

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 (THIRD ALTERATION) ACT 2011 AND FOR RELATED MATTERS

Sponsored by Hon. Solomon T. Bob

[] Commencement

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

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| <p>1 1. The constitution of the Federal Republic of Nigeria, 1999 (in</p> <p>2 this Act referred to as 'the constitution') and the provisions of the</p> <p>3 Constitution of the Federal Republic of Nigeria (Third Alteration Act) No 3</p> <p>4 2010 (in this Act referred to as 'the Third Alteration Act) are altered as set out</p> <p>5 in this Act.</p> | <p>Alteration of the
1999 Constitution
and the Constitution
(Third Alteration)
Act No. 3</p> |
| <p>6 2. Section 6 of the constitution and section 2 of the third Alteration</p> <p>7 Act are altered in subsection (5) by inserting immediately after the existing</p> <p>8 paragraph '(cc)' a new subparagraph '(ccc)':</p> <p>9 <i>"(ccc)' lithe Code of Conduct Tribunal II"</i></p> | <p>Alteration of
section 6 of the
Constitution and
section 2 of the
(Third Alteration)
Act</p> |
| <p>10 3. Section 84 (4) of the constitution and section 3 of the Third</p> <p>11 Alteration Act are altered by inserting immediately after the words 'The</p> <p>12 President of the National Industrial Court, Judge of the National Industrial</p> <p>13 Court' in line 4 the words 'The Chairman of the Code of Conduct Tribunal,</p> <p>14 Member of the Code of Conduct Tribunal'</p> | <p>Alteration of
section 84 of the
Constitution and
section 2 of the
(Third Alteration)
Act</p> |
| <p>15 4. Section 240 of the constitution and section 4 of the Third</p> <p>16 Alteration Act are altered by inserting immediately after the words 'The</p> <p>17 National Industrial Court/ in line 4 the words 'Code of Conduct Tribunal'</p> | <p>Alteration of
section 240 of the
Constitution and
section 4 of the
(Third Alteration)
Act</p> |
| <p>18 5. Section 243 of the constitution and section 5 of the Third</p> <p>19 Alteration Act are altered by:</p> <p>20 (a) inserting immediately after the words 'National Industrial</p> | <p>Alteration of
section 243 of the
Constitution and
section 5 of the
(Third Alteration)
Act</p> |

Alteration of
Chapter VII, Part 2
of the Constitution
and Section 6 of the
(Third Alteration)
Act

- 1 Court' in the marginal note, the words 'Code of Conduct Tribunal; and
- 2 (b) inserting immediately after the existing section 243 (4) a new
- 3 subsection "(5)"
- 4 (5) An appeal shall lie as of right from the decision of the Code of
- 5 Conduct Tribunal at the instance of any of the parties to the Proceedings.
- 6 **6.** Chapter VII, part 1 of the Constitution and section 6 of the Third
- 7 Alteration Act are altered by inserting immediately after section 254 (F)
- 8 subsections 254 (G)-253 (J):
- 9 254 (G)-(I) There shall be a Code of Conduct Tribunal.
- 10 (2) The Code of Conduct Tribunal shall consist of the Chairman and
- 11 other members as may be prescribed by an Act of the National Assembly.
- 12 254 (H)-(1) The appointment of a person to the office of the chairman
- 13 of the Tribunal shall be made by the president on the recommendation of the
- 14 National Judicial Council subject to confirmation of such appointment by the
- 15 senate.
- 16 (2) The appointment of a person to the office of a member of the
- 17 Tribunal shall be made by the president on the recommendation of the National
- 18 Judicial Council.
- 19 (3) A person shall not be eligible to hold office as a chairman of the
- 20 Tribunal unless the person is qualified to practice as a legal practitioner in
- 21 Nigeria and has so qualified for a period of not less than 12 years.
- 22 (4) A person shall not be eligible to hold office as a member of the
- 23 Tribunal unless the person is qualified to practice as a legal practitioner in
- 24 Nigeria and has so qualified for a period of not less than 10 years,
- 25 (5) If the office of the chairman of the Tribunal is vacant or if the
- 26 person holding the office is for any reason unable to perform the functions of
- 27 the office, then, until a person has been appointed to and assumed the functions
- 28 of that office, or until the person holding the office has resumed those
- 29 functions, the president shall appoint the most senior member of the Tribunal
- 30 having the qualification to be appointed as the chairman of the tribunal under

1 subsection J of this section, to perform those functions,

2 (6) Except on the recommendation of the National Judicial
3 Council, an appointment pursuant to the provisions of the preceding
4 subsections shall cease to have effect after the expiration of three months
5 from the date of such appointment and the president shall not reappoint the
6 person whose appointment has lapsed

7 254 (I) Notwithstanding the provisions of sections 251, 257, and Jurisdiction
8 254c of the constitution and in addition to such jurisdiction as may be
9 conferred upon it by an Act of the National Assembly, the Code of Conduct
10 Tribunal shall have jurisdiction to the exclusion of every other court in
11 determining whether any of the provisions of the Code of Conduct Act has
12 been breached or contravened by a public officer

13 254 (J) For the purpose of exercising the jurisdiction conferred Constitution
14 upon it by this constitution, or any other law, the tribunal shall be duly
15 constituted if it consists of the chairman and a member

16 7. Section 287 (3), of the constitution and section 7 of the Third Alteration Act are altered by inserting the words "Code of Conduct
17 Tribunal" immediately after the words 'National Industrial Court' in lines 2
18 and 6 thereof. Alteration of section 287 (3) of the Constitution and section 7 of the (Third Alteration) Act

20 8. Section 289 of the constitution and section 8 of the Third Alteration Act are altered by inserting the words "a Judge of the National
21 Industrial Court" in line 3, the words "Chairman or member of the Code of
22 Conduct Tribunal". Alteration of section 289 of the Constitution and section 8 of the (Third Alteration) Act

24 9. Section 292 of the constitution and section 9 of the Third Alteration Act are altered in subsection (1) (a) line 3 by inserting
25 immediately after the words "President National Industrial Court" the words
26 "Chairman of the Code of Conduct Tribunal". Alteration of section 292 of the Constitution and section 9 of the (Third Alteration) Act

28 10. Section 294 subsection 4 of the constitution and section 9 of the
29 Third Alteration Act are amended by:

30 (a) creating a sub-paragraph 2(a) 'The Chairman & each member of

1 the Code of Conduct Tribunal shall express and deliver his opinion in writing,
2 or may state in writing that he adopts the opinion of any other member who
3 delivers an opinion;

4 (b) deleting the word 'or' appearing between the words 'the Supreme
5 Court and the Court of Appeal, and substituting it with coma (,) in line two
6 thereof;

7 (c) Inserting immediately after the words 'the National Industrial
8 Court appearing in line 3 of section 294(4) the words "And The Code of
9 Conduct Tribunal".

Alteration of
section 295 (2) of
the Constitution
and section 11 of
the (Third
Alteration)
Act

10 **11.** Section 295 (2) of the constitution and section 11 of the Third
11 Alteration Act are altered by inserting immediately after the words "National
12 Industrial Court" in line 3 the words" The Code of Conduct Tribunal

Alteration of
section 316 of
the Constitution
and section 12 of
the (Third
Alteration)
Act

13 **12.** Section 316 of the constitution and section 12 of the Third
14 Alteration Act are altered by inserting a new subsection "(6)" after the existing
15 subsection (5) - "(5) Notwithstanding the provisions of this section, the Code of
16 Conduct Bureau and Tribunal Act, 2004, any office or authority established
17 and charged with any function under the Act, shall be deemed to have been duly
18 established and shall continue to be charged with such function by virtue of this
19 Constitution or in accordance with the provision of a new law made
20 thereunder".

Alteration of
section 318 of
the Constitution
and section 13 of
the (Third
Alteration)
Act

21 **13.** Section 318 of the constitution and section 13 of the Third
22 Alteration Act are altered by inserting:

23 (a) The office of the chairman or member of the Code of Conduct
24 Tribunal immediately after the words "National Industrial Court" in line 4
25 under interpretation of judicial office;

26 (b) The Code of Conduct Tribunal immediately after the words
27 "National Industrial Court" in paragraph b line 3 under the interpretation of
28 public service.

Alteration of the
Third Schedule to
the Constitution
and section 14 of
the (Third
Alteration)
Act

29 **14.** The third schedule to the constitution and section 14 of the Third
30 Alteration Act are altered:

1 (a) In paragraph 12 by inserting immediately after paragraph "dd" a
2 new paragraph "ddd"

3 "(ddd)"- The chairman of the Code of Conduct Tribunal.

4 (b) In paragraph 20 by inserting immediately after paragraph "ee" a
5 new paragraph "eee"

6 "(eee)"- The chairman of the Code of Conduct Tribunal

7 (c) In paragraph 21 (a) (i) by inserting immediately after the words
8 "The National Industrial Court" in line 5 the words" The chairman and
9 members of the Code of Conduct Tribunal".

10 **15.** The seventh schedule to the constitution and section 15 of the
11 Third Alteration Act are altered by inserting immediately after the words
12 "National Industrial Court" in line 5 the words" The chairman and members
13 of the Code of Conduct Tribunal".

Alteration of the
Third Schedule to
the Constitution
and section 15 of
the (Third
Alteration)
Act

14 **16.** This Bill may be cited as the Constitution of the Federal
15 Republic of Nigeria (5th Alteration) Bill, 2020.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria for the establishment of the Code of Conduct Tribunal as a superior Court of record to try offences under the Code of Conduct and Tribunal Act.