

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), TO PROVIDE THE LEGAL FRAMEWORK FOR THE FINANCIAL AND ADMINISTRATIVE INDEPENDENCE FOR STATE JUDICIARY; TO ESTABLISH THE STATE JUDICIAL COUNCILS WHICH SHALL BE RESPONSIBLE FOR THE APPOINTMENT, PROMOTION AND DISCIPLINE OF JUDICIAL OFFICERS IN STATE COURTS AND JUDICIAL BODIES AND DISBURSE MONEY STANDING TO THE CREDIT OF THE STATE JUDICIARY OR MONEY APPROPRIATED TO THE STATE JUDICIARY, IN THE CONSOLIDATED REVENUE FUND OF THE STATE AND TO PROVIDE FOR RELATED MATTERS

Sponsored by Hon. Abbas Tajudeen

[] 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) (hereinafter referred to as lithe Principal Act") is altered in section
3 121(3) by deleting the existing provisions, in its entirety, and insert the
4 following new provisions:

Alteration of
Section 121(3)
of the Principal
Act

5 “(3)Any amount standing to the credit of:

6 (a) a State House of Assembly, and

7 (b) the Judiciary of a State,

8 in the Consolidated Revenue Fund of the State shall be paid directly to the
9 Assembly and to the State Judicial Council respectively; in the case of the
10 State Judicial Council such amount shall be paid directly to the Heads of the
11 Courts and Judicial Bodies established for a State by the Constitution or
12 other Courts established by a law of a House of Assembly".

13 Act No.7 (Fourth Alteration) 2017

1 of the Chief Judge of the state is of unquestionable integrity.

2 4B. A Secretary of a State Judicial Council shall be appointed by
3 the State Judicial Council on the recommendation of the State Judicial
4 Service Commission and shall be a legal practitioner.

5 *Power of the State Judicial Council*

6 4C. A State Judicial Council shall have power to:

7 (a) recommend to the Governor of a State, from among the list of
8 persons for appointment to the offices of the Chief Judge and Judges of the
9 High Court of the State, the Grand Kadi and Kadis of the Sharia Courts of
10 appeal of the State, and the President and Judges of the Customary Courts of
11 Appeal of the State, Magistrates, the Judges and Members of the District and
12 Area Courts, if any and all other members of the Staff of the Judicial Service
13 of the State not otherwise specified in this Constitution and of the State
14 Judicial Council;

15 (b) recommend to the governor the removal from office of the
16 judicial officers specified in paragraph [a), and to exercise disciplinary
17 control over such officers;

18 (c) collect, control and disburse all moneys, capital and recurrent,
19 for the judiciary of the state;

20 (d) advise the Governor of the state on any matter pertaining to the
21 judiciary of the State as may be referred to the council by the Governor;

22 (e) appoint, dismiss and exercise disciplinary control over
23 members of Staff of the council (f) control and disburse all monies, capital
24 and recurrent, for the services of the Council (g) deal with all other matters
25 relating to broad issues of policy and administration".

26 4. The Principal Act is altered as follows:

27 (a) in section 84 (4) of the Principal Act, delete the followings
28 words:

29 (i) "Chief Judge of a State, Judge of a High court of State",

Consequential
Alterations of
the Principal Act

1 (ii) " Grand Kadi and Kadi of the Sharia Court of Appeal of a State";

2 and

3 (iii) "President and Judge of the Customary Court of Appeal of a
4 State".

5 (b) in section 162 (9), delete after the word "Federation", the words
6 "and the State";

7 (c) in section 197 (1), insert, after existing paragraph (b), the
8 following new paragraph:

9 "(ba) State Judicial Council".

10 (d) in section 201(2) insert, after the words "State Judicial Service
11 Commission", the words "State Judicial Service";

12 (e) in sections 271,276 and 281 delete the words "National Judicial
13 Council" wherever they appear therein, and insert the words "State Judicial
14 Council";

15 (f) in section 289, insert, after the word "Abuja", the words "or a State
16 Judicial Council";

17 (g) in section 292(1)(b), insert, after the word "Council" the words "or
18 a State Judicial Council";

19 (h) in item 21 part 1 of the third schedule to the Principal Act:

20 (i) delete paragraph (c) and (d);

21 (ii) insert after the word "Judiciary" the words "of the Federation";

22 (iii) delete existing paragraph (f) and insert the following new
23 provisions:

24 "(f) advise the President on any matter pertaining to the Judiciary of
25 the Federation as may be referred to the Council by the President",

26 (i) in item (6) Part 11 of the Third Schedule to the Principal Act, in
27 paragraphs (a) and (b), delete the words "National Judicial Council" wherever
28 they appear therein, and insert the words "State Judicial Council",

Citation

29 **5.** This Bill may cited as the Constitution of the Federal Republic of
30 Nigeria 1999 (Fifth Alteration) Bill, 2020

EXPLANATORY MEMORANDUM

This Bill seeks to Alters the Constitution of The Federal Republic of Nigeria 1999 (As Amended), to provide the Legal Framework for the Financial and Administrative Independence for State Judiciary; Establish the State Judicial Councils, which shall be responsible For The Appointment, Promotion and Discipline of Judicial Officers in State Courts and Judicial Bodies and disbursement of Money Standing to the Credit Of The State Judiciary or Money Appropriated for the State Judiciary, in the Consolidated Fund of the State.