

CHAPTER 8
ADVISORY COUNCIL ON PREROGATIVE OF MERCY LAW

Arrangement of sections

Section:

1. Short title
- 2 Interpretation
3. Establishment of Council
4. Tenure of office of appointed members
5. Consultation with Council
6. Functions of Council
7. Procedure for meetings of the Council

CHAPTER 8

ADVISORY COUNCIL ON PREROGATIVE OF MERCY LAW

A Law to make provisions for the appointment and duties of the Advisory Council on Prerogative of Mercy,

ANSL.CAP.7

August. 1991J

1. This Law may be cited as the Advisory Council on Prerogative of Mercy Law.

Short title

2. In this Law —

Interpretation

“Council” means the Advisory Council established by section 3 of this Law.

“chairman” means chairman of the Council.

“Constitution” means the Constitution of the Federal Republic of Nigeria;

“Governor” means Governor of Enugu State “State” means Enugu State of Nigeria

3.(1) The Advisory Council on Prerogative of Mercy is hereby established.

Establishment
of Council

(2) The Council shall consist of —

(a) the Attorney-General of the State who shall be the chairman; and

(b) not less than five and not more than seven other members, who

shall be appointed by the Governor, at least one of whom shall be a person who is a qualified medical practitioner.

(3) Except as provided in subsection (2) (a) of this section, a person shall not be qualified for appointment by the Governor as a member of the Council if he is —

(a) a member of the Legislative House of the State or of any other State;

(b) a member of either House of the National Assembly;

(c) a Commissioner of the Government of the State or of any other State;

(d) a Judge of the High Court or a Magistrate.

4. A member of the Council appointed by the Governor shall hold office for four years;

Provided that his seat in the Council shall become vacant —

(a) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such; or

(b) if he is removed from office by the Governor for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour

5. The prerogative of mercy powers of the Governor under the Constitution shall be exercised by him after consultation with the Council.

6. Where any person has been convicted of an offence, or sentenced to death or to a term of imprisonment by any court of law in Nigeria for any offence created by or under any law of a State the Chairman shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as the chairman may require, to be taken into consideration at a meeting of the Council, and after obtaining the advice of the Council the Chairman shall cause the recommendations of the Council in relation to that person to be communicated to the Governor.

Tenure of
office and
removal of
members.

Consultation
with
Council

Functions
of the
Council

Procedure
for
meetings
of council

7. The Advisory Council may regulate its own procedure.