

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, CAP. C23, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO SET TIME WITHIN WHICH CIVIL AND CRIMINAL CAUSES AND MATTERS ARE HEARD AND DETERMINED AT TRIAL AND APPELLATE COURTS IN ORDER TO ELIMINATE UNNECESSARY DELAY IN JUSTICE ADMINISTRATION AND DELIVERY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Co-sponsor:

Hon. Benjamin Kalu

Hon. Ben Rowland

Hon. Ademorin Kuye

Hon. Nsikak Ekong

Hon. Isa Haruna Dederi

Hon. Cornelius Nnaji

Hon. Kabiru Idris

[] Commencement

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

- | | | |
|---|---|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria Cap.C23, | Alteration of
Cap. C23, LFN,
2004 |
| 2 | Laws of the Federation of Nigeria, 2004 (in this Bill referred to as "the | |
| 3 | Principal Act") is altered as set out in this Bill. | |
| 4 | 2. Chapter VII, Part IV of the Principal Act is altered by inserting | Insertion of
Section 287A |
| 5 | after section 287, a new section "287A": | |
| 6 | "287 A (1) In any civil or criminal matter except in election | |
| 7 | petition, a trial superior court of record shall deliver its judgement in writing | |
| 8 | within 270 days from the date of the filing of the civil or criminal matter. | |
| 9 | Not (2) In any civil or criminal matter except in election petition, a | |

1 trial inferior court of record or tribunal shall deliver its judgement in writing
2 within 210 days from the date of the filing of the civil or criminal matter.

3 (3) Notwithstanding the provisions of subsections (1) and (2) of this
4 section:

5 (a) A trial superior court of record may deliver its judgment in writing
6 within 330 or more days having regard to the circumstances of the matter and in
7 particular to the complexity of the matter, number of parties, number of
8 witnesses, number of documents or other exceptional circumstances;

9 (b) A trial inferior court of record may deliver its judgment in writing
10 within 270 or more days having regard to the circumstances of the matter and in
11 particular to the complexity of the matter, number of parties, number of
12 witnesses, number of documents or other exceptional circumstances.

13 An (4) Appeal arising from a civil or criminal matter except in
14 election petition shall be heard and judgment delivered in writing by an
15 appellate court within 180 days from the date of the filing of the appeal, or such
16 number of days not exceeding 270 days, having regard to the circumstances of
17 the appeal and in particular to the complexity of the appeal, calling of fresh
18 evidence or other exceptional circumstances.

19 (5) A judgement of court shall not be a nullity for the reason that it was
20 not delivered within the time set by this section of the Constitution.

21 (6) Where any court delivers judgement beyond the time set by this
22 section of the Constitution relying on exceptional circumstances, the judicial
23 or presiding officer of the court shall before the beginning of a new legal year
24 send a report on any such matter to the National Judicial Council and state the
25 exceptional circumstances.

26 (7) The National Judicial Council shall upon the receipt of the report
27 mentioned in subsection (7) of this Constitution consider and determine
28 whether the reasons stated therein amount to exceptional circumstances and
29 shall sanction such judicial or presiding officer where appropriate.

30 (8) The time limits set by this section shall not affect matters pending

1 in court at the time of coming into effect of the provisions of this section.

2 (9) The National Judicial Council may make rules for the purpose
3 of bringing into full effect the provisions of this section and in particular as
4 they relate to:

5 (a) specifying non-contentious or less complex matters
6 commenced by way of originating summons, motion, etc., and summary
7 trial and limit time within which such matters may be disposed of within the
8 time limits set by this section of the Constitution; and

9 (b) exceptional circumstances that may justify time limits set by
10 this section of the Constitution.

11 In (10) In this section, unless the context otherwise requires:

12 "trial superior court of record" means the courts established in this
13 Constitution as superior courts of record where evidence is first received and
14 considered and include any appellate court established in this Constitution
15 sitting as a court of first instance over a matter;

16 "trial inferior court of record" is any court other than the courts established
17 in this Constitution as superior court of record where evidence is first
18 received and considered and presided by a person qualified as legal
19 practitioner and applying, wholly or substantially, the rules and principles of
20 the Evidence Act in force;

21 "tribunal" is any administrative or judicial tribunal established by this
22 Constitution, the National Assembly or the House of Assembly of a State
23 and presided by a person qualified as legal practitioner and applying, whole
24 or substantially, the rules and principles of Evidence in force, except
25 election petition tribunal;

26 "appellate court" means any court established in this Constitution, the
27 National Assembly or the House of Assembly with power and authority to
28 review decisions of any court or tribunal and includes an inferior court
29 sitting as appellate court."

Citation 1 **3.** This Bill may be cited as the Constitution of the Federal Republic
 2 of Nigeria (Fifth Alteration) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to set time within which civil and criminal causes and matters are heard and determined at trial and appellate courts in order to eliminate unnecessary delay in justice administration and delivery.