

A BILL

FOR

AN ACT TO AMEND THE NATIONAL INDUSTRIAL COURT ACT, 2006 AND
OTHER RELATED MATTERS

Sponsored by Hon. Ossai Nicholas Ossai

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

1 1. The National Industrial Court Act, 2006 (in this Act referred to
2 as “the Principal Act”) is amended as set out hereunder:

3 2. Section 1 subsection 3 (b) of the Principal Act is amended by
4 deleting the existing subsection and substituting same with the following:

5 “For the purposes of exercising any jurisdiction conferred upon it
6 by this Act or as may be conferred by an Act of the National Assembly, the
7 court shall have all the powers of a High Court.”

8 3. Section 1 subsection 3 of the Principal Act is again amended by
9 adding a new subsection 3 (c) which is as follows:

10 “Notwithstanding subsection 3 (b) of this section, the National
11 Assembly may by law, make provisions conferring upon this court powers
12 additional to those conferred by this section as may appear necessary or
13 desirable for enabling the court to be more effective in exercising its
14 jurisdiction.”

15 4. Section 2 subsections (a) and (b) of the Principal Act is amended
16 by deleting the entire provision and substituting same with only a new
17 section 4 without subsections. The new section 4 is as follows:

18 “A person shall not be eligible to hold the office of a judge of the
19 National Industrial Court unless the person is a Legal Practitioner in Nigeria
20 and has been so qualified for a period of not less than ten years and has
21 considerable knowledge and experience in the law and practice of industrial

1 relations and employment conditions in Nigeria.”

2 5. Section 7 subsections (1)(2)(3)(4)(5) and (6) of the Principal Act is
3 amended by deleting the entire subsections (1)(2)(3)(4)(5) and (6) and
4 substituting same with new subsections (1)(2)(3)(4)(5) and (6) which is as
5 follows:

6 “7- (1) The court shall have and exercise jurisdiction to the exclusion
7 of any other court in civil causes and matters-

8 (a) Relating to or connected with any labour, employment, trade
9 unions, industrial relations and matters arising from workplace, the conditions
10 of service, including health, safety, welfare of labour, employee, worker and
11 matters incidental thereto or connected therewith;

12 (b) Relating to, connected with or arising from factories Act, Trade
13 Disputes Act, Trade Unions Act, Employees' Compensation Act or any other
14 Act or Law relating to labour, employment, industrial relations, workplace or
15 any other enactment replacing the Acts or Laws;

16 (c) Relating to or connected with the grant of any order restraining
17 any person or body from taking part in any strike, lock-out or any industrial
18 action, or any conduct on contemplation or in furtherance of a strike, lock-out
19 or any industrial action and matters connected therewith or related thereto;

20 (d) Relating to or connected with any dispute over the interpretation
21 and application of the provisions of Chapter IV of this Constitution as it relates
22 to any employment, labour, industrial relations, trade unionism, employer's
23 association or any other matter which the Court has jurisdiction to hear and"
24 determine;

25 (e) Relating to or connected with any dispute arising from national
26 minimum wage for the Federation or any part thereof and matters connected
27 therewith or arising therefrom;

28 (f) Relating to or connected with unfair labour practice or
29 international best practices in labour, employment and industrial relation
30 matters;

- 1 (g) Relating to or connected with any dispute arising from
2 discrimination or sexual harassment at workplace
- 3 (h) Relation to, connected with or pertaining to the application or
4 interpretation of international labour standards;
- 5 (i) Connected with or related to child labour, child abuse, human
6 trafficking or any matter connected therewith or related thereto;
- 7 (j) Relating to the determination of any question as to the
8 interpretation and application of any-
- 9 (i) Collective agreement;
- 10 (ii) Award or order made by an arbitral tribunal in respect of a trade
11 dispute or a trade union dispute;
- 12 (iii) Award or judgment of the Court;
- 13 (iv) Term of settlement of any trade dispute;
- 14 (v) Trade union dispute or employment dispute as may be recorded
15 in a memorandum of settlement;
- 16 (vi) Trade union constitution, the constitution of an association of
17 employers or any association relating to employment, labour, industrial
18 relations or work place;
- 19 (vii) Dispute relating to or connected with any personnel matter
20 arising from any free trade zone in the Federation or any part thereof.
- 21 (k) Relating to or connected with disputes arising from payment or
22 nonpayment of salaries, wages, pensions, gratuities, allowances, benefits
23 and any other entitlement of any employee, worker, political or public office
24 holder, judicial officer or any civil or public servant in any part of the
25 Federation and matters incidental thereto;
- 26 (l) Relating to-
- 27 (i) Appeals from the decisions of the Registrar of Trade Unions, or
28 matters relating thereto or connected thereto;
- 29 (ii) Appeals from the decisions or recommendations of any
30 administrative body or commission of enquiry, arising from or connected

1 with employment, labour, trade unions or industrial relations; and

2 (iii) Such other jurisdiction, civil or criminal and whether to the
3 exclusion of any other court or not, as may be conferred upon it by an Act of the
4 National Assembly;

5 (m) Relating to or connected with the registration of collective
6 agreements.

7 (2) Notwithstanding anything to the contrary in this Constitution, the
8 National Industrial Court shall have the jurisdiction and power to deal with any
9 matter connected with or pertaining to the application of any international
10 convention, treaty or protocol of which Nigeria has ratified relating to labour,
11 employment, workplace, industrial relations or matters connected therewith.

12 (3) The National Industrial Court may establish an Alternative
13 Dispute Resolutions Centre within the Court premises on matters which
14 jurisdiction is conferred on the court by this Constitution or any Act or Law:
15 Provided that nothing in this subsection shall preclude the National Industrial
16 Court from entertaining and exercising appellate and supervisory jurisdiction
17 over an arbitral tribunal or commission, administrative body, or board of
18 inquiry in respect of any matter that the National Industrial Court has
19 jurisdiction to entertain or any other matter as may be prescribed by an Act of
20 the National Assembly or any Law in force in any part of the Federation.

21 (4) The National Industrial Court shall have and exercise jurisdiction
22 and powers to entertain any application for the enforcement of the award,
23 decision, ruling or order made by any arbitral tribunal or commission,
24 administrative body, or board of inquiry relating to, connected with, arising
25 from or pertaining to any matter of which the National Industrial Court has the
26 jurisdiction to entertain.

27 (5) The National Industrial Court shall have and exercise jurisdiction
28 and powers in criminal causes and matters arising from any cause or matter of
29 which jurisdiction is conferred on the National Industrial Court by this section
30 or any other Act of the National Assembly or by any other Law.

1 (6) Notwithstanding anything to the contrary in this Constitution,
2 appeal shall lie from the decision of the National Industrial Court from
3 matters in sub-section 5 of this section to the Court of Appeal as of right.

4 (7) An Appeal shall lie from the decisions of the National Industrial
5 Court to the Court of Appeal as of right in decisions made or given by the
6 National Industrial Court arising from any civil cause or matter in respect of
7 section 254 (C) (1) (2) (3) and (4) of the constitution (third alteration) Act,
8 2010 and any other Act of the National Assembly.

9 Provided that such appeal shall lie with the leave of the Court of Appeal.

10 6. Section 9 subsection (1) and (2) of the Principal Act is amended
11 by deleting the entire provisions and inserting a new section 9 and
12 subsections (1) (2) and (3) which is as follows:

13 “9- (1) Subject to the provision of the constitution of the Federal
14 Republic of Nigeria 1999 and subsections (2) and (3) of this section, an
15 appeal shall lie from the decision of the court as of right to the Court of
16 Appeal on questions of fundamental rights as contained in Chapter 1 V of
17 this constitution as it relates to matters upon which the National Industrial
18 Court has jurisdiction.

19 (2) An Appeal shall only lie from the decision of the court to the
20 Court of Appeal as may be prescribed by an Act of the National Assembly.

21 Provided that where an Act or law prescribes that an appeal shall lie from the
22 decisions of the court to the Court of Appeal, such appeal shall be with the
23 leave of the Court of Appeal.

24 (3) Without prejudice to the provisions of section 7 of this Act, the
25 decision of the Court of Appeal in respect of any appeal arising from any
26 civil jurisdiction of the court shall be final.”

27 7. Section 12 subsections (1) and (2) of the Principal Act is
28 amended by deleting the entire provision and substituting same with a new
29 subsections (1) and (2) which is as follows:

30 “12- (1) Subject to the provisions of any Act of the National

1 Assembly the President of the court may make rules for regulating the practice
2 and procedure of the court.”

3 (2) For the purpose of exercising its criminal jurisdiction, the
4 provisions of the Criminal Code, Penal Code, Criminal Procedure Act,
5 Criminal Procedure Code or Evidence Act shall apply.”

6 8. Section 21 subsection 4 of the Principal Act is amended by deleting
7 the entire subsection and inserting a new proviso which is as follows:

8 “For the purpose of exercising any jurisdiction conferred upon it by
9 the Constitution or any other law, the National Industrial Court shall be duly
10 constituted if it consists of a single Judge or not more than three Judges as the
11 President of the National Industrial Court may direct.”

12 9. Section 21 subsection 5 of the Principal Act is amended by
13 completely deleting the roman figure '(a)'.

14 10. Section 21 is amended by adding a new subsection 6 which is as
15 follows:

16 “For the purposes of exercising its criminal jurisdiction, the President
17 of the Court may hear and determine or assign a single Judge of the court to
18 hear and determine such matters.”

19 11. Section 29 subsection (1) of the Principal Act is amended by
20 deleting the entire subsection (1) and substituting same with a new proviso
21 which is as follows:

22 “For the purpose of exercising any jurisdiction conferred upon it by
23 this Act or any other law, the court may, if it thinks it expedient to do so or in a
24 manner prescribed under any enactment, law or rules of court, call in the aid of
25 one or more assessors specially qualified to try and hear the cause or matter
26 wholly or partly with the assistance of such assessors.”

27 12. Section 29 subsection 2 of the Principal Act is amended by re-
28 numbering subsection 2 as subsection 3, and a new subsection 2 will be
29 inserted to read thus:

30 “For the purposes of subsection (1) of this section, an assessor shall be

1 a person who is qualified and experienced in his field of specialization and
2 who has been so qualified for a period of not less than ten years.”

3 13. This bill may be cited as the National Industrial Court Citation
4 (Amended) Bill, 2015.

EXPLANATORY MEMORANDUM

This bill seeks to make the National Industrial Court stand the test of time and serve the very end of justice by increasing the court's civil jurisdiction, reviewing the qualifications for appointment of the court's Judges and Assessors, creating criminal jurisdiction of the court and opening a pandora's box for appeals on criminal matters to lie from the court to the Court of Appeal.