

Supplement to Official Gazette Extraordinary No. 73, Vol. 71, 31st December,
1984—Part A

JUDICIAL OFFICERS (EXTENSION OF PERIOD OF SERVICE) DECREE 1984



Decree No. 35

[1st October 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Notwithstanding the provisions of any of the enactments specified in column 1 and operating in the States specified in column 3 of the Schedule to this Decree or any other enactment which provide that any person holding the office of a Judge of the Federal High Court or the High Court of the State concerned or the Grand Kadi or Kadi of a State Sharia Court of Appeal shall vacate that office when he attains the age of 62 years, any Judge appointed under any of the enactments aforesaid shall continue to hold that office until he attains the age of 65 years.

Extension of
office of
Judges
appointed
under
repealed
enactments.

1963 No. 20.
1975 No. 32.
Cap. LLNN
1963.
LLEN No. 8
of 1963.
LLWN No.
26 of 1963.
Cap. 52 LLS
1973.
1973 No. 30.

(2) The amendment effected by this Decree shall operate to validate anything duly done or having effect as if so done by a judicial officer affected by this Decree on any date between the date when such judicial officer would but for this Decree, have been required to vacate his office and the date of the making of this Decree ; and accordingly the appointment of any such judicial officer shall be construed and have effect as if it was at all material times duly made under and the judicial officer vested with all the relevant powers of a judicial officer appointed under the Constitution of the Federal Republic of Nigeria 1979 or any other applicable law.

2.—(1) This Decree may be cited as the Judicial Officers (Extension of Period of Service) Decree 1984 and shall be deemed to have come into force on 1st October 1979.

Citation,
commence-
ment and
definition.

(2) In this Decree, "judicial officer" has the meaning assigned to it in section 277 (1) of the Constitution of the Federal Republic of Nigeria 1979.

SCHEDULE

Section

| <i>Enactment</i> | <i>Citation</i> | <i>Application</i> |
|---|--|---|
| 1. Section 124 of the Constitution of the Federation (Basic Provisions) Decree 1975, and section 5 of the High Court Law of Lagos State 1973. | 1963 No. 20 1975 No. 32 Cap. 52 LLS 1973. | Lagos State |
| 2. Section 50 (1) of the Constitution of Western Nigeria, as modified by the Constitution (Basic Provisions) Decree 1975, as in force in the States specified in column 3 of this item. | LLWN No. 26 of 1963 1975 No. 32 | Ondo, Oyo and Ogun States |
| 3. Section 52 of the Constitution of Northern Nigeria, as modified by the Constitution (Basic Provisions) Decree 1975 and section 6 of the High Court Law of the former Northern Nigeria, as in force in each of the States specified in column 3 of this item. | LLNN No. 33 of 1963 1975 No. 32 | Bauchi, Benue, Borno, Gongola, Kano, Plateau, Kwara, Kaduna, Niger, and Sokoto States |
| 4. Section 52 of the Constitution of former Eastern Nigeria, as modified by the Constitution (Basic Provisions) Decree 1975 and section 5 of the High Court Law of former Eastern Nigeria, as in force in the States specified in column 3 of this item. | LLEN No. 8 of 1963 1975 No. 32 | Anambra, Cross River, Imo and Rivers States |
| 5. Section 50 (1) of the Constitution of former Mid-Western State 1964, as modified by the Constitution (Basic Provisions) Decree 1975 and the High Court Law of Mid-Western State. | LLN 1964 1964 No. 3 1975 No. 32 | Bendel State |
| 6. Federal High Court Act 1973 and the Federal High Court (Retiring Age of Judges) Act 1973. | 1973 No. 13 1973 No. 30 | Throughout the Federation |

MADE at Lagos this 28th day of December 1984.

MAJOR-GENERAL M. BUHARI,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree extends the period of service of all Judges appointed under the various enactments repealed by the Constitution of the Federal Republic of Nigeria 1979. The Judges, who would have been required to retire on the attainment of the age of 62 years, may now remain in office until they attain the age of 65 years, in keeping with the provisions of section 255 (1) of the 1979 Constitution.