

# A BILL

## FOR

AN ACT TO AMEND THE TRADE UNIONS DECREE 1973 AND FOR MATTERS  
CONNECTED THEREWITH

*Sponsored by SENATOR IBRAHIM DIMIS  
Bauchi South Senatorial District, Bauchi State*

[ ]

Commence-  
ment.

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

3 1. Section 7 of the principal Act is hereby amended in subsection  
4 (8) by *deleting* the expression “the Central Labour Organisation” and  
5 *substituting* therefor, the expression “central labour organisations”.

Amendment  
of section 7  
of principal  
Act.

6 2. Section 14 of the Principal Act is hereby amended in subsection  
7 (2) by *deleting* the expression “the central Labour Organisation” and  
8 *substituting* therefor the expression “a central labour organisation”.

Amendment  
of section 14  
of principal  
Act.

9 3. Section 31 of the principal Act is hereby amended in the proviso  
10 thereto by *deleting* the expression “the Central Labour Organisation”  
11 and *substituting* therefor the expression “a central labour organisation”.

Amendment  
of section 31  
of principal  
Act.

12 4. Section 33 of the principal Act is hereby repealed and there is  
13 *substituted* therefor the following new section—

Amendment  
of section 33  
of principal  
Act.

14 “Formation of central labour organisations.” 33.—(1) Subject to this section, two or more trade  
15 unions and federations of trade unions may form a central  
16 labour organisation if—

17 (a) the trade unions and federations of trade unions  
18 as the case may be, forming a central labour organisation,

1 in the opinion of the Registrar, relate to like or allied  
2 trades ; and

3 (b) the said trade unions and federations as the case  
4 may be, have their registered offices functioning in the  
5 respective capitals of not less than two-thirds of the  
6 States of Nigeria.

7 (2) A central labour organisation shall not be formed  
8 unless in the case of the trade unions concerned a resolution  
9 approving the formation of the proposed central labour  
10 organisation has in a secret ballot held at a special meeting  
11 of the delegates of all the trade unions concerned been  
12 passed by the simple majority of all the members of the  
13 trade unions concerned :

14 Provided that not less than 30 days before that meeting  
15 a notice in the prescribed form setting out the resolution,  
16 is delivered to the Registrar and to each of the trade unions  
17 concerned.

18 (3) A central labour organisation shall not be registered  
19 unless there is delivered to the Registrar an application in  
20 the prescribed form signed by at least two of the trade unions  
21 concerned, and accompanied by the statutory declaration  
22 of the secretary of each of at least two of the trade unions  
23 concerned, that the requirements of subsections (1) and  
24 (2) of this section have been complied with.

25 (4) Subsection (4) of section 28 of this Act shall with  
26 necessary modifications apply in relation to central labour  
27 organisations as they apply to trade unions and federations

Amendment of section 54 of principal Act.	1	5. Section 54 is hereby amended in subsection (3) by <i>inserting</i>
	2	immediately after the word "unions", the words "and central labour
	3	organisations".
Amendment of section 55 of principal Act.	4	6. Section 55 of the principal Act is hereby amended—
	5	(a) by <i>repealing</i> the expression "the Central Labour Organisation"
	6	and its definition and <i>substituting</i> therefor the following new defini-
	7	tion—
	8	"central labour organisation" means a body registered under
	9	section 33 of this Act ; and
	10	(b) in the definition of the words "registered body" by <i>deleting</i> the
	11	words "the Central Labour Organisation" and <i>substituting</i> therefor
	12	the words "central labour organisation".
Interpreta- tion.	13	7. In this Act—
	14	"principal Act" means Trade Unions Act 1973.
Short title.	15	8. This Act may be cited as the Trade Unions (Amendment)
	16	Act 1981.

## EXPLANATORY MEMORANDUM

Section 37 of the Constitution of the Federal Republic of Nigeria 1979 guarantees for every person the right to his fundamental freedom of association with other persons and in particular a person may form or belong to any trade union for the protection of his interests. Under the Trade Unions Act 1973, as amended by the Trade Unions (Amendment) Act 1978, all trade unions are by law compelled to belong to one and only one central labour organisation thereby negating section 37 of the 1979 Constitution.

Accordingly this Bill seeks to harmonize the Trade Unions Act 1973 with the 1979 Constitution in order to restore to the worker his inalienable freedom to form and belong to any central labour organisation of his choice to protect his interests.

# A BILL

## FOR

AN ACT TO AMEND THE FEDERAL HIGH COURT ACT 1973, PRESCRIBE THE NUMBER OF JUDGES OF THE FEDERAL HIGH COURT, AND MAKE PROVISIONS WITH RESPECT TO ITS JURISDICTION AND FOR MATTERS CONNECTED THEREWITH.

[ ]

Commence-  
ment.

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

3 1. Section 1 of the principal Act is hereby amended by *repealing*  
4 subsection (2) thereof and *substituting* therefor the following new  
5 subsection—

Amendment  
of section 1  
of principal  
Act.

6 “(2) The Federal High Court shall consist of—

7 (a) the Chief Judge who shall have overall control and supervision  
8 of the administration of the Court ; and

9 (b) twenty-five Judges of the Federal High Court.

10 2. Section 3 of the principal Act is hereby repealed.

Repeal of  
section 3 of  
principal  
Act.

(2) The Federal High Court shall to the exclusion of any other Court have and exercise original jurisdiction in criminal cause and matters connected with and pertaining to any of the matters in respect of which jurisdiction is conferred by subsection (1) of this section.

(3) The jurisdiction conferred under subsection (2) of this section in respect of criminal causes and matters shall without prejudice to the generality of that subsection and subject to Section 63 (3) of this Act, include original jurisdiction in respect of offences under the provisions of the Criminal Code being offences in relation to which proceedings may be initiated at the instance of the Attorney-General of the Federation."

4. Section 57 of the principal Act is hereby repealed and there is substituted therefor the following new section—

"Order  
pending  
appeal.

57.—(1) Where an appeal to the Federal Court of Appeal is entered or leave to appeal is granted against a conviction in respect of which the appellant has been sentenced to imprisonment or Borstal training, the Court may, in its discretion, admit the appellant to bail pending the determination of the appeal, and in the case of a sentence of imprisonment any time during which the appellant is so admitted to bail shall not count as part of the term of imprisonment to which he was sentenced.

(2) The operation of any order made on conviction by the Court for the payment of compensation or of any of the expenses of the prosecution or of the imprisonment or

Repeal and  
substitution  
of section 57  
of principal  
Act.

1 of other punishment imposed on the person convicted or  
2 for the restoration of any property to any person, and the  
3 reversion, in case of any such conviction, in the original  
4 owner or his personal representatives of the property in  
5 stolen goods, shall (unless the judge before whom the  
6 conviction takes place directs to the contrary in any case in  
7 which, in his opinion, the title to the property is not in  
8 dispute) be suspended until the expiration of thirty days  
9 after the date of the conviction.

10 (3) Where—

11 (a) the Court has in any criminal proceedings before  
12 it sitting at first instance acquitted the accused person,  
13 or has allowed an appeal from the magistrate's court  
14 against conviction ; and

15 (b) immediately after that decision of the Court has  
16 been given, the prosecutor gives notice to the Court  
17 that he intends or desires to appeal to the Federal Court  
18 of Appeal from that decision,  
19 the Court may make an order providing for the detention of  
20 the accused person, or directing that the accused person  
21 shall not be released except on bail until either—

22 (i) the time for bringing the appeal has expired without  
23 its having been brought ; or

24 (ii) where applicable, the necessary leave to appeal  
25 has been refused both by the Court and by the Federal  
26 Court of Appeal ; or

27 (iii) the appeal has been brought and abandoned ; or