

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF ECCLESIASTICAL COURT TO HANDLE CHRISTIAN RELATED DISPUTES LIKE THE SHARIA COURT AND FOR OTHER RELATED MATTERS

Sponsored by Senator Dino Melaye

[] Commencement

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

1 PART 1 - ESTABLISHMENT AND COMPOSITION ETC OF THE
2 ECCLESIASTICAL COURT

3 1.-(1) There is hereby established a body to be known as the Establishment of
4 "Ecclesiastical Court" (in this Act referred to as "the Court"). the Board

5 (2) The Court:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal; and

8 (b) may sue and be sued in its corporate name;

9 (c) may acquire hold and manage any movable or immovable
10 property for the purpose of carrying its functions.

11 (3) The headquarter of the Court shall be situated in the Federal
12 Capital Territory Abuja and there shall be established six zonal offices in the
13 six Geopolitical Zones of the Federation.

14 ESTABLISHMENT AND COMPOSITION OF THE GOVERNING BOARD

15 2.-(1) There is established for the Commission a Governing Board Establishment
16 (in this Act referred as "the Board") which shall provide policy guidelines and composition
17 for the day-to-day administration of the Court. of the Board

18 (2) The Court shall comprise:

19 (a) a part-time chairman to be appointed by the President subject to
20 confirmation by the Senate;

- 1 (b) the Permanent Secretary of the Ministry of Justice.
2 (c) a representative from each of the Ministry of:
3 (i) finance;
4 (ii) special duties;
5 (iii) National Planning;
6 (iv) ethics and value;
7 (d) a representative from each of the six geo-political zones of the
8 federation, who by reason of their character and experience in matters relating
9 to the Judiciary are in the opinion of the minister suitable for appointment as
10 members of the Board;
11 (e) a representative of the PTL.

12 (3) Members of the Board shall be appointed by the President.

Tenure of Office

13 3.-(1) The Chairman and members of the Board other than the ex-
14 officio members shall hold office for a term of four years in the first instance
15 and may be reappointed for a further term of four years and no more.

16 (2) The Chairman and Members of the Board shall be paid such
17 emoluments allowances and remunerations and incidental expenses as the
18 Revenue Mobilization Allocation and Fiscal Commission may determine from
19 time to time.

Cessation of
Membership

20 4.-(1) Notwithstanding the provisions of Section 4 subsection (1) a
21 member of the Board shall cease to hold office if:

22 (a) he resigns his appointment as a member of the Board by a notice
23 under his hand addressed to the President;

24 (b) he becomes of unsound mind;

25 (c) becomes bankrupt or makes compromise with his creditors;

26 (d) He is convicted of a felony or any offence involving dishonesty or
27 corruption;

28 (e) He becomes incapable of carrying on the functions of his office
29 arising from infirmity of mind and body or;

30 (f) the President is satisfied that it is not in the interest of the public for

1 the person to continue in office and notifies the member in writing to that
2 effect.

3 (2) Where a vacancy occurs in the membership of the Board, it
4 shall be filled by the appointment of a successor to hold office for the
5 remainder of the term of his predecessor, If so however that the successor
6 shall represent the same interest and shall be appointed by the president.

7 (3) The supplementary provisions contained in the schedule to this
8 Act shall have effect with respect to the proceedings of the Board and other
9 matters mentioned herein.

10 PART II - FUNCTIONS AND POWERS OF THE COURT

11 5. The functions of the court shall be to:

Functions and
Powers of the
Court

12 (1) resolve internal dispute within the Christian faith just as the
13 Sharia Court so that Christians can have a sense of belonging in their country
14 due to religious imbalance.

15 (2) Create, make or establish rules and regulations to settle
16 Ecclesiastical disputes.

17 (3) Develop appropriate procedures, guidelines, form, methods or
18 techniques for the purpose of carrying out the Court functions duties and
19 responsibilities.

20 (4) Provide leadership in the planning and programme of
21 Ecclesiastical Court and Christian faith.

22 (5) Evaluate its members churches to ensure compliance with the
23 guidelines of the court an national security objectives.

24 (6) Established and maintain effective institutional linkage with
25 local representative of donor countries an institution organization on
26 Ecclesiastical matters.

27 (7) Increase the number of exchange opportunities through court
28 sharing on the part of foreign government, en Ecclesiastical churches as well
29 as Nigeria institutions and buy seeking grants in aid and other supplemental
30 funds from private sources.

1 (8) Keep abreast of emerging and developing Ecclesiastical
2 opportunities worldwide.

3 (9) Advise the minister on all matters concerning Ecclesiastical
4 disputes.

5 (10) Do anything or enter into any transaction which in the opinion of
6 the Board is necessary to ensure the proper performance of its functions under
7 this Act.

Powers of the
Court

8 6. The court shall have the powers to:

9 (1) purchase or acquire any assets or property considered necessary
10 for the proper conduct of its functions;

11 (2) source funds for the court through grants, aids, gifts or donations.

12 (3) fix terms and conditions of service including remuneration of its
13 employees;

14 (4) establish such zonal offices of the court as it may deem necessary
15 for the proper performance of its functions; and

16 (5) do such other things as are necessary or accidental for the
17 successful performance of its functions under this Act.

18 PART 111- STAFF OF THE COURT

Director-General
of the Court

19 7.-(1) There shall be for the Court a Director General, who shall:

20 (a) be responsible for the day-to-day administration of the Court
21 according to the policy guidelines drawn by the members of the Board;

22 (b) be the Chief Executive and Accounting Officer of the Court;

23 (c) he shall be a person possessing a minimum of a masters degree in
24 relevant and not less than 15 years cognate experience of which 10 years shall
25 be in judicial management.

26 (2) The Director General shall:

27 (a) be appointed by the President; and

28 (b) hold office on such terms and conditions as to emoluments and
29 otherwise may be specified in the letter of appointment.

1 8.-(1) The Board shall have powers to appoint for the Court such Other staff of the
Court
2 other employees as it may deem it necessary for the efficient performance of
3 its functions under this Act and shall have power to pay person so employed
4 such remuneration including allowances as the court may determine after
5 consultation with the National Salaries and Wages Commission.

6 (2) The power of the Court under Subsection (1) of this section
7 shall include the power to:

8 (a) promote and control staff as may appear to the court necessary
9 and expedient;

10 (b) dismiss ,terminate and consider the resignation or withdrawal
11 of appointments and exercise disciplinary control over staff of the Court,
12 other than the Director - General.

13 (3) The Board may delegate to the Director-General, generally or
14 specifically, the power to appoint such categories of staff of the Court as the
15 court may determine from time to time.

16 9. The Court may subject to the provision of this Act, make staff Power to make
Regulation
17 regulations relating to the conditions of service of its employers and without
18 prejudice to the generality of the foregoing such regulations may provide
19 for:

20 (a) the appointment, promotion and disciplinary control (including
21 dismissal) of employees of the Court; and

22 (b) appeals by such employees against dismissal or other
23 disciplinary measures.

24 10. -(1)Service in the Court shall be approved service for the Pensions Reform
Act 2004
25 purpose of the Pensions Act and the officers and staff of the Court shall be
26 entitled to pension, gratuities and retirement benefits as are prescribed in the
27 Pensions Act.

28 (2) Nothing in this Section shall prevent the appointment of a
29 person to any office on terms which preclude the grant of pensions and
30 gratuity in respect of that office.

- 1 **15.** The court shall not later than 31st October in each year submit Annual Estimates
2 to the President an estimate of the expenditure and income of the Court
3 during the next succeeding year.
- 4 **16.** The Commission shall cause to be kept proper accounts of the Accounts and
5 Court in respect of each year and shall cause the accounts to be audited not Audit
6 later than six months after the end of each year by auditors appointed from
7 the list and in accordance with guideline supplied by the Auditor General of
8 the Federation.
- 9 **17.** The Court shall not later than six months after the end of each Annual Report
10 year submit to the President through the Minister of Justice a report on the
11 activities of the court and its administration during the immediately
12 proceeding year and shall include the report the audited account of the court
13 and the comments thereon.
- 14 **18.** In this Act: Interpretation
15 "Ecclesiastics Courts" means Ecclesiastical Court established under Section
16 1 (1) of this Act;
17 "Director General" means an Officer appointed accordance with Section 8
18 of this Act;
19 "Minister" means Minister of Justice;
20 "President" means President of the Federal Republic of Nigeria.
- 21 **19.** This Act may be cited as the Ecclesiastical Court Establishment Citation
22 Bill, 2015.

EXPLANATORY MEMORANDUM

This bill seek to provide for the establishment of Ecclesiastical Court to handle Christian related disputes like the Sharia Court and for other related matters.