

LEAD DEBATE ON

A BILL FOR AN ACT TO AMEND THE FEDERAL HIGH COURT ACT CAP. F12 LAWS OF THE FEDERATION OF NIGERIA 2004.

BY SENATOR CHUKWUKA UTAZI

Mr. President, Distinguished Colleagues, thank you for this honour and privilege to lead the debate on a bill for an Act to amend the Federal High Court Act Cap. F12 Laws of the Federation of Nigeria 2004 and for other matters connected therewith.

The bill was read for the first time in this hallowed chamber on the 29th of March, 2018.

Mr. President, Distinguished Colleagues, the kernel of this bill is to amend the Federal High Court Act Cap. F12 Laws of the Federation of Nigeria 2004 to align it with the provision of Section 254 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

THE ANALYSIS OF THE BILL:

This bill seeks precisely to amend Section 44 of the Principal Act in subsection 1 by deleting the phrase “with the approval of the President” after the word “may”. The said Section 44 subsection 1 stipulates thus:

44 (1) “The Chief Judge may, with the approval of the President, make Rules of Court for carrying this Act into effect, and in particular and without prejudice to the generality of the foregoing, for all or any of the following purposes and matters:-”

The intent and purpose of the amendment is to bring it in line with the provisions of Section 254 of the Constitution of the Federal Republic of Nigeria, which provides thus;

Section 254 "Subject to the provisions of any Act of the National Assembly, the Chief Judge of the Federal High Court may make rules for regulating the practice and procedure of the Federal High Court".

From the foregoing, it can be discerned that the phrase "with the approval of the President" under Section 44 (1) of the Federal High Court Act is inconsistent with the provisions of Section 254 of the Constitution of the Federal Republic of Nigeria. Thus, it also negates the provisions of Section 1 (3) of the Constitution of the Federal Republic of Nigeria, which states that if there is any inconsistency between any Law or Act with the provisions of the 1999 Constitution that Law/Act to the extent of its inconsistency is null and void *ab initio*.

COST IMPLICATION:

This amendment does not have any cost implication on government since the Federal High Court is already in existence with its personnel and other structures.

May I therefore, humbly invite this Distinguished Senate to support this Bill.

SENATOR CHUKWUKA UTAZI.