

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (FIRST ALTERATION) ACT, 2010 TO PROVIDE FOR A MINIMUM NUMBER OF JUDGES OF THE FEDERAL HIGH COURT, INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS JUDGE OF THE COURT, AND CONFER CONCURRENT JURISDICTION ON THE COURT TO TRY OFFENCES ARISING FROM VIOLATION OF ELECTORAL ACT AND ANY OTHER ELECTION RELATED ACT OF THE NATIONAL ASSEMBLY; AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok 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
and the Constitution
(First Alteration)
Act No. 1, 2010 |
| 2 | this Bill referred to as "the Principal Act") and the Constitution of the | |
| 3 | Federal Republic of Nigeria (First Alteration) Act No.1, 2010 (in this Bill | |
| 4 | referred to as "the First Alteration Act" are altered as set out in this Bill. | |
| 5 | 2. Section 249 (2) of the Principal Act is altered by substituting for | Alteration of
Section 249 of the
Constitution |
| 6 | paragraph (b), a new paragraph "(b)"- | |
| 7 | "(b) not less than one hundred judges of the Federal High Court." | |
| 8 | 3. Section 250 (3) of the Principal Act is altered by substituting for | Alteration of
Section 250 of the
Constitution |
| 9 | the words "ten years" in line 3, the words "twelve years". | |

Alteration of
Section 251 of the
Constitution and
Section 27 of the
(First Alteration)
Act

- 1 4. Section 251 of the Principal Act and Section 27 of the First
- 2 Alteration is altered-
- 3 (a) by substituting for subsection (1), a new subsection "(1)"-
- 4 "(1) Notwithstanding anything to the contained in this Constitution
- 5 and in addition to such other jurisdiction as may be conferred upon it by an Act
- 6 of the National Assembly, the Federal High Court shall have and exercise
- 7 jurisdiction to the exclusion of any other court in civil causes and matters-
- 8 (a) relating to the revenue of the Government of the Federation in
- 9 which the said Government or any organ thereof or a person suing or being
- 10 sued on behalf of the said Government is a party;
- 11 (b) connected with or pertaining to the taxation of companies and
- 12 other bodies established or carrying on business in Nigeria and other persons
- 13 subject to Federal taxation;
- 14 (c) connected with or pertaining to customs and excise duties and
- 15 export duties, including any claim by or against the Nigeria Customs Service or
- 16 any member or officer thereof, arising from the performance of any duty
- 17 imposed under any regulation relating to customs and excise duties and export
- 18 duties;
- 19 (d) connected with or pertaining to banking, banks, insurance and
- 20 other financial institutions, including any action between one bank or insurer
- 21 and another, any action by or against the Central Bank of Nigeria arising from
- 22 banking, foreign exchange, coinage, legal tender, bills of exchange, letters of
- 23 credit, promissory notes and other fiscal measures;
- 24 (e) any Federal enactment relating to copyright, patent, designs,
- 25 trademarks and passing-off, industrial designs and merchandise marks,
- 26 business names, commercial and industrial monopolies, combines and trusts,
- 27 standards of goods and commodities and industrial standards; any admiralty
- 28 jurisdiction, including shipping and navigation on the River Niger or River
- 29 Benue and their effluents and on such other inland waterway as may be
- 30 designated by any enactment to be an international waterway, all Federal ports,

(including the constitution and powers of the ports authorities for Federal ports) and carriage by sea;

(g) diplomatic, consular and trade representation;

(h) citizenship, naturalisation and aliens, deportation of persons who are not citizens of Nigeria, extradition, immigration into and emigration from Nigeria, passports and visas;

(i) aviation and safety of aircraft;

(j) arms, ammunition and explosives;

(k) mines and minerals (including oil fields, oil mining, geological surveys and natural gas);

(l) the administration or the management and control of the Federal Government or any of its agencies;

(m) subject to the provisions of this Constitution, the operation and interpretation of this Constitution in so far as it affects the Federal Government or any of its agencies;

(n) any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies; and

(o) such other jurisdiction civil or criminal and whether to the exclusion of any other court or not as may be conferred upon it by an Act of the National Assembly;

Provided that nothing in the provisions of paragraphs (l), (m) and (n) of this subsection shall prevent a person from seeking redress against the Federal Government or any of its agencies in an action for damages, injunction or specific performance where the action is based on any enactment, law or equity. "

(b) inserting after subsection 4, a new subsections "(5)" - "(6)" -

"(5) The Federal High Court, High of the Federal Capital Territory and High Court of a State shall have and exercise concurrent jurisdiction for the trial of offences arising from violation of the provisions of the Electoral

1 Act and any other election related Act of the National Assembly.

2 (6) The Federal High Court shall not stay any proceedings on account
3 of any interlocutory appeal."

Citation

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

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999, and the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010 to provide for a minimum number of Judges of the Federal High Court, increase the number of years of qualification for appointment as a Judge of the Court, and confer concurrent jurisdiction on the Court to try offences arising from violation of Electoral Act and any other election related Act of the National Assembly.