

A BILL

FOR

AN ACT TO ALTER SECTION 291 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO PROVIDE FOR UNIFORM MANDATORY RETIREMENT AGE OF 70 YEARS FOR ALL JUDICIAL OFFICERS

Sponsored by: Hon. Aminu Shehu Shagari

[] Commencement

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

1 1. Section 291 of the Constitution of the Federal Republic of
2 Nigeria 1999 (hereinafter referred to as "the Constitution") is altered by
3 deleting, in its entirety, the existing provisions and inserting in place therein
4 the following new provisions:

Alteration of
Section 291 of
the Constitution

5 "291. Tenure of office and pension right of judicial officers:

6 (1) A judicial officer may retire when he attains the age of 65 years
7 and he shall cease to hold office when attains the age 70 years.

8 (2) Any person who has held office as a judicial officer:

9 (a) for a period of not less than 15 years shall, if he retires at or after
10 the age of 65 years, be entitled to pension for life at a rate equivalent to his
11 last annual salary and all his allowances in addition to any other retirement
12 benefits to which he may be entitled;

13 (b) for a period of less than 15 years shall, if he retires at or after the
14 age of 65 years, be entitled to pension for life at a rate as in paragraph (a) of
15 this subsection pro rata the number of years he served as a judicial officer in
16 relation to the period of 15 years, and all his allowances in addition to other
17 retirement benefits to which he may be entitled under his terms and
18 conditions of service;

19 (c) in any other case, shall be entitled to such pension and other
20 retirement benefits as may be regulated by an Act of the National Assembly

1 or by a Law of a House of Assembly of a State.

2 (3) A judicial officer incapacitated in the course of his duty who is not
3 otherwise qualified for pension under this section shall be entitled to pension
4 for life at a rate equivalent to his last annual salary in addition to any other
5 benefits to which he may be entitled under paragraph (c) of subsection (2) of
6 this section.

7 (4) Nothing in this section or elsewhere in this Constitution shall
8 preclude the application of the provisions of any other law that provides for
9 pensions, gratuities and other retirement benefits for persons in the public
10 service of the Federation or of a State.”

11 2. This Bill may be cited as the Constitution (Alteration) Bill, 2016.

EXPLANATORY NOTE

This Bill seeks to alter Section 291 of the Constitution of the Federal Republic of Nigeria 1999 to provide for uniform mandatory retirement age for all category of Judicial officers.