

NIGERIAN LAW REFORM COMMISSION ACT

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NIGERIAN LAW REFORM COMMISSION ACT

An Act to set up a Law Reform Commission for Nigeria to undertake the progressive development and reform of substantive and procedural law applicable in Nigeria by way of codification, elimination of anomalous or obsolete laws and general simplification of the law in accordance with general directions issued by the Government, from time to time and for matters connected therewith.

[3rd July, 1979]

[Commencement.]

Establishment of the Commission

1. Establishment of the Nigerian Law Reform Commission

(1) There is hereby established a commission to be known as the Nigerian Law Reform Commission (in this Act referred to as "the Commission").

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may hold, acquire and dispose of any property or interest in property, movable and immovable.

1. Appointment and tenure of office of members etc.

(1) The members of the Commission shall be appointed by the President and shall consist of four full-time Commissioners, one of whom shall be designated as the chairman.

[1985 No.6.]

(2) The persons appointed to be full-time Commissioners under subsection (1) of this section shall (except as already provided therein) be persons appearing to the National Assembly to be suitably qualified-

(a) by the holding of a high judicial office;

(b) by experience as a legal practitioner of not less than twelve years standing; or

(c) by being an eminent scholar in law.

(3) A person who holds high judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission and such appointment shall not affect his tenure of that judicial office or his rank, title, status, precedence and (except where this is less than as prescribed in subsection (6) of this section) salary or allowances or other rights and privileges as the holder of that judicial office and, accordingly, his service as a member of the Commission shall be taken to be service as the holder of that judicial office.

(4) Subject to subsection (5) of this section, a person appointed as a Commissioner shall hold office for five years and shall be eligible for reappointment for one further period of five years.

(5) The National Assembly may terminate the appointment of a member on grounds of misbehaviour or inability to discharge the duties of his office by reason of physical or mental incapacity:

Provided that this subsection shall not apply to a member who is the holder of a high judicial office, but if a member who is the holder of a high judicial office ceases to hold such office, the National Assembly may terminate his appointment.

(6) There shall be paid to every Commissioner such salaries and allowances as the President may, from time to time, direct: Provided that the salary and allowances of the chairman shall not be less than such as are paid to a Justice of the Supreme Court of Nigeria.

(7) Except in the case of persons holding high judicial office, the chairman and the full-time Commissioners shall not while holding office as Commissioners hold any other offices of emolument either in the public service or in any other service whatsoever.

1. Proceedings

(1) The Commission shall have power to regulate its proceedings and may make standing orders for the purpose and, subject to any such standing orders and to subsection (2) of this section, may function notwithstanding-

- (a) any vacancy in its membership or the absence of any member;
- (b) any defect in the appointment of a member; or
- (c) that a person not entitled to do so took part in its proceedings.

(2) The quorum at any meeting of the Commission shall be three Commissioners.

(3) Where standing orders made under subsection (1) of this section provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

1. Committees

(1) Subject to its standing orders, the Commission may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Commission is concerned.

(2) Every committee set up under this section shall be presided over by a member of the Commission and shall be made up of such number of other persons (who need not be

members of the Commission) as the Commission may determine in each case.

(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.

Functions

5. Functions of the Commission

(1) Subject to the following provisions of this section, it shall be the duty of the Commission generally to take and keep under review all Federal laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of Nigerian society including, in particular, the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law.

(2) For the purposes of subsection (1) of this section, the Commission-

(a) shall receive and consider any proposals for the reform of the law which may be made or referred to it by the Attorney-General of the Federation (in this Act referred to as "the Attorney-General");

(b) may prepare on its own initiative and submit to the Attorney-General, from time to time, programmes for the examination of different branches of the law with a view to reform;

(c) shall undertake, pursuant to any recommendations approved by the Attorney-General, the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise, of proposals for reform therein;

(d) shall prepare, from time to time, at the request of the Attorney-General, comprehensive programmes of consolidation and statute law revision, and undertake the preparation of draft legislation pursuant to any such programme approved by the Attorney-General;

(e) may provide advice and information to Federal Government departments and other authorities or bodies concerned, at the instance of the Federal Government, with proposals for the reform or amendment of any branch of the law.

(3) The Attorney-General may-

(a) modify the terms of a reference; and

(b) give directions to the Commission as to the order in which it is to deal with references.

(4) For the purpose of the efficient performance of its functions under this Act, the Commission may, from time to time, obtain such information as to the legal systems of other countries as appears to it likely to facilitate the performance of any such function.

(5) The Commission may conduct such seminars and, where appropriate, hold such public sittings concerning any programme for law reform as it may consider necessary from time to time.

(6) The Attorney-General shall lay before the President any programmes prepared by the Commission and any proposals for reform formulated by the Commission pursuant to such programmes.

(7) Notwithstanding the foregoing provisions, the Commission shall be autonomous in its day-to-day operations.

(8) For the purposes of subsection (1) of this section "**Federal laws**" means all laws within the legislative competence of the Government of the Federation and includes all received law and rules of law in force in the Federation and having effect as if enacted by the Federal legislature and all procedural laws and all subsidiary instruments made under or pursuant to any such law.

1. Interim reports

Where the Attorney-General has referred a matter to the Commission-

(a) the Commission may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and

(b) the Attorney-General may, at any time before the Commission makes its report in pursuance of the references, direct the Commission to make an interim report on its work under such reference.

1. References by States

(1) Notwithstanding section 5 (1) of this Act, the Commission shall have power to consider proposals for reform of State laws from any State, group of States or all the States in the Federation and submit reports thereon to the appropriate Attorney-General or Attorneys-General.

(2) The Commission may, from time to time, whether in pursuance of subsection (1) of this section or on its own initiative, consider or put forward proposals for the consideration of the States' Attorneys-General, or such number of them as may be appropriate

in the circumstances, for uniformity between the laws of the States or, as the case may require, the group of States concerned.

(3) The expenses involved in any references pursuant to subsection (1) of this section shall be borne by the Governments of the State concerned or, as the case may be, the Governments of the States concerned.

(4) The provisions of sections 5 and 6 of this Act shall apply with all necessary modifications to any reference made under this section and, accordingly, references therein to the Attorney-General of the Federation shall be read as if they were references to the Attorney-General of a State and references to the President shall be read as if they were references to the Governor of a State.

(5) In this section, "State laws" include any law which is not a Federal law as defined in section 5 (8) of this Act.

Staff and financial provisions

1. Secretary and other staff of the Commission

(1) There shall be appointed for the Commission by the President, on the recommendation of the Attorney-General, a Secretary who shall-

[1999 No. 59.)

(a) be the accounting officer of the Commission;

(b) hold office-

(i) for a period of five years in the first instance and may be re-appointed for one further period of five years and no more; and

(ii) on such terms and conditions as may be specified in his letter of appointment;

(c) assist the chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and

(d) carry out such other duties as may be directed, from time to time, by the Commission.

(2) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.

(3) The remuneration and tenure of office of the employees of the Commission shall be determined by the Commission after consultation with the Federal Civil Service Commission.

1. Service in the Commission to be pensionable, etc.

(1) Subject to subsection (3) of this section, persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act in respect of persons holding equivalent posts; and accordingly, and notwithstanding the provisions of the Pensions Act,

it is hereby declared that service in the Commission shall be approved service for the purposes of that Act.

[Cap. P4.]

(2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Commission do not include references to full-time Commissioners holding high judicial office in respect of whom other provisions relating to pensions, gratuities and other retirement benefits are in force or to part-time Commissioners.

(3) Nothing in this section shall prevent the appointment of a person to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

10. Establishment of fund by the Commission

(1) The Commission shall establish and maintain a fund consisting of such monies as may in each financial year be appropriated by the Government of the Federation for the purposes of the Commission.

(2) The Commission shall defray from the fund established pursuant to subsection (1) of this section all the amounts payable under or in pursuance of this Act being sums representing-

(a) amounts payable to the chairman and other members of the Commission (including allowances);

(b) costs of employment of staff of the Commission;

(c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Act or any other enactment;

(d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission;

(e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Act.

11. Accounts and audit

(1) The secretary to the Commission shall in each financial year prepare estimates of recurrent and capital expenditure and, when approved by the Commission, the estimates shall be forwarded through the Attorney-General for approval by the Government of the Federation.

(2) The secretary shall keep proper accounts and proper records in relation thereto.

(3) The accounts of the Commission shall be audited by an auditor appointed annually from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation on such terms as the Commission may, with the approval of the Minister of Finance determine.

Supplementary

12. Annual report

(1) In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President, through the Attorney-General, not later than the 30th of June in each financial year, a report on the activities of the Commission during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(2) The Commission may, from time to time, publish general reports on its activities for sale to members of the public.

13. Regulations

The Commission may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Act.

14. Interpretation

In this Act, unless the context otherwise requires-

"chairman" means the chairman of the Commission;

"Commission" means the Nigerian Law Reform Commission established under section 1 of this Act;

"high judicial office" means any judicial office not below the office of a Judge of a High Court;

“member” means any member of the Commission and includes the chairman.

15. Short title

This Act may be cited as the Nigerian Law Reform Commission Act.

NIGERIAN LAW REFORM COMMISSION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation