

FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS BILL, 2019

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# A BILL

## FOR

AN ACT TO REPEAL THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS (REPEAL AND ENACTMENT) ACT, 2010 AND ENACT THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS ACT TO, AMONG OTHER THINGS, EXPAND THE JURISDICTION OF THE AREA COURTS TO ENTERTAIN BOTH CIVIL AND CRIMINAL; AND FOR RELATED MATTERS

*Sponsored by Hon. Munir Babba Dan Agundi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria

1 PART 1- ESTABLISHMENT AND CONSTITUTION OF AREA COURTS

2 1.-(1) There is established such grades of Area Court for the Establishment  
3 Federal Capital Territory, Abuja. of Area Courts

4 (2) An Area Court shall exercise the jurisdiction conferred upon it  
5 by or under this Act within the area and to the extent specified.

6 (3) The Grand Kadi, shall assign to each Area Court established in  
7 pursuance of this section such name and shall issue a warrant under  
8 his hand in respect of such court.

9 (4) Except otherwise stated, a warrant issued under this section  
10 shall come to force on the day of publication in the Official Gazette.

11 (5) The Grand Kadi, may at any time suspend, cancel or vary any  
12 warrant establishing an Area Court or specifying the area within which, or  
13 the extent to which, the powers of an Area Court may be exercised.

14 (6) The Grand Kadi shall cause the jurisdiction of each Area Court  
15 to be published from time to time in the Official Gazette.

16 2.-(1) An Area Court shall consist of an Area Court Judge sitting Constitution and  
17 alone. membership of  
Area Courts

	1	(2) Every Judge of an Area Court shall be an officer in the Public
	2	Service.
Qualification of Area Court Judge	3	3. A person shall not be qualified for an appointment as an Area court
	4	Judge unless:
	5	(a) He is a legal practitioner, learned in Islamic Law or;
	6	(b) He holds a degree in Sharia or related discipline.
	7	PROVIDED that a person holding the office of an Area Court Judge
	8	before the commencement of this Act, not being a legal practitioner, learned in
	9	Islamic Law or holder of a degree in Sharia or related discipline shall continue
	10	to hold such office and act in that capacity.
Discipline of members of Area Courts	11	4.-(1) Subject to the provisions of any written law, the Judicial
	12	Service Committee shall appoint and exercise disciplinary power on an Area
	13	Court Judge:
	14	(a) who appears to have abused his power or to be incapable of
	15	exercising the same justly; and
	16	(b) for other sufficient reason.
	17	(2) The appointment and discipline of an Area Court Judge shall be in
	18	accordance with the rules and regulations applicable to Area Court Judges.
Sessions	19	5.-(1) Subject to the provisions of any written law, an Area Court shall
	20	hold sessions at such times and places as may be necessary for the convenient
	21	and speedy dispatch of the business of the court.
	22	(2) The Grand Kadi may direct that sessions shall be held at times and
	23	places he deems fit.
Indemnity of members of Area Courts	24	6. An Area Court Judge shall not be personally liable for any act done
	25	by him or ordered by him to be done in the discharge of his judicial duty,
	26	whether or not within the limits of his jurisdiction:
	27	Provided that he, at the time in good faith, believed himself to have
	28	jurisdiction to do or order to be done the act in question.

## PART II - STAFF OF AREA COURTS

1  
2 7.-(1) Staff of Area Courts shall be officers in the Public Service of Staff of the  
3 the Federation. Court

4 (2) There shall be appointed a Registrar or Clerk and such other  
5 staff as may be required by an Area Court.

6 (3) The duties of the Registrar or Clerk shall include:

7 (a) prepare warrants and writs;

8 (b) register orders and judgments;

9 (c) keep records of moneys received or paid by the court; and

10 (d) perform such duties in the execution of the powers and  
11 authorities of the court as may be assigned to him by the rules or special  
12 order of the court.

13 8. A Registrar or Clerk may, with the consent of the Area Court Delegation of  
14 Judge, delegate any of the duties assigned to him to any other servant of the duties  
15 court, and in every such case, such servant shall be governed in respect of his  
16 duties by the orders and directions of the Registrar or Clerk.

17 9.-(1) Such bailiffs or messengers as may be required shall be Bailiff and  
18 appointed to every Area Court. messages

19 (2) A person appointed under subsection (1) of this section shall:

20 (a) effect the service and execution of all writs and other process  
21 which he may receive from the Area Court to which he is attached;

22 (b) make all necessary returns in relation to such writs and  
23 processes;

24 (c) carry out other duties as may be prescribed by rules made;

25 (d) under this Act; and at all times when he is not engaged in duties  
26 which necessitate his absence from the Area Court, attend the Area Court  
27 and obey all the lawful directions of the Court.

28 (3) An Area Court may authorize a police officer to perform all or  
29 any of the duties mentioned in subsection (2) of this section in so far as they  
30 relate to the criminal jurisdiction of the court and any police officer who is in

1 possession of any criminal process shall be presumed to be authorized to  
2 execute such process unless the contrary is proved.

3 (4) Subject to the provisions of subsection (3) of this section, no  
4 person other than a duly appointed bailiff or messenger shall carry out, purport  
5 or attempt to carry out any of the duties mentioned in subsection (2) of this  
6 section.

Indemnity of  
staff of Area  
Courts

7 **10.** No member of the staff of any Area Court or other person bound  
8 to execute lawful warrants or orders issued or made in the exercise of  
9 jurisdiction conferred by this Act is liable to be sued in any court for the  
10 execution of any warrant or order which he would be bound to execute if the  
11 person issuing the same had been acting in the exercise of lawful authority.

#### 12 PART III - JURISDICTION OF AREA COURT

Institution of  
proceedings in  
Area Courts

13 **11.-(1)** Subject to the provisions of this Act and of any other written  
14 law, any person may institute any cause or matter in an Area Court.

15 (2) A person who institutes or prosecutes any cause or matter in any  
16 Area Court under subsection (1) of this section shall, in that cause or matter be  
17 subject to the jurisdiction of that Area Court and of any other court exercising  
18 jurisdiction in that cause or matter.

Pensions subject  
to jurisdiction  
of Area Courts

19 **12.-(1)** Subject to the provision of this Act and of any other written  
20 law, the following persons shall be subject to the jurisdiction of Area Court:

21 (a) Any person who is a Muslim;

22 (b) Any other person in a cause or matter in which any law, other than  
23 Islamic Law, applies.

Inquiry by High  
Court whether  
person is subject  
to jurisdiction  
of Area Courts

24 **13.-(1)** Where at any stage of the proceedings before final judgment in  
25 any cause or matter in an Area Court, a person alleges that he is not subject to  
26 the jurisdiction of Area Court, the proceedings shall on the application of that  
27 person to the High Court be transferred to the High court, which shall inquire  
28 into and determine the truth of the person's allegation.

29 (2) Upon such determination as mentioned in subsection (1), the High  
30 Court shall make such order for the trial of the proceedings in the High Court,



1 Magistrate Court, District Court, Area Court or Customary Court as the  
2 circumstance of the case may seem just.

3 (3) The applicant shall give notice to the Area Court of the  
4 application made by him under subsection (1) of this section and the  
5 application shall operate as a stay of the proceedings in the Area Court until  
6 the High Court has made an order under subsection (2) of this section.

7 14. An Area Court, subject to the provisions of this Act, the  
8 Criminal Procedure Code Act and the Administration of Criminal Justice  
9 Act, shall have jurisdiction to try all criminal causes and matters in which the  
10 parties are subject to the jurisdiction of the Court and in all Civil Causes  
11 shall have jurisdiction and power, to the extent set out in the warrant  
12 establishing it.

Criminal and  
Civil jurisdiction  
of Area Courts

13 PROVIDED that in all Criminal Causes and Matters the presiding  
14 Area Court Judge shall be a legal practitioner.

15 15.-(a) The place of trial of all criminal causes shall be determined  
16 in accordance with the provisions of the Criminal Procedure Code Act, the  
17 Administration of Criminal Justice Act or any other written law in force;

Place of trial of  
criminal cases

18 (b) All civil causes or matters shall be tried and determined by an  
19 Area Court which has jurisdiction over the area:

Place of trial of  
Civil cases

20 (a) in which the defendant is ordinarily resident;

21 (b) in which the defendant was at the time when the cause of action  
22 arose; or

23 (c) where the transaction occurred.

24 16. Subject to the provisions of this Act, an Area Court:

25 (a) In all criminal causes and matters shall administer the provisions of:

Law to be  
administered  
in Criminal and  
Civil Cases

26 (i) The Penal Code Act, the Criminal Procedure Code Act, the  
27 Administration of Criminal Justice Act and any subsidiary legislation made  
28 there under.

29 (ii) Any written law which the court may be authorized to enforce  
30 by any order made by the President in respect of Federal Matters and within

1 the local limits of the jurisdiction of such courts all or any of the provisions of  
2 any written law made applicable to the Federal Capital Territory, Abuja; and

3 (b) In all Civil Causes and Matters administer:

4 (i) Islamic Law of the Maliki School of Jurisprudence;

5 (ii) Common Law;

6 (iii) Doctrine of Equity and

7 (iv) Statutes of general application which were in force in England on  
8 the 1st day of January, 1900.

Guardianship of  
children

9 17.-(1) In any matter relating to the guardianship of children, the  
10 interest and welfare of the child shall be the first and paramount consideration.

11 (2) Whenever it appears to an Area Court that an order made by the  
12 court, should, in the interest of a child, be reviewed, the court may of its own  
13 motion or upon the application of any interested person, vary or discharge the  
14 order.

15 PART IV - PRACTICE AND PROCEDURE IN AREA COURT

Practice and  
procedure  
generally

16 18. Subject to the provisions of this Act and of any other written law  
17 and any rule which may be made under section 50 of this Act, the provisions of  
18 section 16 of this Act shall apply in the regulation of the practice and procedure  
19 of Area Courts in civil cases and matters.

Jurisdiction of  
Area Court not  
required to be  
shown on the  
record

20 19.-(1) All proceedings in the Area Court shall be recorded by the  
21 Judge in English Language.

22 (2) An Area Court shall record the reasons for its decisions in every  
23 cause or matter.

24 (3) Where an Area Court has jurisdiction in or over any cause or  
25 matter or over the parties thereto it shall not be necessary for:

26 (a) such court to state on the face of the record of its proceedings in  
27 such cause or matter that the court has jurisdiction in or over such cause or  
28 matter or over the parties; and

29 (b) the jurisdiction of such court in or over such cause or matter or  
30 over the parties thereto to appear on or from the face of the record of its

1 proceedings in such cause or matter.

2 20.-(1) Legal practitioners shall have right of audience before an  
3 Area Court.

Appearance and  
representation of  
parties

4 (2) An Area Court may permit:

5 (a) the husband, wife, brother, sister, son, daughter, guardian,  
6 servant, master or any inmate of the household of any party, who shall give  
7 satisfactory proof that he or she has authority in that behalf; or

8 (b) A relative of a person administering the estate of a deceased  
9 person who was subject to the Jurisdiction of an Area Court, to appear for  
10 any party before an Area Court.

11 (3) Subject to the provisions of subsections (1) and (2) of this  
12 section, in the case of a local authority or in any proceeding pending before  
13 an Area Court, a local authority may be represented in Court at any stage of  
14 the proceeding by any member or officer of the local authority who shall  
15 satisfy the court that he is duly authorized in that behalf.

16 21.-(1) The room or place which an Area court sits to hear and  
17 determine any proceedings shall be an open and public court to which the  
18 members of the public shall have a right of access while they shall be of good  
19 behaviour and to that extent to which the capacity of the court shall allow.

Proceedings to  
be in open court

20 (2) Provision may be made by rules of COUII under section 50 of  
21 this Act for the exclusion of the public from any Area Court in cases:

22 (a) in which persons under the age of 17 years are involved; or

23 (b) where the administration of justice would be rendered  
24 impracticable by the presence of the public.

#### 25 PART V - TRANSFER BY AREA COURTS

26 22. Area Court may order the transfer of any cause or matter either  
27 before hearing or at any stage of the proceedings before judgment is given to  
28 any other Area Court of competent jurisdiction and that other Area Court  
29 may take any course with regard to the cause or matter which it considers  
30 that justice requires.

Power of transfer  
by Area Court

Remission of  
case to lower  
grade Area Court

1                   23. An Area Court may, of its own motion or upon the application of  
2 either party to a cause or matter, remit to a lower grade Area Court of competent  
3 jurisdiction which is within the territorial jurisdiction of that other lower grade  
4 Area Court, any cause or matter before it which, in its opinion, can, for  
5 purposes of convenience or otherwise, be more appropriately or expeditiously  
6 dealt with by such lower grade Area Court and upon such order being made the  
7 lower grade Area Court specified therein shall hear and determine the cause or  
8 matter, de novo.

9                   PART VI - ANCILLARY POWERS OF AREA COURTS

Power to  
summon witnesses

10                   24. An Area Court shall have power, subject to any limitation that  
11 may be imposed by any law, to summon before it, for the purpose of giving  
12 evidence, any person.

Person present  
may be required  
to give evidence

13                   25. Any person present at an Area Court, whether a party or not to any  
14 cause or matter before the court, may be required by the court to give evidence  
15 as if he had been summoned to attend and give evidence.

Evidence of  
person not within  
jurisdiction

16                   26.-(1) If, in any cause or matter, an Area Court considers that the  
17 interest of justice requires that the evidence of a person not Within the area of  
18 jurisdiction of the Area Court should be obtained before any other court or any  
19 officer, the Area Court may make an application to a Sharia Court of Appeal  
20 requesting that the evidence of the person be taken before any other court or  
21 officer in the place in which that person is.

22                   (2) Upon an application under subsection (1) of this section, the  
23 Sharia Court of Appeal to which the application is made, may, in its discretion,  
24 make an order in respect of the taking of the evidence of the person as it deems  
25 fit.

Execution of  
judgments

26                   27. Any judgment or order given or made by an Area Court in a civil  
27 cause or matter may be enforced by seizure and sale of the property of the  
28 person against whom the judgment or order is made, or by such other methods  
29 of enforcing judgments and orders as may be prescribed by rules made under  
30 section 50 of this Act.

1                   28. An Area Court shall:

Execution of order  
of other courts

2                   (a) carry into execution any decree or order of all courts or tribunal  
3 established by law which may be fully directed to them;

4                   (b) execute all warrants and serve all process issued by the courts or  
5 tribunal and directed to the Area Courts for execution or service; and

6                   (c) generally give such assistance to any court or tribunal as may be  
7 required.

8                   29. In any cause or matter before an Area Court in which, pending  
9 final determination it is shown to the satisfaction of the Area Court that any  
10 property which is in dispute in the cause or matter is in danger of being  
11 wasted, damaged, alienated or otherwise injuriously dealt with by any party  
12 to the cause or matter, the Area Court may issue an injunction to the party  
13 commanding him to refrain from doing the particular act complained of, or  
14 alternatively, may take and keep the property in custody pending the  
15 determination of the cause or matter.

Power to grant  
interim injunction  
or impound  
property

16                   30.-(1) An Area Court may, whenever it deems it necessary to do so  
17 for the preservation, proper custody or management of any property in  
18 dispute in a cause or matter, appoint any person as a receiver or manager to  
19 receive and take charge of the property and to deal with it in any manner as  
20 may be directed by the Area Court.

Power to appoint  
receiver and  
manager

21                   (2) Any person appointed as a receiver or manager under  
22 subsection (1) of this section shall be responsible to the Area Court for all  
23 things done as receiver or manager, and shall account for or pay to the Area  
24 Court all moneys received in respect of any property referred to in  
25 subsection (1) of this section.

26                   (3) An Area Court may make an order as it deems fit in regard to the  
27 remuneration of any person appointed as receiver and manager and shall pay  
28 to the party entitled thereto all moneys in the custody of the Area Court in  
29 respect of any property referred to in subsection (1) of this section.

Inspection

1                   **31.** In any cause or matter an Area Court, may on the application of  
2 either party or on its own motion:

3                   (a) make such order as the court may deem fit for the inspection by the  
4 Area Court, the parties or any witness of any immovable or movable property  
5 the inspection of which may be material to the proper determination of the  
6 question in dispute; and

7                   (b) give any direction as the court may deem fit respecting the  
8 inspection.

9                   **PART VII - CONTROL OF AREA COURTS**

General  
supervision of  
Area Courts

10                   **32.**-(1) Subject to the provisions of this Act and any other written law,  
11 all Area Courts shall be subject to the general supervision of the Sharia Court of  
12 Appeal.

13                   (2) Without prejudice to the generality of subsection (1) of this  
14 section, if it appears to the Sharia Court of Appeal that:

15                   (a) it is necessary for the purpose of securing, as far as possible, a fair  
16 and impartial trial, or

17                   (b) it is expedient in the interest of justice generally that a particular  
18 cause or matter which is within the jurisdiction of an Area Court should not be  
19 tried by that court having jurisdiction to do so, the Sharia Court of Appeal may  
20 order that such cause or matter be tried by such other Area Court which the  
21 order may direct.

22                   (3) The powers of the Sharia Court of Appeal under this section may  
23 be exercised by it either on its own motion or on the application of any party to a  
24 cause or matter in an Area Court or upon report by an inspector of Area Court.

Appointment  
and functions of  
Director of Area  
Court

25                   **33.**-(1) The Judicial Service Committee shall appoint a Director of  
26 Area Court.

27                   (2) The functions of the Director of Area Court shall include:

28                   (a) advising the Chief Registrar in respect of the Constitution,  
29 jurisdiction and membership of Area Courts;

30                   (b) subject to the general or special directions of the Chief Registrar,

1 the organization, guidance and supervision of Area Courts;

2 (c) transferring a matter from one court to another upon a  
3 complaint or inspecting the record of the case as the justice of the case may  
4 demand and

5 (d) any other function as may, from time to time, be conferred upon  
6 him by the Chief Registrar.

7 34. The Judicial Service Committee shall, for the purposes of this  
8 Act, appoint Chief Inspector and Inspectors.

Appointment of  
Chief Inspector  
or Inspectors

9 35. The Chief Inspector or an Inspector may require an Area Court  
10 to submit a report to him of any case tried in that court

Report of cases  
tried

11 36. The Chief Inspector or an Inspector shall, at all times, have  
12 access to all Area Courts within the Federal Capital Territory, Abuja and to  
13 the records and proceedings of those courts.

Chief Inspector  
and inspectors'  
right of access to  
Area Courts

14 37.-(1) The Chief Inspector or an Inspector shall have power, at any  
15 stage of the proceedings before final judgment, either of his own motion or  
16 on the application of any party to a cause or matter before an Area Court, by  
17 order, to stay the hearing of the cause or matter on terms as the Chief  
18 Inspector or Inspector may consider just.

Supervisory powers  
of Chief Inspector  
or Inspectors

19 (2) Where an order under subsection (1) of this section has been  
20 made, the Chief Inspector or an Inspector may, in his discretion, adopt one or  
21 any of the following courses:

22 (a) if the cause or matter appears to be within the jurisdiction of an  
23 Area Court other than that referred to in subsection (1) of this section, he  
24 may, by the same or another order, direct that the cause or matter be inquired  
25 into, tried and determined by the Area Court which has jurisdiction over the  
26 same;

27 (b) he may direct in like manner that the cause or matter be inquired  
28 into, tried and determined by a Magistrate Court, District Court or  
29 Customary Court;

30 (c) if the cause or matter is one which in his opinion ought for any

1 reason to be transferred from an Area Court to the Sharia Court of Appeal, he  
2 may report the case to the Sharia Court of Appeal.

3 (3) No cause or matter which has been transferred by the High Court  
4 or a Magistrate Court or District Court or Customary Court to an Area Court  
5 may be reported to the Sharia Court of Appeal or transferred to the same or any  
6 other Magistrate Court, District Court or Customary Court under this section.

7 (4) The court to which a cause or matter is transferred under this  
8 section shall be informed in writing of the reason for making the order of  
9 transfer and may thereafter take any course with regard to the cause or matter  
10 which it considers that justice requires.

11 (5) Where a cause or matter is reported to the Sharia Court of Appeal  
12 under subsection (2)(c) of this section, the Sharia Court of Appeal shall direct  
13 in what mode and in what court the cause or matter shall be heard and  
14 determined.

15 (6) Where a cause or matter is transferred from an Area Court to any  
16 other court under this section, no summons fee shall be payable in the court to  
17 which the cause or matter is transferred if the appropriate summons fee has  
18 been paid in the Area Court from which the cause or matter is transferred.

Effect of order  
to transfer

19 **38.**-(1) An order of transfer shall operate as a stay of proceedings  
20 before the Area Court from which the proceedings are ordered to be transferred  
21 in any cause or matter to which the order extends or is applicable, and the  
22 process and proceedings in that cause or matter, and a certified copy of the  
23 record shall be transmitted to the court to which the same is transferred and all  
24 proceedings in the cause or matter shall be taken in the court as if the cause or  
25 matter had been commenced therein.

26 (2) A report made under section 37 (2) (c) of this Act shall operate to  
27 suspend proceedings, the subject of the report until the directions of the Sharia  
28 Court of Appeal have been given under section 37 (4) of this Act.

29 (3) The Chief Inspector or Inspector may, if it appears expedient in the  
30 first instance, transmit by post, or through any other means, the contents of any



1 order made by him under subsection (1) of this section and the post or any  
2 other means adopted shall, until the receipt of the order, have the same  
3 validity and effect as if it were the said order.

4 39.-(1) The Chief Inspector or an Inspector, if in his opinion there  
5 has been a miscarriage of justice in any case before an Area Court to which  
6 he has access under the provisions of section 37 of this Act, may of his own  
7 motion or in his discretion on the application of any person concerned,  
8 report that case to the court to which an appeal in the case would lie.

Review by Appeal  
Court on report  
of Chief Inspector  
or inspector

9 (2) A report under subsection (1) of this section shall be made in  
10 writing and shall record the particulars of the judgment, order or case, and  
11 the reason for its being reported and shall be accompanied by a copy of the  
12 record of the case.

13 (3) The court to which the case has been reported shall review it,  
14 and may:

15 (a) reverse, vary or affirm the decision given;

16 (b) make an order in the proceedings as the lower court could have  
17 made;

18 (c) make a further order, as may be necessary or as the justice of the  
19 case may require but no order in a civil proceeding to the prejudice of any  
20 party shall be made without an opportunity being given to the party of being  
21 heard;

22 (d) set aside the judgment or other order of the lower court; and

23 (e) when it considers it desirable, order the case to be retried either  
24 by the same court or any other Area Court of competent jurisdiction or by  
25 any Magistrate Court, District Court or Customary Court, or if the case is  
26 one that appears proper to be heard by the High Court, report the case to the  
27 High Court.

28 (4) In the exercise of its powers of review under this section, a court  
29 may hear any additional evidence as it considers necessary for the just  
30 disposal of the case.

1 (5) The Chief Inspector or an Inspector who has reported any case to a  
2 court under the provisions of this section may have power to direct the lower  
3 court to stay all actions in the interim, pending the determination of the matter  
4 by the court to which the matter is reported.

5 (6) A person aggrieved by a decision of the Sharia Court of Appeal in a  
6 review under this section may appeal from the decision to the Court of Appeal  
7 as if it were a decision in an appeal brought to the Sharia Court of Appeal from  
8 some other court.

Special plea in  
bar not admissible  
on hearing

9 40. Where proceedings are quashed and an order for retrial is made  
10 under the provisions of this Part, no plea of res judicata or autrefois convict  
11 shall be entertained in respect of the proceedings in any subsequent  
12 proceedings.

Power of Chief  
Inspector or  
inspector not  
exercisable  
where appeal  
instituted

13 41. No Chief Inspector or an Inspector shall exercise the powers  
14 conferred upon him under this Part in any case where a party aggrieved by the  
15 decision of the Area Court has appealed from that decision or otherwise  
16 instituted any appeal proceedings in respect of the decision.

#### 17 PART VIII - APPEAL

Appeals from  
Area Courts

18 42.-(1) A party aggrieved by a decision of an Area Court may appeal  
19 to:

20 (a) the Sharia Court of Appeal in cases involving questions regarding  
21 Islamic Personal Law; and

22 (b) the High Court in all other cases.

23 (2) Every such appeal shall be commenced by the appellant giving to  
24 the Registrar of the Area Court notice of the appeal which shall be in writing,  
25 and signed by the appellant or by a legal practitioner if a legal practitioner is  
26 representing him.

27 (3) Subject to the provisions of subsection (4) of this section, a notice  
28 of appeal under subsection (2) of this section shall be given in every case before  
29 the expiration of 30 days from the date of the decision appealed against.

30 (4) A notice of appeal under subsection (2) in respect of an

1 interlocutory decision shall be given within 14 days from the date of the  
2 decision appealed against.

3 43. Subject to the provisions of the Constitution of the Federal  
4 Republic of Nigeria, no appeal shall lie from the lower court at the instance  
5 of any person at whose request a case has been reported to a court under  
6 section 39 of this Act.

Restriction on  
right of appeal

7 44. Leave to appeal out of time to any court may be given by the  
8 court upon such terms as it may seem just.

Appeals out of  
time

9 45.-(1) Any court exercising appellate jurisdiction in civil matters  
10 under the provisions of this Act may, in the exercise of that jurisdiction:

Powers of  
appellate court  
in civil matters

11 (a) reverse vary or affirm the decision of the court from which the  
12 appeal is brought and may make any order or exercise any power as the court  
13 of first instance could have made or exercised in the case or as the Appeal  
14 Court considers that the justice of the case requires;

15 (b) quash any proceeding and, there-upon where it is considered  
16 desirable, order such case to be retried before the court of first instance or  
17 before any other court of competent jurisdiction.

18 (2) In the exercise of its power under subsection (1) (a) of this  
19 section, a court may hear additional evidence if it considers the evidence  
20 necessary for the just disposal of the case, and the court shall record its  
21 reason for exercising its power under this subsection.

22 46. Where an appeal lies from an order or decision of an Area  
23 Court, the court to which the appeal is brought shall have powers to inspect  
24 the records or books of the Area Court relating to the appeal.

Powers of courts  
or appeal to inspect  
records

25 47. No proceedings in an Area Court and no summons, warrants,  
26 process, order or decree issued or made thereby shall be varied or declared  
27 void upon appeal or revision solely by reason of any defect in procedure or  
28 wants of form but every court or authority established in and for the Federal  
29 Capital Territory, Abuja and exercising powers of appeal or revision under  
30 this Act shall decide all matters according to substantial justice without

Substantial justice  
to be done without  
undue regard to  
technicalities

1 Territory Abuja, 2006; and the Federal Capital Territory Abuja Area Courts  
2 (Repeal and Enactment) Act, 2010 shall continue to persist or deemed to have  
3 been made by the Area Court established under this Act.

4 (3) Nothing in this Act shall be deemed to affect the powers or  
5 functions of the High Court or Magistrate Court in the exercise of their  
6 Criminal Jurisdiction or any right or power in any officer or person to institute  
7 criminal proceedings in those courts.

Interpretation

8 52. In this act:

9 "Area Court" means a court established under this Act for the Federal Capital  
10 Territory, Abuja or deemed to have been so established and includes an Upper  
11 Area Court;

12 "cause" includes any action, suit or other original proceeding between a  
13 plaintiff and a defendant and also any criminal proceeding;

14 "Chief Registrar" means the Chief Registrar of the Sharia Court of Appeal of  
15 the Federal Capital Territory, Abuja;

16 "Customary Court" means a Customary Court established under the  
17 Customary Court Act, 2007;

18 "District Court" means a District Court established under the District Court  
19 Act, 1960;

20 "Grand Kadi" means the Grand Kadi of Sharia Court of Appeal of Federal  
21 Capital Territory, Abuja;

22 "Chief Inspectors of Area Courts" or "Inspector" means a person appointed  
23 under section 34 to exercise power vested in him under this Act and includes  
24 the Director of Area Courts, Chief Inspector or any other Inspector;

25 "Judicial Service Committee" means the Judicial Service Committee of the  
26 Federal Capital Territory, Abuja;

27 "Land Cause" means a cause or matter relating to ownership, occupation or  
28 possession of Land;

29 "Legal Practitioner" has the same meaning as in the Legal Practitioners Act  
30 Cap. LII LFN, 2004;

1 "Local Authority" means an Area Councilor any other body established for  
2 the administration of the Federal Capital Territory, Abuja;

3 "Magistrate Court" means a Magistrate court established under or pursuant  
4 to Criminal Procedure Code Act or deemed to have been established;

5 "Islamic Personal Law" has the same meaning as it has in Shari a Court of  
6 Appeal Act;

7 "Sharia Court of Appeal" means Sharia Court of Appeal established for the  
8 Federal Capital Territory, Abuja.

9 **53.** The Federal Capital Territory Abuja Area Courts (Repeal and Repeal  
10 Enactment) Act, 2010 is hereby repealed.

11 **54.** This Bill may be cited as the Federal Capital Territory Abuja Citation  
12 Area Courts Bill, 2019.

#### EXPLANATORY NOTE

This Bill seeks to confer Criminal jurisdiction on Area Courts in the Federal Capital Territory in addition to its existing jurisdiction over civil matters in which parties are subject to the jurisdiction of the court to the extent set out in the establishing warrant, It further makes provision for the application of the Penal Code Act, Administration of Criminal Justice Act, 2015 and any other written law which the court may be authorized to enforce in accordance with the provisions of this Bill.

