



THE SENATE  
FEDERAL REPUBLIC OF NIGERIA

**FEDERAL CAPITAL TERRITORY CUSTOMARY COURT ACT, 2007  
(AMENDMENT) BILL, 2021**

**(SB.315)**

A BILL  
FOR AN

ACT TO AMEND THE FEDERAL CAPITAL TERRITORY CUSTOMARY COURT ACT, 2007  
TO ALTER THE QUORUM OF THE COURT FOR THE PURPOSE OF ENSURING TIMELY  
DISPENSATION OF JUSTICE; EXPAND THE CRIMINAL JURISDICTION OF THE COURT;  
AND FOR RELATED MATTERS.

FIRST READING

THURSDAY, 27<sup>TH</sup> FEBRUARY, 2020

SECOND READING

WEDNESDAY, 12<sup>TH</sup> MARCH, 2020

THIRD READING AND PASSAGE

TUESDAY, 7<sup>TH</sup> JULY, 2021

FEDERAL CAPITAL TERRITORY CUSTOMARY COURT ACT, 2007 (AMENDMENT) BILL, 2021



Amendment of the Federal Capital Territory Customary Court Act, 2007 No. 8.

Amendment of Section 2 "Composition of Customary Court and Quorum"

Amendment of section 14 "Persons subject to Court's jurisdiction and civil jurisdiction schedule"

Amendment of section 48 "Right of Appeal, Conditions of Appeals and Appeals out of time"

Amendment of Section 49 "Power of Appellate Court in Civil Appeal"

Amendment of Section 50 "Court may inspect Records"

Applicability of Certain Provisions of Evidence Act, ACJA, Etc.

Interpretation

Short Title

A BILL FOR AN ACT TO AMEND THE FEDERAL CAPITAL TERRITORY CUSTOMARY COURT ACT, 2007 TO ALTER THE QUORUM OF THE COURT FOR THE PURPOSE OF ENSURING TIMELY DISPENSATION OF JUSTICE; EXPAND THE CRIMINAL JURISDICTION OF THE COURT; AND FOR RELATED MATTERS.

{ } Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1. The Federal Capital Territory Customary Court Act, 2007 (in this Bill referred to as the "principal Act") is amended as set out in this Bill. Amendment of the Federal Capital Territory Customary Court Act, 2007 No. 8.
  
2. Section 2 of the principal Act is amended by substituting for subsections (2) and (3), new subsections "(2)" and "(3)", and inserting a new subsection "(4)" immediately after the new subsections "(2)" and "(3)":
  - (2) For the Purpose of hearing any civil cause or matter, the Customary Court shall be properly constituted by one member of the court present and sitting.
  - (3) Any member who did not participate at the trial shall not participate in the judgement of the court.
  - (4) For the purpose of exercising any Criminal Jurisdiction herein granted, the court shall be duly constituted by one member of the court present and sitting".Amendment of Section 2 "Composition of Customary Court and Quorum"
  
3. Section 14 of the principal Act is amended by substituting for subsection (2), a new subsection "(2)":
  - (2) A Customary Court shall have and exercise Civil and Criminal jurisdiction over causes and matters as set out in the Schedule to this Bill".Amendment of section 14 "Persons subject to Court's jurisdiction and civil jurisdiction schedule"
  
4. Section 48 of the principal Act is amended by substituting for subsections (1), (2) and (3), new subsections "(1)", "(2)" and "(3)":
  - (1) Any party, who is aggrieved by the decision or order of Customary Court, may within thirty (30) days from the date of such decision or order, appeal to:
    - (a) The Customary Court of Appeal of the Federal Capital Territory in Civil causes or matters; or
    - (b) The High Court of the Federal Capital Territory in Criminal matters.
  - (2) The right of appeal to the Customary Court of Appeal or the High Court shall be subject to the conditions and in accordance with the provisions of any law or rules of the court, if any, for the time being in force regulating the practice and procedure of the court with respect to appeals.
  - (3) Leave to appeal out of time may, upon reasonable cause being shown, be granted by the appellate courts upon such terms as it shall consider just".Amendment of section 48 "Right of Appeal, Conditions of Appeals and Appeals out of time"
  
5. Section 49 of the principal Act is amended in line 1, by inserting immediately after the word "Appeal", the words " or the High Court", and by inserting after the words "exercise of", the words "their respective appellate jurisdiction as conferred ":
 Amendment of Section 49 "Power of Appellate Court in Civil Appeal"

"49. The Customary Court of Appeal or the High Court in exercise of their respective appellate jurisdiction as conferred under this Bill may –"

6. Section 50 of the principal Act is amended in line 2 by inserting after word " Appeal", the words " or the High Court as the case may be":

Amendment of  
Section 50 "Court  
may inspect  
Records"

"50. Where an appeal lies from an order or decision of a customary court, the Customary Court of Appeal or the High Court as the case may be, shall have power to inspect the records or books of such customary court relating to the appeal".

7. Section 65 of the Principal Act is renumbered as sub-clause (1) and new sub-clause (2) introduced thereof:

Applicability of  
Certain Provisions of  
Evidence Act, ACJA,  
Etc.

"65. (1) The Customary Court and Customary Court of Appeal FCT Abuja shall in Judicial Proceedings be bound by the provisions of sections 14, 15, 59, 76, 77, 78, 92, 93, 135, 136, 155, 177 and 227 of the Evidence Act.

(2) The Customary Court, in the exercise of its criminal jurisdiction, shall apply the provisions of the Evidence Act, Administration of Criminal Justice Act and any other Act or rules of practice and procedure made pursuant to any written law for the time being in force for the realisation of the provisions of this Bill".

8. Section 66 of the Principal Act is amended by modifying the definition of some terms:

Interpretation

"In this Bill –

"action" means civil or criminal proceedings instituted in a Customary Court in accordance with this Bill or Rules made thereunder.

"Defendant" includes every person served with any writ of summons or process or with notice of, or entitled to attend any proceedings in a civil or criminal causes;

"Judgment debtor" includes every person ordered by a judgment or order in a civil or criminal causes or matter to pay money or to do or abstain from doing any act.

9. 9. The Federal Capital Territory Customary Court Act, 2007 (Amendment) Bill, 2021.

Short Title

Amendment to the Schedule "SCHEDULE (Sections 1 and 14)"

The Schedule to the principal Act is amended as follows.

PART 1 – CIVIL CAUSES UNIT OF JURISDICTION AND POWERS"

- a) in Part I, line 6 columns Grade B and C respectively of Paragraph (3), by substituting for the amount N200,000, new amount "N3,000,000; and for the amount N100,000, new amount "N2,000,000", and in line 7 columns Grade B and C respectively of Paragraph (4), by substituting for the word "unlimited", the amount N3,000,000, and for amount "N100,000", new amount "N2,000,000":

(3) Civil causes and matters including bye-laws where the debt, demand including dowry, bride price or damages do not exceed the amounts specified in the respective columns hereof.

Unlimited N3,000,000 N2,000,000

4) Causes and matters relating to succession to property and administration of estate under customary law where the value of the property does not exceed the amounts specified in the respective columns hereof.

Unlimited N3,000,000 N2,000,000"

PART II – CRIMINAL CAUSES"

Type of Offences


b) In Part II, by substituting for Paragraphs (1), (2), and (3), new paragraphs "(1)", "(2)" and "(3)" and inserting immediately after the new paragraph "(3)", paragraphs "(4)", "(5)", "(6)", "(7)", "(8)", "(9)" and "(10)":

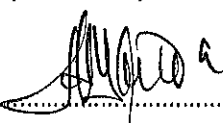
- 1. Interference with persons acting under this Act (fine of N100,000.00 or 12 months imprisonment or both).
- 2. Giving false evidence (fine of N100,000.00 or 18 months imprisonment or both).
- 3. Refusal to give evidence and insulting behavior (fine of N20,000.00 or 1 month imprisonment or both).
- 4. Refusal to obey summons of court of Customary Court (fine of N10,000.00 or in default of payment, to a term of imprisonment for 14 days).
- 5. Causing persons to refrain, delay, etc from giving evidence (fine of 100,000.00 or 6months imprisonment or both).
- 6. Acts prejudicial to process of judgment (a fine of 100,000.00 or imprisonment for 5 years or both).
- 7. Falsification of records of Proceedings (a fine of 150,000.00 or imprisonment for 5 years or both).
- 8. Statutory offences as may be provided in any other law or bye-law of Area Councils or statutory corporations (as provided in the other law or bye-law).
- 9. Offences created by any written law punishable by a fine not exceeding the amount provided against each grade of Customary Court or the corresponding term of imprisonment or both.  
 GRADE A: N500,000.00 or 7 years imprisonment or Both  
 GRADE B: N300,000.00 or 5 years imprisonment or Both  
 GRADE C: N200,000.00 or 3 years imprisonment or Both
- 10. Recovery of penalties, fines, costs and expenses pursuant to the Abuja Environmental Protection Board Act (as provided by the Abuja Environmental Protection Board Act).

EXPLANATORY MEMORANDUM

This Bill seeks to amend the principal Act, to among other things, alter the Quorum of the Court from three members to one member for the purpose of ensuring timely dispensation of justice; expand the criminal jurisdiction of the Court to declog the dockets of Magistrates Courts in the Federal Capital Territory, and review the monetary jurisdiction of the Court to effect the current economic realities in Nigeria, etc.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 7TH JULY, 2021

  
 .....  
 President,  
 Senate of the Federal Republic of Nigeria

  
 .....  
 Clerk,  
 Senate of the Federal Republic of Nigeria