Commencement

18

A BILL

FOR

AN ACT TO AMEND THE SHERIFFS AND CIVIL PROCESS ACT, CAP S6 LFN, 2004, TO INCREASE COST OF FINES AND TO PUT THE ATTORNEY GENERAL OF THE FEDERATION ON A PRE-EXECUTION NOTICE AFTER A GARNISHEE ORDER NISI INVOLVING A PUBLIC OFFICER HAS BEEN RULED BY A COURT OF COMPETENT JURISDICTION AND FOR RELATED MATTERS

Sponsored by Hon. Lynda Chuba Ikpeazu

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows: 1. The Sheriffs and Civil Processes Act, Cap. S6, Laws of the Amendment of 1 Cap. S6 LFN. Federation of Nigeria, 2004 (in this Bill referred to as the "principal Act") is 2 amended as set out in this Bill. 3 2. Section 7 of the Principal Act is amended: Amendment of 4 Section 7 (a) In line 3, by substituting for-5 (i) expression "N200" to the expression N500,000 6 Amendment of 3. Section 28 of the Principal Act is amended: 7 Section 28 (a) In line 4, by substituting for: 8 (i) expression "NI 00" to the expression N250,000. 9 Amendment of 4. Section 69 of the Principal Act is amended: 10 Section 69 (a) In line 3, substituting for: 11 (i) expression "N200" to the expression N500,000". 12 (b) In line 4, substituting for: 13 (i) expression "thirty naira" to the expression N200,000". 14 Amendment of 5. Section 84 of the Principal Act is amended: 15 Section 84 (a) In subsection (1) as follows; 16 (i) In line 2, 3, 4, S by substituting the expression "the order nisi 17 shall not be made under the provisions of the last preceding section unless

1	consent to such attachment is first obtained from the appropriate officer in the
2	case of money in the custody or control of a public officer or of the court in the
3	case of money in custodia legis, as the case may be" to the expression for "the
4	order nisi shall be deemed an order absolute."
5	(b) In subsection (2) by substituting the expression:
6	(i) In line 1 as follows; "order of notice" for the expression "order
7	absolute and a pre-execution notice";
8	(ii) By introducing sub-paragraphs (a) and (b) in sub-section 2 as
9	follows;
10	(a) The Attorney General must be served with the garnishee order
11	absolute and a pre-execution notice within 14 days from the date of issuance of
12	the court Order Absolute;
13	(b) The Attorney General shall mandate that the public officer being
14	the judgement debtor pays the judgement creditor within 30 days of being
15	served with the Order Absolute and the Pre-Execution Notice."
16	6. This Bill may be cited as the Sheriffs and Civil Process
17	(Amendment) Bill, 2021.

Citation

EXPLANATORY NOTE

This Bill seeks to increase fines and mandates that the Attorney General of the Federation is served with a Pre-Execution notice to expedite the execution of garnishes order nisi involving a public officer or public institution. The Attorney General shall play an advisory role in ensuring that the public officer pays the required judgment debt within a stipulated time. The amendment also voids the previous section requiring the Attorney Generals consent after a garnishee Order nisi involving a public officer has been made by a court of competent jurisdiction.