

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH  
ALTERATION) (NO. 37) ACT, 2023**

**EXPLANATORY MEMORANDUM**

This Act alters the Constitution of the Federal Republic of Nigeria, 1999 to ensure uniformity in the retirement age and pension rights of judicial officers of superior courts of record.

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH  
ALTERATION) (NO. 37) ACT, 2023**

**Arrangement of Sections**

**Section:**

- 1. Alteration of the Constitution**
- 2. Substitution for section 291**
- 3. Citation**

**CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH  
ALTERATION) (NO. 37) ACT, 2023**

**A Bill**

**For**

**An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to ensure uniformity in the retirement age and pension rights of judicial officers of superior courts of record; and for related matters.**

[ ] Commencement

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

1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as "the Principal Act") is altered as set out in this Act. Alteration of the Constitution

2. Substitute for section 291 of the Principal Act, a new section "291" — Substitution for section 291

"291. (1) A judicial officer appointed to any of the superior courts of record specified in section 6 (5) of this Constitution 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.

(2) Any person who has held office as a judicial officer of a superior court of record —

(a) for a period of not less than ten 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;

(b) for a period of less than ten 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 subsection pro-rata the number of years he served as a judicial officer in relation to the period of ten years, and all allowances in addition to other retirement benefits to which he may be entitled under his terms and conditions of service; and

(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.

(3) All pensions, allowances and other retirement benefits to which 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.


(4) Subject to the provisions of this section of the Constitution, the provisions of any other law that provides for pensions, gratuities and other retirement benefits for persons in the Public Service of the Federation or of a State shall apply.”

3. This Act may be cited as the Constitution of the Federal Republic of Nigeria (Fifth Citation Alteration) (No. 37) Act, 2023.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA, 2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



SANI MAGAJI TAMBAWAL, fcna  
CLERK TO THE NATIONAL ASSEMBLY

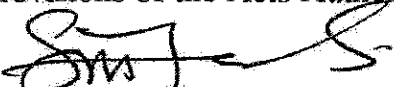


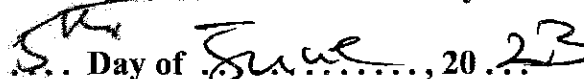
.... DAY OF *June*, 20 *23* .....

**SCHEDULE TO THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(FIFTH ALTERATION) (NO. 37) BILL, 2023**

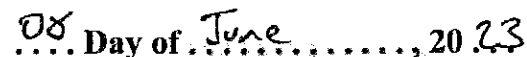
<b>SHORT TITLE OF THE BILL</b>	<b>LONG TITLE OF THE BILL</b>	<b>SUMMARY OF THE CONTENTS OF THE BILL</b>	<b>DATE PASSED BY THE SENATE</b>	<b>DATE PASSED BY THE HOUSE OF REPRESENTATIVES</b>
Constitution of The Federal Republic of Nigeria, 1999 (Fifth Alteration) (No. 37) Bill, 2023	An Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to ensure uniformity in the retirement age and pension rights of judicial officers of superior courts of record; and for related matters.	This Bill alters the Constitution of the Federal Republic of Nigeria, 1999 to ensure uniformity in the retirement age and pension rights of judicial officers of superior courts of record.	2 <sup>nd</sup> May, 2023	8 <sup>th</sup> January, 2023

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

  
**SANI MAGAJI TAMBAWAL, fca**  
 Clerk to the National Assembly

  
 ... Day of June....., 20 23

  
**BOLA AHMED TINUBU, GCFR**  
 President of the Federal Republic of Nigeria

  
 08 Day of June....., 20 23

I ASSENT.