy not to invalidate proceedings.
15. Committee.
16. Sittings of the House.
17. Dissolution and issue of proclamation by Governor of the State.
18. Qualifications for election into House of Assembly.
19. Disqualifications.
20. Attendance of Governor and Commissioners.
21. Tenure of office of members.
22. Remuneration.
23. Recall.
24. State constituencies.
25. Size of State constituencies.
26. Periodical review of State constituencies.
27. Time when alteration of constituencies takes effect.
28. Time of election to House of Assembly.

29. Direct election and franchise.
30. Supervision of election.
31. Procedure at elections.
32. Power to exercise legislative powers of the State.

### **PART III - STATE EXECUTIVE**

33. Establishment of the office of Governor and the executive powers of a State.
34. Qualification for election as Governor.
35. Time of election to the office of Governor of a State.
36. Tenure of office of Governor.
37. Death of Governor elect before Oath of Office.
38. Disqualification for election as Governor.
39. Declaration of assets and liabilities, Oaths of office of Governor.
40. Establishment of the office of Deputy Governor.
41. Nomination and election of Deputy Governor.
42. Removal of Governor or Deputy Governor from office.
43. Permanent incapacity of Governor or Deputy Governor.
44. Acting Governor during temporary absence of Governor.
45. Discharge of functions of Governor.
46. Commissioners of State Government.
47. Executive responsibilities of Deputy Governor and Commissioners.
48. Declaration of assets and liabilities, Oaths of Commissioners.
49. Attorney-General of State.
50. Special Advisers.
51. Code of Conduct.
52. State Commissions and Councils.
53. Composition of governing bodies of statutory corporations and bodies.
54. Appointment of Chairman and members.
55. Tenure of office of members.
56. Qualification for membership.
57. Removal of members of bodies.
58. Independence of certain bodies.
59. Quorum for meetings.
60. Powers and procedure.
61. Interpretation of this Part.
62. Establishment of State Civil Service.
63. State Civil Service Commission: power of delegation.
64. Appointment by Governor.
65. Code of Conduct.
66. Protection of pension rights.
67. Public prosecutions.
68. Prerogative of mercy.



#### **PART IV - POWERS AND CONTROL OF PUBLIC FUNDS**

69. Establishment of Consolidated Revenue Fund.
70. Authorisation of expenditure from Consolidated Revenue Fund.
71. Power of Governor to authorise expenditure from Consolidated Revenue Fund.
72. Contingencies Fund.
73. Remuneration of the Governor and certain other officers.
74. Audit of public accounts, etc.
75. Appointment of Auditor-General of a State.
76. Tenure of office of Auditor-General.
77. Power to conduct investigation.
78. Powers as to matters of evidence.

#### **PART V - STATE COURTS**

79. Establishment of a High Court for each State.
80. Appointment of Chief Judge and Judges.
81. Jurisdiction of a High Court of a State.
82. Constitution of High Court of a State.
83. Power of Chief Judge to make rules.
84. Establishment of Sharia Court of Appeal.
85. Appointment of Grand Kadi and Kadis.
86. Jurisdiction of Sharia Court of Appeal.
87. Constitution of Sharia Court of Appeal.
88. Power of the Grand Kadi to make rules.
89. Establishment of Customary Court of Appeal.
90. Appointment of President and Judges.
91. Jurisdiction of Customary Court of Appeal of a State.
92. Constitution of Customary Court of Appeal.
93. Power of President to make rules.

#### **PART VI - ELECTIONS**

94. Conduct of elections by the Commission.
95. Persons eligible to vote.
96. Disqualification.
97. Campaign for election.
98. Court or Tribunal orders not to affect conduct of elections, etc.
99. Ordinary residence.
100. Registration of voters.
101. Extension of time for nomination in Governorship election.
102. Election of single Governorship candidate.
103. Date of Governorship and House of Assembly election.
104. System of voting.
105. Appointment and supervision of officers.
106. Procedures at elections.

107. Forms for use at the elections.
108. Breach of official duty.
109. Offences by law enforcement agents, etc.
110. Requirement of secrecy.
111. Corrupt practices.
112. Personation and punishment for personation.
113. Treating.
114. Undue influence.
115. Bribery.
116. Punishment for treating, undue influence and bribery, etc.
117. Offences in respect of nomination papers, ballot papers, etc., and ballot boxes.
118. Punishment of persons guilty of certain illegal practices.
119. Voting when not registered.
120. Fraudulent use of ballot paper.
121. Offences relating to statement of result.
122. Disqualification of person convicted of certain offences.
123. Disorderly conduct at election.
124. Polling day offences.
125. Offences in relation to counting of votes.
126. Disturbance at public meetings.
127. Conviction of disqualifying offence to be reported, etc.
128. Punishment for attempts, etc. to commit offences.
129. Trial of offences.
130. Proceedings to question an election.
131. Establishment and composition of Governorship and Legislative Houses Election Tribunals, etc.
132. Time for presentation of election petition.
133. Presentation of petition.
134. Grounds on which election may be questioned.
135. Non-compliance with certain provisions not to invalidate election.
136. Appeals to Constitutional Court.
137. Nullification of election by Election Tribunal.
138. Person elected to remain in office pending appeal.
139. Transitional provisions.
140. Procedure for election petition
141. Voter not required to disclose his vote.
142. Election may be postponed for threatened disturbances.
143. Custody and inspection of documents.
144. Swearing in into office.
145. Election expenses.
146. Funding of Election Tribunals and Constitutional Court.
147. Electoral officials not eligible for election.

**PART VII - INTERPRETATION AND CITATION**

148. Interpretation.

149. Citation.

**SCHEDULES**

SCHEDULE 1 Legislative Lists

SCHEDULE 2 Oaths

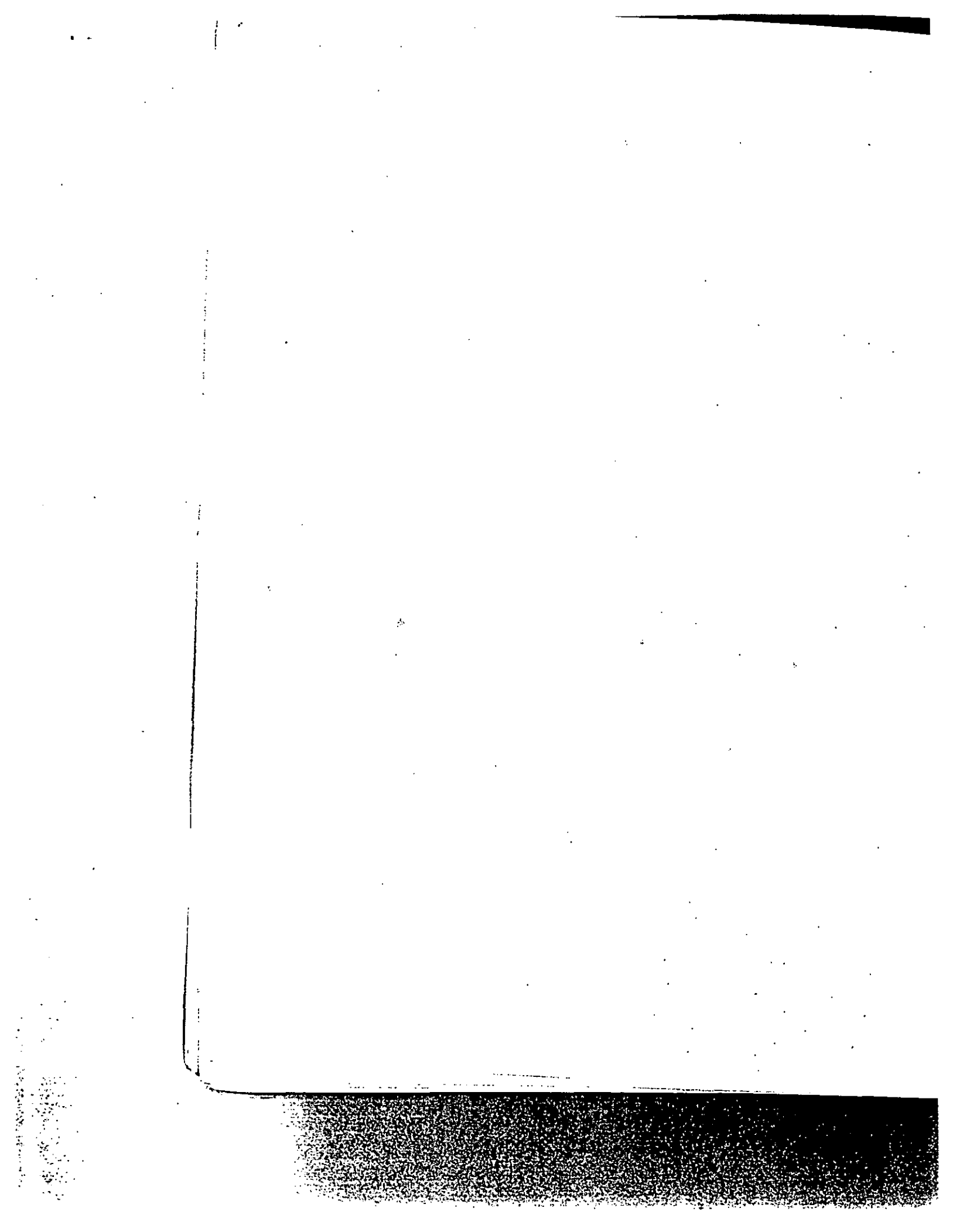
SCHEDULE 3 State Executive Bodies

SCHEDULE 4 Appointment and Supervision of Officers

SCHEDULE 5 Procedure at Elections

SCHEDULE 6 Procedure For Election Petition

SCHEDULE 7 Forms



**Decree No. 3**

[2nd November 1998] Commencement.

**THE FEDERAL MILITARY GOVERNMENT** hereby  
decrees as follows:-

**PART I**

**STATES OF THE FEDERATION AND THE FEDERAL  
CAPITAL TERRITORY, ABUJA**

1.-(1) There shall be 36 States in Nigeria, each with a State  
Capital and Local Government Areas as specified in the Schedule  
to the State (Creation and Transitional Provisions) Decree 1996.

States of the  
Federation, Local  
Government  
Areas and the  
Federal Capital  
Territory.  
1996. No. 36.  
Cap. 128 LFN.

(2) The Federal Capital Territory, Abuja, as defined in the  
First Schedule to the Federal Capital Territory Act, shall be the  
Capital of Nigeria and have the Area Councils specified in the  
Schedule to the States (Creation and Transitional Provisions)  
Decree 1996.

**PART II**

**HOUSE OF ASSEMBLY OF A STATE**

**A. COMPOSITION AND STAFF OF HOUSE OF ASSEMBLY**

2.-(1) There shall be a House of Assembly for each of the  
States of the Federation.

Establishment of  
House of  
Assembly for  
each State.

(2) The legislative powers of each of the States of the  
Federation shall be vested in the House of Assembly of the State.

3. The House of Assembly of a State shall consist of three  
or four times the number of seats which that State has in the  
House of Representatives, divided in a way to reflect as far as  
possible nearly equal population, so however that no House of  
Assembly shall consist of less than 24 or more than 40 members.

Composition  
of House of  
Assembly.

4.-(1) There shall be a Speaker and a Deputy Speaker of a  
House of Assembly who shall be elected by the members of the  
House from among themselves.

Speaker of House  
of Assembly.

(2) The Speaker or Deputy Speaker of the House Assembly shall vacate his office -

(a) if he ceases to be a member of the House of Assembly otherwise than by reason of the dissolution of the House;

(b) when the House of Assembly of which he was member first sits after any dissolution of the House; or

(c) if he is removed from office by a resolution of the House of Assembly by the votes of not less than two-thirds majority of the members of the House.

Staff of House of Assembly.

5. There shall be a Clerk to a House of Assembly 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 of Assembly shall be as prescribed by the Law.

**B. PROCEDURE FOR SUMMONING AND DISSOLUTION OF HOUSE OF ASSEMBLY**

Declaration of assets and liabilities and Oaths of members: 1989 No.1 Schedule 2.

6.-(1) Every person elected to a House of Assembly shall before taking his seat, declare his assets and liabilities in accordance with the provisions of the Code of Conduct Bureau and Tribunal Decree 1989 and subsequently take and subscribe, before the Speaker of the House, the Oath of Allegiance and the Oath of Membership prescribed in Schedule 2 to this Decree, but a member may, before taking the Oaths, take part in the election of the Speaker and Deputy Speaker of the House of Assembly.

Schedule 2.

(2) The Speaker and Deputy Speaker of a House of Assembly shall declare their assets and liabilities in accordance with subsection (1) of this section and subsequently take and subscribe the Oath of Allegiance and the Oath of Membership prescribed in Schedule 2 to this Decree, before the Clerk of the House of Assembly.

Presiding at sittings.

7.-(1) At any sitting of a House of Assembly, the Speaker of that House shall preside, and in his absence the Deputy Speaker shall preside.

(2) In the absence of the Speaker and the Deputy Speaker of the House, such member of the House of the Assembly as the House may elect for that purpose shall preside.

8. The quorum of a House of Assembly shall be one-half of all the members of the House.

Quorum.

9. The business of a House of Assembly shall be conducted in English, but the House may in addition to English conduct the business of the House in one or more other languages spoken in the State as the House may by resolution approve.

Languages  
of the House.

10.-(1) Except as otherwise provided by this Decree, any question proposed for decision in a House of Assembly shall be determined by the required majority of the members present and voting, and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

Voting.

(2) Except as otherwise provided by this Decree, the required majority for the purpose of determining any question shall be a simple majority.

(3) A House of Assembly shall by its rules provide -

(a) that a member of the House shall declare any direct pecuniary interest he may have in any matter coming before the House for deliberation;

(b) that the House may by resolution decide whether or not a member to whom paragraph (a) of this subsection applies may vote, or participate in its deliberations, on the matter;

(c) the penalty, if any, which the House may impose on a member to whom paragraph (a) of this subsection applies for failure to declare any such direct pecuniary interest; and

(d) for such other matters pertaining to the provisions of this section as the House may think necessary, but nothing in this subsection shall enable any rules to be made to

require any member, who signifies his intention not to vote on or participate in such matter, and who does not so vote or participate to declare any such interest.

Unqualified persons sitting or voting: penalty.

11. Any person who sits or votes in a House of Assembly, knowing or having reasonable grounds for knowing that he is not entitled to do so commits an offence and is liable on conviction to such punishment as shall be prescribed by Law of the House of Assembly of the State.

Mode of exercising legislative power of a State.

12.-(1) The power of a House of Assembly to make laws shall be exercised by bills passed by the House of Assembly and, except as otherwise provided by this section, assented to by the Governor of the State.

(2) A bill shall not become Law unless it has been duly passed and, subject to subsection (1) of this section, assented to in accordance with the provisions of this section.

(3) Where a bill has been passed by the House of Assembly it shall be presented to the Governor of the State for assent.

(4) Where the Governor withholds assents and the bill is again passed by the House of Assembly by two-thirds majority, the bill shall become Law and the assent of the Governor shall not be required.

Power to regulate procedure.

13. Subject to the provisions of this Decree, a House of Assembly shall have power to regulate its own procedure, including the procedure for summoning and recess of the House.

Vacancy not to invalidate proceedings.

14. A House of Assembly may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate such proceedings.

Committee.

15.-(1) A House of Assembly may appoint a committee of its members for any special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may, by resolution, regulation or otherwise as it thinks fit, delegate any functions exercisable by it to any such committee.



(2) The number of members of a committee appointed under this section, their terms of office and quorum shall be fixed by the House of Assembly.

(3) Nothing in this section shall be construed as authorising a House of Assembly to delegate to a committee the power to decide whether a bill shall be passed into Law or to determine any matter which it is empowered to determine by resolution under the provisions of this Decree, but such a committee of the House may be authorised to make recommendations to the House on any such matter.

16. A House of Assembly shall sit for a period of not less than 181 days in a year.

Sittings of  
the House.

17.-(1) A House of Assembly shall stand dissolved at the expiration of a period of 4 years commencing from the date of the first sitting of the House.

Dissolution and  
issue of  
proclamation by  
Governor of the  
State.

(2) If the Federation of Nigeria is at war in which the territory of Nigeria is physically involved and the Head of State, Commander-in-Chief of the Armed Forces considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of 4 years mentioned in subsection (1) of this section, from time to time, but not beyond a period of 6 months at any one time.

(3) Subject to the provisions of this Decree, the person elected as the Governor of a State shall have power to issue a proclamation for the holding of the first session of the House of Assembly of the State concerned immediately after his being sworn in or for its dissolution as provided in this section.

**C - QUALIFICATIONS FOR MEMBERSHIP OF HOUSE OF ASSEMBLY AND RIGHT OF ATTENDANCE**

Qualifications  
for election  
into House of  
Assembly.

18. Subject to the provisions of section 19 of this Decree, a person shall be qualified for election as a member of a House of Assembly if -

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of 30 years;
- (c) he has been educated up to at least the School Certificate level or its equivalent; and
- (d) he is a member of a political party and is sponsored by that political party.

Disqualifications.

19.-(1) No person shall be qualified for election to a House of Assembly if -

- (a) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or is otherwise declared to be of unsound mind; or
- (b) he is under a sentence of death imposed on him by any court of law in Nigeria or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court; or
- (c) he has been convicted and sentenced by a court of law or tribunal established by law for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or
- (d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt, under any law in force in any part of Nigeria; or

(e) being a person employed in the public service of the Federation or of any State, or of any Local Government or Area Council, he has not resigned, withdrawn or retired from the employment at least 30 days to the date of the election; or

(f) he is a member of any secret society; or

(g) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government which indictment has been accepted by the Federal, State or Local Government or Area Council; or

Cap. 447 LFN.

(h) he has knowingly presented a forged certificate to the Commission.

(2) Where in respect of any person who has been -

(a) adjudged to be a lunatic; or

(b) declared to be of unsound mind; or

(c) sentenced to death or imprisonment or adjudged or declared bankrupt,

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 and for the purposes of this subsection, an "appeal" includes any application for an order of certiorari, mandamus, prohibition or *habeas corpus*, or any appeal from any such application.

20.-(1) The Governor of a State shall address annually a meeting of the House of Assembly on the state of affairs of the State.

Attendance of Governor and Commissioners.

(2) The Governor of a State may attend a meeting of the House of Assembly of the State either to deliver an address on State affairs or to make such statement on the policy of Government as he may consider to be of importance to the State.

(3) A Commissioner of the Government of a State shall attend the House of Assembly of the State if invited to explain to the House the conduct of his Ministry, and in particular, when the affairs of that Ministry are under discussion.

(4) Nothing in this section shall enable any person who is not a member of a House of Assembly to vote in that House or in any of its committees.

Tenure of office  
of members.

21.-(1) A member of a House of Assembly shall vacate his seat in the House if -

(a) he becomes a member of another legislative house; or

(b) any other circumstances arise that, if he were not a member of that House, would cause him to be disqualified for election as such a member; or

(c) he ceases to be a citizen of Nigeria; or

(d) he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State, Chairman, Vice-Chairman or Councillor of a Local Government Council or Area Council; or

(e) save as otherwise provided by this Decree, he becomes a member of a Commission or other body established under the Constitution of the Federal Republic of Nigeria or by any other law; or

(f) without just cause, he is absent from meetings of the House of Assembly for a period amounting in the aggregate to more than one-sixth of the total number of days during which the House meets in any one year; or

(g) being a person whose election to the House of Assembly was sponsored by one political party, he resigns from that political party or he becomes a member of any other political party before the expiration of the period for which the House was elected, provided that his membership of the latter political party is not as a result of a division of the political party of which he was previously a member or a merger of two or more political parties or factions by one of which he was previously sponsored; or

(h) he becomes a member of a secret society; or

(i) the Speaker of the House of Assembly receives a certificate under the hand of the Chairman of the Independent National Electoral Commission (in this Decree referred to as "the Commission") stating that the provisions of section 23 of this Decree have been complied with in respect of the recall of that member.

(2) A member of a House of Assembly shall be deemed to be absent without just cause from a meeting of the House of Assembly unless the person presiding certifies in writing that he is satisfied that the absence of the member from the meeting was for a just cause:

22. A member of the House of Assembly shall receive salary and such other allowances as the Revenue Mobilisation Allocation and Fiscal Commission may determine.

Remuneration.

23. A member of the House of Assembly may be recalled as such a member if -

Recall.

(a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and

(b) the petition presented in paragraph (a) of this section is thereafter in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency.

**D - ELECTIONS TO A HOUSE OF ASSEMBLY**

State  
constituencies.

24. Subject to the provisions of section 25 of this Decree the Commission shall divide every State in the Federation into such number of State constituencies as is equal to three or four times the number of Federal constituencies within that State.

Size of State  
constituencies.

25. Each State constituency shall be such that the number of the constituency is as nearly equal to the population quota as reasonably practicable.

Periodical review  
of State  
constituencies.

26.-(1) The Commission shall review the division of every State into constituencies at intervals of not less than ten years, and may alter such constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review.

(2) Notwithstanding subsection (1) of this section, the Commission may at any time carry out a review of the constituencies in accordance with the provisions of this section to the extent as it considers necessary in consequence of any amendment to section 1 of this Decree or any provisions replacing that section or by reason of the holding of a census of the population or pursuant to an Act of the National Assembly or in consequence of any alteration of the boundaries of the State.

Time when  
alteration of  
constituencies  
takes effect.

27. When the boundaries of any State constituency established under section 24 of this Decree, are altered, in accordance with the provisions of section 26 of this Decree, that alteration shall come into effect after it has been approved by the Provisional Ruling Council and after the current life of the House of Assembly of the State.

Time of election  
to House of  
Assembly.

28. Election to a House of Assembly shall be held on a date to be appointed by the Commission.

Direct election  
and franchise.

29.-(1) Subject to the provisions of this Decree, every State constituency established in accordance with the provisions of this Part of this Decree shall return one member who shall be directly elected to a House of Assembly as may be prescribed by this

Decree or any other Decree or an Act of the National Assembly, as the case may be.

(2) Every citizen of Nigeria who -

(a) has attained the age of 18 years; and

(b) is residing in Nigeria at the time of the registration of voters for purposes of election to any legislative house,

shall be entitled to be registered as a voter for that election.

(3) A person shall be eligible to vote in the elections to the House of Assembly if he is a citizen of Nigeria who has attained the age of 18 years and has been registered to vote.

30. The registration of voters and the conduct of elections shall be subject to the direction and supervision of the Commission. Supervision of election.

31. The procedure to be adopted at the elections into a House of Assembly of a State shall be as set out in Schedule 5 to this Decree. Procedure at elections. Schedule 5.

### ***E - LEGISLATIVE POWERS OF A STATE***

32.-(1) The legislative powers of a State of the Federation shall be vested in the House of Assembly of the State. Power to exercise legislative powers of the State.

(2) 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 -

(a) any matter not included in the Exclusive Legislative List set out in Part I of Schedule 1 to this Decree; Schedule 1.

(b) any matter included in the Concurrent List set out in Part II of Schedule 1 to this Decree, to the extent prescribed therein to the extent prescribed in the second column opposite thereto; and

(c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Decree.

(3) Save as otherwise provided by this Decree, the exercise of legislative powers by the House of Assembly shall be subject to the jurisdiction of courts of law and tribunals established by law, and accordingly the House of Assembly shall not enact any law that ousts or purports to oust the jurisdiction of a court of law or of a tribunal established by law.

(4) Notwithstanding the foregoing provisions of this section, the House of Assembly shall not, in relation to any criminal offence whatsoever, have power to make any law which shall have retrospective effect.

### **PART III**

#### **STATE EXECUTIVE**

##### **A - THE GOVERNOR OF A STATE**

Establishment  
of the office  
of Governor and  
the executive  
powers of  
a State.

**33.-(1)** There shall be for each State of the Federation a Governor.

(2) The Governor of a State shall be the Chief Executive of that State.

(3) Subject to the provisions of this Decree, the executive powers of a State shall -

(a) 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 or Commissioners of the Government of that State or other officers in the public service of the State; and

(b) extend to the execution and maintenance of this Decree, 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.



(4) The executive powers vested in a State of the Federation by subsection (3) of this section, shall not be exercised so as to impede or prejudice the exercise of the executive powers of the Federation or to endanger any asset or investment of the Government of the Federation in that State or endanger the continuance of a Federal Government in Nigeria.

34. A person shall be qualified for election to the office of Governor of a State if -

Qualification  
for election as  
Governor.

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of 35 years;
- (c) he has been educated up to at least School Certificate level or its equivalent; and
- (d) he is a member of a political party and is sponsored by that political party.

35. An election to the office of the Governor of a State shall be held on a date to be appointed by the Commission.

Time of election  
to the office of  
Governor of a State.

36.-(1) Subject to the provisions of this Decree, a person shall hold office of the Governor of a State until -

Tenure of office  
of Governor.

- (a) when his successor in the office takes the Oath of that office;
- (b) he dies whilst holding office;
- (c) the date when his resignation from office takes effect;  
or
- (d) he otherwise ceases to hold office in accordance with the provisions of this Decree.

(2) Subject to the provisions of subsection (1) of this section, the Governor shall vacate his office at the expiration of a period of 4 years commencing from the date when -

(a) in the case of a person first elected as Governor under this Decree, he took the Oath of Allegiance and the Oath of Office; and

(b) the person last elected to that office took the Oath of Allegiance and the Oath of Office or would, but for his death, have taken such Oaths.

(3) If the Federation of Nigeria is at war in which the territory of Nigeria is physically involved and the Head of State, Commander-in-Chief of the Armed Forces considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of 4 years mentioned in subsection (2) of this section, from time to time, but no extension shall exceed a period of 6 months at any one time.

Death of Governor  
elect before Oath  
of Office.

37.-(1) If a person duly elected as Governor dies before taking and subscribing the Oath of Allegiance and Oath of Office, the person elected with him as Deputy shall be sworn in as Governor and he shall nominate a new Deputy-Governor from the same Senatorial District as that of the deceased Governor who shall with the approval of the House of Assembly of the State be appointed as Deputy Governor.

(2) Where the persons duly elected as Governor and Deputy Governor of a State die before the inauguration of the House of Assembly, the Commission shall immediately conduct an election for a Governor of the State in which the candidates shall be nominated from the same Senatorial Districts as those that produced the Governor and Deputy Governor who have died.

Disqualification  
for election as  
Governor.

38.-(1) No person shall be qualified for election to the office of Governor if -

(a) he has been elected to such office at any 2 previous elections; or

(b) under the law in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;  
or

(c) he is under a sentence of death imposed by any competent court of law or a sentence of imprisonment for any offence involving dishonesty (by whatever name called) or any narcotics related offence imposed on him by any court or substituted by a competent authority for any other sentence imposed on him by such a court; or

(d) he has been convicted and sentenced by a court of law or tribunal established by law in Nigeria or any other country for an offence involving dishonesty (by whatever named called) or any narcotics related offence or he has been found guilty of the contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or

1989 No

(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria; or

(f) being a person employed in the public service of the Federation or of any State or of any Local Government Council or Area Council, he has not resigned, withdrawn or retired from the employment at least 30 days to the date of the election; or

(g) he is a member of any secret society; or

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government or Area Council which indictment has been accepted by the Federal, State or Local Government or Area Council; or

(i) he has knowingly presented a forged certificate to the Commission.

(2) Where in respect of any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment, or adjudged bankrupt, any 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 the appeal is lodged and ending on the date when the appeal lapses or is abandoned, whichever is earlier, and for the purposes of this subsection, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or *habeas corpus*, or any appeal from any such application.

(3) The Governor shall not, during the period when he holds office, hold any other executive office or paid employment in any capacity whatsoever.

Declaration of  
assets and  
liabilities,  
Oaths of office  
of Governor.  
Schedule 2.

39.-(1) A person elected to the office of the Governor of a State shall not begin to perform the functions of that office until and unless he has declared his assets and liabilities in accordance with the Code of Conduct and has subsequently taken and subscribed the Oath of Allegiance and Oath of Office prescribed in Schedule 2 to this Decree.

(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 the State.

Establishment of  
the office of  
Deputy Governor.

40. There shall be for each State of the Federation a Deputy Governor.

Nomination and  
election of Deputy  
Governor.

41.-(1) In any election to which the foregoing provisions of this Part of this Decree relate, a candidate for the office of Governor shall not be deemed to have been validly nominated for that office unless he nominates from a Senatorial District other than his own Senatorial District, another candidate as his associate for his running for the office of Governor, who is to occupy the office of Deputy Governor; and that candidate shall be deemed to have been duly elected to the office of Deputy Governor if the candidate who nominated him is duly elected as Governor in accordance with the said provisions.

(2) The provisions of this Part of this Decree relating to qualification for election, tenure of office, disqualifications, declaration of assets and liabilities and Oath of Governor, except subsection (1)(d) and (f) of section 96 of this Decree and the Oath of Deputy Governor, shall apply in relation to the office of Deputy Governor as if references to Governor were references to Deputy Governor.

(3) The Deputy Governor shall not begin to perform the functions of that office until and unless he has declared his assets and liabilities and he has subsequently subscribed the Oath of Allegiance and Oath of Office as prescribed by this Decree.

42.-(1) The Governor or Deputy Governor of a State may be removed from office in accordance with the provisions of this section.

Removal of  
Governor or  
Deputy Governor  
from office.

(2) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the House of Assembly is presented to the Speaker of the House of Assembly of the State stating that the holder of the office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified, the Speaker of the House of Assembly shall, within 7 days of the receipt of the notice, cause -

(a) a copy of the notice to be served on the holder of the office and on each member of the House of Assembly; and

(b) any statement made in reply to the allegation by the holder of the office, to be served on each member of the House of Assembly.

(3) Within 14 days of the presentation of the notice to the Speaker of the House of Assembly (whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice), the House of Assembly shall resolve by motion, without any debate whether or not the allegation shall be investigated.

(4) A motion of the House of Assembly 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 House of Assembly.

(5) Within 7 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 House of Assembly, appoint a Panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section.

(6) The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person and be represented before the Panel by a legal practitioner of his own choice.

(7) A Panel appointed under this section shall-

(a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by the House of Assembly; and

(b) within 3 months of its appointment, report its findings to the House of Assembly.

(8) Where the Panel reports to the House of Assembly that the allegation has not been proved, no further proceedings shall be taken in respect of the matter.

(9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the House of Assembly shall consider the report, and if by a resolution of the House of Assembly 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.

(10) No proceedings or determination of the Panel or of the House of Assembly or any matter relating to such proceedings or determination shall be entertained or questioned in any court.

(11) In this section -

"misconduct" means a breach of the Oath of Allegiance or Oath of Office of Governor or Deputy Governor or a breach of the provisions of the Constitution of the Federal Republic of Nigeria or a misconduct of such nature as amounts to bribery or corruption or a false declaration of assets and liabilities or conviction for treason or a treasonable felony.

43.-(1) The Governor or Deputy Governor of a State shall cease to hold office if - Permanent incapacity of Governor or Deputy Governor.

(a) by a resolution passed by two-thirds majority of all members of the Executive Council of the State, it is declared that the Governor or Deputy Governor is incapable of discharging the functions of his office; and

(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 House of Assembly.

(2) Where the medical panel certifies in its report that in its opinion the Governor or Deputy Governor is suffering from such infirmity of body or mind as renders him permanently incapable of discharging the functions of his office, a notice of the medical report signed by the Speaker of the House of Assembly shall be published in the *Gazette* of the Government of the State.

(3) The Governor or Deputy Governor 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.

(4) The medical panel to which this section relates shall be appointed by the Speaker of the House of Assembly, and shall comprise five medical practitioners in Nigeria -

(a) one of whom shall be the personal physician of the holder of the office of Governor or Deputy Governor as the case may be; and

(b) four other medical practitioners who have, in the opinion of the Speaker of the House of Assembly, 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.

(5) In this section, the reference to "Executive Council of the State" is a reference to the body of Commissioners of the Government of the State, however called, established by the Governor and charged with such responsibilities for the functions of Government as the Governor may direct.

Acting Governor  
during temporary  
absence of  
Governor.

44. Whenever the Governor transmits to the Speaker of the House of Assembly a written declaration that he is proceeding on vacation or he is otherwise unable to discharge the functions of his office and, until he transmits to him a written declaration to the contrary, the functions shall be discharged by the Deputy Governor as Acting Governor.

Discharge of the  
functions of the  
Governor.

45.-(1) The Deputy Governor shall hold office of Governor if the office of Governor becomes vacant by reason of death, resignation, impeachment, permanent incapacity or removal for any other reason.

(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section during a period when the office of Deputy Governor of a State is also vacant, the Speaker of the House of Assembly of the State shall hold office of Governor of the State for a period of not more than 3 months, during which there shall be an election of a new Governor of the State who shall hold office for the remaining part of the 4 years provided for under section 36(2) of this Decree.



(3) Where the office of the Deputy Governor of a State becomes vacant by reason of his death, resignation, removal, permanent incapacity or any other cause the Governor shall nominate from a Senatorial District as that of the previous Deputy Governor and with the approval of the House of Assembly of the State, appoint a new Deputy Governor.

(4) Where the office of the Deputy Governor of a State becomes vacant by his assumption of the office of Governor of the State, he shall nominate a new Deputy Governor from the same Senatorial District as that of the previous Governor who shall, with the approval of the House of Assembly, be appointed as Deputy Governor.

46.-(1) There shall be such offices of Commissioners of the Government of a State as may be established by the Governor of the State.

Commissioners  
of State  
Government.

(2) An appointment to the office of Commissioner of the Government of a State shall, if the nomination of any person to that office is confirmed by the House of Assembly of the State, be made by the Governor and in making any such appointment the Governor shall do so in such manner as to recognize the diversity of the people within the State and the need to promote a sense of belonging and loyalty among all the various peoples in the State.

(3) Where a member of a House of Assembly is appointed as Commissioner of the Government of a State, he shall be regarded as having resigned his membership of the House of Assembly on his taking the Oath of Office as Commissioner.

(4) No person shall be appointed as Commissioner of the Government of a State unless he is qualified for election as a member of the House of Assembly of the State.

(5) An appointment to the office of Commissioner under this section shall be deemed to have been made where no return has been received from the House of Assembly within 21 working days of the receipt, by the House of Assembly, of the nomination of the Commissioner.

Executive responsibilities of Deputy Governor and Commissioners.

47.-(1) The Governor of a State may, in his discretion, assign to the Deputy Governor or any Commissioner specific responsibility for any business of the Government of the State including the administration of any department of Government.

(2) The Governor shall hold regular meetings with the Deputy Governor and all Commissioners of the Government of the State for the purpose of -

(a) determining the general direction of the policies of the Government of the State;

(b) co-ordinating the activities of the Governor, the Deputy Governor and the Commissioners of the Government of the State in the discharge of their executive responsibilities; and

(c) advising the Governor generally in the discharge of his executive functions, other than those functions with respect to which he is required by this Decree to seek the advice or act on the recommendation of any other person or body

Declaration of assets and liabilities, Oaths of Commissioners. Schedule 2.

48. A Commissioner of the Government of a State shall not enter upon the duties of his office until and unless it has been confirmed that he has declared his assets and liabilities as prescribed in this Decree and has subsequently taken and subscribed the Oath of Allegiance and the Oath of Office prescribed in Schedule 2 to this Decree.

Attorney-General of State.

49.-(1) There shall be an Attorney-General for each State who shall be the Chief Law Officer and Commissioner for Justice of the Government of that State.

(2) A person shall not be qualified to hold or perform the functions of the office of the Attorney-General of a State unless he is qualified to practise as a legal practitioner in Nigeria and has been so qualified for a period not less than 12 years.

Special Advisers.

50.-(1) The Governor of a State may appoint any person as a Special Adviser to assist him in the performance of his functions

(2) The number of Special Advisers shall not exceed 3, one from each Senatorial District.

(3) The remuneration and allowances of Special Advisers shall be prescribed by Law or by resolution of the House of Assembly of the State but shall not exceed such amount as shall have been determined by the Revenue Mobilization Allocation and Fiscal Commission.

(4) No person shall be appointed as a Special Adviser unless he is qualified for election as a member of the House of Assembly of a State.

(5) A person appointed as a Special Adviser under subsection (1) of this section shall not begin to perform the functions of the office until and unless he has declared his assets and liabilities as prescribed in this Decree and has subsequently taken and subscribed the Oath of Allegiance and the Oath of Office prescribed in Schedule 2 to this Decree. Schedule 2.

(6) An appointment made pursuant to the provisions of this section shall be at the pleasure of the Governor, and shall cease when the Governor ceases to hold office.

51. The Governor and Deputy Governor, Commissioners and other public officers of the State shall abide by the Code of Conduct as provided by the Code of Conduct Bureau and Tribunal Decree 1989. Code of Conduct.  
1989 No.1.

### ***B. ESTABLISHMENT OF CERTAIN STATE EXECUTIVE BODIES***

52.- (1) There shall be established, for each State of the Federation the following bodies, namely - State  
Commissions  
and Councils.

- (a) State Civil Service Commission; -
- (b) State Council of Chiefs;
- (c) State Judicial Service Commission; and

(d) State Local Government Service Commission.

Schedule 3.

(2) The composition and powers of each body established by subsection (1) of this section are as set out in Schedule 3 to this Decree.

(3) Within one year of assuming office, the Governor shall constitute and make functional the bodies established under subsection (1) of this section.

Composition of governing bodies of statutory corporations and bodies.

53. In appointing Chairmen and members of boards and governing bodies of statutory corporations and companies in which the Government of the State has controlling shares or interest and of Councils of Universities, Colleges and other institutions of higher learning, the Governor shall have regard to the diversity of the people within the State and the need to promote a sense of belonging and loyalty among the various peoples within the State.

Appointment of Chairman and members.

54. Except in the case of *ex-officio* members or where other provisions are made in this Decree, the Chairmen and members of any of the bodies established by subsection (1) of section 52 of this Decree shall, subject to the provisions of this Decree, be appointed by the Governor of the State and the appointment shall be subject to confirmation by the House of Assembly of the State.

Tenure of office of members.

55.-(1) A person who is a member of any of the bodies established by subsection (1) of section 52 of this Decree shall, subject to the provisions of this Part of this Decree, remain a member of the body -

(a) in the case of an *ex-officio* member, whilst he holds the office by virtue of which he is a member of the body; and

(b) in the case of a person who is a member otherwise than as an *ex-officio* member or otherwise than by virtue of having previously held an office, for a period of 5 years from the date of his appointment.

(2) A member of any of the bodies shall cease to be a member if any circumstances arise that, if he were not a member of the body, would cause him to be disqualified for appointment as such a member.

56.-(1) No person shall be qualified for appointment as a member of any of the bodies established by subsection (1) of section 52 of this Decree if - Qualification for membership.

(a) he is not qualified or he is disqualified for election as a member of a House of Assembly;

(b) he has within the preceding 10 years been removed as a member of any of the bodies or as the holder of any other office on the ground of misconduct.

(2) A person employed in the public service of a State shall not be disqualified for appointment as Chairman or member of any such bodies provided that where the person, not being an *ex-officio* member of the State Council of Chiefs, has been duly appointed, he shall on his appointment be deemed to have resigned his former office as from the date of the appointment.

(3) No person shall be qualified for appointment to any of the bodies established by subsection (1) of section 52 of this Decree if, having previously been appointed as a member otherwise than as an *ex-officio* member of that body, he has been re-appointed for a further term as a member of the same body.

57.-(1) Except in the case of *ex-officio* Chairmen and members whose removal is provided for elsewhere in this Decree, a person holding any of the offices to which this section applies shall only be removed from that office by the Governor of that State acting on an address supported by two-thirds majority of the House of Assembly of the State praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct. Removal of members of bodies.

(2) The provisions of subsection (1) of this section applies to the offices of the Chairmen and members of the State Civil Service Commission, the State Judicial Service Commission and the State Local Government Service Commission.

58. In exercising its powers to make appointments or to exercise disciplinary control over persons, or Commissions, the Independence of certain bodies.

State Civil Service Commission and, the State Judicial Service Commission shall not be subject to the direction or control of any other authority or person.

Quorum for meetings.

59.-(1) The quorum for a meeting of any of the bodies established by subsection (1) of section 52 of this Decree shall not be less than one-half of the total number of members of that body at the date of the meeting.

(2) A member of any of the bodies established by subsection (1) of section 52 of this Decree shall be entitled to vote and a decision of the meeting may be taken and any act or thing may be done in the name of that body by a majority of the members present at a meeting.

(3) Whenever any of the bodies is assembled for a meeting, the Chairman or other person presiding shall, in matters in which a decision is taken by vote (by whatever name the vote may be called) have a casting as well as a deliberative vote.

(4) Subject to its rules of procedure, any of the bodies may act or take any decision notwithstanding any vacancy in its membership or the absence of any member.

Powers and procedure.

60.-(1) Subject to subsection (2) of this section, any of the bodies may, with the approval of the Governor, by rules or otherwise regulate its own procedure or confer powers or impose duties on any officer or authority for the purpose of discharging its functions.

(2) In the exercise of any power under subsection (1) of this section, any such body shall not confer powers or impose duties on any officer or authority of the Federation except with the approval of the Head of State, Commander-in-Chief of the Armed Forces of the Federation.

Interpretation of this Part.

61. In this Part of this Decree, unless the context otherwise requires -

(a) reference to "ex-officio member" shall be construed as a reference to a person who is a member by virtue of holding or performing the functions of an office in the public service of the State;

(b) "office" means an office in the public service of a State; and

(c) reference to "member" of any of the bodies established by section 52 of this Decree shall be construed as including a reference to the Chairman of that body; and

(d) "misconduct" means breach of the Oath of Allegiance or Oath of Office of a member or a breach of the provisions of this Decree or a misconduct of such nature as

amounts to bribery or corruption or false declaration of assets and liabilities or conviction for treason or treasonable felony.

### *C - THE PUBLIC SERVICE OF A STATE*

62. There shall be for each State a Civil Service.

Establishment  
of State Civil  
Service.

63. Subject to the provisions of this Decree, a State Civil Service Commission may, with the approval of the Governor and subject to such conditions as it may deem fit, delegate any of the powers conferred upon it by this Decree to any of its members or to any officer in the Civil Service of the State.

State Civil Service  
Commission: power of  
delegation.

64.-(1) Powers to appoint persons to hold or act in the offices to which this section applies and to remove persons so appointed from any such office shall vest in the Governor of the State.

Appointment  
by Governor.

(2) The offices to which this section applies are -

(a) Secretary to the Government of the State;

(b) Head of Civil Service of the State who shall be appointed from among Permanent Secretaries or equivalent rank in the Civil Service of the State or of the Federation;

(c) Permanent Secretary in a Ministry or Head of any Extra-Ministerial Department of the Government of the State, howsoever designated; and

(d) any officer on the personal staff of the Governor.

(3) In exercising his powers of appointment under this section, the Governor shall have regard to the diversity of the people and the need to promote a sense of belonging and unity among the various peoples within the State.

(4) Any appointment made pursuant to paragraphs (a) and (d) of subsection (2) of this section shall be at the pleasure of the Governor and shall cease when the Governor ceases to hold office.

Code of Conduct.

65. A person in the public service of a State shall observe and conform to the Code of Conduct.

Protection of  
pension rights.

66.-(1) Subject to the provisions of subsection (2) of this section, the right of a person in the public service of a State to receive pension or gratuity shall be regulated by law.

(2) Any benefit to which a person is entitled in accordance with or under such law as is referred to in subsection (1) of this section shall not be withheld or altered to his disadvantage except, to such extent as is permissible under any law, including the Code of Conduct.

(3) Pension shall be reviewed every 5 years.

(4) Pensions in respect of service in the public service of a State shall not be taxed.

Public  
prosecutions.

67.-(1) The Attorney-General of a State shall have power to

(a) institute and undertake criminal proceedings against any person before any court of law in Nigeria, other than a court-martial, in respect of any offence created by or under any law of the House of Assembly;

(b) take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and



(c) discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other authority or person.

(2) The powers conferred on the Attorney-General under subsection (1) of this section may be exercised by him in person or through officers of his department.

(3) In exercising his powers under this section, the Attorney-General shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process.

68.-(1) The Governor may -

Prerogative of mercy.

(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; or

(b) grant to any person a respite, either for an indefinite or for a specified period, from the execution of any punishment imposed on that person for such an offence;

(c) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or

(d) remit the whole or any punishment imposed on that person for such an offence or of any penalty or forfeiture otherwise due to the State on account of such an offence.

(2) The powers of the Governor under subsection (1) of this section shall be exercised by him after consultation with such advisory councils of the State on prerogative of mercy as may be established by the Law of the State.

#### **PART IV - POWERS AND CONTROL OVER PUBLIC FUNDS**

69.-(1) All revenue or other moneys raised or received by a State (not being revenues or other moneys payable under this Decree or any Law of a House of Assembly into any other public fund of the State established for a specific purpose) shall be paid into and form the Consolidated Revenue Fund of the State.

Establishment of Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Decree or where the issue of those moneys has been authorised by the Appropriation Law, Supplementary Appropriation Law or a Law passed in pursuance of section 70 of this Decree.

(3) No moneys shall be withdrawn from any public fund of the State other than the Consolidated Revenue Fund of the State unless the issue of those moneys has been authorised by a law of the House of Assembly of that State.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other fund of the State except as prescribed by the House of Assembly.

Authorisation of  
expenditure from  
Consolidated  
Revenue Fund.

70.-(1) The Governor shall cause to be prepared and laid before the House of Assembly not later than 60 days before the expiration of each financial year estimates of the revenue and expenditure of the State for the following financial year.

(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the State by this Decree, shall be included in a bill to be known as an Appropriation Bill providing for the issue from the Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found -

(a) that the amount appropriated by the Appropriation Law for any purposes is insufficient; or

(b) that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Law,

a supplementary estimate showing the sums required shall be laid before the House of Assembly and the head of any such expenditure shall be included in a Supplementary Appropriation Bill.

71.-(1) If the Appropriation Bill in respect of any financial year has not been passed into Law by the beginning of the financial year, the Governor may authorise the withdrawal of moneys from the Consolidated Revenue Fund of the State for the purpose of meeting expenditure necessary to carry on the services of the Government for a period not exceeding three months or until the coming into operation of the Law, whichever is the earlier.

Power of Governor to authorise expenditure from Consolidated Revenue Fund.

(2) The withdrawal authorised in subsection (1) of this section in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the State under the provisions of the Appropriation Law passed by the House Assembly of the State for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediate preceding financial year.

72.-(1) A House of Assembly may by Law make provisions for the establishment of a Contingencies Fund for the State and for authorising the Governor, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

Contingencies Fund.

(2) Where any advance is made in accordance with the provisions of this section a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be introduced within 30 days for the purposes of replacing the amount so advanced.

73.-(1) There shall be paid to the holders of the offices mentioned in this section such salaries and allowances as may be prescribed by a House of Assembly but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.

Remuneration of the Governor and certain other officers

(2) The salaries and allowances payable to the holders of the offices so mentioned shall be charged upon the Consolidated Revenue Fund of the State.

(3) The salaries payable to the holders of the said offices and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.

(4) The offices aforesaid are the offices of Governor, Deputy Governor, Chief Judge and Judges of the High Court of a State, Grand Kadi and Kadis of the Sharia Court of Appeal of a State, President and Judges of the Customary Court of Appeal of a State, the Auditor-General of a State, Auditor-General of the Local Government Councils of a State and Chairmen and members of the following bodies, that is, the State Civil Service Commission, the State Judicial Service Commission and the State Local Government Service Commission.

(5) Provisions may be made by a Law of House of Assembly for the grant of a pension or gratuity to or in respect of a person who has held office as Governor or Deputy Governor and was not removed from office as a result of imprisonment or breach of any provision of this Decree, and any pension or gratuity granted by virtue of any provision made in pursuance of this subsection shall be a charge upon the Consolidated Revenue Fund of the State.

Audit of public  
accounts, etc.

74.-(1) There shall be an Auditor-General for each State, and an Auditor-General for the Local Government Councils of a State who shall be appointed in accordance with the provisions of section 75 of this Decree.

(2) The public accounts of the State of all offices and courts of the State shall be audited by the Auditor-General of the State who shall submit his reports to the House of Assembly of the State concerned, and for that purpose the Auditor-General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The public accounts of Local Government Councils and of all offices of the Local Government shall be audited by the Auditor-General of the Local Government Councils, who shall submit his report to the House of Assembly of the State concerned and for that purpose the Auditor-General of the State or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(4) The Auditor-General of a State shall have power to conduct periodic checks of all Government Statutory Corporations, Commissions, authorities, agencies, including all persons and bodies established by a Law of the State House of Assembly.

(5) The Auditor-General of a State shall comment on the account of the bodies mentioned in subsection (1) of this section and make report therein.

(6) The House of Assembly of a State may make Laws to establish a body for the recovery of public funds as may be highlighted in the Auditor-General's report.

(7) Nothing in subsection (2) of this section shall be construed as authorising the Auditor-General of a State to audit the accounts of or appoint auditors for Government Statutory Corporations, Commissions, authorities, agencies including all persons and bodies established by a Law but the Auditor-General of a State may -

(a) provide such bodies with a list of auditors qualified to be appointed by them as external auditors, and from which the bodies shall appoint their external auditors, and a guideline on the level of fees to be paid to external auditors; and

(b) comment on their annual accounts and auditor's reports therein.

(8) The Auditor-General of a State and the Auditor-General of the Local Government Councils of a State shall within 90 days of receipt of the Accountant-General's Financial Statement and Annual Accounts of Local Government Councils submit his report to the House of Assembly of the State, and the House shall cause the reports to be considered by a Committee of the House responsible for public accounts.

(9) In the exercise of his functions under this Decree, the Auditor-General of a State and the Auditor-General of the Local Government Councils of a State shall not be subject to the direction or control of any authority or person.

Appointment of Auditor-General of a State.

75.-(1) The Auditor-General of the State and the Auditor-General of the Local Government Councils of a State shall be appointed by the Governor of the State on the recommendation of the State Civil Service Commission subject to confirmation by the House of Assémbly of the State.

(2) Power to appoint persons to act in the office of the Auditor-General of a State or Auditor-General of the Local Government Councils of a State shall vest in the Governor.

(3) Unless confirmed by a resolution of the House of Assembly of a State, no person shall act in the office of the Auditor-General of a State or Auditor-General of the Local Government Councils of a State for a period exceeding 6 months.

Tenure of office of Auditor-General.

76.-(1) A person holding the office of the Auditor-General of a State or Auditor-General of the Local Government Councils of a State under subsection (1) of section 75 of this Decree shall be removed from office by the Governor of the State acting on an address supported by two-thirds majority of the House of Assembly praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) The Auditor-General of a State or Auditor-General of the Local Government Councils of a State shall not be removed from office before such retiring age as may be prescribed by Law, save in accordance with the provisions of this section.

Power to conduct investigation.

77.-(1) Subject to the provisions of this Decree, a House of Assembly of a State shall have power by a resolution published in its journal and in the *Gazette* of the Government of the State to direct or cause to be directed an inquiry or investigation into -

(a) any matter or thing with respect to which it has power to make Laws; and

(b) the conduct of affairs or any person, authority, Ministry or Government department charged, or intended to be charged with the duty of or responsibility for -

(i) executing or administering Laws enacted by that House of Assembly, and

(ii) disbursing or administering moneys appropriated or to be appropriated by such House.

(2) The powers conferred on a House of Assembly under the provisions of this section are exercisable only for the purpose of enabling the House -

(a) to make laws with respect to any matter within its legislative competence and to correct any defects in existing laws; and

(b) to prevent and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

78.-(1) For the purposes of any investigation under section 77 of this Decree and subject to the provisions thereof, a House of Assembly or a committee appointed in accordance with section 15 of this Decree shall have powers -

Powers as to matters of evidence.

(a) to procure all such evidence written or oral, direct or circumstantial, as it may think necessary or desirable and to examine all persons as witnesses whose evidence may be material or relevant to the subject matter;

(b) to require such evidence to be given on oath;

(c) to summon any person in Nigeria to give evidence at any place or to produce any document or other thing in his possession or under his control and to examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and

(d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such

failure, refusal or neglect to the satisfaction of the House of Assembly or the committee, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also impose such fine as may be prescribed for any such failure, refusal or neglect, and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

(2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the Speaker of the House of Assembly of the State.

## PART V - STATE COURTS

### A - HIGH COURT OF A STATE

Establishment of  
a High Court for  
each State.

79.-(1) There shall be a High Court for each State of the Federation of Nigeria.

(2) The High Court of a State shall consist of -

(a) a Chief Judge of the State; and

(b) such number of Judges of the High Court as may be prescribed by a Law of the House of Assembly of the State.

Appointment of  
Chief Judge and  
Judges.

80.-(1) The appointment of a person to the office of Chief Judge of a State shall be made by the Governor of the State on the advice of the Advisory Judicial Committee, subject to the confirmation of such appointment by the House of Assembly of the State.

(2) The appointment of a person to the office of a Judge of the High Court of a State shall be made by the Governor of the State acting on the recommendation of the Advisory Judicial Committee.



(3) A person shall not be qualified to hold office of Chief Judge of a State or a Judge of a High Court of a State unless he is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period of not less than 12 years.

(4) If the office of the Chief Judge of a State is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the Governor shall appoint the most senior Judge of the High Court to perform those functions.

(5) Except on the recommendation of the Advisory Judicial Committee an appointment pursuant to subsection (4) of this section shall cease to have effect after the expiration of 3 months from the date of such appointment, and the Governor shall not re-appoint a person whose appointment has lapsed.

81. Subject to the provisions of this Decree and in addition to such other jurisdiction as may be conferred upon it by Law, the High Court of a State shall have unlimited jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, liability, privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person.

Jurisdiction of a High Court of a State.

82. For the purpose of exercising any jurisdiction conferred upon it under this Decree or any law, a High Court of a State shall be duly constituted if it consists of at least one Judge of that Court.

Constitution of High Court of a State.

83. Subject to the provisions of any Law made by the House of Assembly of the State, the Chief Judge of the State may make rules for regulating the practice and procedure of the High Court of the State.

Power of Chief Judge to make rules.

**B - THE SHARIA COURT OF APPEAL OF A STATE**

Establishment  
of Sharia Court  
of Appeal.

**84.-(1)** There shall be for any State that requires it a Sharia Court of Appeal for that State.

(2) The Sharia Court of Appeal of the State shall consist of-

(a) a Grand Kadi of the Sharia Court of Appeal; and

(b) such number of Kadis of the Sharia Court of Appeal as may be prescribed by a Law of the House of Assembly of the State.

Appointment of  
Grand Kadi  
and Kadis.

**85.-(1)** The appointment of a person to the office of the Grand Kadi of the Sharia Court of Appeal of a State shall be made by the Governor of the State on the advice of the Advisory Judicial Committee, subject to confirmation of such appointment by a House of Assembly.

(2) The appointment of a person to the office of a Kadi of the Sharia Court of Appeal of the State shall be made by the Governor of the State acting on the recommendation of the Advisory Judicial Committee.

(3) A person shall not be qualified to hold office as Grand Kadi or Kadi of the Sharia Court of Appeal of a State unless -

(a) he is a legal practitioner in Nigeria and has been so qualified for a period of not less than 12 years and has obtained a recognised qualification in Islamic Law from an Institution acceptable to the Advisory Judicial Committee; or

(b) he has attended and has obtained a recognised qualification in Islamic Law from an institution approved by the Advisory Judicial Committee and has held the qualification for a period of not less than 12 years, or

(i) he either has considerable experience in the practice of Islamic Law,

(ii) he is a distinguished scholar of Islamic Law.

(4) If the office of the Grand Kadi of the Sharia Court of Appeal of a State is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the Governor of the State shall appoint the most senior Kadi from the Kadis of the Sharia Court of Appeal of the State to perform those functions.

(5) Except on the recommendation of the Advisory Judicial Committee, an appointment pursuant to subsection (4) of this section shall cease to have effect after the expiration of 3 months from the date of such appointment, and the Governor shall not re-appoint a person whose appointment has lapsed.

86. The Sharia Court of Appeal of a State shall, in addition to such jurisdiction as may be conferred upon it by the Law of the State, exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic Law where all the parties are Muslims.

Jurisdiction of  
Sharia Court  
of Appeal.

87. For the purposes of exercising any jurisdiction conferred upon it by this Decree or any law, a Sharia Court of Appeal of a State shall be duly constituted if it consists of at least 3 Kadis of that Court.

Constitution of  
Sharia Court of  
Appeal.

88. Subject to the provisions of any Law made by the House of Assembly of the State, the Grand Kadi of the Sharia Court of Appeal of a State may make rules for regulating the practice and procedure of the Sharia Court of Appeal.

Power of the  
Grand Kadi to  
make rules.

**C - THE CUSTOMARY COURT OF APPEAL  
OF A STATE**

89.-(1) There shall be for any State that requires it a Customary Court of Appeal for that State.

Establishment of  
Customary of  
Court of Appeal.

(2) The Customary Court of Appeal of a State shall consist

of -  
(a) a President of the Customary Court of Appeal of the State; and

(b) such number of Judges of the Customary Court of Appeal as may be prescribed by a Law of the House of Assembly of the State.

Appointment of  
President and  
the Judges.

90.-(1) The appointment of a person to the office of President of a Customary Court of Appeal of a State shall be made by the Governor of the State on the advice of the Advisory Judicial Committee, subject to the confirmation of such appointment by the House of Assembly of the State.

(2) The appointment of a person to the office of a Judge of a Customary Court of Appeal of a State shall be made by the Governor of the State acting on the recommendation of the Advisory Judicial Committee.

(3) Apart from such other qualifications as may be prescribed by an Act made by the National Assembly, a person shall not be qualified to hold office of President or a Judge of a Customary Court of Appeal of a State unless -

(a) he is a legal practitioner in Nigeria and has been so qualified for a period of not less than 12 years and in the opinion of the Advisory Judicial Committee he has considerable knowledge and experience in the practice of Customary Law; or

(b) in the opinion of the Advisory Judicial Committee, he has considerable knowledge of and experience in the practice of Customary law.

(4) If the office of the President of the Customary Court of Appeal of a State is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the Governor shall appoint the most senior Judge from among the Judges of the Customary Court of Appeal of the State to perform those functions.

(5) Except on the recommendation of the Advisory Judicial Committee, an appointment pursuant to subsection (4) of this

section shall cease to have effect after the expiration of 3 months from the date of such appointment, and the Governor shall not re-appoint any person whose appointment has lapsed.

91.-(1) A Customary Court of Appeal of a State shall exercise appellate and supervisory jurisdiction in civil proceedings, involving questions of Customary Law.

Jurisdiction of Customary Court of Appeal of a State.

(2) For purposes of this section, a Customary Court of Appeal of a State shall exercise such jurisdiction and decide such questions as may be prescribed by a Law of the House of Assembly of the State for which it is established.

92. For the purpose of exercising any jurisdiction conferred upon it by this Decree or any Law, a Customary Court of Appeal of a State shall be duly constituted if it consists of at least 3 Judges of that Court.

Constitution of Customary Court of Appeal.

93. Subject to the provisions of any law made by the House of Assembly of the State, the President of the Customary Court of Appeal of the State may make rules for regulating the practice and procedure of the Customary Court of Appeal.

Power of President to make rules.

## PART VI - ELECTIONS

### A - CONDUCT OF ELECTIONS TO THE OFFICE OF GOVERNOR AND STATE HOUSE OF ASSEMBLY

94.-(1) The conduct of elections into the office of Governor of a State or member of the House of Assembly of a State shall be under the direction, organisation and supervision of the Commission in accordance with the provisions of this Decree and any other enactment or law, regulations, guidelines, rules or manuals issued or made by the Commission.

Conduct of elections by the Commission.

(2) The Commission may designate such public buildings to be used as Polling Stations or Units as it may deem necessary in addition to the polling booths which may be erected by the Commission:

Persons eligible  
to vote.

(3) Notwithstanding the provisions of subsection (2) of this section, the residences and palaces of traditional rulers and places of worship shall not be designated as public buildings, Polling Stations or Units.

95.-(1) A person shall be eligible to vote in any election to the office of the Governor of a State or member of the House of Assembly of a State if -

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of 18 years;
- (c) he is ordinarily resident in the ward or constituency where he intends to vote, or is an indigene of the ward or constituency; and
- (d) he is registered as a voter in the ward or constituency, and has obtained a registration card to be presented at the polling station or unit on the day of the election.

(2) Where a person claims that his name is on the register of voters for the polling station or unit, but that his voter's card is missing or has been destroyed, the Presiding Officer shall if -

- (a) the name of the person is found in the register of voters for the polling station or unit, and
- (b) he satisfies himself that the person has not voted earlier in that particular election,

Disqualification.

allow the person to vote.

96.-(1) A person shall not be qualified as a candidate to contest any Governorship or House of Assembly election unless -

- (a) he is ordinarily resident in the constituency in which he is contesting the election or is an indigene of that constituency;

(b) he produces evidence of tax payment as and when due for a period of 3 years immediately preceding the year of the election or he is exempted from the tax payment;

(c) in the case of a candidate contesting the post of member of a House of Assembly, he has been nominated in writing by 15 persons whose names appear in the register of voters in the constituency in which he intends to contest the election;

(d) in the case of a candidate contesting the post of Governor, he has been nominated in writing by 30 persons whose names appear in the register of voters for their respective wards and from at least two-thirds of all the Local Government Areas in the State in which he intends to contest the election;

(e) in the case of a candidate contesting the post of member of a House of Assembly, he has made to the Commission a non-refundable deposit of ₦5,000;

(f) in the case of a candidate contesting the post of Governor, he has made to the Commission a non-refundable deposit of ₦25,000;

(g) he has not been dismissed from the public or civil service of the Federation or of a State or Local Government or Area Council;

(h) he has not been found guilty of an offence involving narcotic drugs or any other psychotropic substance under any law in force in Nigeria or abroad;

(i) he is qualified to vote in the constituency where he intends to contest the election;

(j) he has not been adjudged guilty of economic sabotage against Nigeria, or of treason or treasonable felony, by any court of law or tribunal;

(k) in the case of a candidate contesting the post of Governor, he has nominated from a Senatorial District other than his own a running mate for the office of Deputy Governor.

(2) The provisions of this Decree relating to the qualifications and disqualifications of Governor except subsection (1)(d) and (f) of this section shall also apply to the Deputy Governor.

(3) Where a person seeking to contest as a candidate is involved in a case that may lead to his being disqualified from contesting the election under paragraphs (b), (g), (h) or (j) of subsection (1) of this section and the case is pending before a court of law or tribunal, he may stand as a candidate in the election pending the determination of the case, but if he is found guilty or liable by the court or tribunal, as the case be, he shall withdraw from the election and if already elected, he shall cease to be Governor of a State or a member of the House of Assembly of the State, as the case may be.

Campaign for  
election.  
1998 No. 35.

97.-(1) A candidate campaigning for an election and his party shall campaign for the elections in conformity with the Transition to Civil Rule (Political Parties Registration and Activities) Decree 1998 and in accordance with such rules and guidelines as may be determined, from time to time, by the Commission.

(2) A candidate or agent who contravenes the provisions of subsection (1) of this section commits an offence under this Decree and is liable on conviction to a fine of ₦5,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

(3) A candidate who contravenes the provisions of subsection (1) of this section shall, in addition to the penalty specified in subsection (2) of this section, be disqualified from contesting as a candidate for the election.

(4) An offence committed under this section shall be triable in a Magistrate Court.



98.-(1) No interim or interlocutory or any other order, decisions or judgement made by any court or tribunal before or after the commencement of this Decree, in respect of any intra-party or inter-party dispute or any other proceedings or matter pertaining to an election under this Decree, shall affect the conduct or timing of an election.

Court or tribunal orders not to affect conduct of elections, etc.

(2) No person or authority shall be liable to prosecution, contempt charge, sanction or penalty by reason only that he conducted an election on the day or time fixed by the Commission for the election.

99.-(1) For the purposes of this Decree, a person shall be deemed to be ordinarily resident in that place where he normally lives, sleeps and has his usual abode, whether or not he is an indigene of that place.

Ordinary residence.

(2) A person who is ordinarily resident in a place outside his indigenous Ward, Local Government Area or State shall be eligible to vote in a place if he has been ordinarily resident in that place for not less than twelve months prior to the date of the election.

100. The registration of voters for an election under this Decree shall be in accordance with Guidelines issued by the Commission.

Registration of voters.

101.-(1) Where in an election to the office of Governor -

Extension of time for nomination in Governorship election.

(a) at the close of nomination only one candidate has been nominated, the Commission shall extend the time for nomination; or

(b) at the close of nomination one of the candidates nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidates, the Commission shall extend the time for nomination by 7 days.

(2) Where after an extension under subsection (1) of this section only one candidate remains validly nominated, there shall be no further extension.

Election of single  
Governorship  
candidate.

102.-(1) A candidate for an election to the office of Governor shall be deemed to have been duly elected to office where, being the only candidate nominated for the election

(a) he has a majority of YES votes over NO votes cast at the election; and

(b) he has not less than one-third of the votes cast at the election in each of at least two-thirds of all the Local Government Areas in the State,

but where the only candidate fails to be elected in accordance with this subsection, then there shall be fresh nominations.

Election where  
there are only two  
Governorship  
candidates.

(2) A candidate for an election to the office of Governor shall be deemed to have been duly elected where, there being only two candidates for the election -

(a) he has the majority of the votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the Local Government Areas in the State.

Run-off election  
where there are  
more than two  
Governorship  
candidates.

(3) If no candidate is duly elected in accordance with subsection (2) of this section there shall be a run-off election at which the two candidates shall again contest, and a candidate shall become duly elected if he scores a simple majority of the votes cast at the election.

Election where  
there are more  
than two  
Governorship  
candidates.

(4) A candidate for an election to the office of Governor shall be deemed to have been duly elected where, there being more than 2 candidates for the election -

(a) he has the highest number of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the Local Government Areas in the State.

(5) Where no candidate is duly elected in accordance with subsection (4) of this section, there shall be a second election in accordance with subsection (6) of this section at which the only candidates shall be -

Second election.

(a) the candidate who scored the highest number of votes at the election; and

(b) one among the remaining candidates who has the highest number of votes in the highest number of Local Government Areas,

so however, that where there are more than one candidate with the highest number of votes in the highest number of Local Government Areas, one among them with the highest total number of votes cast in all the Local Government Areas at the election shall be the second candidate for the election.

(6) In default of a candidate being duly elected under subsection (4) of this section, the Commission shall within 7 days of the result of the election held under that sub-section, arrange for another election between the 2 candidates to which that sub-paragraph relates and a candidate at such election shall be deemed to have been duly elected to the office of Governor if he has a simple majority of the votes cast at the election.

Second run-off election where there are more than 2 candidates.

103.-(1) Election to the office of the Governor of a State shall be held on the same day throughout the Federation on such date as is stipulated by the Commission.

Date of Governorship and House of Assembly elections.

(2) Election for membership of the House of Assembly of a State shall be held on the same day throughout the Federation on such date as is stipulated by the Commission.

104. Voting shall be by open-secret ballot.

System of voting.

Appointment and supervision of officers. Schedule 4. 105. The appointment and supervision of officers in respect of the conduct of the election under this Decree shall be in accordance with the provisions set out in Schedule 4 to this Decree.

Procedures at elections. Schedule 5. 106. The rules of procedure to be followed in the conduct of elections under this Decree shall be in accordance with the provisions set out in Schedule 5 to this Decree or as may be determined by the Commission from time to time.

Forms for use at the elections. Schedule 7. 107. The forms to be used for the conduct of any election under this Decree and for election petitions arising therefrom shall be substantially as set out in Schedule 7 to this Decree or as may otherwise be determined by the Commission in guidelines issued from time to time.

#### ***B - OFFENCES***

Breach of official duty. 108.-(1) If a person -

(a) to whom this section applies; or

(b) who is for the time being under a duty to discharge any of the functions of that person,

without reasonable cause, commits an act or omission in breach of his official duty, he commits an offence and is liable on summary conviction to a fine not exceeding ₦5,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

(a) an Electoral Officer and an Assistant Electoral Officer;  
(b) a Presiding Officer and an Assistant Presiding Officer;

(c) a Returning Officer and an Assistant Returning Officer;

(d) a Poll Clerk and an Assistant Poll Clerk;

(e) an Orderly; and

(f) any other officer appointed under paragraph 4 of Schedule 4 to this Decree.

Schedule 4.

109.-(1) A person to whom this section applies, who is for the time being under a duty to discharge a function relating to an election, if he, without reasonable cause, before or during an election or at any time thereafter -

Offences by law enforcement agents, etc.

(a) fails to perform or discharge that duty; or

(b) performs that duty fraudulently, negligently or recklessly; or

(c) any act or omission in breach of that duty,

commits an offence and is liable on conviction to a fine of ₦20,000 or imprisonment for a term of 3 years or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

(a) police officers;

(b) members of the State Security Service;

(c) officials and members of staff of the Commission;

(d) Party Agents; and

(e) any other officer or officers by whatsoever name called appointed to discharge a function relating to the election.

110.-(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Poll Clerk, Assistant Poll Clerk, Poll Orderly or any other officer appointed under paragraph 4 of Schedule 4 to this Decree concerned in the conduct of an election and every Party Agent or candidate in attendance at a Polling Station or Unit, at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting.

Requirement of secrecy.

Schedule 4.

(2) No officer, Agent or candidate referred to in subsection (1) of this section shall, except for some purpose authorised by law, communicate to a person before the poll is closed, any information as to the name or number on the register of voters of a voter who has or has not voted at the place of voting.

(3) No person shall -

(a) interfere with a voter when recording his vote unless invited by the voter for assistance; or

(b) otherwise obtain or attempt to obtain, in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted unless while assisting the voter to record his vote; or

(c) communicate to a person information obtained while assisting a voter as to the candidate for whom the voter has voted or is about to vote; or

(d) communicate at any time to any person any information obtained in the place of voting through whatever means as to the candidate for whom a voter in that place is about to vote or has voted.

(4) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding ₦20,000 or imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

Corrupt practices.

~~111~~-(1) A candidate is guilty of corrupt practices if he commits any of the offences defined as a corrupt practice under subsection (3) of this section or if any of those offences is committed with -

(a) his knowledge or consent; or

(b) the knowledge or consent of a person who is acting under the general or special authority of the candidate with reference to the election.

(2) If a corrupt practice as defined in subsection (3) of this section is committed by any candidate elected at an election held under this Decree, the election of that candidate shall be invalid.

(3) The expression "corrupt practice" as used in this Decree, means any of the following offences, that is -

- (a) personation; or
- (b) treating; or
- (c) undue influence; or
- (d) bribery; or
- (e) aiding, abetting, counselling or procuring the commission of any of the offences specified in paragraphs (a) to (d) of this subsection.

112.-(1) A person who at an election -

(a) applies for a ballot paper in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) having voted once at the election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead or of a fictitious person,

Personation and  
punishment for  
personation.

commits the offence of personation.

(2) A person who at an election -

(a) votes in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) having voted once at an election, votes a second time in his own name, or in the name of any other person living or dead or of a fictitious person,

commits the offence of personation.

(3) A person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Treating.

113.-(1) A person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part, the expense of giving or providing any food, drink, entertainment or provisions to or for any person

(a) for the purpose of influencing that person, or any other person to vote or refrain from voting; or

(b) on account of that person or any other person, having voted or refrained from voting,

at the election commits the offence of treating.

(2) A voter who corruptly accepts or takes any food, drink, entertainment or provisions to which subsection (1) of this section relates at an election commits the offence of treating.

Undue influence.

114. A person who -

(a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint;



(b) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, on or against a person in order to induce or compel

that person to vote or refrain from voting, or on account of such person having voted or refrained from voting; or

(c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote,

at an election, commits the offence of undue influence.

115.-(1) A person who -

Bribery.

(a) directly or indirectly by himself or by any other person on his behalf -

(i) gives, lends or agrees to give or lend, or offers or promises to procure or to endeavour to procure money or valuable consideration to or for any voter, or to or for any person, in order to induce the voter to vote or refrain from voting, or

(ii) corruptly does an act referred to in sub-paragraph (i) of this paragraph on account of that voter having voted or refrained from voting; or

(b) directly or indirectly, by himself or by any other person on his behalf, corruptly -

(i) gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for a voter or to or for a person, in order to induce the voter to vote or refrain from voting, or

(ii) does an act referred to in sub-paragraph (i) of this paragraph on account of a voter having voted or refrained from voting; or

(c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or community in order to induce a person or community to procure, or to endeavour to procure the return of a person as a member of a House of Assembly of a State or to an elective office as the case may be; or

(d) on or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure, the return of any person as a member of a House of Assembly or to an elective office as the case may be; or

(e) advances or pays, or causes to be advanced or paid any money to or for the use of a person, with the intent that the money, or any part thereof, shall be expended in bribery; or

(f) knowingly pays or causes to be paid, any money to a person, in discharge or repayment of any money wholly or in part expended in bribery;

(g) after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting,

at an election, commits the offence of bribery.

(2) A voter who, before or during an election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining from voting at an election commits the offence of bribery.

(3) The provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or

on account of any legal expenses *bona fide* incurred at or concerning an election.

116.-(1) A person who commits the offence of treating, undue influence or bribery, or of aiding, abetting, counselling or procuring the commission of any of those offences, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Punishment for treating, undue influence and bribery, etc.

(2) A person who is guilty of the offence of personation, treating, undue influence or bribery or of aiding, abetting, counselling or procuring the commission of any of these offences shall, in addition to any of the punishment, not be eligible, during a period of 5 years from the date of his conviction to be -

- (a) registered as a voter or to vote at any election; or
- (b) elected under this Decree or if elected before his conviction, to retain his seat.

117.-(1) A person who -

(a) forges or fraudulently defaces or fraudulently destroys a nomination form, or delivers to the officer charged with the conduct of an election, a nomination form, knowing the nomination form to be forged; or

Offences in respect of nomination forms, ballot papers, etc., and ballot boxes.

(b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper or a statement of result; or

(c) without due authority, supplies a ballot paper to a person; or

(d) fraudulently puts into a ballot box a paper which he is not authorised by law to put in; or

(e) fraudulently takes out of the Polling Station or Unit a ballot paper; or

(f) without due authority, destroys, takes or otherwise interferes with a ballot box or ballot papers then in use for the purpose of an election,

commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine of ₦10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) An attempt to commit an offence specified in this section shall be punishable in the same manner in which the offence itself is punishable.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or the marking of instruments at an election held under this Decree, the property in the paper, box or instrument shall be stated to be that of the officer charged with the conduct of the election.

(5) Any candidate who forges, utters or falsifies any document or gives any false information to the Commission for the purpose of nomination for an elective office or post under this Decree shall be disqualified as a candidate for that election or any election under this Decree and any subsequent elections during the transition to civil rule period.

Punishment of persons guilty of certain illegal practices.

118. A person who -

(a) votes or induces or procures any person to vote at an election knowing that he or that person is prohibited by this Decree or by any other law, from voting at the election; or

(b) before or during the election, knowingly or recklessly publishes a false statement of the withdrawal of a candidate, at the election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine of ₦5,000 or imprisonment or a term of 1 year or to both such fine and imprisonment.

119. A person who wilfully votes at an election in a ward or constituency in respect of which his name does not appear on the register of voters commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Voting when not registered.

120.-(1) A person who, having been issued with a ballot paper in a Polling Station or Unit, takes or attempts to take that ballot paper out of the Polling Station or Unit commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

Fraudulent use of ballot paper.

(2) A person who, at an election, brings into a Polling Station or Unit a ballot paper relating to the election which ballot paper was issued to another person commits an offence and is liable to conviction to a fine of ₦2,000 or imprisonment for a term of one year or to both such imprisonment and fine.

(3) For the purposes of sections 113, 114 and 115 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of a Polling Station or Unit contrary to subsection (1) of this section.

(4) If the Presiding Officer in a Polling Station or Unit has reason to suspect that a person who has been issued with a ballot paper and is about to leave a Polling Station or Unit has the ballot paper in his possession, the Presiding Officer or a person acting under his directions may search that person.

121. A person who, being a Presiding Officer at an election-

Offences relating to statement of result.

(a) gives a certificate or statement of result which, to his knowledge, is false in a material particular; or

(b) perversely and without lawful excuse, refuses to render a statement of result relating to the election to the officer to whom it is required to be delivered; or

(c) does anything which impedes or obstructs the proper counting or obtaining of the correct result of the election,

commits an offence and is liable on conviction to a fine of ₦10,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

Disqualification  
of person  
convicted of  
certain offences.

122. A person who is convicted of an offence under section 113, 117, 118, 119, 120 or 121 of this Decree shall, in addition to any other punishment, not be eligible, during a period of three years from the date of his conviction to -

(a) vote at any election; or

(b) be elected under this Decree or if elected before his conviction, to retain his seat.

Disorderly  
conduct  
at election.

123. A person who, at any Polling Station or Unit or place being used for the counting of votes, acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Polling day  
offences.

124.-(1) No person shall, on the date or dates on which a poll is taken in an election in respect of a Governorship or House of Assembly election -

(a) convene, hold or attend a public meeting in the State ;  
or

(b) operate any megaphone, amplifier or any other public address apparatus in the State for the purpose of making an announcement concerning the election except where the apparatus is operated by an officer, appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) No person shall, on the date or dates on which a poll is taken at a Polling Station or Unit under this Decree -

(a) canvass for votes; or

(b) solicit the vote of a voter; or

(c) persuade a voter not to vote for a particular candidate:  
or

(d) persuade a voter not to vote at the election: or

(e) shout, exhibit or tender a notice, sign, symbol, slogan, badge, photograph or party card referring to the election; or

(f) shout slogans concerning the election,

within the Polling Station or Unit or in a public or private place within a distance of two hundred metres of the Polling Station or Unit.

(3) No candidate or any other person, with the connivance of the candidate, shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of a voter, other than the candidate himself or his agent, to or from a Polling Station or Unit.

(4) No person shall bring alcoholic liquor into or consume alcoholic liquor in a Polling Station or Unit or in a place being used for the counting of votes.

(5) A person who contravenes the provisions of subsection (1), (2), (3) or (4) of this section commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

125. A candidate or an agent who records the serial number of a rejected ballot paper or of a ballot paper in contravention of the provisions of paragraph 35(3) of Schedule 5 to this Decree commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Offences in relation to counting of votes. Schedule 5.

126. A person who at a lawful public meeting to which this Decree applies -

Disturbance at public meetings.

(a) acts or incites another person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called; or

(b) has in his possession an offensive weapon or missile.

commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

Conviction of disqualifying offence to be reported, etc.

127. Where a person is convicted of an offence under this Part of this Decree which disqualifies him from being elected as a member of a House of Assembly of a State or to an elective office, the court by which he was convicted shall send to the Commission the judgment of the conviction and where the person convicted has appealed, the court which heard the appeal shall within 3 months send the judgment of the appeal to the Commission.

Punishment for attempts, etc. to commit offences.

128. An attempt or a conspiracy to commit an offence specified in this Decree shall be punishable in the same manner as the offence.

Trial of offences.

129.-(1) An offence committed under this Part of this Decree shall be triable in a Magistrate Court of the State in which the offence is committed.

(2) A prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the State in which the offence is committed or by a legal officer in the Ministry of Justice of that State or by an officer of the Nigeria Police Force.

### ***C - DETERMINATION OF ELECTION PETITIONS ARISING FROM ELECTIONS UNDER THIS DECREE***

Proceedings to question an election.

130. No election and no return at an election under this Decree shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Decree referred to as an "election petition") presented to the Governorship and Legislative Houses Elections Tribunal in accordance with the provisions of this Decree, and in which the person elected or returned is joined as a party.

Establishment and composition of Election Tribunal, etc.

131.-(1) There shall be established in each State of the Federation one or more Election Tribunals to be known as Governorship and Legislative Houses Election Tribunals (in this Decree referred to individually as an "Election Tribunal") which



shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -

(a) any person has been validly elected at an election under this Decree; or

(b) the term of office of any person has ceased or the seat of a person in the House of Assembly of a State has become vacant.

(2) An Election Tribunal shall consist of a Chairman and four other members.

(3) The Chairman shall be Judge of a High Court and the other members shall be appointed from among Judges of a High Court, Kadis of a Sharia Court of Appeal, Judges of a Customary Court of Appeal or other members of the Judiciary not below the rank of a Chief Magistrate.

(4) The Chairman and other members of the Election Tribunal shall be appointed by the President of the Constitutional Court in consultation with the Chief Judge of the State, the Grand Kadi of the Sharia Court of Appeal of the State or the President of the Customary Court of Appeal of the State, as the case may be.

(5) The quorum of an Election Tribunal shall be the Chairman and two other members.

132. An election petition under this Decree shall be presented within 30 days from the date on which the result of the election is declared.

Time for presenting election petition.

133.-(1) An election petition may be presented by one or more of the following persons -

Presentation of petition.

(a) a person claiming to have had a right to contest or be returned at an election; or

(b) a candidate at an election.

(2) The person whose election is complained of is in this Decree referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, the Electoral Officer, Presiding Officer, a Returning Officer or that other person shall for the purpose of this Decree be deemed to be a respondent and shall be joined in the election petition as a necessary party.

Grounds for petition.

134.-(1) An election may be questioned on any of the following grounds, that is -

(a) that a person whose election is questioned was, at the time of the election not qualified, or was disqualified from being elected;

(b) that the election was voided by corrupt practices or offences or non-compliance with the provisions of this Decree;

(c) that the respondent was not duly elected by a majority of valid votes cast at the election; or

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) The Commission shall not be liable to any suit or action whatsoever for the exclusion of a person from contesting an election under this Decree, and shall not be damnified in damages or any other penalty thereof.

(3) An act or omission which may be contrary to an instruction or direction of the Commission or of an officer appointed for the purpose of the election, but which is not contrary to the provisions of this Decree, shall not of itself be a ground for questioning the election.

Non-compliance with certain provisions not to invalidate election.

135.-(1) An election shall not be invalidated by reason of non-compliance with the provisions of this Decree if it appears to the Election Tribunal that the election was conducted substantially in accordance with the principles of this Decree and that the non-compliance did not affect substantially the result of the election.

(2) An election shall not be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office given the right to conduct the election.

136.-(1) An appeal arising in respect of an election petition under this Decree shall lie to the Constitutional Court.

Appeals over election petitions.

(2) Notwithstanding anything to the contrary in any other enactment, notice of appeal to the Constitutional Court, on an election petition shall be given within 7 days from the date of the decision appealed against.

(3) The decision of the Constitutional Court, on an appeal brought under subsection (1) of this section shall be final.

137.-(1) Subject to subsection (2) of this section, if the Election Tribunal determines that a candidate who was returned as elected was not validly elected on any ground, the Election Tribunal shall nullify the election.

Nullification of election by Election Tribunal.

(2) If the Election Tribunal determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal shall declare as elected the candidate who scored the majority of valid votes cast at the election.

(3) On the motion of a respondent in an election petition, the Election Tribunal may strike out an election petition on the ground that it is not in accordance with the provisions of this Part of this Decree or the provisions of Schedule 6 to this Decree.

Schedule 6.

138.-(1) If the Election Tribunal determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the determination of the appeal.

Person elected to remain in office pending appeal.

(2) If the Election Tribunal determines that a candidate returned as elected was not validly elected, the candidate returned

as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the expiration of the period of 7 days within which an appeal may be brought.

Transitional provisions.

139. Pending the appointment of the President and Justices of the Constitutional Court, the Court of Appeal shall exercise the jurisdiction and powers of the Constitutional Court under this Decree.

Procedure for election petition. Schedule 6.

140. The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in Schedule 6 to this Decree.

#### D - MISCELLANEOUS

Voter not required to disclose his vote.

141. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election, be required to state whom he voted for.

Election may be postponed for threatened disturbances.

142.-(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on the appointed date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by the Commission.

(2) Where an election has started on the appointed date but is, before conclusion, substantially disturbed by any intervening cause, the election may be cancelled, and the Commission shall appoint a new date for a fresh election.

Schedule 5.

(3) Where an election is postponed before the last day for the delivery of nomination forms, the Electoral Officer shall, on a new date being appointed for the election, proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 5 to this Decree as the date for the holding of the election.

(4) Where an election is postponed under this Decree on or after the last day for the delivery of nomination forms, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the

election, proceed as if the date appointed were the date for taking of the poll between the candidates.

(5) Where an election is cancelled under this Decree as a result of substantial disturbance intervening in the course of the election, the Electoral Officer shall, on a new date appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates nominated for the election.

(6) An election postponed under this section may in like manner be further postponed.

143. (1) The Chief Electoral Officer of the Federation or any other officer of the Commission authorized by him shall retain for six months all documents relating to an election forwarded to him in accordance with the provisions of this Decree and shall then, unless -

Custody and  
inspection of  
documents.

(a) otherwise ordered by the Constitutional Court or the Election Tribunal, as the case may be; or

(b) he is aware that legal proceedings are pending in respect of the election,

cause them to be destroyed or discarded.

(2) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission may be made by the Constitutional Court or the Election Tribunal, if it is satisfied that the order required is for the purpose of instituting or maintaining an election petition.

(3) An order under this section may be made subject to such conditions as the Constitutional Court or the Election Tribunal may think fit, just or expedient.

(4) A document, other than a document referred to in subsection (2) of this section, relating to an election and which is retained by the Chief Electoral Officer of the Federation or any

other officer of the Commission in accordance with subsection (1) of this section, shall be open to inspection on an order made by the Constitutional Court or the Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open to inspection.

(5) A document referred to in this section which is in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission shall be deemed to be in proper custody for the purposes of the hearing and determination of an election petition.

Swearing in  
into office:

144. Persons elected into any of the offices and seats referred to in this Decree shall be sworn in -

(a) in the case of the Governor of a State by the Chief Judge of the High Court 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 the State;

(b) in the case of members of the House of Assembly of a State, by the Speaker of the House or any person acting in that capacity as Deputy Speaker.

Election  
expenses.

145.-(1) The Commission may prescribe -

(a) a scale of remuneration for officers appointed under this Decree for the conduct of elections;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election,

and may revise the scales as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer or Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section, be entitled to such

sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

(3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Decree, or in carrying out any task in connection with an election or election petitions arising therefrom.

(4) Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Decree, rules, regulations, guidelines, manuals or circulars made or issued thereunder, such notice, form or document, is hereby validated for all purposes with effect from the date on which it was made, given or done respectively.

146. The Election Tribunals and the Constitutional Court shall be funded by the Federal Government.

Funding of Election Tribunals and Constitutional Court.

147.-(1) A person who by reason of his holding or acting in an office under this Decree has a responsibility for, or in connection with the conduct of elections under this Decree shall be disqualified from nomination as a candidate thereof, while he holds or acts in that office.

Electoral officials not eligible for election.

(2) No official or staff of the Commission shall contest an election under this Decree, notwithstanding that he resigns from or vacates his office before the date of the election.

### ***E - INTERPRETATION AND CITATION***

148.-(1) In this Decree, unless the context otherwise requires -

Interpretation.

"Chief Electoral Officer of the Federation" means the Chairman of the Commission;

"Civil Service of the State" means service of the government of a State in a civil capacity such as service rendered by the staff of the office of the Governor, the

Deputy Governor or a Ministry or Département of the Government of the State assigned with the responsibility of any business of the Government of the State;

1998 No. 17.

"Commission" means the Independent National Electoral Commission established by the Independent National Electoral Commission Decree 1998;

"Commissioner" means a Commissioner of the Government of a State;

"Concurrent Legislative List" means any matter set out in Part II of Schedule 1 to this Decree with respect to which a House of Assembly of a State may make Laws;

"constituency" in relation to a State means a constituency established for that State by the Commission;

"decision" means in relation to a court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence or recommendation;

"Election Tribunal" means the Governorship and Legislative Houses Election Tribunal;

"enactment" means provisions of any law or subsidiary instrument;

"Exclusive Legislative List" means the Exclusive Legislative List set out in Part 1 of Schedule 1 to this Decree;

"financial year" means any period of 12 calendar months beginning on the first day of January in any year or such other date as the National Assembly may prescribe;

"function" includes power and duty;

"Government" includes the Government of the Federation, of a State or a Local Government or any person who exercises power or authority on its behalf;



"Governor" or Deputy Governor" means the Governor of a State or Deputy Governor of a State and includes the Administrator of a State;

"House of Assembly" means the House of Assembly of a State;

"judicial office" means the office of the Chief Judge of a State, a Judge of a High Court, a Grand Kadi or Kadi of a Sharia Court of Appeal, or President or a Judge of the Customary Court of Appeal and a reference to a "judicial officer" is a reference to the holder of any such office;

"Law" means a Law enacted by a House of Assembly;

"Local Government Area" includes an Area Council;

"member" when used with reference to any Commission or other bodies established by this Decree includes the Chairman of that Commission or body;

"National Assembly" includes the Provisional Ruling Council;

"Oath" includes affirmation;

"Oath of Office" means the appropriate Oath of Office prescribed in Schedule 2 to this Decree;

Schedule 2.

"office" when used with reference to the validity of an election means any office the appointment to which is by election under this Decree;

"political parties" means the Political Parties registered by the Commission;

"power" includes functional duty;

"public service of a State" includes the civil service of the State and such service rendered by the staff of Commission, corporations and authorities of a State;

"return" means the declaration by a Returning Officer of a candidate in an election under this Decree as being the winner of the election;

"School Certificate or its equivalent" means the following -

- (a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or
- (b) Education up to Secondary School Certificate level; or
- (c) Primary Six Certificate or its equivalent and
  - (i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years, and
  - (ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of 1 year, and
  - (iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Commission; and
- (d) any other qualification acceptable to the Commission;

"State" when used otherwise than in relation to one of the component parts of the Federation of Nigeria includes government;

(2) In this Decree, references to a person holding an office shall include references to a person acting in such office.

Citation.

149. This Decree may be cited as the State Government (Basic Constitutional and Transitional Provisions) Decree 1999.

## SCHEDULES

### SCHEDULE 1

Section 32(2)

#### PART I

#### EXCLUSIVE LEGISLATIVE LIST

*Item*

1. Accounts of the Government of the Federation and of offices, courts and authorities thereof, including audit of those accounts.
2. Arms, ammunition and explosives.
3. Aviation, including airports, safety of aircraft and carriage of passengers and goods by air.
4. Awards of national titles of honour, decorations and other dignities.
5. Bankruptcy and insolvency.
6. Banks, banking, bills of exchange and promissory notes.
7. Borrowing of moneys within or outside Nigeria for the purposes of the Federation or of any State.
8. Census, including the establishment and maintenance of machinery for continuous and universal registration of births and deaths throughout Nigeria.
9. Citizenship, naturalisation and aliens.
10. Commercial and industrial monopolies, combines and trusts.
11. Construction, alteration and maintenance of such roads as may be declared by the National Assembly to be Federal Trunk Roads.

12. Control of capital issues.
13. Copyright.
14. Currency, coinage and legal tender.
15. Customs and excise duties.
16. Defence.
17. Deportation of persons who are not citizens of Nigeria.
18. Designation of securities in which trust funds may be invested.
19. Diplomatic, consular and trade representation.
20. Drugs and poisons.
21. Election to the offices of President and Vice-President, the National Assembly, Governor and Deputy Governor, the Houses of Assembly of States and the Local Government Councils.
22. Evidence.
23. Exchange control.
24. Export duties
25. External affairs.
26. Extradition.
27. Fingerprints, identification and criminal records.
28. Fishing and fisheries, other than fishing and fisheries in rivers, lakes, waterways, ponds and other inland waters within Nigeria.

29. Immigration into and emigration from Nigeria.
30. Implementation of treaties relating to matters on this List.
31. Incorporation, regulation and winding-up of bodies corporate, other than co-operative societies, Local Government Councils and bodies corporate established directly by any Law enacted by a House of Assembly of a State.
32. Insurance.
33. 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.
34. Legal proceedings between Governments of States or between the Government of the Federation and Government of any State or any other authority or person.
35. Maritime shipping and navigation, including-
  - (a) shipping and navigation on tidal waters;
  - (b) shipping and navigation on the River Niger and its affluents and on any such other inland waterways as may be designated by the National Assembly to be an international waterway or to be an inter-State waterway;
  - (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
  - (d) such ports as may be declared by the National Assembly to be Federal ports (including the constitution and powers of port authorities for Federal ports).
36. Meteorology.

37. Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.
38. 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.
39. Naval, Military and Air Forces, including any other branch of the armed forces of the Federation.
40. Nuclear energy.
41. Passports and visas.
42. Patents, trade marks, trade or business names, industrial designs and merchandise marks.
43. Pensions, gratuities and other like benefits payable out of the Consolidated Revenue Fund or any other public funds of the Federation.
44. Police and other security services established by law.
45. Posts, telegraphs and telephones.
46. Powers of the National Assembly, and the privileges and immunities of its members.
47. Prisons.
48. Professional occupations as may be designated by the National Assembly.
49. Public debt of the Federation.
50. Public holidays.
51. Public relations of the Federation.
52. Public service of the Federation, including the settlement of disputes between the Federation and officers of such service.

53. Quarantine.
54. Railways.
55. Regulation of political parties.
56. Service and execution in a State of the civil and criminal processes, judgments, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria, other than a court of law established by the House of Assembly of that State.
57. Stamp duties.
58. Taxation of incomes, profits and capital gains, except as otherwise prescribed by this Decree.
59. The establishment and regulation of authorities for the Federation or any part thereof -
  - (a) to promote and enforce the observance of the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria;
  - (b) to identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by the National Assembly to be of national significance or national importance;
  - (c) to administer museums and libraries, other than museums and libraries established by the Government of a State;
  - (d) to regulate tourist traffic; and
  - (e) to prescribe minimum standards of education at all levels.

60. The formation, annulment and dissolution of marriages, other than marriages under Islamic law and Customary law, including matrimonial causes relating thereto.
61. Trade and commerce, and in particular -
  - (a) trade and commerce between Nigeria and other countries, including import of commodities into and export of commodities from Nigeria and trade and commerce between the Federal Government and the States of the Federation;
  - (b) establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by the National Assembly;
  - (c) inspection of produce to be exported from Nigeria and the enforcement of grades and standards of quality in respect of produce so inspected;
  - (d) establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
  - (e) control of the prices of goods and commodities designated by the National Assembly as essential goods or commodities; and
  - (f) registration of business names.
62. Traffic on Federal trunks roads.
63. Water from such sources as may be declared by the National Assembly to be sources affecting more than one State.
64. Weights and measures.
65. Wireless, broadcasting and television, other than broadcasting and television provided by the Government of a State; allocation of wavelengths for wireless broadcasting and television transmission.



66. Any other matter with respect to which the National Assembly has power to make laws in accordance with the provisions of this Decree and the Constitution of the Federal Republic of Nigeria.
67. Any matter incidental or supplementary to any matter mentioned elsewhere in this List.

## PART II

### CONCURRENT LEGISLATIVE LIST

#### *Item    Extent of Federal and State Legislative Powers*

1. Subject to the provisions of this Decree, the National Assembly may by an Act make provisions for -

A-Allocation  
of revenue.

(a) the divisions of public revenue -

(i) between the Federation and the States,

(ii) among the States of the Federation,

(iii) between the States and Local Government Councils,

(iv) among the Local Government Councils in the States; and

(b) grants or loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public funds of the Federation or for the imposition of charges upon the revenue and assets of the Federation for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is not empowered to make laws.

2. Subject to the provisions of this Decree, any House of Assembly may make provisions for grants or loans from and the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenue and assets of that State for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is empowered to make laws.

B-Antiquities  
and monuments.

3. The National Assembly may make laws for the Federation or any part thereof with respect to such antiquities and monuments as may, with the consent of the State in which such antiquities and monuments are located, be designated by the National Assembly as National Antiquities or National Monuments, but nothing in this paragraph shall preclude a House of Assembly from making laws for the State or any part thereof with respect to antiquities and monuments not so designated in accordance with the foregoing provisions.

C-Archives.

4. The National Assembly may make laws for the Federation or any part thereof with respect to the archives and public records of the Federation.

5. A House of Assembly may, subject to paragraph 4 of this List, make Laws for the State or any part thereof with respect to archives and public records of the Government of the State.

6. Nothing in paragraphs 4 and 5 of this List shall be construed as enabling any laws to be made which do not preserve the archives and records which are in existence at the date of commencement of this Decree and the Constitution of the Federal Republic of Nigeria, and which are kept by authorities empowered to do so in any part of the Federation.

D-Collection  
of taxes.

7. In the exercise of its powers to impose any tax or duty on -

(a) capital gains, incomes or profits of persons, other than companies;

(b) documents or transactions by way of stamp duties,

the National Assembly may, subject to such conditions as it may prescribe, provide that the collection of any such tax or duty or the administration of the law imposing it shall be carried out by the Government of a State or other authority of a State.

8. Where an Act of the National Assembly provides for the collection of tax or duty on capital gains, incomes or profits or the administration of any law by an authority of a State in accordance with paragraph 7. of this List, it shall regulate the liability of persons to such tax or duty in such manner as to ensure that such tax or duty is not levied on the same person by more than one State.

9. A House Assembly may, subject to such conditions as it may prescribe, make provisions for the collection of any tax, fee or rate or for the administration of the Law providing for such collection by a Local Government Council.

10. Where a Law of a House of Assembly provides for the collection of tax, fee or rate or for the administration of such Law by a Local Government Council in accordance with the provisions of this List, it shall regulate the liability of persons to the tax, fee or rate in such manner as to ensure that such tax, fee or rate is not levied on the same person in respect of the same liability by more than one Local Government Council.

11. The National Assembly may make laws for the Federation with respect to the registration of voters and the procedure regulating elections to a Local Government Council. E-Electoral law.

12. Nothing in paragraph 11 of this List shall preclude a House of Assembly from making Laws with respect to elections to a Local Government Council in addition to but not inconsistent with any law made by the National Assembly.

13. The National Assembly may make laws for the Federation or any part thereof with respect to - F-Electric power.

(a) electricity and the establishment of electrical power stations;

(b) the generation and transmission of electricity in or to any part of the Federation and from one State to another;

(c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation;

(d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation;

(e) the promotion and the establishment of a national grid system; and

(f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.

14. A House of Assembly may make Laws for the State with respect to -

(a) electricity and the establishment in that State of electric power stations;

(b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and

(c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State.

15. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them -

"distribution" means the supply of electricity from a sub-station to the ultimate consumer;

"management" includes maintenance, repairs and

"power station" means an assembly of plant or equipment for the creation or generation of electrical energy; and

"transmission" means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a "sub-station" in this List is a reference to an assembly of plant, machinery or equipment for distribution of electricity.

16. The National Assembly may make laws for the establishment of an authority with power to carry out censorship of cinematograph films and to prohibit or restrict the exhibition of such films; and nothing in this List shall -

G-Exhibitions of cinematograph films.

(a) preclude a House of Assembly from making provisions for a similar authority for that State; or

(b) authorise the exhibition of a cinematograph film in a State without the sanction of the authority established by the Law of that State for the censorship of such films.

17. The National Assembly may make laws for the Federation or any part thereof with respect to -

H-Industrial commercial, and agricultural development.

(a) the health, safety and welfare of persons employed to work in factories, offices or other premises or in inter-State transportation and commerce, including the training, supervision and qualification of such persons;

(b) the regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;

(c) the establishment of research centres for agricultural studies; and

(d) the establishment of institutions and bodies for the promotion or financing of industrial, commercial or agricultural projects,

and for the purposes of the foregoing paragraphs of this item, the word "agricultural" includes fishery.

18. Subject to the provisions of this Decree, a House of Assembly may make Laws for the State with respect to industrial, commercial or agricultural development of that State.

19. Nothing in the foregoing paragraphs of this item shall be construed as precluding a House of Assembly from making Laws with respect to any of the matters referred to in the foregoing paragraphs.

20. For the purposes of the foregoing paragraphs of this item, the word "agricultural" includes fishery.

I-Scientific and  
technological  
research.

21. The National Assembly may make laws to regulate or co-ordinate scientific and technological research throughout the Federation and to establish, maintain and run institutions of scientific and technological research and development throughout the Federation.

22. Nothing in this List shall preclude a House of Assembly from establishing or making provisions for an institution or other arrangement for the purpose of scientific and technological research.

J-Statistics.

23. The National Assembly may make laws for the Federation or any part thereof with respect to statistics so far as the subject matter relates to -

(a) any matter on which the National Assembly has power to make laws; and

(b) the organisation of a co-ordinated scheme of statistics for the Federation or any part thereof on any matter whether or not it has power to make laws with respect thereto.

24. A House of Assembly may make Laws for the State with respect to statistics and on any matter other than that referred to in sub-paragraph (a) of paragraph 23 of this List.

25. The National Assembly may make laws for the Federation or any part thereof with respect to trigonometrical, cadastral and topographical surveys.

K-Trigonometrical, cadastral and topographical surveys.

26. A House of Assembly may, subject to paragraph 25 of this List, make Laws for the State or any part thereof with respect to trigonometrical, cadastral and topographical surveys.

27. The National Assembly may make laws for the Federation or any part thereof with respect to university education, technological education or such professional education as may, from time to time, be designated by the National Assembly.

L-University, technological and post-primary education.

28. The power conferred on the National Assembly under paragraph 25 of this item shall include power to establish an institution for the purposes of university, post-primary, technological or professional education.

29. Subject as herein provided a House of Assembly shall have power to make Laws for the State with respect to the establishment of an institution for purposes of university, professional or technological education.

30. Nothing in the foregoing paragraphs of this item shall be construed so as to limit the powers of a House of Assembly to make Laws for the State with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education.

**SCHEDULE 2**

*Section 6(2)*

**OATHS**

**OATH OF ALLEGIANCE**

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria

So Help me God.

**OATH OF OFFICE OF GOVERNOR OF A STATE**

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Governor of ..... State, I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the State Government (Basic Constitutional and Transitional Provisions) Decree 1998 and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will exercise the authority vested in me as Governor so as not to impede or prejudice the authority lawfully vested in the President of the Federal Republic of Nigeria so as not to endanger the continuance of the Federal Government of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall



become known to me as Governor of ..... State, except as may be required for the discharge of my duties as Governor, and that I will devote myself to the service and well-being of the people of Nigeria.

So Help me God.

**OATH OF OFFICE FOR DEPUTY GOVERNOR,  
COMMISSIONER AND SPECIAL ADVISER**

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as Deputy Governor of ..... State/Commissioner of the Government of ..... State/Special Adviser to ....., I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the State Government (Basic Constitutional and Transitional Provisions) Decree 1998 and the law, and always in the interest of the sovereignty, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objective and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability, preserve, protect and defend the provisions of the Constitution of the Federal Republic of Nigeria and the State Government (Basic Constitutional and Transitional Provisions) Decree 1998 and that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989; that in all circumstances I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Deputy Governor of ..... State/Commissioner of the Government of ..... State/Special Adviser to ..... except as may be required for the discharge of my duties.

So Help me God.

**OATH OF A MEMBER OF A STATE HOUSE  
OF ASSEMBLY**

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as a member of .....State House of Assembly, I will perform my functions honestly to the best of my ability, faithfully in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the State Government (Basic Constitution and Transitional Provisions) Decree 1998 and rules of the State House of Assembly; and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of the State Policy contained in the Constitution of the Republic of Nigeria; and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria; and that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989.

So Help me God.

**SCHEDULE 3**

*Section 52(2)*

**STATE EXECUTIVE BODIES**

**A - State Civil Service Commission**

State Civil  
Service  
Commission.

1. A State Civil Service Commission shall comprise a Chairman and not less than 2 and not more than 4 other persons who shall, in the opinion of the Governor, be persons of unquestionable integrity.

2.-(1) The Commission shall have power, without prejudice to the powers vested in the Governor and the State Judicial Service Commission -

(a) to appoint persons to the offices in the State Civil Service;

(b) to dismiss and exercise disciplinary control over persons holding such offices.

(2) The Commission shall not exercise any of its powers under sub-paragraph (1) of this paragraph in respect of such offices of Heads of Divisions of Ministries or of Departments of the Government of the State as may from time to time be designated by an order made by Governor except after consultation with the Head of the Civil Service of the State.

### **B - State Council of Chiefs**

State Council  
of Chiefs.

3. A Council of Chiefs shall comprise a Chairman and such number of persons as may be prescribed by Law.

4. The Council shall have power to advise the Governor on any matter relating to customary law or cultural affairs, inter-communal relations and chieftaincy matters.

5. The Council shall also have power to advise the Governor whenever requested to do so on -

(a) the maintenance of public order within the State or any part thereof;

(b) such other matters as the Governor may direct.

6. The consent of the State Council of Chiefs shall be sought in matters of creating new chieftaincy or upgrading of any chief or making of any law which may improve the security of tenure or dignity of traditional institutions.

7. Nothing in the provisions of paragraph 6 of this Schedule shall be construed as conferring any legislative, executive or judicial function on the Council.

### **C - State Judicial Service Commission**

8. A State Judicial Service Commission shall comprise the following members, namely -

State Judicial  
Service  
Commission.

(a) the Chief Judge who shall be the Chairman;

(b) the Attorney-General of the State;

(c) the Grand Kadi of the Sharia Court of Appeal of the State, if any;

(d) the president of the Customary Court of Appeal of the State, if any;

(e) two members who are legal practitioners and who have been qualified to practise as legal practitioners in Nigeria for a period of not less than 12 years; and

(f) two other persons not being legal practitioners who in the opinion of the Governor are of unquestionable integrity.

9. The Commission shall have power -

(a) to recommend to the National Judicial Council suitable person for nomination for appointment to the office of -

(i) the Chief Judge,

(ii) the Grand Kadi of the Sharia Court of Appeal, if any,

(iii) the President of the Customary Court of Appeal, if any,

(iv) a Judge of the High Court of a State,

(v) a Kadi of the Sharia Court of Appeal of a State, if any,

(vii) a Judge of the Customary Court of Appeal of a State, if any;

(b) subject to the provisions of this Decree, to recommend to the National Judicial Council the removal from office of the judicial officers specified in sub-paragraph (a) of this paragraph and to exercise disciplinary control over such officers;

(c) to appoint, promote and exercise disciplinary control over the Chief Registrars of the High Court, of the Sharia Court of Appeal and the Customary Court of Appeal, the Magistrates, the Judges and members of the District and Area Courts, if any, and all other members of the staff of the Judicial Service of the State not otherwise specified in this Decree and of the State Judicial Service Commission;

(d) to control and disburse all moneys, capital and recurrent, for the Judicial Service of the State.

#### D - Local Government Service Commission

10. The Local Government Service Commission shall comprise the Chairman and three members who shall, in the opinion of the Governor, be persons of unquestionable integrity.

Local  
Government  
Service  
Commission.

11.-(1) The Commission shall have power without prejudice to the power vested in the Governor, the State Judicial Service Commission and State Civil Service Commission -

(a) to appoint persons to the offices in the Local Government service; and

(b) to dismiss and exercise disciplinary control over persons holding such offices.

(2) The Commission shall not exercise any of its power under sub-paragraph (1) of this paragraph in respect of such offices of Heads of Divisions or of Departments of the Local Government as may from time to time, be designated by an order made by the Governor except after consultation with the Chairman of the Local Government Council.

### SCHEDULE 4

### Section 105

#### APPOINTMENT AND SUPERVISION OF OFFICERS

1.-(1) For each Local Government Area there shall be an Electoral Officer who shall be appointed by the Commission.

Appointment of  
Electoral Officer.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) The Commission may, in any case it considers it expedient, appoint more than one Electoral Officer for a Local Government Area and shall specify the part of the Local Government Area for which each Electoral Officer is responsible and, in relation to that part of the Local Government Area the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government Area.

Appointment, of  
other officers for  
the conduct of  
elections.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government Area.

2.-(1) The Commission may appoint a person to be an Assistant Electoral Officer for the conduct of an election and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the Electoral Officer as the Commission may determine.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers, Poll Clerks, Assistant Poll Clerks and such other officers as are required to be appointed under this Decree.

(3) A person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed as a Returning Officer of one or more State constituencies.

(5) For the elections, the Electoral Officer or Resident Electoral Commissioner may be appointed to act as a Returning Officer.

3. An Electoral Officer shall exercise supervision over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government Area and may, subject to this Decree or any instructions issued by the Commission, give directions to those officers with regard to the performance of their functions.

Supervision of other officers by Electoral Officer.

4. The Commission may appoint, in respect of a State, an officer (by whatever name called) to exercise supervisory functions over the conduct of an election or of elections generally, and that officer shall have such powers and duties as shall be assigned to him by the Commission.

Appointment of officer to exercise supervisory functions over conduct of elections.

5.-(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election under this Decree shall be vested in the Resident Electoral Commissioner.

Functions of Resident Electoral Commissioner.

(2) The Resident Electoral Commissioner may -

(a) require information from an officer appointed under this Schedule with respect to a matter relating to the functions of that officer under this Decree;

(b) subject to the provisions of this Decree, issue instructions to any of those officers with respect to the performance of their functions under this Decree.

(3) An officer appointed under this Schedule shall comply with the requirements and instructions of the Resident Electoral Commissioner under this paragraph.

6.-(1) A person who by reason of his holding or acting in an office has a responsibility for, or connection with the conduct of elections to the office of the Governor and nomination as a candidate for the office of Governor or Legislative House, shall be disqualified from membership of the Legislative House and from nomination as a candidate thereof, while he holds or acts in that office.

Electoral officials not eligible for election.

(2) No official or staff of the Commission shall contest or vote at an election.

**SCHEDULE 5 Sections 31 and 106**

**PROCEDURE AT ELECTIONS**

Notice of elections.

1.-(1) Not less than 21 days before the date specified for holding of an election under this Decree the Commission shall, through the Resident Electoral Commissioner, publish in each State of the Federation, a notice -

(a) stating the date of the election; and

(b) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be further published in each constituency in respect of which an election is to be held.

List, screening, clearance, etc. of candidates.

2.-(1) Every political party shall, on such day as may be specified by the Commission before the date appointed for an election, deliver to the Commission -

Form C.F. 001  
Schedule 7.

(a) in Form C.F. 001 set out in Schedule 7 to this Decree, the personal particulars of their candidates for the election as supplied by the candidates; and

Form C.F. 002  
Schedule 7.

(b) in Form C.F. 002 set out in Schedule 7 to this Decree, a list of candidates the political party proposes to sponsor at the election.

(2) The Commission shall, within a reasonable time after receipt of the Forms referred to in sub-paragraph (1) of this paragraph, deliver to the political party -

Form C.F.003  
Schedule 7.

(a) in Form C.F. 003 set out in Schedule 7 to this Decree, a list of the candidates who are adjudged qualified to contest the election; and

Form C.F. 004.  
Schedule 7.

(b) where applicable, in Form C.F. 004 set out in Schedule 7 to this Decree, a separate list of the candidates rejected by the Commission.



(3) Where a candidate is rejected, the Commission shall afford the political party concerned an opportunity to substitute the candidate rejected with a fresh candidate, provided that the substitution is made within a reasonable time or as may be directed by the Commission.

3.-(1) Screening and clearance of candidates for election under this Decree shall be in accordance with the provisions of this Decree. Screening and clearance of candidates.

(2) Screening and clearance of candidates for elections under this Decree shall be done by the State Screening Committee.

(3) The membership of the State Screening Committee shall be as approved by the Commission, from time to time.

(4) Any person not satisfied with the decision of the State Screening Committee on any matter may appeal to the Commission for review in Form CF. 005 set out in the Schedule 7 to this Decree. Form CF. 005.

4.-(1) A candidate for an election under this Decree shall be nominated in writing by such number of persons prescribed by subsection (1)(c) or (d) of section 96 of this Decree and the nominators shall - Nomination of candidates.

(a) in the case of the Governor, be from different parts of the constituency; and

(b) be persons whose names appear on the register of voters in the constituency.

(2) The nomination may be as in Form EC. 4C or EC. 4D set out in Schedule 7 to this Decree and shall be subscribed by the candidate and by the persons nominating him - Forms EC 4C  
EC. 4D.  
Schedule 7.

(3) The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall -

(a) supply each candidate for an election with nomination forms on payment of such fee as may be prescribed by the Commission; and

(c) at the request of any candidate, his nominators being present, complete the nomination forms on behalf of the candidate.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination form subscribed as in sub-paragraph (2) of this paragraph at the place appointed by the Resident Electoral Commissioner or the Electoral Officer under paragraph 1 of this Schedule not later than four o'clock in the afternoon of the fifth day before the day of the election.

(5) No person shall subscribe as a nominator to more than one nomination form at the same election and, if he does, his signature shall be inoperative on any second or subsequent form which he subscribes as a nominator, so however, that no account shall be taken of the nomination of a candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination form.

(6) No person who has subscribed as a nominator shall, so long as the candidate stands nominated, withdraw his nomination.

(7) A candidate for an election shall deliver along with the nomination form such number of posters containing his photograph and the symbol of his political party as may be required by the Commission.

Deposits.

5.-(1) Every candidate for election under this Decree shall, before his nomination form is delivered to the Resident Electoral Commissioner or the Electoral Officer, deposit or cause to be deposited the amount prescribed in subsection (1)(e) or (f) of section 96 of this Decree by the Commission for the election and shall, at the time of the delivery of his nomination paper, produce to the Resident Electoral Commissioner or the Electoral Officer the official receipt for the amount.

(2) No nomination shall be valid unless the prescribed amount is deposited and the receipt for the amount produced in the manner required by sub-paragraph (1) of this paragraph.

6.-(1) When a nomination form is delivered and a deposit is paid in accordance with the provisions of this Decree, the candidate shall be deemed to stand nominated unless and until -

Validity of nomination.

(a) the Resident Electoral Commissioner or the Electoral Officer decides that the nomination paper is invalid; or

(b) proof is given to the satisfaction of the Resident Electoral Commissioner or the Electoral Officer of the candidate's death; or

(c) the candidate withdraws his candidature as specified in paragraph 8 of this Schedule.

(2) The Resident Electoral Commissioner or the Electoral Officer shall be entitled to declare the nomination form invalid only on one or more of the following grounds -

(a) that the candidate has not produced evidence of tax payments as and when due for a period of three years immediately preceding the year of election or a valid evidence of exemption from the payment of all or any of the tax; or

(b) that particulars of the candidate or his nominators are not as required by law; or

(c) that the nomination form is not signed as required by law; or

(d) that the candidate has been nominated in more than one constituency; or

(e) that the nominators of the candidate or any one of them is not a person whose name appears on the appropriate register of voters in respect of the constituency; or

(f) that the candidate does not possess any of the qualifications required under this Decree; or

(g) that the candidate is not a registered voter in Nigeria; or

(h) that the candidate is not a member of a political party;  
or

(i) that the candidate is disqualified under this Decree.

(3) Notwithstanding any other provision of this Decree or any other law, the decision of the Resident Electoral Commissioner or the Electoral Officer, that a candidate has been validly nominated under sub-paragraph (2) of this paragraph shall not be the ground of an election petition under this Decree.

(4) Whenever the Resident Electoral Commissioner or the Electoral Officer decides that a candidate has not been validly nominated, he shall endorse and sign on the nomination form the fact and reasons for his decision.

Form EC. 5.  
Schedule 7.

(5) The Resident Electoral Commissioner or the Electoral Officer shall, within forty-eight hours of the receipt of a nomination form, communicate in writing in Form EC. 5 set out in Schedule 7 to this Decree to the candidate or to one of the persons nominating the candidate or political party sponsoring the candidate his decision as to the validity or otherwise of the nomination.

(6) A candidate whose first nomination form is or may be invalid may be permitted to submit a second nomination form within the time allowed, but a candidate who forges or falsifies a document or gives a false information for the purpose of nomination under this Decree may be disqualified and prevented from contesting the election.

Publication of  
statement of  
persons  
nominated.

7.-(1) The Resident Electoral Commissioner or the Electoral Officer shall, not later than twenty-four hours before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination forms and in such other places as he may think fit, a statement of the full names of all candidates standing nominated and of the persons nominating them with their respective addresses and occupations.

(2) No candidate who has been screened and cleared to contest an election shall be prevented from contesting the election for any reason whatsoever, or substituted, except the candidate dies or voluntarily withdraws his candidature.

8. A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself, or by one of the persons nominating him to the Resident Electoral Commissioner or the Electoral Officer not later than one o'clock in the afternoon of the second day before the election.

Withdrawal of candidates.

9. If after the latest time for the delivery of nomination forms and before the commencement of the poll, a nominated candidate dies, the Resident Electoral Commissioner or the Electoral Officer shall, on being satisfied of the fact of the death, countermand the poll, and the Commission shall appoint some other convenient date for the election.

Death of candidate.

10. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency, his candidature shall be void in each constituency.

Invalidity of double nomination.

11.-(1) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and for withdrawal of candidates for an election under this Decree more than one person remains validly nominated, a poll shall be taken.

Contested and uncontested election.

(2) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and the withdrawal of candidates for an election under this Decree, only one candidate remains duly nominated, that candidate shall be declared elected.

(3) Where a person is declared elected under the provisions of sub-paragraph (2) of this paragraph, a declaration of result Form EC. 8E(1) set out in Schedule 7 to this Decree shall be completed and a copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Electoral Officer as in the case of a contested election.

Form EC. 8E(1) Schedule 7.

12. Where no candidate remains nominated in any constituency on the date appointed for the election, the Resident Electoral Commissioner shall inform the Commission which shall fix a date for another election.

Where no nominated candidate.

Ascertainment of result of poll.

13. The result of the poll shall be ascertained by carefully counting the votes cast for each candidate at the election and the collation of the figures returned from the various parts of the constituency.

Arrangements for contested election. Schedule 4.

14.-(1) When a poll has to be taken, the Commission shall appoint from among Poll Clerks, Presiding Officers and Poll Orderlies appointed under Schedule 4 to this Decree, persons to conduct the election in each Polling Station or Unit.

(2) The Presiding Officer shall be in charge of a Polling Station or Unit.

(3) For purposes of a contested election, the Commission shall -

(a) appoint a sufficient number of Polling Stations or Units in each ward or constituency in which a poll is taking place, and allot voters to the various Polling Stations or Units as may be considered convenient;

(b) assign to each Polling Station or Unit a Poll Clerk and Orderly to assist the Presiding Officer;

(c) provide each Polling Station or Unit with instruments for making official mark on the voter's card and for applying indelible ink to the thumb of any person who has voted at the Polling Station or Unit;

(d) provide each Polling Station or Unit with copies of the register of voters for the area, or such part thereof as contains the names of the voters allotted to vote at the Polling Station or Unit; and

(e) do such other acts and things as may be necessary for conducting the election in the manner prescribed by this Decree.

(4) The Commission shall appoint at least one Polling Station or Unit in respect of each ward in which the election is to be held.

15.-(1) Each candidate may appoint a Party Agent to attend at each Polling Station or Unit in respect of the election for the purpose of ensuring that the interests of the candidate are protected.

Party Agents.

(2) Notice in writing shall be given to the Commission by every candidate not later than twenty-four hours before the day of the election, conveying the names and addresses of his Party Agents and the respective Polling Stations or Units to which they are being posted by the candidate.

(3) A candidate shall be entitled to change his Party Agent and appoint a substitute before the election, and shall forthwith furnish the Commission in writing with the name, address and any other particulars of the agent so substituted.

16.-(1) The Resident Electoral Commissioner or the Electoral Officer shall on or before the second day to the day of the election, cause to be published in every constituency in which election is to be held, in such manner as he may think appropriate, a notice specifying -

Notice of poll.

(a) the day and the hours fixed for the poll;

(b) the full names, arranged in alphabetical order, of the surname, place of residence and occupation of each candidate remaining nominated; and

(c) the location of the Polling Stations and Units in the constituency and an indication of the persons entitled to vote in the respective Polling Stations and Units.

(2) The hours fixed for the taking of polls shall be a continuous period as may be determined by the Commission.

17.-(1) Without prejudice to sub-paragraph (3)(c) of paragraph 14 of this Schedule, the Commission shall -

Provision of materials at Polling Stations.

(a) furnish each Presiding Officer with such ballot boxes and ballot papers as may be required for the poll; and

(b) provide each Presiding Officer with pens, ink pad, ink and other items of stationery necessary for the conduct of poll in accordance with the provisions of this Decree.

Form of ballot paper.

18. Every ballot paper shall -

(a) be a printed paper on which the symbol adopted by the political party and duly registered as prescribed by law shall be clearly set out and have a blank space at the right side of the symbol on which a thumb impression can conveniently be made;

(b) have a serial number printed or stamped on its back or some other part; and

(c) be attached to a counterfoil bearing the same serial number as is printed or stamped on the ballot paper.

Form of ballot box.

19. The ballot box shall be transparent and be so constructed that the ballot papers can be put in them easily by the voter but cannot be withdrawn by him without the accredited Presiding Officer opening the ballot box.

Accreditation procedure.

20.-(1) The accreditation of voters shall commence on the day and time stipulated pursuant to paragraph 22 to this Schedule.

(2) The Presiding Officer shall -

(a) cross-check voter's card of a person applying for accreditation against the register of voters and may ask the voter if required by a candidate or the Party Agent, the following questions or any of the questions, that is -

(i) "Are you the person whose name is on the register of voters as follows ..... (reading the copy of the entry in the register?";

(ii) "Are you a person above 18 years of age?";

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) of this paragraph in the negative;



(c) mark the name of the voter in the register of voters with biro;

(d) stamp and sign each voter's card at the back with the appropriate stamp and state the date and type of election in code; and

(e) enter in Form EC 8A or EC. 8A(1), set out in Schedule 7 to this Decree, the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the Polling Station or Unit, the serial numbers of ballot papers issued to the voters, the serial numbers of the balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

EC. 8A.  
EC. 8A(1).  
Schedule 7.

(3) The Presiding Officer and the Party Agents shall sign Forms EC. 8A and EC. 8A(1) to authenticate the numbers entered therein.

21.-(1) Any person who, having been accredited, leaves the polling zone or any other place appointed for the accreditation of persons or mixes up with unaccredited persons is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment as provided in this Decree.

Disorderliness  
during  
accreditation.

(2) Any person who, not being an accredited person, is found in any polling zone is guilty of an offence of disorderliness under this Decree, and liable on conviction to the punishment as provided in this Decree.

22. At the close of accreditation, the Presiding Officer shall-

Post-accreditation  
procedure.

(a) explain the voting procedure to be followed;

(b) introduce the candidates or their posters and symbols, the Poll Clerk and the Party Agents;

(c) explain all activities which constitute election offences within the polling zone, including penalties for committing each offence;

(d) call the roll of accredited voters; and

(e) ensure that posters bearing photographs of the candidates are displayed within the polling zone.

Conduct of  
Poll.

23. After compliance with the provisions of paragraph 22 of this Schedule, the Presiding Officer shall -

(a) announce the commencement of voting;

(b) request the accredited voters to line up in a single line;

(c) separate the queue between men and women if, in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue;

(d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and request the voters in the queue to show their voter's cards duly stamped by the Presiding Officer;

(e) issue accredited voters with ballot papers;

(f) direct voters to the voting table where, after thumb-marking the ballot paper secretly, they shall vote in the full view of all present;

(g) count the votes at the close of poll in the presence of the voters; and

(h) announce the number of votes counted for each of the candidates.

Offence of  
crossing or  
breaking into  
another queue.

24. Any person who breaks into the queue while voting has commenced is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment provided in this Decree.

25.-(1) No person shall be permitted to vote at any Polling Station or Unit other than the one to which he is allotted.

Allocation of Polling Station and admission thereto.

(2) The Presiding Officer shall regulate the admission of voters to the Polling Station or Unit and shall exclude all other persons except the candidates, Party Agents and any other person who in his opinion has lawful reason to be admitted.

26.-(1) If at the time a person applies for accreditation, or after he has so applied and before he has left the Polling Station or Unit, a Party Agent or security agent declares to the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person, and the Presiding Officer's order shall be sufficient authority for the police officer so to do.

Personation by applicant for ballot paper.

(2) A person in respect of whom a Party Agent or security agent makes a declaration in accordance with the provisions of sub-paragraph (1) of this paragraph shall not, by reason of the declaration, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person in respect of whom a declaration is made under sub-paragraph (2) of this paragraph admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already voted, and if he has already voted, the Presiding Officer shall cancel his vote.

(4) A person arrested under the provisions of this paragraph shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

27.-(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the Polling Station or Unit in respect of the election.

Conduct at Polling Stations.

(2) If a person misconducts himself in a Polling Station or Unit, or fails to obey a lawful order of the Presiding Officer, the Presiding Officer may order the person to be removed from the Polling Station or Unit by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) A person removed from a Polling Station or Unit under this paragraph shall not, without the permission of the Presiding Officer, again enter the Polling Station or Unit during the day of the election and if charged with the commission of an offence in that Polling Station or Unit, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

(4) The provisions of sub-paragraph (3) of this paragraph shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a Polling Station or Unit from having an opportunity of so voting.

Adjournment of  
poll in case  
of riot, etc.

28.-(1) Subject to the provisions of section 142(2) of this Decree, when the proceedings at a Polling Station or Unit are interrupted or obstructed by riot or violence or any other reason as may be determined by the Commission, the Presiding Officer may adjourn the proceedings till following day, and shall forthwith give notice of the adjournment to the Electoral Officer.

(2) When the poll is adjourned at any Polling Station or Unit -

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day of the poll; and

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of  
accreditation.

29. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons shall be admitted to the

Polling Station or Unit, but those persons already inside the Polling Station or Unit shall be accredited and be allowed to vote.

30.-(1) The Presiding Officer shall, after counting the votes at the Polling Station or Unit, enter the votes scored by each candidate in Form EC. 8A or Form EC. 8A(1), as the case may be, set out in Schedule 7 to this Decree.

Counting of votes.  
Form EC. 8A.  
Form EC. 8A(1)  
Schedule 7.

(2) Form EC.8A and Form EC. 8A(1) shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their Party Agents where available at the Polling Station or Unit.

(3) A Party Agent shall be required to sign Form EC. 8A and Form EC. 8A(1) especially where he has requested for a recount, but failure by a Party Agent to sign Form EC. 8A and Form EC. 8A(1) shall not invalidate the result of the poll.

(4) The Presiding Officer shall give to the Party Agents and the police officer present a copy each of completed Form EC. 8A and Form EC. 8A(1) after it has been signed by both the Presiding Officer and the Party Agents.

31. After the recording of the result of the election, the Presiding Officer shall take the election result and materials to the Ward Collation Centre under security escort if available.

Post-election procedure and collation of election result.

32. Subject to the provisions of the Decree, the Commission shall make and publish in the *Gazette*, Guidelines for the Governorship and House of Assembly elections and the Guidelines shall make provisions, among other things, for the step by step recording of the poll in the electoral Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8C1, EC. 8D, EC. 8D1, EC. 8E and EC. 8E(1) set out in Schedule 7 to this Decree; beginning from the Polling Station or Unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Step by step recording of poll.

Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8C1, EC. 8D, EC. 8D1, EC. 8E, EC. 8E(1), Schedule 7.

33. Every result Form completed at the Ward, Local Government and State levels in accordance with the provisions of this Decree or any Guidelines issued by the Commission shall be

Result forms to be signed and countersigned.

stamped, signed and countersigned by the relevant officers and Party Agents at those levels and copies given to the police officers and the Party Agents, if available.

Rejection of ballot paper without official mark.

34.-(1) Subject to sub-paragraph (2) of this paragraph, a ballot paper which does not bear the official mark shall not be counted.

(2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the Polling Station or Unit in which the vote was cast for use at the election in question, he shall, notwithstanding the absence of the official mark, count that ballot paper.

Endorsement on rejected ballot papers.

35.-(1) The Presiding Officer shall endorse the word "rejected" on the ballot papers rejected under the provision of sub-paragraph (1) of paragraph 34 of this Schedule or for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

(2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a Party Agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to"

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection, and shall on request allow a candidate or a Party Agent to copy the statement, but shall not be allowed to record the serial number of the rejected ballot papers.

Decision of Returning Officer final.

36. The decision of the final Returning Officer on any question arising from or relating to -

(a) unmarked ballot papers;

(b) rejected ballot papers; and

(c) declaration of scores of candidates and the return of a candidate,

shall be final and subject to review only by an Election Tribunal in an election petition proceedings under this Decree.

37. A candidate or a Party Agent may, if present at the Polling Station or Unit when the counting of votes is completed by the Presiding Officer, demand to have the votes recounted, but the Presiding Officer may refuse to do so if, in his opinion, the demand is unreasonable.

Recount.

38. If two or more candidates poll equal number of votes, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a later date to be appointed by the Commission.

Equality of votes.

39. The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall cause to be posted at the State or Local Government Area Office of the Commission, as the case may be, a notice showing -

Publication of result of election.

(a) the candidates at the election and their scores; and

(b) the person declared as elected or returned at the election.

40. The Resident Electoral Commissioner or the Electoral Officer shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to either of them by the Returning Officers.

Custody of documents.

41. The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the Polling Station or Unit without the authority of the Presiding Officer.

Poll Clerk to enjoy powers of Presiding Officer.

42. Where in this Decree, an act or a thing is required or authorized to be done by or in the presence of Party Agents, the non-attendance of a Party Agent at the time and place appointed for the act or thing or refusal by a Party Agent to do the act shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Non-attendance of Party Agent not to invalidate election.

Certificate of  
Return at  
election  
Schedule 7

43. A sealed Certificate of Return at an election in the Form set out in Schedule 7 to this Decree shall be issued to every candidate who has won an election under this Decree.

Reference to  
Forms.  
Schedule 7.

44. Reference to a Form in this Schedule is reference to the Form as set out in Schedule 7 to this Decree or as may otherwise be determined by the Commission in Guidelines issued from time to time.

## SCHEDULE 6 Sections 137 and 140

### PROCEDURE FOR ELECTION PETITIONS

Interpretation.

1. In this Schedule -

"Attorney-General" means the Attorney-General of the State concerned and includes the Attorney-General of the Federation, where the context admits;

"Civil Procedure Rules" means the Civil Procedure Rules of the Federal High Court for the time being in force;

"election" means any election to which an election petition relates;

"Registry" means a Registry set up for an Election Tribunal established under this Decree or the Registry of the Constitutional Court;

"Secretary" means the Secretary of an Election Tribunal established under this Decree and includes the Registrar of the Constitutional Court;

"Tribunal" or "Election Tribunal" means the Governorship and Legislative Houses Election Tribunal established under this Decree;



"Tribunal notice board" means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of petition or any other notice may be given or posted.

2.-(1) An election petition relating to -

Hearing and  
determination of  
election petitions.

(a) the membership of a House of Assembly of a State shall be heard and determined within 60 days from the date on which the petition is filed; and

(b) the election of a Governor of a State shall be heard and determined within 30 days from the date on which the petition is filed.

(2) Notwithstanding the provisions of any other enactment, an appeal arising from the decision of the Election Tribunal on an election petition shall be heard and determined within -

(a) 30 days from the date of filling the appeal in the case of an election to the House of Assembly; and

(b) 14 days from the date of filling the appeal in the case of an election to the office of the Governor of a State.

3.-(1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent.

Security  
for costs.

(2) The security shall be of such amount not less than ₦3,000 as the Election Tribunal may order and shall be given by depositing the amount with the Election Tribunal.

(3) Where two or more persons join in an election petition, a deposit as may be ordered under sub-paragraph (2) of this paragraph of this Schedule shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition though the time prescribed under sub-paragraphs (1) and (3) of paragraph 2 of this Schedule shall continue to run.

Presentation  
of election  
petition.  
Form TF. 001.  
Schedule 7.

4.-(1) The presentation of an election petition under this Decree shall be made by the petitioner [or petitioners if more than one] leaving it in person, or by his Solicitor, if any, named at the foot of the election petition with the Secretary, and the Secretary shall give a receipt which may be in Form TF. 001 set out in Schedule 7 to this Decree.

(2) At the time of presenting the election petition, there shall also be left a copy of the election petition for each respondent and seven other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the election petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Election Tribunal otherwise orders.

Contents of  
election petition.

5.-(1) An election petition under this Decree shall -

- (a) specify the parties interested in the election petition;
- (b) specify the right of the petitioner to present the election petition;
- (c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election; and
- (d) state clearly the facts of the election petition and the ground or grounds on which the election petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall further -

(a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the majority of lawful votes cast at the election or that the election may be declared nullified, as the case may be; and

(b) be signed by the petitioner or all the petitioners or by the Solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an address of the petitioner for service within five kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If an address for service and its occupier are not stated as specified in sub-paragraph (4) of this paragraph, the petition shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(6) An election petition which does not conform with sub-paragraph (1) of this paragraph or any provision of that sub-paragraph is defective and may be struck out by the Election Tribunal.

(7) The Form TF. 002 set out in Schedule 7 to this Decree or one substantially like it, shall be sufficient for the purposes of this paragraph.

Form TF 002.  
Schedule 7.

6. Evidence need not be stated in the election petition, but the Election Tribunal may order such further particulars as may be necessary -

Further  
particulars.

(a) to prevent surprise and unnecessary expense;

(b) to ensure a fair and proper hearing in the same way as in a civil action in the Federal High Court; and

(c) on such terms as to costs or otherwise as may be ordered by the Election Tribunal.

Address for  
service.

7. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Action by  
Secretary.

8.-(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith -

Form TF. 003.  
Schedule 7.

(a) cause notice, in Form TF. 003 set out in Schedule 7 to this Decree, of the presentation of the election petition and a certified copy of the election petition, to be served on each of the respondents;

(b) post on the Election Tribunal notice board a certified copy of the election petition; and

(c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than three days but not more than six days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to -

(a) the necessity for securing a speedy hearing of the election petition; and

(b) the distance from the Registry or the place of hearing to the address furnished under sub-paragraph (4) of paragraph 5 of this Schedule.

9.-(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondents - Personal service  
on respondents.

(a) of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule; and

(b) of any other documents required to be served on them before entering appearance,

shall be personal.

(2) Where the petitioner has furnished, under paragraph 7 of this Schedule, the addresses of the places where personal service can be effected on the respondents and the respondents or anyone of them cannot be found at the place or places, the Election Tribunal, on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding that -

(a) the respondents or anyone of them may not have been served personally; or

(b) a document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondents,

and in either case, the proceedings may be heard and continued or determined as if the respondents or anyone of them had been served personally with the document and shall be valid and effective for all purposes.

Entry of  
appearance,

10.-(1) Where the respondent intends to oppose the election petition, he shall within such time after being served or deemed to be served with the election petition enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the Solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for him may be left or served.

(2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

Form TF. 004.  
Schedules 7.

(3) The memorandum of appearance which may be as in Form TF. 004 set out in Schedule 7 to this Decree shall be signed by the respondent or his Solicitor, if any.

(4) At the time of filing the memorandum of appearance, the respondent or his Solicitor, as the case may be, shall -

(a) leave a duplicate of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum of appearance to be preserved by the Secretary; and

(b) pay the fees for service as may be prescribed or directed by the Secretary,

and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

11.-(1) If the respondent does not file a memorandum of appearance as required under paragraph 10 of this Schedule, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

Non-filing of memorandum of appearance.

(2) The non-filing of a memorandum of appearance shall not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than fourteen days from the receipt of the election petition.

12. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to, the other parties to the election petition.

Notice of appearance.

13.-(1) The respondent shall, within six days of entering an appearance, file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

Filing of reply.

(2) Where the respondent in an election petition complaining of an undue return and claiming the seat or office for a petitioner, intends to prove that the claim is incorrect or false, the respondent, in his reply shall set out the facts and figures clearly and distinctly, disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the Solicitor representing him, if any.

(4) At the time of filing the reply, the respondent or his Solicitor, if any, shall leave copies of the reply for service on the other parties to the election petition with seven extra copies of the reply to be preserved by the Secretary, and pay the fees for service

as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

Service  
of reply.

14. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Amendment of  
election petition  
and reply.

15.-(1) Subject to sub-paragraph (2) of this paragraph, the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions there were substituted the words "the election petition or reply".

(2) After the expiry of the time limited by -

(a) section 132 of this Decree for presenting the election petition, no amendment shall be made -

(i) introducing any of the requirements of sub-paragraph (1) of paragraph 5 of this Schedule not contained in the original election petition filed, or

(ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition, or

(iii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition; and

(b) paragraph 13 of this Schedule for filing the reply, no amendment shall be made -

(i) alleging that the claim of the seat or office by the petitioner is incorrect or false, or

(ii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.



(3) The Election Tribunal shall not, in the hearing and determination of an election petition, be obliged to confine its inquiry or findings to the issues raised by the parties in the election petition or the reply, if any, and may, without ordering or allowing -

(a) the amendment of a statement of facts and grounds relied on in support of the election petition or the amendment of any admission or denial contained in the reply; or

(b) the facts or grounds set out in the reply, but subject always and having due regard to the time limited by section 132 of this Decree for presentation of an election petition,

inquire into any other issue otherwise raised or apparent, as the Election Tribunal may deem necessary for the purpose of the full and proper inquiry into, and determination of the election petition.

16. When a petitioner claims the seat alleging that he had the majority of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Particulars of  
votes objected  
to by respondent

17.-(1) If a person in his reply to the election petition raises new issues of fact in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within three days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that -

Petitioner's reply.

(a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and

(b) the petitioner's reply does not run counter to the provisions of sub-paragraph (1) of paragraph 15 of this Schedule.

(2) The time limited by sub-paragraph (1) of this paragraph shall not be extended.

Further particulars or direction.

18.-(1) If a party in the election petition wishes to have further particulars or other directions of the Election Tribunal, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Election Tribunal specifying in his notice of motion the direction for which he prays, and the motion shall, unless the Election Tribunal otherwise orders, be set down for hearing on the first available day.

(2) If a party does not apply as provided in sub-paragraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in sub-paragraph (1) of this paragraph has lapsed.

(3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 15 of this Schedule.

Hearing of petition to be in open tribunal.

19. Every election petition shall be heard and determined in an open tribunal.

Time and place of hearing petition.

Form TF. 005. Schedule 7.

20.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of an election petition shall be fixed by the Election Tribunal, and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in Schedule 7 to this Decree, shall be given by the Secretary at least five days before the day fixed for the hearing by-

(a) posting the notice on the Tribunal notice board; and

(b) sending a copy of the notice by registered post or through a messenger to -

(i) the petitioner's address for service,

(ii) the respondents' addresses for service, if any, and

(iii) the Resident Electoral Commissioner or the Electoral Officer.

(2) In fixing the place of hearing, the Election Tribunal shall have due regard to the proximity to and accessibility from the place where the election was held.

21. The Resident Electoral Commissioner or Electoral Officer shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery of nomination forms prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

Notice of hearing.

22. The posting of the notice of hearing on the Tribunal notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of, the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Posting of notice on Tribunal notice board deemed to be good notice.

23.-(1) The Election Tribunal may, from time to time, by order made on the application of a party to the election petition or at the instance of the Election Tribunal, postpone the beginning of the hearing to such day as the Election Tribunal may consider appropriate, having regard at all times to the need for speedy conclusion of the hearing of the election petition.

Postponement of hearing.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner, who shall publish the order in the manner provided in paragraph 21 of this Schedule for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the Tribunal notice board a copy of the order.

(4) Where the Election Tribunal gives an order of postponement at its own instance, a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 22 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non-arrival  
of Chairman  
of Election  
Tribunal.

24. If the Chairman of the Election Tribunal has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall by reason of that fact stand adjourned to the following day and so from day to day.

Hearing to  
continue from  
day to day.

25.-(1) No formal adjournment of the Election Tribunal for the hearing of an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day to day until the hearing is concluded unless the Election Tribunal otherwise directs as the circumstances may dictate.

(2) If the Chairman who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommenced and concluded by another Chairman appointed by the appropriate authority.

Adjournment  
of hearing.

26.-(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Election Tribunal, and notice of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the Tribunal notice board.

(2) The hearing may be continued on a Saturday or on a public holiday if circumstances dictate.

Power of the  
Chairman to  
dispose of  
interlocutory  
matters.

27.-(1) All interlocutory questions and matters shall be heard and disposed of by the Chairman who shall have control over the proceedings as a Judge in the Federal High Court.

(2) After the hearing of the election petition is concluded, if the Election Tribunal before which it was heard has prepared its judgment but the Chairman is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Election Tribunal, and the member shall certify the decision of the Electoral Tribunal to the Electoral Officer, the Resident Electoral Commissioner or the Commission.

28.-(1) At the conclusion of the hearing, the Election Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Electoral Officer, Resident Electoral Commissioner or the Commission.

Effect of determination of election petition.

(2) If the Election Tribunal has determined that the election is invalid, then, subject to section 138 of this Decree where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than 3 months from the date of the determination.

29.-(1) An election petition shall not be withdrawn without leave of the Election Tribunal.

Withdrawal or abatement of petition.

(2) Where the petitioners are more than one, no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw an election petition shall be made by motion in Form TF. 006 set out in Schedule 7 to this Decree after notice of the application has been given to the respondents.

Form TF. 006. Schedule 7.

(4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice of motion, the petitioner or petitioners shall leave copies for service on the respondents.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule together with copies for each respondent and pay the fees prescribed or directed by the Secretary for service.

Affidavit against  
illegal terms of  
withdrawal.

30. Before leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that -

(a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made; and

(b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavit.

Time for hearing  
motion for leave  
to withdraw petition.

31.-(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Election Tribunal.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice.

Payment of cost  
to respondents.

32. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or anyone of them unless the Election Tribunal otherwise orders.

Abatement of  
proceedings in  
election petition.

33.-(1) If a sole petitioner or the survivor of several petitioners dies then, subject to sub-paragraphs (2) and (3) of this paragraph, there shall be no further proceedings on the election petition and the Election Tribunal may strike it off its cause list.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the notice to the Election Tribunal, and if the Election Tribunal so directs, the Secretary shall -

- (a) serve notice thereof on the other parties to the election petition;
- (b) post or cause to be posted a notice thereof on the Tribunal notice board; and
- (c) cause notice thereof to be published in the *Gazette* and in conspicuous places in the constituency, in such form as the Election Tribunal may direct.

34.-(1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Election Tribunal notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall -

Notice of  
no opposition  
to petition.

- (a) serve notice thereof on the other parties to the election petition; and
- (b) post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party

against the election petition in any proceeding on it, but the giving of the notice shall not of itself cause him to cease to be a respondent.

Countermand  
of notice of  
hearing.

35.-(1) Where a notice of -

(a) the petitioner's intention to apply for leave to withdraw an election petition; or

(b) the death of the sole petitioner or the survivor of several petitioners; or

(c) the respondent's intention not to oppose an election petition,

is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner and, as near as may be, as the notice of hearing.

Discretion of  
Election  
Tribunal if  
no reply.

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Election Tribunal may have allowed, or has given notice that he does not intend to oppose the petition, then if -

(a) there remains no more than one other candidate in the election who was not returned; or

(b) the election petition contains no prayer for a determination that the election was void; or

(c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that the election was void; or

(d) the election petition is one complaining of an undue return and claiming the seat or office for the candidate who



was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner,

the Election Tribunal may, if it thinks fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Election Tribunal may deem necessary for the full and proper determination of the election petition.

37.-(1) The fee payable on the presentation of an election petition shall not be less than ₦600.

Fees.

(2) A hearing fee shall be payable for the hearing at the rate of ₦40 per day of the hearing but not exceeding ₦200 in all, but the Election Tribunal may direct a lower fee to be charged for any day of the hearing.

(3) For the purpose of sub-paragraph (2) of this paragraph, the petitioner shall make a deposit of not less than ₦200 at the time of presenting his petition.

(4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General of the State concerned (acting in person or through any other Legal Officer) or the Attorney-General of the Federation (acting in person or through any other Legal Officer) or by a respondent who was the Electoral Officer, Returning Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the Election Tribunal at its own instance.

(7) A charge payable for the service of *subpoena* on a witness may be paid by the Secretary in the same way as a State witness' expenses.

Allocation  
of costs.

38.-(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Election Tribunal may determine, regard being had to -

(a) the disallowance of any costs, charges or expenses which may in the opinion of the Election Tribunal have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and

(b) the discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

(2) Where the Election Tribunal declares an election to be void, it may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

Return of  
security.

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to the person entitled to receive it by order of the Election Tribunal, which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Election Tribunal may require.

Payment of  
costs out  
of security.

40.-(1) The Election Tribunal may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

(2) Where a dispute arises on an application under sub-paragraph (1) of this paragraph, the Election Tribunal shall afford every person affected by the dispute an opportunity of being heard and shall make such order thereon as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the time appointed for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter -

(a) in the case of a party, at the address for service ;

(b) in the case of an application for payment, at the address given in his application,

so however, that the provisions of this sub-paragraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Election Tribunal.

(5) Execution may be levied under an order for payment made by the Election Tribunal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

41.-(1) On the hearing of an election petition, the Election Tribunal may summon a person as a witness who appears to the Election Tribunal to have been concerned in the election.

Calling of witnesses.

(2) The Election Tribunal may examine a witness so summoned or any other person in the Election Tribunal although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Election Tribunal at its own instance shall, unless the Election Tribunal otherwise orders, be deemed to be costs of the election petition and may, if the Election Tribunal so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Election Tribunal may direct.

(4) Where the Election Tribunal summons a person as a witness under this paragraph, the provisions of the relevant Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Election Tribunal shall -

(a) in making and carrying into effect an order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given; and

(b) in the examination of any witness who produces or will produce a document,

ensure that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Election Tribunal to be invalid.

Privileges of  
a witness.

42.-(1) A person called as a witness in a proceeding in the Election Tribunal shall not be excused from answering a question relating to an offence at or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground of privilege.

(2) A witness who answers truly all questions which he is required by the Election Tribunal to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Election Tribunal stating that the witness has so answered.

(3) An answer by a person to a question before the Election Tribunal shall not, except in the case of a criminal proceeding for

perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Decree, committed by him prior to the date of the certificate at or in relation to that election, the Election Tribunal having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

43. At the hearing of an election petition complaining of an undue return and claiming the seat on office for a petitioner, the respondent may, subject to the provisions of sub-paragraph (2) of paragraph 13 of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he had the person presenting the election petition complaining of the election.

Evidence by respondent.

44.-(1) The Election Tribunal shall have power, subject to the provisions of section 132 of this Decree and paragraph 15 of this Schedule, to enlarge time for doing any act or taking any proceeding on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

Enlargement and abridgement of time.

(2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing any thing or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Decree or by a direction or an order of the Election Tribunal, the costs of an application to extend the time, where allowed or of an order made thereon shall be borne by the party making the application, unless the Election Tribunal otherwise orders.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Election Tribunal may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Election Tribunal may, for good cause shown by affidavit or otherwise, dispense with the notice.

(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of  
notice.

45.-(1) Where a summons, notice or document, other than a notice or document mentioned in sub-paragraph (1) of paragraph 8 of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served -

(a) on the person appearing on the paper last filed on his behalf as his Solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge; or

(b) on the person named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on -

(i) the person there found apparently in charge, if such address is a place of business, or

(ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but until a notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Election Tribunal may, on being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service -

(a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or

(b) dispense with service or notice as the Election Tribunal may think fit.

46. Two or more candidates may be made respondents to the same petition and their case may, for the sake of convenience be heard at the same time, but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Two or more candidates as respondents.

47. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Election Tribunal shall otherwise direct in order to do justice or an objection *in limine* against one or more of the petitions has been upheld by the Election Tribunal.

Consolidation for petitions.

48.-(1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission, he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer or Returning Officer shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the State concerned or Attorney-General of the Federation, as the case may be.

Electoral Officer, etc as respondent.

(2) If consent is withheld by the Attorney-General under sub-paragraph (1) of this paragraph, the State Government or the Federal Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any costs which may be awarded against him by the Election Tribunal in respect of the election petition.

(3) Where an Electoral Officer, a Presiding Officer or Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his legal officers) or Attorney-General of the Federation (acting in person or through any of his legal officers) shall represent the Electoral Officer, Presiding Officer, Returning Officer or other official at the Election Tribunal.

(4) A private legal practitioner engaged by the Commission under sub-paragraph (3) of this paragraph shall be entitled to be paid his professional fees, and a legal officer so engaged shall be paid such honorarium as may be approved by the Commission.

Duplicate of documents.

49. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Non-compliance with rules, etc.

50.-(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Election Tribunal so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Election Tribunal may think fit and just.

(2) An application to set aside an election petition or a proceeding resulting therefrom for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time



and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Election Tribunal.

(5) An objection challenging the irregularity or competence of an election petition shall be heard and determined before any further steps in the proceedings if the objection is brought immediately the defect on the face of the election petition is noticed.

51. Subject to the express provisions of this Decree, the practice and procedure of the Election Tribunal in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Decree, as if the petitioner and the respondent were respectively the plaintiff and the defendant in ordinary civil action.

Application of  
Rules of Court.

52. Subject to the provisions of this Decree, an appeal to the Constitutional Court shall be determined in accordance with the practice and procedure relating to appeals in the Constitutional Court regard being had to the need for urgency on electoral matters.

Practice and  
procedure of  
Constitutional  
Court.

SCHEDULE 7

Section 107

FORMS

FORM C.F. 001

Confidential:

INDEPENDENT NATIONAL ELECTORAL COMMISSION

Code of Constituency .....

Name of Constituency .....

Personal particulars of persons seeking election to the Membership of State House of Assembly or Area Council or the Executive and Legislative Arms of State and Federal Government.

PART 1

Office being contested for:.....

A. PERSONAL PARTICULARS

- 1. Surname (in block letters) .....
- 2. Other Names (in block letters).....
- 3. Former name(s) by which known: .....
- 4. Residential Address .....
- 5. Marital Status .....
- 6. Postal Address:.....
- 7. Nationality .....
- 8. Did you change nationality in the past? If so what was your former nationality?.....
- 9. Place of Birth: .....
- 10. Date of Birth: .....
- 11.(a) Local Government Area/ Area council.....
- (b) Ward: .....
- 12. State .....
- 13. Are you an indigene of 12 above:.....
- 14. How long have you been domiciled in 12 above.....
- 15. Occupation?.....

**B. EDUCATION INSTITUTIONS ATTENDED WITH DATES**

- 1. Primary Schools .....
- 2. Secondary Schools (including Teachers, Commercial, Technical and equivalent institutions).....
- 3. Tertiary Institutions (including Universities And Colleges) .....

**C. EDUCATIONAL QUALIFICATION WITH DATES**

- D. WORKING EXPERIENCE WITH DATES** (State employer, nature of work, reason for leaving) .....

- E. POLITICAL EXPERIENCE AND ACTIVITIES**  
(State political activities involved in, in the past, public offices held, reason for leaving with dates (use additional sheet if necessary) .....

**F. GENERAL**

1. Have you ever been tried in a Court or Tribunal for any criminal offence? If yes, give details: .....

.....  
.....  
.....

2. Have you ever been tried by the Code of Conduct Tribunal? If yes, state details of the charges and the findings of the Tribunal, including punishment, if any .....

.....  
.....

3. Have you ever been involved in any trial relating to narcotic drugs or any psychotropic substance ? If so, state place of trial, date and the outcome of the trial: .....

.....  
.....  
.....

4. Have you ever been involved in any investigation or inquiry regarding lunacy ? If yes, give details: .....

.....  
.....  
.....

5. State with full details the names and addresses of Clubs, Societies, Associations or Unions you belong to or have belonged to in the past (use additional sheets if necessary): .....

.....  
.....  
.....

6. Have you ever been involved in any bankruptcy proceedings. If so, state where proceedings took place and the findings of the inquiry:

.....  
.....  
.....  
.....

7. The name of your Political Party and your position in it: .....

.....  
.....  
.....

8. Where have you paid your taxes in the last three years ? State the amount paid and the receipt numbers or tax clearance certificate:

.....  
.....  
.....

9. Are you a registered voter ? If so, state place of registration, registration number and the registration area code number:

.....  
.....  
.....  
.....

10.. Give any other information about your person:

.....  
.....  
.....

**G. DECLARATION BEFORE A COMMISSIONER OF OATHS, IN THE MAGISTRATE OR HIGH COURT OF THE PLACE YOU LIVE.**

1. I solemnly and sincerely declare that the particulars given above are true and correct to the best of my knowledge.
2. Before making the declaration, I verified the facts and cross-checked them as to their veracity.

Sworn to at the Magistrate/  
High Court Registry .....  
this ..... day ..... 1999

BEFORE ME:

.....  
COMMISSIONER FOR OATHS

PART II

H. FOR OFFICIAL USE OF THE COMMISSION

(Here record any independent information obtained or available about the subject).

FORM C.F. 002

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTIONS

SUBMISSION OF LIST OF CANDIDATES BY A POLITICAL PARTY

DATE:.....

NAME OF POLITICAL PARTY: .....

STATE: .....

LOCAL GOVERNMENT .....

S/N	NAME OF CANDIDATE	AGE	SEX	HOME ADDRESS	WARD OR CONSTITUENCY	POST BEING CONTESTED	EDUCATIONAL QUALIFICATION	PARTICULARS OF 3-YEAR TAX PAYMENT	REMARK

NB: Please attach Folders of each candidate with evidence of particulars supplied in this Form together with other information considered important.







**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
GOVERNORSHIP AND LEGISLATIVE ELECTION  
APPEAL AGAINST DISQUALIFICATION BY STATE CLEARANCE COMMITTEE**

DATE \_\_\_\_\_

1. NAME OF CANDIDATE \_\_\_\_\_
2. HOME ADDRESS \_\_\_\_\_
3. WARD OR CONSTITUENCY \_\_\_\_\_
4. LOCAL GOVERNMENT AREA \_\_\_\_\_
5. STATE \_\_\_\_\_
6. POLITICAL PARTY SPONSORING CANDIDATE \_\_\_\_\_
7. POST SOUGHT TO CONTEST \_\_\_\_\_
8. REASON FOR DISQUALIFICATION BY STATE CLEARANCE COMMITTEE, IF KNOWN \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. GROUNDS OF APPEAL \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. FURTHER PERSONAL PARTICULARS OR INFORMATION LIKELY TO EXPLAIN AWAY CAUSE OF DISQUALIFICATION (ATTACH DOCUMENTS IF NECESSARY)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. REMARK BY PARTY OFFICIAL (CHAIRMAN OR SECRETARY OF THE PARTY)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sign \_\_\_\_\_  
CHAIRMAN/SECRETARY  
(AFFIX OFFICIAL RUBBER STAMP)



INDEPENDENT NATIONAL ELECTORAL COMMISSION  
FORMS FOR NOMINATION OF GOVERNOR

TO:

The Chairman,  
Independent National Electoral Commission,  
Abuja.

.....State

.....  
DATE

I .....  
of ..... (Address) .....  
.....  
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the office of Governor for the above State.
2. I am a Nigerian citizen of not less than 35 years of age.
3. I have paid my income tax as and when due for three years immediately preceding the date of the election.
4. My name appears on the official list of voters for the ward in which I reside namely: ..... ward.
5. My educational qualifications are:  
.....  
.....
6. I hereby wish to nominate:.....  
..... as the  
Deputy Governor for the purpose of contesting the said election as my running mate.
7. In the event of a contested election, my political affiliation and Party is  
.....  
.....

Signed:  
Candidate for Governor

Signed:  
Candidate for Deputy Governor

8. We, being registered as electors in the above, do the nominate the above candidate:

Name: .....
Address: .....
Party Affiliation (if any): .....
Occupation: .....

Voter's registration Particulars:

Number: .....
Local Government: .....
Ward: .....
Registration Unit: .....
Date: .....

.....
Signature of First Nominator

Name: .....
Address: .....
Party Affiliation (if any): .....
Occupation: .....

Voter's registration Particulars:

Number: .....
Local Government: .....
Ward: .....
Registration Unit: .....
Date: .....

.....
Signature of Second Nominator

Name: .....
Address: .....
Party Affiliation (if any): .....
Occupation: .....

Voter's registration Particulars:

Number: .....
Local Government: .....
Ward: .....
Registration Unit: .....
Date: .....

.....
Signature of Third Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Sixth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Seventh Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Eighth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Ninth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Tenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Eleventh Nominator.

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Twelfth Nominator



Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fourteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fifteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Sixteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Seventeenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Eighteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Nineteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Twentieth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Twenty-First Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Twenty-Eight Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Twenty-Ninth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirtieth Nominator

FORM EC. 4D

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
FORMS FOR NOMINATION OF MEMBER OF STATE HOUSE OF ASSEMBLY

TO:

The Chairman,  
Independent National Electoral Commission,  
Abuja.

..... State Constituency

.....  
DATE

I .....  
of ..... (Address) .....  
.....  
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the State House of Assembly as a member for the above Constituency.
2. I am a Nigerian citizen of not less than 30 years of age.
3. I have paid my income tax as and when due for three years immediately preceding the year of the election.
4. My name appears on the official list of voters for the ward in which I reside namely:  
..... ward.
5. My educational qualifications are:  
.....  
.....  
.....
7. In the event of a contested election, my political affiliation and party is:  
.....  
.....  
.....

Signed:  
Candidate for the House of Assembly

8. We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of First Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Second Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Third Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fourth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fifth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Sixth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Seventh Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Eighth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Ninth Nominator



Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Tenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Eleventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twelfth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fourteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Fifteenth Nominator

FORM EC.5

(I.N.E.C. LOGO)

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
(RESIDENT ELECTORAL COMMISSION'S RULING AS TO  
VALIDITY OF NOMINATION)

.....  
.....  
.....

Take notice that a nomination paper received by me on ..... in your favour has been  
accepted/rejected by me upon the following grounds:

.....  
.....  
.....  
.....

Dated this ..... day of ..... 19.....

.....

Chairman

INDEPENDENT NATIONAL ELECTORAL COMMISSION

\* Strike out words not applicable.

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
STATEMENT OF RESULT OF POLL  
(ELECTION TO THE OFFICE OF GOVERNOR)**

POLLING STATION: ..... CODE NO.....  
 WARD:..... CODE NO:.....  
 LOCAL GOVERNMENT AREA: ..... CODE NO:.....  
 STATE: ..... CODE NO: .....

NO OF VOTERS ON THE REGISTER IN FIGURES: [ ]  
 NO OF VOTERS ON THE REGISTER IN WORDS: .....  
 NO OF ACCREDITED VOTERS IN FIGURES: [ ]  
 NO OF ACCREDITED VOTERS IN WORDS:.....  
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES: [ ]  
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS:.....  
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO THE POLLING STATION.... TO ....  
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO VOTERS ..... TO .....  
 SERIAL NUMBERS OF THE BALANCE OF UNUSED BALLOT PAPERS..... TO .....

I, ..... hereby certify:

1. That I was the Presiding Officer for the election held on ..... day of .... 1999 at the above Poling Station.
2. That the election was **CONTESTED/UNCONTESTED**.
3. That the candidates received the following votes:

AD	Votes scored in figures: [ ] votes scored in words: .....
APP	Votes scored in figures: [ ] votes scored in words: .....
PDP	Votes scored in figures: [ ] votes scored in words: .....

No. of Valid Votes ..... [ ]

No. of Invalid Votes ..... [ ]

Votes scored by all candidates in figures ..... [ ]

Votes scored by all candidates in words .....

Dated this ..... day of ..... 1999

Name of Presiding Officer ..... Sign/Stamp .....

\_\_\_\_\_  
Name/Sign of AD Agent

\_\_\_\_\_  
Name/Sign of APP Agent

\_\_\_\_\_  
Name/Sign PDP Agent

FORM EC. 8A(I)

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
STATEMENT OF RESULT OF POLL  
(HOUSE OF ASSEMBLY ELECTION)**

POLLING STATION: ..... CODE NO. ....  
 WARD: ..... CODE NO. ....  
 LOCAL GOVERNMENT AREA: ..... CODE NO. ....  
 STATE: ..... CODE NO. ....

NO OF VOTERS ON THE REGISTER IN FIGURES: [ ]  
 NO OF VOTERS ON THE REGISTER IN WORDS: .....  
 NO OF ACCREDITED VOTERS IN FIGURES: [ ]  
 NO OF ACCREDITED VOTERS IN WORDS: .....  
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES: [ ]  
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS: .....  
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO THE POLLING STATION.... TO .....  
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO VOTERS ..... TO .....  
 SERIAL NUMBERS OF THE BALANCE OF UNUSED BALLOT PAPERS..... TO .....

I, ..... hereby certify:

1. That I was the Presiding Officer for the election held on ..... day of .... 1999 at the above Poling Station.
2. That the election was CONTESTED/UNCONTESTED.
3. That the candidates received the following votes:

AD	Votes scored in figures: [ ] votes scored in words: .....
APP	Votes scored in figures: [ ] votes scored in words: .....
PDP	Votes scored in figures: [ ] votes scored in words: .....

No. of Valid Votes ..... [ ]  
 No. of Invalid Votes ..... [ ]  
 Votes scored by all candidates in figures ..... [ ]  
 Votes scored by all candidates in words .....  
 Dated this ..... day of ..... 1999  
 Name of Presiding Officer ..... Sign/Stamp .....

\_\_\_\_\_  
Name/Sign of AD Agent

\_\_\_\_\_  
Name/Sign of APP Agent

\_\_\_\_\_  
Name/Sign PDP Agent

FORM EC. 8B

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
 SUMMARY OF RESULTS FROM POLLING STATIONS FOR  
 GOVERNORSHIP ELECTION

STATE: .....

CODE:.....

NAME OF WARD:.....CODE.....

S/NO	CODE	NAME	NO. OF REGISTERED VOTERS	VOTES RECEIVED BY THE CANDIDATE/PARTIES					
				A D		A P P		P D P	
				Name of Candidate		Name of Candidate		Name of Candidate	
fig	words	fig	words	fig	words	fig	words		
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									

A 182 1999 NO. 3 State Government (Basic Constitutional and Transitional Provisions)

15.									
16.									
17.									
18.									
19.									
20.									
TOTAL	NO	OF	VOTES						
	NO	OF	VOTES		B/F				
TOTAL	NO	OF	VOTES	CARRIED	OVER				

NAME OF WARD RETURNING OFFICER: ..... SIGNATURE: ..... DATE/STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....  
AD APP PDP

FORM EC. 8B(1)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM POLLING STATIONS FOR  
HOUSE OF ASSEMBLY ELECTION**

STATE: .....

CODE:.....

NAME OF WARD:.....

CODE.....

S/NO	CODE	NAME	NO. OF REGISTERED VOTERS	VOTES RECEIVED BY THE CANDIDATE/PARTIES					
				A D		A P P		P D P	
				Name of Candidate		Name of Candidate		Name of Candidate	
				fg	words	fg	words	fg	words
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									

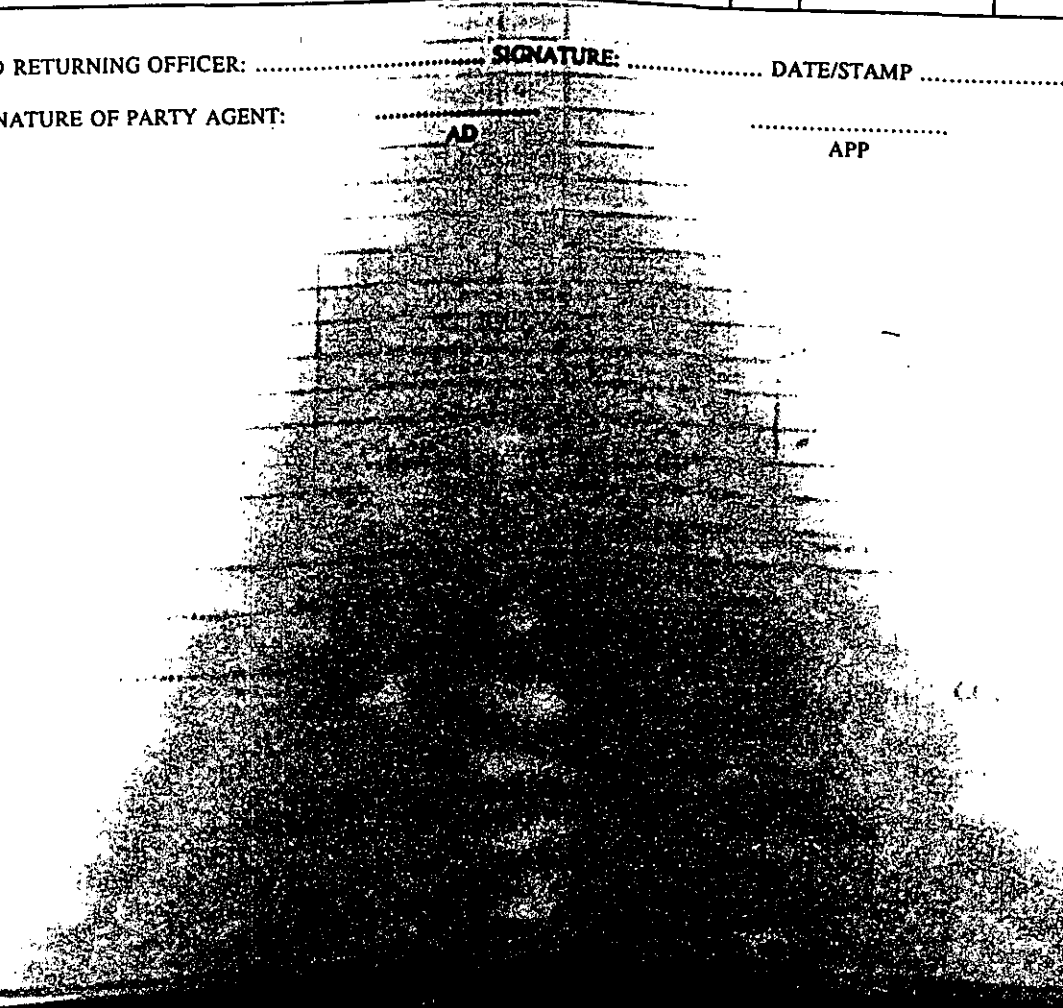
A 184 1999 No. 3 State Government (Basic Constitutional and Transitional Provisions)



19.										
20.										
TOTAL	NO	OF	VOTES							
NO	OF	VOTES	B/F							
TOTAL	NO	OF	VOTES	CARRIED	OVER					

NAME OF WARD RETURNING OFFICER: ..... SIGNATURE: ..... DATE/STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: ..... AD ..... APP ..... PDP .....



**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM WARDS FOR  
GOVERNORSHIP ELECTION**

STATE: .....

CODE.....

NAME OF WARD:.....

CODE.....

SNO	CODE	NAME	No. of Registered Voters	Votes Received by the Candidates		Votes Received by the Candidates		Votes Received by the Candidates	
				A D		A P P		P D P	
				Name of Candidate		Name of Candidate		Name of Candidate	
				fig	words	fig	words	fig	words
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									

A 186 1999 No. 3 State Government (Basic Constitutional and Transitional Provisions)

IV.										
21.										
TOTAL	NO	OF	VOTES							
NO	OF	VOTES		IF						
TOTAL	NO	OF	VOTES	CARRIED	OVER					

NAME OF LOCAL GOVERNMENT AREA RETURNING OFFICER: ..... SIGNATURE: ..... DATE/STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....  
A D
A P P
P D P

FORM EC. 8C(1)

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM WARDS FOR  
HOUSE OF ASSEMBLY ELECTION

STATE: .....

CODE.....

NAME OF WARD:.....

CODE.....

S/NO	CODE	NAME	No. of Registered Voters	Votes Received by the Candidate		Votes Received by the Candidate		Votes Received by the Candidate	
				A D		A P P		P D P	
				Name of Candidate		Name of Candidate		Name of Candidate	
				fig	words	fig	words	fig	words
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									

A 188 1999 No. 3 State Government (Basic Constitutional and Transitional Provisions)

17.									
18.									
19.									
20.									
TOTAL NO OF VOTES									
NO OF VOTES		B/F							
TOTAL	NOOF	VOTES	CARRIED	OVER					

NAME OF LOCAL GOVERNMENT AREA RETURNING OFFICER..... SIGNATURE: ..... DATE/STAMP .....

NAME AND SIGNATURE OF PARTY AGENT:

.....  
A D

.....  
A P P

.....  
P D P

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
 SUMMARY OF RESULTS FROM LOCAL GOVERNMENT AREAS  
 ELECTION TO THE OFFICE OF GOVERNOR

STATE: ..... CODE..... LOCAL GOVERNMENT AREA..... CODE..... LEVEL OF COLLECTION ..... STATE.....

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL VOTES CAST
S NO	CODE	NAME	A D		A P P		P D P		
			Name of Candidate		Name of Candidate		Name of Candidate		
			fig	in words	fig	in words	fig	in words	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									

A 190 1999 No. 3 State Government (Basic Constitutional and Transitional Provisions)

21.									
22.									
23.									
24.									
25.									
TOTAL	NO	OF	VOTES	CARRIED					

NAME OF STATE RETURNING OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT:

.....  
A D

.....  
A P P

.....  
P D P

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
 SUMMARY OF RESULTS FROM LOCAL GOVERNMENT AREAS  
 ELECTION TO THE STATE HOUSE OF ASSEMBLY

STATE: ..... CODE: ..... CONSTITUENCY ..... CODE: ..... LEVEL OF COLLECTION ..... CONSTITUENCY: .....

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL VOTES CAST
S/N	CODE	NAME	A D		A P P		P D P		
			Name of Candidate		Name of Candidate		Name of Candidate		
			1st	2nd	1st	2nd	1st	2nd	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									

A 192 1999 No. 3 State Government (Basic Constitutional and Transitional Provisions)



21.								
22.								
23.								
24.								
25.								
TOTAL	NO	OF	VOTES					

NAME OF STATE CONSTITUENCY RETURNING OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....  
   A D                                   A P P                                   P D P

FORM EC.8E

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
DECLARATION OF RESULTS OF ELECTION  
ELECTION TO THE OFFICE OF GOVERNOR**

**PART I**

(To be completed by the Returning Officer)

I, .....  
hereby certify:-

1. That I was the Returning Officer for the election of Governorship Election held on the ..... day of .....1999..... for .... State .....
2. That the election was CONTESTED/UNCONTESTED.
3. That the Candidate received the following votes:

NAME OF CANDIDATE	PARTY	TOTAL VOTES RECEIVED BY CANDIDATE PARTY	
		IN FIGURES	IN WORDS
	AD		
	APP		
	PDP		

**PART II**

(TO BE COMPLETED BY THE RESIDENT ELECTORAL COMMISSIONER OR ANY OTHER PERSON DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

4. That.....of.....having complied with the requirements of the law and scored the majority of votes, is hereby returned elected.

Signature of Returning Officer:.....

Dated this..... day of .....1999.

**FORM EC.8E(1)**

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
DECLARATION OF RESULTS OF ELECTION  
(HOUSE OF ASSEMBLY ELECTION)**

**PART I**

(To be completed by the Returning Officer)

I, .....  
hereby certify:-

1. That I was the Returning Officer for the election of Governorship Election held on the ..... day of .....1999..... for ..... State .....
2. That the election was CONTESTED/UNCONTESTED.
3. That the Candidate received the following votes:

NAME OF CANDIDATE	PARTY	TOTAL VOTES RECEIVED BY CANDIDATE /PARTY	
		IN FIGURES	IN WORDS
	AD.		
	APP		
	PDP		

**PART II**

(TO BE COMPLETED BY THE RESIDENT ELECTORAL COMMISSIONER OR ANY OTHER PERSON DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

4. That.....of.....having complied with the requirements of the law and scored the majority of votes, is hereby returned elected.

Signature of Returning Officer:.....

Dated this..... day of .....1999

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
ELECTION TO STATE HOUSE OF ASSEMBLY**

**CERTIFICATE OF RETURN ELECTION UNDER THE STATE  
GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL  
PROVISIONS) DECREE 1998**

I hereby certify that the member elected for.....

Constituency of ..... State in the election held on the ..... day of..... 19....

is.....  
(State the full names of the member)

of:.....  
(State the full address of the member)

**DATED** this ..... day of..... 19.....

---

**INDEPENDENT NATIONAL ELECTORAL COMMISSION**

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
ELECTION TO OFFICE OF GOVERNOR**

**CERTIFICATE OF RETURN OF ELECTION UNDER THE STATE  
GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL  
PROVISIONS) DECREE 1998**

I hereby certify that the Governor elected for .....State in the  
election held on the ..... day of..... 19.....

is.....  
(State the full names of the Governor)

of:.....  
(State the full address of the Governor)

**DATED** this ..... day of.....19.....

---

**INDEPENDENT NATIONAL ELECTORAL COMMISSION**

FORM TF.001

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998  
IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES  
ELECTION TRIBUNAL

RECEIPT OF PETITION

BETWEEN:

.....} Petitioners  
.....}

AND

.....} Respondents  
.....}

Received on the .....day of ..... 19.... at the Registry of ..... Governorship and Legislative Houses Election Tribunal, a petition touching on the election of ....., a member of the ..... House of Assembly for the ..... Constituency purporting to be signed by (insert name of petitioner).

Dated at .....this ..... day of ..... 19.....

.....  
Secretary

For Service on:

Petitioner:

.....  
.....  
.....  
.....

FORM TF.002

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998 IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTION TRIBUNAL

PETITION

The election to the ..... for the ..... Constituency held on the ..... day of ..... 19 .....

Between

A.B.....) Petitioner(s) C.D.....)

And

E.F.....) Respondent(s) G.H.....)

The petition of A. B. of .....(or of A. B. of ..... and C. D. of ..... or as the case may be) whose names are subscribed.

- 1. Your petitioner A. B. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned or elected at the above election) or was a candidate at the above election, and your petitioner C. D.,(here state in like manner the right of each petitioner) .....
2. And your petitioner(s) state(s) that the election was held on the .....day of .... 19 ..... when A. B. (and C.D.) and E.F. (and G.H) were candidates.
3. And your petitioner(s) state(s) that (here state facts and grounds on which the petitioner(s) rely).

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) and that the (or his) election was void or that the said A.B. (and C.D.) was (were) elected and ought to have been returned, or as the case may be.

Signed .....A.B.  
.....C.D.

Address for services (within 5 kilometres)  
of a post office within the Judicial  
Division.....  
.....

The name of my (or our) Solicitor is.....  
or I (or we) am (or are) acting for myself (or ourselves)

Signed .....A.B. Petitioner(s)  
.....C.D.

Signed before me this ..... day of .....: 19 .....

Secretary



FORM T.F 003

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998 IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTION TRIBUNAL

NOTICE OF PRESENTATION OF PETITION

HOLDEN AT ..... PETITION NO. ....

Between

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
.....)

To Respondent (s):

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal named above and that you are to enter an appearance in respect of the petition to the said Registry within ..... days of the date when this notice was left at your address set out below, or as the Tribunal may direct by order under paragraph 9(2) of Schedule 6 to this Decree, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the Tribunal notice board, which shall be sufficient notice thereof.

Dated this ..... day of ..... 19 .....

.....
Secretary

To .....
.....
.....

FORM T.F 004

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998 IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTION TRIBUNAL

MEMORANDUM OF APPEARANCE

Between

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
.....)

To: The Secretary,

..... Governorship and Legislative Houses Election Tribunal

Please enter appearance for ..... who is ..... in the above election petition.

The name and address of his Solicitor are as follows -

.....
.....
.....

Dated this ..... day of ..... 19 .....

Signed:

For Service on:
Petitioner:

.....
.....

FORM T.F 005

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998 IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTION TRIBUNAL

NOTICE OF HEARING

Between

.....) Petitioner(s)

.....)

And

.....) Respondent(s)

.....)

The petition of ..... (Petitioner) of ..... (or of ..... of ..... and ..... (Petitioners) as the case may be) whose name are subscribed.

TAKE NOTICE that the above election petition will be heard on ..... the ..... day of ..... 19 ..... and on such other days as the Tribunal may determine.

Dated this ..... day of ..... 19 ...

..... Secretary

Address For Service:

Petitioner:

.....  
.....  
.....

Respondent:

.....  
.....  
.....

FORM TF.006

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998  
IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES  
ELECTION TRIBUNAL

NOTICE OF MOTION TO WITHDRAW PETITION

HOLDEN AT .....

PETITION NO .....

*Between*

.....) Petitioner(s)  
.....)

*And*

.....) Respondent(s)  
.....)

TAKE NOTICE that this Honourable Tribunal will be moved on .....  
the .....day of ..... 19.... at the hour of 9 o'clock in the forenoon or as  
soon thereafter as the Petitioner or Counsel on his behalf can be heard  
praying the Tribunal for an order enabling the Petitioner to withdraw the  
above petition on the following grounds:

.....  
.....

Dated at ..... this .....day of .....

.....  
Petitioner(s) or Solicitor

For Service on: .....  
.....  
.....

MADE at Abuja this 6th day of January 1999.

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,**  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria.*

**EXPLANATORY NOTE**

*(This note does not form part of the above Decree but is intended to explain its purport).*

The Decree provides, among other things -

- (a) for the conduct of elections to the Houses of Assembly and the offices of Governors and Deputy Governors; and
- (b) for offences and penalties and the determination of questions relating to the elections