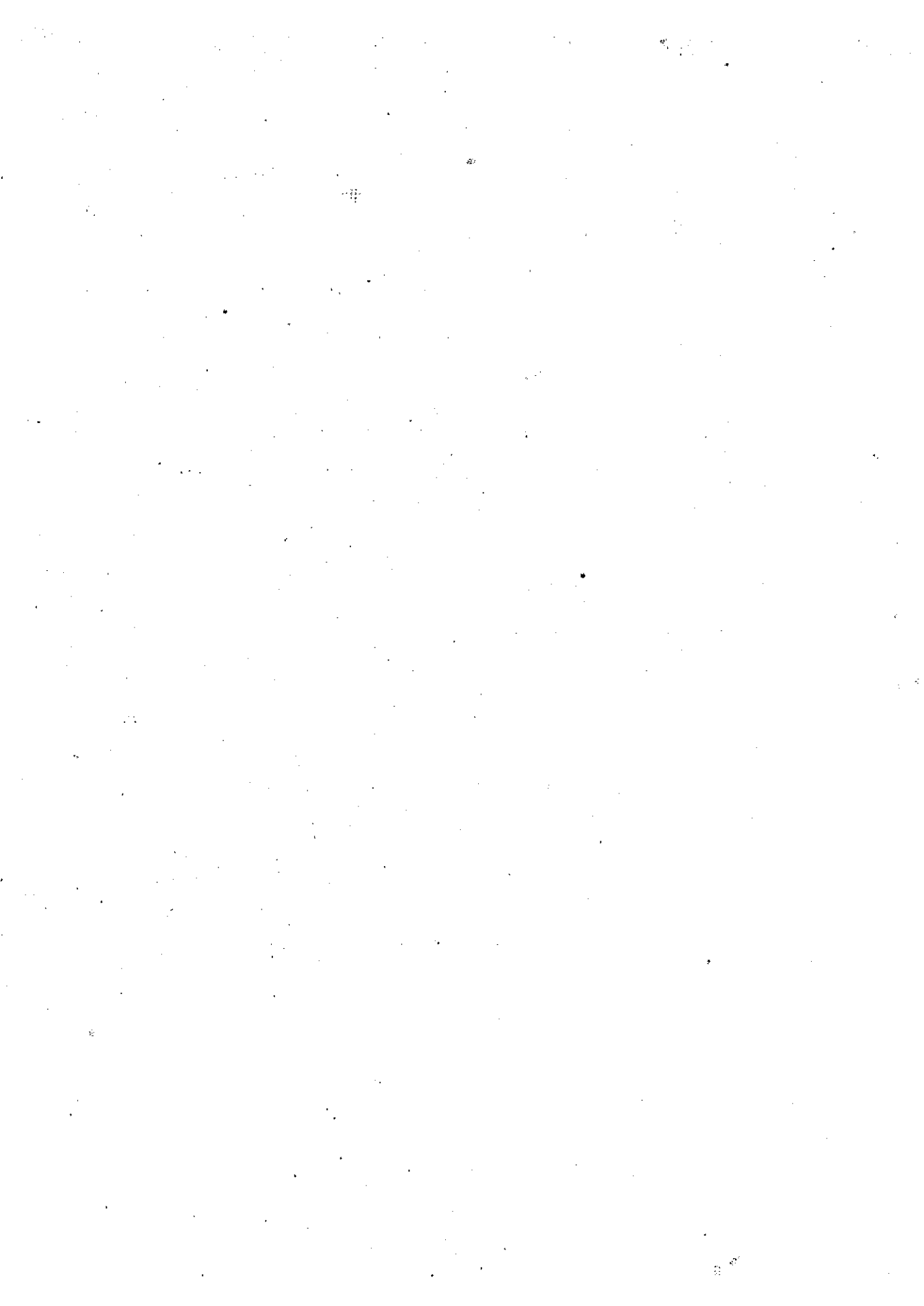


CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA
(ALTERATION) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

1. Alteration of Cap. C23 LFN, 2004
2. Alteration of Section 6 of the Principal Act
3. Alteration of Section 84 of the Principal Act
4. Alteration of Section 185 of the Principal Act
5. Alteration of Section 240 of the Principal Act
6. Alteration of Section 246 of the Principal Act
7. Alteration of Section 247 of the Principal Act
8. Insertion of Part 1 G.
9. Insertion of Section 270A-E.
10. Insertion of Part 20
11. Insertion of new Section 285A-E
12. Alteration of Section 288 of the Principal Act
13. Alteration of Section 289 of the Principal Act
14. Alteration of Section 292 of the Principal Act
15. Alteration of Section 318 of the Principal Act
16. Alteration of the Second Schedule to the Principal Act
17. Alteration of the Third Schedule to the Principal Act
18. Alteration of the Sixth Schedule to the Principal Act
19. Alteration of the Seventh Schedule to the Principal Act
20. Short title



A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, CAP. C23 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO PROVIDE FOR THE ESTABLISHMENT OF THE ECCLESIASTICAL COURT OF APPEAL OF THE FEDERAL CAPITAL TERRITORY ABUJA AND THE ECCLESIASTICAL COURT OF APPEAL OF THE STATES; AND FOR RELATED MATTERS

Sponsored by; Senator Gyang Istifanus Dung

[] 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 altered as set out in this Bill. Alteration of
Cap. C23 LFN,
2004
- 3 2. Section 6(5) of the Principal Act is altered by inserting two new
4 subparagraphs (j) (aa)-(bb): Alteration of
Section 6 of the
Principal Act
- 5 "(j) (aa) the Ecclesiastical Court of Appeal of the Federal Capital
6 Territory, Abuja;
- 7 (bb) an Ecclesiastical Court of Appeal of a State;"
- 8 3. Section 84 of the Principal Act is altered in sub-section 4 by; Alteration of
Section 84 of the
Principal Act
- 9 (a) inserting immediately after the word "President and Judge of
10 the Customary Court of Appeal of the Federal Capital Territory, Abuja," in
11 lines 7 and 8, the words "Grand Cardinal and Cardinals of the Ecclesiastical
12 Court of Appeal of the Federal Capital Territory, Abuja; and
- 13 (b) inserting immediately after the words "President and Judge of
14 the Customary Court of Appeal of a State," in lines 9 and 10, the words
15 "High Cardinal and Cardinals of the Ecclesiastical Court of Appeal of a
16 State."

Alteration of
Section 185 of
the Principal Act

1 4. Section 185 of the Principal Act is altered in subsection 2 by
2 inserting immediately after the words, "President of the Customary Court of
3 Appeal of a State," in line 3, the words "Grand Cardinal of the Ecclesiastical
4 Court of Appeal of a State".

Alteration of
Section 240 of
the Principal Act

5 5. Section 240 of the Principal Act is altered by:
6 (a) inserting immediately after the words, "Customary Court of
7 Appeal of the Federal Capital Territory, Abuja," in lines 5 and 6, the words,
8 "Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja"; and
9 (b) inserting immediately after the words "Customary Court of
10 Appeal of a State," in lines 6 and 7, the words, "Ecclesiastical Court of Appeal
11 of a State".

Alteration of
Section 246 of
the Principal Act

12 6. Section 246 of the Principal Act is altered by inserting a new section
13 246A:

14 "246A(1) An appeal shall lie from decisions of the Ecclesiastical
15 Court of Appeal to the Court of Appeal as of right in any civil proceedings
16 before the Ecclesiastical Court of Appeal with respect to any question of
17 Ecclesiastical law or Christian personal law and such other matters as may be
18 prescribed by an Act of the National Assembly.

19 (2) Any right of appeal to the Court of Appeal from the decision of an
20 Ecclesiastical Court of Appeal conferred by this section shall be:

21 (a) exercisable at the instance of a party thereto or, with the leave of
22 the Ecclesiastical Court of Appeal or of the Court of Appeal, at the instance of
23 any other person having an interest in the matter;

24 (b) exercised in accordance with any Act of the National Assembly
25 and rules of court for the time being in force regulating the powers, practice and
26 procedure of the Court of Appeal."

Alteration of
Section 247 of
the Principal
Act

27 7. Section 247(1) of the Principal Act is altered by inserting a new
28 paragraph (c)

29 "(c) an Ecclesiastical Court of Appeal, if it consists of not less than 3
30 Justices learned in Ecclesiastical law or Christian personal law."

1 8. Chapter VII of the Principal Act is altered by inserting a new

Insertion of
Part I G.

2 Part I G:

3 "G - The Ecclesiastical Court of Appeal of the Federal Capital
4 Territory Abuja".

5 9. The Principal Act is altered by inserting a new section 270A-E

Insertion of
Section 270A-E

6 "270A - (1) There shall be an Ecclesiastical Court of Appeal for the
7 Federal Capital Territory, Abuja.

8 (2) The Ecclesiastical Court of Appeal of the Federal Capital
9 Territory shall consist of:

10 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal;

11 (b) such number of Cardinals of the Ecclesiastical Court of Appeal
12 as may be prescribed by an Act of the National Assembly.

13 270B - (1) The appointment of a person to the office of the Grand
14 Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
15 Territory, Abuja shall be made by the President on recommendation of the
16 National Judicial Council, subject to the confirmation of such appointment
17 by the Senate.

18 (2) The appointment of a person to the office of a Cardinal of the
19 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja shall
20 be made by the President on the recommendation of the National Judicial
21 Council.

22 (3) Apart from such other qualification as may be prescribed by an
23 Act of the National Assembly, a person shall not be qualified to hold the
24 office of Grand Cardinal or a Cardinal of an Ecclesiastical Court of Appeal
25 of the Federal Capital Territory, Abuja unless:

26 (a) he is a legal practitioner in Nigeria and has been so qualified for
27 a period of not less than ten years and has obtained a recognized
28 qualification in Ecclesiastical Law or Christian personal law from an
29 institution acceptable to the National Judicial Council;

30 (b) he has attended and has obtained a recognized qualification in

1 Ecclesiastical Law or Christian Personal Law from an institution approved by
2 the National Judicial Council and has held the qualification for a period of not
3 less than twelve years;

4 (c) he has either considerable experience in the practice of
5 Ecclesiastical Law or Christian Personal Law; or

6 (d) he is a distinguished scholar of Ecclesiastical Law or Christian
7 Personal Law.

8 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
9 Appeal is vacant or if the person holding the office is for any reason unable to
10 perform the functions of the office, then, until a person has been so appointed to
11 and has assumed the functions of that office or until the person holding the
12 office has resumed those functions, the President shall appoint the most senior
13 Cardinal from amongst the Cardinals of the Ecclesiastical Court of Appeal to
14 perform those functions.

15 (5) Except on the recommendation of the National Judicial Council,
16 an appointment pursuant to the provisions of subsection (4) of this section shall
17 cease to have effect after the expiration of three months from the date of such
18 appointment and the President shall not re-appoint a person whose
19 appointment has lapsed.

20 270C - (1) The Ecclesiastical Court of Appeal shall, in addition to
21 such other jurisdiction as may be conferred upon it by an Act of the National
22 Assembly exercise such appellate and supervisory jurisdiction in civil
23 proceedings involving questions of Ecclesiastical Law, Christian Personal
24 Law or Ecclesiastical Law.

25 (2) For the purposes of subsection (1) of this section, the
26 Ecclesiastical Court of Appeal shall be competent to decide:

27 (a) any question of Christian personal law regarding marriage
28 concluded in accordance with that law; including a question relating to the
29 validity or dissolution of such marriage or a question that depends on such a
30 marriage and relating to family relationship or the guardianship of an infant;

1 (b) where all the parties to the proceedings are Christians, any
2 question or Christian personal law regarding a marriage where no prior or
3 subsequent customary or statutory marriage is contracted, including the
4 validity or dissolution of that marriage, or regarding family relationship, a
5 foundling or the guardianship of an infant;

6 (c) any question of Christian personal law regarding a will or
7 succession where the endower, donor, testator or deceased person is a
8 Christian;

9 (d) any question of Christian personal law regarding an infant,
10 prodigal or person of unsound mind who is a Christian or the maintenance or
11 the guardianship of a Christian who is physically or mentally infirm; or

12 (e) where all the parties to the proceedings, being Christians, have
13 requested the court that hears the case in the first instance to determine, that
14 case in accordance with Christian personal law, or any question.

15 270D. For the purpose of exercising any jurisdiction conferred
16 upon it by this Constitution or any Act of the National Assembly, the
17 Ecclesiastical Court of Appeal shall be duly constituted if it consists of at
18 least three Cardinals of that Court.

19 270E. Subject to the provisions of any Act of the National
20 Assembly, the Grand Cardinal of the Ecclesiastical Court of Appeal of the
21 Federal Capital Territory, Abuja may make rules for regulating the practice
22 and procedure of the Ecclesiastical Court of Appeal of the Federal Capital
23 Territory, Abuja."

24 10. Chapter VII of the Principal Act is altered by inserting a new
25 Part 2 D:

Insertion of
Part 20

26 "D - The Ecclesiastical Court of Appeal of a State".

27 11. The Principal Act is altered by inserting new sections 285A-E-
28 "285A (1) There shall be an Ecclesiastical Court of Appeal of a
29 State.

Insertion of new
Section 285A-E

30 (2) The Ecclesiastical Court of Appeal of a State shall consist of:

1 (a) a Grand Cardinal of the Ecclesiastical Court of Appeal; and

2 (b) such number of Cardinals of the Ecclesiastical Court of Appeal as
3 may be prescribed by a law of the House of Assembly of a State.

4 285B (1) The appointment of a person to the office of the Grand
5 Cardinal of the Ecclesiastical Court of Appeal of a State shall be made by the
6 Governor of the State on recommendation of the National Judicial Council,
7 subject to the confirmation of such appointment by the House of Assembly of
8 the State.

9 (2) The appointment of a person to the office of a Cardinal of the
10 Ecclesiastical Court of Appeal of a State shall be made by the Governor of a
11 State on the recommendation of the National Judicial Council.

12 (3) Apart from such other qualification as may be prescribed by a Law
13 of the House of Assembly of a State, a person shall not be qualified to hold the
14 office of Grand Cardinal or a Cardinal of an Ecclesiastical Court of Appeal of a
15 State unless:

16 (a) he is a legal practitioner in Nigeria and has been so qualified for a
17 period of not less than ten years and has obtained a recognized qualification in
18 Ecclesiastical Law or Christian personal law from an institution acceptable to
19 the National Judicial Council;

20 (b) he has attended and has obtained a recognized qualification in
21 Ecclesiastical Law or Christian Personal Law from an institution approved by
22 the National Judicial Council and has held the qualification for a period of not
23 less than twelve years; and

24 (i) he has either considerable experience in the practice of
25 Ecclesiastical Law or Christian Personal Law; or

26 (ii) he is a distinguished scholar of Ecclesiastical Law or Christian
27 Personal Law.

28 (4) If the office of the Grand Cardinal of the Ecclesiastical Court of
29 Appeal is vacant or if the person holding the office is for any reason unable to
30 perform the functions of the office, then, until a person has been so appointed to

1 and has assumed the functions of that office or until the person holding the
2 office has resumed those functions, the Governor shall appoint the most
3 senior Cardinal from amongst the Cardinals of the Ecclesiastical Court of
4 Appeal to perform those functions.

5 (5) Except on the recommendation of the National Judicial
6 Council, an appointment pursuant to the provisions of subsection (4) of this
7 section shall cease to have effect after the expiration of three months from
8 the date of such appointment and the Governor shall not re-appoint a person
9 whose appointment has lapsed.

10 285C (1) The Ecclesiastical Court of Appeal shall, in addition to
11 such other jurisdiction as may be conferred upon it by a Law of the House of
12 Assembly of a State exercise such appellate and supervisory jurisdiction in
13 civil proceedings involving questions of Ecclesiastical Law, Christian
14 Personal Law or Ecclesiastical Law.

15 (2) For the purposes of subsection (1) of this section, the
16 Ecclesiastical Court of Appeal shall be competent to decide:

17 (a) any question of Christian personal law regarding marriage
18 concluded in accordance with that law, including a question relating to the
19 validity or dissolution of such marriage or a question that depends on such a
20 marriage and relating to family relationship or the guardianship of an infant;

21 (b) where all the parties to the proceedings are Christians, any
22 question or Christian personal law regarding a marriage where no prior or
23 subsequent customary or statutory marriage is contracted, including the
24 validity or dissolution of that marriage, or regarding family relationship, a
25 foundling or the guardianship of an infant;

26 (c) any question of Christian personal law regarding a will or
27 succession where the endower, donor, testator or deceased person is a
28 Christian;

29 (d) any question of Christian personal law regarding an infant,
30 prodigal or person of unsound mind who is a Christian or the maintenance or

1 the guardianship of a Christian who is physically or mentally infirm; or

2 (e) where all the parties to the proceedings, being Christians, have
3 requested the court that hears the case in the first instance to determine, that
4 case in accordance with Christian personal law, or any question.

5 285D. For the purpose of exercising any jurisdiction conferred upon it
6 by this Constitution or a Law of the House of Assembly, the Ecclesiastical
7 Court of Appeal shall be duly constituted if it consists of at least three Cardinals
8 of that Court.

9 286E. Subject to the provisions of any Law of the House of Assembly
10 of a State; the Grand Cardinal of the Ecclesiastical Court of Appeal of a State
11 may make rules for regulating the practice and procedure of the Ecclesiastical
12 Court of Appeal of the State."

Alteration of
Section 288 of
the Principal
Act

13 12. Section 288 of the Principal Act is altered:

14 (a) in subsection 1 by inserting after the word, "law" in line 5, the
15 words "persons learned in Christian personal law"; and

16 (b) in subsection 2 by inserting a new paragraph (c):

17 "(c) a person shall be deemed to be learned in Christian personal law if
18 he is a legal practitioner in Nigeria and has been so qualified for a period of not
19 less than fifteen years in the case of a Justice of the Supreme Court or not less
20 than twelve years in the case of a Justice of a Court of Appeal and has in either
21 case and in the opinion of the National Judicial Council considerable
22 knowledge and experience in Christian personal law.

Alteration of
Section 289 of
the Principal
Act

23 13. Section 289 of the Principal Act is altered:

24 (a) by deleting the word, "or" after the word, "Appeal" in line 3; and

25 (b) by inserting after the word, "Appeal" in line 4, the words, "or
26 Cardinal of the Ecclesiastical Court of Appeal",

Alteration of
Section 292 of
the Principal
Act

27 14. Section 292 of the Principal Act is altered:

28 (a) in subsection (1) (a) (i):

29 (i) by deleting the word, "and" before the word, "President" in line 4,

30 and

1 (ii) by inserting after the word, "Abuja" in line 5, the words, " and
2 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
3 Territory Abuja",

4 (b) in subsection (1)(b)(ii) by:

5 (i) deleting the word, "or" after the word, "Appeal" in line 1; and

6 (ii) by inserting after the word, "State" in line 2, the words, " or
7 Grand Cardinal of the Ecclesiastical Court of Appeal of a State".

8 15. Section 318 of the Principal Act is altered:

9 (a) in the interpretation of the words "judicial office":

10 (i) by inserting after the word, "Abuja" in line 8, the words, "the
11 Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal Capital
12 Territory, Abuja";

13 (ii) by inserting after the word, "State" in line 10, the words, "or
14 Grand Cardinal of the Ecclesiastical Court of Appeal of a State",

15 (b) in the interpretation of the words, "public service of the
16 Federation" by inserting after the word, "Abuja" in line 4, the words, "or the
17 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja";

18 (c) in the interpretation of the words, "public service of a State" by
19 inserting after the word, "Appeal" in paragraph (b), line 2, the words, "the
20 Ecclesiastical Court of Appeal".

21 16. The Second Schedule to the Principal Act is altered - in Part I
22 item 61 by inserting after the words, "Customary law", in line 2, the words,
23 "Ecclesiastical Law".

24 17. The Third Schedule to the Principal Act is altered:

25 (a) in Part I Item 20 by inserting a new sub paragraph (i)(aa):

26 "(i)(aa) one Grand Cardinal of Ecclesiastical Court of Appeal to be
27 appointed by the Chief Justice of Nigeria from among the Grand Cardinals
28 of the Ecclesiastical Court of Appeal to serve in rotation of two years;"

29 (b) in Part II item 21 by inserting after the word, "Abuja" in
30 paragraph (a) (ii), line 6, the words, "Grand Cardinal and Cardinals of the

Alteration of
Section 318 of
the Principal
Act

Alteration of
the Second
Schedule to the
Principal Act

Alteration of
the Third
Schedule to the
Principal Act

- 1 Ecclesiastical Court of Appeal of the Federal Capital Territory, Abuja";
- 2 (c) in Part I Item 21 by inserting after the word, "States" in paragraph
- 3 (c), line 6, the words, "Grand Cardinal and Cardinals of the Ecclesiastical
- 4 Court of Appeal of the States";
- 5 (d) in Part II C- State Judicial Service Commission:
- 6 (i) by inserting a new paragraph (f)(aa):
- 7 "(f) (aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 8 the State, if any,"
- 9 (ii) by inserting in item 6, a new sub paragraph (vi)(aa):
- 10 "(iv)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 11 the State, if any;"
- 12 (iii) by inserting a new paragraph (vii):
- 13 "(vii) Cardinal of the Ecclesiastical Court of Appeal of the State, if
- 14 any;"
- 15 (e) by inserting in item 6 paragraph (c) before the word, "magistrates"
- 16 in line 3, the word "Ecclesiastical Court of Appeal";
- 17 (f) by inserting in Item 6 paragraph (c), by inserting immediately after
- 18 the words, "Customary Courts" in line 4, the words "Ecclesiastical Courts";
- 19 (g) in Part III Item 1- Judicial Service Committee of the Federal
- 20 Capital Territory, Abuja by inserting a new paragraph (e)(aa):
- 21 "(e)(aa) the Grand Cardinal of the Ecclesiastical Court of Appeal of
- 22 the of the Federal Capital Territory;"
- 23 (h) in Part III Item 2, Judicial Service Committee of the Federal
- 24 Capital Territory, Abuja by inserting a new paragraph (a) sub paragraph" (vii)":
- 25 "(vii) a Cardinal of the Ecclesiastical Court of Appeal of the of the
- 26 Federal Capital Territory;"
- 27 (i) in Part III Item 2(c), Judicial Service Committee of the Federal
- 28 Capital Territory, Abuja by inserting immediately after the word "Abuja" in
- 29 line 4, the words "Ecclesiastical Court of Appeal of the Federal Capital
- 30 Territory".

1 **18.** The Sixth Schedule is altered:

Alteration of the
Sixth Schedule
to the Principal
Act

2 (a) in Section 1 (2) by inserting after the words, "Customary Court
3 of Appeal" in line 3, the words, " Cardinals of the Ecclesiastical Court of
4 Appeal";

5 (b) in Section 1 (3), by the inserting after the words, " State" in line 3
6 the words, " Grand Cardinal of the Ecclesiastical Court of Appeal of the
7 State"

8 (c) in Section 2 (2) by the inserting before the word, "or" in line
9 3, the words " Cardinals of the Ecclesiastical Court of Appeal"; and

10 (d) in Section 2 (3) by the inserting after the word, "State" in line 4,
11 the words, "Grand Cardinal of the Ecclesiastical Court of Appeal of the
12 State".

13 **19.** The Seventh Schedule, Judicial Oath, is altered:

Alteration of
the Seventh
Schedule to the
Principal Act

14 (a) by the inserting after the word, "State" in line 10, the words
15 "/Grand Cardinal of the Ecclesiastical Court of Appeal of the Federal
16 Capital Territory, Abuja/Cardinal of the Ecclesiastical Court of Appeal of
17 the State"

18 **20.** This Bill may be cited as the Constitution of the Federal
19 Republic of Nigeria (Alteration) Bill, 2021.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, Laws of the Federation Cap C23, 2004 to provide for the Ecclesiastical Court of Appeal of the Federal Capital Territory Abuja and the Ecclesiastical Court of Appeal of the States to provide for the functions, jurisdiction qualification and appointment and tenure of the Ecclesiastical Court of Appeal.

