



PENSION RIGHTS OF JUDGES ACT CAP. P5 L.F.N. 2004

ARRANGEMENT OF SECTIONS

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PENSIONS RIGHTS OF JUDGES ACT

An Act to provide for the retirement benefits of Judges.

[1st January, 1985] [Commencement.]

1. Pension rights of the Chief Justice of Nigeria

A person holding the office of the Chief Justice of Nigeria shall, if he retires in pensionable circumstances, whether or not he has held office as a judicial officer for not less than fifteen years, be entitled to pension for life at a rate equivalent to his last annual salary plus his consolidated allowances and the annual salaries of four of his domestic staff in addition to any other retirement benefits to which he may be entitled.

[1991 No. 62. 1991 No. 29.]

2. Pension rights of Judges

(1) A person other than the Chief Justice of Nigeria, who has held office as a judicial officer for a period of not less than fifteen years shall be entitled to pension for life at a rate equivalent to his last annual salary plus his consolidated allowances and the annual salaries of four of his domestic staff in addition to any other retirement benefits to which he may be entitled.

(2) A person who has held office as a judicial officer, other than the Chief Justice of Nigeria, for a period less than fifteen years shall be entitled to pension for life at a rate pro rata the number of years he served as a judicial officer in relation to the period of fifteen years or to the pension and other retirement benefits to which he is entitled under his terms and conditions of service, if any, whichever is the higher.

(3) A person, other than the Chief Justice of Nigeria, who had held office as a judicial officer for a period less than fifteen years, and who is not otherwise entitled to pensions under the foregoing provisions of this section, shall on retirement be entitled to pensions calculated on the basis of the more favourable of the following options, that is to say-

(a) pensions calculated on the basis of the relevant provisions of the Pensions Act which allow for the aggregation of the total length of service as a judicial officer and any other pensionable service in the public service of the Federation or a State; and

(b) pension for life calculated at a rate pro rata the number of years he served as a judicial officer in relation to the period of fifteen years.

3. Incapacitated judicial officer

(1) A judicial officer, incapacitated in the course of his duty who is not otherwise qualified for pension under section 1 or subsection (1) of section 2 of this Act, shall be entitled to pension for life at a rate equivalent to his last annual salary in addition to any other benefits to which he may be entitled under subsection (3) (a) of section 2 of this Act.

(2) For the avoidance of doubt, the provisions of subsection (1) of this section and of sections 1 and 2 of this Act shall be the basis for calculating the pension of a judicial officer whether or not he retired before or retires after the commencement of this Act.

[1991 No. 62.]

4. Interpretation

In this Act, unless the context otherwise requires-

"judicial officer" has the meaning assigned thereto by section 318 (1) of the Constitution, that is to say, the holder of the office of the Chief Justice of Nigeria, a Justice of the Supreme Court or the President or Justice of the Court of Appeal, the office of the Chief Judge or a Judge of a High Court, a Grand Kadi or

Kadi of the Sharia Court of Appeal of a State, or President or a Judge of the Customary Court of Appeal of a State;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999.

5. Short title

This Act may be cited as the Pension Rights of Judges Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation