

A BILL

FOR

AN ACT TO ALTER SECTION 291 {4TH ALTERATION} ACT NO 4 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 2021

Sponsored by Senator Samuel Ominyi Egwu

[] Commencement

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

- 1 1. The Constitution of The Federal Republic of Nigeria 1999 (As Alteration of
2 Amended) Hereinafter referred to as the Principal Act is hereby amended. the Constitution
- 3 2. Sections 291(1) and 291(3)(a)(b)(c) of the Constitution of The
- 4 Federal Republic of Nigeria 1999 (As Amended) are hereby altered to allow
- 5 for consistency in the retirement age and allowances of judicial officers of
- 6 superior courts of record as follows:
- 7 3. S.291 (1) "A judicial officer appointed to the Supreme Court, Alteration of
8 Court of Appeal, Federal High Court, National Industrial Court, High Court Section 291(1)
- 9 of Federal Capital Territory Abuja, High Court of a State, Sharia Court of
- 10 Appeal of the Federal Capital Territory Abuja, Customary Court of Appeal
- 11 of the Federal Capital Territory, Abuja; Sharia Court of Appeal of a State and
- 12 Customary Court of Appeal of a State may retire when he attains the age of
- 13 sixty-five years and he shall cease to hold office when he attains the age of
- 14 seventy years".
- 15 4. S.291 (3) Any person who has held office as a judicial officer: Alteration of
- 16 (a) For a period of not less than fifteen years shall, if he retires at or Section 291(3)
(a)(b)(c)
- 17 after the age of sixty-five years, be entitled to pension for life at a rate
- 18 equivalent to his last annual salary and all allowances in addition to any

1 other retirement benefit to which he may be entitled;

2 (b) For a period of less than fifteen years shall, if he retires at or after
3 the age of sixty-five years, be entitled for pension for life at a rate as in
4 paragraph (a) of this subsection pro-rata the number of years he served as a
5 judicial officer in relation to the period of fifteen years; and all allowances in
6 addition to other retirement benefits to which he may be entitled under his
7 terms and conditions of service; and

8 (c) in any other case, shall be entitled to such pension and other
9 retirement benefits as may be regulated by an Act of National Assembly.

Further alteration
of Section 291(3)
by inserting a
new sub-section
(d) and (e)

10 5. Section 291(3) of the Constitution of The Federal Republic of
11 Nigeria 1999 (As Amended) is further altered by inserting a new subsection (d)
12 and (e) after subsection "(C)" as follows:

13 (d) All pensions, allowances and other retirement benefits to which a
14 Judicial Officer maybe entitled, shall be a charge upon the consolidated
15 Revenue fund of the Federation and shall be paid directly by the National
16 Judicial Council.

17 (e) Subject to the provisions of this section of the constitution, the
18 provisions of any other laws that provides for pensions, gratuities and other
19 retirement benefits for persons in the public service of the Federation or of a
20 State shall apply.

Short title

21 6. This Bill may be cited as the Constitution of the Federal Republic
22 of Nigeria, 1999 (As Amended) (Alteration) Bill, 2021.

EXPLANATORY MEMORANDUM

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.