[SB. 315] C 619

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 JURISDICTION OF THE COURT TO INCLUDE THE TRIAL OF CRIMINAL MATTERS; AND FOR RELATED MATTERS Sponsored by Senator Michael Opeyemi Bamidele [Commencement 1 ENACTED by the National Assembly of the Federal Republic of Nigeria as follows: Amendment of 1. The Federal Capital Territory Customary Court Act, 2007 (in the Federal Capital 1 Territory Customary Court Act, 2007 this Bill referred to as the "principal Act") is amended as set out in this Bill. 2 No. 8 2. Section 2 of the principal Act is amended by substituting for 3 Amendment of Section 2 subsections (2) and (3), new subsections "(2)" and "(3)", and inserting a new 4 "Composition of Customary Court subsection "(4)" immediately after the new subsections "(2)" and "(3)": and Quorum" "(2) For the Purpose of hearing any civil cause or matter, the 6 Customary Court shall be properly constituted by one member of the court 7 present and sitting. 8 (3) Any member who did not participate at the trial shall not 9 participate in the judgement of the court. 10 (4) For the purpose of exercising any Criminal Jurisdiction herein 11 granted, the court shall be duly constituted by one member of the court 12 present and sitting " 13 3. Section 14 of the principal Act in amended by substituting for 14 Amendment of Section 14 15

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"

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"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"	1	4. Section 48 of the principal Act is amended by substituting for
	2	subsections (1), (2) and (3), new subsections "(1)", "(2)" and "(3)":
	3	"(1) Any party, who is aggrieved by the decision or order of
	4	Customary Court, may within thirty (30) days from the date of such decision or
	5	order, appeal to:
	6	(a) The Customary Court of Appeal of the Federal Capital Territory in
	7	Civil causes or matters; or
	8	(b) The High Court of the Federal Capital Territory in Criminal
	9	matters
	10	(2) The right of appeal to the Customary Court of Appeal or the High
	11	Court shall be subject to the conditions and in accordance with the provisions
	12	of any law or rules of the court, if any, for the time being in force regulating the
	13	practice and procedure of the court with respect to appeals
	14	(3) Leave to appeal out of time may, upon reasonable cause being
	15	shown, be granted by the appellate courts upon such terms as it shall consider
	16	just".
Amendment of Section 49 "Power of Appellate Court in Civil Appeal"	17	5. Section 49 of the principal Act is amended in line 1, by inserting
	18	immediately after the word "Appeal", the words "and/or the High Court", and
	19	by inserting immediately after the words "exercise of", the words " their
	20	respective appellate jurisdiction as conferred ":

Amendment of Section 50 "Court may inspect

Records'

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may -"

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

exercise of their respective appellate jurisdiction as conferred under this Bill

"49. The Customary Court of Appeal and/or the High Court in

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

1	7. This Bill may be cited as the Federal Capital Territory	Citation		
2	Customary Court Act, 2007 (Amendment) Bill, 2020.			
3	8. The Schedule to the principal Act is amended as follows.	Amendment to		
4	"PART 1 - CIVIL CAUSES UNIT OF JURISDICTION AND POWERS"	the Schedule "SCHEDULE (Sections 1 and 14)"		
5	(a) in Part I, line 6 columns Grade B and C respectively of	(22200000000000000000000000000000000000		
6	Paragraph (3), by substituting for the amount N200,000, new amount			
7	"N3,000,000; and for the amount N100,000, new amount "N2,000,000",			
8	and in line 7 columns Grade B and C respectively of Paragraph (4), by			
9	substituting for the word "unlimited", the amount N3,000,000, and for			
10	amount "N100,000", new amount "N2,000,000":			
11	"(3) Civil causes and			
12	matters including bye-laws where the debt, demand including dowry, bride			
13	price or damages do not exceed the amounts specified in the respective			
14	columns hereof.			
15	Unlimited N3,000,000 N2,000,000			
16	(4) Causes and matters relating to succession to property and			
17	administration of estate under customary law where the value of the			
18	property does not exceed the amounts specified in there spective columns			
19	hereof.			
20	Unlimited N3,000,000 N2,000,000"			
21	"PART II - CRIMINAL CAUSES"			
22	Type of Offences			
23	(b) In Part II, by substituting for Paragraphs (1), (2), and (3), new			
24	paragraphs "(1)", "(2)" and "(3)" and inserting immediately after the new			
25	$paragraph \ "(3)", paragraphs \ "(4)", "(5)", "(6)", "(7)", "(8)", "(9)" \ and \ "(10)" :$			
26	"1. Interference with persons acting under this Act (Fine of			
27	N100,000.00 or 12 months imprisonment or both).			
28	2. Giving false evidence (Fine of N100,000.00 of 18months			
29	imprisonment of both).			
30	3. Refusal to give evidence and insulting behavior (Fine of			

- 1 N20,000.00 or 1 month imprisonment or both).
- 2 4. Refusal to obey summons of court of Customary Court (Fine of
- 3 N10,000.00 or in default of payment, to a term of imprisonment for 14 days).
- 4 5. Causing persons to refrain, delay, etc from giving evidence (Fine
- 5 of 100,000.00 or 6months imprisonment of both).
- 6. Acts prejudicial to process of judgment (a fine of 100,000.00 or imprisonment for 5 years or both).
- 8 7. Falsification of records of Proceedings (A fine of 150,000.00 or
- 9 imprisonment for 5 years of both).
- 8. Statutory offences as may be provided in any other law or bye-law
- 11 of Area Councils or statutory corporations (as provided in the other law or bye-
- 12 law).
- 9. Offences created by any written law punishable by a fine not
- 14 exceeding the amount provided against each grade of Customary Court or the
- 15 corresponding term of imprisonment or both.
- 16 GRADEA: N500,000.00 or 7 years imprisonment or Both
- 17 GRADE B:N300,000.00 or 5 years imprisonment or Both
- 18 GRADE C: N200,000.00 or 3 years imprisonment or Both
- 19 10. Recovery of penalties, fines, costs and expenses pursuant to the
- 20 Abuja Environmental Protection Board Act (as provided by the Abuja
- 21 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 jurisdiction of the court to include trial of Criminal matters to help declog the dockets of Magistrates Courts in the Federal Capital Territory, and review the monetary jurisdiction of the court to reflect the current economic realities in Nigeria etc.