

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

(FOURTH ALTERATION, NO. 20) BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

1. Alteration of the Constitution, 1999
2. Alteration of section 230
3. Alteration of section 233
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5. Alteration of section 241.
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9. Alteration of section 250.
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12. Alteration of Section 282
13. Alteration of section 291
14. Alteration of the Third Schedule
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17. Alteration of the Third Alteration No. 3, 2011
18. Alteration of Part I of the Fifth Schedule
19. Citation

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 TO FURTHER STRENGTHEN THE JUDICIARY FOR
SPEEDY DISPENSATION OF JUSTICE; AND FOR RELATED MATTERS

Sponsored by Senator Ike Ekweremadu

[] Commencement

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

- | | |
|--|---|
| <p>1 1. The Constitution of the Federal Republic of Nigeria, 1999 (in
2 this Bill referred to as "the Principal Act") is amended as set out in this
3 Bill.</p> | <p>Alteration of
the Constitution,
1999</p> |
| <p>4 2. Section 230 of the Principal Act is altered by substituting for the
5 words "not exceeding twenty-one" in lines 1 to 2 of paragraph (b) of the
6 existing subsection (2), the words "not exceeding seventeen"</p> | <p>Alteration of
Section 230</p> |
| <p>7 3. Section 233 of the Principal Act is altered by -
8 (a) deleting subsection (2) and inserting a new subsection (2) -
9 "(2) All appeals from the Court of Appeal to the Supreme Court
10 shall be by leave of the Supreme Court"; and
11 (b) substituting for subsection (4), 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
16 and such decision shall be final."</p> | <p>Alteration of
Section 233</p> |
| <p>17 4. Section 237 (2) of the Principal Act is altered by substituting for
18 paragraph (b), a new subparagraph "(b)" -
19 "(b) such number of Justices of the Court of Appeal, not less than
20 one hundred of which at least three shall be learned in the law and practice of</p> | <p>Alteration of
Section 237</p> |

1 industrial relations and employment conditions, not less than three learned in
2 Islamic Personal Law, and not less than three learned in Customary Law, as
3 may be prescribed by an Act of the National Assembly."

Alteration of
Section 241

4 **5.** Section 241 of the Principal Act is altered by inserting, after
5 subsection (1), a new subsection "(1A)" -

6 "(1A) A Court or Tribunal shall not stay any proceeding on account of
7 interlocutory appeal."

Alteration of
Section 243

8 **6.** Section 243 of the Principal Act is altered by substituting for
9 subsection (3), a new subsection "(3)" -

10 "(3) An appeal shall lie from the decision of the National Industrial
11 Court to the Court of Appeal only with leave of the Court of Appeal and such
12 decision shall be final."

Alteration of
Section 246

13 **7.** Section 246 of the Principal Act is altered by inserting, after
14 subsection (1), a new subsection "(1A)" -

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

Alteration of
Section 247

18 **8.** Section 247 of the Principal Act is altered by inserting, after
19 subsection (1), a new subsection "(2)" -

20 "(2) Three Justices of the Court of Appeal sitting in Chambers may
21 dispose of any application for leave to appeal from any decision after
22 consideration of the record of proceedings if the Justices are of the opinion that
23 the interest of justice does not require an oral hearing of the application".

Alteration of
Section 250

24 **9.** Section 250 (1) of the Principal Act is altered, by substituting for
25 the word, "advice", in line 2, the word, "recommendation".

Alteration of
Section 267

26 **10.** Section 267 of the Principal Act is altered by inserting, after the
27 word, "Law" in line 4, the words, "and related matters."

Alteration of
Section 281

28 **11.** Section 281 (1) of the Principal Act is altered, by substituting for
29 the word, "advice", in line 3, the word, "recommendation".

- 1 **12.** Section 282 (1) of the Principal Act is altered by inserting, after Alteration of
2 the word, "Law", in line 3, the words, "and related matters". Section 282
- 3 **13.** Section 291 (3) of the Principal Act is altered- Alteration of
4 (a) in paragraph (a), by substituting for the word, "fifteen", in line Section 291
5 1, the word, "ten"; and
6 (b) in paragraph (b), by substituting for the word, "fifteen", in line
7 1, the word, "ten".
- 8 **14.** Part I of the Third Schedule to the Principal Act is altered- Alteration of
9 (a) in paragraph 12- the Third Schedule
10 (i) subparagraph (b), by inserting, after the word, "Appeal", the
11 words, "who shall be the Deputy Chairman",
12 (ii) by substituting for subparagraph (c), a new subparagraph "(c)"-
13 "(c) Minister of Justice";
14 (b) in paragraph 13, by substituting for subparagraph (c), a new
15 subparagraph "(c)" -
16 "(c) appoint, promote and exercise disciplinary control over the
17 Chief Registrars and Deputy Chief Registrars of the Supreme Court, the
18 Court of Appeal, Federal High Court, the National Industrial Court, Code of
19 Conduct Tribunal and all other members of staff of the Judicial Service of
20 the Federation not otherwise specified in this Constitution and of the Federal
21 Judicial Service Commission."; and
22 (c) by substituting for paragraph 20, a new paragraph "20" -
23 "20.-(1) The National Judicial Council shall comprise -
24 (a) the Chief Justice of Nigeria, who shall be the Chairman;
25 (b) the next most senior Justice of the Supreme Court, who shall be
26 the Deputy Chairman;
27 (c) the President of the Court of Appeal;
28 (d) three retired Justices of the Supreme Court, to serve for a period
29 of three years only;
30 (e) two retired Justices of the Court of Appeal, to serve for a period

1 of three years only;

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

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

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

5 (i) one Grand Kadi of a Sharia Court of Appeal to be appointed from
6 among the Grand Kadis of the Sharia Courts of Appeal to serve in rotation for
7 two years only;

8 (j) one President of a Customary Court of Appeal to be appointed
9 from among the Presidents of the Customary Courts of Appeal to serve in
10 rotation for two years only;

11 (k) the President of the Nigerian Bar Association to serve for a period
12 of two years only;

13 (l) four senior members of the Nigerian Bar Association who have
14 been qualified to practise for a period of not less than ten years, nominated by
15 the National Executive Committee of the Nigerian Bar Association to serve for
16 a period of two years only; and

17 (m) two persons not being legal practitioners, who, in the opinion of
18 the Chief Justice of Nigeria, are of unquestionable integrity.

19 (2) The Chief Justice of Nigeria shall, in exercising his power of
20 appointment of members under subparagraph (1) of this paragraph, consult
21 other Justices of the Supreme Court."; and

22 (d) by substituting for subparagraph 21 (a), a new subparagraph "(a)
23 (i)" -

24 "(a) recommend to the President from among the list of persons
25 submitted to it by -

26 (i) the Federal Judicial Service Commission, persons for appointment
27 to the offices of Chief Justice of Nigeria, the Justices of the Supreme Court, the
28 President and Justices of the Court of Appeal, the Chief Judge and Judges of the
29 Federal High Court, the President and Judges of the National Industrial Court
30 and the Chairman and Members of the Code of Conduct Tribunal."

1 **15.** Part II, of the Third Schedule to the Principal Act is altered in Alteration of
Part II of the
Third Schedule
2 paragraph 5 by -

3 (a) inserting, after subparagraph (a), a new subparagraph "(aa)" -
4 "(aa) the next most senior Head of Court who shall be the Deputy
5 Chairman"; and

6 (b) substituting for subparagraph (b), a new subparagraph "(b)" -
7 "(b) Commissioner for Justice"

8 **16.** Part III of the Third Schedule to the Principal Act is altered- Alteration of
Part III of the
Third Schedule
9 (a) by deleting the word, "EXECUTIVE" in the heading;

10 (b) in paragraph 1, by substituting for subparagraph (b), a new
11 subparagraph "(b)" -

12 "(b) the next most senior Head of Court who shall be the Deputy
13 Chairman";

14 (c) by substituting for paragraph 2 (c), a new paragraph "2 (c)" -

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

23 **17.** The Constitution (Third Alteration No. 3, 2011) is further Alteration of
the Third Alteration
No. 3, 2011
24 altered-

25 (a) in section 6, by inserting, after heading CC, a new heading
26 "CD" -

27 "CD Code of Conduct Tribunal"; and

28 (b) in section 13 (a), by inserting, after the word, "Court", in line 1,
29 the words, "Chairman and member of the Code of Conduct Tribunal".

Alteration of
Part I of the
Fifth Schedule

1 **18.** Paragraph 15 of the Fifth Schedule to the Principal Act is altered -
2 (a) in subparagraph (1), by substituting for the words, "a Chairman
3 and two other persons", in line 2, new paragraphs "(a)" and "(b)" -
4 "(a) a Chairman of the Code of Conduct Tribunal; and
5 (b) such number of members of the Code of Conduct Tribunal not less
6 than twenty-four as may be prescribed by an Act of the National Assembly";
7 (b) by substituting for subparagraph (3), a new subparagraph "(3)" -
8 "(3) The Code of Conduct Tribunal shall be duly constituted if it
9 consists of at least three members of the tribunal"; and
10 (c) by inserting, after subparagraph (3), new subparagraphs "(3A)" -
11 "(3C)" -
12 "(3A) A person shall not be qualified to hold or perform the functions
13 of the office of the Chairman or member of the Code of Conduct Tribunal
14 unless he is qualified to practise as a legal practitioner in Nigeria and has been
15 so qualified for a period of not less than ten years.
16 (3B) If the office of the Chairman of the Code of Conduct Tribunal is
17 vacant or the person holding such office is, for any reason, unable to perform
18 the functions of the office, then until a person has been appointed to and has
19 assumed the functions of that office, or until the person holding the office has
20 resumed those functions, the President shall appoint the most senior member of
21 the Code of Conduct Tribunal to perform those functions.
22 (3C) Except on the recommendation of the National Judicial Council,
23 an appointment made under sub-paragraph (3B) of this paragraph shall cease to
24 have effect after the expiration of three months from the date of such
25 appointment, and the President shall not re-appoint a person whose
26 appointment has lapsed."

Citation

27 **19.** This Bill may be cited as the Constitution of the Federal Republic
28 of Nigeria, 1999 (Fourth Alteration, No. 20) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill alters the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to further strengthen the Judiciary for speedy dispensation of justice.

