# <chapter>

# <title>CHAPTER A4 - ADVISORY COUNCIL ON THE PREROGATIVE OF MERCY LAW</title>

<cover>ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

2. Interpretation.

3. Establishment and membership of the Advisory Council on Prerogative of Mercy.

4. Tenure of office.

5. Functions of the Council.

6. Remuneration.

</cover>

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ADVISORY COUNCIL ON THE PREROGATIVE OF MERCY LAW**

**<lawdescription> A Law to establish an Advisory Council on the Prerogative of Mercy. </lawdescription>**

<lawnumber>[KWS 9 of 1980, No. 4 of 2006.]</lawnumber>

<lawdate>[Date of commencement: 1*st October,* 1980]</lawdate>

**<sections>**

**<section>**

**<heading> 1. Short title </heading>**

<body>This Law may be cited as the Advisory Council on the Prerogative of Mercy Law.</body> </section>

<section>

**<heading>2. Interpretation</heading>**

<body>In this Law, unless the context otherwise requires—

**"the Attorney-General"** means the Attorney-General and Commissioner for Justice of the State;

**"the Council"** means the Advisory Council on the Prerogative of Mercy established pursuant to section 3 of this Law;

**"the Governor"** means the Governor of Kwara State of Nigeria; and

**"the State"** means Kwara State of Nigeria.</body> **</section>**

<section>

**<heading>3. Establishment and membership of the Advisory Council on Prerogative of Mercy</heading>**

<body>(1) There is hereby established for the State an Advisory Council on the Prerogative of Mercy (hereinafter referred to as "the Council") which shall consist of—

(*a*) the Attorney-General, who shall be the Chairman; and

(*b*) not less than five nor more than seven other members who shall be appointed by the Governor, of whom at least one shall be a person who is a qualified medical practitioner.

(2) Subject to subsection (1) (*a*) of this section, a person shall not be qualified for appointment as a member of the Council if he is a member of the National Assembly, a member of the House of Assembly of the State, a Commissioner of the Government of the State, a Minister of the Federal Government or a Commissioner of another State.</body> </section>

<section>

**<heading>4. Tenure of office</heading>**

<body>(1) A member of the Council appointed by the Governor shall hold office for three years:

Provided that his seat in the Council shall become vacant if—

(*a*) 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*) 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.

(2) Any member, not being a member of the public service of the State, may at any time resign his office by letter addressed to the Governor and such member shall cease to be a member of the Council as from the date of receipt of the letter by the Governor.</body></section>

<section>

**<heading>5. Functions of the Council</heading>**

<body>(1) The functions of the Council shall be to advise the Governor on the exercise of the Prerogative of Mercy conferred upon him by section 212 (1) of the Constitution of the Federal Republic of Nigeria.

[No. 4 of 2006.1

(2) Where any person who has been concerned with or convicted of an offence created by any Law of the State is to be considered for the exercise of the Governor's Prerogative of Mercy, the Attorney-General shall cause a written report of the case from the trial Judge, the prison, medical and local reports together with such other information derived from the record of the case or elsewhere as the Attorney-General may require, to be taken into consideration at a meeting of the Council.

(3) Subject to the foregoing provisions of this section, the Council shall have the power to determine its quorum and regulate its own proceedings.

(4) The validity of any proceedings of the Council shall not be affected by—

(*a*) any vacancy in its membership; or

(*b*) any defect in the appointment of a member; or

(*c*) the fact that a person not entitled to do so took part in the proceedings of the Council.</body> </section>

<section>

**<heading>6. Remuneration</heading>**

<body>There shall be paid to the members of the Council (not being *ex officio* members) such remuneration and allowances as the Governor may determine.</body>

</section>

</sections>

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<cdata>

CHAPTER A4

**ADVISORY COUNCIL ON THE PREROGATIVE OF MERCY LAW**

SUBSIDIARY LEGISLATION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*No Subsidiary Legislation*

</cdata>

</chapter>