

# A BILL

## FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO FURTHER STRENGTHEN THE JUDICIARY FOR SPEEDY DISPENSATION OF JUSTICE; AND FOR RELATED MATTERS, 2020

*Sponsored Senator Bamidele, Micheal Opeyemi*

[ ] Commencement

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

- 1           **1.** The Constitution of the Federal Republic of Nigeria, 1999 (in  
2 this Bill referred to as "the Principal Act") is amended as set out in this Bill. Alteration of the  
Constitution, 1999
- 3           **2.** Section 230 of the Principal Act is altered by substituting for Alteration of  
Section 230  
4 words "not exceeding twenty-one" in lines 1 to 2 of paragraph (b) of the  
5 existing subsection (2), the words "not exceeding seventeen"
- 6           **3.** Section 233 of the Principal Act is altered by: Alteration of  
Section 233  
7           (a) deleting subsection (2) and inserting a new subsection (2):  
8           "(2) All appeals from the Court of Appeal to the Supreme Court  
9 shall be by leave of the Supreme Court"; and  
10           (b) substituting for subsection (4), a new subsection "(4)":  
11           "(4) Three Justices of the Supreme Court sitting in Chambers may  
12 dispose of any application for leave to appeal from any decision after  
13 consideration of the record of proceedings if the Justices are of the opinion  
14 that the interest of justice does not require an oral hearing of the application  
15 and such decision shall be final."
- 16           **4.** Section 237 (2) of the Principal Act is altered by substituting for Alteration of  
Section 237  
17 paragraph (b), a new subparagraph "(b)":  
18           "(b) such number of Justices of the Court of Appeal, not less than  
19 one hundred of which at least three shall be learned in the law and practice of  
20 industrial relations and employment conditions, not less than three learned

	1	in Islamic Personal Law, and not less than three learned in Customary Law, as
	2	may be prescribed by an Act of the National Assembly."
Alteration of section 241	3	<b>5.</b> Section 241 of the Principal Act is altered by inserting, after
	4	subsection (1), a new subsection "(1A)":
	5	"(1A) A Court or Tribunal shall not stay any proceeding on account of
	6	interlocutory appeal."
Alteration of section 243	7	<b>6.</b> Section 243 of the Principal Act is altered by substituting .for
	8	subsection (3), a new subsection "(3)":
	9	"(3) An appeal shall lie from the decision of the National Industrial
	10	Court to the Court of Appeal only with leave of the Court of Appeal and such
	11	decision shall be final."
Alteration of section 246	12	<b>7.</b> Section 246 of the Principal Act is 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;"
Alteration of section 247	17	<b>8.</b> Section 247 of the Principal Act is altered by inserting, after
	18	subsection (1), a new subsection "(2)":
	19	"(2) Three Justices of the Court of Appeal sitting in Chambers may
	20	dispose of 'any' application for leave to appeal from any decision after
	21	consideration of the record of proceedings if the Justices are of the opinion that
	22	the interest of justice does not require an oral hearing of the application" .
Alteration of section 250	23	<b>9.</b> Section 250 (1) of the Principal Act is altered, by substituting for
	24	the word, "advice", in line 2, the word, "recommendation".
Alteration of section 267	25	<b>10.</b> Section 267 of the Principal Act is altered by inserting, after the
	26	word, "Law" in line 4, the words, "and related matters."
Alteration of section 281	27	<b>11.</b> Section 281 (1) of the Principal Act is altered, by substituting for
	28	the word, "advice", in line 3, the word, "recommendation".
Alteration of section 282	29	<b>12.</b> Section 282 (1) of the Principal Act is altered by inserting, after
	30	the word, "Law", in line 3, the words, "and related matters".

- 1                   **13.** Section 291 (3) of the Principal Act is altered: Alteration of  
section 291
- 2                   (a) in paragraph (a), by substituting for the word, "fifteen", in line
- 3                   1, the word, "ten"; and
- 4                   (b) in paragraph (b), by substituting for the word, "fifteen", in line
- 5                   1, the word, "ten".
- 6                   **14.** Part I of the Third Schedule to the Principal Act is altered: Alteration of  
the Third Schedule
- 7                   (a) in paragraph 12:
- 8                   (i) subparagraph (b), by inserting, after the word, "Appeal", the
- 9                   words, "who shall be the Deputy Chairman",
- 10                  (ii) by substituting for subparagraph (c), a new
- 11                  subparagraph, "(c)":
- 12                  "(c) Minister of Justice";
- 13                  (b) in paragraph 13, by substituting for subparagraph (c), a new
- 14                  subparagraph "(c)":
- 15                  "(c) appoint, promote and exercise disciplinary control over the
- 16                  Chief Registrars and Deputy Chief Registrars of the Supreme Court, the
- 17                  Court of Appeal, Federal High Court, the National Industrial Court, Code of
- 18                  Conduct Tribunal and all other members of staff of the Judicial Service of
- 19                  the Federation not otherwise specified in this Constitution and of the Federal
- 20                  Judicial Service Commission."; and
- 21                  (c) by substituting for paragraph 20, a new paragraph "20":
- 22                  "20.-(1) The National Judicial Council shall comprise:
- 23                  (a) the Chief Justice of Nigeria, who shall be the Chairman;
- 24                  (b) the next most senior Justice of the Supreme Court, who shall be
- 25                  the Deputy Chairman;
- 26                  (c) the President of the Court of Appeal;
- 27                  (d) three retired Justices of the Supreme Court, to serve for a period
- 28                  of three years only;
- 29                  (e) two retired Justices of the Court of Appeal, to "serve for a period
- 30                  of three years only;

- 1 (f) the Chief Judge of the Federal High Court;
- 2 (g) the President of the National Industrial Court;
- 3 (h) three Chief Judges to serve in rotation for two years;
- 4 (i) one Grand Kadi of a Sharia Court of Appeal to be appointed from  
5 among the Grand Kadis of the Sharia Courts of Appeal to serve in rotation for  
6 two years only;
- 7 (j) one President of a Customary Court of Appeal to be appointed  
8 from among the Presidents of the Customary Courts of Appeal to serve in  
9 rotation for two years only;
- 10 (k) the President of the Nigerian Bar Association to serve for a period  
11 of two years only;
- 12 (l) four senior members of the Nigerian Bar Association who have  
13 been qualified to practise for a period of not less than ten years, nominated by  
14 the National Executive Committee of the Nigerian Bar Association to serve for  
15 a period of two years only; and
- 16 (m) two persons not being legal practitioners, who, in the opinion of  
17 the Chief Justice of Nigeria, are of unquestionable integrity,
- 18 (2) The Chief Justice of Nigeria shall, in exercising his power of  
19 appointment of members under subparagraph (1) of this paragraph, consult  
20 other Justices of the Supreme Court."; and
- 21 (d) by substituting for subparagraph 21 (a), a new subparagraph "(a)  
22 (i)":
- 23 "(a) recommend to the President from among the list of persons  
24 submitted to it by:
- 25 (i) the Federal Judicial Service Commission, persons for appointment  
26 to the offices of Chief Justice of Nigeria, the Justices of the Supreme Court, the  
27 President and Justices of the Court of Appeal, the Chief judge and Judges of the  
28 Federal High Court, the President and Judges of the National Industrial Court  
29 and the Chairman and Members of the Code of Conduct Tribunal."

- 1                   **15.** Part II, of the Third Schedule to the Principal Act is altered in  
2 paragraph 5 by: Alteration of  
Part II of the  
Third Schedule
- 3                   (a) inserting, after subparagraph (a), a new subparagraph "(aa)":  
4                   "(aa) the next most senior Head of Court who shall be the Deputy  
5 Chairman"; and  
6                   (b) substituting for subparagraph (b), a new subparagraph "(b)":  
7                   “(b) Commissioner for Justice”
- 8                   **16.** Part III of the Third Schedule to the Principal Act is altered: Alteration of  
Part III of the  
Third Schedule
- 9                   (a) by deleting the word, "EXECUTIVE" in the heading;  
10                  (b) in paragraph 1, by substituting for subparagraph (b), a new  
11 subparagraph "(b)":  
12                  "(b) the next most senior Head of Court who shall be the Deputy .  
13 Chairman";  
14                  (c) by substituting for paragraph 2 (c), a new paragraph "2 (c)":  
15                  "2 (c). The Committee shall have the power to appoint, promote  
16 and exercise disciplinary control over the Chief Registrar and Deputy Chief  
17 Registrars of the High Court, the Sharia Court of Appeal and the Customary  
18 Court of Appeal of the Federal Capital Territory, Abuja, if any, Magistrates,  
19 Area Court Judges, Customary Court Judges, and all other members of staff  
20 of the judicial service of the Federal Capital Territory, Abuja not otherwise  
21 specified in this Constitution and of the Judicial Service Committee of the  
22 Federal Capital Territory, Abuja".
- 23                  **17.** The Constitution (Third Alteration No.3, 2011) is further Alteration of the  
Third Alteration  
No. 3, 2011  
24 altered:  
25                  (a) in section 6, by inserting, after heading CC, a new heading  
26 "CD"-  
27                  "CD Code of Conduct Tribunal"; and  
28                  (b) in section 13 (a), by inserting, after the word, "Court", in line 1,  
29 the words, "Chairman and member of the Code of Conduct Tribunal".

Alteration of  
Part I of the  
Fifth Schedule

1                   **18.** Paragraph 15 of the Fifth Schedule to the Principal Act is altered:  
2                   (a) in subparagraph (1), by substituting for the words, "a Chairman  
3 and two other persons", in line 2, new paragraphs "(a)" and "(b)":  
4                   "(a) a Chairman of the Code of Conduct Tribunal; and  
5                   (b) such number of members of the Code of Conduct Tribunal not less  
6 than twenty-four as may be prescribed by an Act of the National Assembly";  
7                   (b) by substituting for subparagraph (3), a new subparagraph "(3)":  
8                   "(3) The Code of Conduct Tribunal shall be duly constituted if it  
9 consists of at least three members of the tribunal"; and  
10                  (c) by inserting, after subparagraph (3), new subparagraphs "(3A)"-  
11 "(3C)":  
12                  "(3A) A person shall not be qualified to hold or perform the functions  
13 of the office of the Chairman or member of the Code of Conduct Tribunal  
14 unless he is qualified to practise as a legal practitioner in Nigeria and has been  
15 so qualified for a period of not less than ten years.  
16                  (3B) If the office of the Chairman of the Code of Conduct Tribunal is  
17 vacant or the person holding such office is, for" any reason, unable to perform  
18 the functions of the office, then until a person has been appointed to and has  
19 assumed the functions of that office, or until the person holding the office has  
20 resumed those functions, the President shall appoint the most senior member of  
21 the Code of Conduct Tribunal to perform those functions.  
22                  (3C) Except on the recommendation of the National Judicial Council,  
23 an appointment made under sub-paragraph (3B) of this paragraph shall cease to  
24 have effect after the expiration of three months from the date of such  
25 appointment, and the President shall not re-appoint a person whose  
26 appointment has lapsed."

Citation

27                   **19.** This Bill may be cited as the Constitution of the Federal Republic  
28 of Nigeria, 1999 (Fourth Alteration, No. 20) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to further strengthen the Judiciary for speedy dispensation of justice.