

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

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

1 **1.** The Federal Capital Territory Customary Court Act, 2007 (in
2 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

3 **2.** Section 2 of the principal Act is amended by substituting for
4 subsections (2) and (3), new subsections "(2)" and "(3)", and inserting a new
5 subsection "(4)" immediately after the new subsections "(2)" and "(3)":

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

6 "(2) For the Purpose of hearing any civil cause or matter, the
7 Customary Court shall be properly constituted by one member of the court
8 present and sitting.

9 (3) Any member who did not participate at the trial shall not
10 participate in the judgement of the court.

11 (4) For the purpose of exercising any Criminal Jurisdiction herein
12 granted, the court shall be duly constituted by one member of the court
13 present and sitting "

14 **3.** Section 14 of the principal Act in amended by substituting for
15 subsection (2), a new subsection "(2)":

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

16 "(2) A Customary Court shall have and exercise Civil and Criminal
17 jurisdiction over causes and matters as set out in the Schedule to this Bill"

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 ":

21 "49. The Customary Court of Appeal and/or the High Court in
22 exercise of their respective appellate jurisdiction as conferred under this Bill
23 may -"

Amendment of Section 50 "Court may inspect Records"

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

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

- 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 6. Acts prejudicial to process of judgment (a fine of 100,000.00 or
7 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).
- 10 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).
- 13 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 GRADE A: 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.