

HB 840

A BILL FOR AN ACT TO ALTER SECTION 291 (4TH ALTERATION) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), TO ALLOW FOR CONSISTENCY IN THE RETIREMENT AGE AND ALLOWANCES OF JUDICIAL OFFICERS OF SUPERIOR COURTS OF RECORD: AND FOR RELATED MATTERS

Section	Provision of the Constitution / Principal Act	Provision of the Bill	Committee Recommendation	Remarks
		Enacted by the National Assembly of the Federal Republic of Nigeria		
		<p style="text-align: center;">Clause 1</p> <p>The Constitution of the Federal Republic of Nigeria 1999 (as Amended) hereinafter referred to as the Principal Act is hereby Amended.</p>		
<p>Section 291(1)</p>	<p>Tenure of Office and Pension Right of Judicial Officers 291 (1) A Judicial Officer appointed to the Supreme Court or the Court of Appeal may retire when he attains the age of sixty-five years and he shall cease to hold office when he attains the age of seventy years.</p>	<p style="text-align: center;">Clause 2</p> <p>Sections 291 (1) and 291 (3)(a), (b), (c) of the Constitution of the Federal republic of Nigeria 1999 (as amended) are hereby altered to allow for consistency in the retirement age and allowances of judicial officers of superior courts of record as follows; - 291 –(1) “A judicial officer appointed to the Supreme Court, Court of Appeal, Federal High Court, National Industrial Court, High Court of Federal Capital Territory Abuja, High Court of a State, Sharia Court of Appeal of the Federal Capital Territory Abuja, Customary Court of Appeal of the Federal Capital Territory Abuja, Sharia Court of Appeal of a State and Customary Court of Appeal of a State may retire when he attains the age of sixty-five years and he shall cease to hold office when he attains the age of seventy years”.</p>		
<p>Section 291(3) (a), (b), (c)</p>	<p>(3) Any person who has held office as judicial officer- (a) for a period of not less than fifteen years shall, if he retires at or after the</p>	<p style="text-align: center;">Clause 3</p> <p>Section 291(3) Any person who has held office as a judicial officer –</p>		

	<p>age of sixty-five years in the case of the Chief Justice of Nigeria, a Justice of the Supreme Court, the President of the Court of Appeal or a Justice of the Court of Appeal or at or after the age of sixty years in any other case, be entitled to pension for life at a rate equivalent to his last annual salary and all his allowances in addition to any other retirement benefits to which he may be entitled;</p> <p>(b) for a period of less than fifteen years shall, if he retires at or after the age of sixty-five or sixty years, as the case may be, be entitled to pension for life at a rate as in paragraph (a) of this subsection pro rata the number of years he served as a judicial officer in relation to the period of fifteen years, and all his allowances in addition to other retirement benefits to which he may be entitled under his terms and conditions of service; and</p> <p>(c) in any other case, shall be entitled to such pension and other retirement benefits as may be regulated by an Act of the National Assembly or by a Law of a House of Assembly.</p>	<p>(a) for a period of not less than fifteen years shall, if he retires at or after the age of sixty-five years, be entitled to pension for life at a rate equivalent to his last annual salary and all allowances in addition to any other retirement benefit to which he may be entitled;</p> <p>(b) for a period of less than fifteen years shall, if he retires at or after the age of sixty-five years be entitled for pension for life at a rate as in paragraph (a) of this sub-section pro-rata the number of years he served as a judicial officer in relation to the period of fifteen years; and all allowances in addition to other retirement benefits to which he may be entitled under his terms and conditions of service; and</p> <p>(c) in any other case, shall be entitled to such pension and other retirement benefits as may be regulated by an Act of National Assembly</p>		
		<p style="text-align: center;">Clause 4</p> <p>Section 291 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended) is further altered by inserting a new subsection (d) and (e) after subsection (c) as follows –</p> <p>(d) all pensions, allowances and other retirement benefits to which</p>		

		<p>a judicial officer may be entitled, shall be a charge upon the consolidated revenue fund of the Federation and shall be paid directly by the National Judicial Council;</p> <p>(e) subject to the provisions of this section of the Constitution, the provisions of any other laws that provides for pensions, gratuities and other retirement benefits for persons in the public service of the Federation or of a State shall apply.</p>		
		<p style="text-align: center;">Citation</p> <p>This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (as Amended) (Alteration) Bill, 2020.</p>		
		<p style="text-align: center;">Explanatory Memorandum</p> <p>This Bill seeks to alter Section 291 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended) to allow for consistency in the retirement age and allowances of judicial officers of superior courts of record</p>		

Sponsored by Hon. Igariwey Iduma Enwo