

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 RESTRUCTURE CERTAIN JUDICIAL BODIES CREATED BY THE CONSTITUTION AND THE CODE OF CONDUCT TRIBUNAL TO ENABLE THEM DISCHARGE THEIR FUNCTIONS EFFECTIVELY AND INDEPENDENTLY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofioke Luke

Hon. Dederi Isa	Hon. Shaba Ibrahim,
Hon. Gbande Richard	Hon. Mohammed Bio
Hon. Hassan Nalaraba,	Hon. Egbona Alex
Hon. Olarewaju Kunle	Hon. Nsikak Ekong
Hon. Patrick Ifon	

[] Commencement

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

- | | | |
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| 1 | 1. The Constitution of the Federal Republic of Nigeria, 1999 (in | Alteration of the
Constitution, 1999 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | |
| 3 | 2. The Third Schedule to the Principal Act is altered: | Alteration of
Third Schedule |
| 4 | (a) in Part I, by substituting for paragraph 12, a new paragraph | |
| 5 | "12"- | |
| 6 | "12. The Federal Judicial Service Commission shall comprise the | |
| 7 | following members: | |
| 8 | (a) the Chief Justice of Nigeria, who shall be the Chairman; | |
| 9 | (b) the next most senior Justice of the Supreme Court, who shall be | |
| 10 | the Deputy Chairman; | |
| 11 | (c) the President of the Court of Appeal; | |
| 12 | (d) the Chief Judge of the Federal High Court; | |

- 1 (e) the President of the National Industrial Court;
- 2 (f) the Chief Judge of the Federal Capital Territory;
- 3 (g) the Grand Kadi of the Sharia Court of Appeal of the Federal
- 4 Capital Territory, Abuja;
- 5 (h) the President of the Customary Court of Appeal of the Federal
- 6 Capital Territory, Abuja;
- 7 (i) two persons, each of whom has been qualified to practise as a legal
- 8 practitioner in Nigeria for a period of not less than fifteen years, from a list of
- 9 not less than four persons so qualified, recommended by the Nigerian Bar
- 10 Association, to serve for one period of two years only;
- 11 (j) two retired persons from the public or private sector of the
- 12 economy appointed by the President, on the recommendation of the Chief
- 13 Justice of Nigeria after consultation with the ex-officio members of the
- 14 Commission, and subject to confirmation by the Senate, to serve for a period of
- 15 three years, which may be renewed for one further period of three years.";
- 16 (b) in Part I, paragraph 13, by substituting for subparagraph (c), a new
- 17 subparagraph "(c)"-
- 18 "(c) appoint, dismiss and exercise disciplinary control over the Chief
- 19 Registrars and Deputy Chief Registrars of the Supreme Court, the Court of
- 20 Appeal, the Federal High Court, the National Industrial Court, the Code of
- 21 Conduct Tribunal and all other members of the staff of the judicial service of
- 22 the Federation not otherwise specified in this Constitution and of the Federal
- 23 Judicial Service Commission".
- 24 (c) in Part I, by substituting for paragraph 21(a)(i), a new paragraph
- 25 21 (a) "(if) -
- 26 "(i) the Federal Judicial Service Commission, persons, for
- 27 appointment to the offices of the Chief Justice of Nigeria, the Justices of the
- 28 Supreme Court, the President and Justices of the Court of Appeal, the Chief
- 29 Judge and Judges of the Federal High Court, the President and Judges of the

1 National Industrial Court, the Chairman and members of the Code of
2 Conduct Tribunal; and;

3 (d) in Part II, paragraph 5:

4 (i) by substituting for subparagraph (b), a new subparagraph "(b)":

5 "(b) the next most senior Judge of the High Court, who shall be the
6 Deputy Chairman; and

7 (ii) in subparagraph (e), by substituting for the words "ten years" in
8 line 2, the words "fifteen years";

9 (e) in Part II, paragraph 6, by inserting a proviso to subparagraph
10 (b):

11 "Provided that the judicial officer has been afforded the
12 opportunity of being heard and a prima facie case has been established
13 against him;

14 (f) in Part III, paragraph 1, by substituting for subparagraphs (b),
15 (e) and (d), new subparagraphs "(a)", "(e)" and "(f)":

16 "(b) the next most senior Judge of the Federal Capital Territory,
17 Abuja, who shall be the Deputy Chairman;

18 (e) two members, who are legal practitioners, and have been
19 qualified to practise as legal practitioners in Nigeria for not less than fifteen
20 years; and

21 (f) two other persons, not being a legal practitioner, who in the
22 opinion of the President are of unquestionable integrity."; and

23 (g) in Part III, paragraph 2, by inserting a proviso to subparagraph
24 (b):

25 "Provided that the judicial officer has been afforded the
26 opportunity of being heard and a prima facie case has been established
27 against him;".

28 3. The Fifth Schedule to the Principal Act is altered in Part I, by
29 substituting for paragraph 15, a new paragraph "15":

30 "(1) There shall be a Code of Conduct Tribunal which shall

1 comprise of the Chairman and such number of members not less than 6, as may
2 be prescribed by an Act of the National Assembly.

3 (2) A person shall not be qualified to hold the office of Chairman or
4 member of the Code of Conduct Tribunal unless:

5 (a) he is a person of unquestionable integrity and unblemished
6 character; and

7 (b) he is qualified to practise as a legal practitioner in Nigeria for a
8 period not less than 15 years.

9 (3) The appointment of a person to the office of Chairman and
10 members of the Tribunal shall be made by the President on the
11 recommendation of the National Judicial Council subject to the confirmation
12 by the Senate.

13 (4) The Tribunal shall establish such offices in any part of the
14 Federation as it may require for the discharge of its functions under the
15 Constitution.

16 (5) For the purpose of exercising any functions conferred on it by this
17 Constitution or any other law, the Tribunal shall be duly constituted if it
18 consists of not less than 3 members of the Tribunal.

19 (6) The National Assembly may bylaw confer on the Code of Conduct
20 Tribunal such additional powers as may appear to it to be necessary to enable
21 the Tribunal more effectively discharge the functions conferred on it in this
22 Schedule."

23 (7) The Code of Conduct Tribunal shall be part of the Judicial Arm of
24 Government.

Alteration of
the Seventh
Schedule

25 4. The Seventh Schedule to the Principal Act is altered under Judicial
26 Oath by inserting after the word "State" in line 8, the words "Chairman and
27 members of the Code of Conduct Tribunal".

Citation

28 5. This Bill may be cited as the Constitution of the Federal Republic
29 of Nigeria (Fifth Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to restructure certain judicial bodies created by the Constitution and the Code of Conduct Tribunal to enable them discharge their functions effectively and independently.

