## **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

Alteration of Section 121(3)

of the Principal

Act

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

1. The Constitution of the Federal Republic of Nigeria 1999 (as
 amended) (hereinafter referred to as lithe Principal Act") is altered in section
 121(3) by deleting the existing provisions, in its entirety, and insert the

- 4 following new provisions:
- 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

C 2957

Alteration of Section 124 of the Principal Act Insertion of new item in Part II of the Third Schedule to the Principal Act	1	2. Section 124 (4) of the principal Act is altered by deleting the
	2	existing provisions and inserting instead this new provision:
	3	"(4) The offices aforesaid are the offices of the Governor, Deputy
	4	Governor, Chief Judge of a State, Judge of the High Court of a State, Grand
	5	Kadi and Kadi of the Sharia Court of Appeal of a State, President and Judge of
	6	the Customary Court of Appeal of a State, the Auditor-General of a State,
	7	Auditor-General of the Local Government Councils of a State and chairman
	8	and members of the following bodies, that is to say, the State Civil Service
	9	Commission, the State Judicial Council, the State Judicial Service
	10	Commission and the State Local Government Service Commission"
	11	<b>3.</b> Part 11 of the Third Schedule to the Principal Act is altered by
	12	inserting, after existing section item 4, the following new provisions:
	13	"(8) - State Judicial Council
	14	State Judicial Council
	15	4A. A State Judicial Council shall comprise the following Members:
	16	(a) the Chief Judge of the State, who shall be the Chairman;
	17	(b) the next most senior Head of Court, who shall be the Deputy
	18	chairman;
	19	(c) the Grand Kadi of the Sharia Court of Appeal of the State, if any (d)
	20	the President of the Customary Court of Appeal of the State, if any;
	21	(e) two retired Judges of the Judiciary of the State selected by the
	22	Chief Judge;
	23	(f) two members of the Nigerian Bar Association who have been
	24	qualified for not less than 15 years, appointed by the Chief Judge of the State on
	25	the recommendation of the State Executive Committee of the Nigerian Bar
	26	Association to serve for two years and subject to reappointment:
	27	Provided that the two members shall sit in the Council only for the
	28	purposes of considering the names of person for appointment to the superior
	29	courts of record in the State, and
	30	(g) one other person not being a legal practitioner who in the opinion

<ol> <li>of the Chief Judge of the state is of unquestionable integrity.</li> <li>4B. A Secretary of a State Judicial Council shall be appointed by</li> </ol>	•
2 4B. A Secretary of a State Judicial Council shall be appointed b	•
	al
3 the State Judicial Council on the recommendation of the State Judici	
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	ne
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	nd
12 Area Courts, if any and all other members of the Staff of the Judicial Service	ce
13 of the State not otherwise specified in this Constitution and of the Sta	te
14 Judicial Council;	
15 (b) recommend to the governor the removal from office of the	ne
16 judicial officers specified in paragraph [a), and to exercise disciplina	ry
17 control over such officers;	
18 (c) collect, control and disburse all moneys, capital and recurren	nt,
19 for the judiciary of the state;	
20 (d) advise the Governor of the state on any matter pertaining to the	ne
21 judiciary of the State as may be referred to the council by the Governor;	
22 (e) appoint, dismiss and exercise disciplinary control ov	er
23 members of Staff of the council (f) control and disburse all monies, capit	al
24 and recurrent, for the services of the Council (g) deal with all other matte	rs
25 relating to broad issues of policy and administration".	
26 <b>4.</b> The Principal Act is altered as follows:	Consequential
27 (a) in section 84 (4) of the Principal Act, delete the following	Alterations of gs the Principal Act
28 words:	
29 (i) "Chief Judge of a State, Judge of a High court of State",	

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(l)(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",
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.