

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (FIRST ALTERATION) ACT, 2010 AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (SECOND ALTERATION) ACT, 2010 TO INCREASE THE MINIMUM NUMBER OF JUSTICES OF THE COURT OF APPEAL AND RAISE THE NUMBER OF YEARS OF QUALIFICATION FOR APPOINTMENT AS JUSTICE OF THE COURT; 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,
the Constitution
(First Alteration)
Act No. 1, 2010
and the Constitution
(Second Alteration)
Act No. 2, 2010 |
| 2 | this Bill referred to as "the Principal Act"), the Constitution of the Federal | |
| 3 | Republic of Nigeria (First Alteration) Act No.1, 2010 (in this Hill referred to | |
| 4 | as "the First Alteration Act" and the Constitution of the Federal Republic of | |
| 5 | Nigeria (Second Alteration) Act No.2, 2010 (in this Bill referred to as "the | |
| 6 | Second Alteration Act) are altered as set out in this Bill. | |
| 7 | 2. Section 237 (2) (b) of the Principal Act is altered by- | Alteration of
Section 237 of
the Constitution |
| 8 | (a) substituting for the words "forty-nine", in line 1, the words | |
| 9 | "one hundred"; and | |
| 10 | (b) deleting the comma ", " and the words "as may be prescribed by | |
| 11 | an Act of the National Assembly", in line 3. | |

Alteration of
Section 238 of
the Constitution

1 3. Section 238 of the Principal Act is altered by substituting for
2 subsection (3), a new subsection "(3)"-

3 "(3) A person shall not be qualified to hold the office of President of
4 the Court of Appeal or Justice of the Court of Appeal unless he is qualified to
5 practise as a legal practitioner in Nigeria and has been so qualified for a period
6 of not less than fifteen years."

Alteration of
Section 241 of
the Constitution

7 4. Section 241 of the Principal Act is altered, by inserting, after
8 subsection (2), a new subsection "(3)"-

9 "(3) The Court of Appeal shall not stay any proceedings on account of
10 any interlocutory appeal."

Alteration of
Section 246 of
the Constitution,
Section 26 of the
(First Alteration)

11 5. Section 246 of the Principal Act, Section 26 of the First Alteration
12 and Section 8 of the Second Alteration are altered, by inserting, after
13 subsection "(1)", a new subsection "(1A)"-

14 "(1A) Notwithstanding the provisions of subsection (1) of this
15 section, no appeal shall lie to the Court of Appeal from any decision of an
16 Election Tribunal in respect of an interlocutory decision."

17 Act and Section 8 of the Second Alteration

Alteration of
Section 247 of
the Constitution

18 6. Section 247 of the Principal Act is altered, by inserting, after
19 subsection (1), a new subsection "(2)"-

20 "(2) Notwithstanding the provisions of subsection (1) of this section,
21 a single Justice of the Supreme Court sitting in Chambers may exercise a power
22 vested in the Court of Appeal not involving the decision of the cause or matter
23 before the Court of Appeal, except that-

24 (a) in criminal matters, where that Justice refuses or grants an
25 application in the exercise of any such power, a person affected thereby shall be
26 entitled to have the application determined by the Court of Appeal constituted
27 by three Justices thereof; and

28 (b) in civil matters, any order, direction, or decision made or given in
29 pursuance of the powers conferred by this subsection may be varied,

1 discharged or reversed by the Court of Appeal constituted by three Justices
2 thereof.

3 7. This Bill may be cited as the Constitution of the Federal Citation
4 Republic 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, the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010 and the Constitution of the Federal Republic of Nigeria (Second Alteration) Act, 2010 to increase the minimum number of Justices of the Court of Appeal and raise the number of years of qualification for appointment as a Justice of the Court.