

CONSTITUTION (ALTERATION) BILL, 2015

ARRANGEMENT OF SECTIONS

1. Alteration of Cap, C23 LFN, 2014
2. Alteration of section 6 of the Principal Act
3. Alteration of section 84 of the Principal Act
4. Alteration of section 240 of the Principal Act
5. Insertion of new sub-heading and sections 254F-254L
6. Alteration of section 287 of the Principal Act
7. Alteration of section 289 of the Principal Act
8. Alteration of section 295 of the Principal Act
9. Alteration of section 318 of the Principal Act
10. Alteration of the Third schedule to the Principal Act
11. Alteration of the Seventh schedule to the Principal Act
12. Citation

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA. CAP. C23. LAWS OF THE FEDERATION OF NIGERIA. 2004 FOR THE ESTABLISHMENT OF THE FINANCIAL CRIMES COURT UNDER THE CONSTITUTION AND FOR OTHER MATTERS RELATED THERETO

Sponsored by Senator Rose Oko

[] Commencement

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

- 1 **1.** The Constitution of the Federal Republic of Nigeria Cap. C23
- 2 Laws of the Federation of Nigeria, 2004 (in this Act referred to as the
- 3 "Principal Act") is altered as set out under this Act.
- 4 **2.** Section 6 of the Principal Act is altered in subsection (5) by:
- 5 a) inserting a new paragraph (cc) as follows:
- 6 (cd) the Financial Crimes Court.
- 7 **3.** Section 84(4) of the Principal Act is altered by inserting
- 8 "President of the Financial Crimes Court Judge of the Financial
- 9 Crimes Court" immediately after Judge of the National Industrial Court.
- 10 **4.** Section 240 of the Principal Act is altered by inserting. "the
- 11 Financial Crimes Court" immediately after the National Industrial Court.
- 12 **5.** Chapter VII of the Principal Act is altered in Part 1 by inserting
- 13 immediately after section 269 the following new sections 254G, 254H,25I,
- 14 254J, 254K. 254L, and 254M.
- 15 **254G. -(1)** There shall be a Financial Crimes Court of Nigeria
- 16 (2) The Financial Crimes Court shall consist of:
- 17 (a) President of the Financial Crimes Court; and
- 18 (b) such number of Judges of the Financial Crimes Court as shall

G-The financial Crimes Court

1 be prescribed by an Act of the National Assembly

2 (3) The Financial Crimes Court shall.

3 (a) be a superior court of record; and

4 (b) except as may be otherwise provided by any other enactment or
5 law. have all the powers of a High Court.

6 **254H.**-(1) The appointment of a person to the office of the President
7 of the Financial Crimes Court shall be made by the President on the
8 recommendation of the National Judicial Council subject to confirmation of
9 such appointment by the Senate.

10 (2) The appointment of a person to the office of a Judge of the
11 Financial Crimes Court shall be made by the President on the
12 recommendation of the National Judicial Council

13 (3) A person shall not be eligible to hold office of the President of
14 the Financial Crimes Court unless the person is qualified to practice as a legal
15 practitioner in Nigeria and has been so qualified for a period of not less than
16 15 years and has considerable knowledge and experience in law and criminal
17 matters in Nigeria.

18 (4) A person shall not be eligible to hold office of a Judge of the
19 Financial Crimes Court unless the person is qualified to practice as a legal
20 practitioner in Nigeria and has been so qualified for a period of not less than
21 10 years and has considerable knowledge and experience in law and criminal
22 matters in Nigeria.

23 (5) If the office of the President of the Financial Crimes Court is
24 vacant. Or if the person holding the office is for any reason unable to perform
25 the functions of the office, then, until a person has been appointed to and
26 assumed the functions of that office or until the person holding the office has
27 resumed those functions, the President shall appoint the most senior Judge of
28 the Financial Crimes Court having the qualification to be appointed as
29 President of the Financial Crimes Court as provided under subsection (3) of
30 this section to perform those functions.

1 (6) Except on the recommendation of the National Judicial
2 Council, an appointment pursuant to the provisions of subsection (5) of this
3 section shall cease to have effect after the expiration of three months from
4 the date of such appointment and the President shall not reappoint a person
5 whose appointment has lapsed.

6 **254I-(1)** Notwithstanding the generality of the provisions of this
7 Constitution to the contrary, the Financial Crimes Court shall have and
8 exercise exclusively jurisdiction in causes and matters relating to corruption
9 and financial crimes including offences under:

10 (a) Economic and Financial Crimes Commission Act

11 (b) Money Laundering (Prohibition) Act; and

12 (c) Corrupt Practices and Other Related Offences Act.

13 (2) the National Assembly may by an Act confer such additional
14 Jurisdiction on the Financial Crimes Court in respect of such other causes or
15 matters incidental, supplementary or related to those set out in subsection
16 (1) of this section.

17 **254J-(1)** For the purpose of exercising any jurisdiction conferred
18 upon it by the Constitution or as may be conferred by an Act of the National
19 Assembly, the Financial Crimes Court shall have all the powers of a High
20 Court.

21 (2) Notwithstanding the provisions of subsection (1) of this
22 section, the National Assembly may by law confer upon the Financial
23 Crimes Court powers additional to those conferred by this section as may
24 appear necessary or desirable for enabling the court to be more effective to
25 exercise its jurisdiction.

26 **254K-(1)** Subject to the provisions of this Constitution and
27 subsection (2) of this section, no appeal shall lie from the decision of the
28 Financial Crimes Court to the Court of Appeal or any other court.

29 (2) An Appeal from the decision of the Financial Crimes Court
30 shall lie only as of right to the Court of Appeal only on questions of

1 fundamental right as contained in chapter 4 of this Constitution.

2 **254L.** For the purpose of exercising any jurisdiction conferred on it
3 by this Constitution, the Financial Crimes Court shall be duly constituted if it
4 consists of a single Judge or not more than three Judges as the President of the
5 Financial Crimes Court may direct.

6 **254M.**-(1) Subject to the provisions of any Act of the National
7 Assembly, the President of the Financial Crimes Court may make rules for
8 regulation of the practices and procedure of the Financial Crimes Court.

9 6. Section 287 of the Principal Act is altered in subsection (3) by
10 inserting the words 'the Financial Crimes Court' immediately after the
11 "National Industrial Court" as appearing twice.

12 7. Section 289 of the Principal Act is amended by inserting the words
13 "President of the Financial Crimes Court" appearing immediately after a Judge
14 of the National Industrial Court.

15 8. Section 295 of the Principal Act is altered as follows:

16 (a) in subsection (1) by inserting the words "the Financial Crimes
17 Court immediately after" the National Industrial Court" as twice appearing;

18 (b) in subsection (1) (b) by inserting the words "the Financial Crimes
19 Court" appearing immediately after the National Industrial Court;

20 (c) in subsection (2) by inserting the words "the Financial Crimes
21 Court" immediately after the National Industrial Court.

22 9. Section 318 of the Principal Act is altered as follows:

23 (a) by inserting the phrase "the office of the President or Judge of
24 Financial Crimes Court" immediately after National Industrial Court under the
25 interpretation of "judicial office"; and

26 (b) by inserting the words "the Financial Crimes Court" immediately
27 after the National Industrial Court, appearing in paragraph (b) under the
28 interpretation of "public service of the Federation".

29 **10.**- The Third Schedule to the Principal Act is altered

30 (a) in paragraph 12 by inserting a new sub paragraph "(da)"

1 immediately after the existing paragraph (d) as follows:

2 (da) the President of the Financial Crimes Court.

3 (b) in paragraph 13(a), by inserting new sub paragraph "(vic)" and
4 "(vid)" immediately after the existing sub paragraph "(vib)" the following:

5 (vic) the President of the Financial Crimes Court (vid) a Judge of
6 the Financial Crimes Court (d) In paragraph 21 (a)(i) by inserting the words
7 "President and Judges of the Financial Crimes Court" immediately after the
8 National Industrial Court.

9 11. The Seventh Schedule to the Principal Act is altered by
10 inserting "President/judge of the Financial Crimes Court, immediately after
11 the Judge of the National Industrial Court appearing under the Judicial Oath.

12 12. This Bill may be cited as the Constitution (Alteration) Bill, Citation
2015.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provision of section 6 and chapter VII of the Constitution of the Federal Republic of Nigeria 1999 (as altered) to provide for the establishment of a special court for the trial of financial crimes, corrupt practices and related offences.

[Faint, illegible text, possibly bleed-through from the reverse side of the page]