

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO INCREASE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS PRESIDENT OR JUDGE OF THE NATIONAL INDUSTRIAL COURT AND DELIMIT ITS JURISDICTION; 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. Section 254B of the Principal Act is altered- | Alteration of
Section 254B |
| 4 | (a) in subsection (3), by substituting for the words "ten years" in | |
| 5 | line 4, the words "twelve years"; | |
| 6 | (b) in subsection (4), by substituting for the words "ten years" in | |
| 7 | line 4, the words "twelve years". | |
| 8 | 3. Section 254C of the Principal Act is substituted for a new | Alteration of
Section 254C |
| 9 | section "254C"- | |
| 10 | "254C-(1) Notwithstanding the provisions of sections 251, 257, | |
| 11 | 272 and anything contained in this Constitution and in addition to such other | |
| 12 | jurisdiction as may be conferred upon it by an Act of the National Assembly, | |
| 13 | the National Industrial Court shall have and exercise jurisdiction to the | |
| 14 | exclusion of any other court in civil causes and matters- | |

1 (a) relating to or connected with any labour, employment, trade
2 unions, industrial relations and matters arising from workplace, the conditions
3 of service, including health, safety, welfare of labour, employee, worker and
4 matters incidental thereto or connected therewith;

5 (b) relating to, connected with or arising from Factories Act, Trade
6 Disputes Act, Trade Unions Act, Labour Act, Employees' Compensation Act or
7 any other Act or Law relating to labour, employment, industrial relations,
8 workplace or any other enactment replacing the Acts or Laws;

9 (c) relating to or connected with the grant of any order restraining any
10 person or body from taking part in any strike, lock-out or any industrial action,
11 or any conduct in contemplation or in furtherance of a strike, lock-out or any
12 industrial action and matters connected therewith or related thereto;

13 (d) relating to or connected with any dispute arising from national
14 minimum wage for the Federation or any part thereof and matters connected
15 therewith or arising therefrom;

16 (e) relating to or connected with unfair labour practice or international
17 best practices in labour, employment and industrial relation matters;

18 (f) relating to or connected with any dispute arising from
19 discrimination or sexual harassment at workplace;

20 (g) relating to, connected with or pertaining to the application or
21 interpretation of international labour standards;

22 (h) relating to the determination of any question as to the
23 interpretation and application of any-

24 (i) collective agreement;

25 (ii) award or order made by an arbitral tribunal in respect of a trade
26 dispute or a trade union dispute;

27 (iii) award or judgment of the Court in a trade dispute;

28 (iv) term of settlement of any trade dispute;

29 (v) trade union dispute or employment dispute as may be recorded in a
30 memorandum of settlement;

(vi) trade union constitution, the constitution of an association of employers or any association relating to employment, labour, industrial relations or work place;

(vii) dispute relating to or connected with any personnel matter arising from any free trade zone in the Federation or any part thereof.

(i) relating to-

(i) appeals from the decisions of the Registrar of Trade Unions, or matters relating thereto or connected therewith;

(ii) appeals from the decisions or recommendations of any administrative body or commission of enquiry, arising from or connected with employment, labour, trade unions or industrial relations; and

(iii) 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;

(j) relating to or connected with the registration of collective agreements.

(2) Notwithstanding the provisions of subsection (1) of this section, the National Industrial Court shall have and exercise concurrent jurisdiction with the Federal High Court, High Court of the Federal Capital Territory, Abuja and High Court of a State in civil causes and matters related to or connected with any dispute over the interpretation and application of the provisions of Chapter IV of the Constitution as it relates to any employment, labour, industrial relations, trade unionism and employer's associations.

(3) Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified relating to labour, employment, workplace, industrial relations or matters connected therewith.

1 (4) The National Industrial Court may establish an Alternative
2 Dispute Resolutions Centre within the Court premises on matters which
3 jurisdiction is conferred on the court by this Constitution or any Act or Law:

4 Provided that nothing in this subsection shall preclude the National
5 Industrial Court from entertaining and exercising appellate and supervisory
6 jurisdiction over an arbitral tribunal or commission, administrative body, or
7 board of inquiry in respect of any matter that the National Industrial Court has
8 jurisdiction to entertain or any other matter as may be prescribed by an Act of
9 the National Assembly or any Law in force in any part of the Federation.

10 (5) The National Industrial Court shall have and exercise jurisdiction
11 and powers to entertain any application for the enforcement of the award,
12 decision, ruling or order made by any arbitral tribunal or commission,
13 administrative body, or board of inquiry relating to, connected with, arising
14 from or pertaining to any matter of which the National Industrial Court has the
15 jurisdiction to entertain.

16 (6) The National Industrial Court shall not stay any proceedings on
17 account of any interlocutory appeal."

18 4. This Bill may be cited as the Constitution of the Federal Republic of
19 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 increase the number of years of qualification for appointment as President or Judge of the National Industrial Court and delimit its jurisdiction.