

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA CAP. C23 LAWS OF THE FEDERATION OF NIGERIA, 2004 BY PROVIDING FOR THE ESTABLISHMENT OF THE ECCLESIASTICAL COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY ABUJA AND ESTABLISHMENT OF THE ECCLESIASTICAL COURT OF APPEAL OF THE STATES; TO PROVIDE FOR THE FUNCTIONS, JURISDICTION QUALIFICATION AND APPOINTMENT AND TENURE OF THE ECCLESIASTICAL COURT OF APPEAL; AND FOR RELATED MATTERS

Sponsored by:

Hon. Gyang Istifanus Dung

Hon. Sunday Marshall Katung

Hon. Johnbull T. Shekarau

Hon. Timothy Simon Golu

Hon. Shiddi Usman Danjuma

Hon. Gbefwi Gaza Jonathan

Hon. Yusuf Ayo Tajudeen

Hon. Solomon Bulus Maren

Hon. Kwewum Rimamnde Shawulu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- 1 1. The Constitution of the Federal Republic of Nigeria 1999 (in
- 2 this Bill referred to as "the Principal Act") is altered as set out in this Bill.
- 3 2. Section 6(5) of the Principal Act is altered by inserting two new
- 4 subparagraphs (j) (aa)-(bb)-
- 5 "(j) (aa) the Ecclesiastical Court of Appeal of the Federal Capital
- 6 Territory, Abuja;

Alteration of
Cap. C23, LFN,
2004

Alteration of
Section 6(5) of
the Principal Act

Alteration of
Section 84 of
the Principal
Act

- 1 (bb) an Ecclesiastical Court of Appeal of a State;"
- 2 3. Section 84 of the Principal Act is altered in sub-section 4 by-
- 3 (a) inserting immediately after the word "President and Judge of the
- 4 Customary Court of Appeal of the Federal Capital Territory, Abuja," in lines 7
- 5 and 8, the words "Grand Cardinal and Cardinals of the Ecclesiastical Court of
- 6 Appeal of the Federal Capital Territory, Abuja; and
- 7 (b) inserting immediately after the words "President and Judge of the
- 8 Customary Court of Appeal of a State," in lines 9 and 10, the words "High
- 9 Cardinal and Cardinals of the Ecclesiastical Court of Appeal of a State."
- 10 4. Section 185 of the Principal Act is altered in subsection 2 by
- 11 inserting immediately after the words, "President of the Customary Court of
- 12 Appeal of a State," in line 3, the words "Grand Cardinal of the Ecclesiastical
- 13 Court of Appeal of a State".
- 14 5. Section 240 of the Principal Act is altered by-
- 15 (a) inserting immediately after the words, "Customary Court of
- 16 Appeal of the Federal Capital Territory, Abuja," in lines 5 and 6, the words,
- 17 "Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja"; and
- 18 (b) inserting immediately after the words "Customary Court of
- 19 Appeal of a State," in lines 6 and 7, the words, "Ecclesiastical Court of Appeal
- 20 of a State".
- 21 6. Section 246 of the Principal Act is altered by inserting a new
- 22 section 246A-
- 23 "246A(1) An appeal shall lie from decisions of the Ecclesiastical
- 24 Court of Appeal to the Court of Appeal as of right in any civil proceedings
- 25 before the Ecclesiastical Court of Appeal with respect to any question of
- 26 Ecclesiastical law or Christian personal law and such other matters as may be
- 27 prescribed by an Act of the National Assembly.
- 28 (2) Any right of appeal to the Court of Appeal from the decision of an
- 29 Ecclesiastical Court of Appeal conferred by this section shall be-
- 30 (a) exercisable at the instance of a party thereto or, with the leave of

1 the Ecclesiastical Court of Appeal or of the Court of Appeal, at the instance
2 of any other person having an interest in the matter;

3 (b) exercised in accordance with any Act of the National Assembly
4 and rules of court for the time being in force regulating the powers, practice
5 and procedure of the Court of Appeal”.

6 7. Section 247(1) of the Principal Act is altered by inserting a new
7 paragraph (c)-

Alteration of
Section 247 of
the Principal Act

8 “(c) an Ecclesiastical Court of Appeal, if it consists of not less than
9 3 Justices learned in Ecclesiastical law or Christian personal law.”

10 8. Chapter VII of the Principal Act is altered by inserting a new
11 Part 1 G-

12 “G - The Ecclesiastical Court of Appeal of the Federal Capital
13 Territory Abuja”.

14 9. The Principal Act is altered by inserting a new section 270A-E:

Insertion of
Section 270A-E

15 “270A - (1) There shall be an Ecclesiastical Court of Appeal for the
16 Federal Capital Territory, Abuja.

17 (2) The Ecclesiastical Court of Appeal of the Federal Capital
18 Territory shall consist of-

19 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal;

20 (b) such number of Cardinals of the Ecclesiastical Court of Appeal
21 as may be prescribed by an Act of the National Assembly.

22 2708 - (1) The appointment of a person to the office of the Grand
23 Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
24 Territory, Abuja shall be made by the President on recommendation of the
25 National Judicial Council, subject to the confirmation of such appointment
26 by the Senate.

27 (2) The appointment of a person to the office of a Cardinal of the
28 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja shall
29 be made by the President on the recommendation of the National Judicial
30 Council.

1 (3) Apart from such other qualification as may be prescribed by an Act
2 of the National Assembly, a person shall not be qualified to hold the office of
3 Grand Cardinal or a Cardinal of an Ecclesiastical Court of Appeal of the
4 Federal Capital Territory, Abuja unless-

5 (a) he is a legal practitioner in Nigeria and has been so qualified for a
6 period of not less than ten years and has obtained a recognized qualification in
7 Ecclesiastical Law or Christian personal law from an institution acceptable to
8 the National Judicial Council;

9 (b) he has attended and has obtained a recognized qualification in
10 Ecclesiastical Law or Christian Personal Law from an institution approved by
11 the National Judicial Council and has held the qualification for a period of not
12 less than twelve years;

13 (c) he has either considerable experience in the practice of
14 Ecclesiastical Law or Christian Personal Law; or

15 (d) he is a distinguished scholar of Ecclesiastical Law or Christian
16 Personal Law.

17 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
18 Appeal is vacant or if the person holding the office is for any reason unable to
19 perform the functions of the office, then, until a person has been so appointed to
20 and has assumed the functions of that office or until the person holding the
21 office has resumed those functions, the President shall appoint the most senior
22 Cardinal from amongst the Cardinals of the Ecclesiastical Court of Appeal to
23 perform those functions.

24 (5) Except on the recommendation of the National Judicial Council,
25 an appointment pursuant to the provisions of subsection (4) of this section shall
26 cease to have effect after the expiration of three months from the date of such
27 appointment and the President shall not re-appoint a person whose
28 appointment has lapsed.

29 270C - (1) The Ecclesiastical Court of Appeal shall, in addition to
30 such other jurisdiction as may be conferred upon it by an Act of the National

1 Assembly exercise such appellate and supervisory jurisdiction in civil
2 proceedings involving questions of Ecclesiastical Law, Christian Personal
3 Law or Ecclesiastical Law.

4 (2) For the purposes of subsection (1) of this section, the
5 Ecclesiastical Court of Appeal shall be competent to decide-

6 (a) any question of Christian personal law regarding marriage
7 concluded in accordance with that law; including a question relating to the
8 validity or dissolution of such marriage or a question that depends on such a
9 marriage and relating to family relationship or the guardianship of an infant;

10 (b) where all the parties to the proceedings are Christians, any
11 question or Christian personal law regarding a marriage where no prior or
12 subsequent customary or statutory marriage is contracted, including the
13 validity or dissolution of that marriage, or regarding family relationship, a
14 foundling or the guardianship of an infant;

15 (c) any question of Christian personal law regarding a will or
16 succession where the endower, donor, testator or deceased person is a
17 Christian;

18 (d) any question of Christian personal law regarding an infant,
19 prodigal or person of unsound mind who is a Christian or the maintenance or
20 the guardianship of a Christian who is physically or mentally infirm; or

21 (e) where all the parties to the proceedings, being Christians, have
22 requested the court that hears the case in the first instance to determine, that
23 case in accordance with Christian personal law, or any question.

24 270D. For the purpose of exercising any jurisdiction conferred
25 upon it by this Constitution or any Act of the National Assembly, the
26 Ecclesiastical Court of Appeal shall be duly constituted if it consists of at
27 least three Cardinals of that Court.

28 270E. Subject to the provisions of any Act of the National
29 Assembly, the Grand Cardinal of the Ecclesiastical Court of Appeal of the
30 Federal Capital Territory, Abuja may make rules for regulating the practice

1 and procedure of the Ecclesiastical Court of Appeal of the Federal Capital
2 Territory, Abuja."

Insertion of
Part 2 D

3 10. Chapter VII of the Principal Act is altered by inserting a new Part
4 2D-

5 "D - The Ecclesiastical Court of Appeal of a State".

Insertion of new
section 285A-E

6 11. The Principal Act is altered by inserting new sections 285A-E-

7 "285A(1) There shall be an Ecclesiastical Court of Appeal of a State.

8 (2) The Ecclesiastical Court of Appeal of a State shall consist of-

9 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal; and

10 (b) such number of Cardinals of the Ecclesiastical Court of Appeal as
11 may be prescribed by a law of the House of Assembly of a State.

12 2858 (1) The appointment of a person to the office of the Grand
13 Cardinal of the Ecclesiastical Court of Appeal of a State shall be made by the
14 Governor of the State on recommendation of the National Judicial Council,
15 subject to the confirmation of such appointment by the House of Assembly of
16 the State.

17 (2) The appointment of a person to the office of a Cardinal of the
18 Ecclesiastical Court of Appeal of a State shall be made by the Governor of a
19 State on the recommendation of the National Judicial Council.

20 (3) Apart from such other qualification as may be prescribed by a Law
21 of the House of Assembly of a State, a person shall not be qualified to hold the
22 office of Grand Cardinal or a Cardinal of an Ecclesiastical Court of Appeal of a
23 State unless-

24 (a) he is a legal practitioner in Nigeria and has been so qualified for a
25 period of not less than ten years and has obtained a recognized qualification in
26 Ecclesiastical Law or Christian personal law from an institution acceptable to
27 the National Judicial Council;

28 (b) he has attended and has obtained a recognized qualification in
29 Ecclesiastical Law or Christian Personal Law from an institution approved by
30 the National Judicial Council and has held the qualification for a period of not

1 less than twelve years; and

2 (i) he has either considerable experience in the practice of
3 Ecclesiastical Law or Christian Personal Law: or

4 (ii) he is a distinguished scholar of Ecclesiastical Law or Christian
5 Personal Law.

6 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
7 Appeal is vacant or if the person holding the office is for any reason unable
8 to perform the functions of the office, then, until a person has been so
9 appointed to and has assumed the functions of that office or until the person
10 holding the office has resumed those functions, the Governor shall appoint
11 the most senior Cardinal from amongst the Cardinals of the Ecclesiastical
12 Court of Appeal to perform those functions.

13 (5) Except on the recommendation of the National Judicial
14 Council, an appointment pursuant to the provisions of subsection (4) of this
15 section shall cease to have effect after the expiration of three months from
16 the date of such appointment and the Governor shall not re-appoint a person
17 whose appointment has lapsed.

18 285C (1) The Ecclesiastical Court of Appeal shall, in addition to
19 such other jurisdiction as may be conferred upon it by a Law of the House of
20 Assembly of a State exercise such appellate and supervisory jurisdiction in
21 civil proceedings involving questions of Ecclesiastical Law, Christian
22 Personal Law or Ecclesiastical Law.

23 (2) For the purposes of subsection (1) of this section, the
24 Ecclesiastical Court of Appeal shall be competent to decide-

25 (a) any question of Christian personal law regarding marriage
26 concluded in accordance with that law, including a question relating to the
27 validity or dissolution of such marriage or a question that depends on such a
28 marriage and relating to family relationship or the guardianship of an infant;

29 (b) where all the parties to the proceedings are Christians, any
30 question or Christian personal law regarding a marriage where no prior or

1 subsequent customary or statutory marriage is contracted, including the
2 validity or dissolution of that marriage, or regarding family relationship, a
3 foundling or the guardianship of an infant;

4 (c) any question of Christian personal law regarding a will or
5 succession where the endower, donor, testator or deceased person is a
6 Christian;

7 (d) any question of Christian personal law regarding an infant,
8 prodigal or person of unsound mind who is a Christian or the maintenance or
9 the guardianship of a Christian who is physically or mentally infirm; or

10 (e) where all the parties to the proceedings, being Christians, have
11 requested the court that hears the case in the first instance to determine, that
12 case in accordance with Christian personal law, or any question.

13 285D. For the purpose of exercising any jurisdiction conferred upon it
14 by this Constitution or a Law of the House of Assembly, the Ecclesiastical
15 Court of Appeal shall be duly constituted if it consists of at least three Cardinals
16 of that Court.

17 286E. Subject to the provisions of any Law of the House of Assembly
18 of a State, the Grand Cardinal of the Ecclesiastical Court of Appeal of a State
19 may make rules for regulating the practice and procedure of the Ecclesiastical
20 Court of Appeal of the State.”

Alteration of
section 288 of
the Principal
Act

21 12. Section 288 of the Principal Act is altered-

22 (a) in subsection 1 by inserting after the word, "law" in line 5, the
23 words "persons learned in Christian personal law"; and

24 (b) in subsection 2 by inserting a new paragraph (c)-

25 “(c) a person shall be deemed to be learned in Christian personal law
26 if he is a legal practitioner in Nigeria and has been so qualified for a period of
27 not less than fifteen years in the case of a Justice of the Supreme Court or not
28 less than twelve years in the case of a Justice of a Court of Appeal and has in
29 either case and in the opinion of the National Judicial Council considerable
30 knowledge and experience in Christian personal law.”

- 1 **13.** Section 289 of the Principal Act is altered-
- 2 (a) by deleting the word, "or" after the word, "Appeal" in line 3; and
- 3 (b) by inserting after the word, "Appeal" in line 4, the words, "or
- 4 Cardinal of the Ecclesiastical Court of Appeal".
- 5 **14.** Section 292 of the Principal Act is altered-
- 6 (a) in subsection (1)(a)(i)-
- 7 (i) by deleting the word, "and" before the word, "President" in line
- 8 4, and
- 9 (ii) by inserting after the word, "Abuja" in line 5, the words, " and
- 10 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
- 11 Territory Abuja",
- 12 (b) in subsection (1)(b)(ii) by-
- 13 (i) deleting the word, "or" after the word, "Appeal" in line 1; and
- 14 (ii) by inserting after the word, "State" in line 2, the words, "or
- 15 Grand Cardinal of the Ecclesiastical Court of Appeal of a State".
- 16 **15.** Section 318 of the Principal Act is altered-
- 17 (a) in the interpretation of the words "judicial office"-
- 18 (i) by inserting after the word, "Abuja" in line 8, the words, "the
- 19 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
- 20 Territory, Abuja";
- 21 (ii) by inserting after the word, "State" in line 10, the words, "or
- 22 Grand Cardinal of the Ecclesiastical Court of Appeal of a State",
- 23 (b) in the interpretation of the words, "public service of the
- 24 Federation" by inserting after the word, "Abuja" in line 4, the words, "or the
- 25 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja";
- 26 (c) in the interpretation of the words, "public service of a State" by
- 27 inserting after the word, "Appeal" in paragraph (b), line 2, the words, "the
- 28 Ecclesiastical Court of Appeal".
- 29 **16.** The Second Schedule to the Principal Act is altered - in Part I
- 30 item 61 by inserting after the words, "Customary law", in line 2, the words,

Alteration of
section 289 of
the Principal Act

Alteration of
section 292 of
the Principal Act

Alteration of
section 318 of
the Principal Act

Alteration of the
second Schedule
to the Principal
Act

Alteration of
the third Schedule
to the Principal
Act

1 "Ecclesiastical Law".

2 17. The Third Schedule to the Principal Act is altered-

3 (a) in Part I Item 20 by inserting a new sub paragraph (i)(aa)-

4 "(i)(aa) one Grand Cardinal of Ecclesiastical Court of Appeal to be
5 appointed by the Chief Justice of Nigeria from among the Grand Cardinals of
6 the Ecclesiastical. Court of Appeal to serve in rotation of two years;"

7 (b) in Part II tern 21 by inserting after the word, "Abuja" in paragraph

8 (a) (ii), line 6, the words, "Grand Cardinal and Cardinals of the Ecclesiastical
9 Court of Appeal of the Federal Capital Territory, Abuja";

10 (c) in Part II tern 21 by inserting after the word, "States" in paragraph

11 (c), line 6, the words, "Grand Cardinal and Cardinals of the Ecclesiastical
12 Court of Appeal of the States";

13 (d) in Part II C- State Judicial Service Commission-

14 (i) by inserting a new paragraph (f)(aa)-

15 "(f) (aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
16 the State, if any,"

17 (ii) by inserting in item 6, a new sub paragraph (vi)(aa)-

18 "(iv)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
19 the State, if any;"

20 (iii) by inserting a new paragraph (vii)-

21 "(vii) Cardinal of the Ecclesiastical Court of Appeal of the State, if
22 any;"

23 (e) by inserting in item 6 paragraph (c) before the word, "magistrates"
24 in line 3, the word "Ecclesiastical Court of Appeal";

25 (f) by inserting in Item 6 paragraph (c), by inserting immediately after
26 the words, "Customary Courts" in line 4, the words "Ecclesiastical Courts";

27 (g) in Part III Item 1 - Judicial Service Committee of the Federal
28 Capital Territory, Abuja by inserting a new paragraph (e)(aa)-

29 "(e)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
30 the of the Federal Capital Territory;"

1 (h) in Part III Item 2, Judicial Service Committee of the Federal
 2 Capital Territory, Abuja by inserting a new paragraph (a) sub paragraph"
 3 (vii)"-

4 "(vii) a Cardinal of the Ecclesiastical Court of Appeal of the of the
 5 Federal Capital Territory;"

6 (i) in Part III Item 2(c), Judicial Service Committee of the Federal
 7 Capital Territory, Abuja by inserting immediately after the word "Abuja" in
 8 line 4, the words "Ecclesiastical Court of Appeal of the Federal Capital
 9 Territory".

10 18. The Sixth Schedule is altered-

11 (a) in Section 1 (2) by inserting after the words, "Customary Court
 12 of Appeal" in line 3, the words, " Cardinals of the Ecclesiastical Court of
 13 Appeal";

14 (b) in Section 1 (3), by the inserting after the words, "State" in line 3
 15 the words, " Grand Cardinal of the Ecclesiastical Court of Appeal of the
 16 State"

17 (c) in Section 2 (2) by the inserting before the word, "or" in line 3,
 18 the words " Cardinals of the Ecclesiastical Court of Appeal"; and

19 (d) in Section 2 (3) by the inserting after the word, "State" in line 4,
 20 the words, "Grand Cardinal of the Ecclesiastical Court of Appeal of the
 21 State".

22 19. The Seventh Schedule, Judicial Oath, is altered-

23 (a) by the inserting after the word, "State" in line 10, the words
 24 "Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
 25 Territory, Abuja/Cardinal of the Ecclesiastical Court of Appeal of
 26 the.....State".

27 20. This Bill may be cited as the Constitution of the Federal
 28 Republic of Nigeria (Alteration) Bill, 2016.

Alteration of the
 sixth Schedule
 to the Principal
 Act

Alteration of the
 seventh Schedule
 to the Principal
 Act

Short Title

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, Laws of the Federation Cap C23, 2004 to provide for the Ecclesiastical Court of Appeal of the Federal Capital Territory Abuja and the Ecclesiastical Court of Appeal of the States to provide for the functions, jurisdiction qualification and appointment and tenure of the Ecclesiastical Court of Appeal.

AGRICULTURAL PRODUCE PRICE CONTROL AGENCY OF NIGERIA

(ESTABLISHMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF THE AGENCY AND THE

GOVERNING BOARD

1. Establishment of the Agency
2. Establishment of the Governing Board of the Agency
3. Tenure of Office of Members of Board
4. Cessation of Membership
5. Allowances of Members of Board

PART II - FUNCTIONS OF THE AGENCY

6. Function of the Agency
7. Powers of the Board
8. Power of the Minister to give directives to the Agency

PART III - STRUCTURE OF THE AGENCY

9. Structure of the Agency

PART IV - STAFF OF THE AGENCY

10. Staff of the Agency
11. Additional powers, etc of Board

PART V - FINANCIAL PROVISIONS

12. Financial Provisions
13. Expenditure of the Agency
14. Gifts to the Agency
15. Power to Borrow
16. Annual Estimates and Expenditure
17. Quarterly Report
18. Annual Report

PART VI - MISCELLANEOUS PROVISIONS

19. Offices and Premises of the Agency