

A BILL

FOR

AN ACT TO ALTER SECTIONS 243 AND 254F OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999, (AS AMENDED), TO PROVIDE THAT, EXCEPT OTHERWISE STATED IN THE CONSTITUTION, APPEAL SHALL LIE FROM THE DECISIONS OF THE NATIONAL INDUSTRIAL COURT TO THE COURT OF APPEAL AND TO REMOVE THE REPEALED CRIMINAL PROCEDURE ACT AND THE REPEALED CRIMINAL PROCEDURE CODE SO THAT THE CURRENT ACT, THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015, SHALL APPLY TO CRIMINAL PROCEEDINGS IN THE COURT

Sponsored by Hon. Aminu Shehu Shagari

[] Commencement

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

1 1. The Constitution of the Federal Republic of Nigeria 1999 as
 2 amended by the Constitution (Third Alteration) Act (No.3) 2010
 3 (hereinafter referred to as 'the Constitution') is further altered thus:

Alteration of the
 Constitution of
 the Federal
 Republic of
 Nigeria 1999
 (As Amended)

4 (a) Section 243 of the Constitution is altered by deleting the
 5 existing provisions, in its entirety, and inserting the following new
 6 provisions:

7 "243(1) An appeal shall lie from decisions of the National
 8 Industrial Court to the Court of Appeal in any civil proceedings or criminal
 9 proceedings before the National Industrial Court with respect to any matter
 10 stated by the Constitution to be under the jurisdiction of the Court or
 11 prescribed by an Act of the National Assembly.

12 (2) Any right of appeal to the Court of Appeal from the decisions of
 13 the Federal High Court, National Industrial Court/ or a High Court conferred
 14 by this Constitution shall be-

15 (a) exercisable in the case of civil proceedings at the instance of a

1 party thereto/ or with the leave of the Federal High Court National Industrial
2 Court or the High Court or the Court of Appeal at the instance of any other
3 person having an interest in the matter, and in the case of criminal proceedings
4 at the instance of an accused person or subject to the provisions of this
5 Constitution and any powers conferred upon the Attorney-General of the
6 Federation or the Attorney-General of a State to take over and continue or to
7 discontinue such proceedings/ at the instance of such other authorities or
8 person as may be prescribed;

9 (b) exercised in accordance with any Act of the National Assembly
10 and rules of Court for the time being in force regulating the powers/ practice
11 and procedure of the Court of Appeal.

12 (3) Without prejudice to the provisions of Section 254(c) of the
13 Constitution/ the decision of the Court of Appeal in respect of any appeal
14 arising from any civil jurisdiction of the National Industrial Court shall be
15 final.”

16 (b) Section 254F subsection (2) of the Constitution Third Alteration
17 Act (No.3) 2010 is deleted in its entirety.

Citation

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

EXPLANATORY MEMORANDUM

The bill seeks to alter Sections 243 And 254F of the Constitution of the Federal Republic of Nigeria 1999, (as amended), to provide that, except otherwise stated in the Constitution, appeal shall lie from the decisions of the National Industrial Court to the Court of Appeal, and to remove the repealed Criminal Procedure Act and the Repealed Criminal Procedure Code so that the current Act, the Administration of Criminal Justice Act 2015, shall apply to Criminal Proceedings in the Court.