

## CHAPTER C21

**CUSTOMARY COURTS LAW**

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CHAPTER C21

## CUSTOMARY COURTS LAW

**A Law to make provision for the administration of justice by the establishment of Customary Courts and other purposes connected therewith.**

[R.S.L. 1987 No. 7.]

[Commencement: 1st September, 1987]

## PART I

*Establishment and Constitution of Customary Courts***1. Establishment of Customary Courts**

(1) The Governor may, after consultation with the State Judicial Service Commission, by warrant under his hand, establish for a local government area such number of Customary Courts as he thinks fit.

(2) Before establishing a Customary Court in an area the Governor shall ensure that due regard is paid to the—

- (a) population of the area to be served by the Customary Court;
- (b) ethnic affinity of the people to be served by the Customary Court;
- (c) volume of judicial work that is likely to emerge;
- (d) nature of the society; and
- (e) physical proximity of the Customary Court to the community.

(3) A warrant issued pursuant to subsection (1) of this section shall—

- (a) state the name of the Customary Court;
- (b) define the territorial limits of the Customary Court; and
- (c) take effect from the date specified therein and where no date is specified, then with effect from the date of publication of the warrant in the *Official Gazette*.

(4) The Governor may at any time after consultation with the State Judicial Service Commission by order suspend, vary or cancel any warrant issued in pursuance of this section.

- (5) The Governor shall cause to be published in the *Official Gazette*—
  - (a) the warrant issued in respect of every Customary Court; and
  - (b) the order of suspension, variation or cancellation of a warrant in respect of a Customary Court.
- (6) A Customary Court established under this section shall—
  - (a) be a court of record; and
  - (b) exercise original jurisdiction in accordance with the provisions of this Law over all persons who reside or are within the area of jurisdiction of the Customary Court.

## **2. Composition, appointment and tenure of office of Chairman and other members of Customary Courts**

(1) A Customary Court shall consist of a Chairman and two other members all of whom shall be appointed on a full-time basis by the Governor acting on the recommendation of the State Judicial Service Commission.

(2) The office of the Chairman and other members of a Customary Court shall be a pensionable office and shall attract the usual public service gratuities and fringe benefits.

(3) Subject to the provisions of this section a person holding office as a Chairman or a member of a Customary Court—

- (a) may retire from such office at any time after attaining the age of sixty years; and
- (b) shall vacate that office at the age of sixty-five years.

(4) The Chief Judge of the State may, acting in accordance with the advice of the State Judicial Service Commission and with the approval of the Governor, make Regulations for the efficient performance of the functions of the Customary Courts and their officers.

## **3. Removal from office of members**

A person holding office as a Chairman or a member of a Customary Court shall be removed from office by the Governor acting on the advice of the State Judicial Service Commission on any of the following grounds—

- (a) for inability to perform the functions of his office due to infirmity of mind or body or any other reason;
- (b) for abuse of his power of office;
- (c) for giving or accepting bribe or being involved in any other form of corrupt practice;
- (d) where he is considered unworthy of his office by reason of a behaviour or conduct unbecoming of a person holding such office;
- (e) if he is elected or appointed or desires to be elected or appointed a member of a legislative body in the Federation or a Local Government Council or an executive member or other functionary of a political party;

- (f) if he becomes bankrupt;
- (g) if he is convicted for any offence involving fraud, dishonesty or moral turpitude;  
or
- (h) for any other sufficient reason.

#### **4. Qualifications for Chairman and other members of Customary Courts**

A person shall not be qualified for appointment as a Chairman or member of a Customary Court unless he—

- (a) is a person of high moral character;
- (b) is literate in the English language and has a good knowledge of the language which is predominantly spoken in the area in which the Customary Court is situated and possesses a minimum qualification of secondary school certificate;
- (c) has sufficient knowledge of the customary laws and usages prevailing in the area of jurisdiction of the Customary Court; and
- (d) is between thirty and sixty-five years of age.

#### **5. Disqualifications for Chairman and members of Customary Court**

Subject to section 4 no person shall be appointed a Chairman or member of a Customary Court if—

- (a) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- (b) he is under a sentence of death imposed on him by any court of law in Nigeria, or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court;
- (c) within a period of less than ten years before the date of his appointment he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct;
- (d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria;
- (e) he is a person employed in the public service of the Federation or any State;
- (f) being a person possessed of professional qualifications is disqualified (otherwise than at his own request) in Nigeria, from practising his profession by any order of any competent authority made in respect of him personally; but if five years or more have elapsed since the disqualification referred to in this paragraph, the person shall not be disqualified for membership of a Customary Court by reason only of the provisions of this paragraph;
- (g) he is a member of any legislative body, or a member of a Local Government Council or an executive member or other officer of a political party in any place in Nigeria.

## PART II

*Jurisdiction of Customary Courts***6. Jurisdiction of Customary Courts**

(1) A Customary Court shall have and exercise original jurisdiction over causes and matters set out in column 1 of the First Schedule to the extent or limit set out in column 2 of that Schedule opposite the causes and matters.

[First Schedule.]

(2) A Customary Court shall exercise the jurisdiction conferred upon it by this Law only within the territorial limits specified in its warrant of establishment.

(3) No two or more Local Government Council Areas in the State shall be served by one Customary Court unless the Local Government Council Areas concerned belong to one ethnic group or community and have a common historical origin or affinity or community of interest in traditional and customary matters.

**7. Persons subject to customary law**

Any person who—

- (a) is an indigene of a place in which a customary law is in force;
- (b) being in a place where a customary law is in force does an act in violation of that customary law;
- (c) makes a claim in respect of property or estate of a deceased person under a customary law of inheritance in force in the area of jurisdiction of a Customary Court and the deceased person was an indigene of the place in which the customary law is in force; or
- (d) institutes proceedings in any Customary Court or has by his conduct submitted to the jurisdiction of a Customary Court,

shall be deemed to be subject to the customary law in force in the area of jurisdiction of that Customary Court.

**8. Venue in civil causes and matters**

(1) Subject to the limit of jurisdiction set out in the First Schedule, all civil causes and matters shall be tried and determined by a Customary Court having jurisdiction in the area within which the—

- (a) defendant was wholly or in part resident at the time the cause of action arose;
- (b) system of customary law binding between the parties is applicable;
- (c) subject-matter of the action is.

(2) All land causes and matters may be tried and determined by a Customary Court having jurisdiction over the area within which the land which is the subject-matter of the dispute is situated.

(3) However, where a Customary Court has jurisdiction in any cause or matter concerning land, and the land which is the subject-matter of the proceedings is situate partly within the area of the jurisdiction of two or more Customary Courts, the Customary Courts Adviser shall determine in which Customary Court the cause or matter shall be heard.

(4) The Customary Court determined by the Customary Courts Adviser under subsection (3) of this section shall have the same jurisdiction and may take such course with regard to the cause or matter as it considers justice requires.

#### **9. Power of Governor to increase jurisdiction**

Notwithstanding section 6 of this Law, the Governor may by order published in the *Official Gazette*, confer upon all or any Customary Court jurisdiction to enforce all or any of the provisions of any written law specified in the order and to impose penalties upon persons, subject to the jurisdiction of the Court, who offend against the provisions of the specified written law, subject to such restrictions and limitations, if any, as may be specified in the order.

### **PART III**

#### *Law to be Administered in Customary Courts*

#### **10. Law to be administered**

- (1) Subject to the provisions of this Law, a Customary Court shall administer—
  - (a) the appropriate customary law in so far as it is not repugnant to natural justice, equity and good conscience nor incompatible either directly or by necessary implication with any written law for the time being in force in Nigeria;
  - (b) any written law which the Customary Court may be authorised to enforce by an order made by the Governor under section 9 of this Law;
  - (c) any enactment in respect of which jurisdiction is conferred on the Court by that enactment; and
  - (d) the rules and by-laws made by a Local Government Council or having effect as if so made under the provisions of any enactment in force in the area of jurisdiction of the Court.
- (2) For the purposes of this section, “**appropriate customary law**” includes—
  - (a) with respect to land matters, the law of the place where the land is situate;
  - (b) with respect to causes arising from inheritance, the law applying to the deceased;
  - (c) with respect to civil causes or matters where both parties are not indigenes of the area of jurisdiction of the Court, or one of the parties is not an indigene of the area of jurisdiction of the Court and the parties agreed that their obligations should be regulated wholly or partly by the customary law applying to that party, the law binding on the parties; and
  - (d) with respect to all other civil cases, the law of the area of jurisdiction of the Court.



**11. Jurisdiction of Customary Court in relation to contravention of customary law**

(1) Where there is any contravention of a customary law, a Customary Court may, subject to the provisions of this Law impose a penalty authorised by or consistent with the customary law; but no such penalty shall involve cruelty, mutilation, torture or other personal violence or shall be inhuman, degrading or repugnant to natural justice and humanity.

(2) Evidence of a customary law shall be adduced in a Customary Court in all such cases as may be provided in the rules made under section 72 of this Law.

**12. Guardianship of children**

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

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

**13. Reconciliation in civil cause or matter**

(1) A Customary Court having jurisdiction in a civil cause or matter and its officers shall, as far as there is proper opportunity, promote reconciliation among persons over whom the Court has jurisdiction, and encourage and facilitate the settlement in an amicable way, without recourse to litigation, of the matter in difference between them.

(2) When a civil suit or proceeding is pending, a Customary Court having jurisdiction in that suit may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

**14. Whipping**

(1) Notwithstanding any written law or customary law, no sentence of whipping shall be passed on any female or on a male other than a juvenile offender.

(2) For the purposes of subsection (1) of this section “**juvenile**” means a male person who has not attained the age of seventeen years.

**15. Substantial justice to be done**

No proceedings in a Customary Court and no summons, warrant, order, decree or other process issued or made by the Court shall be varied or declared void upon appeal solely by reason of any defect in procedure or want of form; but every court or authority exercising appellate jurisdiction by virtue of this Law or any other Law, shall decide all matters brought to it on appeal from a Customary Court according to substantial justice without undue regard to technicalities.

**PART IV***Practice and Procedure in Customary Courts***16. Practice and procedure**

Subject to the provisions of this Law and to such rules as may be made under section 72 of this Law, the practice and procedure of Customary Courts shall be regulated in accordance with customary law and practice.

**17. Proceedings to be in open court**

(1) Except as may be otherwise ordered by a Customary Court in the interests of public morality, public safety or public order, all proceedings of every Customary Court, including the announcement of the decision of the Court, shall be held in open court to which members of the public shall have such access while they be of good behaviour and as the sitting capacity of the Court room allows.

(2) Nothing contained in subsection (1) of this section shall prevent a Customary Court from excluding from the proceedings persons, other than the parties thereto, to such an extent as the Court may consider necessary or expedient—

- (a) in circumstances where publicity would prejudice the interests of justice or any interlocutory proceedings; or
- (b) in the interests of defence, public safety, public morality, the welfare of persons under the age of majority or the protection of the private lives of the persons concerned in the proceedings.

**18. Chairman to preside and quorum**

(1) The Chairman of a Customary Court shall preside at the sittings of the Court and in his absence or incapacity, the members present shall choose one of their member to preside and the member so presiding shall have all the powers and privileges of the Chairman for that sitting.

(2) For the purpose of hearing any case in a Customary Court, it shall be sufficient if any two members of the Court are present at the hearing.

(3) Where a member of a Customary Court was not present at the beginning of the hearing of a case, he shall not subsequently take part in the proceedings until that case is disposed of.

**19. Oath of office**

(1) A person who has been appointed a Chairman or a member of a Customary Court shall not enter upon the duties of his office, sit or in any way act in that capacity unless and until he has first taken and subscribed the oaths in Forms A and B of the Second Schedule to this Law.

(2) The oaths shall be administered by the Chief Judge or the President of the Customary Court of Appeal or such other judge or officer of the High Court as the Chief Judge may direct.

**20. Recording of proceedings**

(1) In any proceedings before a Customary Court, the Chairman or other member presiding shall record in writing the oral evidence given before the Court.

(2) A record taken under subsection (1) shall for all purposes be deemed to be the official record of the proceedings in question.

(3) The record shall be signed by all the members of the Customary Court present and sitting at the hearing of the case to which the record relates.

(4) Before appending their signatures the Chairman and other members of the Court shall examine the proceedings as recorded and satisfy themselves that the statements therein are in substance an accurate record of the oral evidence given before the Court.

(5) If any member or officer of a Customary Court wilfully falsifies or misrepresents in any manner whatsoever the true purport or meaning of any oral evidence recorded under this section—

- (a) he shall be guilty of an offence and liable on conviction to a term of imprisonment not exceeding six months or to a fine not exceeding fifty thousand naira or to both; or
- (b) he may be dealt with summarily by the Court as for contempt of court and thereupon sentenced forthwith to a term of imprisonment not exceeding three months or to a fine not exceeding twenty thousand naira or to both.

## **21. No person entitled to inspection or copy of record of evidence**

(1) No person shall be entitled, as of right, at any time or for any purpose, to the inspection of, or a copy of, the record of evidence given in any case before any Customary Court, or to a copy of the Court's notes, except as may be expressly provided by any Rule of Court or any other enactment.

(2) If any person affected by any judgment or order passed in any proceedings before a Customary Court desires to have a copy of the judgment or order or any deposition or other part of the record, he shall on applying for such copy be furnished therewith if he pays its cost except where the Court for some special reason thinks it fit to furnish it free of charge.

## **22. Minutes of proceedings**

(1) In every cause or matter, tried in a Customary Court, minutes of the proceedings shall be drawn up and shall be signed by an officer of the Court duly authorised by the Chairman or other member of the Customary Court.

(2) The minutes with the notes of evidence taken at the hearing or trial including the record of proceedings taken under section 20 of this Law, shall be preserved as records of the Court.

(3) The minutes and notes of evidence including the record referred to in subsection (2) of this section or a copy thereof purporting to be signed and certified as a true copy by the officer referred to in subsection (1) shall at all times, without further proof, be admitted as evidence of the proceedings and of the statements of the witnesses.

## **23. Reasons for decision to be stated in writing**

(1) In all causes or matters before a Customary Court, the opinion of the majority of the members of the Court hearing the cause or matter shall be deemed and taken to be the decision of the Court; but where there is an equality of votes, the Chairman or other member presiding shall have a second or casting vote.

(2) A member who disagrees with the opinion of the majority in any cause or matter may request the Chairman to record his opinion and the Chairman shall record it.

(3) A Customary Court shall in addition to recording in full the evidence tendered before it as provided for in section 20 give reasons for the decision it arrives at and a member dissenting may also state in writing his dissenting opinion.

#### **24. Fees in Customary Courts to be lower than in Magistrates' Courts**

(1) The fees payable in Customary Courts shall as far as possible be lower than the fees payable in Magistrates' Courts.

(2) Where a Customary Court considers that a person has genuine reasons for resorting to court action but is unable to afford the court fees, the Court may in such a case allow the person to bring or defend the action without having to pay any fees for services rendered by the Court at any stage of the proceedings.

(3) Any person who desires the free services of the Court, shall make an oral or written representation to the Court, stating his case and circumstances of life, and if the Court is satisfied, it may grant him the free services of the Court.

#### **25. Appearance by counsel**

A legal practitioner may appear or act for or assist any party before a Customary Court.

#### **26. Appearance and representation**

(1) In any cause or matter each party may appear in person to conduct his case or defence.

(2) Notwithstanding the provisions of subsection (1), in a civil cause or matter, a Customary Court may, as the expediency or justice of any case may require, permit—

(a) the spouse, guardian, master, servant or any member of the household of a party;  
or

(b) any person having possession or custody of an animal or any other thing in respect of which the cause or matter is brought to the Court,

to appear as, or represent a plaintiff or defendant.

(3) Subject to the provisions of this Law or any other written law, in any civil cause or matter where a Government Ministry or Department, a local government, statutory corporation or other body corporate is a party, that Government Ministry, Department, local government, statutory corporation or other body corporate may be represented by any of its members, officers or staff, who satisfies the Court that he is duly authorised to do so.

#### **27. Adjournment**

(1) A Customary Court may adjourn its sitting from day to day or to any convenient day.

(2) If the members of a Customary Court are not present at the time and place appointed for any sitting of the Court, an officer of the Customary Court may adjourn the sitting until such time and to such place as may have been announced to be convenient and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at such time and place.

(3) In the absence of any announcement to the contrary, all the persons bound to be present as referred to in subsection (2) of this section shall be bound to be present at the next succeeding day appointed for the sitting of the Court at the same time and in the same place.

## **28. Session**

(1) A Customary Court shall hold such sessions or sit at such times and places as may be necessary for the convenient and speedy despatch of the business of the Court.

(2) The Chief Judge may direct that the sessions shall be held at such times and places as he thinks fit.

## **PART V**

### *Ancillary Powers of Customary Courts*

## **29. Cost against person found liable**

A Customary Court may in addition to any penalty imposed on any person found liable before it in any cause or matter, order that person to pay to the other party such reasonable costs as the Court thinks fit.

## **30. Power to summon witnesses**

(1) Subject to the Rules made under section 77 every Customary Court shall have power to summon before it for the purpose of giving evidence, any person within the jurisdiction of the Court and any person outside such area but within Nigeria.

(2) Where the person to whom the summons is directed is not subject to the jurisdiction of the Court the summons shall not be deemed to be valid within the meaning of this section unless it is endorsed by the Chairman or other member of the Customary Court within whose jurisdiction that person is found.

## **31. Persons present may be required to give evidence**

Any person present at the sitting of a Customary Court, whether a party or not in the proceedings before the Court, may be compelled by the Court to give evidence, and to produce any document in his possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce the document and may be punished in like manner for any refusal to obey the order of the Court.

## **32. Evidence of person not subject to jurisdiction**

(1) If in any cause or matter a Customary Court considers that the interests of justice require that the evidence of a person not subject to the jurisdiction of Customary Courts should be obtained, the Customary Court may make an application to the High Court requesting that the evidence of the person not subject to the jurisdiction of Customary Courts be taken before a magistrate, and if the Judge of the High Court of the judicial division before whom the application is made thinks it fit to so do, he may order that the evidence of that person be taken before a magistrate named in the order.

(2) No order shall be made under subsection (1) of this section if the person not subject to the jurisdiction of Customary Courts is, at the time the application is made, not present in the State or in Nigeria.

### **33. Division and consolidation of causes and matters**

(1) A person may not split or divide any cause of action for the purpose of bringing two or more actions in a Customary Court so as to confer jurisdiction upon the Court where without such a split or division being made, the amount claimed would have been in excess of the limit of the pecuniary jurisdiction of the Court.

(2) Causes or matters pending in the same Customary Court may be consolidated by order of the Customary Court or on the application of either party; but causes or matters may not be consolidated if the effect of the consolidation is to bring the total of the consolidated causes or matters above the jurisdiction of the Customary Court adjudicating on the cause or matter.

### **34. Joinder of parties**

If it appears at any stage of a cause or matter before a Customary Court that any person other than the parties to the cause or matter ought, by reason of his having an interest in, or of his being likely to be affected by, the result of the cause or matter, to be made a party to the cause or matter, the Customary Court may either of its own motion or on the application of the said person, order that he shall be made a party to the cause or matter and on such order being made, notification thereof shall be served on the said person, and the Customary Court may make such order as to costs or otherwise as it thinks fit.

### **35. Power to grant interim orders and appoint receivers, etc.**

(1) In any cause or matter before a Customary Court in which it is shown to the satisfaction of the Customary Court that any property which is in dispute in the cause or matter is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with, by any party to the cause or matter, the Customary Court may issue an injunction to the person wasting, damaging, alienating or otherwise injuriously dealing with the property commanding him to refrain from doing the particular act complained of or doing anything that may alter the character of the property, pending the final determination of the cause or matter.

(2) A Customary Court may, whenever it considers it necessary so to do for the preservation, proper custody or management of any property in dispute in a cause or matter before it, appoint any fit and proper person as a receiver or manager to receive and to take charge of the property and to deal with it in such manner as shall be directed by the Customary Court.

(3) Any person appointed as a receiver or manager under subsection (2) shall be responsible to the Customary Court for all things done as such receiver or manager and shall account for and pay to the Customary Court all moneys received in respect of the said property.

(4) The Customary Court may make such order as it may think fit in regard to the remuneration of the receiver or manager and shall pay to the party entitled thereto the money in its custody due in respect of the said property.

**36. Execution of judgment**

Any judgment or order given or made by a Customary Court in a civil cause or matter may be enforced by seizure and sale of the property of the person condemned therein or by such other method of enforcing judgment and orders as may be prescribed by rules made under section 72 of this Law or under any other law in force in the State.

**37. Execution of orders of other courts**

A Customary Court shall carry into execution any decrees, judgment, orders and other decisions of—

- (a) the Supreme Court;
- (b) the Court of Appeal;
- (c) the Federal High Court;
- (d) the High Court of a State;
- (e) the Customary Court of Appeal;
- (f) any Magistrate's Court;
- (g) any other Customary Court; and
- (h) the Rent Tribunal, which may be lawfully directed to it and shall—

which may be lawfully directed to it and shall—

- (i) execute all warrants;
- (ii) serve all processes issued by such courts as are mentioned in paragraphs (a) to (h) and directed to it for execution of service; and
- (iii) generally give such assistance as may be required by any of the Courts referred to in paragraphs (a) to (h) of this section.

**38. Inspection**

In any cause or matter, a Customary Court may, on the application of either party or on its own motion make such order for the inspection by the Court, the parties or witnesses, of any movable or immovable property, the inspection of which may be material to the proper determination of the issues in dispute before the Court and may give such directions respecting the inspection as the Customary Court thinks fit.

**PART VI***Control of Customary Courts***39. Appointment of Customary Courts Adviser**

(1) For the more effectual carrying into effect of the provisions of this Law, the Chief Judge shall, upon the advice and recommendation of the State Judicial Service Commission, appoint a legal practitioner of not less than seven years' post-call experience as Customary Courts Adviser.

(2) The Customary Courts Adviser shall be in charge of the Customary Courts Division of the Judicial Service of the State and shall exercise such powers of control over the Customary Courts established under this Law as may be vested in him by or under this Law or any other written law.

(3) For the purposes of this section, there is hereby established a Customary Courts Division within the Judicial Service of the State.

(4) The Customary Courts Adviser may be assisted in the performance of his functions by such staff of the Judicial Service as may be required.

#### **40. Supervision of Customary Courts**

In addition to the powers of control conferred upon the Customary Courts Adviser by subsection (2) of section 44 of this Law, the Customary Courts Adviser shall exercise general powers of supervision over all Customary Courts and, in particular, he shall—

- (a) monitor the activities of Customary Courts and those of their members;
- (b) call for and inspect the records of proceedings of any Customary Court;
- (c) inspect all other records of any Customary Court and give it such directions as he may consider necessary in the interest of justice;
- (d) report any irregularities or excesses of members of Customary Courts to the President of the Customary Court of Appeal, and the Chief Judge;
- (e) carry out such other functions as may from time to time be assigned to him by the President of the Customary Court of Appeal or the Chief Judge.

#### **41. Returns and reports of cases to be submitted**

Every Customary Court shall at such times and in such form as the Customary Courts Adviser may prescribe, submit to him—

- (a) a list of all the causes and matters decided by or brought before the Customary Court during a specified period; and
- (b) a report of any cases or class of cases tried by the Court.

#### **42. Report to President of Customary Court of Appeal**

Where a report is made to the President of the Customary Court of Appeal or the Chief Judge under paragraph (d) of section 45, the President or the Chief Judge as the case may be, may—

- (a) cause further investigations to be carried out into the irregularities or excesses;
- (b) take such action as he may think appropriate in the circumstances;
- (c) if satisfied that no useful purpose would be served for investigation, discontinue the matter; or
- (d) file a report to the Judicial Service Commission for appropriate action.

### **PART VII**

#### *Transfer of Cases*

#### **43. Transfer by President of Customary Court of Appeal**

The President of the Customary Court of Appeal may, at any stage of any proceedings before final judgment on his own motion or on the application of either party to a cause or matter, or of the Customary Courts Adviser, by order stop the hearing of any cause or



matter before a Customary Court on such terms as he may consider just and upon such order being made, in his discretion, may—

- (a) if the cause or matter appears to be within the jurisdiction of some other Customary Court, by the same or another order, direct that the cause or matter be transferred to such Customary Court as appears to him to have jurisdiction over that cause or matter;
- (b) direct in like manner that the cause or matter be transferred to a Magistrate's Court as appears to him to have jurisdiction over that cause or matter;
- (c) if the cause or matter is a cause or matter which in his opinion ought for any reason to be transferred from a Customary Court to the High Court, by the same or another order direct that the cause or matter be transferred to the High Court.

#### **44. No further transfer where a cause or matter is transferred by High Court or Magistrate's Court**

(1) Where a cause or matter is transferred by the High Court or a Magistrate's Court to a Customary Court, no further transfer may be made of that cause or matter to any other court.

(2) The Court to which the cause or matter is transferred shall be informed in writing of the reason for making the order of transfer.

#### **45. Effect of order of transfer**

(1) Every order of transfer made under section 47 of this Law shall operate as a stay of proceedings before the Customary Court to which it may be addressed in any cause or matter to which the order applies.

(2) A certified true copy of the records of proceedings in respect of the cause or matter shall be transmitted to the Court to which the cause or matter is transferred and from then, all proceedings in the cause or matter shall be taken in that Court as if the cause or matter was commenced in that Court.

(3) An order of transfer made under section 47 of this Law may, if it appears expedient to the person making the order, be transmitted in the first instance by telegram and the telegram shall, until the order is received, have the same validity and effect as if it were the order itself.

#### **46. Power of Customary Courts to transfer cases**

(1) A Customary Court may on its own motion or on application of a party to a cause or matter before it, report to the Customary Courts Adviser the pendency of the cause or matter which in the opinion of the Court should, for reasons to be stated, be transferred from that Court to another Customary Court, a Magistrate's Court or the High Court.

(2) Upon receiving the report referred to in subsection (1) of this section, the Customary Courts Adviser shall deliver the report to the President of the Customary Court of Appeal who may, if he considers it appropriate so to do, exercise his powers of transfer under section 47.

(3) Any transfer made by the President of the Customary Court of Appeal under subsection (2) shall have the same force and effect as if a party to the cause or matter or the Customary Courts Adviser had made an application under section 47.

#### **47. Transfer to Customary Courts in certain cases**

(1) Whenever it appears to the High Court or a Magistrate's Court that any cause or matter brought before it is one properly cognisable by a Customary Court, the High Court or the Magistrate's Court, as the case may be, may stop any further proceedings in the cause or matter and refer the parties to a Customary Court having jurisdiction over such cause or matter, and upon so doing, may award such costs as it thinks fit.

(2) This section shall not apply if the cause or matter is in the nature of a set-off, counterclaim or cross-action instituted in the High Court or a Magistrate's Court, as the case may be, in connection with a cause or matter pending in the Court.

#### **48. No fees, costs payable on transfer**

Notwithstanding the provisions of any written law or Rules of Court, no fee shall be payable in respect of any transfer made under the provisions of this Part of this Law and no Customary Court, Magistrate's Court or High Court shall make any order as to costs in any cause or matter transferred under this Part of this Law.

### **PART VIII**

#### *Appeals*

#### **49. Appeals**

(1) An appeal shall lie from the decision or order of a Customary Court within thirty days from the date of that decision or order to the Customary Court of Appeal of the State which shall have and exercise appellate jurisdiction to hear and determine such appeal.

(2) An appeal shall lie from the decision or order of the Customary Court of Appeal to the Court of Appeal as of right in the following cases—

- (a) decisions in land matters;
- (b) in all matters which raise an issue of the constitutional rights of the parties;
- (c) in all matters where a person complains that his fundamental human rights as provided in the Constitution of the Federal Republic of Nigeria have been contravened; and
- (d) in all cases in which the jurisdiction of the Customary Court of Appeal is challenged.

#### **50. Conditions of appeal**

The right of appeal referred to in section 51 of this Law shall be subject to the conditions and in accordance with the provisions of any law or Rules of Court, if any, for the time being in force regulating the practice and procedure of that court with respect to appeals.

**51. Appeals out of time**

Leave to appeal out of time may, upon reasonable cause being shown, be granted by the Customary Court of Appeal upon such terms that it considers just.

**52. Powers of appellate court in civil appeals**

In exercise of its appellate jurisdiction in a civil cause or matter under this Law, an appellate court may—

- (a) whether after hearing the whole case or not reverse, vary or confirm the decision of the Court from which the appeal is taken and may make such order as the Court of first instance could have made in such cause or matter or as it considers the justice of the case requires;
- (b) quash any proceedings and thereupon, where it is considered desirable, order any such cause or matter to be reheard *de novo* before the Court of first instance or before any other Customary Court.

**53. Power of appellate court to inspect records**

Where any appeal lies from the decision or order of a Customary Court, the Court to which the appeal is brought shall have power to inspect the records or books of the trial court relating to the appeal.

**54. Substantial justice to be done**

No proceedings in a Customary Court and no summons, warrant, process, order or decree issued or made thereby shall be varied or declared void upon appeal solely by reason of any defect in procedure or want of form; but every court exercising powers of appeal under this Law shall decide all matters according to the requirements of substantial justice without undue regard to technicalities.

**PART IX***Officers of Customary Courts***55. Appointment and duties of Customary Court Registrars**

(1) Subject to this Law, the State Civil Service Commission shall appoint for each Customary Court, an officer to be designated Registrar.

(2) The Registrar of a Customary Court shall perform such duties as may be assigned to him under this Law or by Rules of Court or by any special order of the Court; and in particular the Registrar of a Customary Court shall in relation to the Customary Court to which he is assigned—

- (a) prepare for issue all writs;
- (b) register all orders and judgments of the Court;
- (c) attend at sittings of the Court;
- (d) make or cause to be made copies of proceedings of the Court;

- (e) receive and pay or cause to be received and paid into the Treasury and obtain receipts therefor, all fees and all other moneys paid or deposited in respect of proceedings in the Court, and keep or cause to be kept proper accounts of the fees and moneys so paid or deposited; and
  - (f) supervise the clerks and other staff of the Customary Court.
- (3) The Registrar shall submit to the Chief Judge quarterly returns of—
  - (a) all causes and matters—
    - (i) disposed of by the Customary Court;
    - (ii) pending in the Customary Court;
    - (iii) which are on appeal from the Customary Court; and
  - (b) all fees and penalties and all other moneys paid in respect of proceedings in the Court.
- (4) The Registrar of a Customary Court shall be—
  - (a) under the immediate direction of the Chairman of that Court; and
  - (b) assisted in the discharge of his functions by such other supporting staff as may be posted to him by the Chief Registrar.

#### **56. Bailiffs, messengers and other staff**

(1) There shall be appointed fit and proper persons who shall be officers in the public service of the State and subject to all the powers vested in the Civil Service Commission of the State or otherwise, including the powers of dismissal and disciplinary control, to be bailiffs or messengers as the business of any Customary Court may require.

(2) Any person who is appointed under subsection (1) of this section shall, in the area of jurisdiction of the Court to which he is appointed—

- (a) receive writs and processes from the Customary Courts, serve and execute them;
- (b) make returns relating to the writs and processes, and their service and execution; and
- (c) perform such other duties as may be prescribed by the Rules of Court made under section 72 of this Law, and he shall, at all times when not engaged in such services, execution or other duties—
  - (i) attend the Customary Court and obey all directions of that Court; and
  - (ii) perform such other duties as the Chief Judge, the President of the Customary Court of Appeal or the Chairman of a Customary Court may from time to time direct.

(3) The Civil Service Commission may appoint such other staff to the Customary Courts as the Courts may require.

(4) The staff of the Customary Courts shall be graded in the same way and be entitled to the same conditions of service as others with the same qualifications and experience in the State Civil Service.

(5) For the avoidance of doubt it is declared that all grades of staff in the Judicial Service shall belong to a single pool and shall be transferable from one system of court to another and accordingly Customary Courts staff are civil servants entitled to and subject to civil service benefits and conditions of service.

## PART X

### *Offences*

#### **57. Adjudicating without authority**

(1) Any person who—

(a) exercises or attempts to exercise judicial powers within the area of jurisdiction of a duly constituted Customary Court except in accordance with the provisions of this Law or any other written law; or

(b) sits as a member of a duly constituted Customary Court without due authority, is guilty of an offence and liable on conviction before a Magistrate's Court or the High Court to imprisonment for twelve months or to a fine of one hundred thousand naira or to both such imprisonment and fine.

(2) A person adjudicating as an arbitrator upon any civil matter where the parties to the dispute have agreed to submit the dispute to him for decision or advice shall not be deemed to be exercising judicial powers under paragraph (a) of subsection (1).

(3) No proceedings under this section shall be instituted without the consent in writing of the Attorney-General.

#### **58. Interference with persons carrying on duties under this Law**

Any person who—

(a) assaults, obstructs, molests, or resists; or

(b) aids or incites any other person to assault, obstruct, molest or resist, any person acting or proceeding to act in the execution of his duty under the provisions of this Law, is guilty of an offence and is liable on conviction to a fine of one hundred thousand naira or to imprisonment for one year or to both such fine and imprisonment.

#### **59. Exaction of fees or fines in excess of those authorised**

(1) No fees or fines in excess of those authorised by or under this Law or any other written law shall be demanded or exacted from any person in respect of any cause or matter in a Customary Court.

(2) Any member, officer or servant of a Customary Court who contravenes any provision of subsection (1) of this section commits an offence and shall be liable on conviction to a fine of fifty thousand naira or to imprisonment for six months or to both such fine and imprisonment.

#### **60. Corruption by members, officers or servants of Customary Courts**

(1) Any member, officer or servant of a Customary Court who—

(a) accepts, claims or obtains or agrees or attempts to accept, claim or obtain for himself or for any other person any advantage, bribe or reward, whether

in money or otherwise for doing or for forbearing to do any act which he is authorised or required to do in the exercise of his jurisdiction, authority or function under this Law; or

(b) corruptly shows favour or disfavour to any person,

commits an offence and shall be liable on conviction by a Magistrate's Court or the High Court to a fine not exceeding one million naira or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment.

(2) Any person who—

(a) gives, offers, accepts or obtains; or

(b) agrees to accept or obtain for himself or for any other person,

any gratification, advantage, bribe or reward whether in money or otherwise, for inducing by any corrupt or illegal means or by corrupt personal influence, any member, officer or servant of any Customary Court—

(i) to do or to forbear to do any act which the said member, officer or servant as the case may be, is authorised to do in the exercise of his jurisdiction, authority or function; or

(ii) to show favour or disfavour to any person,

commits an offence and is liable on conviction before a Magistrate's Court or the High Court to a fine not exceeding one million naira or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment.

#### **61. Wilful default in performance of duty**

Any officer or servant of a Customary Court who wilfully fails, refuses or neglects to perform the duties imposed upon him by this Law or the Rules made thereunder commits an offence and is liable on conviction to a fine of twenty thousand naira or imprisonment for two months or to both such fine and imprisonment.

#### **62. Giving false evidence**

Any person who in any proceedings before a Customary Court gives evidence, whether on oath or otherwise, which he knows to be false or does not believe to be true commits an offence and is liable on conviction before a Magistrate's Court to a fine of one hundred and fifty thousand naira or to imprisonment for eighteen months or to both such fine and imprisonment.

#### **63. Rendering false returns**

Any member, Registrar, clerk or other officer of a Customary Court who knowingly renders false returns of the cases tried or the penalty imposed by the Court commits an offence and is liable on conviction before a Magistrate's Court to a fine of one hundred and fifty thousand naira or to imprisonment for a term of eighteen months or to both such fine and imprisonment.

#### **64. Refusal to give evidence and insulting behaviour**

(1) Any person subject to the jurisdiction of a Customary Court who—

(a) omits to produce or deliver up a document on the lawful order of the Court;

- (b) refuses to answer any question lawfully asked by the Court;
- (c) refuses to sign any statement lawfully required by the Court;
- (d) insults a Customary Court Chairman or a member thereof during any sitting of a Customary Court;
- (e) intentionally interrupts the proceedings of a Customary Court at any stage,

commits an offence and shall be liable on conviction to a fine of ten thousand naira or to imprisonment for a period not exceeding one month.

(2) Notwithstanding paragraph (b) of subsection (1) of this section, no person shall be compelled to answer any question which in the opinion of the Customary Court is likely to incriminate him.

#### **65. Refusal to obey summons of Customary Court**

Any person who without reasonable excuse fails to obey any valid summons issued by a Customary Court to give evidence before it, commits an offence and is liable on conviction to a fine of five thousand naira or in default of payment, to a term of imprisonment for fourteen days.

#### **66. Causing persons to refrain, delay, etc. from giving evidence**

Any person who, with intent to defeat, obstruct or pervert the course of justice in any cause or matter before a Customary Court—

- (a) causes any person to delay to give evidence or refrain from giving evidence before a Customary Court;
- (b) prevents any person from giving evidence before a Customary Court,

shall be guilty of an offence and is liable on conviction by a Magistrate's Court to a fine not exceeding fifty thousand naira or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

#### **67. Dismissal of servant, etc.**

Any person who dismisses or otherwise victimises a servant or staff because that servant or staff has given evidence in a proceeding in a Customary Court commits an offence and is liable on conviction to a fine of twenty thousand naira or to a term of imprisonment for two months or to both such fine and imprisonment.

#### **68. Acts prejudicial to process of judgment**

Any person who—

- (a) when property is attached or taken under the process or authority of a court knowingly and with intent to defeat or hinder the attachment process, retains, conceals, disposes, removes or receives such property; or
- (b) retakes possession of any right or interest over any portion of land from a person who, by virtue of a writ, order, judgment or other decision of a Customary Court is entitled to such right or interest,

commits an offence and is liable on conviction to a fine of twenty thousand naira or to two months' imprisonment or to both such fine and imprisonment.

**69. Falsification of records of proceedings**

Any person charged in accordance with this Law or Rules made thereunder under section 72 of this Law with the duty of recording the proceedings of a Customary Court who knowingly makes any false record of the proceedings of the Court shall be guilty of an offence and shall be liable on conviction to a fine of twenty thousand naira or to imprisonment for two months or to both such fine and imprisonment.

**PART XI***Financial Provisions***70. Maintenance of Customary Courts responsibility of State Government**

(1) The financial maintenance of the Customary Courts shall be the direct responsibility of the State Government and accordingly, provision shall be made for the Courts in the financial vote of the State Judiciary.

(2) The personal emoluments and other allowances of the Chairman and members and other staff of Customary Courts shall be paid by the State Government.

**71. Fees, fines, etc. to be part of the Consolidated Revenue Fund**

All moneys paid to and received by Customary Courts, including fees and fines, in the discharge of their functions under this Law shall be paid into, and form part of, the Consolidated Revenue Fund of the State.

**PART XII***Rules of Court***72. Power to make Rules of Courts**

(1) The Chief Judge of the State may make Rules of Court in respect of all or any of the following matters—

- (a) the practice and procedure of Customary Courts;
- (b) the recording of the proceedings of Customary Courts;
- (c) the issue of processes for the institution of causes and matters and to compel the attendance of persons before the Court;
- (d) the exclusion of the public from a Customary Court in accordance with the provisions of this Law;
- (e) the issue of summons to witnesses in Customary Courts;
- (f) the carrying into execution of the decrees or orders of Customary Courts;
- (g) the execution of the decrees, orders, warrants or other processes of Customary Courts and the service of the processes of the Courts where these decrees or orders are made or the warrants or other processes are issued in respect of persons or property not within the area of jurisdiction of the Customary Court making or issuing them;



- (h) specifying the Customary Courts or authority by which the decrees, orders, warrants or other processes mentioned in paragraphs (f) and (g) of this subsection shall be carried into execution, executed or served;
- (i) the recording and perpetuation of the decisions of Customary Courts in land cases by references to plans and the fixing of land marks;
- (j) the fees which may be charged by surveyors for any work done for the purposes of any rules made under paragraph (i) of this subsection;
- (k) any matters relating to the costs of proceedings in Customary Courts;
- (l) the maximum fees which may be charged—
  - (i) in Customary Courts; and
  - (ii) for appeals from Customary Courts to the Customary Court of Appeal;
- (m) the reduction of the maximum fees prescribed under paragraph (1) of this subsection in respect of all or any Customary Courts or proceedings, the application of the maximum or reduced fees to the Customary Courts or proceedings and the manner in which and the persons by whom the reduction of the maximum fees and application may be made;
- (n) the remission in whole or in part of any maximum or reduced fee and the manner in which it may be made and by whom it may be made;
- (o) the duties of officers of Customary Courts;
- (p) the time within which any act, matter or thing shall be carried out or performed for the purposes of this Law;
- (q) sentences to be imposed by Customary Courts; and
- (r) generally for the carrying into effect of the provisions of this Law.

(2) Until rules of Customary Courts are made under this section, the Customary Courts Rules made under section 69 of the Customary Courts Law 1963 shall, *mutatis mutandis* continue to have effect.

[L.E.N. Cap. 32.]

### PART XIII

#### *Miscellaneous*

### **73. Responsibility for Customary Courts**

- (1) The responsibility for Customary Courts shall vest in the Chief Judge of the State.
- (2) The power to appoint, promote, dismiss and otherwise discipline the Chairman and other members of Customary Courts shall vest in the Judicial Service Commission.
- (3) In exercising the powers vested in the Chief Judge of the State under this section, the Chief Judge shall act in accordance with the advice of the State Judicial Service Commission.

**74. Integration of Customary Court personnel into the State Judiciary**

The Chairman, members, officers, servants and other personnel of Customary Courts shall be treated in all respects as fully integrated members of the Judicial Service of the State.

**75. Assessors**

No Customary Court shall sit with or seek the services of any assessor in the determination of any cause or matter before it.

**76. Immunity of members and officers of Customary Courts**

(1) The Chairman and other members of Customary Courts shall not be liable to be sued in any court for any act done or ordered to be done by them in the performance of their functions as such Chairman or members under this Law or any other written law.

(2) No officer of a Customary Court or other person bound to execute a warrant, order or other process issued or made in the exercise of the jurisdiction conferred by this Law or the Rules made thereunder, shall be liable to be sued in any court for the execution of the warrant, order or other process.

**77. Limitation of actions not to apply except in certain cases**

Subject to any custom or decision of a superior court of judicature in relation to limitation of actions in customary law, limitation statutes shall not apply to any cause or matter in a Customary Court.

**78. Concurrent jurisdiction of the Courts**

The jurisdiction of a Customary Court under this Law to try civil causes and matters based on customary law does not affect or derogate from the original jurisdiction of the Magistrate's Court or the High Court to try such causes and matters, and the jurisdiction to try such causes and matters shall be exercised concurrently by the Customary Courts, the Magistrate's Courts and the High Court.

**79. Transitional provisions**

(1) Until such time that the Customary Court of Appeal is established and the President thereof appointed, the functions to be performed by the President of the Customary Court of Appeal under this Law shall be performed by the Chief Judge of the State.

(2) Nothing in this Law shall preclude any Magistrate or Judge of the High Court from proceeding with and concluding any issues, causes or matters which upon the coming into force of this Law have been pending in his court; jurisdiction over which issues, causes and matters are now vested in the Customary Courts.

**80. Interpretation**

In this Law, except where the context otherwise requires—

“**cause**” includes any action, suit or other original proceedings between a plaintiff and a defendant and also any criminal proceedings;

“**Chief Judge**” means the Chief Judge of Bayelsa State of Nigeria;

**“Customary Court”** or **“court”** means a Customary Court established under this Law;

**“Customary Court of Appeal”** means the Customary Court of Appeal established under section 280 of the Constitution of the Federal Republic of Nigeria, 1999;

**“customary law”** means a rule or body of customary rules regulating rights and imposing correlative duties, being a customary rule or body of customary rules which obtains and is fortified by established usage and which is appropriate, and applicable to any particular cause or matter, dispute, issue or question in a particular locality;

**“decision”** includes judgment, decree, determination, recommendation or order of a Customary Court under this Law;

**“Gazette”** means the Official *Gazette* of Bayelsa State;

**“High Court”** means the High Court of the State;

**“State Judicial Service Commission”** means the State Judicial Service Commission established by section 197 of the Constitution of the Federal Republic of Nigeria, 1999;

**“land cause”** or **“land matter”** means a cause or matter relating to the ownership, occupation or possession of land;

**“legal practitioner”** means a person entitled in accordance with the provisions of the Legal Practitioners Act, 1975 (1975, No. 15) to practise as a barrister or as a barrister and solicitor, either generally or for the purpose of any particular office or proceedings;

[L.F.N. 2004 Cap. L11.]

**“Magistrate’s Court”** means a Magistrate’s Court established under the Magistrates’ Courts Law;

[Cap. M1.]

**“matter”** includes any proceedings in a court;

**“Governor”** means the Governor of the State;

**“State”** means Bayelsa State of Nigeria.

## 81. Short title

This Law may be cited as the Customary Courts Law.

## SCHEDULES

## FIRST SCHEDULE

## JURISDICTION OF CUSTOMARY COURTS IN CIVIL CAUSES AND MATTERS

*Civil Causes and Matters*

Column 1 <i>Causes and Matters</i>	Column 2 <i>Limit of jurisdiction of Customary Court</i>
1. Land causes and land matters, i.e. causes and matters relating to the ownership, occupation or possession of land .....	Unlimited
2. Matrimonial causes in respect of marriages under customary law .....	Unlimited
3. Debt, demand or damages claimed between persons married under customary law, or arising from marriage under customary law.....	Unlimited
4. Custody of children and other causes and matters relating to children under customary law .....	Unlimited
5. Causes and matters relating to inheritance upon intestacy under customary law and grant of power or authority to any person to administer the estate of an intestate under customary law .....	₦5,000
6. Civil actions in contracts and torts at common law and at customary Law .....	₦5,000

## SECOND SCHEDULE

## FORMS OF OATHS FOR MEMBERS OF A CUSTOMARY COURT

[Section 19.]

## FORM A

I,..... having been appointed the Chairman/Member\* of..... Customary Court, do swear by Almighty God that I will well and truly serve as the Chairman/Member\* of the ..... Customary Court and will do right to all manner of people after the laws and usages of Bayelsa State of Nigeria without fear or favour, affection or ill-will and that I will not accept in respect of my service as Chairman/Member\* of the said Customary Court any bribe, or any unlawful recompense, reward or benefit whatsoever.

So help me God.

\*Delete whichever is inapplicable.

## FORM B

*Official Oath*

I hereby solemnly declare, swear and pledge that in the service of my country:

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. I will not discriminate on the bases of religion, tribe, cult or status, or practise any form of partiality in the performance of my official duties.
3. I will always place service to the public above selfish interest, realising that a public office is a public trust.
4. I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. I will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.
6. I will always follow the path of justice, honesty and concord amongst all peoples of Nigeria in all I do.

So help me God.

## CHAPTER C21

**CUSTOMARY COURTS LAW**

## SUBSIDIARY LEGISLATION

*List of Subsidiary Legislation*

1. Customary Courts Rules.

**CUSTOMARY COURTS RULES**

[L.E.N. 1963 Cap. 32.]

*made under section 68*

## ARRANGEMENT OF RULES

## PART I

*Institution of Civil Proceedings*

## RULE

1. Institution of civil proceedings.
2. Court to issue summons.
3. Value of claims to be stated.

PART II  
*Service of Processes*

## RULE

4. Service of summons.
5. When personal service cannot be effected.
6. No service on Sundays.
7. Evidence of service of processes.
8. Endorsement and return copies.
9. Expiration and renewal of summons.

## PART III

*Parties*

10. Parties.
11. Death of party.

## PART IV

*Procedure at Hearing*

12. Civil record book.
13. Signing of records.
14. Mention of cases.
15. Quorum.
16. Names of Chairman and members.
17. Parties to be present.
18. Absence of plaintiff.
19. Absence of defendant.
13. Both parties absent.
21. Where both parties are in court.
22. Where defendant admits the claim.
23. Where defendant does not admit claim.
24. Defence.
25. Defence witnesses.
26. Court may disallow evidence.
27. Witnesses to be out of hearing.
28. Judgment.
29. Judgment to be signed by members and read by the Chairman.
30. Nature of judgment.
31. Record book.
32. Procedure in land cases same as in civil action.
33. Non-suit.
34. Commencement of criminal matters.
35. Plea in criminal trials.
36. Procedure where accused pleads guilty.

## RULE

- 37. Where accused pleads not guilty.
- 38. Procedure during trial.
- 39. Accused giving evidence.
- 40. Judgment.

## PART V

*Miscellaneous*

- 41. Personal interest in a case by member.
- 42. Application for enforcement of judgment.

## PART VI

*Duties of Registrar*

- 43. Duties of Registrar.

## PART VII

*Enforcement of Judgments in Civil Actions*

- 44. Execution of judgments.
- 45. Writ of attachment.
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## CUSTOMARY COURTS RULES

## PART I

*Institution of Civil Proceedings***1. Institution of civil proceedings**

(1) On the application of any person desirous of instituting civil proceedings under the Customary Courts Law and on payment of the prescribed fees, the Registrar shall enter in a book to be kept for this purpose in his office and called the Civil Cause Book, a statement in writing, hereinafter called a plaint stating the names and last known places of abode of the parties and the substance of the claim intended to be brought.

(2) Every plaint shall be numbered in order in each year as it is entered in the Civil Cause Book. The Registrar shall deliver a plaint note to the applicant.

**2. Court to issue summons**

Upon entering a plaint the Court shall thereupon issue a summons directed to the defendant, requiring him to appear at a certain time, being not less than seven days from the date of the service of such summons, and at a certain place, before the Court to answer to the plaint.

**3. Value of claims to be stated**

In all cases the value of the property involved or the amount of the damages claimed must be stated in the summons; such value or such damages shall not be more than the jurisdiction of the Court.



## PART II

*Service of Processes***4. Service of summons**

The summons shall be served personally on the defendant by delivery of a copy to him.

**5. When personal service cannot be effected**

Where it appears to the Customary Court that for any reason a party is evading service in respect of any process other than a warrant and that such service cannot conveniently be effected, the Court after being satisfied by the bailiff that it is necessary so to do, may order that service be effected in the following ways—

- (a) by delivery thereof to some person on it being proved that there is reasonable probability that the document would in the ordinary course, through that person come to the knowledge of the person to be served; and
- (b) by notice put up at the Customary Court House or some other place of public resort of the district or county wherein the proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or of business of the person to be served; or
- (c) in such other manner as the Court may direct, and upon compliance with such order such service shall be deemed to be good and sufficient service of the said document upon the person to be served.

**6. No service on Sundays**

Service of any process other than a warrant of arrest shall not be made on a Sunday.

**7. Evidence of service of processes**

A book shall be kept at every Court for recording service of process; in which shall be entered by the Registrar, the names of the plaintiff or complainant and defendant, the particular Court issuing the process, the method of service, and the manner in which the person serving ascertained that he served the process on the right person, and where any process shall not have been duly served, then the cause of failure shall be fully stated. Every entry in such book or a certified true copy of an entry shall be sufficient evidence of the several matters therein stated.

**8. Endorsement and return copies**

Where any summons or process issued from a Court is served by the bailiff or such other person as is appointed by the Court, the service may be proved by endorsement on a copy of the summons or process under the hand of the person showing the fact and the mode of service. Where the person to whom the service is required to be served is outside the jurisdiction of the Court, it shall be sufficient if it is endorsed by a Magistrate or a Justice of the Peace or the Chairman.

**9. Expiration and renewal of summons**

In case a summons issued for the commencement of an action or matter is not served within a year from the date thereof, the same shall become void; but the Court may, at any time before the expiration of the current period, from time to time renew the same for a further period and not exceeding three months at any one time.

**PART III***Parties***10. Parties**

(1) Where a plaintiff sues, or any defendant is sued in a representative capacity it shall be expressed in the summons.

(2) The Court may order any of the persons represented to be made parties whether in lieu of or in addition to the previously existing parties.

(3) Before the summons is issued, the plaintiff shall file before the Registrar a written authority to sue duly signed or thumb-impressed by the person or persons whom he is representing.

**11. Death of party**

(1) Where after action has been brought any change or transmission of interest or liability occurs in relation to any party to the action, or any party to the suit dies, or the action in any way becomes incapable of being carried on any person interested may obtain from the Court any order enabling or compelling proper parties to carry on the proceedings.

(2) Any person served with such an order may within the period specified by the Court in the order apply to the Court to discharge the order.

**PART IV***Procedure at Hearing***12. Civil Record Book**

A Civil Record Book dealing with all civil matters other than land cases shall be kept by the Courts wherein the daily proceedings of the Courts shall be recorded.

**13. Signing of records**

At the close of each day's sitting, the Chairman and the Registrar shall sign at the last line of the day's proceeding their names and the date.

**14. Mention of cases**

(1) All cases shall be called up for mention or otherwise on the day for which the hearing was fixed.

(2) If, owing to lack of time or for any other good reason, the Court is unable to proceed with the hearing of a particular action or matter, the same may be adjourned and a fresh hearing date given to the parties before the adjournment. A record of the adjournment and the fresh hearing date shall be recorded immediately in the Record Book and signed by the Chairman and the Registrar.

#### **15. Quorum**

At the sitting of the Court not less than two members of the bench shall form a quorum. No trial shall be proceeded in the absence of a quorum, otherwise the purported trial shall be void.

#### **16. Names of Chairman and members**

At the opening of each day's sitting the Registrar shall note at the top of the page in which the proceedings are to be recorded the name of the Chairman and each member of the bench, and on the next line immediately after, the names of the parties to the action, the claim or charge, and after, the plea.

#### **17. Parties to be present**

On the date endorsed on the summons for the appearance, both parties shall be present at the Court at the time specified.

#### **18. Absence of plaintiff**

(1) Where the plaintiff fails to appear, the Customary Court may, after calling aloud the name of the plaintiff three times, strike out the action from the list with costs to the defendant.

(2) Where a satisfactory explanation of the plaintiff's absence is received by the Court, the Court may adjourn the action with or without costs.

(3) Where the action is struck out the plaintiff may within seven days thereafter apply to the Court to relist the action after payment of the costs.

#### **19. Absence of defendant**

(1) Where the defendant is absent and his name is called aloud thrice, the Court may order the plaintiff to prove his case and thereafter judgment may be entered for the plaintiff with costs.

(2) Where the defendant sends a satisfactory explanation of his non-appearance, the Court may adjourn the action with or without payment.

#### **20. Both parties absent**

Where both parties are absent and no explanation of their absence is received by the Court, the Court may strike out the action without prejudice to the plaintiff taking out a fresh writ of summons.

#### **21. Where both parties are in court**

Where both parties appear the Registrar shall read out the claim to the defendant who shall plead thus—

(a) liable;

- (b) not liable;
- (c) there is a previous judgment of the same action and between same parties or their privies by a court of competent jurisdiction. The existence of any judgment by a competent court is relevant in determining whether the Customary Court shall proceed with the action or strike it out with costs.

**22. Where defendant admits the claim**

Where the plea is liable, the Court shall proceed to give judgment for the plaintiff with or without costs.

**23. Where defendant does not admit claim**

Where the plea is not liable then—

- (a) the plaintiff shall be called upon to state his case, he shall open by first taking an oath, then he shall give his name, his address and his occupation. He shall then proceed to state his case after which the defendant may cross-examine him. The court may cross-examine the plaintiff;
- (b) after the cross-examination, the plaintiff may call his witnesses (if any) in turn and the defendant or the Court may cross-examine each of the witnesses in turn; and the plaintiff may re-examine his witnesses on any point which arose from cross-examination;
- (c) after the plaintiff and his witnesses (if any) have completed their evidence the plaintiff shall then close his case, if the evidence is not satisfactory, the Court shall non-suit the plaintiff with or without costs to the defendant. The court, if satisfied that the plaintiff has made out his case, shall call upon the defendant to state his defence.

*Defence***24. Defence**

(1) The defendant shall, if he so desires, go to the witness box and take an oath, he shall give his name, address and occupation and he shall then proceed to state his case.

(2) At the completion of his statement the plaintiff may cross-examine the defendant and the Court may also cross-examine the defendant.

**25. Defence witnesses**

The defendant may then call his witnesses (if any) in turn and each shall go to the witness box, take an oath and give his name, address and occupation and state what he knows about the action and at the conclusion of his statement the plaintiff and the Court may cross-examine him; the defendant may re-examine him on any point that arose from the cross-examination and after the cross-examination, the defendant shall thereupon close his defence.

**26. Court may disallow evidence**

The Court shall not allow any question in cross-examination which it regards as indecent, scandalous, incriminating or is intended to annoy or insult the witness.

**27. Witnesses to be out of hearing**

Before the plaintiff opens his case, the Chairman shall order witnesses on both sides who have not yet given their evidence to be kept out of court and hearing during the entire proceedings. This provision does not extend to the plaintiff and the defendant.

*Judgment***28. Judgment**

At the close of the defendant's case the Court may—

- (a) give judgment after due deliberations;
- (b) reserve judgment until a further date on which day the Court may deliver its judgment.

**29. Judgment to be signed by members and read by the Chairman**

(1) A judgment shall be signed or thumb-impressed by all the members who deliver it and shall be read by the Chairman.

(2) The opinion of the minority shall in every case be recorded.

**30. Nature of judgment**

- (1) The judgment of the Court shall be that—
  - (a) the defendant, or if more than one defendant, one or some of is, or are, liable;
  - (b) the defendant is not liable.
- (2) In either case the costs incurred by the party who is successful may be awarded to him.

*Land Cases***31. Record book**

A special land record book in which shall be recorded the proceedings of land action or matters shall be kept by the Customary Courts.

**32. Procedure in land cases same as in civil action**

The procedure adopted in hearing a land case shall be the same as in a civil action provided that either party shall tender as exhibit the plan of the land duly endorsed by a licensed surveyor.

**33. Non-suit**

Where the plaintiff fails, at the close of his case, to tender a plan of the land duly endorsed by a licensed surveyor, the Court shall non-suit the plaintiff with or without costs to the defendant.

**34. Commencement of criminal matters**

- (1) A criminal cause or matter shall be commenced by a summons.

(2) Application for a summons shall be made to the Registrar by paying the appropriate fee and swearing to a complaint made out on a Form for a complaint.

(3) The Registrar shall record all the particulars of the complaint necessary for the completion of the proper summons in a book kept for that purpose and known as the Criminal Cause Book.

(4) Any entry in the Criminal Cause Book shall be known as a charge and shall be numbered serially.

(5) The Registrar shall then issue a summons directed to the accused person requiring him to appear before the Court at a certain time and at a certain place to answer to the charge.

### **35. Plea in criminal trials**

A person against whom a complaint is made (called the accused) shall stand in the dock when the charge is read to him. The accused may then plead—

- (a) guilty;
- (b) not guilty; or
- (c) that the accused had previously been charged by a court of competent jurisdiction and that the accused was thereupon found guilty and sentenced, or found not guilty and discharged. This plea can be proved by the accused tendering before the Court a certified true copy of the proceedings and judgment.

### **36. Procedure where accused pleads guilty**

Where the accused pleads guilty and the Court is satisfied that the accused understands the substance of the charge, the Court shall thereupon proceed to find him guilty and pass judgment accordingly by—

- (a) sentencing him to a term of imprisonment;
- (b) in the case of a juvenile offender ordering him to be whipped;
- (c) cautioning and discharging him; or
- (d) imposing a fine or in default sentencing him to a term of imprisonment.

### **37. Where accused pleads not guilty**

(1) Where a plea is that of not guilty, the prosecution shall then open his case by calling witnesses in turn to prove his case and each witness when sworn shall give his name, address and occupation; he then states what he knows about the case, possibly by being examined in chief by the prosecutor.

(2) After the examination in chief, the accused may cross-examine the witness and the Court may also cross-examine him.

(3) After the cross-examination the prosecutor may re-examine the witness on any point which arose out of the cross-examination.

**38. Procedure during trial**

After the prosecution shall have examined all his witnesses in turn he shall thereupon close his case. The Court shall thereupon consider the prosecution's case and if it finds that the evidence adduced by the prosecution is not sufficient to warrant a conviction the Court shall discharge the accused, but if there is sufficient evidence the Court shall call upon the accused to give his defence.

**39. Accused giving evidence**

(1) Where the accused decides to give his evidence, he then goes to the witness box, he takes an oath, gives his name, address and occupation and then states his case.

(2) After he has stated his case he may be cross-examined by the prosecution and the Court.

(3) The Registrar shall record all the questions and answers as fully and clearly as possible.

(4) The accused if he wishes calls his witnesses in turn and each witness is led in evidence by the accused and after stating his case he may be cross-examined by the prosecution and the Court; the accused may re-examine him on any point which arose from cross-examination. The accused then closes his case.

**40. Judgment**

(1) The Court then considers all the evidence and pronounces judgment; the decision of the minority shall be recorded. The judgment shall be read by the Chairman.

(2) The judgment may be—

- (a) guilty on all or any of the charges. Where the accused is found guilty the sentence of imprisonment is passed on him, or in the case of a juvenile offender he is ordered to be whipped; or
- (b) not guilty - discharged and acquitted;
- (c) caution and discharge;
- (d) a fine or in default imprisonment.

**PART V***Miscellaneous***41. Personal interest in a case by member**

Where a court member is a party to an action or matter before a Customary Court, or is unable from personal interest or any other sufficient reason, to adjudicate on the action or matter, the Court shall inform the Customary Courts Adviser of the occurrence at the earliest opportunity.

**42. Application for enforcement of judgment**

Where a party to an action or matter which was determined before the Court of competent jurisdiction applies to the Customary Court to carry into execution any decrees or orders made by a court of competent jurisdiction, or to enforce the judgment of that court, a certified true copy of the judgment decree or order shall be filed with the Registrar of the Court. Notice of such an application is served on the person against whom the order is issued, and on a date fixed for the hearing of the application the Court may make such order as it deems necessary.

**PART VI***Duties of a Registrar***43. Duties of Registrar**

The duties of the Registrar shall be to—

- (a) attend at all sittings of the Court as the Chairman may direct;
- (b) fill up or cause to be filled up summonses, warrants, orders, convictions, recognisances, writs of execution, and other documents, and submit the same for the signature of the President;
- (c) make or cause to be made copies of proceedings, and to record the orders of the Court;
- (d) receive or cause to be received all fees, fines and penalties, and all other moneys paid or deposited in respect of proceedings in the Courts, and to keep or cause to be kept accounts of the same; and
- (e) perform or cause to be performed such other duties connected with the Court as may be assigned to him by the President.

**PART VII***Enforcement of Judgment in Civil Actions***44. Execution of judgments**

Any sum of money payable under a judgment of the Court or any other court of competent jurisdiction may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the judgment debtor.

**45. Writ of attachment**

The Registrar, on the application of the judgment creditor, shall cause to be issued a writ of attachment and sale whereby the bailiff of the Court shall be empowered to levy or cause to be levied by distress and sale of goods and chattels, wherever they may be found within Bayelsa State, the money payable under the judgment and the costs of the execution.



**46. Registrar to note time of application**

The precise time of the making of an application to the Registrar for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when more than one such writ is issued they shall be executed in the order of the times so entered.

**47. Order for payment by instalments**

Where a court has made an order for payment of any sum of money by instalments, no writ of execution for the enforcement of the judgment shall be issued until after the default in payment of some instalment according to the order.

**48. Money, costs and fees**

In or upon every writ of execution against the property of any person, the Registrar shall cause to be inserted or endorsed, the sum of money and costs adjudged, and the fees for the execution of the writ.

**49. Where judgment debtor pays before executor**

If the judgment debtor, before the actual sale of the property, pays or causes to be paid to the Registrar of the Court from which the writ issued, or to the bailiff of the Court holding the writ, the sum of money and costs endorsed as aforesaid, or such part thereof as the judgment creditor agrees to accept, in full satisfaction, together with the fees indebted as aforesaid the execution shall be superseded, and the property of the judgment debtor shall be discharged and returned to him.

**50. Seizure of goods of judgment debtor**

The bailiff of a Court executing any writ of execution issued from the Court against the goods or chattels of any person may by virtue thereof seize any of the goods and chattels of that person, except the wearing apparel and bedding of that person or his family, and the tools and implements of his trade which shall be protected from seizure.

**51. Custody of seized goods**

Goods seized in execution under this process of the Court shall until sale thereof—

- (a) be deposited by the bailiff of the Court in some fit place; or
- (b) remain in the custody of a fit person approved by the President of the Court from which the writ was issued.

**52. Sale of seized goods**

No goods seized in execution under process of the Court shall be sold until the expiration of a period of at least ten days next following the day on which the goods have been seized and unless the goods are of a perishable nature.

**53. Place of sale of seized goods**

The property seized shall be set up for sale by the bailiff in the Court House where the writ was issued, or in such other place as the President may direct:

Provided that no property shall be set out for sale on a Sunday; and provided also that the bailiff had prior to the sale informed the judgment debtor of the date, place and time of the sale.

#### **54. Summons**

(1) If a claim is made to or in respect of any property attached in execution by the bailiff the Registrar shall upon the direction of the President issue a summons calling before the Court the party at whose instance the process was issued and the party making the claim.

(2) On the hearing of the summons the Court shall decide upon the claim and shall make such order in respect of any such claim and the cost of the proceedings as it thinks fit.

#### **55. Receipts book**

The Court shall supply every bailiff with a receipt book which shall be furnished with counterfoils with successive numbers printed thereon, and when a bailiff by virtue of his office, receives any money, he shall give to the person paying the same a receipt on one of the printed forms contained in such book, and shall note on the corresponding counterfoil of such book the name and date of the process, the title of the proceedings in which it was issued and the amount for which the receipt is given.

#### **56. Inventory of attached goods**

When property is attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, immediately after the removal.

#### **57. Bailiff to pay to Registrar**

Every bailiff shall pay to the Registrar at the close of the day all money for the time being in his hands.

#### **58. Returns by Registrar to Chief Judge**

At the close of every month the Registrar shall—

- (a) make a full return to the Chairman of all writs, orders and warrants which had not been fully executed by the bailiff at the end of the preceding month, and of all writs, orders, and warrants as have been entrusted to the bailiff for execution during the past month and shall set against each such process a statement of what has been done thereunder;
- (b) a return of all moneys received by him during the past month.

#### **59. Returns to Accountant-General**

The Registrar shall submit to the Accountant-General the receipt book used by the bailiff during the past month, and the Accountant-General shall examine the counterfoils of the receipts used by the bailiff during the past month and see that there is an entry on a counterfoil to denote that a receipt from the said book has been given for each sum acknowledged to have been received and that all sums for which receipts appear from the

counterfoil to have been given have been duly entered and accounted for. The Accountant-General if satisfied with the entries shall certify accordingly.

**60. No payment by bailiff**

No money realised by any process shall be paid by the bailiff to the judgment creditor or to his agents.

**61. Payment to judgment creditor**

The Registrar shall pay out the money obtained by the bailiff from the enforced sale of the goods to the judgment creditor or to his agent.

**62. Judgment summons**

Where a judgment debtor makes defaults in payment of any sum recovered against him or any instalment thereof under a judgment, the judgment creditor may apply to any Customary Court for the issue of a summons, called a judgment summons, requiring the judgment debtor to appear and to be examined on oath as to his means, unless the Registrar sees a good reason to the contrary, he shall issue a summons accordingly. All such applications shall be sent to the Chairman.

**63. Judgment debtor may be examined**

On the appearance of both parties before a Customary Court on the summons the judgment debtor may be examined on oath, by the judgment creditor and by the Court respecting his ability to pay the money directed by the Court to be paid to the judgment creditor.

**64. Judgment debtor may be committed to prison**

If the Customary Court is satisfied that the person making the default either has, or has had at the date of the judgment or order, the means to pay the sum in respect of which he has made default, then the Court may commit to prison any person who makes default, in payment of any debt or instalment of any debt due from him in pursuance of any judgment or order of any court for the payment of any sum.

**65. Imprisonment shall not extinguish debt**

No imprisonment shall operate as a satisfaction or extinguishment of any debt, demand or cause of action, or deprive any person of any right to take out execution against the goods or chattels of the person imprisoned in the same manner as if such imprisonment had not taken place.

PART VIII

*Appeals*

**66. Commencement of appeal**

An applicant appealing under the provisions of section 49 of the Law may give verbal notice of appeal at the time of the pronouncement of the decision or order stating where possible his grounds of appeal or his objections to the decision or order against which he is appealing.

**67. Verbal notice to be reduced to writing**

(1) An appellant appealing under the provisions of section 49 of the Law may give notice of appeal to the Registrar of the Court either verbally or in writing stating where possible his grounds of appeal or his objections to the decision or order against which he is appealing.

(2) Where an appellant gives verbal notice the Registrar shall forthwith reduce the same to writing which shall then be signed or thumb-impressed by the appellant.

(3) A notice of appeal under paragraph (1) shall be given within thirty days from the pronouncement of the decision or order of the Court.

**68. Deposit on appeal**

Where notice of appeal whether verbal or written has been given, the appellant shall deposit the sum of money as the Court may estimate to cover the costs of the required number of certified copies of the proceedings and the judgment.

**69. Recognisance to prosecute criminal appeals**

On the appellant giving notice of appeal and also depositing the sum required by the Court for the certified copies, and also paying the prescribed fee, the Registrar of the Court shall, in a criminal matter cause the appellant to enter into a recognisance to prosecute the appeal and thereupon the appellant shall be released on bail.

**70. Registrar to furnish record of proceedings**

On the appellant satisfying all the conditions the Registrar shall within thirty days after such compliance has been made, transmit to the Registrar of the Customary Court of Appeal the decision which is appealed against, a copy of the proceedings in the action or matter duly certified under the hand of the Registrar and the Chairman of the Lower Court:

Provided that where it is a criminal case a copy of the complaint or charge and plea of the notes of evidence taken in the case, of the notice of appeal and of the recognisance and the documents connected with the case together with any exhibits received in evidence in the case shall be transmitted to the Court of appeal except if the exhibit is of a perishable nature.

**71. Abatement of criminal appeal**

Every criminal appeal, other than an appeal from a sentence of fine, shall finally abate on the death of the appellant.

**72. Hearing of appeal**

(1) The appeal shall come on for hearing at such time and at such place as the Registrar of the appeal court shall notify to the parties.

(2) In all appeals both parties shall be entitled to be present at the hearing of the appeal.

**73. Proof of service**

On proof by the bailiff of a Customary Court that both parties have been served with hearing notices, the appeal court may proceed to consider, and deliberate on, the appeal notwithstanding that either or both parties are absent, provided that in criminal matters the parties shall be present.

**74. Appeal court may order further evidence**

The appeal court may, in any civil appeal where it may consider it necessary or expedient in the interests of justice that evidence should be adduced, order such evidence to be adduced before the county court on that day or on some other day to be fixed in that behalf.

**75. Cost in appeals**

Where an appeal has been determined, the appeal court may make such orders as to costs of the proceedings as it may deem just.

**76. Interpretation**

In these Rules—

“**action**” means a civil proceeding commenced by a “**writ of summons**” and includes a criminal proceeding;

“**attachment**” includes distress and seizure;

“**cause**” includes any action, suit or other original proceeding between a plaintiff and a defendant and any criminal proceeding;

“**charge**” means the statement of offence, or statement of offences with which an accused is charged in a Customary Court;

“**civil proceedings**” means all civil actions triable in a Customary Court and all proceedings in relation to the making of an order for the payment of any sum of money or for the doing or abstaining from doing of any act or thing not enforceable by fine or imprisonment in the first instance;

“**claim**” means any debt, demand, or damage, or relief claimed or any claim for the recovery of any chattel or thing sought to be recovered under the Customary Courts Law;

“**complainant**” includes any informant or prosecutor in a case;

“**complaint**” means the allegation that any named person has committed an offence made before a Chairman or a Registrar for the purpose of moving the Customary Court to issue process;

“**criminal**” includes quasi-criminal and, with reference to matters of jurisdiction, comprehends all such matters not falling within the term “**civil**”;

“**defendant**” includes every person served with any writ of summons or process, or served with any notice of, or entitled to attend, any proceedings in a civil cause, and also every person charged under any process of the Court with any crime or offence;

**“executed”, “execution”,** respectively, include **“served”, “service”**;

**“judgment”** includes the dismissal of a claim, as well as any other adjudication, order, or decision but does not include a non-suit;

**“judgment creditor”** means any person for the time being entitled to enforce a judgment;

**“judgment debtor”** means a person liable under judgment, and includes every person ordered by a judgment or order in a civil cause to pay money or to do or abstain from doing an act;

**“juvenile offender”** means a male offender who in the opinion of the Customary Court has not attained the age of seventeen years;

**“lower court”** means a Customary Court from which an aggrieved person has lodged an appeal;

**“non-suit”** occurs where the plaintiff has closed his case by giving evidence and his witnesses have given evidence and the Customary Court considers that the plaintiff has not made a case for the defendant to answer;

**“order”** includes an injunction, an order for the payment of costs by any party, and an order for the payment of a counterclaim by a plaintiff and any conviction of an offence;

**“plaintiff”** includes every person asking for any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether writ, petition or otherwise;

**“process”** means formal written authority addressed to the bailiff of a Customary Court for the enforcement of a judgment and includes **“writ of execution”** and warrant, and order of arrest, commitment or imprisonment;

**“quorum”** means the minimum number of Customary Court members including the President that may try any case;

**“Registrar”** means Registrar of a Customary Court;

**“the Law”** means the Customary Courts Law;

**“writ of execution”** includes writ of attachment and sale.

#### 77. Short title

These rules may be cited as the Customary Courts Rules.

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FIRST SCHEDULE  
PRECEDENTS

*Examples of Indorsement*

Commence the indorsement, *The Plaintiff's claim is*, and proceed according to the nature of the claim, thus—

1. ₦ .....for the price of goods sold to the defendant at Awgu on the 1st March, 1959 which sum the defendant has not paid (or has paid ₦ ..... remaining ₦ .....).
2. ₦ .....for a return of money entrusted to the defendant at Ikebiri on the 1st March, 1958 to keep for the plaintiff.
3. ₦ .....being the money lent to the defendant as a friendly loan without interest at Angiama on the 1st June, 1956.
4. ₦ .....for a return of money obtained from the plaintiff by fraud (deceit or trick) in 1960 at Otuan.
5. ₦ .....for money agreed by the defendant to be paid, together with goods of the defendant delivered by the defendant in exchange of goods of the plaintiff by the defendant in exchange for goods of the plaintiff ..... place .....date.
6. ₦ .....for a return of money over paid to the defendant for the carriage of goods by bicycle (lorry, truck or on head) ..... place .....date.
7. ₦ .....for a return of money paid to the defendant at Okordia on the 2nd May, 1955 by mistake.
8. ₦ .....for money paid for the defendant on the 1st April, 1960 at Yena-go as his surety.
9. ₦ .....for a return of money paid to the defendant (for work to be done, or left undone) at Angiama on or about the 10th June, 1961.
10. ₦ .....for money received by the defendant at Olugbobiri on the 1st of July, 1957 from John on behalf of the plaintiff.
11. ₦ .....for arrears of rent due at Ovom on the 1st January, 1956.
12. ₦ .....for arrears of salary as a clerk from the period June, 1962 to August, 1962.
13. ₦ .....for the maintenance of John by plaintiff in December, 1955.
14. ₦ .....for the rent of the market stall at Etegwe for the month of July, 1961.
15. ₦ .....for the use of rooms with furniture and other goods therein from 1957 to 1959.
16. ₦ .....for the use and occupation of plaintiff's house from 1960 to 1961.
17. ₦ .....for the work done for the defendant at Onopa from 1st to 30th June, 1960.
18. ₦ .....being damages suffered by plaintiff for breach of contract by defendant on 1st May, 1960.
19. ₦ .....being damages suffered by plaintiff for wrongful dismissal from defendant's employment in 1962.
20. ₦ .....being damages for assault (or false imprisonment) committed at Amassoma on the 1st April, 1960.
21. For the return of household furniture, or their value ₦ ....., and for damages for detaining the same from 1st April, 1955 to 30 July, 1962 at Ekeremor.
22. ₦ .....for damages for injury by the defendant's goat at Ogbia on the 3rd April, 1964.

PRECEDENTS—*continued*

23. ₦..... for damages for breach of contract to accept and pay for goods at Sagbama on or about 10th June, 1963.
24. ₦..... for damages for non-delivery (or defective delivery of goods to the plaintiff on 1st March, 1962, at Opuama.
25. ₦ ..... for damages for wrongfully entering the plaintiff's land at Nembe in June, 1961 and drawing water from his well (or cutting grass, or pulling down his timber, or pulling down his fences or removing his gate, or depositing same on his land).
26. ₦..... for damages for failure to build a canoe for the plaintiff or repair his house at Town-Brass in January, 1959.
27. For an injunction to prevent the defendant and his servant from using the field (or from damaging plaintiff's fence).
28. For the Declaration of title to a piece of land called Berihou situated at Ekowe.

## SECOND SCHEDULE

## FORMS

## INDEX OF FORMS

## FORM

1. Civil Cause Book.
2. Plain Note (Civil).
3. Summons (Civil).
4. Representative Capacity Summons.
5. Registrar's Process Book.
6. Civil Record Book.
7. Writ of Attachment and Sale against Defendant's Goods.
8. Form of Receipt.
9. Interpleader Summons to Claimant Claiming Goods under Execution.
10. Judgment Summons.
11. Order of Commitment on a Judgment or Order.
12. Certificate of Discharge of Judgment Debtor on Payment of Debt.
13. General Court Receipt.
14. Court Cash Payment Receipt.
15. Return of Process in Possession of Bailiff.
16. Return of Cash received by Registrar.
17. Criminal Cause Book.
18. Form for Complaint (Criminal).
19. Summons to Defendant (Criminal).
20. Summons to Witness.
21. Warrant of Arrest.
22. Form of Bail Bond.



- 23. Commitment on Remand
- 24. Conviction (Imprisonment).
- 25. Production Warrant.
- 26. Recognisance on Appeals.

---

FORM 1

## CUSTOMARY COURTS LAW

*Civil Cause Book*

DISTRICT COURT "A" or.....

Plaint No.	Date of process issued	Plaintiff's name and address	Defendant's name and address	Plaint	Date of hearing	Judgment or Order	Remarks

---

FORM 2

[Rule 1.]

## CUSTOMARY COURTS LAW

*Plaint Note (Civil)*

In the Customary Court of .....

Holden at .....

Suit .....

Between

..... Plaintiff

..... Defendant

No. of plaint or matter	Defendant and address	Fees paid by plaintiff ₦ k	Hearing date	Claim

The above action or matter was entered this day, and will be heard at .....  
on ..... the ..... day of ..... ,20 .....  
at the hour of ..... in the ..... noon.  
Dated this ..... day of ..... 20 .....

.....  
*Registrar*

FORM 3  
[Rule 6.]

#### CUSTOMARY COURTS LAW

##### *Summons (Civil)*

In the District Court Grade A/B or .....

Holden at .....

Suit No.....

Between

..... Plaintiff

and

..... Defendant

##### CLAIM

The Plaintiff claim if for ₦5,000.00 being the value of palm oil sold to the defendant at.....  
on the ..... day of ..... ,20 .....

Dated this ..... day of ..... ,20 .....

Hearing Date .....

.....  
*Chairman*

.....  
*Registrar*

## FORM 4

[Rules 6 and 15.]

## CUSTOMARY COURTS LAW

*Representatives Capacity Summons*

*(This Form is for use where the plaintiff sues, or the defendant is sued, or both, in a representative capacity, as in Rule 15).*

## TITLE AS IN FORM OF SUMMONS

Between

..... Plaintiffs

and

..... Defendant

1. Declaration of title to the land called ..... at.....

2. Injunction to prevent defendants from further use (entry).

Dated this ..... day of....., 20 .....

*Hearing Date*.....

.....

*Chairman*

.....

*Registrar*

## FORM 5

[Rule 9.]

## CUSTOMARY COURTS LAW

*Registrar's Process Book*

No. of suit	Plaintiff	Defendant	Nature of writ	Issued for	Issued against	Date	Time	Registrar's signature and court

.....

*Registrar (Court)*

## FORM 6

[Rule 14]

## CUSTOMARY COURTS LAW

*Civil Record Book*

In the ..... Court of .....

Holden at .....

Suit No. ....

This ..... day of ....., 20 .....

Before

1. XY ..... Chairman

2. WP .....

3. MX ..... Member

4. TC ..... Member

Between

..... Plaintiff

and

..... Defendant

CLAIM

The plaintiff's claim is .....

.....

PLEA

*Plaintiff's case*

OK – Sworn on Bible – Address – Occupation – Statement.

XD – by defendant.

Question.

Answers.

By Court.

Q.

A.

P's 1st Witness

VC – Sworn on Bible – Address – Occupation – Statement.

XD – by defendant.

Q.

A.

RD: by OK.

Q.

A.

Case for Plaintiff

\_\_\_\_\_

## FORM 7

[Rule 45.]

## CUSTOMARY COURTS LAW

*Writ of Attachment and Sale against Defendant's Goods*

In the ..... Court of .....

Holden at .....

Suit No. ....

Between

..... Plaintiff

and

..... Defendant

WHEREAS on the ..... day of ....., 20 ....., the plaintiff obtained judgment (or order) in this court against the defendant for the sum of ₦ ..... for debt (or damages) and costs and it was ordered that the defendant should pay the sum forthwith (or on the ..... day of ....., 20 ..... ) (or by instalments of ₦ ..... for every .....).

AND WHEREAS default has been in payment according to the said judgement (or order). These are therefore to require and order you forthwith to make and levy the amount due to the plaintiff under said judgement (or order) together with the costs of this writ and costs of executing the same, by distress and sale of the goods and chattels of the defendant wheresoever they may be found within the district (except the wearing apparel and bedding of him or his family and the tools and implements of his trade) and also by seizing any money belonging to the defendant which may there be found or such part or so much thereof as may be sufficient to satisfy this execution and to bring what you shall have so levied into court and to make return of what you have done under his writ immediately upon execution thereof.

Dated this ..... day of ....., 20 .....

.....

.....

*Chairman**Registrar*

To the bailiff

\_\_\_\_\_

## FORM 8

[Rule 49.]

## CUSTOMARY COURTS LAW

*Form of Receipt*

In the ..... Court of .....  
 Holden at .....  
 20.....  
 No .....  
 Received from ..... under writ dated .....  
 ..... in Suit No. .... between .....  
 Plaintiff and ..... Defendant, the sum of ..... naira.

.....  
*Bailiff*

## FORM 9

[Rule 56.]

## CUSTOMARY COURTS LAW

*Interpleader Summons to Claimant Claiming Goods under Execution*

In the ..... Court of .....  
 Holden at .....  
 Suit No. ....  
 Between

..... Plaintiff

..... Defendant

You are hereby summoned to appear at a court to be holden at ..... on the  
 ..... day of ....., 20 ..... at the hour of ..... in the  
 ..... noon, to support a claim made by you to certain  
 goods taken in execution under process issuing out of this court at the instance of the judgment creditor  
 and in default of your then establishing such claim the said goods will then be sold and the proceeds  
 thereof paid over according to the exigency of the said process.

Dated this ..... day of ....., 20.....

.....  
*Registrar*

To ..... claimant

## FORM 10

[Rule 64.]

## CUSTOMARY COURTS LAW

*Judgment Summons*

In the ..... Court of .....  
 Holden at .....  
 Suit No. ....

No. of Judgment Summons .....  
 ..... Between ..... Plaintiff  
 ..... and ..... Defendant  
 WHEREAS the plaintiff obtained a judgment (or order) against the defendant in this court (or as the case may be) on the ..... day of ..... 20 ....., for payment of ₦ .....  
 for debt (or damages) and costs, forthwith (or on the ..... day of ..... 20 .....  
 20 ..... (or by instalments of ₦ ..... for every .....)  
 and subsequent costs have been incurred and allowed by the court amounting to ₦ .....  
 AND WHEREAS default has been made in payment of the sum of ₦ .....  
 payable in pursuance of the said judgment (or order) and the plaintiff has required this judgment  
 summons to be issued against you the defendant (name).  
 YOU ARE THEREFORE hereby summoned to appear personally in this court, at .....  
 on the ..... day of ..... 20 ....., at the hour of .....  
 in the forenoon, to be examined on oath touching the means you have or have had since the date of the  
 said judgment (or order) to satisfy the sum payable in pursuance of the said judgment (or order); and also  
 to show cause why you should not be committed to prison for such default.  
 Dated this ..... day of ..... 20 .....

.....  
*Chairman*

FORM 11  
 [Rule 64.]

### CUSTOMARY COURTS LAW

#### *Order of Judgment on a Commitment Order*

In the ..... Court of .....  
 Holden at .....  
 Suit No. ....  
 Between ..... Plaintiff  
 ..... and ..... Defendant  
 To the bailiff (or court messenger) of the court and to the officer in charge of the prison at .....

WHEREAS the plaintiff obtained a judgment (or order) against the defendant on the .....  
 day of ..... 20 ....., for the payment of ₦ .....  
 for debt (or damages) and costs on the ..... day of ..... 20 .....  
 (or by instalments of ₦ ..... for every ..... subsequent  
 costs have been incurred in pursuance hereof amounting to ₦ ..... ; and whereas  
 the defendant has made default in payment of ₦ ..... payable in pursuance

of the said judgment (or order);

AND WHEREAS on the hearing this day of a judgment summons issued against the said defendant has been proved to the satisfaction of the court that the said defendant has (or has had since the date of the judgment) (or order) the means to pay the said sum and has shown no cause why he should not be committed to prison.

It is ordered that for such default as aforesaid defendant shall be committed to prison for..... days unless he shall sooner pay the sum (or balance) of ₦ ....., and that upon payment of ..... which he is to be discharged.

These are, therefore, to require you the said bailiff (or court messenger) to take the said defendant and deliver him to the officer in charge of the prison at..... And you the said officer to receive the said defendant, and safely keep him in the said prison for..... days from the arrest under this order, or until he shall be sooner discharged. Dated this (insert date upon which order was made in court)..... day of ....., 20 .....

Chairman

(Order issued the ..... day of ....., 20 ..... )

Note:-A separate order must be issued against every defendant required to be arrested.

---

FORM 12

[Rule 66.]

CUSTOMARY COURTS LAW

*Certificate of Discharge of Judgment Debtor on Payment of Debt*

In the..... Court of.....

Holden at .....

Suit No.....

Between

..... Plaintiff

and

..... Defendant

To the Officer in charge of the ..... prison.

I hereby certify that the defendant, who was committed to your custody by virtue of an order of commitment made by court bearing date the ..... day of ..... 20 ....., has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; and that the defendant may in respect of such order, be forthwith discharged out of your custody.

Dated this..... day of ..... ,20.....

Chairman

---



## FORM 13

## CUSTOMARY COURTS LAW

*General Court Receipt*

In the ..... Court of .....

Holden at .....,

20 .....

No. ....

Received this ..... day of ....., 20 .....

from ..... the sum of .....naira .....

and ..... pence, being (*description of payment*) .....

.....

.....

If space is insufficient further particulars must be inserted on back of receipt.

₦ : k

.....

*Registrar, District/Country Court**Signature or Mark of Payer*

## FORM 14

## CUSTOMARY COURTS LAW

*Court Case Payment Receipt*

In the..... Court of .....

Holden at ....., 20 .....

No.....

Date .....

Received this ..... day of ....., 20 .....

..... Defendant

from the Registrar ..... Court the sum of ..... naira.....

Officer in charge of the..... prison.

and ..... kobo, (₦ : : ) being ( *description of payment* ) .....

.....

.....

*Signature of Payer**Signature of Payer*

## FORM 15

## CUSTOMARY COURTS LAW

*Return of Process in Possession of Bailiff*

Return of all writs, orders, and warrants in possession of bailiff during the month ending ...,20

No. of suit	Name of Plaintiff	Name of Defendant	When process received	Nature of process	From what court received	Amount of process	Statement as to what has been done under process

.....  
*Bailiff (Court)*

I CERTIFY that I have examined the return.

Date .....

.....  
*Registrar*

## FORM 16

## CUSTOMARY COURTS LAW

Return of cash received by Registrar during the month of ....., 20 .....

<i>No. of suit</i>	<i>Plaintiff</i>	<i>Defendant</i>	<i>Date when process issued</i>	<i>Amount received ₦ : k</i>	<i>When amount received</i>	<i>Amount paid into Treasury and date of payment ₦: k</i>

FORM 16—*continued*

I CERTIFY that the above entries are correct.

.....  
*Registrar (Court)*.....  
*Chairman(after checking)*

Date.....

## FORM 17

## CUSTOMARY COURTS LAW

*Criminal Cause Book*

## ..... DISTRICT COURT GRADE .....

<i>Remarks</i>	<i>Judgment or Order (including cost)</i>	<i>Date of hearing</i>	<i>Charge</i>	<i>Date of service</i>	<i>Accused</i>	<i>Com- plainant</i>	<i>Date of process issued</i>	<i>Charge No.</i>

## FORM 18

[Rule 34.]

## CUSTOMARY COURTS LAW

*Form for Complaint (Criminal)*

In the ..... Court of .....

Holden at .....

The complaint of AB (*address and description*) who upon oath states that XY of (*address and description*) on the ..... day of ....., 20..... at..... did steal his yams and palm nuts valued about ₦10.

AB

.....  
*Complainant*

The above was interpreted by me from English language into Epie to the complainant who seemed perfectly to have understood the same and he affixed his right thumb impression after adopting it as correct.

.....  
*Registrar*

Date .....

## FORM 19

[Rule 34.]

CUSTOMARY COURTS LAW  
*(Criminal) Summons of Defendant*

In the ..... Court of .....

Holden at .....

To XY of.....

Complaint has been made this day by AB of .....for .....that you on the ..... day of ..... at .....did steal yams and palm nuts valued about ₦10.

You are therefore hereby summoned to appear before the above court on the ..... day of ..... , 20..... at the hour of .....in the ..... noon to answer to the said complaint.

Dated this ..... day of ....., 20.....

.....  
*Chairman*.....  
*Registrar*

## FORM 20

[Rule 34.]

## CUSTOMARY COURTS LAW

*Summons of Witness*

In the ..... Court of.....

Holden at .....

Charge No .....

To EF of.....

XY has been charged by AB of ..... for..... that he  
 on the..... day of..... 20....., at..... in the  
 ..... aforesaid, did steal his yams and palm nuts valued ₦10, and it  
 appearing to me by the oath of..... that you are likely to give material evidence  
 therein on behalf of the informant (or complainant or defendant or accused), and will not voluntarily  
 appear for the purpose.

You are therefore hereby summoned to appear before the above court sitting at .....  
 on the..... day of....., 20....., at the hour of.....  
 in the ..... noon, to testify what you know in such matter.

Dated this ..... day of..... 20.....

.....  
*Chairman*

## FORM 21

[Rule 34.]

## CUSTOMARY COURTS LAW

*Warrant of Arrest*

In the District Court of .....

Holden at .....

To the Bailiff of ..... Court.

WHEREAS ..... of ..... is accused of the  
 offence of (state offence, place and date) ..... you are  
 hereby commanded to arrest the said ..... and bring him before  
 this Court to answer to the said charge.

Dated this ..... day of ....., 20 .....

.....  
*Chairman*

## FORM 22

## CUSTOMARY COURTS LAW

*Form of Bail Bond*

In the ..... Court of .....

Holden at .....

Charge No .....

WHEREAS XY has been arrested on a charge of stealing yams and palm nuts valued at ₦10, and whereas I, WKZ of ..... am prepared to take him/her on bail,

I, the said WKZ do hereby promise to perform the following—

- (a) to be responsible for the safe custody of the said defendant (or accused);
- (b) to produce him/her before this Court on ..... and any subsequent date of hearing which may be fixed by the President;
- (c) to pay without question, demur or delay the sum of ₦ ..... should I fail in any of the above obligations, otherwise I shall serve a term of imprisonment not exceeding ..... months.

.....  
*Bailiff*.....  
*Witness to marks*.....  
*Additional surety required by court**(If mark — then insert jurat thus:*

The above was interpreted to the surety by me from English language into Ogbia, and he appeared perfectly to have understood the same before he affixed his thumb impression after adopting the contents as correct).

.....  
*Registrar*.....  
*Chairman*

Date .....

## FORM 23

## CUSTOMARY COURTS LAW

*Commitment on Demand*

In the ..... Court of .....

Holden at .....

Charge No .....

To the bailiff (or court messenger) of the court and to the Superintendent (or officer i/c) of ..... prison.

XY, hereinafter called “the defendant”, being brought before the above court sitting at ..... charged with having stolen yams and palm nuts valued ₦10, the property of AB.

The hearing of the case being adjourned.

## FORM 23—continued

You the said bailiff (or court messenger) are hereby commanded to convey the defendant to the said prison, and there to deliver him to the Superintendent (or officer i/c) of the said prison, together with this warrant, and you the Superintendent (or officer i/c) of the said prison, to receive him into your custody, and keep him until the ..... day of ..... 20 ..... and on that day to convey him before the above court at the hour of ..... in the noon, to be further dealt with according to law.

Dated this ..... day of ..... 20 .....

.....  
Chairman

## FORM 24

## CUSTOMARY COURTS LAW

*Conviction (Imprisonment)*

In the ..... Court of .....

Holden at .....

Suit No .....

The ..... day of ..... 20 .....

XY, hereinafter called the defendant, is this day convicted for that he, on the .....

day of ..... at ..... did steal .....  
yams and palm nuts valued about ₦10.

And it is adjudged that the defendant, for his said offence, be imprisoned in the prison at ..... and there kept to hard labour (or without hard labour) for the space of .....

.....  
Chairman

## FORM 25

## CUSTOMARY COURTS LAW

*Production Warrant*

In the Customary Court of .....

Holden at .....

Suit No. ....

Between

..... Plaintiff

and

..... Defendant

To (the Sheriff and) the officer in charge of ..... prison.

FORM 25—*continued*

These are to require you the officer in charge of prison at ..... to bring the accused/defendant ..... now in your custody or to deliver the accused/defendant ..... now in your custody to the Sheriff, and you the said Sheriff to bring the said accused/defendant before this court on the ..... day of ....., 20 ....., at the hour of ..... in the ..... noon, unless he shall be sooner discharged by due course of law, and to have there and then the order (or warrant) under which the said accused/defendant was imprisoned.

Dated this ..... day of ....., 20.....

.....  
*Chairman, Customary Court  
 or Registrar*

## FORM 26

## CUSTOMARY COURTS LAW

*Recognisance on Appeals*

In the ..... Court of.....

Holden at .....

WHEREAS ..... (*name, address*) has expressed his intention of appealing against the judgment (or order) of this court in the suit/charge No ..... given on..... the ..... day of..... 20 .....

I, (*name, address*) do hereby guarantee and stand surety for the payment to this court the sum of..... being cost of making up and transmission of the record of appeal to the Appeal Court.

.....  
*Witness to mark*

.....  
*Signature (or mark) of Surety*

(*If mark - then insert jurat thus:*

The above was interpreted to the surety by me from English language into Ijaw, and he appeared perfectly to have understood the same before he affixed his thumb impression after adopting the contents as correct).

.....  
*Registrar*

.....  
*Chairman*

Date .....



THIRD SCHEDULE  
PRESCRIBED FEES

[PART IX.]

*Civil Matters*

	₦	k
On issue of summons, where the claim does not exceed ₦20.....	1	50
On issue of summons, where the claim exceeds ₦20 but does not exceed ₦50 ...	3	00
On issue of summons, where the claim exceeds ₦50 but does not exceed ₦100	4	00
On issue of summons, where the claim exceeds ₦100 for each ₦100 or part thereof in excess of the first ₦100 .....	4	00
On issue of summons, where the claim is not for recovery of money or goods but for other relief or assistance .....	5	00
On issue of summons for declaration of title to:		
(i) Communal land .....	20	00
(ii) Non-communal land .....	10	00
Filing of petition .....	1	00
If the claim arose more than five years before the application for summons or petition, the fee in the case of each of the above items will be double the fee specified in the item.		
Service fee .....	0	50
On the issue of an interpleader summons.....	2	50
On the issue of a judgment summons.....	1	00
Court order to attach property.....	2	50
Land inspection fees .....	12	00

*Criminal Matters*

On issues of summons or warrant, unless issued by the court of its own motion	1	00
---	---	----

*Civil and Criminal Matters*

On issue of summons for witness.....	0	10
On adjournment of hearing at the request of a party .....	0	10
Rehearing fee, where rehearing is at the instance of party but for whose fault rehearing would have been unnecessary .....	the original fee for the Summons	
Inspection of records of proceedings .....	0	07
Fee for every copy of proceedings, per 100 words or part thereof.....	0	02

*Making up the Record of Appeal and Transmission thereof*

Fees for the making up of the record of appeal for every 100 words or part thereof.....	0	02
---	---	----

*Application for Transfer*

Where claim does not exceed ₦10 .....	1	00
Where claim exceeds ₦10 but not ₦25 .....	1	02
Where claim exceeds ₦25 but not ₦35.....	1	50
Where claim exceeds ₦35 but not ₦50.....	1	10
Where claim exceeds ₦50, for each ₦50 or part thereof in excess of the first ₦50 .....	1	00
Where claim is for Declaration of titles to land .....	10	00
Where the claim is not for the recovery of money or goods but for other relief or assistance .....	1	50
In criminal matters .....	1	00

*NOTE:—The above fees shall be credited to the revenue of the appropriate Local Government Council.*

**ORDER IN COUNCIL**

[C.E.R.L.N. 304 of 1958.]

*made under section 26*

1. This Order in Council may be cited as the Customary Courts (Jurisdiction) Order in Council.
2. All Customary Courts established in Bayelsa State shall have jurisdiction to enforce within the local limits of their jurisdiction all the provisions of the various Laws as specified in the Schedule hereto and also to impose penalties on persons subject to the jurisdiction of the Customary Courts who offend against such provisions.
3. The jurisdiction conferred by this order shall be read and construed as being in addition to jurisdiction conferred upon Customary Courts by the Customary Courts Law.

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**SCHEDULE***Law**Section or Part*

(i) The Age of Marriage Law, (Cap. 7.)

The whole Law.

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**ORDER**

[E.N.L.N. 114 of 1961.]

*made under section 26***1. Short title**

This order may be cited as the Customary Courts (Jurisdiction) Order.

**2. Conferment of jurisdiction**

A Customary Court shall, subject to the direction of the Commissioner of Justice and Attorney-General, have jurisdiction to enforce within the local limits of its jurisdiction the enactments mentioned in the Schedule and to impose penalties on persons subject to its jurisdiction who offend against those enactments.

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**SCHEDULE**

All sections of the Building Lines Law.

All sections of the Road Traffic Law.