

A BILL

FOR

AN ACT TO STIPULATE THE NUMBER THAT CONSTITUTES FRACTIONAL ENTITIES AS PROVIDED FOR IN VARIOUS SECTIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA WHICH CAME INTO OPERATION ON THE 1ST DAY OF OCTOBER 1979.

[Presented by Senator M. A. O. Abiru]

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federation
2 of Nigeria and by authority of same as follows :

3 1. Subject to the provisions of sections 3 (1), 44 and 45 of the
4 Constitution of the Federal Republic of Nigeria 1979 which comes
5 into operation on the 1st day of October 1979 and which respectively
6 provides as follows :—

7 Section 3.(1). There shall be 19 States in Nigeria, that is to say, Anambra,
8 Bauchi, Bendel, Benue, Borno, Cross River, Gongola, Imo,
9 Kaduna, Kano, Kwara, Lagos, Niger, Ogun, Ondo, Oyo,
10 Plateau, Rivers and Sokoto.

11 Section 44. Subject to the provisions of Chapter VIII and other
12 provisions of this Constitution the Senate shall consist of
13 5 Senators from each State. Constitutional provisions.

14 Section 45. Subject to the provisions of Chapter VIII and other
15 provisions of this Constitution the House of Representatives
16 shall consist of 450 members.

17 (i) Wherever throughout all the provisions of the Application.
18 said Constitution a two-thirds majority of all the members
19 of the National Assembly becomes requisite the number
20 for the Senate shall be 64 and the number for the House
21 of Representatives shall be 300.

1 (ii) Wherever throughout all the provisions of the
2 said Constitution four-fifths majority of all the members
3 of the National Assembly becomes requisite the number
4 for the Senate shall be 76 and the number for House of
5 Representatives shall be 360.

6 (iii) Wherever throughout all the provisions of the
7 said Constitution one-third majority of all the members
8 of the National Assembly becomes requisite the number
9 for the Senate shall be 32 and the number of the House of
10 Representatives shall be 150.

11 (iv) Wherever throughout all the provisions of the said
12 Constitution the phrase "two-thirds of all the States" of
13 the Federation of Nigeria occurs the number shall be 13.

Interpreta-
tions.

14 (2) In this Act, unless the context otherwise requires
15 "National Assembly" means the SENATE and the HOUSE
16 OF REPRESENTATIVES.

17 "Federation of Nigeria" or "the Federal Republic of
18 Nigeria" means the 19 States of Nigeria as contained in the
19 Schedule hereto.

Short title.

20 (3) This Act may be cited as Constitutional Provisions
21 (Legislative Proceedings) Act 1980.

SCHEDULE

Anambra	Cross River	Kwara	Oyo
Bauchi	Gongola	Lagos	Plateau
Bendel	Imo	Niger	Rivers
Benue	Kaduna	Ogun	Sokoto.
Borno	Kano	Ondo	

EXPLANATORY MEMORANDUM

This Bill clarifies potent ambiguities arising from fractional entities of odd figures contained in our Constitution and offers objective solution to any consequential constitutional crisis.

The Bill, which will be presented to the National Assembly in due course for enactment is published for general information.

A BILL FOR

AN ACT AMENDING CERTAIN MATTERS IN THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979 WITH REGARDS TO THE FUNDS OF THE JUDICIARY, THE REMOVAL OF JUDICIAL OFFICERS FROM OFFICE AND IN RESPECT OF OTHER MATTERS CONNECTED THEREWITH.

[Presented by Senator M. A. O. Abiru]

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria and by authority of same as follows :—

3 1. Section 74 of the Constitution of the Federal Republic of Nigeria
4 1979 (hereinafter in this Act referred to as the "1979 Constitution") is
5 here amended as follows, that is :—

Amendment
of Section 74
of the 1979
Constitution.

6 immediately after subsection 4 thereof there shall be inserted the
7 following proviso :

8 Provided that moneys in respect of the capital and recurrent expendi-
9 ture of the judicial services of the Federation charged upon the Con-
10 solidated Revenue Fund of the Federation in respect of any financial
11 year in accordance with Section 78 of this Constitution shall be
12 withdrawn from that fund and paid into a special account of the
13 Federation under the Control of the judiciary of the Federation.

14 2. In Section 78 of the 1979 Constitution there shall be substituted
15 for subsection (6) thereof the following new subsection (6) that is—

Amendment
of Section 78

16 (6) Subject to section 74 of this Constitution, the capital and
17 recurrent expenditure, of the judicial services of the Federation,
18 including the salaries, emoluments and other benefits, of members

1 of the staff of the judiciary (apart from those of judicial officers
2 provided for in subsection (4) of this Section) shall be a charge upon
3 the Consolidated Revenue Fund of the Federation.

Amendment
of Section
112.

4 3. In Section 112 of the 1979 Constitution immediately after sub-
5 section 4 there shall be inserted the following proviso :

6 Provided that moneys in respect of the capital and recurrent expen-
7 diture of the judicial services of the State charged upon the Consolidated
8 Revenue Fund of the State in respect of any financial year in accordance
9 with section 116 of this Constitution shall be withdrawn from that Fund
10 and paid into a special account of the State under the Control of the
11 judiciary of the State.

Amendment
of Section
116.

12 4. In Section 116 of the 1979 Constitution there shall be substituted
13 for subsection (6) thereof the following new subsection (6).—

14 (6) Subject to section 112 of this Constitution, the capital and
15 recurrent expenditure of the judicial services of a State, including
16 the salaries, emoluments and other benefits of members of the staff
17 of the judiciary (apart from those of judicial officers specified in sub-
18 section (4) of this Section) shall be a charge upon the Consolidated
19 Revenue Fund of the State.

Amendment
of Section
256.

20 5. In Section 256 of the 1979 Constitution, there shall be inserted
21 immediately after subsection (1) thereof the following subsections (2) and
22 (3) and these are :—

23 (2) A judicial officer shall not be removed in accordance with any
24 recommendation under subsection (1) (b) of this section unless, the
25 recommendation is confirmed—

26 (i) in the case of the Federal Judicial Service Commission by $\frac{2}{3}$
27 majority of the Senate ; and

1 (ii) in the case of the State Judiciary Service Commission by $\frac{2}{3}$
2 majority of the House of Assembly of the State;
3 and after the Senate or the House of Assembly, as the case may be, shall
4 have considered and deliberated upon a Report which a Committee on
5 judicial matters of the legislative house shall have submitted to it.—

6 (3) (a) Notwithstanding the foregoing provisions, where the cause of
7 a removal of a judicial officer is by reason of his inability to discharge
8 the function of his office (arising from his infirmity of mind or of body)
9 the cause of his incapacity shall be certified in a Medical Report after
10 such medical examination as may be necessary, by a panel of two
11 medical practitioners in the field of medicine relative to such incapacity
12 who shall be appointed in the case of judicial officers specified in sub-
13 section 1 (a) (i) and (ii) and 1 (b) of this section by a committee on
14 judicial matters of the Senate or House of Assembly, as the case may
15 be and the Report of such medical panel shall, within 21 days of such
16 appointment be made to the respective legislative house by the
17 appropriate Committee.

18 (b) Subsection (2) of Section 256 of the 1979 Constitution shall
19 become subsection (4) of the said section.

20 6. Whenever it may hereafter be necessary for the 1979 Constitution
21 to be reprinted, it shall be lawful for the Federal Government Printer
22 to reprint the Constitution as amended by this Act if so directed by the
23 National Assembly of the Federation and the Constitution as so reprinted
24 shall have the force of law and accordingly Section 21 of the Inter-
25 pretation Act 1964, and Section 2 of the Federal Republic of Nigeria
26 Enactment Decree 1978 shall be construed subject to the provisions of
27 this Act.

Reprinting
of the Con-
stitution.

Interpreta-
tion.

- 1 7. "judicial service" in this Act includes the administration of
2 courts of law by a judicial department, provision of amenities for
3 judicial officers, court buildings accommodation and their officers, and
4 also the disposition of members of the Staff of the judicial department ;
5 and the expression "judiciary" shall be construed accordingly.

Short title
and Com-
mencement.

- 6 8.—(1) This Act may be cited as the Constitution of the Federal
7 Republic of Nigeria (Judicial Services) (Amendment) Act 1980.
8 (2) The provisions of this Act shall come into force upon the receipt
9 of Presidential Assent.

EXPLANATORY MEMORANDUM

This amendment is to give a requisite measure of security to the tenure of office of Judicial officers in the Federal and State High Courts of the Federal Republic of Nigeria and the maintenance of separate Funds for judicial services withdrawable from the Consolidated Revenue Fund of the Federation thus ensuring the independence of the Judiciary vis-a-vis the Executive.