

## **CHAPTER 104 - PREROGATIVE OF MERCY\***

### **A LAW TO ESTABLISH AN ADVISORY COUNCIL ON PREROGATIVE OF MERCY**

[7 *January* 1980]

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

2. In this Law unless the context otherwise requires:—

"Advisory Council" means the Advisory Council on Prerogative of Mercy of the State;

"Attorney-General" means the Attorney-General of the State;

"Chairman" means the Chairman appointed under section 4;

"Governor" means the Governor of the State;

"Member" means a member of the Advisory Council and includes the Chairman;

"Secretary" means the Secretary to the Advisory Council;

"State" means the Gongola State of Nigeria.

3. There shall be for the State an Advisory Council to be known as the Advisory Council on the Prerogative of Mercy.

4. The Advisory Council shall consist of:—

(a) a Chairman;

(b) the Attorney-General, if not designated as Chairman;

(c) a medical practitioner; and

(d) not less than five and not more than seven other persons;

who shall be appointed by the Governor.

5. The functions of the Advisory Council shall be to advise the Governor in the exercise of his

powers with respect to Prerogative of Mercy under section 192(1) of the Constitution of the Federal Republic of Nigeria, 1979.

6. A person shall not be qualified for appointment by the Governor as a member of the Advisory Council if he is:-

(a) a member of the State House of Assembly; or

(b) a member of the National Assembly; or

(c) a member of the State Council of Chiefs; or

(d) a Commissioner of the Government of another State other than Gongola State; or

(e) a Minister of the Government of the Federation.

7.—(1) A member appointed by the Governor shall hold office until such a time as Governor may determine and any such member, not being a person employed in the Public Service of Gongola State, may at any time resign his appointment by writing under his hand addressed to the Governor.

(2) (a) Notwithstanding the provisions of subsection (1) of this section if any circumstance arises, that if he were not a member of the Advisory Council, a member would be disqualified for appointment by Governor as a member; or

(b) If the Chairman or any member is removed from office by the Governor for unfitness or inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; the Chairman or any such member's seat on the Advisory Council shall become vacant and the Governor may appoint any person as he may deem fit to act in his place.

8.—(1) The Advisory Council shall sit as often as may be required to perform its functions and shall sit not less than once in two calendar months.

(2) The Advisory Council may regulate its own procedure.

9.—(1) There shall be a Secretary to the Advisory Council to be appointed by the Governor and the Secretary shall keep proper records of the minutes and proceedings of the Advisory Council

and perform such other functions as the Advisory Council may from time to time direct including matters relating to correspondence.

(2) The Secretary shall not be a member.

10.—(1) The quorum for a meeting of the Advisory Council shall not be less than three members at the date of the meeting.

(2) A member of the Advisory Council shall be entitled to one vote and a decision of the meeting may be taken and any act or thing may be done in the name of the Advisory Council by a majority of the members present at a meeting.

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

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

11. A member shall be paid such remuneration or allowances as the Governor may determine.

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