

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO REFLECT THE PROPOSALS INITIATED BY THE JUDICIARY

Sponsored by Hon. Aminu Shehu Shagari

[] Commencement

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

- 1 1. The Constitution of the Federal Republic of Nigeria, 1999, as Alteration of
- 2 altered (in this Bill referred to as the "Constitution") is further altered as set Constitution of
- 3 out herein. the Federal
- 4 2. Section 84 of the Constitution is altered by deleting the words Republic of
- 5 "other than allowances" in line 2 of subsection (3). Nigeria, 1999
- 6 3. Section 230 of the Constitution is altered by: Alteration of
- 7 (a) substituting paragraph (a) of the existing subsection (2) with a section 84(3)
- 8 new paragraph (a): Alteration of
- 9 "(a) The Chief Justice of Nigeria who shall be the head of the Section 230
- 10 judiciary of the Federation";
- 11 (b) substituting the words "not exceeding twenty-one" in lines 1 to
- 12 2 of paragraph (b) of the existing subsection (2) with the words "not
- 13 exceeding sixteen".
- 14 4. Section 231 is altered in subsection (3) by substituting the words Alteration of
- 15 "not less than fifteen years" in lines 3 to 4 of subsection (3) with the words Section 231
- 16 "not less than twenty-five years".
- 17 5. Section 233 of the Constitution is altered by: Alteration of
- 18 (a) deleting the words "of law in Nigeria" in line 2 of subsection Section 233
- 19 (1).
- 20 (b) deleting subsection "(2)" and all its subparagraphs and

1 inserting a new subsection "(2)".

2 "(2) All appeals from the Court of Appeal to the Supreme Court shall
3 be by leave of the Supreme Court."

4 (c) substituting the existing subsection (3) with a new subsection
5 "(3)".

6 "(3) Nothing in this section shall confer any right of appeal from a
7 decision from the Court of Appeal granting or refusing leave to appeal to the
8 Court of Appeal from any decision of the High Court".

9 (d) deleting subsection "(5)".

10 (e) deleting subsection "(6)".

11 (f) inserting a new subsection (4):

12 "(4) Three Justices of the Supreme Court sitting in Chambers may
13 dispose of any application for leave to appeal from any decision after
14 consideration of the Record of Proceedings if the Justices are of the opinion
15 that the interest of Justice does not require an oral hearing of the application"

Alteration of
Section 234

16 6. Section 234 of the Constitution is altered by:

17 (a) renumbering existing section 234 as section "234 (1)";

18 (b) deleting the words "to consider an appeal brought under section
19 233 (2) (b) or (c) of this Constitution, or" in lines 1 and 2 of the existing proviso
20 to the existing section 234;

21 (c) substituting the word "be" with the words "sit as a full Court" in
22 line 4 of the existing proviso to section 234;

23 (d) inserting a new subsection "(2)".

24 "(2) A single Justice of the Supreme Court sitting in Chambers may
25 exercise a power vested in the Supreme Court not involving the decision of the
26 cause or matter before the Supreme Court, except that:

27 (a) in criminal matters, where that Justice refuses or grants an
28 application in the exercise of any such power, a person affected thereby shall be
29 entitled to have the application determined by the Supreme Court constituted
30 by five Justices thereof; and

1 (b) in civil matters, any order, direction or decision made or given Commencement
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(c) inserting a new subsection "(3)".

"(3) In subsection (1) of this section, "full Court" means all the Justices of the Supreme Court available at the time so however that the number shall not be less than seven."

9 7. Section 236 of the Constitution is altered by deleting the words: Alteration of
 10 "Subject to the provisions of any Act of the National Assembly," in Section 236
 11 line 10 of the section.

12 8. Section 237 of the Constitution is altered in paragraph (b) of Alteration of
 13 subsection (2) by (a) substituting the words "forty-nine" in line 1 to 2 with Section 237
 14 the words "one hundred".

15 (b) substituting the words "Islamic personal law" in line 2 with the
 16 words "Islamic law".

17 (c) deleting the words ", as may be prescribed by an Act of the
 18 National Assembly" in lines 3 and 4.

19 9. Section 238 of the Constitution is altered by: Alteration of
 20 (a) Inserting the words "or of a Justice of the Court of Appeal" Section 237
 21 immediately after the words "President of the Court of Appeal" in lines 1 to 2
 22 of subsection (1).

23 (b) deleting the words "subject to confirmation of such
 24 appointment by the Senate" in lines 3 to 4 of subsection (1).

25 (c) deleting the existing subsection (2)

26 (d) substituting the twelfth word "a" in line 1 of subsection (3) with
 27 the words "President of the Court of Appeal or"

28 (e) substituting the words "twelve years" in line 3 of subsection (3)
 29 with the words "twenty years".

30 (f) renumbering the existing subsection "(3)" as subsection "(2)".

1 (g) renumbering the existing subsection "(4)" as subsection "(3)".

2 (h) substituting the words "subsection (4)" in line 2 of subsection (5)
3 with the words "subsection (3)";

4 (i) renumbering the existing subsection "(5)" as subsection "(4)".

Insertion of new
subsection (2A)
of Section 241

5 **10.** Section 241 of the Constitution is altered by inserting a new
6 subsection "(2A)":

7 "(2A) A Court or Tribunal shall not stay any proceedings on account
8 of an interlocutory appeal".

Alteration of
Section 244

9 **11.** Section 244 of the Constitution is altered in subsection (1) by
10 substituting for the words "Islamic personal law" with the words "Islamic law".

Insertion of a
new subsection
(1A) of section
246

11 **12.** Section 246 of the Constitution is altered by inserting
12 immediately after subsection "(1)" a new subsection "(1A)":

13 "(1A) Notwithstanding the provisions of subsection (1) of this
14 section, no appeal shall lie to the Court of Appeal from any decision of an
15 election tribunal in respect of an interlocutory decision."

Alteration of
Section 247

16 **13.** Section 247 of the Constitution is altered by substituting the
17 existing section 247 with a new section "247":

18 "247 (1) Subject to the provisions of section 239 (2) of this
19 Constitution, for the purpose of exercising any jurisdiction conferred upon it
20 by this Constitution or any other law, the Court of Appeal shall be duly
21 constituted if it consists of not less than three Justices of the Court of Appeal
22 and, in the case of appeals from a Sharia Court of Appeal, if it consists of not
23 less than three Justices of the Court of Appeal learned in Islamic law.

24 (2) Notwithstanding the provisions of subsection (1) of this section, a
25 single Justice of the Court of Appeal sitting in Chambers may exercise a power
26 vested in the Court of Appeal not involving the decision of the cause or matter
27 before the Court of Appeal, except that:

28 (a) in criminal matters, where that Justice refuses or grants an
29 application in the exercise of any such power, a person affected thereby shall be
30 entitled to have the application determined by the Court of Appeal constituted

by three Justices thereof; and

(b) in civil matters, any order, direction or decision made or given in pursuance of the powers conferred by this subsection may be varied, discharged or reversed by the Court of Appeal constituted by three Justices thereof."

14. Section 249 of the Constitution is altered by substituting the existing paragraph (b) of subsection (2) with a new paragraph "(b)":

Alteration of
Section 249

"(b) not less than one hundred Judges of the Federal High Court"

15. Section 250 of the Constitution is altered by:

Alteration of
Section 250

(a) inserting the words "or of a Judge" immediately after the words "Chief Judge" in line 1 of subsection (1);

(b) substituting the word "advice" in line 2 of subsection "(1)" with the word "recommendation";

(c) deleting the words "subject to confirmation of such appointment by the Senate" in line 3 of subsection "(1)";

(d) deleting the existing subsection (2);

(e) substituting the words "ten years" in line 3 of the existing subsection (3) with the words "twelve years";

(f) renumbering the existing subsection "(3)" as subsection "(2)";

(g) renumbering the existing subsection "(4)" as subsection "(3)";

(h) substituting the words "subsection (4)" in the existing subsection (5) with the words "subsection (3)";

(i) renumbering the existing subsection "(5)" as subsection "(4)".

16. Section 251 of the Constitution is altered by substituting the existing subsection "(1)" with a new subsection "(1)":

Alteration of
Section 251

"(1) (1) Notwithstanding anything to the contrary contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters:

1 (a) relating to the revenue of the Government of the Federation in
2 which the said Government or any organ thereof or a person suing or being
3 sued on behalf of the said Government is a party;

4 (b) connected with and pertaining to the taxation of companies and
5 other bodies established or carrying on business in Nigeria and all other
6 persons subject to Federal taxation;

7 (c) connected with or pertaining to customs and excise duties and
8 export duties, including any claim by or against the Nigeria Custom Service or
9 any member or officer thereof, arising from the performance of any duty
10 imposed under any regulation relating to customs and excise duties and export
11 duties;

12 (d) connected with and pertaining to banking, banks, insurance,
13 including any action between one bank or insurer and another, any action by or
14 against the Central Bank of Nigeria arising from banking, foreign exchange,
15 coinage, legal tender, bills of exchange, letters of credit, promissory notes and
16 other fiscal measures;

17 (e) any Federal enactment relating to copyright, patent, designs,
18 trademarks and passing-off, industrial designs and merchandise marks,
19 business names, commercial and industrial monopolies, combines and trusts,
20 standards of goods and commodities and industrial standards;

21 (f) any admiralty jurisdiction, including shipping and navigation on
22 the River Niger or River Benue and their effluents and on such other inland
23 waterway as may be designated by any enactment to be an international
24 waterway, all Federal ports, (including the constitution and powers of the ports
25 authorities for Federal ports) and carriage by sea;

26 (g) diplomatic, consular and trade representation;

27 (h) citizenship, naturalisation and aliens, deportation of persons who
28 are not citizens of Nigeria, extradition, immigration into and emigration from
29 Nigeria, passports and visas;

30 (i) aviation and safety of aircraft;

1 (j) arms, ammunition and explosives;
 2 (k) mines and minerals (including oil fields, oil mining, geological
 3 surveys and natural gas);

4 (l) the administration or the management and control of the Federal
 5 Government or any of its agencies;

6 (m) subject to the provisions of this Constitution, the operation and
 7 interpretation of this Constitution in so far as it affects the Federal
 8 Government or any of its agencies;

9 (n) any action or proceeding for a declaration or injunction
 10 affecting the validity of any executive or administrative action or decision
 11 by the Federal Government or any of its agencies; and

12 (o) such other jurisdiction civil or criminal and whether to the
 13 exclusion of any other court or not as may be conferred upon it by an Act of
 14 the National Assembly:

15 Provided that nothing in the provisions of paragraphs (l), (m) and
 16 (n) of this subsection shall prevent a person from seeking redress against the
 17 Federal Government or any of its agencies in an action for damages,
 18 injunction or specific performance where the action is based on any
 19 enactment, law or equity.

20 17. Section 251 of the Constitution is altered by inserting a new
 21 subsection "(4A)":

Insertion of new
 subsection (4A)
 of section 251

22 "(4A) The Federal High Court, High Court of the Federal Capital
 23 Territory, Abuja, and High Courts of the States shall have and exercise
 24 concurrent jurisdiction for the trial of offences arising from violation of the
 25 provisions of the Electoral Act and any other election related Act of the
 26 National Assembly".

27 18. Section 254B of the Constitution is altered by:

Alteration of
 Section 254B

28 (a) Inserting the words "or Judge" immediately after the word
 29 "President" in line 1 of subsection (1);

30 (b) deleting the words "subject to confirmation of such

- 1 appointment by the Senate" in subsection (1);
- 2 (c) deleting subsection (2);
- 3 (d) substituting the words "not less than ten" in lines 3 and 4 of the
- 4 existing subsection (3) with the words "not less than twelve";
- 5 (e) renumbering the existing subsection (3) as subsection "(2)";
- 6 (f) substituting the words "not less than ten" in line 3 of the existing
- 7 subsection (4) with the words "not less than twelve";
- 8 (g) renumbering the existing subsection (4) as subsection "(3)";
- 9 (h) renumbering the existing subsection (5) as subsection "(4)";
- 10 (i) substituting the words "subsection (5)" in line 2 of the existing
- 11 subsection (6) with the words "subsection (4)";
- 12 (j) renumbering the existing subsection (6) as subsection "(5)".

Alteration of
Section 254C

- 13 **19.** Section 254C of the constitution is altered by:
- 14 (a) deleting paragraph (d) of subsection (1);
- 15 (b) renumbering the existing paragraph (e) of subsection (1) as
- 16 paragraph "(d)";
- 17 (c) renumbering the existing paragraph (f) of subsection (1) as
- 18 paragraph "(e)";
- 19 (d) renumbering the existing paragraph (g) of subsection (1) as
- 20 paragraph "(f)";
- 21 (e) renumbering the existing paragraph (h) of subsection (1) as
- 22 paragraph "(g)";
- 23 (f) deleting paragraph (i) of subsection (1);
- 24 (g) renumbering the existing paragraph (j) of subsection (1) as
- 25 paragraph "(h)";
- 26 (h) inserting the words "in a trade dispute" immediately after the word
- 27 "Court" in existing paragraph (j) (iii);
- 28 (i) deleting paragraph (k) of subsection (1);
- 29 (j) renumbering the existing paragraph (l) of subsection (1) as
- 30 paragraph "(j)";

1 (k) renumbering the existing paragraph (m) of subsection (1) as
2 paragraph "(k)";

3 (l) inserting immediately after the last paragraph of subsection (1)
4 a new subsection "(1A)":

5 "(1A) Notwithstanding the provisions of subsection (1) of this
6 section, the National Industrial Court shall have and exercise concurrent
7 jurisdiction with other High Courts in civil causes and matters:

8 (a) relating to or connected with any dispute over the interpretation
9 and application of the provisions of Chapter IV of the Constitution as it
10 relates to any employment, labour, industrial relations, trade unionism and
11 employer's associations;

12 (b) specified in paragraphs (a), (b) and (c) of subsection (1) where
13 they relate to contract of employment."

14 (m) deleting the existing subsection (5);

15 (n) deleting the existing subsection (6).

16 **20.** Section 256 is altered by:

Alteration of
Section 256

17 (a) inserting the words "or of a judge" immediately after the words
18 "Chief Judge" in line 1 of subsection (1);

19 (b) deleting the words "subject to confirmation of the Senate" in
20 lines 3 to 4 of subsection (1);

21 (c) deleting the existing subsection (2);

22 (d) substituting the words "not less than ten years" in line 4 of the
23 existing subsection (3) with the words "not less than twelve years";

24 (e) renumbering the existing subsection (3) as subsection "(2)";

25 (f) renumbering the existing subsection (4) as subsection "(3)";

26 (g) substituting the words "subsection (4)" in line 2 of the existing
27 subsection (5) with the words "subsection (3)";

28 (h) renumbering the existing subsection (5) as subsection "(4)".

29 **21.** Section 257 of the Constitution is altered in subsection (1) by
30 deleting the words "section 251 and any other provisions of" in lines 1 to 2.

Alteration of
Section 257

Alteration of
Section 261

- 1 **22.** Section 261 is altered by:
- 2 (a) inserting the words "or of a Kadi" immediately after the words
- 3 "Grand Kadi" in line 1 of the existing subsection (1);
- 4 (b) deleting the words ", subject to confirmation of such appointment
- 5 by the Senate" in lines 3 to 4 of the existing subsection (1);
- 6 (c) deleting the existing subsection (2);
- 7 (d) inserting the words "of the Federal Capital Territory, Abuja"
- 8 immediately before the word "unless" in line 2 of the main clause of existing
- 9 subsection (3);
- 10 (e) substituting the words "ten years" in line 2 of paragraph (a) of the
- 11 existing subsection (3) with the words "twelve years";
- 12 (f) renumbering the existing subsection (3) as subsection "(2)";
- 13 (g) renumbering the existing subsection (4) as subsection "(3)";
- 14 (h) substituting the words "subsection (4)" in line 2 of the existing
- 15 subsection 5 with the words "subsection (3)";
- 16 (i) renumbering the existing subsection (5) as subsection "(4)".

Alteration of
Section 262

- 17 **23.** Section 262 is altered by:
- 18 (a) substituting the words "Islamic personal law" in line 4 of
- 19 subsection (1) with the words "Islamic law";
- 20 (b) deleting subsection (2).

Alteration of
Section 266

- 21 **24.** Section 266 is altered by:
- 22 (a) inserting the words "or of a Judge" immediately after the word
- 23 "President" in line 1 of the existing subsection (1);
- 24 (b) deleting the words "subject to confirmation of such appointment
- 25 by the Senate" in line 4 of the existing subsection (1);
- 26 (c) deleting the existing subsection (2);
- 27 (d) substituting the words "ten years" in line 2 of paragraph (a) of the
- 28 existing subsection (3) with the words "fifteen years";
- 29 (e) renumbering the existing subsection (3) as subsection "(2)";
- 30 (f) renumbering the existing subsection (4) as subsection "(3)";

1 (g) substituting the words "subsection (4)" in the existing
2 subsection (5) with the words "subsection (3)";

3 (h) renumbering the existing subsection (5) as subsection "(4)".

4 **25.** Section 270 of the Constitution is altered by inserting a new
5 subsection (3) immediately after paragraph (b) of the existing subsection
6 (2):

Alteration of
Section 270

7 " (3) The Chief Judge of the State shall be the head of the judiciary
8 of the State."

9 **26.** Section 271 of the Constitution is altered by:

Alteration of
Section 271

10 (a) deleting the words "of a State" immediately after the words
11 "Chief Judge" in line 1 of the existing subsection (3);

12 (b) substituting the words "not less than ten years" in lines 3 to 4 of
13 the existing subsection (3) with the words "not less than twelve years".

14 **27.** Section 272 of the Constitution is altered by substituting the
15 existing subsection (1) with a new subsection "(1)":

Alteration of
Section 272

16 "(1) Subject to the provisions of this Constitution and in addition to
17 such other jurisdictions as may be conferred upon it by law, the High Court
18 of a State shall have unlimited jurisdiction to hear and determine any civil
19 proceedings in which the existence or extent of a legal right, power, duty,
20 liability, privilege, interest, obligation or claim is in issue or to hear and
21 determine any criminal proceedings involving or relating to any penalty,
22 forfeiture, punishment or other liability in respect of an offence committed
23 by any person".

24 **28.** Section 276 of the Constitution is altered by:

Alteration of
Section 276

25 (a) inserting the words "or of a Kadi" immediately after the words
26 "Grand Kadi" in line 1 of subsection (1);

27 (b) deleting the words "subject to confirmation of such
28 appointment by the House of Assembly" in lines 3 to 4 of subsection (1);

29 (c) deleting the existing subsection (2);

30 (d) substituting the words "not less than ten years" in line 2 of

1 paragraph (a) of the existing subsection (3) with the words "not less than twelve
2 years";

3 (e) substituting the words "not less than ten years" in line 3 of
4 paragraph (b) of the existing subsection (3) with the words "not less than
5 twelve years";

6 (f) renumbering the existing subsection (3) as subsection "(2)";

7 (g) renumbering the existing subsection (4) as subsection "(3)";

8 (h) substituting the words "subsection (4)" in line 2 of the existing
9 subsection (5) with the words "subsection (3)";

10 (i) renumbering the existing subsection (5) as subsection "(4)".

Alteration of
Section 277

11 **29.** Section 277 of the Constitution is altered by:

12 (a) substituting for the words "Islamic personal law" in line 4 of
13 subsection (1) with the words "Islamic law";

14 (b) deleting the words "which the court is competent to decide in
15 accordance with the provisions of subsection (2) of this section" in lines 4 to 5
16 of subsection (1);

17 (c) deleting subsection (2).

Alteration of
Section 281

18 **30.** Section 281 is altered by:

19 (i) inserting the words "or of a Judge" immediately after the word
20 "President" in line 1 of subsection (1);

21 (ii) substituting the word "advice" in line 3 of subsection (1) with the
22 word "recommendation";

23 (iii) deleting the words "subject to confirmation of such appointment
24 by the House of Assembly of the State" in lines 3 to 4 of subsection (1);

25 (iv) deleting the existing subsection (2);

26 (v) substituting the words "ten years" in line 2 of the existing
27 subsection (3) with the words "twelve years";

28 (vi) renumbering the existing subsection (3) as subsection "(2)";

29 (vii) renumbering the existing subsection (4) as subsection "(3)";

30 (viii) substituting the words "subsection (4)" in the existing

1 subsection (5) with the words "subsection (3)";

2 (ix) renumbering the existing subsection (5) as subsection "(4)".

3 **31.** Section 287 of the Constitution is altered by inserting the
4 words "the High Court of the Federal Capital Territory, Abuja, the Code of
5 Conduct Tribunal," immediately before the words "a High Court" in lines 2
6 and 5, respectively, of subsection (3).

Alteration of
Section 287

7 **32.** Section 291 of the Constitution is altered by:

Alteration of
Section 291

8 (a) substituting the words "fifteen years" in line 1 of paragraph (a)
9 of subsection (3) with the words "ten years".

10 (b) substituting the words "fifteen years" in line 1 of paragraph (b)
11 of subsection (3) with the words "ten years";

12 (c) substituting the words "fifteen years" in line 4 of paragraph (b)
13 of subsection (3) with the words "ten years".

14 **33.** Section 292 of the Constitution is altered by inserting a proviso
15 immediately after paragraph (b) of subsection (1):

Alteration of
Section 292

16 "Provided that the address from the Senate or House of Assembly,
17 as the case may be, required under paragraph (a) of this subsection shall be
18 accompanied with a memorandum from the National Judicial Council
19 certifying that the judicial officer was accorded the right to fair hearing with
20 respect to the issue in question and that, in the opinion of the National
21 Judicial Council, a primo facie case for removal of the judicial officer has
22 been established against him."

23 **34.** Section 295 of the Constitution is deleted.

Deletion of
Section 295

24 **35.** Part I of the Third Schedule to the Constitution is altered in
25 paragraph 12 by:

Alteration of
paragraph 12 of
Part I of the
Third Schedule

26 (a) inserting a new subparagraph "(b)":

27 "(b) the next most senior Justice of the Supreme Court, who shall
28 be the Deputy Chairman."

29 (b) deleting the existing subparagraph ©;

- 1 (c) renumbering the existing subparagraph (b) as subparagraph "(c)";
- 2 (d) retaining the existing subparagraph "(d)" as subparagraph "(d)";
- 3 (e) renumbering the existing subparagraph (dd) as subparagraph
- 4 "(e)";
- 5 (f) inserting a new subparagraph "(f)":
- 6 "(f) the Chief Judge of the High Court of the Federal Capital Territory,
- 7 Abuja";
- 8 (g) inserting new subparagraph "(g)":
- 9 "(g) the Grand Kadi of the Sharia Court of Appeal of the Federal
- 10 Capital Territory, Abuja.";
- 11 (h) inserting new subparagraph "(h)":
- 12 "(h) the President of the Customary Court of Appeal of the Federal
- 13 Capital Territory Abuja.";
- 14 (i) renumbering the existing subparagraph (e) as subparagraph "(i)";
- 15 (j) inserting in the new subparagraph "(i)" the words "to serve for one
- 16 period of two years only" immediately after the words "Nigerian Bar
- 17 Association";
- 18 (k) deleting the existing subparagraph (f);
- 19 (l) inserting new subparagraph "(j)":
- 20 "(j) two retired persons from the public or private sector of the
- 21 economy appointed by the President, on the recommendation of the Chief
- 22 Justice of Nigeria after consultation with the ex-officio members of the
- 23 Commission, and subject to confirmation by the Senate, to serve for a period of
- 24 three years which may be renewed for one further period of three years."
- 25 **36.** Part I of the Third Schedule to the Constitution is altered in
- 26 paragraph 13 by:
- 27 (a) substituting the exiting subparagraph (a) with a new subparagraph
- 28 "(a)";
- 29 "(a) advise the National Judicial Council in nominating persons for
- 30 appointment, as respects appointments to the office of:

Alteration of
paragraph 13
of Part I of the
Third Schedule

- 1 (i) the chief Justice of Nigeria;
- 2 (ii) a Justice of the Supreme Court;
- 3 (iii) the President of the Court of Appeal;
- 4 (iv) a Justice of the Court of Appeal;
- 5 (v) the Chief Judge of the High Court;
- 6 (vi) the President of the National Industrial Court;
- 7 (vii) the Chief Judge of the High Court of the Federal Capital
- 8 Territory, Abuja;
- 9 (viii) a Judge of the Federal High Court;
- 10 (ix) a Judge of the National Industrial Court;
- 11 (x) a Judge of the High Court of the Federal Capital Territory
- 12 Abuja;
- 13 (xi) the Chairman and members of the Code of Conduct tribunal;
- 14 (xii) the Grand Kadi and Kadis of the Sharia Court of Appeal of the
- 15 Federal Capital Territory, Abuja; and
- 16 (xiii) the President and Judges of the Customary Court of Appeal of
- 17 the Federal Capital Territory, Abuja.

18 (b) substituting the exiting subparagraph (c) with a new
19 subparagraph "(c)";

20 "(c) appoint, promote and exercise disciplinary control over the
21 Chief Registrars and Deputy Chief Registrars of the Supreme Court, the
22 Court of Appeal, Federal High Court, the National Industrial Court, and all
23 other members of the staff of the judicial service of the Federation not
24 otherwise specified in this Constitutions and of the Federal Judicial Service
25 Commission."

26 37. Part I of the Third Schedule to the Constitution is altered by
27 substituting the existing paragraph 20 with a new paragraph "20":

28 "20 The National Judicial Council shall comprise the following
29 members:

30 (a) the Chief Justice of Nigeria, who shall be the Chairman;

Alteration of
paragraph 20 of
Part 1 of the Third
Schedule

1 (b) the next most senior Justice of the Supreme Court, who shall be the
2 Deputy Chairman;

3 (c) three retired Justices of the Supreme Court, to serve for a period of
4 three years which may be renewed for another period of three years;

5 (d) the President of the Court of Appeal;

6 (e) two retired Justices of the Court of Appeal, including retired
7 Presidents of the Court of Appeal, to serve for a period of three years which
8 may be renewed for another period of three years;

9 (f) the Chief Judge of the Federal High Court;

10 (g) the President of the National Industrial Court;

11 (h) three Chief Judges to serve in rotation for two years;

12 (i) two retired Chief judges of the Federal and State High Courts to
13 serve for a period of three years which may be renewed for another period of
14 three years;

15 (j) One Grand Kadi of a Sharia Court of Appeal to be appointed by the
16 Chief Justice of Nigeria from among the Grand Kadis of the Sharia Courts of
17 Appeal to serve in rotation for two years;

18 (k) One President of a Customary Court of Appeal to be appointed by
19 the Chief Justice of Nigeria from among the Presidents of the Customary
20 Courts of Appeal to serve in rotation for two years;

21 (l) the President of the Nigerian Bar Association to serve for a period
22 of two years;

23 (m) four senior members of the Nigerian Bar Association who have
24 been qualified to practise for a period of not less than twenty years, nominated
25 by the National Executive Committee of the Nigerian Bar Association to serve
26 for a period of two years which may be renewed for another period of two
27 years; and

28 (n) two persons, not being legal practitioners, who are of
29 unquestionable character and possess good knowledge of administrative
30 matters to serve for a period of two years which may be renewed for another

1 period of two years.

2 38. Part I of the Third Schedule to the Constitution is altered by
3 substituting the existing subparagraph (a) of paragraph 21 with a new
4 subparagraph "(a)":

Alteration of
paragraph 21 of
Part I of the Third
Schedule

5 "(a) recommend to the President from among the list of persons
6 submitted to it by the Federal Judicial Service Commission, persons for
7 appointment to the offices of Chief Justice of Nigeria, the Justices of the
8 Supreme Court, the President and Justices of the Court of Appeal, the Chief
9 judge and Judges of the Federal High Court, the President and Judges of the
10 National Industrial Court, the Chief judge and Judges of the High Court of
11 the Federal Capital Territory, Abuja, the Grand Kadi and Kadis of the Sharia
12 Court of Appeal of the Federal Capital Territory, Abuja and the President and
13 Judges of the Customary Court of Appeal of the Federal Capital Territory,
14 Abuja".

15 39. Part II of the Third Schedule to the Constitution is altered in
16 paragraph 5 by:

Alteration of
paragraph 5 of
Part II of the
Third Schedule

17 (a) substituting the words "the Attorney General of the State" in the
18 existing subparagraph (b) with the words "the next most senior Judge of the
19 High Court who shall be the deputy Chairman";

20 (b) substituting the words "ten years" in line 2 of the subparagraph
21 (c) with the words "fifteen years".

22 40. Part II of the Third Schedule to the Constitution is altered in
23 subparagraph (b) of paragraph 6 by inserting the words "provided that the
24 judicial officer has been afforded the opportunity of being heard and a prima
25 facie case has been established against him" immediately after the words "of
26 this paragraph" in line 3.

Alteration of
paragraph 6 of
Part II of the
Third Schedule

27 41. Part III of the Third Schedule to the Constitution is altered in
28 paragraph I by:

Alteration of
paragraph I of
Part III of the
Third Schedule

29 (a) substituting the words "the Attorney General of the Federation"
30 in the existing subparagraph (b) with the words "the next most senior Judge

1 of the Federal Capital Territory, Abuja who shall be the deputy Chairman";

2 (b) substituting the words "one person who is a legal practitioner" in
3 line 1 of subparagraph (e) with the words "two members who are legal
4 practitioners";

5 (c) substituting the words "twelve years" in lines 2 to 3 of
6 subparagraph (e) with the words "fifteen years;

7 (d) substituting the words "one other person, not being a legal
8 practitioner" in line 1 of subparagraph (f) with the words "two other persons,
9 not being legal practitioners".

Alteration of
paragraph 2 of
Part III of the
Third Schedule

10 **42.** Part III of the Third Schedule to the Constitution is altered in
11 paragraph 2 by substituting the existing paragraph 2 with a new paragraph 2:

12 "2. The Committee shall have the power to appoint, promote and
13 exercise disciplinary control over the Chief Registrar and Deputy Chief
14 Registrars of the High Court, the Sharia Court of Appeal and the Customary
15 Court of Appeal of the Federal Capital Territory, Abuja, if any, magistrates,
16 Area Court Judges, Customary Court Judges, and all other members of the staff
17 of the judicial service of the Federal Capital Territory, Abuja not otherwise
18 specified in this Constitution and of the Judicial Service Committee of the
19 Federal Capital Territory, Abuja."

Alteration of
paragraph 15 of
Part I of the
Fifth Schedule

20 **43.** Paragraph 15 of Part I of the Fifth Schedule to the Constitution is
21 altered by:

22 (a) substituting the words "two other persons" in line 2 of
23 subparagraph (1) with the words "six other persons";

24 (b) inserting a new subparagraph "(1A)" immediately after the
25 existing subparagraph (1):

26 "(1A) The quorum of the Code of Conduct Tribunal as established
27 under this Constitution shall consist of three Members to be presided over by
28 the Chairman or next most senior member".

Citation

29 **44.** This Bill may be cited as the Constitution of the Federal Republic
30 of Nigeria, 1999 (Fourth Alteration) Bill, 2016.

EXPLANATORY MEMORANDUM

This bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to reflect the proposals initiated by the Judiciary and to provide for matters related thereto.

