

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO GUARANTEE THE INDEPENDENCE OF JUDICIAL OFFICERS AND TO ENSURE A PROPER REMOVAL OF A JUDICIAL OFFICER; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Luke

Hon. Dederi Ise	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 |
| 2 | this Bill referred to as "the Principal Act") is altered as set out in this Bill. | Constitution, 1999 |
| 3 | 2. Section 291 of the Principal Act is altered: | Alteration of |
| 4 | (a) in subsection (3) (a), by substituting for the words "fifteen | Section 291 |
| 5 | years" in line 1, the words "ten years"; | |
| 6 | (b) in subsection (3) (b), by substituting for the words "fifteen | |
| 7 | years" in lines 1 and 4, the words "ten years", respectively. | |
| 8 | 3. Section 292 of the Principal Act is further altered: | Alteration of |
| 9 | (a) in subsection (1) (b), by inserting after subsection (1) (b): | Section 292 |
| 10 | "Provided that the address from the Senate or House of Assembly, | |
| 11 | as the case may be, required under paragraph (a) of this subsection shall be | |
| 12 | accompanied with a memorandum from the National Judicial Council | |
| 13 | certifying that the judicial officer was accorded the right to fair hearing with | |
| 14 | respect to the issue in question and that, in the opinion of the National | |

1 Judicial Council, a prima facie case for removal of the judicial officer has been
2 established against him;"

3 (b) By inserting after subsection (1), a new subsection "(1A)":

4 "Notwithstanding anything contained in this Constitution, no other
5 person or authority shall have the power to remove a judicial officer mentioned
6 in subsection (1) except as provided in the subsection (1)."

Deletion of
Section 295

7 4. Section 295 of the Principal Act is deleted.

Citation

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

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, to guarantee the independence of judicial officers and to ensure a proper removal of a judicial officer.