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Customary Courts Manual

Incorporating

Customary Courts Law

Customary Courts Rules

and EXTRACTS from LAWS enforceable by

CUSTOMARY COURTS

SECOND EDITION

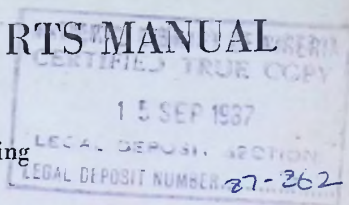
Issued for the guidance of Customary Courts

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Extracts from Laws enforceable
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NOTES FOR GUIDANCE

INTRODUCTION

In this handbook are the Customary Courts Law, the Rules of Court and some of the legislation which Customary Courts of Grade "C" have to administer. It is meant for the guidance of members and court clerks of Grade "C" Customary Courts. The purpose of these notes is to explain in simple terms the way a court works in the ordinary sort of case. The notes are not law so the court should not quote them, as the reason for doing anything, in the court records or in a decision.

THE COURT WARRANT

2. Each court is set up by a warrant. A warrant will tell you three important things. Firstly the membership of the court, that is, how many members and, if there are any, how many assessors. Secondly, the grade of the court. Thirdly, the area of the court's authority.

3. Some of the courts are still operating under warrants made out for them when they were still native courts. These old warrants set out (besides membership, area and grade) other things especially the details of the courts' powers. You can disregard these because they do not have any more effect. The courts' powers now depend on its grade.

4. There are three grades of Court—"A", "B" and "C". If you look at the Law you will find in the Second Schedule (which is at page 49) the details of the jurisdiction of each of these grades of court in civil matters. In criminal matters each Grade of court gets its jurisdiction from orders made by the Government. Grade "C" customary courts cannot try people for offences except—

(a) against the sections you find at pages 95 to 146, or

(b) against sections of the Customary Courts Law itself, or

(c) against Bye-laws and rules of local government councils in force in their area.

There is no longer any power to try people for offences against customary law.

5. A copy of the warrant has been sent to the court and it should be looked after because you may want to refer to it to make sure that the court is properly made up of the right number of members or assessors to try a case.

STARTING A CASE

6. A person who wants to start an action in a customary court goes to the court and asks for the issue of a summons or sometimes, in a criminal case, of a warrant. He can also send a letter to the court asking for a summons to be issued. Usually the person who asks for a summons or warrant should do it himself but the court may allow the husband or wife or someone in his household to do it for him. In "C" courts, lawyers cannot start proceedings for other people.

7. The forms of civil and criminal summons are in the rules of court and the court should have stocks of these forms and the other forms laid down in the rules. There is a place in the summons form for the day on which the court is going to hear the case. The clerk should not normally put in a day which is less than seven days from the date when he fills in the summons. If the court sits in more than one place, the place at which the parties should be summoned to attend should be the place which is the most convenient for them. If they are both resident in one of the court's places of sitting then they should be summoned to attend the hearing at that place unless there are very special reasons for some other place to be chosen, *e.g.*, because the parties wish the case finished quickly and the court will not be going to the place where they live for sometime. Another point is that if there is a president who is an itinerant president presiding over a number of courts, the place of hearing of a summons should be within the area of the court from which it was issued and the summons should not call the parties for the hearing of a case in the area of another court over which the itinerant president presides.

8. There is also a space on the form for the name of the defendant. When the clerk fills this part of the form he should not put a person in as a defendant just to make sure that he goes as a witness if he is not the person who is really complained against.

9. When a summons is asked for, the clerk should consider whether the court will have jurisdiction to try the case. In ordinary civil cases the amount which the plaintiff is claiming should not be above £50 for a Grade "C" court. If the summons is for a land claim, the land has to be in the area of the court's jurisdiction and when making an application for a summons in any land cause or matter, the applicant must state the value of the land to enable such value to be stated in the particulars of claim in the summons. If it is a criminal summons then the offence must have happened in the area of the court's jurisdiction; and the offence must be one the court can try. You will find a list of these offences at page 95.

10. Another point is that people should not be allowed to mix up different sorts of claim in one summons. Firstly, criminal summonses and civil summonses must be kept quite separate. Secondly, if there are civil claims about different things they should be put into separate summonses.

11. If the clerk thinks that a summons ought not to be issued in a case for the reasons which are given above, he should tell the party asking for the issue of the summons. If the party still wishes the summons issued, the court should not refuse to issue it even when it is quite clear that they will have no jurisdiction. The court should issue the summons and when the case is called for hearing, should make a formal decision whether it has jurisdiction to try the case.

12. A criminal case may be started by a warrant going out from the court instead of by a summons. A person applying for a warrant has to show to the court or the president either that the accused is likely to run away or that the offence is a serious one. To show that it is a serious complaint, he has to make his statement on oath. If the applicant cannot show these things to the court or the president then a warrant cannot be issued. In most cases, in Grade "C" courts a summons should usually be sufficient. A court should be cautious in issuing warrants of arrest asked for by private prosecutors.

13. The applicant is to pay a fee when he applies for the issue of a summons or warrant or any other process of the court. The amount of the fees payable for summons, warrants, etc., you will find at page 94. When a summons or other process is asked for by the Government or a Local Government Council, then they do not have to pay any fees. The clerk or the court must not ask for any other fees or money for the issue of process. If they do they may find that they have committed a criminal offence.

14. The amount of the fee must be entered on the summons or process when it is issued. The fees must be entered in the account book and they must be paid into the council Treasury regularly. They should not be kept for long periods in the court offices. The Council Treasurer will tell the clerk how often the fees should be paid into the Treasury.

15. The court clerk should keep a list of cases in a book. It is recommended that there should be separate books for criminal and civil cases. The books are called the criminal cause book and the civil cause book in these notes. When a summons is issued the court clerk should enter in the cause book details of the summons, that is, the number of the suit, the parties and a short description of what it is about.

SERVICE OF SUMMONS AND WARRANTS

16. After the summons has been issued, the next step is for it to be served on the defendant or accused so that he may have official notice that he should go to court. Serving a person with a summons simply means in ordinary cases handing the summons to him. This is done by the bailiff if there is one or by a court messenger who is given the task of serving summonses. The court can also allow Local Government Police to serve criminal summonses. No one else can serve a summons for the court inside its area.

17. If the accused or defendant works for the Government or a Council, the court clerk can send the summons by post to the officer in charge of the office in which the accused or defendant works instead of sending a bailiff or messenger with it.

18. Sometimes the court bailiff or messenger may not be able to serve a person with a summons because he keeps out of the way or for some other reason. If this happens then the plaintiff or complainant can ask for "substituted service". You will find how this is applied for and when it may be granted in rule 4 of order IV of the rules of court.

19. If the accused or defendant is outside the area of the court's jurisdiction, then the summons has to be sent to the customary court in whose area he is and this court will then have it served. In these cases the court clerk should mark the summons on the back like this—

"Service is requested within the area of jurisdiction of the _____ Customary Court.

Signed _____
President"

If there is no customary court in the area, then the court clerk should send it to a Magistrate's Court with the same request marked on it. A customary court may also receive summonses sent to them by other customary courts to be served in the court's area. When the court clerk gets such a summons he should look at it to see that it has been properly prepared. If there is something wrong on the face of it, for instance, if it has not been signed, then the court clerk should bring it to the notice of the President who may send it back to the other court. If the summons is in order, then it should be served by the court bailiff or messenger.

20. A warrant of arrest issued by the court is carried out or "executed" by the same people as may serve summons, *i.e.*, the bailiff or messenger or, if authorised, Local Government Police.

21. If the person to be arrested is outside the area of the court then the warrant must be sent to another customary court or a Magistrate's court, as in the case of a summons. In such cases the court clerk should write the following request on the back of the summons—

"Execution is requested within the area of jurisdiction of the _____ Customary Court.

Signed _____
President"

It will be necessary to send with the warrant money to cover the cost of transport and living expenses of the person to be arrested and his escort.

BAIL

22. When a person has been arrested under a warrant he should be brought and put into the prison, or, if the court has one, into the court lock-up. He should be brought before the customary court as soon as possible so that he may have a chance of asking for bail. An arrested person must not on any account be kept under arrest without being given the earliest possible chance to come before the court and ask for bail: this usually means within twenty-four hours of his arrest.

23. There may also be persons who have been arrested by the police without a warrant with the intention of being charged before a customary court with an offence. It is the duty of the police and of the court to allow such accused persons the earliest opportunity of asking the court for bail.

24. The rules of court about the grant of bail are in Order VI. Any person who has been arrested with or without warrant and charged with any offence may, at the discretion of the court before which he is charged, be admitted to bail on such terms as the court may think fit. In deciding whether or not to grant bail, the court should consider the following:

- (a) is the accused person likely to come back to the court for his trial, or is he likely to run away,
- (b) how bad the offence appears to be on the facts they know,
- (c) how common the offence is within the jurisdiction of the court, and
- (d) whether it is likely that the accused will interfere with the prosecution witnesses if he is released.

If there are no good reasons of the kind mentioned above, then the accused person ought to be given bail as long as he can give the security the court asks to make sure that he comes back for trial.

25. To make sure that a person given bail comes back for trial, the court can either ask the accused person to sign a document called a bond (by which he and another person called his surety promise to pay a sum of money if he fails to appear before the court), or ask the accused to deposit some money with the court. If the court asks for a bond they ought to be sure that the surety can pay if the accused does not appear. (*Note that the court cannot ask both for a deposit of money AND a bond*).

26. The court must not on any account ask for too much bail. They should think how much the accused and his surety can afford, how serious the offence is, what the past record of the accused is and what amount will be enough to make sure that the accused comes back to court for his trial. The following amounts are examples of the bail which might be asked for by a court:—

<i>Offence</i>	<i>Amount involved</i>	<i>Bail</i> <i>(Deposit or bond with one surety)</i>
Stealing	Not exceeding £5	£10
Stealing	Exceeding £5 but below £15	£25
Stealing	Exceeding £15 but below £25... ..	£30 to £50
Stealing	Exceeding £25 but below £50... ..	£50 to £75
Common assault ... ..	... ..	£10
Assault occasioning harm ... ..	... ..	£20

27. If the court decides to ask for a bond, then the court clerk should fill up the bond form, which is Form "D" in the rules, and this should be signed by the accused and his surety and by the President *or* clerk and should then be kept by the clerk. The accused should be allowed to go out of the court, under escort, to find someone to act as his surety. Note that it is *not* within the powers of the clerk of the court to grant bail.

28. Remember that if an accused applies for bail and it is refused, he has a right to appeal. No difficulty should be put in his way in making such an appeal.

29. Summonses and warrants ought to be served or carried out as soon as possible after they are issued. To make sure that this is being done, the president should require the clerk of the court to show him at the end of each month a list of any summonses and warrants which have not been carried out and to explain the reason.

HEARING A CASE

30. The room or place in which the court sits to hear cases must be an open public court. Members of the public are allowed to be present as long as they are of good behaviour and there is room for them. The court can keep the members of the public out of the room in some special cases—these are described in rule 12 of Order IX.

31. The court room should be arranged so that there is a place for the president and members of the court, a place for the parties, a place for any accused person to stand (which is usually called the "dock") and a separate place for the witnesses to give evidence. If there is room in the court the assessors should sit in such a way that they are not mixed with the members of the court but can be spoken to easily by the president.

32. For each day a court is to sit, the court clerk should make out a list of the cases in which the parties are summoned to appear for that day. The court clerk should show this to the president so that the court can decide before hand in what order they wish to take the cases for the day.

33. At the beginning of each day of the court's session, the names of the members sitting on the court must be recorded at the head of the day's record, but this need not be done when the court consists of only one member, i.e., a sole president. In courts with more than one member there must be enough members present to make up what is called the quorum of the court. If there are not the number of the quorum then the court cannot take any business. If they did, it would be invalid. The quorum is sometimes stated in the warrant. If no number is given in the warrant then the quorum will be three or more members (counting anyone presiding).

34. Once a case has begun it must be heard right through by the same members. A member cannot, for instance, join the court half-way through the hearing of a case just because he happens to be in the court on that day. It is important to be careful about this otherwise the decision of the court will not be valid and the case may have to be heard again.

35. If any case comes before the court in which a member knows that he is personally interested, then he should not take part in the trial of that case. In courts where the member has to take part to make up the court, for instance a sole president, he should inform the Local Government Service Board that he cannot try the case so that they can appoint somebody to do so. In the case of a large court, the member can stand down and leave the other members to try the case. A court member will have a personal interest in the case if he has taken some part in it before it came to court, or if he is a close relation of one of the parties, or if the decision of the court could be of financial benefit to him.

36. Another point is that members of the court cannot give evidence in cases they are trying. They cannot come down from the bench and give evidence and go back and sit on the bench. If they wish to give evidence in a case they should take no part in its trial.

37. Assessors are not members of a court and if they are sitting with the court they should not ask questions of the parties or the witnesses nor should they take part in deciding what the court's judgement is going to be. Assessors are in the court to give advice to the court on questions of customary law asked by the court. When the court asks for advice of assessors on any point of customary law it is a good practice to write down in the record the question asked by the court and the answer given by the assessors.

38. Each court must keep a record book. It is best if there are separate record books for criminal cases and civil cases. In these books is kept a record of the proceedings in every case as they go along. The record should be kept in "C" court by the court clerk or the court president if he is able to do so. It is most important that the record should be carefully kept and clearly written so that justice can be done if any of the parties want to appeal because it is this written record that the appeal court considers. Remember that the president of a court has to control the court and weigh up the evidence. He should not keep the record unless he is sure he can do these things as well as writing down what is happening. An example of a court record is given at page 153 to show the form in which it should be kept.

39. When the court begins business on any day, the clerk should call out the names of the parties in the first case on the list. If the parties do not answer, it may be necessary to send the court messenger to see if they are somewhere about the court.

40. The notes now go on to describe what happens in a normal case when both the parties are present. Later on the notes deal with the procedure when one or other of the parties does not go to the court on the day of the hearing.

41. When both the parties are present the member or officer of the court who has to write the record should put down in the record book the following:—

(a) the full names of the parties (that is every name by which a party is commonly known), the names of their families and their villages,

(b) the claim or the charge. You will find examples of claims or charges at page 147. These do not cover every case but are to show you the way in which a claim or charge should be written down.

THE PLEA

42. Before going on to hear a case and before asking the defendant or accused what they have to say in answer to it (which is called the plea) the court should make sure that they have the power to hear the case. The notes have already explained in paragraph 9 that some claims and charges cannot be dealt with by "C" court. These cover some of the most important rules the court has to obey on this matter but there is another important rule which is that civil cases (apart from land cases), have to be tried by the court in whose area the defendant was when the cause of the plaintiff's action happened. If something happens in another court's area for which a person wants to make a civil claim, he cannot go to your court just because he happens to live there. The case must be tried in the other court.

43. It may also happen that although the summons seems, when the case begins, to make a claim which the court can hear, when the case gets on the court finds that the amount of the claim is more than it can deal with. A land claim, for instance, may be made for land which is worth more than £50 in fact but this is not shown on the summons. When the case goes on the court finds that the land is worth much more than £50. If this happens, it cannot go on with the case. If the plaintiff is claiming a debt or some damages, he could be allowed to reduce his claim to the amount the court could award him.

44. The court should consider its jurisdiction at the beginning of a case and if it decides it has no power to try the case, it should enter its decision in the record book and strike the case out.

45. The next step, when the court has made sure it has jurisdiction, is to take the plea of the defendant or the accused. To do this, the clerk or president reads out the charge or claim and asks the defendant or accused what he has to say in answer to it. If there is more than one charge, this must be done separately for each charge. The answer should then be written down in the record book in one of the forms described in the next paragraphs. If there is more than one defendant or accused, the plea of each of them must be taken and recorded separately on each charge.

46. In writing down a plea, there is no need to put down every word the defendant or accused says. The plea as written down in the record book is the short effect of the defendant or accused's answer. In civil cases, this should be written as "claim admitted" (if the defendant says he is liable) or "claim not admitted" (this is where the defendant disputes the whole claim) or "claim admitted in part", stating afterwards the details of the claim which the defendant says he is liable for.

47. In criminal cases, there are only two ordinary pleas, they are, "guilty" or "not guilty". A person cannot plead that he is partly guilty or that he is guilty but has certain excuses. If an accused person cannot or will not say directly that he is guilty or not guilty, or if he does not understand, or if there is any doubt about whether he admits the charge or not, then the plea of not guilty should be put down and the case tried. An accused person should not be remanded in custody just because he will not plead, but a plea of not guilty should be put down.

48. The defendant may want to say to the court that the court has no power to try his case or that there has been a previous court decision about it or that he has been acquitted or convicted before of the offence charged. The defendant can say any of these things to the court at any time during the case, but the best time for him to do it is when the charge or claim is first read out to him. If this happens, the court has to decide whether what the defendant says is correct or not. If the court decides that it is correct, then the court should strike out the claim and, in a criminal case, discharge the defendant. If the court decides that what the defendant says is not correct and that it can go on with the case, it will record this decision and then ask the defendant to plead in the ordinary way (if he has not already done so) and go on with the case.

49. If the defendant answers to the charge that he is guilty or says that he admits a claim, then the court can give judgement. Before doing so, it can ask for a further explanation of the case if it does not think it knows enough about it.

50. In a civil case, a defendant who admits the claim and who does not want to come to the court to say so, can send a letter making the admission. This letter will be filed in the court on the payment of the fee. Where there is such a written admission, the court can proceed in the same way as if the defendant had come and admitted the claim before the court.

51. If the defendant's answer is that he is not guilty or that he does not admit the charge the court asks the plaintiff or complainant to put his evidence before the court.

THE PLAINTIFF OR PROSECUTION CASE

52. This is done by the plaintiff giving evidence or bringing other witnesses to give evidence. It is the business of the parties and not of the court to see that the witnesses are at the court when the case is heard. Parties can ask for a summons to a witness to make sure he goes to the court. A summons to a witness is called a "subpoena" and is given out by the court if the party pays the proper fee. It is served in the same way as an ordinary summons. If it has to be served outside the court's area, then it has to be sent to another court with enough money for the costs of transport and living expenses of the witness. This amount has to be handed over to the court clerk by the party asking for the summons before the summons is given out.

53. The court should ask the plaintiff or prosecutor if he is going to call any witnesses in addition to himself. If he is, then the court ought to tell those witnesses to go outside the court hall until they are sent for to give their evidence. After a witness has given his evidence, he should be kept away from the witnesses still to come. Usually he is asked to sit inside the court. If this is not done then the story a witness may tell may be affected by what he hears from other witnesses in the court or from outside.

WITNESSES AND THE RECORD

54. Every witness has to be sworn. This is done by the clerk asking him to say the words of whatever solemn oath the witness says he wishes to swear by, *e.g.*, on the Bible or the Koran or iron or other instrument customary in the area.

55. When a witness has taken his oath the court should ask him his full name and where he lives and should write this down. It is also a good thing, if there is more than one witness for a party, to number the witnesses in the record like this—"plaintiff's second witness.....
..... sworn on the Bible

speaking in Yoruba says—

my name is.....". See the record on page 153.

56. Each witness is asked by the court to tell them what he knows of the claim or charge. He can be questioned by the court at any time. The other side is allowed to ask him questions (which is called "cross-examination") but this should only be done when he has finished telling his story on behalf of the party who called him as a witness. After cross-examination has happened the party who called a witness is allowed to ask questions to clear up any doubts

in the witness's evidence which may have been caused by cross-examination (this is called "re-examination") but the witness cannot then begin to tell his story all over again or to tell something quite new.

57. The president or clerk keeping the record has to write down a summary of what each witness says. This should be put down in the form of a story describing what the witness saw or heard from the beginning. Most witnesses do not tell their stories in a simple straightforward way so it is not useful to write down every word they say but all facts affecting the claim or defence should be recorded. Only if some special important question is asked is it necessary to put down the actual words of the question and answer. You will find an example of a court record which shows how witnesses' evidence can be written down at page 153.

58. A witness may bring some document to show to the court to support a party's case. If such a document has something to do with the case, it should be taken by the court clerk and marked with a letter, like this—"Exhibit A in....."
(writing the number of the case). The person writing the record should also put down the reference letter of the document.

59. There may be other things which a witness will bring to show to the court. For instance, a stick with which an assault has been committed. If the court admits any such thing as part of the evidence, it will be an exhibit in the same way as a document is.

60. All documents and other exhibits admitted in the evidence of a case should be kept by the clerk until the time for appealing has gone by. If there is no appeal, then the exhibits should be handed back to the witness who brought them. If there is an appeal, the exhibits should be sent to the Appeal Court and the Appeal Court will order what is to be done with them when the appeal is finished.

61. Sometimes witnesses may tell a story which is much the same as the story of a previous witness. It is not enough in recording the evidence just to write "corroborates previous statement" or "makes a similar statement". The person recording the evidence must write down each witness's story.

EVIDENCE

62. The Evidence Act and other statutes containing the legal rules of evidence do not apply in Customary Courts. Some of the basic rules of evidence observed in the higher courts are set out in these notes because they are simple to understand and they help in a fair trial of cases before any Court. They are described here for the guidance of Customary Courts.

63. Evidence given to a court ought to be "relevant" to the case the court is trying. This means that the facts which any person is giving in his evidence must tend to show that in a civil case the claim or defence of a person is correct or in a criminal case that the accused committed the offence charged or did not do it. Evidence which is not relevant is not admitted. In a criminal case in which a person is accused of stealing it is not, for example, relevant in most cases that he has been convicted of stealing on another occasion, or for someone who did not see or hear any of the events which led to the charge of stealing to come and give his opinion that the accused probably is guilty because he is suspected of being dishonest.

64. In a civil case, if one of the parties has made a previous statement admitting any of the facts disputed before the court in the case it is trying, evidence may be given of what he said. In a criminal case, a confession outside a court by a person who has been actually charged is not admitted in evidence unless the court is satisfied that the accused did not give the confession because of any inducement, threat, or promise from a person in authority which made the accused think that he would gain anything by making a confession. Accused persons who are charged or who are in the custody of the Police are practically always "cautioned", which means that a Police Officer asking the accused to make a statement tells the accused that he does not have to say anything unless he wants to, but what he says will be taken down and may be

given in evidence. If there has been no "caution" the court will not usually admit a confession to a Police Officer without being satisfied that the confession was made freely and voluntarily. If there are more than one accused, a confession of one of them is not evidence against the others.

65. If a party wishes to put a document before the court, he must bring the original document. If, however, the original document is in the possession or under the control of the other party and he refuses to produce it or if the original has been lost or destroyed, then the original document does not have to be brought; instead a copy can be produced or evidence can be given by someone who has seen it as to the contents of the document.

66. In criminal proceedings evidence can always be given of the good character of an accused person. Evidence cannot be given normally in criminal proceedings of the bad character of an accused person unless he has given evidence of his good character. In the same way, evidence cannot be given in a criminal proceeding of previous convictions of the accused unless the accused has given evidence of good character.

67. The facts to make out the party's case must be brought in evidence before the court. A party cannot ask the court to assume facts he has not proved in his evidence, nor can the court come to a decision on facts not put before them in court. There are some exceptions to this rule—for example, the court can use its *general knowledge* of things which *everyone knows*, such as the times and seasons of the year, the names and situations of places and natural features, and what happens in the course of nature or ordinary human affairs, and also take notice of the laws of the country without any further proof. But the court has to have proof of the special facts on which the claim or defence in each case is based.

68. All facts, except what is in documents, have to be proved by the evidence of a witness. The evidence of a witness must be direct; this means that if the evidence is about something which could be seen, it must be the evidence of a witness who says he saw it. Similarly, if the evidence is about something which could be heard, it must be the evidence of a witness who says he heard it. If a witness says that he did not see something but somebody else told him about it, he would not be allowed to give evidence of what the other person told him. This is called "hearsay" evidence.

69. If a case is about the title to family or communal land, evidence of the family or communal tradition (that is, of the history handed down about the land and the rights in it) is admitted.

70. In criminal cases, the prosecution must prove the commission of the offence charged against the accused person beyond reasonable doubt. Unless the Law especially provides, the burden of proof that he is innocent never rests on the accused person.

71. The rule that the accused is presumed to be innocent does not mean that some particular facts may not have to be proved by him to show that he is innocent. For instance, an accused person pleading that he is not guilty because he was intoxicated or because he was insane, has to prove that he was drunk or insane at the time.

72. A court can presume facts which it thinks likely to happen following the ordinary course of natural events, human conduct or business. For instance, it can presume that a man found in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen unless he can give an explanation of his possession.

73. Any person can come and testify as a witness unless the court thinks that he will be prevented from understanding questions or giving proper answers because he is too young or too old or has some disease of body or mind.

74. In criminal cases, the accused person and his or her wife or husband can give evidence. As far as offences in the jurisdiction of Grade "C" Customary Court are concerned, a wife or husband can only be compelled to give evidence for the prosecution without the consent of the accused if the accused is charged with inflicting violence on the witness concerned.

Apart from this, a wife or husband can always give evidence on behalf of each other if one of them is charged but they cannot be compelled to do so except on the application of the one who is charged.

75. No particular number of witnesses is normally required to prove any fact. A person, however, cannot be convicted of perjury on the evidence of one witness unless there are other facts independent of his evidence which tend to show that he committed the offence. Also, a person cannot be convicted of speeding under the Road Traffic Law only on the evidence of one witness who gives an opinion as to the speed.

76. Usually accused persons are not convicted on the evidence of accomplices only unless there are other facts independent of this evidence which tend to show that they committed the offence.

77. If there have been court proceedings before between the parties about the same matter, then every fact decided by the court in the previous case will, if one of the parties brings the judgment before the court, be taken to be conclusively proved. The same rule applies if there have been court proceedings between people from whom the parties take rights in property. For instance, if there has been a land case between *A* and *B* and *A*, having won the case, sells the land to *C*, the judgment in the case between *A* and *B* could be used in evidence in a land case about the same land between *B* and *C*.

DECISION ON WHETHER THERE IS A CASE

78. When all the evidence for the prosecution or the plaintiff has been heard by the court, the court has to consider whether the facts they have so far heard show that it is likely the defendant committed the offence or, in a civil case, the claim is made out. If they think that the facts do *not* show this, then in a criminal case, the court must acquit the accused person and in a civil case they must give judgment for the defendant by striking out the plaintiff's claim.

79. If the court decides that there is a case shown against the accused or defendant then it will go on to hear the defence evidence.

THE DEFENCE

80. The defendant can give evidence himself and call witnesses just like the plaintiff or prosecutor and these witnesses are examined, cross-examined and re-examined in the way that has been described.

81. In a criminal case the defendant cannot be made to give evidence if he does not want to. He also has another right—he can make a statement to the court without making himself a witness. He can then say what he wishes to the court without taking the oath and without anyone being able to ask him questions. Of course, if he does this the court may not be so ready to believe him as if he became a witness and took the oath and could be questioned.

JUDGMENT

82. When the court has heard the case of both sides, it has to give its judgment. To do this, the court has, in most cases, to decide after hearing the witnesses which side it is going to believe. Sometimes it is very difficult to decide what is the truth and when the case is ended the court may not feel certain what judgment to give. A court should always remember the following:—

(a) If there is any doubt whether a person charged with a criminal offence is guilty, he should be acquitted.

(b) In civil cases the court may give judgment to the side which brings forward the strongest evidence as long as it is satisfied that the evidence is true.

(c) The court must make its decision on the evidence given before it in the court.

It should not be influenced by anything the members may know or have heard elsewhere. It is wrong for the court to consult the clerk or anyone else in court to decide the judgment it is going to give.

83. The judgment of the court has to be given in public in the court and not in private and it must be put down in the record.

84. If the court consists of more than one member, then the decision of the majority of the members is the decision of the court. If the minority of the court give a different decision, it should be put down in the record.

85. The court's judgment must say what the decision of the court is on the charge or claim. In criminal cases, the decision will be either "guilty" or "not guilty" and, if there is more than one defendant, this must be stated for each defendant. In civil cases the decision must either dismiss the plaintiff's claim or find for the plaintiff in the whole or on part of his claim. Note that it is incorrect to give judgment for the plaintiff for a greater amount than he claimed; it is also incorrect if a plaintiff has claimed a declaration of title and has failed to make out his case, to give judgement for the defendant declaring he has the title (unless he has brought a suit making this claim against the plaintiff). The court can give its reasons for its decision. This should be done if there has been a disagreement among the members of the court or if the court thinks there is some difficult point of fact or law in the case. A court should not use technical legal terms and phrases in its judgments or decisions unless they are quite certain what they mean.

86. After the court has given its judgment it must make an order. In a criminal case this order will discharge a defendant found not guilty or will sentence a defendant found guilty. In a civil case the order will direct what the plaintiff or defendant has to do to give effect to the court's judgment, e.g., to pay money or hand over possession of land or other property.

87. If the court orders the payment of money it should say when it is to be paid. It can order payment by instalments and if it does so it should say the amount of the instalments and when they are to be paid.

88. In a civil case the court cannot order imprisonment of a party as part of its judgment. Also a court cannot order a person to be put in prison because he cannot pay any amount of money awarded by the court immediately. A person can only be put in prison for debt after a judgment summons has been taken out (see paragraph 125). A court cannot order the giving of a gift by one party to another as a condition of the court giving judgment for the party.

89. The members of the court giving the judgment and making the order of the court should then sign in the record book at the end of the record of the case.

90. If the court finds a person guilty in a criminal case, it will then have to decide what punishment it is going to give. Before it does so, it can consider whether he has been convicted of a criminal offence before and hear any witness brought or look at any document produced by the prosecutor showing previous convictions. The court should not on any account ask for or hear evidence about this before its judgment. The court should not, when trying a charge of stealing, for example, ask the accused "Have you been convicted of stealing before?" or any question of this kind.

91. For a crime the court can punish a guilty defendant by fine or imprisonment or both. It cannot order him to be beaten. The law making the offence states the amount of punishment which can be awarded to a guilty person. The court cannot give more than this, but it can give less. A "C" court also cannot give more than £50 or six months imprisonment. A court giving a sentence for a crime should make the amount of it fit the seriousness of the crime. For instance, if a person has been found guilty of a trivial traffic road offence or the non-payment of a small amount of rates, a fine is a suitable punishment and not imprisonment. On the other hand, if he has stolen a lot of property and has previous convictions, then imprisonment may be suitable. See paragraph 115 as to giving more than one sentence.

92. The court should tell any party against whom a judgment is given that he can appeal and the court in which the appeal will be heard.

93. Once a judgment has been given, the court cannot alter it or amend it nor can a court open a case again once they have finished it.

94. The notes deal later on with the carrying out of the court's orders.

COSTS

95. Where a plaintiff succeeds in his claim or part of his claim and judgment is given in his favour, the court can award costs to him to be paid by the defendant. In the same way, if the defendant succeeds and the plaintiff's claim fails, the court can award costs to the defendant to be paid by the plaintiff.

96. Costs mean the expenses which a party has actually had to pay out because of the proceedings in the court. The amount is in the discretion of the court. It is usual to give a successful plaintiff as costs the fees he has had to pay to the court including any witnesses' allowances. It is also usual to give a successful defendant witnesses' allowances and fees he had to pay and also such amounts as will cover the defendant's fare by lorry or bus to the court if he does not live in the place where the court sits.

97. Costs must never be excessive. They are to compensate only for necessary expenses incurred. They should not include, for example, amounts spent in hiring taxi cabs or boats. Remember that a dissatisfied party can appeal against costs if he considers them excessive.

NON-APPEARANCE BY THE PARTIES

98. In some cases the plaintiff may go to the court on the hearing day but the defendant is not there. If this happens in a civil case, then the court can either adjourn the case or go on and hear it without the defendant being there. Unless there is a good reason the court should not adjourn the case but should hear it. If it does decide to adjourn it, then the reason, must be written down in the record book.

99. If a case is heard when the defendant is not there, the court must be sure that the summons was served. If the summons was served by a court messenger or bailiff or a local government policeman and he has signed a certificate that he has done so, this will be sufficient as long as the certificate is given to the court. If no such certificate is given to the court then a witness will have to give evidence on oath that the summons was served.

100. The court can hear the case without taking the evidence about the service if it is sure that the defendant knows that he has been summoned and that he ought to be in the court on the day of the hearing. It may be difficult to prove this and in most cases the court ought to ask for a certificate of service or evidence of service in the way described.

101. After service has been proved, the court goes on and hears the case just as if the defendant were there. In cases where a defendant has filed an admission of a civil claim, the court proceeds as mentioned in paragraph 50. The only difference is that a copy of the judgment of the court should be sent to the defendant if he is not there when judgment is given.

102. If the defendant in a criminal case does not come on the day of the hearing then the court can either adjourn the case or give a bench warrant for the defendant's arrest. A bench warrant ought not to be issued unless no proper excuse in writing has been given by the defendant or unless the defendant is on bail. Unlike civil cases, a criminal case cannot be heard against a defendant unless he is in court or unless the case is not serious and he sends a letter saying he is guilty.

103. If the plaintiff or complainant does not come on the hearing day, the court should strike the action out unless there is some good reason for adjourning it. The same thing should be done if neither party appears on a hearing day.

ADJOURNMENT

104. A case may be adjourned either because the plaintiff or defendant does not come or because one of the parties asks for it. The court can also adjourn a case at any time.

105. An adjournment asked for by a party is only to be granted if there is a good reason. In criminal cases the adjournment must not normally be for more than fifteen days or if the defendant is to be kept in prison it must not normally be for more than seven days. Where the court considers it necessary, an adjournment may be for such period, longer than the period of fifteen days or seven days afore-mentioned, as the court may consider advisable. While the defendant is still kept in custody, the court may nevertheless order him to be brought before it where the court considers that the circumstances so warrant.

106. The court should have the reasons for an adjournment put down in the record. It should give another day on which the case will be heard. When the case is started again the record should state the case number and the parties names and state "resumed from page " and the names of the members going on with the case.

CONTEMPT OF COURT

107. A party or witness or some other person in the court may do something which interferes with the administration of justice by the court. The acts of this kind, for which a court may impose punishment, are given in sections 60, 61, 62 and 64 of the Customary Courts Law (which you will find at pages 43-44, and in section 118 of the Criminal Code (which you will find at page 100). Such acts are generally described as "contempt of court". A customary court can only punish people for the acts mentioned in these sections. It is not contempt of court to refuse to plead (*see* paragraph 47); nor is it contempt of court for a person to fail to obey orders of the court in civil cases. For instance, to carry out a judgment. If this does happen, then there is a different way of seeing that the court's orders are enforced. This is described in paragraphs 141 to 143 of these notes.

108. If a person has done anything which amounts to contempt of court under the sections mentioned above and the court decides that it is necessary for him to be punished to prevent the administration of justice being obstructed, then he must be charged in the ordinary way with a criminal charge and tried in the way described above for an ordinary case. This charge should be brought *in another court* and not before the court in which the contempt happened. It is a general rule in the High Court and Magistrate's Courts that people are not punished for contempt of court unless it is really necessary. This does not happen very often in these courts and it ought not to be necessary for a customary court to punish many people for contempt of court.

SETTLEMENT OF A CASE

109. Sometimes the parties in a case may come to some agreement between themselves about a case which is before the court and wish to stop the proceedings in the court. This is called settling the case. To settle a criminal case (except an assault case) may itself be a crime and usually criminal cases should not be stopped because there is a settlement.

TRANSFERS

110. If a case is brought to the court which a lower grade court in the court's area can try, then the court can transfer that case to the lower court. It can do this on its own or if one of the parties asks for it. Apart from this, a civil case cannot be transferred by one customary court to another customary court. If a person has started a case in the wrong court then it will have to be struck out and he will have to go and start again in the right court.

111. In criminal cases the High Court can transfer from a customary court to the High Court or a Magistrate's Court if the Director of Public Prosecutions applies for this to be done. Apart from this, no case can be transferred to the High Court or a Magistrate's Court, except if the court is under supervision and the case is reviewed.

112. If a court is placed under supervision, then the supervising authority can report a case to the High Court which may exercise powers of transfer. See paragraph 167.

FINES AND IMPRISONMENT

113. When a court has made an order in a criminal case for a person to be imprisoned or to pay a fine, then the court sees that the order is carried out. If a person is to be imprisoned the court must issue a warrant committing him to a prison. The form of the warrant is at page 93. The bailiffs or messengers of the court or a local government policeman authorised by the court then takes the prisoner to the prison with the warrant and hand him over to the head of the prison staff.

114. If in a criminal case the court has imposed a fine, it should say when it is to be paid and whether it is to be all paid at once or in instalments. If the defendant does not pay the fine at the time stated by the court then the court can either order that any property of the defendant in the court's area shall be sold or it can order the defendant to be put into prison. The amount of imprisonment which can be given for failure to pay a fine is set out in the Customary Courts Law, Third Schedule, which you will find at page 50. A court cannot put a person into prison for failure to pay a fine for any period longer than its maximum powers to imprison them, *e.g.*, a Grade "C" court cannot imprison for default in fines for longer than six months.

115. Sometimes a person sentenced to imprisonment is already under sentence of imprisonment because he has committed another offence. If this happens, then the second sentence can be made to begin from the end of the sentence already imposed. A Grade "C" court cannot, however, pass sentences running after each other amounting to more than six months altogether.

ENFORCEMENT OF CIVIL JUDGMENTS

116. When judgment has been given in a civil case, it is the business of the successful party to see that the court's order is carried out. In a civil case, the successful party is called the "judgment creditor" and the unsuccessful party is called the "judgment debtor" and they are described so in these notes. If the judgment debtor does not do what the court ordered, then the court has power to issue the writs and summonses mentioned below against the judgment debtor if the judgment creditor asks for them.

117. The court usually orders one of the following:—

- (a) the payment of money;
- (b) that one party gives possession of land to another;
- (c) that a party does something other than pay money or give possession or stops doing something.

118. There are the following processes for compelling a person against whom judgment has been given to pay money:—

- (a) a writ of attachment and sale of his property, and
- (b) a judgment summons.

ATTACHMENT AND SALE OF PROPERTY

119. If a judgment creditor wants a writ of attachment and sale of property, he will apply to the clerk of the court. If the clerk is satisfied that the court's order for the payment of money has not been obeyed and if the fees are paid, the writ must be issued. The form is at page 90. The clerk has to write the time when the judgment creditor asks for the writ on the form itself and he also has to fill in the amount of unpaid money due from the debtor and the fees for carrying out the writ.

120. The writ must be signed by the president or member of the court authorised to sign it. The clerk then hands the writ to the bailiff of the court.

121. The bailiff can then go and take any of the goods of the judgment debtor (except his clothes and bedding and the tools of his trade, up to £5 in value). The bailiff, after taking the goods, will either keep them in a place ordered by the court or give them to some other person named by the court to look after them. After not less than ten days, the bailiff will offer the goods for sale by auction at the court house or in any other place the president tells him. The bailiff must, before the sale, tell the judgment debtor of the date, place and time of the sale.

122. It may happen that somebody else may claim that he is the owner of the goods to be sold. The procedure if this happens is set out in paragraphs 135 to 138.

123. Immediately after selling any goods, the bailiff must hand the money obtained to the clerk who will pay it into the council treasury. The clerk must keep an account of the money. After he has deducted the cost of the sale he must authorise payment to the judgment creditor of the amount for which the writ was issued and if there is anything left over, this must go to the judgment debtor.

124. If after the sale of all the goods and movable property of the judgment debtor there is not enough money to pay the judgment creditor, the judgment creditor can ask for a writ of attachment and sale of any lands or buildings the judgment debtor may have. Grade "C" Court has no power to issue a writ of attachment and sale against land and buildings. The judgment creditor must go to the Grade "A" Court or if there is not one, then to the Grade "B" Court in whose area the lower court works. The judgment creditor has to take with him a certificate from the lower court saying the amount of the debt still outstanding and that nothing more can be recovered from the goods and other movable property of the judgment debtor. The matter is then dealt with by the Grade "A" or "B" Court and is not described here.

JUDGMENT SUMMONS

125. Instead of getting the court to attach and sell the judgment debtor's property, the judgment creditor may ask for a judgment summons. A judgment summons calls the judgment debtor to come before the court and show the court cause why he should not be committed to prison. The form of the judgment summons is at page 88. A judgment creditor can ask the clerk to issue a summons of this kind just in the same way as an ordinary summons. If it is clear to the clerk that the judgment debt has not been paid or that an instalment ordered by the court has not been paid, he must, on receiving the fee, make out the summons and submit it to the president or proper member to sign. The summons is then served by the court bailiff or messenger in the usual way.

126. If the judgment debtor does not come to the court on the day fixed in the summons, the judgment creditor can ask for a warrant to be issued for his arrest. If he does this, the judgment creditor is to pay to the court enough money for keeping the debtor in prison after his arrest until he can be brought before the court. The warrant of arrest will be carried out by the court bailiff or messenger.

127. When the judgment debtor comes before the court, the judgment creditor and the court can ask him questions to find out whether he can pay the money, how much property he has and what debts he has and also the circumstances in which he contracted the debt for which judgment was made against him.

128. When the court has held an investigation, it can do one of the following things:—

- (a) Order the money to be paid by instalments or at once.
- (b) Order any property of the judgment debtor to be attached and sold.
- (c) If the judgment debtor is in prison, order him to be let out.

129. After holding an investigation, the court can also order the judgment debtor to be committed to prison for failing to pay the debt but they must not do this unless they are quite satisfied that the judgment debtor has had enough money or property to pay the debt since the date of the judgment or order.

130. No one can be imprisoned for debt for longer than six weeks. Bearing this in mind, the court should fix the amount of imprisonment according to the amount of the debt due.

131. If a judgment debtor is sent to prison, the judgment creditor has to pay for him to be kept in the prison. These amounts must be paid to the court and they can be added to the amount of the judgment debt.

132. A judgment debtor cannot be imprisoned unless there has been a judgment summons and an investigation by the court as outlined above. It is not lawful, for example, to give judgment for a debt and at once order the judgment debtor to be arrested and imprisoned.

133. If a judgment debtor has been ordered under a judgment summons to pay any amount or any instalments and he does not do so, another judgment summons can be issued against him. The court can then investigate any further matters which affect the case and can make one of the orders mentioned in paragraphs 128 and 129.

134. A judgment debtor who has once been put in prison and released cannot again be imprisoned for the same judgment order. However, even if a judgment debtor has been in prison for non-payment of a judgment debt, the debt still remains due and the judgment creditor can still enforce the judgment by attachment and sale of property.

INTERPLEADER

135. When writs of attachment and sale are carried out against the goods or against the land and buildings alleged to be owned by the judgment debtor, someone else may want to claim that he is the real owner of the goods or the land. This is called "inter-pleading". The person inter-pleading applies to the court for a summons. You will find the form of the summons at page 92. When filled in and signed in the usual way, it is served by the bailiff or court messenger on the judgment creditor.

136. The inter-pleading claim must obviously be made as soon as possible. If any of the property concerned has been advertised to be sold, the sale must be put off until the court has examined the claim.

137. When an inter-pleader summons is heard by the court, the court investigates the claim just as it would in any ordinary civil suit. After hearing the evidence, if the court decides that the property does not belong to the judgment debtor, the court will make an order releasing the property from attachment. If the court decides that the property is the property of the judgment debtor, it will dismiss the summons. The court may find that it has no jurisdiction because the value of the property is above its power; if it does find this, it will stop the carrying out of the execution until a higher court has decided the matter in an ordinary suit.

138. Other details of procedure in inter-pleading can be found in Order XIV at page 71.

WRITS OF POSSESSION

139. In a land case, a court may make an order for possession. That is, that the judgment creditor shall gain possession of the land of the judgment debtor. To enforce this, the judgment creditor may ask for a writ of possession. The form of this writ is at page 92. The writ will be carried out by the bailiff or court messenger.

140. If someone other than the judgment debtor is dispossessed by the bailiff, he may claim that he has a right to be in possession of the property. To do this, he applies to the court. His application must be made within twenty-eight days. The court should consider what he has to say and if they think that he has good grounds, they will put down his applications as civil suit between him and the judgment creditor. The court will then hear evidence from both sides during the case just as an ordinary civil case. The decision of the court at the end of the hearing will have the same effect as a decision in an ordinary civil suit.

ENFORCEMENT OF INJUNCTIONS AND OTHER ORDERS

141. The court may give an order which is not for the payment of money or for the possession of property. The court may, for instance, order a party in a matrimonial case to hand over children of the marriage to another party. If there is disobedience of such an order, the party in whose favour it was made can apply to the court for enforcement. He does so by asking for the issue of a summons to bring the defaulter before the court to tell the court why he has not obeyed the order. The summons is issued and served in the same way as an ordinary summons but the summons cannot be issued until fourteen days after the court's order which has not been obeyed.

142. When the court hears the summons, it will decide whether the party complained against has failed to obey the order or not. If it decides that there has been failure to obey the order, the court can either order the party who is in default to pay up to one pound a day for every day he is in default or it can order him to be put in prison indefinitely until he obeys. If the court orders imprisonment, it must review the order after not less than three months and if it decides to continue the imprisonment, it must again review the order after another three months and so on.

143. The same procedure is to be used when the court has given an order that a person is not to do something. This is usually called an injunction.

144. A person cannot be imprisoned for failing to obey the court orders except in the procedure now being described or under a judgment summons. The court has no power to imprison or fine a person for "contempt of court" because he does not obey their judgments and orders in a civil case. The way of enforcing judgments and orders is by the writs and summons described in paragraphs 116 to 140. No other way can be used.

APPEALS

145. A party who is not satisfied with the judgment of a court can appeal to the Appeal Court. The Appeal Court from Grade "C" court is usually the Grade "B" court or the Grade "A" court in the same area. A list of courts is given at page 155 which shows which is the Appeal Court for every Grade "C" court.

146. An appeal must be made within thirty days of the order or decision complained against.

147. An appeal is started by the appellant giving notice in court orally that he means to appeal or by the appellant filing in the court a Notice of Appeal in writing in the right form. This is Form "F" (i) which is at page 86. This form is to be filed in any case even if the appellant gives Notice of Appeal orally first in the court. The form is to be filed within the thirty days allowed. It is filed in the court whose judgment is appealed against and not in the Appeal Court.

148. Filing a notice of appeal merely means giving it to the clerk of the court and paying the fees. When the clerk receives a notice of appeal he must bring it before the court and the court then has to decide what the "Conditions of Appeal" shall be.

149. The court will usually make it a condition of the appeal that the appellant pays some money as a deposit in the court to cover the expense of making up the "Record of Appeal" and sending it to the Appeal Court. The record of appeal is a copy of the court proceedings in the case, which includes everything written down in the court record book. In a criminal case, for instance, this would be the Charge, the Plea, all the Evidence, the Judgment and the Sentence of the Court. The court will also usually make it a condition of appeal that an appellant should file in the court the suitable form for setting out the reason why he is appealing. This Form "F" (iii) is at page 87.

150. Two other things the court may order as a condition of appeal. The first is an order for a deposit of money or the execution of a bond to cover the costs which may have to be awarded in the court or may be awarded by the appeal court. The second only arises if the first is an order.

convictions for failure to pay rates and not in any other case. In a case for conviction for wilful failure to pay rates, the court may order the deposit of the amount which a defaulter has been ordered to pay.

151. As has been seen, the court can order four different things as "conditions of appeal". No other conditions can be imposed. When the court decides on the amount of money to be deposited for the cost of the Record of Appeal or to cover costs in the case, it should order only what it will be reasonably necessary. It is wrong to make it difficult for an appellant to appeal by imposing conditions which it will be hard for him to carry out. The amount which has to be paid for the copy of the Record is laid down in the fees as one shilling per hundred words and it should be easy to work out the cost of a Record of Appeal at this rate. The court, when ordering conditions of appeal, must fix the time within which they are to be carried out by the appellant.

152. When the decision appealed against is in a criminal case, the court may have ordered the appellant to be imprisoned. An appellant under sentence of imprisonment can, once he has carried out the conditions of appeal, ask for bail. The procedure at paragraphs 24-27 is to be followed in both cases.

153. If a person under sentence who appeals is not satisfied with the court's order regarding bail, he can go to any court to which an appeal lies from the decision of the court before which he is charged and can make another application to it for bail.

154. In a civil case also the appellant can, once he has carried out the conditions of appeal, apply for what is called a "stay of execution". This means that no order to enforce judgment will be issued until the appeal is determined. If the court decides to order a stay of execution, it can say that it shall be on conditions.

155. Within ten days of receiving a notice of appeal, the clerk of the court must send the notice of appeal and certified true copy of the Judgment or Order appealed against to the Appeal Court. He must write on the notice of appeal the cost of making up the record of appeal. When the record of appeal is ready, the clerk of the court must send the record to the appeal court. The clerk deducts the amount of the cost of making up the record of appeal from the deposit made by the appellant (see paragraph 149) and pays it into the treasury as he does fees. The rest of the amount of the deposit, if any, the clerk must authorise the council treasurer to hand back to the appellant when he asks for it. The clerk is required to certify to the appeal court the conditions of appeal ordered by the Grade 'C' court.

156. After the notice of appeal, judgment and record have been sent to the appeal court, neither the lower court nor its clerk has anything further to do with the appeal. The appeal court fixes the date for the hearing and tells the parties to come. The appeal court also can change the conditions of appeal and allow alterations in the grounds of appeal, but this is not the concern of the lower court: the rest of the procedure for appealing is not, therefore, described here.

157. Copies of the record of appeal in criminal cases must be sent to the Director of Public Prosecutions if the case is going to be heard on appeal in the High Court, a Magistrate's Court or a Customary Court in which lawyers can appear. This need not be done if the prosecution was a private prosecution. A private prosecution is a prosecution carried on by anyone other than the Director of Public Prosecutions, Nigeria Police, Local Government Police, a Department of Government or a Local Government Council.

CRIMINAL CASES

158. Customary courts have no power to try criminal charges except for the offences which are mentioned in paragraph 4 of these notes. They cannot try anyone for an offence under customary law. For instance, a person cannot be tried for adultery unless it is made an offence by local government bye-laws or rules.

159. Offences such as stealing, assault and receiving, etc., are fully defined in the Criminal Code. The acts, for instance, which amount to stealing are described in section 324 which is at page 112 and the acts which amount to assault are described in section 159 at page 103. Court members and clerks should know these sections and those that go with them. They should also read sections 20 to 34 of the Criminal Code which are at pages 97 to 99. These sections set out general rules about criminal liability.

160. It is the function of the court to try criminal offences within its powers. It is not the court's business to have suspected criminal offences investigated. Only the Director of Public Prosecutions, the Nigeria Police, Local Government Police, some officers of Government Departments (*e.g.*, Health Inspectors) and properly authorised officers of local government councils, have legal powers to investigate crimes and to bring prosecutions on behalf of the public. Unless they are authorised, under the Law Enforcement Law, customary court messengers and bailiffs have no such powers. They should not, therefore, be employed to investigate suspected criminal offences or to prosecute criminal charges before the court. Criminal prosecutions must be brought either by private prosecutors or by the persons with the legal powers mentioned above.

MATRIMONIAL CASES

161. In quite a number of areas the Local Government Council has made bye-laws regulating divorce, return of dowry and the custody of children. If there are any such bye-laws in force in the area of a court, the court must carry them out.

162. If one of the parties to divorce wishes to claim for expenses and presents given to a wife during marriage, this claim should not be included in the same action as the claim for the refund of dowry. A separate case should be brought.

163. If adultery is a criminal offence under a local council bye-law, a criminal prosecution can be brought. This will be a separate proceeding from the claim for divorce. A conviction for adultery should not be included in the judgment in a divorce action.

164. Before going on to hear a divorce action in the absence of the defendant, the court should be careful to see that the defendant has been served with a summons and is deliberately not coming to court.

165. Subject to what is said above, the ordinary civil procedure of the court applies in matrimonial cases. The final judgment or order of the court will give or refuse the relief asked for by a plaintiff, *e.g.*, grant or refuse divorce, custody, etc.

166. In a matrimonial case one or other of the parties may produce evidence of a qualified doctor as to whether or not the woman is expecting a child or the time for which she has been pregnant. The court should give proper weight to the opinion of a doctor on these matters.

SUPERVISION

167. The appropriate authority may place any court under the supervision of a magistrate or the president or the members of another customary court. When a court is under supervision, the supervising authority can require the court to make returns to him of cases they try. The supervising authority can also come to the court at any time to inspect the way it carries on its business and he can examine the records of the court. The supervising authority may review a decision of the court if he thinks that there has been a miscarriage of justice or there has been an obvious mistake. If he does review a case, notice will be given to the court. The court, however, does not take part in the review proceedings. In a review, the supervising authority can change the decision of the court and he can order that the case should be re-heard either by the same customary court or by another customary court; also he can, if he thinks the case ought to be tried by the High Court or a Magistrate's Court, report it to the High Court.

168. When a case has been reported to the High Court by a supervising authority, the High Court can order it to be re-heard either by the High Court or by a Magistrate's Court or by any customary court which has the necessary jurisdiction.

THE HIGH COURT

169. The High Court of the State is concerned with the proceedings and decisions of Grade "C" Customary Courts in three ways. Firstly, it hears appeals from customary courts of appeal in criminal cases in which imprisonment or fine of more than £5 has been ordered and in civil cases in which the subject matter is worth more than £50. In all criminal cases, therefore, a decision of a Grade "C" court may find its way to the High Court.

170. The second way in which the High Court is concerned with the proceedings and decisions of Grade "C" customary courts arises from its power to issue what are called the "Prerogative Orders. There are three kinds of these orders which may be issued by the High Court to any court below it. They are generally for the following purposes:—

- (a) to compel a court to hear a case (called *Mandamus*);
- (b) to forbid a court to hear a case (called "prohibition");
- (c) to bring up a court's record of proceedings to see whether the court's decision ought not to be set aside (called *certiorari*).

171. The orders commonly used to control courts are "prohibition" and *certiorari*. The High Court can issue an order of prohibition if it thinks that a lower court ought not to try a case as they might not give a fair judgment, e.g., if they have some interest in the case outside the court.

172. The court will issue an order of *certiorari* if it thinks that the record of proceedings in the lower court shows that there was something wrong in law in its decision, or if it thinks that the lower court had no jurisdiction, or if it thinks that the lower court has not acted in a judicial way.

173. Prerogative orders may be issued by the High Court against the lower court or its members or merely against one of the parties to the proceedings in the lower court. It will be in the form of an Order calling the persons to whom it is sent to come to the High Court and show cause why a final decision of the court should not be made against them. With the court order there will be sent a document called an affidavit which will contain the evidence which the person asking for the court order has submitted to the High Court. If such an order is received by a Grade "C" court or one of its members, the court or member, should, without delay, write to the Permanent Secretary to the Ministry of Justice sending a copy of the order and the affidavit and stating all the facts about the matter. For instance, if the order has been issued because it is said a member has some personal interest in the case, he should tell the Ministry of Justice the full facts about this. It will then be decided in the Ministry of Justice whether the Law Officers or State Counsel of the Ministry will be prepared to represent the court or member before the High Court. If the court or member are informed that they will not be represented by the Government they will still be free to go in person to the High Court or to employ a lawyer. If they do this, however, and lose the case, they may find that they have to pay the costs.

174. The third way in which the High Court may concern itself with the proceedings in customary courts arises out of its power to issue orders for the enforcement of the fundamental rights. There are fundamental rights in the Constitution which give an accused person certain privileges in criminal trials. They are not set out here.

THE MINISTRY OF JUSTICE

175. The Ministry of Justice has responsibility for customary court but it is not responsible for the discharge by the courts of their judicial functions in any particular case. The Ministry of Justice is responsible for the administration of the courts, the general working of the customary courts law, rules of court and other legislation affecting the courts. On administration matters, directions may be given by the Ministry to competent councils, customary court

members and other staff. The Ministry is also interested to receive from customary courts comments calling attention to any difficulty which may arise in the administration of the courts or of the legislation.

176. The Ministry cannot and will not give directions to customary court judges as to the way in which they should decide any particular case. If a point arises in a court where a lawyer may appear and the judge thinks that the advice of counsel to the court is really necessary, he may write to the Permanent Secretary asking for the assistance of the Law Officers as a friend of the court and setting out the point on which he wishes a legal submission to be made. In such a case, the Ministry would endeavour to provide State Counsel to appear on behalf of the Law Officers as friend of the court. He would submit in open court an opinion on the points on which advice is asked for and counsel for the parties would have the opportunity of making their submissions.

177. Lawyers cannot appear in Grade "C" court so that the course described in the previous paragraph cannot be followed there. If a legal point arises which a customary court finds keeps occurring in cases coming before them and which is causing them difficulty, the court may seek the advice of the Ministry on this point. Any request for advice in these circumstances should set out the matter on which there is difficulty without reference to this detail of any particular case.

THE LOCAL GOVERNMENT SERVICE BOARD

178. The appointment and discipline of members of Grade "C" customary court is carried out by the Local Government Service Board and not by the Ministry of Justice. The Board has to be informed by the clerk when vacancies happen in these courts. The appointment and dismissal of the clerks of Grade "C" court by the Local Government Council is also subject to the approval of the Board.

A LAW TO PROVIDE FOR THE CONSTITUTION OF CUSTOMARY COURTS
AND TO MAKE FURTHER PROVISION FOR THE ADMINISTRATION
OF JUSTICE.

Title,
Cap. 68
Laws Nos. 34
of 1959, 28 of
1963, 11 of
1964.

[See footnote (1)]

Date of
commence-
ment.

PART I
PRELIMINARY

1. This Law may be cited as the Customary Courts Law. Short title.

(1) This Law was brought into operation on the dates set out below in the Divisions of the State stated opposite thereto:
1st July, 1958 (W.R.L.N. 290/1958): Egbado and Ijebu;
1st July, 1958 (W.R.L.N. 303/1958): Egba, Ibadan and Remo;
1st August, 1958 (W.R.L.N. 317/1958): Ilesha, Ife and Owo;
1st September, 1958 (W.R.L.N. 338/1958): Oyo;
1st October, 1958 (W.R.L.N. 391/1958): Ekiti, Ondo and Oshun;
1st November, 1958 (W.R.L.N. 426/1958): Okitipupa.

Interpreta-
tion.

2. In this Law—

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

“competent council” in relation to a customary court means the council directed, in accordance with section 69, to be responsible for that court;

“customary court” means a court established under or in pursuance of this Law or deemed to have been so established;

Cap. 68.
Cap. 19.

“customary law” includes any declaration of local customary law made and approved under the provisions of section 78 of the Local Government Law, or the provisions of Part II of the Chiefs Law;

“High Court” means the High Court of Western Nigeria;

“land cause” and “land matter” means a cause or matter relating to the ownership, occupation or possession of land or relating to any right or interest in or over land;

“legal practitioner” means a person admitted and enrolled to practise as a barrister or solicitor in the Supreme Court;

Cap. 74.

“magistrate’s court” means a magistrate’s court established under or in pursuance of the Magistrate’s Courts Law, or deemed to have been so established;

“matter” includes any proceeding in a court not in a cause;

“member” in relation to a customary court includes the president or vice-president but does not include an assessor;

“the Minister” means the Minister of the Government of the Region to whom responsibility for the administration of justice is for the time being assigned;

“Nigerian” means a person whose parents were members of any tribe or tribes indigenous to Nigeria and the descendants of such persons, and includes any person one of whose parents was a member of such a tribe;

“the supervising authority” in relation to a customary court means the person or persons empowered in accordance with section 44A to supervise that court.

PART II.—ESTABLISHMENT AND CONSTITUTION OF CUSTOMARY COURTS

Establish-
ment of
customary
courts.

3. (1) The Minister may by warrant under his hand establish such customary courts as he shall think fit.

(2) Such courts shall exercise the jurisdiction conferred upon them by or under this Law within such territorial limits as may be defined in the warrant.

(3) The Minister shall assign to each customary court established in pursuance of this section such name as he may think fit.

(4) All warrants shall be operative and of effect from the date thereof.

(5) The Minister may at any time suspend, cancel or vary any warrant issued in pursuance of this section.

(6) The Minister shall cause particulars of—

(a) the name and grade of every customary court;

(b) the suspension, cancellation or variation of a warrant; to be notified in the Gazette from time to time.

4. (1) A customary court shall consist of members, appointed in accordance with the provisions of section 5. Composition of customary courts.

(2) The Minister may in the warrant relating to a customary court—

(a) determine, or make provision for determining the number of members of the court;

(aa) make provision, where the court consists of more than three members, for the court to be constituted by such number of members out of its total membership as the Minister may specify;

(b) make provision for the selection of assessors to sit with the court from a panel of persons approved in that behalf by the Local Government Service Board.

5. (1) Power to appoint, dismiss and exercise disciplinary control over members of customary courts, shall vest in the Local Government Service Board (hereafter in this section referred to as "the Board"). Appointment of members.

(2) The Board may dismiss or suspend any member of a customary court who appears to the Board to have abused his power or to be unworthy or incapable of exercising the same justly or who is disqualified or whom the Board considers for other sufficient reason ought to be suspended or dismissed.

(3) The powers conferred by this section on the Board to make appointments shall include power to make temporary appointments to the office of President, Vice-President or other member of a customary court where the person holding the office is unable by reason of absence or illness to discharge the functions of the office or where the person holding the office informs the Board that by reason of a personal interest in any cause is unable to hear and determine the same.

(4) The Governor in Council may by regulation make provision for regulating the exercise by the Board of the powers conferred by this section to dismiss or suspend members of customary courts.

Qualifications and dis-qualifications of members.

6. (1) No person shall be qualified to be appointed as president of a customary court Grade A unless he is a legal practitioner.

(2) The Minister may by directions in writing require that any customary court Grade B shall be presided over by a legal practitioner and where such direction is given no person shall be qualified to be appointed as president of such court unless he is a legal practitioner.

(2A) The Minister may, if he deems it necessary or expedient so to do, at any time revoke any direction given by him under sub-section (2) of this section.

(3) No person shall be qualified to be appointed as the president or vice-president of a customary court Grade B or a customary court of appeal unless he is literate in the English language.

(4) A person shall be disqualified from being appointed a president, vice-president, or other member of a customary court if he is an elected member of a local government council, a member of the House of Assembly or a member of the House of Chiefs.

Presiding in customary courts.

6A. In the case of a customary court consisting of more than one member—

(a) where no person is for the time being appointed as president or vice-president of the court the members of the court shall select one of themselves to preside either for a fixed period or for a particular session;

- (b) where the president or vice-president are absent at the commencement of the hearing of the cause or matter the members of the court shall select one of themselves to preside for the hearing of that cause or matter.

7. (1) For the purpose of hearing any case in a customary court it shall be sufficient if there are present at the hearing such number of members of the court as are specified as a quorum in the court warrant or, in default thereof, are prescribed by rules made under paragraph (c) of sub-section (1) of section 68. Quorum and voting.

(2) (a) In all causes before a customary court the opinion of the majority of the members hearing the cause shall, in the event of the members disagreeing be deemed and taken to be the decision of the court.

(b) In the event of an equality of votes, the president or vice-president or other member presiding shall, in addition to his original vote have a casting vote.

(3) Where a customary court sits with assessors the assessors shall act in an advisory capacity and shall have no vote in the decision of the court.

8. (1) No person who has been appointed the president, vice-president or other member of a customary court shall sit or in any way act in that capacity until he shall have taken and subscribed the oath in the form contained in the First Schedule. Oaths of members. First Schedule.

(2) The oath shall be administered by such person as the Minister may direct, at a sitting of the court.

9. (1) A customary court shall hold sessions at such times and places as may be necessary for the convenient and speedy dispatch of the business of the court. Sessions.

(2) The Minister may direct—

(a) that sessions shall be held at such times and places as he shall think fit;

(b) that, where the court consists of more than one person, for the more convenient dispatch of business, or for such other reason as he may deem sufficient, the court shall sit in two or more divisions.

10. No person shall be liable to be sued in any court for any act done or ordered to be done by him in the exercise of jurisdiction conferred by this Law, whether or not within the limits of his jurisdiction, provided that he at the time of such act or order, in good faith believed himself to have jurisdiction to do or order to be done the act in question. Indemnity of members of customary courts.

11. The power of the Governor in Council to make regulations under the Local Government Law, relating to the Local Government Service Board shall extend to making regulations with respect to the exercise by the Board of their functions under this Law and in particular for the delegation by the Board to any other person or authority of their powers under this Law. Delegation of powers of Local Government Service Board. Cap. 68.

PART III.—OFFICERS OF CUSTOMARY COURTS

Officers of court.

12. (1) Subject to the provisions of this section, the competent council may, with the approval of the Local Government Service Board, appoint a clerk for a customary court for which it is responsible and such clerk shall perform such duties in the execution of the powers and authorities of the court as may be assigned to him by rules of court or by any special order of the court and in particular he shall—

- (a) prepare for issue all warrants and writs;
- (b) in the case of a Grade C court, record all proceedings of the court:

Provided that it shall not be the duty of a clerk to record proceedings in cases where the person presiding does so.

- (c) register all orders and judgments of the court; and
- (d) enter an account of all moneys received or paid by the court.

Cap. 68.

(2) The power conferred on the Governor in Council under the Local Government Law to declare superior posts in the service of a council to be posts in the unified local government service shall extend to the post of a clerk of a customary court and where any such post has been so declared appointments to that post shall be made by the Local Government Service Board instead of the competent council.

(3) The competent council shall, with the approval of the Local Government Service Board, appoint to every court for which it is responsible such interpreter as may be required.

Delegation of duties by officers.

13. A clerk may, with the consent of the customary court, delegate any of the duties assigned to him to any other officer or servant of the court, and in every such case such officer or servant shall be governed in respect to his duties by the orders and directions of the clerk.

Bailiffs and messengers.

14. (1) The competent council shall, with the approval of the Local Government Service Board, appoint fit and proper persons to be bailiffs and messengers of a customary court to such number as the business of the court shall require.

(2) It shall be the duty of any person appointed under the provisions of sub-section (1) of this section—

- (a) to effect the service and execution of all writs and other process which he may receive from the customary court to which he is attached;
- (b) to make all necessary returns in relation to such writs and process;
- (c) to carry out such other duties as may be prescribed by rules made under this Law; and
- (d) at all times when he is not engaged on duties which necessitate his absence from the customary court to attend the customary court and obey all the lawful directions of the court.

(3) A customary court may authorise a member of a local government police force to perform all or any of the duties mentioned in sub-section (2) of this section in so far as they relate to the criminal juris-

diction of the court and any member of such a force who shall be in possession of any criminal process shall be presumed to be authorised to execute such process unless the contrary be proved.

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

15. No officer of any customary court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Law shall be liable to be sued in any court for the execution of any warrant or order which he would be bound to execute, if the person issuing the same had been acting in the exercise of lawful authority.

Indemnity of officers of customary courts.

16. The power of the competent council to dismiss any person appointed under section 12 shall not be exercised without the approval of the Local Government Service Board.

Approval of Board to dismissal of certain officers.

PART IV.—JURISDICTION OF CUSTOMARY COURTS AND LAW TO BE ADMINISTERED

17. A customary court shall have jurisdiction over all Nigerians.

Persons subject to the jurisdiction.

18. (1) There shall be three grades of customary courts, namely—Grade A, Grade B, and Grade C.

Grades of court. Second schedule.

(2) The jurisdiction and power in civil causes and matters of each grade of customary court shall be that set out in the Second Schedule.

(3) Every customary court shall be of such grade as may be specified in the warrant relating to the court.

(4) The Minister may by order—

(a) vary the grades of customary court specified in sub-section (1) of this section and their respective jurisdictions and powers in civil causes and matters specified in the Second Schedule; and

(b) confer on all or any courts of any particular grade, type or kind such additional jurisdiction or powers in civil causes and matters as he thinks fit.

19. Subject to the provisions of this Law, a customary court shall administer—

Law to be administered.

(a) the appropriate customary law specified in section 20 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;

(b) the provisions of any written law which the court may be authorised to enforce by an order made under section 24;

- (c) the provisions of any enactment in respect of which jurisdiction is conferred on the court by that enactment; and
- (d) the provisions of all rules and bye-laws made by a local government council, or having effect as if so made, under the provisions of any enactment and in force in the area of jurisdiction of the court.

Appropriate
customary
law.

20. (1) In land matters the appropriate customary law shall be the customary law of the place where the land is situated.

(2) In causes and matters arising from inheritance the appropriate customary law shall, subject to sub-sections (1) and (4) of this section, be the customary law applying to the deceased.

(3) Subject to the provisions of sub-sections (1) and (2) of this section—

(a) in civil causes or matters where—

(i) both parties are not natives of the area of jurisdiction of the court; or

(ii) the transaction the subject of the cause or matter was not entered into in the area of the jurisdiction of the court; or

(iii) one of the parties is not a native of the area of jurisdiction of the court and the parties agreed or may be presumed to have agreed that their obligations should be regulated, wholly or partly, by the customary law applying to that party, the appropriate customary law shall be the customary law binding between the parties.

(b) in all other civil causes and matters the appropriate customary law shall be the law of the area of jurisdiction of the court.

(4) Where the customary law applying to land prohibits, restricts or regulates the devolution on death to any particular class of persons of the right to occupy such land it shall not operate to deprive any person of any beneficial interest in such land (other than the right to occupy the same) or in the proceeds of sale thereof to which he may be entitled under the rules of inheritance of any other customary law.

(5) In this section “native”, in relation to the area of jurisdiction of a court, means a person who is a member of a community indigenous to that area.

21. [Repealed.]

Place of trial
of causes.

22. (1) Criminal causes shall be tried and determined by a customary court having jurisdiction over the area in which the offence was committed.

(2) Civil causes other than land causes shall be tried and determined by a customary court having jurisdiction over the area in which the defendant was at the time the cause of action arose.

(3) Land causes shall be tried and determined—

(a) by a customary court having jurisdiction over the area in which the land which is the subject-matter of the dispute is situated; or

- (d) by a customary court upon which the Minister may, by order made under paragraph (b) of sub-section (4) of section 18, confer jurisdiction.

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

(2) Whenever it shall appear to a customary court that an order made by such court, should, in the interest of a child, be reviewed, the court may, of its own motion or upon the application of any interested person, vary or discharge such order.

24. (1) Subject to the provisions of this section the Governor in Council may by order confer upon all or any customary courts jurisdiction to enforce within the local limits of the jurisdiction of such courts all or any of the provisions of any law of the Region specified in such order and to impose penalties on persons subject to the jurisdiction of the court who offend against such provisions subject to such restrictions and limitations, if any, as may be specified in the order. Criminal jurisdiction.

(2) Jurisdiction shall not be conferred upon a customary court under the provisions of sub-section (1) of this section in respect of any of the following offences:—

- (a) homicide;
- (b) treason;
- (c) sedition;
- (d) rape;
- (e) procuration;
- (f) defilement of girls;
- (g) offences against the enactments relating to official secrets;
- (h) any capital offences other than the offences mentioned in the foregoing paragraphs.

(3) A customary court shall have jurisdiction, in addition to any jurisdiction conferred under sub-section (1) of this section, to try and determine criminal causes and to impose the punishment authorised by law in respect of—

- (a) any offences against the provisions of an enactment which expressly confers jurisdiction on the court;
- (b) offences against rules and bye-laws made by a local government council, or having effect as if so made, under the provisions of any enactment and in force in the area of jurisdiction of the court.

(4) Save as is provided in this section a customary court shall have no jurisdiction to hear and determine criminal causes or matters, or to impose the punishment of imprisonment or fine.

(5) The maximum fine and the maximum imprisonment which may be imposed by a customary court, other than a customary court, Grade A shall be—

- (a) in the case of a customary court, Grade B, £100 and one year respectively;

(b) in the case of a customary court, Grade C, £50 and six months respectively.

(6) (a) In this section "law of the Region" means a law enacted or having effect as if it had been enacted by the Legislature of the Region.

(b) References to the offences specified in sub-section (2) of this section are references to those offences as defined by the Criminal Code Law or any enactment replacing that Law.

Reconciliation in civil cause or matter.

25. In civil causes or matters a customary court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

Reconciliation in criminal causes.

26. In criminal causes a customary court may promote reconciliation and encourage and facilitate the settlement in an amicable way, of proceedings for common assault or for any other offence not amounting to a felony and not aggravated in degree, on any terms of payment or compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed.

PART V.—PRACTICE AND PROCEDURE IN CUSTOMARY COURTS

Practice and procedure.

27. The practice and procedure of a customary court shall be regulated by rules of court made under section 68.

Representation of parties.

28. (1) In any cause or matter before a Grade A customary court or a customary court required to be presided over by a legal practitioner in accordance with sub-section (2) of section 6—

(a) any party may be represented at any stage of the proceedings by a legal practitioner;

(b) in the case of a prosecution by or on behalf of the State or a public officer in his official capacity, the State or that officer may be represented at any stage of the proceedings by a legal practitioner or a police officer.

(2) Subject to the foregoing provisions of this section, no legal practitioner may appear to act for or assist any party before a customary court.

(3) In the case of a prosecution by or on behalf of a council or a suit brought by or against a council, the council may be represented before any grade of customary court at any stage of the proceedings by an employee of the council who satisfies the court that he has the authority of the council to do so.

(4) A customary court may permit—

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

(b) a relative of a person administering an estate subject to the jurisdiction of the court,

to appear for any party before a customary court.

29. (1) The room or place in which a customary court shall sit to hear and determine any cause or matter shall be an open and public court to which the members of the public shall have a right of access while they shall be of good behaviour and to the extent to which the capacity of the court shall allow.

Proceedings to be in open court.

(2) Provision may be made by rules of court under section 68 for the exclusion of the public from any customary court in cases—

- (a) in which persons under the age of seventeen years are involved; or
- (b) where the administration of justice would be rendered impracticable by the presence of the public.

PART VI.—TRANSFERS

29A. The High Court may at any time or at any stage of the proceedings before final judgment—

Transfer by High Court in certain cases.

- (a) on the application of the Attorney-General transfer any criminal cause or matter which is before a customary court to the High Court or to a Magistrate's Court having jurisdiction to hear such cause or matter;
- (b) of its own motion or on the application of any party to the cause or matter transfer any cause or matter relating to the administration of an intestate estate which is before a customary court to the High Court.

30. A customary court may either of its own motion or upon the application of either party to a cause transfer to a lower grade customary court within the territorial jurisdiction of the transferring customary court any cause before it which in its opinion can for purposes of convenience or otherwise be more appropriately or expeditiously dealt with by such lower grade customary court and upon such order being made the lower grade customary court specified therein shall hear and determine the cause.

Transfer of case to lower grade customary court.

31. Every order of transfer shall operate as a stay of proceedings before the customary court from which the proceedings are ordered to be transferred in any cause or matter to which the order extends or is applicable, and the process and proceedings in every such cause or matter, and a certified copy of the record shall be transmitted to the court to which the same shall be transferred and thenceforth all proceedings in the cause or matter shall be taken in such court as if the cause or matter had been commenced therein.

Effect of order of transfer.

PART VII.—ANCILLARY POWERS OF CUSTOMARY COURTS

32. Every person sentenced by a customary court to imprisonment or taken in execution of the process of such court shall be detained in a prison established under any Ordinance, Law or Federal Act.

Places of imprisonment.

33. (1) A customary court may order that any fine which it may impose shall be paid at such time or times and by such instalments as it may think just.

Recovery of fines.

(2) In default of the payment of any fine or of any instalment of the same when due, the court may—

- (a) order that the amount of the fine or of the instalment, as the case may be, shall be levied by the sale of any property which belongs to the person fined and which is situate within the area of the jurisdiction of the court; or
- (b) order such person to be imprisoned.

(3) A sentence of imprisonment passed upon a person in default of payment of a fine or the total of any sentences passed in default of the payment of instalments of a fine as the case may be, shall not exceed in the aggregate the maximum sentence of imprisonment which the court is empowered to inflict.

(4) Where a term of imprisonment is imposed together with a fine such term together with either the sentence of imprisonment passed in default of the payment of the fine or the total of the sentences passed in default of the payment of instalments thereof, as the case may be, shall not exceed in the aggregate the maximum sentence of imprisonment which the court is empowered to inflict.

Scale of imprisonment in default of payment of fine. Third Schedule.

34. (1) In every case in which imprisonment is ordered in default of payment of the fine inflicted such imprisonment shall be for such period as in the opinion of the court will satisfy the justice of the case but shall not exceed the maximum which may be awarded by the court in accordance with the Third Schedule.

(2) Where any person has been committed to prison by a customary court for non-payment of a fine and such person thereafter pays the whole or a part of the fine, his imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which such person was committed as the sum paid bears to the amount of the fine for which such person is liable.

Restoration of property unlawfully obtained.

35. (1) Where any person is convicted by a customary court of having stolen or having received stolen property, the customary court convicting him may order that such property or a part thereof be restored to the person who appears to it to be the owner, either on payment by the owner of such sum as may be specified in the order to the person in whose possession the property restored then is or without such payment.

(2) This section shall not apply to—

- (a) any valuable security which has been *bona fide* paid or discharged by any person liable to pay or discharge the same; or
- (b) any negotiable instrument which shall have been *bona fide* received by transfer or delivery by any person for a just and valuable consideration without notice or without any reasonable cause to suspect that it had been stolen.

Compensation to aggrieved persons.

36. In addition to awarding a fine or sentence of imprisonment in any case a customary court shall have power to award to any person injured or aggrieved by the act or omission in respect of which such fine

or imprisonment has been imposed compensation to be paid by the accused on condition that such person if he shall accept the same shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.

37. Subject to the provisions of any rules made under section 68, every customary court shall have power to summon before it for the purpose of giving evidence any person within the area of the jurisdiction of the court and, any person outside such area but within the Region.

Power to
summon
witnesses.

38. Any person present at a customary court, whether a party or not to any cause or matter before the court may be required by the court to give evidence in the same manner as if he had been summoned to attend and give evidence:

Person
present may
be required
to give
evidence.

Provided that a person charged with an offence before a customary court shall not be called upon by the court to give evidence in the proceedings relating to that offence, except upon his own application.

39. Subject to the provisions of any rules made under section 68 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 methods of enforcing judgments and orders as may be prescribed by such rules.

Execution
of
judgments.

40. Customary courts shall carry into execution any decrees or orders of—

Execution
of orders of
other courts.

- (a) the Supreme Court;
- (b) the High Court;
- (c) any magistrate's court;
- (d) any customary court established under or in pursuance of this Law or deemed to have been so established; and
- (e) any customary court of any other part of the Federation of Nigeria,

which may be lawfully directed to them, and shall execute all warrants and serve all process issued by any such courts as aforesaid and directed to such customary courts for execution or service, and shall generally give such assistance to any of the aforesaid courts as may be required:

Provided that paragraph (e) of this section shall apply only where the customary courts of the other part of the Federation of Nigeria concerned have power under any law in force there to carry into execution the decrees or orders, to execute the warrants and serve all the process of the customary courts of Western Nigeria which may lawfully be directed to them, and generally to give such assistance as may be required by any of the last mentioned courts.

41. In any cause before a customary court in which, pending final determination thereof, it shall be shown to the satisfaction of the customary court that any property which is in dispute in the cause is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with by any party to the cause the customary court may issue an injunction to such party commanding him to refrain from doing the particular act complained of, or, alternatively, may take and keep such property in custody pending the determination of such cause.

Power to
grant
interim
injunction or
impound
property.

Power to
appoint
receiver and
manager.

42. (1) A customary court may, whenever it shall think it necessary so to do for the preservation, proper custody, or management of any property in dispute in a cause, appoint any 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 such customary court.

(2) Any person or persons appointed as receiver and manager under sub-section (1) of this section shall be responsible to the customary court for all things done as receiver or manager, and shall account for or pay to the customary court all moneys received in respect of any property referred to in sub-section (1) of this section.

(3) A customary court may make such order as it shall think fit in regard to the remuneration of any person appointed as receiver and manager and shall pay to the party entitled thereto all moneys in the custody of the customary court due in respect of any property referred to in sub-section (1) of this section.

Search
warrant and
effect
thereof.

43. (1) The president of a customary court may by warrant in writing authorise—

(a) any premises to be searched for property alleged to be stolen or wrongfully obtained; and

(b) the seizure of any such property.

(2) The information upon which an application for a search warrant is based shall be given in writing and upon oath.

(3) Any property seized as a result of any search shall be taken before the customary court to be dealt with according to law.

(4) Any person residing in or being in charge of premises required to be searched shall allow the person holding the warrant free ingress thereto and shall afford all reasonable facilities for a search therein, and where ingress cannot be so obtained it shall be lawful for the person holding the warrant to enter into such premises and in order to effect such entrance to break open any outer or inner door or window of such premises.

Inspection.

44. In any cause or matter it shall be lawful for a customary court, on the application of either party or on its own motion—

(a) to make such order as the court may think fit for the inspection by the customary court, the parties, or any witness of any immovable or movable property the inspection of which may be material to the proper determination of the question in dispute; and

(b) to give such direction as the court may think fit respecting such inspection.

PART VIIA.—SUPERVISION AND CONTROL OF CUSTOMARY COURTS

Supervising
authority.

44A. (1) Subject to the provisions of sub-section (2) of this section, and subject to confirmation by the Governor in Council, the Minister may, by writing under his hand, empower any magistrate, or the president or members of any customary court (in this Law referred to as "the supervising authority"), to supervise any customary court specified by the Minister.

(2) It shall be the duty of the supervising authority to supervise, in accordance with the provisions of this Part, any customary court which it is empowered under this section to supervise.

44b. Every customary court shall, when required to do so, submit to the supervising authority a report of any cases or of any class of cases tried in such court and such report shall be made at such times and in such form as may be prescribed by rules made under this Law. Returns and reports of cases to be submitted.

44c. The supervising authority shall at all times have access to customary courts of first instance and of appeal in respect of which it is appointed and to the records and proceedings of such courts. Right of access.

44d. (1) The supervising authority may of its own motion or, on the application of any person concerned review any of the proceedings, whether civil or criminal, of a customary court in respect of which it is appointed where it appears to the supervising authority that— Powers of review.

- (a) a *prima facie* case of miscarriage of justice is disclosed; or
- (b) an obvious error is to be corrected.

(2) Notice shall be given to the customary court concerned and to the parties to the cause or matter of the intention of the supervising authority to exercise its powers of review and upon the day fixed by such notice any such party shall (subject to the provisions of section 28) be entitled to be heard.

(3) A notice given under this section shall operate as a stay of all proceedings in execution of the decision or order of the customary court.

(4) No appeal shall lie from any decision of the supervising authority to exercise or not to exercise the powers conferred by this section.

44e. (1) In exercise of the powers of review the supervising authority may— Further provisions with respect to review.

- (a) (i) revise any original or appellate proceedings of a customary court by revising, amending or varying the decision given;
- (ii) make such order or pass such sentence in such proceedings as the customary court could have made or passed; and
- (iii) make such further order as may be necessary or as the justice of the case may require:

Provided that no sentence of fine or imprisonment or other sentence in a criminal proceeding may be increased and no order in any civil proceedings shall be made to the prejudice of any party without an opportunity being given to the convicted persons or such party of being heard;

- (b) (i) set aside the conviction and sentence or judgment or other order of a customary court; and
- (ii) when the supervising authority considers it desirable to do so, order any case tried by a customary court to be retried either by the same customary court or by any other

customary court of competent jurisdiction or if the case is one that appears proper to be tried by the High Court or by a Magistrate's court report the case to the High Court.

(2) Where a case is reported to the High Court by the supervising authority under the provisions of sub-paragraph (ii) of paragraph (b) of sub-section (1) of this section the High Court may order that the case be reheard by the High Court or by any other court of competent jurisdiction.

(3) The supervising authority shall not exercise the powers under section 44D or this section in respect of any decision or order of a customary court against which an appeal is pending before the appropriate appeal court.

(4) Any party aggrieved by a decision or order of a supervising authority in exercise of the powers conferred by this section in—

(a) a criminal cause or matter in which a sentence, as affirmed or substituted by the supervising authority, imposes a term of imprisonment or a fine exceeding £5; or

(b) a civil cause or matter in which the subject matter is of the value of £50 or upwards,

may, within thirty days of the decision or order, appeal to the High Court.

'Monthly lists of criminal cases to be sent to the Chief Justice or other judge of the High Court.

44F. (1) The Chief Justice may require any president of a Customary Court, Grade "A" or any president of a Customary Court, Grade "B" who is a legal practitioner, to forward at the expiration of every calendar month to the Chief Justice or to such other judge of the High Court as the Chief Justice may designate, in such form as may be prescribed by the Chief Justice, a list containing all criminal cases or specified criminal cases decided or brought before such president during that month.

(2) Upon receipt of such list the Chief Justice or the judge may, if he thinks fit, call for a copy of the record of any case included therein, and after seeing such record and either without hearing argument or after hearing argument as he may determine, may—

(a) subject to any enactment fixing a minimum penalty, reduce a sentence or modify an order in such form as he thinks fit; or

(b) annul the conviction, in which case the person under detention shall be forthwith set at liberty, or in the case of a fine such fine, if already paid, shall be refunded to the person fined, or if security has been required and given such person shall be freed from such security; or

(c) annul the conviction and convict the accused of any offence of which he might have been convicted on the evidence, and sentence him accordingly; or

(d) annul the conviction and substitute a special finding to the effect that the accused was guilty of the act or omission charged, but was insane so as not to be responsible for his action at the time when he did the act or made the omission, and order the

accused to be confined as a criminal lunatic in a lunatic asylum, prison, or other suitable place of custody, and report the case for the order of the Governor; or

- (e) order a new trial before the customary court which passed sentence or before any other court of competent jurisdiction; or
- (f) order further evidence to be taken generally or on some particular point by the customary court which passed sentence or by any other court of competent jurisdiction, and order in the meantime any person who shall have been convicted and imprisoned to be released on bail or on his own recognisance; and
- (g) make any order as justice may require, and give all necessary and consequential directions:

Provided that when a person convicted shall have appealed against such conviction, the Chief Justice or the judge shall not exercise the powers by this section conferred until after the conclusion of the proceedings upon such appeal.

(3) When action upon the list as prescribed in sub-section (2) is complete, or if the Chief Justice or the judge shall decide to take no such action, he shall direct that the list be filed; but such direction shall not have the effect of preventing him or his successor from subsequently taking any action prescribed in sub-section (2) if he shall think fit:

Provided that three months after the last day of the month to which the list relates the Chief Justice, the judge, or his successor, as the case may be, shall become *functus officio* in respect of all cases upon the list in relation to which he shall not up till then have taken any action.

PART VIII.—APPEALS

45. The Minister may by warrant under his hand appoint a customary court to be a court of appeal for all or any of the customary courts within the area of its jurisdiction. Customary court of appeal.

46. Where a customary court of appeal is constituted for any area in accordance with section 45 any party aggrieved by the decision or order of a Grade "B" customary court not presided over by a legal practitioner or a Grade "C" customary court, having jurisdiction in that area may, within thirty days of the date of the order or decision, appeal to that customary court of appeal. Right of appeal to customary court of appeal.

47. Where no customary court of appeal is established for an area in accordance with section 45 any party aggrieved by a decision or order of a Grade "B" customary court not presided over by a legal practitioner or a Grade "C" customary court, having jurisdiction in that area may, within thirty days of the date of the order or decision, appeal to a magistrate's court. Right of appeal to magistrate's court.

Right of appeal to High Court.

48. (1) Any party aggrieved by a decision or order of a Grade "A" customary court or a Grade "B" customary court presided over by a legal practitioner may, within thirty days of the date of the decision or order, appeal to the High Court.

(2) Any party aggrieved by a decision or order of a customary court of appeal or a decision or order of a magistrate's court given or made on appeal from a customary court in—

(a) a criminal cause or matter in which a term of imprisonment or a fine exceeding five pounds has been ordered; or

(b) a civil cause or matter in which the subject matter is of the value of fifty pounds or upwards,

may, within thirty days of the date of the decision or order, appeal to the High Court.

Right of appeal to the Supreme Court.

49. (1) An appeal shall lie to the Supreme Court from any order or decision of the High Court given in the exercise of its appellate jurisdiction conferred by sub-section (4) of section 44E or section 48 subject to the conditions and in accordance with the provisions of any law for the time being in force with respect to or regulating the practice and procedure of the Supreme Court in relation to appeals from the High Court.

(2) Nothing in this section shall extend to an appeal in a cause or matter which relates to any matter included in the Exclusive Legislative List in Part I of the Schedule to the Constitution of the Federation or to any law made or having effect as if made by the Federal Parliament with respect to any matter included in the Concurrent Legislative List in Part II of that Schedule.

Act No. 20 of 1963.

Conditions and appeals out of time.

50. (1) The right of appeal to any court conferred by sub-section (4) of section 44E or sections 46, 47 and 48 shall be subject to any law and any rules of court for the time being in force regulating the practice and procedure of that court with respect to appeals.

(2) In the case of an appeal to a court under sub-section (4) of section 44E or section 46, 47 or 48, leave to appeal out of time may, upon reasonable cause being shown, be granted by that court upon such terms as it shall consider just.

Assessors.

51. (1) A customary court of appeal or the High Court or a magistrate's court may, in the exercise of appellate jurisdiction under this Law in any cause or matter in which issues are raised on the appeal involving questions of customary law, require the aid of such persons as assessors as such court shall think fit.

(2) The assessors shall be selected from a panel of persons approved by the Local Government Service Board.

Powers of appellate courts in criminal matters.

52. (1) Any court (other than the Supreme Court) exercising appellate jurisdiction in criminal matters under the provisions of this Law may in the exercise of that jurisdiction—

- (a) if such court considers that there is no sufficient ground for interfering with the decision appealed against, confirm that decision and dismiss the appeal;
- (b) if such court considers that there is sufficient ground for interfering with the decision appealed against, set aside that decision, and either—

- (i) acquit the appellant; or

- (ii) order the retrial of the appellant before a court of competent jurisdiction on the same charge or accusation or on any charge or accusation which might have been laid on the facts as disclosed by the evidence; or

- (iii) after hearing the whole case or not and whether in whole or in part substitute any other decision (whether as to guilt or punishment) which the court of first instance could have made, but so that by the decision so substituted, the appellant shall not be found guilty of any offence of which he was not accused before the court of first instance, unless the appellate court is satisfied that the defence of the appellant before the court of first instance would not have been substantially affected if he had been so accused; or

- (iv) substitute a special finding to the effect that the appellant was guilty of the act or omission charged, but was insane so as not to be responsible by virtue of the provisions of section 26 of the Criminal Code for his conduct at the time when he did the act or made the omission, and thereupon the appropriate provisions of Part XXV of the Criminal Procedure Ordinance shall apply.

Cap. 28.

Cap. 43.

(2) At any stage of the proceedings on an appeal, the appellate court may order evidence to be adduced.

53. Any court (other than the Supreme Court) exercising appellate jurisdiction in civil matters under the provisions of this Law may in the exercise of that jurisdiction—

Powers of appellate courts in civil matters.

- (a) after rehearing the whole case or not, reverse, vary or confirm the decision of the court from which the appeal is brought and may make any such order as the court of first instance could have made in such cause or matter or as the appeal court shall consider that 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 or before any magistrate's court.

54. Where an appeal lies from an order or decision of a customary court the court to which the appeal is brought shall have power to inspect the records or books of such customary court relative to the appeal.

Power of courts of appeal to inspect records.

Substantial justice to be done.

55. 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 substantial justice without undue regard to technicalities.

PART IX.—OFFENCES

Adjudication without authority.

56. (1) Any person who shall—

- (a) exercise or attempt to exercise judicial powers within the area of jurisdiction of a duly constituted customary court, except in accordance with the provisions of any Ordinance or Law, or
- (b) sit as a member of such court without due authority,

shall be liable on conviction before the High Court, a magistrate's court or a customary court of Grade A or B to imprisonment for twelve months or to a fine of one hundred pounds or to both such imprisonment and fine.

(2) Any person, other than a member of a customary court, adjudicating as an arbitrator upon any civil matter in dispute where the parties thereto have agreed to submit the dispute to his decision shall not be regarded as exercising judicial powers for the purposes of paragraph (a) of sub-section (1) of this section.

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

Interference with persons carrying out duties under section 14.

57. 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 duties under the provisions of section 14 shall be guilty of an offence and shall be liable on conviction to a fine of fifty pounds or to imprisonment for one year or to both such fine and imprisonment.

Exaction of fees or fines in excess of those authorised.

58. (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 the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

(3) The court may order any amount exacted in excess to be refunded to the person entitled thereto.

(4) If default shall be made by any person against whom an order to refund has been made under sub-section (3) of this section the amount ordered to be refunded may be levied by distress and, in default of

sufficient distress, the person defaulting may be committed to prison for any term not exceeding six months in addition to any sentence imposed under the provisions of sub-section (2) of this section.

59. (1) Any member or officer or servant of any customary court who accepts, claims or obtains, or agrees or attempts to accept, claim or obtain for himself or for any other person, any gratification, advantage, bribe or reward whatsoever, whether in money or otherwise, for—

Corruption
by member,
officer or
servant of
customary
court.

(a) doing or forbearing to do any act which he is authorised or required to do in the exercise of his jurisdiction, authority or function as a member, officer or servant of a customary court, as the case may be, or

(b) corruptly showing favour or disfavour to any person,
shall be guilty of an offence.

(2) Whosoever—

(a) gives or offers;

(b) accepts or obtains; or

(c) agrees to give or offer or accept or obtain,

for himself or for any other person, any gratification, advantage, bribe or reward whatsoever, whether in money or otherwise, for inducing by any corrupt or illegal means or by corrupt personal influence any member or any officer or any 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 exercise of his jurisdiction, authority or function; or

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

shall be guilty of an offence.

(3) Any person convicted of an offence under this section shall be liable to a fine of two hundred pounds or to imprisonment for two years or to both such fine and imprisonment.

60. Any person who—

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

(b) refuses—

(i) to answer any question lawfully asked by a customary court; or

(ii) to sign any statement lawfully required by a customary court; or

(c) insults a customary court or any member thereof during a sitting of a customary court; or

(d) intentionally interrupts the proceedings of a customary court at any stage,

shall be guilty of an offence and shall be liable on conviction to a fine of twenty-five pounds or to imprisonment for three months.

Refusal to
produce
documents,
etc.

Failure to obey summons of customary courts.

61. Any person who without reasonable excuse shall fail to obey any valid summons issued under the provisions of section 37 may be arrested and brought before the customary court issuing such summons or before such other court as may have jurisdiction over such person, and shall be liable to a fine of five pounds or to imprisonment for fourteen days.

Refusal to give evidence.

62. Any person who without reasonable excuse refuses to give evidence on being required so to do by a customary court under the provisions of section 38 shall be liable to a fine of five pounds or in default of payment of such fine to imprisonment for fourteen days.

Giving false evidence.

63. Any person who in any proceedings before a customary court gives evidence, whether on oath or otherwise, which he knows to be false or believes to be false or does not believe to be true shall be liable on conviction before the High Court, a magistrate's court of competent jurisdiction or a customary court of Grade "A" or "B" to a fine of two hundred pounds or to imprisonment for a period of two years or to both such fine and imprisonment.

Causing persons to delay in or refrain from giving evidence.

64. Any person who, with intent to defeat, obstruct or pervert the course of justice in any cause or matter in a customary court—

(a) causes any person to delay giving or to refrain from giving evidence before the court; or

(b) prevents any person from giving evidence before the court, shall be guilty of an offence and shall be liable on conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

Rendering false returns.

65. Any clerk, or member of a customary court who shall knowingly render false returns of the cases tried or the penalties inflicted by such court shall be guilty of an offence and shall be liable on conviction before the High Court, a magistrate's court of competent jurisdiction or a customary court of Grade "A" to a fine of one hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Falsification of the record of proceedings.

66. Any person being charged in accordance with this Law or rules made under section 68 with the duty of recording the proceedings of a customary court, who knowingly makes a false record of the proceedings of the court shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year, or to both such fine and imprisonment.

Jurisdiction of courts under Part IX.

67. Save as provided in sections 56, 63 and 65 any proceedings arising under the provisions of this Part may be brought in the High Court, a magistrate's court or a customary court of competent jurisdiction.

PART X.—RULES OF COURT

Power to make rules.

68. (1) Subject to the provisions of this Law, the Minister may make rules providing for any or all of the following matters—

- (a) regulating the practice and procedure of customary courts in their original jurisdiction and on appeal;
- (b) the recording of the proceedings of customary courts;
- (c) fixing the number of members of a customary court which shall constitute a quorum;
- (d) prescribing the powers of customary courts to issue process for the institution of causes and matters and to compel the attendance of accused persons before the court;
- (e) the exclusion of the public from a customary court in accordance with the provisions of sub-section (2) of section 29;
- (f) regulating the issue of summons to witnesses of customary courts;
- (g) providing for—
 - (i) the carrying into execution of the decrees or orders of customary courts or any class of customary courts, whether such customary courts are established under this Law or under any other written law; and
 - (ii) the execution of the warrants and the service of the process of such courts or class of courts, where such decrees or orders are made or such warrants or process are issued in respect of persons or property not within the area of the jurisdiction of the customary court making or issuing the same;
- (h) prescribing the courts or authority by which the decrees, orders, warrants or process mentioned in sub-paragraph (ii) of paragraph (g) shall be carried into execution, executed or served;
- (i) the recording and perpetuation of the decisions of customary courts in land cases by reference to plans and the fixing of landmarks;
- (j) prescribing the fees which may be charged by surveyors for any work done for the purposes of any rules made under paragraph (i);
- (k) regulating any matters relating to the costs of proceedings in customary courts;
- (l) prescribing and providing for—
 - (i) the maximum fees which may be charged—
 - (a) in customary courts of first instance and of appeal;
 - (b) for appeals from such customary courts and generally;
 - (ii) the reduction of such maximum fees in respect of all or any customary courts or proceedings, the application of such maximum or reduced fees to such customary courts or proceedings and the manner in which and the persons by whom such reduction and application may be made;
 - (iii) the remission in whole or in part of any maximum or reduced fee and the manner in which and the persons or customary courts by whom or by which such remission may be made;

- (m) the grant of bail to accused persons and to convicted persons pending an appeal and the regulation of the conditions of and the procedure for the granting of such bail;
 - (n) defining the duties of any officers of customary courts;
 - (o) the time within which any act, matter or thing shall be carried out or performed for the purposes of this Law;
 - (p) prescribing the powers of customary courts to impose consecutive or concurrent sentences of imprisonment;
 - (q) generally for the carrying into effect of the provisions of this Law.
- (2) Any rules made under this section may apply to all customary courts or to any class of customary courts or to any particular customary court or to such customary courts or particular customary court as may be determined under the rules.

PART XI.—FUNCTIONS OF COUNCILS IN RELATION TO CUSTOMARY COURTS

Competent
councils.

69. The Minister may direct that a council shall be the competent council in respect of any customary court exercising jurisdiction within the area of authority of the council.

Provision
by
competent
council of
buildings,
remunera-
tion, etc.

70. The competent council shall—

- (a) provide, maintain and equip such court buildings, offices and other buildings required for use in connection with a customary court as may be specified by the Minister;
- (b) pay to the officers and servants of a customary court salaries and allowances in accordance with the scales of salary and allowance prescribed by the Minister.

Minister
may pre-
scribe condi-
tions of
service of
members.

70A. (1) The Minister may by regulation make provision for the terms and conditions of service of members of customary courts including—

- (a) the division of the offices of president, vice-president and member of the different grades of customary court into different classes for the purposes of the regulations;
- (b) the salaries and allowances or fees to be paid and the leave and other benefits to be enjoyed by any class of member;
- (c) the entitlement of any class of member to advances from the competent council for the purchase of motor vehicles to be used in connection with their official duties;
- (d) the application of any regulations made under paragraph (c) or (d) of sub-section (1) of section 107 of the Local Government Law, to any class of member.

(2) The Minister may by order provide that the provisions of any regulations made under section 109 of the Local Government Law shall apply to any class of persons who have been members of a customary court or of a native court established under the Native Courts Ordinance or the Native Courts (Colony) Ordinance.

(2A) The Minister may by regulation make provision for the salaries, allowances or fees to be paid to assessors of customary courts and may for this purpose make different provisions for different classes of assessors or for assessors of different courts.

(3) It shall be the function of the competent council to pay the salaries, allowances or fees and to defray the expenditure necessary to provide the other benefits and facilities prescribed by regulations made under this section.

71. All fees, fines and penalties payable in respect of or as a result of proceedings in a customary court and the proceeds of sale or any forfeiture ordered by that court shall be paid to and form part of the revenue of the competent council.

Fees, etc., to be paid to revenue of competent council.

PART XII.—TRANSITIONAL PROVISIONS AND REPEALS

72. (1) All native courts (including native courts of appeal) established under or in pursuance of the Native Courts Ordinance or the Native Courts (Colony) Ordinance, or deemed to have been so established, by warrant in force immediately before the commencement of this Law, shall be deemed to be customary courts established under or in pursuance of this Law.

Saving for existing courts. Caps. 142 and 143.

(2) The persons who immediately before the commencement of this Law were the duly appointed members of a court to which sub-section (1) of this section applies shall, with effect from the commencement of this Law, be deemed to be members of the court appointed in accordance with the provisions of this Law, and to have taken and subscribed the oath in accordance with section 8.

(3) The jurisdiction of a court to which sub-section (1) of this section applies shall be that set out in the Second Schedule according as the court is graded Grade "A", Grade "B", or Grade "C".

73. Subject to the provisions of this section, any cause or matter begun and pending immediately before the commencement of this Law in any native court constituted under the Native Courts Ordinance or the Native Courts (Colony) Ordinance, whether as of first instance or of appeal, may be continued and concluded in the appropriate customary court established or deemed to have been established under this Law and every judgment, order or sentence in any such cause or matter may be enforced in the same manner and the same appeal, if any, shall lie therefrom as if it were a judgment, order or sentence in a cause or matter originally instituted in the appropriate customary court established or deemed to have been established under this Law.

Pending cases and matters. Caps. 142 and 143.

74. (1) Any appeal from a native court constituted under the Native Courts Ordinance or the Native Courts (Colony) Ordinance which may immediately before the commencement of this Law be pending before—

Pending appeals. Caps. 142 and 143.

- (a) a native court of appeal;
- (b) a magistrate's court;
- (c) the High Court; or
- (d) the Supreme Court,

shall be continued and concluded by such court in like manner as if the appeal were from a customary court constituted under this Law and every judgment, order or sentence given, issued or passed in such appeal may be enforced in such manner as if it were a judgment, order or sentence in an appeal from a customary court constituted or deemed to be constituted under this Law.

(2) Any appeal from a native court constituted under the Native Courts Ordinance or the Native Courts (Colony) Ordinance which may immediately before the commencement of this Law be pending before a divisional adviser, a provincial adviser or the Governor shall—

- (a) in the case of an appeal from a native court of appeal be transferred to the High Court by or under the directions of the Minister;
- (b) in the case of an appeal from any other native court, be transferred to the court of such magistrate as may be determined by or under directions of the Minister,

and every judgment, order or sentence given, issued or passed in such appeal may be enforced in such manner as if it were a judgment, order or sentence in an appeal from a customary court constituted or deemed to be constituted under this Law.

(2A) Where in respect of any cause or matter in any native court constituted under the Native Courts Ordinance or the Native Courts (Colony) Ordinance, an appeal, not being an appeal to which subsection (2) of this section applies, was immediately before the commencement of this Law pending before a provincial adviser or the Governor, such appeal shall be transferred to the High Court by or under the directions of the Minister, and every judgment, order or sentence given, issued or passed in such appeal may be enforced in such manner as if it were a judgment, order or sentence in an appeal from a customary court constituted or deemed to be constituted under this Law.

Proceedings
under
review.

75. Any cause or matter which immediately before the commencement of this Law is under review by a provincial adviser or divisional adviser shall be transferred to such court as may be determined by or under directions of the Minister.

Saving for
certain
orders.
Caps 142.
and 143.

76. Any order in council made under the provisions of section 12 of the Native Courts Ordinance or section 10 of the Native Courts (Colony) Ordinance and in force immediately before the commencement of this Law shall have effect as if it were made under section 24 of this Law and may be amended or revoked accordingly.

FORM OF OATH OF COURT MEMBER

I, being
 appointed the *President/a Member of the Court
 do swear by Almighty God that I will well and truly serve as the *President/a
 Member of the Court
 and will do right to all manner of people after the laws and usage of Western
 Nigeria without fear or favour affection or ill-will and that I will not accept
 in respect of my service as *President/Member any bribe, or any unlawful
 recompenses, reward or benefit whatsoever.

*Delete whichever is inapplicable.

SECOND SCHEDULE

PART I.—CIVIL JURISDICTION OF GRADE "A" COURTS

Unlimited jurisdiction in all civil causes and matters arising under the law
 to be administered by the court in accordance with paragraph (a) of section 19:

Provided that the court shall not have jurisdiction to administer or grant
 power or authority to any person to administer the estate of an intestate where
 the gross capital value thereof exceeds £500.

PART II.—CIVIL JURISDICTION OF GRADE "B" COURTS

(1) Jurisdiction in matrimonial causes and matters between persons
 married under customary law or arising from or connected with a union
 contracted under customary law (excluding any such cause or matter relating
 to, arising from or connected with a Christian marriage as defined in section 1
 of the Criminal Code), where the debt, demand or damages do not exceed
 two hundred pounds;

(2) unlimited jurisdiction in causes relating to the custody of children
 under customary law;

(3) jurisdiction in causes and matters relating to inheritance upon intestacy,
 the administration of, and the grant of power or authority to any person to
 administer, intestate estates under customary law, where the gross capital
 value thereof does not exceed two hundred pounds;

(4) jurisdiction in land matters in which the value of the subject matter
 does not exceed two hundred pounds;

(5) jurisdiction in other causes and matters under the law to be adminis-
 tered by the court in accordance with paragraph (a) of section 19, where the
 debt, demand or damages do not exceed one hundred pounds.

PART III.—CIVIL JURISDICTION OF GRADE "C" COURTS

(1) Jurisdiction in matrimonial causes and matters between persons
 married under customary law or arising from or connected with a union
 contracted under customary law (but excluding any such cause or matter
 relating to, arising from or connected with a Christian marriage as defined
 in section 1 of the Criminal Code), where the debt, demand or damages
 do not exceed fifty pounds;

(2) unlimited jurisdiction in suits relating to the custody of children
 under customary law;

(3) jurisdiction in causes and matters relating to inheritance upon intestacy and the administration of and the grant of power or authority to any person to administer intestate estates under customary law where the value of the property does not exceed fifty pounds;

(4) jurisdiction in land matters in which the value of the subject matter does not exceed two hundred pounds;

(5) jurisdiction in other causes and matters under the law to be administered by the court in accordance with paragraph (a) of section 19, where the debt, demand or damages does not exceed fifty pounds.

Section 34.

THIRD SCHEDULE

SCALE OF IMPRISONMENT IN DEFAULT OF PAYMENT OF A FINE

Where the fine—

The period of imprisonment shall not exceed—

- | | |
|--|---------------------|
| (a) does not exceed ten shillings... | ... (a) seven days; |
| (b) exceeds ten shillings but does not exceed one pound. | (b) fourteen days; |
| (c) exceeds one pound but does not exceed ten pounds. | (c) one month; |
| (d) exceeds ten pounds but does not exceed thirty pounds. | (d) two months; |
| (e) exceeds thirty pounds but does not exceed fifty pounds. | (e) four months; |
| (f) exceeds fifty pounds but does not exceed one hundred pounds. | (f) six months; |
| (g) exceeds one hundred pounds but does not exceed two hundred pounds. | (g) one year; |
| (h) exceeds two hundred pounds | ... (h) two years. |

CUSTOMARY COURTS RULES

ARRANGEMENT OF RULES

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2. Interpretation.

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2. Causes and matters: how commenced.
3. Application for summons.
4. Issue of warrant of arrest.
5. Persons arrested without warrant to be brought before the court without delay.
6. Court may dispense with issue and service of summons.

ORDER IV.—ISSUE, SERVICE AND EXECUTION OF SUMMONS AND WARRANTS

1. Issue of summons or warrant.
2. Service of process or execution of warrant.
3. Modes of service.
4. Substituted service.
5. Proof of service.
6. Service on Sunday or Public Holiday.
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Part 1.—SERVICE AND EXECUTION OUT OF JURISDICTION BUT WITHIN THE REGION

1. Process to be forwarded.
2. Procedure—Process and warrant.
3. Procedure—Judgments.
4. Document to be properly addressed.

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5. Process from High Court or Magistrates' Courts of the Region.

Part 3.—PROCESS, ETC., FORWARDED FROM COURTS OF THE FEDERAL TERRITORY OF LAGOS AND OTHER REGIONS

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1. Bail bond.
2. Conditions of bail.
3. Security in lieu of bail.
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1. Neither party appearing at the hearing.
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3. If defendant does not appear (Civil).
4. If defendant does not appear (Criminal).

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2. Interlocutory applications: when made.
3. Motions: how made.
4. Motions to be on notice.
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2. Plea as to jurisdiction.
3. Consideration of plea as to jurisdiction.
4. Plea of liability or guilt.
5. Plea of non-liability or guilt.
6. Verdict.
7. Amendment of claim or charge.
8. Adjournments.
9. Presence of defendant at criminal trial.
10. When persons may be charged jointly.
11. Duration of adjournment in criminal cause or matter.
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2. Evidence of a child.
3. Examination of witnesses.
4. Record of evidence.
5. Court may order deposit of witnesses expenses.
6. Non-appearance of witness.
7. Witnesses may be excluded from court.
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1. Enforcement of interlocutory orders.
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2. Writ of attachment.
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5. Sums recoverable and fees to be endorsed on writ.
6. Where debt paid before execution.
7. Powers of bailiff.
8. Custody of goods seized.
9. Goods not to be sold before expiration of a period of ten days.
10. Sale of goods seized.

Rules

11. Revoked.
12. Bailiff to issue receipts.
13. Bailiff to give inventory.
14. Bailiff to pay overall moneys received to clerk.
15. Returns by the clerk.
16. Inspection of Bailiff's Books.
17. Bailiff not to pay money to judgment creditor.
18. Proceeds of sale.
19. Attachment of immovable property.
20. Method of attaching immovable property.
21. Sale of attached immovable property.
22. Setting aside sale.
23. Effect of setting aside.
24. Absolute sale.
25. Certificate of purchase.
26. Disposal of proceeds of sale.
27. Costs of execution.

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1. Interpleader summons.
2. Proceedings at hearing.
3. Time for making claim.
4. Evidence in support of claim.
5. Procedure where damages claimed.
6. Payment into court.
7. Damages by bailiff or messenger.
8. Costs.

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1. Writ of possession.
2. Claim to possession by third party.
3. Effect of decision.

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1. Execution against the person.
2. Summons to show cause.
3. Non-appearance to summons.
4. Subsistence of judgment debtor.
5. Examination of judgment debtor.
6. Detention or release during examination.
7. Protection of property.
8. Orders court may make.
9. Committal orders.
10. Limit on imprisonment.
11. Subsistence of judgment debtor committed.
12. Release of debtors.
13. Effect of imprisonment.
14. Imprisonment not to satisfy debt.

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1. Sentences of imprisonment.
2. Commencement of term.
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- 1A. Court to inform convicted person of his right of appeal
2. Court to specify conditions of appeal.
3. Appellant to be admitted to bail and execution stayed.
4. Appeals may be treated as discontinued for want of prosecution.
5. Procedure on receipt of notice of appeal.
6. Parties to be notified of hearing date.
7. Lower court to supply record.
8. Court may vary conditions.
9. Copy of proceedings.
10. Amendment of grounds of appeal.
11. Appearance of both parties.
12. Non-appearance of both parties.
13. Appeal struck out may be re-entered.

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1. Records of proceedings.
2. Copies of records.
3. Record books.
4. Preservation of records.
5. Fees for, and supervision of records.

ORDER XX.—COSTS

1. Costs.
2. Costs at discretion of court.
3. Determination of costs.

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1. Fees.
2. Time of payment of fees.

ORDER XXII.—FORMS AND ACCOUNTS

1. Use of forms.
2. Record of forms issued.
3. Accounting.

THE CUSTOMARY COURTS RULES
ORDER I.—PRELIMINARY

W.R.L.N.
258 of 1958.
W.R.L.N.
260 of 1959.
W.N.L.N.
73 of 1961.
W.N.L.N.
317 of 1962.
W.N.L.N.
229 of 1964.
W.N.L.N.
593 of 1964.
W.N.L.N.
1 of 1966.

Short title,
commence-
ment and
application.

Interpre-
tation.

1. These Rules may be cited as the Customary Courts Rules, and shall come into operation in such part or parts of the Region and on such date or dates as may be specified in any notice under section 1 of the Law.

2. In these Rules, unless the context otherwise requires—

“appeal court” means a customary court of appeal established under or in pursuance of the Law or deemed to have been so established;

“cause or matter” includes any legal proceeding between a plaintiff and a defendant or between a petitioner and a respondent in a matrimonial proceeding, and any criminal proceeding;

“charge” means the statement of offence or statement of offences with which a defendant is charged before a court;

“civil proceedings” means all civil actions triable in a 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 in a court;

“clerk” means any person appointed as a clerk for a customary court in accordance with section 12 of the Law;

“complainant” means any person taking criminal proceedings in a court against any other person, or any person on whose behalf such proceedings are taken;

“court” means a customary court established under or in pursuance of the Law or deemed to have been so established, and includes an appeal court;

“criminal proceedings” include all proceedings other than civil proceedings;

“decree” means an order in a matrimonial cause or matter;

“defendant” means any person against whom civil or criminal proceedings are taken in a court;

“judgment” includes the dismissal of any cause or matter, as well as any other decision of a court;

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

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

Cap. 31. “the law” means the Customary Courts Law.

“motion” means an application to a court for an order directing something to be done in the applicant’s favour;

“order” means a command or direction by a court in any proceedings before it;

“plaintiff” means any person taking civil proceedings in a court against any other person;

“president” includes a vice-president and a presiding member selected in accordance with section 6 (3) of the Law;

“process” means formal written authority of a court for the purpose of giving compulsory effect to its jurisdiction and includes a summons, warrant or any other document issuing out of a court for such purpose;

“return day” includes any day fixed for any proceeding before the court;

“summons” means a document issued by a court calling upon the person to whom it is directed to attend before the court or to produce any document or thing to the court at a certain time and place;

“warrant” means a written command issued by a court for the arrest and production of any person before a court as a defendant or witness or otherwise for the purpose of lawfully enforcing any judgment or order of a court.

ORDER II.—CONSTITUTION OF THE COURT

Quorum. 1. Where no number is specified in the warrant of appointment of a court which consists of three or more members, it shall be sufficient if, for the purpose of hearing any cause or matter, there be present three members of the court, including the President, Vice-President or presiding member selected in accordance with section 6 (3) of the Law, as the case may be:

Provided that once the trial of a cause or matter has commenced no other member of the court shall sit with those already sitting for the purposes of adjudicating upon the cause or matter.

Attendance of members from locality. 2. Upon application by a party to a cause or matter the court may in its discretion direct the attendance of a member or members from the locality in which the cause or matter has arisen, and the court may adjourn the proceedings, if necessary, in order to enable him or them to attend.

ORDER III.—INSTITUTION OF CAUSES AND MATTERS

Causes and matters where commenced. 1. (1) A civil cause or matter shall be instituted in the lowest court which has jurisdiction to entertain the particular cause or matter.

(2) A criminal cause or matter shall be instituted in such court as has jurisdiction to hear the particular cause or matter and as would appear to have power to inflict adequate punishment for the offence in the event of the accused person being convicted.

2. (1) Every civil cause or matter shall be commenced by a summons.

Causes and matters:
how commenced.

(2) Every criminal cause or matter shall be commenced by a summons, a warrant of arrest or by bringing before the court any person arrested without a warrant.

3. (1) Application for a summons may be made by a written complaint or orally in person.

Application for summons

(2) If application for summons is made in person the clerk shall record all the particulars of the claim or charge which are necessary for the completion of the proper summons.

(3) When making an application for a summons in any land cause or land matter, the applicant shall state the value of the land to enable such value to be stated in the particulars of claim in the summons.

4. A warrant of arrest shall be issued only upon a complaint of a serious offence made on oath before the court or the president, or where the court or the president is satisfied that there are grounds for fearing that the person to be arrested may abscond.

Issue of warrant of arrest.

5. A person arrested without a warrant shall be brought before the court at the first opportunity and in any case not later than seven days after his arrest, and the charge against him shall be recorded in a criminal record book to be kept for the purpose.

Persons arrested without warrant to be brought before the court without delay.

6. In a Grade "C" Court or a Grade "D" Court, the court may in special cases dispense with the requirements of these Rules as to the issue and service of summons or as to any steps to be taken before any cause or matter is ready for trial, and may, if all the necessary parties are present, proceed forthwith to the trial of the cause or matter.

Court may dispense with issue and service of summons.

ORDER IV.—ISSUE, SERVICE AND EXECUTION OF SUMMONSES AND WARRANTS

1. (1) Every civil or criminal summons to a defendant, and every summons to a witness, and every warrant of arrest issued by the court under these Rules or under any other written law shall be in the Forms A (i), A (ii), A (iii) and B respectively set out in the First Schedule.

Issue of summons or warrant.
Forms A (i), A (ii), A (iii) and B.
First Schedule.

(2) Every search warrant issued in accordance with the provisions of sub-section (1) of section 43 of the Law shall be in the Form C set out in the First Schedule.

Form C
First Schedule.

(2a) In every land cause or land matter the value of the land shall be stated in the particulars of claim in the summons.

(3) Any fees paid in respect of the issue of any process or other document by the court shall be entered on the process or other document by the clerk or such other person as the court may authorise in that behalf.

(4) Every process or other document (other than a search warrant) issued by the court under these Rules or any other written law, shall be signed by the president or such other member or officer of the court as the court may authorise in that behalf.

Service of
process or
execution of
warrant.

2. Any process or other document issued by the court and requiring service or execution shall be served or executed upon the person to whom reference is made therein by such officers as are authorised by law in that behalf.

Modes of
service.

3. (1) Service shall be effected by handing the process or other document to the person to whom it is addressed.

(2) In the case of a person employed in the public service of the Regional Government or a local government council, service may be effected by posting the process or other document to the head of the department in which the person is serving or the secretary of the local government council in which the person is serving, as the case may be, and the head of the department or the secretary of the local government council shall arrange for service.

(3) A written statement from the head of department or the secretary of the local government council, as the case may be, that the person has been served shall be sufficient proof of service, unless the contrary is proved.

(4) For the purposes of paragraph (2) of this Rule the expression "head of department" includes any public officer in the administrative, professional or executive grade of the public service who is in charge of a section of a department.

Substituted
service.

4. (1) Where it appears to a court, either before or after a previous attempt at service in accordance with paragraph (1) of Rule 3, that for any reason personal service of any process or other document cannot be effected conveniently, the court, after being satisfied by affidavit that it is necessary so to do, may order that service be effected—

(a) by delivery of the process or other document to some person being an agent of the person to be served or to some other person, on its being proved that there is a reasonable probability that the copy of the process or other document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served; or

(b) by advertisement in some newspaper circulating within the jurisdiction; or

(c) by affixing the process or other document to the usual or last known place of abode or business of the person to be served; or

(d) 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 process or other document.

(2) The court may regard any process or other document as served if it is satisfied that the contents of such process or other document are known to the person to be served.

5. (1) Subject to the provisions of paragraph (2) of Rule 3 and paragraph (2) of this Rule, proof of service shall be by evidence on oath. Proof of service.

(2) In all cases where service of any process or other document has been effected by a bailiff, messenger or a member of a local government police force, a certificate of service signed by the bailiff, messenger or member of the local government police officer shall, on production and without proof of signature, be sufficient proof of service, unless the contrary is proved.

6. Service of any process or other document shall not be made on a Sunday or public holiday unless the court so directs by order endorsed on the process or other document to be served. Service on Sunday or public holiday.

7. The court shall not proceed to adjudicate upon any cause or matter which depends upon any process or other document having been served unless service is admitted by the person concerned or proved or deemed to have been effected. No proceedings without proof of service.

ORDER V

Part 1.—SERVICE AND EXECUTION OUT OF JURISDICTION BUT WITHIN THE REGION

1. When a court desires any process or other document to be served, or a warrant to be executed, or a decree or order to be enforced, outside the limits of its territorial jurisdiction, but within the Region, it shall forward such process or other document, warrant or decree or order to the court within whose jurisdiction the process or other document, warrant or decree or order is to be served, executed or enforced, as the case may be. Process to be forwarded.

2. (1) When a court receives any process or other document or warrant forwarded in accordance with Rule 1 of this Order, it shall forthwith endorse on the process or other document or warrant an order for its due service or execution, as the case may be, and shall arrange for such service or execution without delay. Procedure, process and warrant.

(2) A sum of money sufficient to cover the costs of transport and subsistence expenses in respect of the witness shall be forwarded with every witness summons.

(3) A sum of money sufficient to cover the costs of transport and subsistence expenses in respect of the person to be arrested and of any person required to escort him in custody to the jurisdiction of the court which issued the warrant, shall be forwarded with every warrant of arrest.

3. (1) When a court receives a decree or order forwarded in accordance with Rule 1 of this Order, it shall— Procedure— judgments.

(a) enter the decree or order as a civil cause in a civil record book to be kept for the purpose;

(b) on the application of the person for whose benefit the decree or order exists, enforce it in the same manner as if the decree or order were that of the court so receiving it;

(c) inform the court which issued the decree or order of any money or property recovered thereunder;

(d) return the decree or order when satisfied, or, if not satisfied, immediately after the expiration of twelve months.

(2) Any court forwarding a decree or order to another court shall note thereon particulars of any payment already made to it in part satisfaction of the decree or order.

Service and execution in areas where no customary court.

3A. When a Court desires any process or document to be served, or a warrant to be executed, or a decree or order to be enforced, outside the limits of its jurisdiction, but in any area within the Region in which no court is established it shall forward such process or other document, warrant or decree or order to the Magistrates Court having jurisdiction within that area and the Magistrates Court shall proceed in the manner provided by Rules 2 or 3 of this Order.

Document to be properly addressed.

4. Any process or other document, warrant, decree or order forwarded under the provisions of this Order shall contain the full address or whereabouts (as the case may be) of the person or property affected thereby.

Part 2.—PROCESS, ETC., FORWARDED FROM THE HIGH COURT AND MAGISTRATES' COURTS OF THE REGION

Process from High Court or Magistrates' Courts of the Region.

5. When the High Court desires any process or other document to be served, or a warrant to be executed, or a decree or order to be enforced anywhere within the Region, or when any magistrate's court desires any process or other document to be served, or a warrant to be executed, or decree or order to be enforced outside its territorial jurisdiction but within the Region, by a court, the High Court or the magistrate's court may forward the process or other document, warrant, decree or order, to the court within whose jurisdiction the process or other document, warrant, decree or order, is to be served, executed or enforced, as the case may be, in the same manner as any process or other document, warrant, decree or order, is forwarded in accordance with Rule 1 of this Order.

Part 3.—PROCESS, ETC., FORWARDED FROM COURTS OF THE FEDERAL TERRITORY OF LAGOS AND OTHER REGIONS AND FROM THE SUPREME COURT

Process from Courts outside the Region.

6. When any customary or native court, magistrate's court or High Court of any other Region or the Federal Territory of Lagos or the Supreme Court, desires any process or other document to be served, or a warrant to be executed, or a decree or order to be enforced within Western Nigeria by a court, such customary or native court, magistrate's court or High Court of another Region or the Federal Territory of Lagos, or the Supreme Court may adopt the procedure set out in Part 1 of this Order as if it were a court within Western Nigeria forwarding such process or other document, warrant or decree or order to be so served, executed or enforced.

ORDER VI.—BAIL

1. (1) Any person who has been arrested with or without warrant and charged with any offence may, at the discretion of the court before which he is charged, be admitted to bail on such terms as the court may think fit. Power to grant bail and bail bond.

(2) Any court to which an appeal lies from the decision of the court before which a person is charged may, if it thinks fit, admit to bail any accused person although the court before which he is charged has not thought fit to do so; but before admitting any accused person to bail under this paragraph, the court to which an appeal lies as aforesaid shall give the complainant an opportunity of being heard.

(3) A bail bond shall be in Form "D" set out in the First Schedule. First Schedule.

2. The amount of bail to be taken in any case shall be in the discretion of the court, and shall be fixed with due regard to the circumstances of the case and shall not be excessive: Conditions of Bail.

Provided that such amount of bail shall not in any event exceed the maximum fine or penalty which the court has power to impose.

3. When a court has granted bail, the accused person and his sureties (if any) may, instead of entering into a bond, secure bail by the deposit of a sum of money equivalent to the amount for which the bond is ordered. Security in lieu of bail.

4. (1) When an accused person or appellant, as the case may be, who has been released on bail fails to surrender to his bail before the court on the proper day, the clerk shall record the fact and the details of the bond; and the court may— Forfeiture of bail.

(a) in the case of a bond, order the accused person or any of his sureties to pay the amount of the bond or any part thereof, or call upon all or any of them to show cause why such amount or part thereof should not be paid; or

(b) in the case of a deposit, order the deposit or any part thereof to be forfeited, or call upon the person who made the deposit to show cause why the deposit or any part thereof should not be forfeited.

(2) Any amount ordered to be paid under this Rule may, if unpaid, be recovered as a judgment debt by attachment and sale, under a writ of attachment and sale, of the property of the person ordered to pay.

(3) If upon attachment and sale of any property the amount realised is insufficient to meet the amount ordered to be paid, or if there is no property to attach and sell, the court may order the issue of a warrant to imprison the person ordered to pay for a period not exceeding three months in respect of the unpaid amount, unless it be sooner paid.

ORDER VII.—NON-APPEARANCE OF PARTIES AT THE HEARING

Neither party appearing.

1. (1) If neither party to a cause or matter appears when it is called on the return day, the court, unless there is some good reason for keeping it on the list, shall strike out the cause or matter.

(2) If there is good reason for keeping the cause or matter on the list, the reason shall be recorded and a hearing date fixed.

If plaintiff or complainant does not appear.

2. (1) If the plaintiff or the complainant in a cause or matter does not appear when it is called on the return day, the court, unless there is some good reason for keeping the cause or matter on the list, shall strike it out.

(2) If there is good reason for keeping the cause or matter on the list, the reason shall be recorded and a hearing date fixed.

If defendant in civil cause or matter does not appear.

3. If the defendant in a civil cause or matter does not appear on the return day, the court, unless there is some good reason for adjourning the hearing (in which case the reason shall be recorded and a hearing date fixed) shall, on proof of service or if it is satisfied that the hearing date is known to the defendant, proceed in the absence of the defendant to hear and determine the cause or matter on the evidence of the plaintiff and his witnesses, if any:

Provided that if the defendant shall have filed in the court an admission in writing of the plaintiff's claim, the court may give judgment for the plaintiff without further proof of service or of the claim.

If defendant in criminal cause or matter does not appear.

4. (1) If the defendant in a criminal cause or matter fails to appear when the cause or matter is called on the return day (and does not comply with the provisions of paragraph (1) (b) of Rule 9, Order IX), the court shall consider whether it will adjourn the hearing or issue a warrant to arrest the defendant and bring him before the court to be dealt with according to law.

(2) A warrant to arrest a defendant shall be issued only where he fails to obey a summons without giving any or sufficient excuse for his absence, or where he fails to surrender himself to the court on the return day after he has been admitted to bail.

Form B. First Schedule.

(3) Such a warrant shall be in the form of an ordinary warrant of arrest.

ORDER VIII.—INTERLOCUTORY APPLICATIONS

Definitions.

1. For the purposes of this Order the expression—
“interlocutory application” means an application made during the course of an action and incidental to the principal object of the action, namely, the judgment; and interlocutory applications include all steps taken for the purpose of assisting either party in the prosecution of his case; or of protecting or otherwise dealing with the action, or of executing the judgment when obtained.

2. Interlocutory applications may be made by way of motion at any stage of the proceedings in a cause. Interlocutory applications: when made.

3. No motion shall be entertained by the court until the applicant has filed a motion paper, or made oral application in open court, distinctly stating the terms of the order sought and the grounds upon which he relies therefor. Motions: how made.

4. Subject to the provisions of Order IV and except where the court considers it desirable and not unjust that a motion should be taken in the absence of any person likely to be affected, a motion shall be taken only after due notice has been served on other persons likely to be affected, or where the motion is made by oral application in open court in the presence of the person affected. Motion to be on notice.

5. At the hearing of any motion the court may receive oral evidence for or against the motion. Oral evidence may be taken.

ORDER IX.—PROCEEDINGS AT THE HEARING

1. (1) The subject matter of a claim or charge shall be read out by the clerk to the defendant, who shall be asked how he pleads to it, and his answer shall be recorded. Plea in civil and criminal matters.

(2) If, in any criminal cause or matter, the defendant cannot or will not answer directly when called upon to plead to the charge the court shall cause to be entered a plea of not guilty on behalf of the defendant and the plea so entered shall have the same effect as if the defendant actually pleaded the same.

2. Where a defendant wishes to plead—

(a) that the court has no jurisdiction; or

(b) that the claim or charge does not disclose any cause of action or any offence; or

(c) that the subject-matter of the claim has been previously adjudicated upon; or

(d) that (in the case of a criminal cause or matter) he has been previously acquitted or convicted of the offence,

the defendant may make such a plea at any stage after he has been asked to answer to the claim or charge and such plea shall be recorded by the clerk. Plea as to jurisdiction.

3. (1) The court shall consider whether a plea made under Rule 2 is made out and shall give its decision which shall be recorded. Consideration of plea as to jurisdiction.

(2) If the court is satisfied that the plea has been made out, the claim shall be struck out, or the charge dismissed and the defendant discharged.

(3) If the court is not satisfied that the plea has been made out, it shall order the defendant to plead in the ordinary way under rule 1 of this Order, or that the hearing shall continue, as the case may be.

4. Where the defendant admits the claim or the offence, as the case may be, the court shall hear the statements of the parties and give its judgment. Plea of liability or guilt.

Plea of non-liability or of not guilty.

5. (1) Where the defendant does not admit the claim or the charge, as the case may be, the plaintiff or the complainant shall adduce evidence in support of his case.

Case for prosecution and defence.

(2) In any criminal cause or matter—

(a) at the close of the case for the complainant, the court shall consider whether any case has been made out for the defendant to answer;

(b) if no case has been made out, the charge shall be dismissed and the defendant acquitted and discharged;

(c) where there is a case for the defendant to answer, the court shall call upon him to make his defence; and he shall adduce evidence in support of his case.

Case for plaintiff and defence.

(3) In any civil cause or matter—

(a) at the close of the case for the plaintiff, the court shall consider whether any case has been made out for the defendant to answer;

(b) if no case is made out, the court shall give judgment in favour of the defendant;

(c) where there is a case for the defendant to answer the court shall call upon him to make his defence; and he shall adduce evidence in support of his case.

Verdict.

6. At the conclusion of the evidence on both sides, the court shall consider the whole evidence and give its judgment thereon and it shall issue an order in accordance with order XI, rule 2.

Amendment of claim or charge.

7. (1) The court may, at any stage before judgment upon application by any party to the proceedings, amend the particulars of a claim or charge if the court is satisfied that no injustice will result: Provided that if such amendment is made in the absence of the other party a notice of the amendment shall be served on the other party.

(2) If the facts proved at the trial are substantially the same as the particulars of claim or charge and the court considers that there would be no substantial miscarriage of justice, the court may give judgment and issue an order on the evidence adduced before it without amending the claim or charge.

Adjournment.

8. (1) At any stage in any proceedings the court may of its own motion adjourn the hearing until such time as may be convenient for the court.

(2) Any request by any party to the proceedings for an adjournment shall be considered by the court and, unless there be good reason for granting it, shall be refused.

(3) The court may grant an adjournment of the hearing on such terms as it thinks fit.

Presence of defendant at criminal trial.

9. (1) Every defendant in a criminal trial shall be present in court during the whole of his trial except where—

(a) he misconducts himself by so interrupting the proceedings or otherwise as to make their continuance in his presence impracticable; or

(b) he is summoned in respect of any offence other than a serious offence in which case the court may dispense with his appearance provided he pleads guilty in writing or appears and so pleads by a person entitled to represent him before the court as the case may be.

(2) The court in any criminal trial in which the presence of the defendant has been dispensed with may, at any subsequent stage of the proceedings, direct the personal attendance of the defendant and, if necessary, enforce such attendance by means of the issue of a warrant to apprehend the defendant and bring him before the court.

(3) Where a defendant in a criminal trial appears before the court on a summons he may be required to enter the dock or to stand or sit nearby as the court may order.

10. When more persons than one are accused of the same offence or of different offences committed in the course of the same transaction or when a person is accused of committing an offence and another of abetting or being accessory to or attempting to commit such offence, they may be charged and tried together or separately as the court thinks fit.

When persons may be charged jointly.

11 (1) Any adjournment in a criminal cause or matter shall not normally exceed fifteen days, and when the defendant is to be kept in custody during an adjournment, it shall not normally exceed seven days:

Duration of adjournment in criminal cause or matter.

Provided that where the court considers it necessary, an adjournment may be for such period, longer than the period of fifteen days or seven days aforementioned, as the court may consider advisable.

(2) When the defendant is to be kept in custody during an adjournment he shall be committed to, and produced from, the prison by warrant in the Form E in the First Schedule:

Form E First Schedule.

Provided that during remand, the court may nevertheless order the defendant to be brought before it where the court considers that the circumstances so warrant.

12. (1) When any person who in the opinion of the court has not attained the age of seventeen years is being tried for an offence, or is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, the court may direct that any persons, not being officers of the court or parties to the proceedings, their legal practitioners or other persons directly concerned in the proceedings, be excluded from the court during the trial or the taking of evidence of such person.

Public may be excluded from trial.

(2) The court may in its discretion exclude members of the public from the court at any stage of the proceedings in a cause or matter where the administration of justice so requires: Provided that in any case an order made under this Rule shall not, unless specifically stated by the court, authorise the exclusion of representatives of the press.

ORDER X.—EVIDENCE

1. Every witness giving evidence before the court shall be put on such oath as he declares to be binding on him, but if he objects to the taking of an oath he shall affirm that the evidence he is about to give is the truth; and the fact that a witness has taken an oath or has affirmed shall be recorded.

Evidence to be on oath or affirmation.

- Evidence of a child. 2. The evidence of a child who, in the opinion of the court, does not understand the nature of an oath, but understands the duty of speaking the truth, may be received by the court, although not given on oath.
- Examination of witnesses. 3. (1) Every witness shall first be examined by the party calling him, and the other party shall then be at liberty to cross-examine such witness who may thereafter be re-examined by the party calling him as to matters arising out of the cross-examination.
(2) A witness may be questioned by the court at any stage of the proceedings.
- Record of evidence. 4. The President shall record in the proper record book all oral evidence given before Grade A, Grade B and Appeal Courts; in courts of other grades such record of evidence shall be kept by the President or by the clerk.
- Court may order deposit of witnesses' expenses. 5. Where a court, on the application of any party to the proceedings before it, directs that any person shall be summoned to give evidence or produce any document in his possession, the court may order a deposit of such amount of money before the issue of summons as will cover the expenses of such person in so attending.
- Non-appearance of witness. 6. If a witness does not appear in answer to a summons, the court, upon proof of service of the summons, a note of which shall be recorded in the proper record book, may order the issue of a warrant to bring such witness before the Court at such time and place as may be convenient.
- Witnesses may be excluded from court. 7. A court may, on the application of any party to a cause or matter, or of its own motion, order witnesses on any side to be kept out of court: Provided that the parties themselves and their respective legal practitioners shall not be so ordered, although it is intended that they should be called as witnesses.
- Exhibits and documents to be kept by court. 8. (1) All documents and other exhibits admitted in evidence by the court shall be retained by the clerk until appeal is lodged or the time within which appeal should be lodged has elapsed, whichever is the earlier.
(2) Where no appeal is lodged within time the clerk shall return the documents and other exhibits to the parties who have tendered them in evidence, unless the court otherwise directs.
- Witnesses' allowances and fees. 9. (1) Witnesses' allowances and fees shall not be paid to them until they have given evidence:
Provided that a witness in a civil cause or matter shall be entitled to be paid in advance through the court the cost of transport from his ordinary place of abode to the place where he is to give evidence and for his return journey.
(2) At the conclusion of the proceedings the court may order allowances and fees in accordance with the Second Schedule to be paid to the witnesses and these allowances and fees shall be paid by the party calling the witnesses and shall be included in any costs awarded to him.
- Second Schedule.

ORDER XI.—COURT ORDERS

1. A court may in its discretion make any order within its powers and jurisdiction which it considers the justice of the case demands whether or not the order has been asked for by the party who is entitled to the benefit thereof: Provided that in a civil cause or matter judgment shall not be given, except as to costs, for a greater sum of money than that claimed in the particulars of claim. Orders.

2. Orders of a court shall be issued in open court by the president and shall be recorded by the clerk and signed by the president in the proper record book, except in Grade A, Grade B and Appeal Courts where such orders shall be recorded and signed by the president in the proper record book. Record of verdict.

3. When a court is making an order it may fix the time within which the order shall be carried out and in particular may direct that any sum of money ordered to be paid may be paid by instalments. Time within which to carry out orders.

4. (1) When a party affected by an order of a court has appeared in the proceedings it shall not be necessary to bring the terms of the order to his notice before execution. Notice of court orders.

(2) When a party affected by an order of a court has not appeared in the proceedings the terms of such order shall be brought to his notice by the service upon him of a certified true copy of such order before execution.

ORDER XII.—INJUNCTIONS AND OTHER ORDERS AND THEIR ENFORCEMENT

1. Where a court has power to require any person to do or abstain from doing any act or thing, other than the payment of money, and no mode is otherwise than by these Rules provided for enforcing the requirement, the court may exercise the power by an order and may annex to the order such conditions as to the court may seem fit, and may suspend or rescind any such order on terms and may make such arrangements for carrying out such power as to the court may seem expedient. Enforcement of interlocutory orders.

2. (1) If any person fails to comply with an order made in accordance with the provisions of rule 1 for the space of fourteen days after the date by which he has been required by the court to do or abstain from doing the act or thing the court may, upon the application of any party to the proceedings, issue a summons calling upon the person in default to show cause why he should not be punished for failure to comply with the order of the court. Enforcement.

(2) Upon hearing of the summons the court may, upon being satisfied of the failure of the person in default to comply with the order, order him—

(a) to pay into court a sum not exceeding £1 for each day during which such default is made; or

(b) be imprisoned for an indefinite period until he has remedied his default.

(3) Where the court orders a person to be imprisoned under the provisions of this rule, the court shall review its order at intervals of not more than three months.

(4) Any sum ordered to be paid to any person under the provisions of this rule shall be recoverable summarily as a judgment debt.

ORDER XIII.—EXECUTION AGAINST PROPERTY

Recovery of money payable under judgment.

1. Any sum of money payable under a judgment of a court 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.

Writ of attachment.

2. The clerk, 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 the Region, in respect of the money payable under the judgment and the costs of the execution. Where the goods and chattels to be attached are outside the area of jurisdiction of the court the warrant shall be forwarded to another court in accordance with rule 1 of Order V for execution.

Details of application to be recorded.

3. The precise time of the making of an application to the clerk for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when two or more such writs are issued against the same goods and chattels they shall be executed in the order of the times so entered.

Writ not to issue until default made in payment of instalment.

4. 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.

Sums recoverable and fees to be endorsed on writ.

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

Where debt paid before execution.

6. If the judgment debtor, before the actual sale of his goods and chattels, pays or causes to be paid to the bailiff 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 inserted as aforesaid, the execution shall be superseded and the goods and chattels of the judgment debtor shall be discharged and returned to him.

Powers of bailiff.

7. 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 of his family and the tools and implements of his trade to the value of £5 which shall be protected from seizure.

8. Goods and chattels seized in execution under this process of the court shall until sale thereof—

Custody of goods seized.

(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.

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

Goods not to be sold before expiration of a period of ten days unless perishable.

10. (1) Subject to the provisions of paragraphs (2) and (3) of this Rule, the goods and chattels seized shall be set up for sale by auction by the bailiff in the court house where the writ was issued, or in such other place as the president may direct.

Sale of goods seized.

(2) No goods and chattels shall be set out for sale on a Sunday.

(3) The bailiff shall, prior to the sale, inform the judgment debtor of the date, place and time of the sale.

11. Revoked.

12. 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.

Bailiff to issue receipts.

13. When goods and chattels are attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, immediately after the removal.

Bailiff to give inventory.

14. Every bailiff shall pay to the clerk at the close of the day all moneys for the time being in his hands.

Bailiff to pay over all moneys received to clerk.

15. At the close of every month the clerk shall—

Returns by the clerk.

(a) make a full return to the president of all writs, orders, and warrants which have 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.

Inspection
of bailiff's
receipt
books.

16. The clerk shall submit to the president the receipt book used by the bailiff during the past month, and the president 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 counterfoils to have been given have been duly entered and accounted for; and the president, if satisfied with the entries shall certify accordingly.

Bailiff not to
pay money
direct to
judgment
creditor or
his agent.

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

Proceeds of
sale.

18. Where property is sold under writ of execution the proceeds, less the expenses of the sale, shall be disposed of as follows:

(a) the amount to be levied together with costs paid by the judgment creditor subsequent to the issue of the writ shall be paid to the judgment creditor, and

(b) the balance shall be paid to the judgment debtor.

Attachment
of im-
movable
property.

19. (1) Where the proceeds of the sale of the goods and chattels attached in execution of a writ issued in accordance with rule 2 are insufficient to satisfy the judgment or order, the judgment creditor may apply for the issue of a writ of attachment and sale of the immovable property of the judgment debtor to a Grade A court or, if there is no Grade A court, then to a Grade B court, within whose territorial limits of jurisdiction any immovable property of the debtor is situated.

(2) If the judgment or order was not given or made in the court to which application is made the application shall be supported by a certificate from the court making the judgment or order stating:

(a) the sum that remains due under the judgment or order, and

(b) that insufficient movable property of the judgment debtor has been found to satisfy the judgment or order.

(3) If, on the hearing of the application the Grade A court or Grade B court, as the case may be, is satisfied that a writ of attachment and sale may lawfully issue against the immovable property the court shall order its issue accordingly.

Method of
attaching
immovable
property.

20. (1) Upon receipt of a writ issued under rule 19 the bailiff or messenger executing the same may attach lands, building or other immovable property belonging to the judgment debtor by serving the judgment debtor with a written order of the court forbidding the judgment debtor to alienate and any other person to accept the property in any way.

(2) Copies of the written order shall be posted up on all items of the immovable property which have been attached.

21. When the attachment has been completed the bailiff or messenger executing the writ shall report the same to the clerk of the court, who shall thereupon arrange for the sale of the attached property by auction in such manner and under such conditions as the court may direct.

Sale of attached immovable property.

22. At any time within twenty-one days from the date of sale of any immovable property application may be made to the court for an order to set aside the sale on the ground of material irregularity in the conduct of the sale, but no such order shall be made unless the applicant prove to the court that he has suffered substantial damage or injury by reason of such irregularity.

Setting aside sale.

23. If a sale of immovable property is set aside, the purchaser shall be entitled to receive back any money deposited or paid by him on account of such sale, such money to be paid by such parties and in such manner as the court may direct.

Effect of setting aside.

24. (1) If no application to set aside the sale is made within twenty-one days from the date of sale, the sale shall be absolute.

Absolute sale.

(2) If an application to set aside is made and is not allowed by the court, the court shall (unless there be pending other applications to set aside the same sale) make an order confirming the sale, and such an order shall make the sale absolute.

25. After a sale of immovable property has become absolute the court shall grant a certificate to the purchaser to the effect that he has purchased the right, title and interest of the judgment debtor in the property sold, and such certificate shall be a valid transfer of such right, title and interest.

Certificate of purchase.

26. The proceeds of sale of immovable property shall be disposed of by the clerk of the court in the manner provided in rule 18.

Disposal of proceeds of sale.

27. The party enforcing a judgment or order may levy the costs of execution over and above the judgment debt and costs mentioned in such judgment or order unless the court shall otherwise order in cases where costs have been needlessly incurred.

Costs of execution.

ORDER XIV.—INTERPLEADER PROCEEDINGS

1. Any person who claims that any property, whether movable or immovable, which has been attached is not liable to be sold in execution of a judgment or order against the judgment debtor, may apply to the court which issued the writ of attachment and sale for the issue of a summons calling upon the judgment creditor to appear before the court on a date and at an hour specified in the summons to show cause why the property should not be released from the attachment.

Interpleader summons

2. (1) When the claim is investigated by the court it shall have the same powers as if the claimant had been originally a party to the suit:

Proceedings at hearing.

Provided that if it appears to the Court that owing to the value of the property attached it would not have been within its jurisdiction to determine the claim as an original suit, it shall stay the proceedings on the writ of attachment and sale until the issue between the judgment creditor and the person interpleading has been determined by a tribunal of competent jurisdiction.

(2) If it appears that the property attached is not liable to be sold in execution of the judgment or order the court shall make an order releasing the property from attachment.

(3) If it appears that the property attached is the property of the judgment debtor, the court shall disallow the claim and dismiss the summons.

Time for making claim.

3. (1) A claim must be made to the court at the earliest opportunity and if the attached property has been advertised for sale, the sale shall be postponed until the claim has been investigated.

(2) No claim shall be investigated if it appears to the court that it was designedly delayed with a view to obstruct the ends of justice.

(3) When it appears to the court that there has been deliberate delay, or when the sale has taken place before the claim was made, the interpleader proceedings shall be dismissed.

Evidence in support of claim.

4. (1) Every application by a claimant for an interpleader summons shall be supported by a declaration by the claimant, which may be on oath at the discretion of the court, specifying the property claimed and setting out the grounds upon which it is claimed.

(2) A copy of such declaration, certified by the clerk of the court, shall be provided for each person against whom the relief is sought and a copy shall be attached to each summons issued by the court.

(3) The court may call for oral evidence of the facts if it so wishes when the claim is investigated.

Procedure where damages claimed.

5. Where in any interpleader proceedings the claimant claims damages from the judgment creditor or from the bailiff or messenger of the court in respect of any misfeasance occurring during the course of the attachment, he shall, in the declaration under paragraph (1) or rule 4 state the amount which he claims for damages and the grounds upon which he claims such damages.

Payment into Court.

6. Where in the interpleader proceedings a claim for damages is made, the person from whom damages are claimed may pay money into the court in satisfaction of that claim, and the payment shall be made in the same manner and have the same effect as if the proceedings were an action in that court and the person claiming damages were plaintiff and the person from whom damages are claimed were defendant.

Damage by bailiff or messenger.

7. Where damages are ordered to be paid to the claimant in respect of any act done or omitted to be done by the bailiff or messenger of the court in execution of the writ, the court shall order that payment of such damages shall be made by the competent local government council.

Costs.

8. Costs in any interpleader proceedings may be ordered to be paid in such manner as shall appear to the court to be just.

ORDER XV.—WRIT OF POSSESSION

1. The execution of any judgment or order relating to land or other immovable property may be carried out by a writ of possession whereby the judgment creditor is placed in possession of the land or immovable property as the case may be. Writ of possession.

2. (1) If any person (other than the judgment debtor) is dispossessed and such person disputes the right of the judgment creditor to dispossess him on the ground that— Claim to possession by third party.

(a) the property was *bona fide* in his possession on his own account or on the account of some person other than the judgment debtor; or

(b) the property was not included in the judgment or order; or

(c) if included in the judgment or order he was not a party to the suit, he may apply to the court within twenty-eight days of dispossession making claim to such land or other immovable property as has been attached or for such other relief as may be appropriate.

(2) If, after examining the applicant, it appears to the court that the applicant has good ground for making the application the application shall be numbered and entered in the Civil Cause Record Book as a suit between the applicant and the judgment creditor and the court shall investigate the matter in dispute in the same manner and with the same powers as if a claim for the property had been made in a suit by the applicant against the judgment creditor.

(3) If an application made in accordance with the provisions of this rule is entertained by the court it shall operate as a stay of execution of the writ of attachment and sale of the land or other immovable property in question.

3. The decision of a court given consequent upon an investigation in accordance with rule 2 shall have the same force and effect as a decision in an ordinary civil suit, and no fresh suit arising out of the same facts may subsequently be entertained between the same parties or any persons claiming under them in respect of the same property. Effect of decision.

ORDER XVI.—EXECUTION AGAINST THE PERSON

1. (1) A judgment or order of a court for the payment of money in a civil cause or matter may be enforced by the arrest and imprisonment of the judgment debtor which shall be carried out in accordance with the following rules. Execution against the person.

(2) No judgment debtor shall be arrested and imprisoned for default in the payment of money in a civil cause or matter unless a judgment summons shall have been issued and an investigation shall have been made in accordance with the provisions of these rules.

Summons to show cause.

2. On the application of a judgment creditor for the enforcement of any order for the payment of money by the imprisonment of the judgment debtor, the court shall issue a summons calling upon the judgment debtor to appear before the court on a day and at an hour specified in the summons to show cause why he should not be committed to prison.

Non-appearance to summons.

3. (1) Where appearance is not made in obedience to the summons the court shall, if the judgment creditor so requires, issue a warrant for the arrest of the judgment debtor.

(2) Every such warrant shall direct that the judgment debtor be brought before the court with all convenient speed, unless the amount which he has been ordered to pay, and the fees (if any) for which he is laible, be sooner paid.

Subsistence judgment debtor.

4. No judgment debtor shall be arrested in pursuance of rule 3 unless and until the judgment creditor has paid to the court such sum as, in the opinion of such court, is sufficient for the subsistence of the judgment debtor from the time of his arrest until he can be brought before the court.

Examination of judgment debtor.

5. (1) When a judgment debtor appears before the court in obedience to a summons issued under rule 2 or is brought before the court after being arrested under the provisions of rule 3, he may be examined by or on behalf of the judgment creditor and by the court respecting—

(a) his ability to pay the money directed to be paid and for the discovery of property applicable to such payment, and as to what debts are owing by him, and as to the disposal which he may have made of any property; and

(b) the circumstances in which he contracted or incurred the debt or liability in respect of which the judgment was given and respecting the means or expectation he then had of paying or discharging the debt or liability,

and he shall be bound to produce all books, papers and documents in his possession or power relating to any of such matters.

(2) Whether the judgment debtor appears or not the judgment creditor and all other witnesses whom the court thinks requisite may be examined respecting the said matters.

Detention or release during examination.

6. (1) While any investigation mentioned in rule 5 is pending, the court may in its discretion either order the judgment debtor to be detained in prison, or release him on his furnishing security to the satisfaction of the court for his appearance when required by the court.

(2) Where the court orders a judgment debtor to be detained in prison in accordance with the provisions of this rule, payment for the subsistence of the judgment debtor shall be made by the judgment creditor in accordance with the provisions of rule 11.

Protection of property.

7. The court may upon any such investigation as aforesaid make an interim order for the protection of any property applicable or available in discharge of the judgment debt as it shall think expedient.

8. At the conclusion of the investigation the court may make such one or more of the following orders as the case may require:—

Orders court may make.

(a) an order for the committal of the judgment debtor to prison in accordance with the provisions of rule 10;

(b) an order for the attachment and sale of the judgment debtor's property;

(c) an order for the payment of money by instalments or otherwise by the judgment debtor;

(d) an order for the discharge of the judgment debtor from prison.

9. Subject to the provisions hereinafter contained, the court may at the conclusion of any such investigation as aforesaid but not otherwise commit the judgment debtor to prison for default in payment of any debt or instalment of any debt due from him:

Committal orders.

Provided that such jurisdiction shall only be exercised where it is proved, to the satisfaction of the court, that the person making default either has, or has had since the date of the judgment or order, the means to pay the sum in respect of which he has made default.

10. No person shall be imprisoned in pursuance of the provisions of this Order for a longer period than six weeks.

Limit on imprisonment.

11. (1) When a judgment debtor is committed to prison in execution of a judgment or order the court shall fix whatever weekly allowance it may think sufficient not exceeding nine pence per day.

Subsistence of judgment debtor committed.

(2) Such allowance shall be paid to the court by weekly payments in advance by the judgment creditor.

(3) Sums disbursed by the judgment creditor for the subsistence of the judgment debtor in prison shall be added to the costs of the judgment or order and shall be recoverable by the attachment and sale of the property of the judgment debtor made in accordance with the provisions of Order XIV but the judgment debtor shall not be detained in custody or arrested on account of any sums so disbursed.

12. A judgment debtor shall be released at any time—

Release of debtors.

(a) on the judgment or order being fully satisfied; or

(b) at the request of the judgment creditor; or

(c) on the failure of the judgment creditor to pay an allowance as provided by rule 11.

13. A judgment debtor released under rule 12 may be re-arrested but, subject as aforesaid, a judgment debtor who has once been released from imprisonment upon an order made under these rules shall not be imprisoned again in pursuance of the same judgment or order.

Effect of imprisonment.

14. (1) Imprisonment shall not in any case operate as satisfaction or extinguishment of the debt, nor deprive the judgment creditor of any right of execution against the movable or immovable property of the judgment debtor.

Imprisonment not to satisfy debt.

(2) Where a judgment debtor has been arrested and is detained in custody, or where a warrant has been issued for the arrest of a judgment debtor no sale of any of his property shall, except with his written consent, be made until—

(a) one month has elapsed from the date of his arrest; and

(b) at least fifteen days notice has been given to the judgment debtor specifying the property which has been seized and is intended to be sold:

Provided that this rule shall not apply to perishable articles which may be sold at once.

ORDER XVII.—EXECUTION OF SENTENCES

Sentences of imprisonment.

1. (1) When any person is sentenced to imprisonment the court which sentenced him shall issue a warrant of committal ordering that the sentence be carried out in a prison to which the customary court has power to commit any person, such prison to be named in the warrant.

(2) Any such warrant shall be sufficient authority to the bailiffs and messengers of the court or members of the appropriate local government police force to convey the person named in the warrant to the said prison and there deliver him to the officer in charge thereof and for the said officer to keep the person committed for the period prescribed in the warrant.

Commencement of term.

2. A sentence of imprisonment shall commence and include the whole of the day of the date on which it was ordered.

Consecutive sentences.

3. Where a sentence of imprisonment is passed on any person by a court, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so, however, that where two or more sentences passed by a court are ordered to run consecutively, the aggregate term of imprisonment shall not exceed two years or the limit of jurisdiction of the court whichever is the greater.

ORDER XVIII.—APPEALS

Appeals: how commenced.

Form F (i) or F (ii) First Schedule.

1. (1) An appeal from any court to an appeal court shall be commenced by the appellant giving oral notice of appeal in open court or filing in duplicate in the court whose judgment or order is being appealed from, a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule within the time prescribed by the Law.

Form F (i) or F (ii) First Schedule.

(2) Where a notice of appeal is given orally in open court, the appellant shall, as soon as may be thereafter, file in duplicate a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule in the court whose judgment or order is being appealed from, within the time prescribed by the Law.

Court to inform convicted person of his right of appeal.

1A. A court shall, upon convicting any person inform him of his right of appeal from such conviction.

2. Upon receiving the notice of appeal, the clerk of the court shall file the same, and the court shall order as the circumstances of the case may require—

Court to specify conditions of appeal.

(a) a deposit of a sum of money by the appellant to cover the costs of making up and transmitting the record of appeal;

(b) a deposit or the entering into a recognisance with or without sureties, for a sum of money to cover any costs which may have been awarded in the court or which may be awarded in the appeal court;

(c) where the appellant is appealing against a conviction for wilful failure to pay the amount due in respect of a rate, the deposit of the amount which he has been ordered to pay pending the determination of the appeal.

2A. The appellant shall, within a period of thirty days of the date of the judgment or order from which he is appealing, file particulars of his grounds of appeal in the court in Form "F" (iii) set out in the First Schedule.

Time limit for filing grounds of appeal Form "F" (iii) First Schedule.

3. (1) The court, having made an order under rule 2 and being satisfied by the appellant that the order has been complied with, may order bail in like manner as bail may be ordered under paragraphs (1) and (2) of rule 1, Order VI or stay execution on such terms as it thinks fit.

Appellant may be admitted to bail and execution stayed.

(2) Any court to which an appeal lies from the decision of the court before which a person is charged, may if it thinks fit, on application, admit to bail that convicted person if he has given notice of appeal and has complied with an order made under rule 2 although the court by which he was convicted has refused bail.

(3) An application under the preceding paragraph may be made to more than one court so, however, that on a refusal a further application may be made only to a court of higher jurisdiction.

4. If the Appeal Court is satisfied that an order made under rule 2 has not been complied with, the appeal court shall, unless it extends the time within which to appeal, strike out the appeal and may order the forfeiture of any deposits or recognisances in so far as it appears to the court to be necessary to do so.

Failure to comply with conditions of appeal.

5. The clerk of the court who receives a notice of appeal shall—

Procedure on receipt of notice of appeal.

(a) attach to the notice a certified true copy of the judgment or order to which the notice refers;

(b) endorse on the notice the cost of making up of the record of appeal;

(c) within ten days of receiving the same, forward the notice so endorsed, with a certified true copy of the judgment or order attached, to the clerk of the appeal court named in the notice; and the court shall take no further action in the appeal proceedings except by the direction of the appeal court;

(d) certify to the appeal court the conditions ordered by the court in accordance with rule 2.

Parties to be notified of hearing date. 6. The appeal court shall, as soon as may be after the receipt of a notice of appeal with a certified true copy of the judgment or order attached, fix a date for the hearing of the appeal, and shall notify the same and forward copies of the notice of appeal to all the parties directly affected by the appeal, at the expense of the appellant.

Lower court to supply record. 7. The court shall supply the record of proceedings in the cause or matter upon the direction of the appeal court and the court shall deduct the cost of preparing the record thereof from any deposit made by the appellant for that purpose, and shall pay to the appellant the balance (if any).

Sending of record to Director of Public Prosecutions. 7A. (1) Where the appeal is in a criminal cause or matter in which the prosecution has been conducted in the name of the Crown, any public officer, a local government council or any officer of a local government police force and the appeal lies to an appeal court in which a legal practitioner may appear, the clerk of the Court below shall send a copy of the record of appeal to the Director of Public Prosecutions at the same time as he transmits it to the appeal court.

(2) In any cause or matter to which paragraph (1) of the rule applies the appeal court shall send a notice of hearing in accordance with rule 6 to the Director of Public Prosecutions.

Court may vary conditions. 8. An order made by the court under rule 2 may be varied or amended by a subsequent order of the appeal Court.

Copy of proceedings. Second Schedule. 9. Any party to a cause or matter shall be entitled, upon payment of the appropriate fee prescribed in the Second Schedule, to receive a copy of the proceedings in the cause or matter.

Amendment of grounds of appeal. 10. The appeal court may upon such terms as it thinks fit, grant leave to the appellant to amend or add to his grounds of appeal at any stage of the proceedings.

Appearance of both parties. 11. Where both parties appear when an appeal is called on for hearing, each party shall be given the opportunity of a hearing by the appeal court: Provided that the appellant or his representative (if any) shall be entitled to be heard first.

Non-appearance of both parties. 12. If, when the appeal is called on for hearing—
(a) the appellant fails to appear, the appeal may be struck out; or
(b) the respondent fails to appear, the appeal court may, if satisfied that the hearing date is known to the respondent, proceed to hear and determine the appeal in the absence of the respondent.

Appeal struck out may be re-entered. 13. When an appeal has been struck out under rule 12, the appeal court may, upon the application of the appellant made within fourteen days of the striking out order, direct the appeal to be re-entered for hearing upon such terms as it thinks fit.

ORDER XIX.—RECORDS OF PROCEEDINGS

1. (1) All proceedings including notes of evidence given before the court shall be recorded in English or in the vernacular in the proper record books, by the clerk, in the case of Grade C courts and by the president in the case of Grade A, Grade B and Appeal Courts. Records of proceedings.

(2) The clerk or president, as the case may be, shall sign the record book at the end of the proceedings in each cause or matter and at the end of each day's business.

(3) In all cases where records of proceedings including notes of evidence are kept by the clerk, the president shall also sign the record book at the end of the proceedings in each cause or matter.

2. (1) Any person who is not a party to a cause or matter in a court shall not be entitled as of right to inspect the record of proceedings relating to such cause or matter, but such person may apply to the court to inspect or obtain a copy of such record; and his application shall state what document it is desired to inspect or copy and the reasons for making the application. Copies of records.

(2) The court may, in its discretion, grant such application on such terms as it thinks fit.

3. (1) Every court shall keep cash books and record books. Record books.

(2) Every court shall keep receipt books from which receipts shall be issued for all sums paid into court funds.

4. The clerk or such other person as the competent council may, with the approval of the Local Government Service Board, appoint for the purpose, shall preserve all records of the court. Preservation of records.

5. (1) The fees to be paid in respect of inspection and for copies of records shall not exceed the appropriate fees prescribed in the Second Schedule. Fees for and supervision of records. Second Schedule.

(2) All inspection of records, whether or not by a party to the cause or matter, shall be done under the supervision of the clerk or a member of the court.

ORDER XX.—COSTS

1. The expression "costs" means the expenses necessarily and actually incurred by a party on account of the proceedings in a court, and shall include the expenses of summoning and attendance of parties and witnesses, and allowances and fees payable to any person both during the proceedings and for purposes of enforcing an order. Costs.

2. (1) A court may in its discretion order full or reduced costs to be awarded to the successful party in a cause or matter. Costs at discretion of court.

(2) Where in any cause or matter any costs awarded would be payable to the Regional Government or a local government council, or its agent or servant who has acted in the course of his duties as such agent or servant, such costs, unless the court sees good and special reason to direct otherwise, shall be ordered to be paid into the Regional Government treasury or local government council treasury, as the case may be.

Determina-
tion of costs.

3. Any court awarding costs shall whenever possible assess the amount of such costs summarily and shall include such amount in its order.

ORDER XXI.—FEES AND FINES

Fees:
Second
Schedule.

1. The fees prescribed in the Second Schedule shall be payable in the circumstances specified therein and lists of such fees shall be exhibited to the public in suitable parts of the court offices, provided that—

(a) the court may, with the approval of the Minister, direct from time to time that such other fees, not exceeding the fees prescribed in the First Schedule, as it considers suitable in a particular class of cases, shall be payable; and where the court has so directed that such other fees shall be payable, only such fees shall be payable;

(b) the court may remit all or part of fees payable in particular cases where the court has reason to believe that a person has just cause for complaint and that he is unable, by reason of poverty or other sufficient cause, to bring the same before the court;

Second
Schedule.

(c) no fees shall be payable in respect of any class of cases or by any persons, body or authority stated in the Second Schedule to be exempt from payment of fees;

(d) no additional fee shall be payable on the issue of a summons or warrant by reason only of the names of more than one defendant appearing on such summons or warrant.

Time of pay-
ment of fees.

2. The fee payable upon the issue of any process or order of the court, or upon the doing of any act by the court, shall be paid into the court funds before the process or order is issued or the act is done.

ORDER XXII.—FORMS AND ACCOUNTS

Use of
forms:
First
Schedule.

1. The forms set out in the First Schedule or forms to the like effect, may be used in all proceedings to which they are applicable with such variations as the circumstances may require.

Record of
forms issued.

2. The clerk shall keep a record of every form issued by the court by retaining a counterfoil or duplicate of such form, and every such counterfoil or duplicate shall show accurately all the details contained in the form at the time of issue.

Accounting.

3. The clerk, or such other person as the competent council with the approval of the Local Government Service Board may appoint for the purpose, shall account for all moneys received by the court.

FIRST SCHEDULE
FORMS
Form A (i)
CIVIL SUMMONS
FORM A (i)

FORM A (i)
ORDER IV,
Rule 1.

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19 _____ Plaintiff

and
Defendant
You are hereby summoned to appear at a court holden
at _____ day of _____ 19 _____
at _____ o'clock a.m. to answer
the Plaintiff's claim as follows:
Particulars of Claim

Fees paid _____
Date _____

President or Member

ORDER IV

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19 _____ Plaintiff

and
Defendant
You are hereby summoned to appear at a court holden at
on the _____ day of _____ 19 _____
at _____ o'clock a.m. to answer
the Plaintiff's claim as follows:
Particulars of Claim

Fees paid _____
Date _____

President or Member

Form A (ii)
CRIMINAL SUMMONS
FORM A (ii)

FORM A (ii)
ORDER IV,
Rule 1

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19 _____ Complainant

and
Defendant
You are hereby commanded to appear before this court
at _____ day of _____ 19 _____
at _____ o'clock a.m. to answer
a complaint of: *Particulars of Offence*

Fees paid _____
Date _____

President or Member

ORDER IV

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19 _____ Complainant

and
Defendant
You are hereby commanded to appear before this court at
on the _____ day of _____ 19 _____
at _____ o'clock a.m. to answer
a complaint of: *Particulars of Offence*

Fees paid _____
Date _____

President or Member

Form.
WITNESSES SUMMONS

ORDER IV

FORM A (iii)

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No. 19

Plaintiff/Complainant
and
Defendant

To You are hereby commanded to attend before this court at _____ on the _____ day of _____ 19____ to testify all that you know in the above-mentioned cause or matter.
You are summoned on behalf of the _____ day of _____ 19____
Issued at _____ day of _____ 19____
Fees paid _____

President or Clerk

Form B
GENERAL WARRANT OF ARREST

FORM B

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Charge No. 19

Complainant
and
Defendant

To A complaint on oath/an order has been made on the _____ day of _____ 19____, by _____ Police Officer, _____ hereinafter, called the defendant, on the _____ day of _____ 19____ at _____ Province did _____

You are therefore hereby commanded to bring the defendant before this court sitting at _____ forthwith to answer the said complaint and be dealt with according to law.
Fees paid _____
Date _____

President or Member

ORDER IV,
Rule 1.

FORM A (ii)

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No. 19

Plaintiff/Complainant
and
Defendant

Name of Witness
Address

Fees paid
Date

President or Clerk

ORDER IV,
Rule 1

FORM B

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Charge No. 19

Complainant
and
Defendant

To A complaint on oath/an order has been made on the _____ day of _____ 19____, by _____ Police Officer, _____ hereinafter, called the defendant, on the _____ day of _____ 19____ at _____ Province did _____

You are therefore hereby commanded to bring the defendant before this court sitting at _____ forthwith to answer the said complaint and be dealt with according to law.
Fees paid _____
Date _____

President or Member

Form C
SEARCH WARRANT

ORDER IV

FORM C

CUSTOMARY COURTS
WESTERN NIGERIA

ORDER IV.
Rule 1.

Customary Court of.....

Grade.....

Cause/Matter No..... 19.....

Complainant

and

Defendant

To.....

and.....

WHEREAS information in writing and upon oath has this day been made that there is reasonable ground for believing that there is in.....

(State the place to be searched and what is to be searched for).

You are hereby commanded, with proper assistance, to enter the said..... (state the place to be searched) and there diligently search for the things aforesaid and if the same or any part thereof are found on search, to bring the things so found, and also the said..... (name of the occupier of the place to be searched) before this court to be dealt with according to law.

This warrant shall be executed between the hours of six o'clock a.m. and eight o'clock at night* (and may also be executed at any hour during the day or night).

ISSUED at..... this..... day of..... 19.....

Fees paid.....

.....
President

*Strike out if not authorised.

FORM D
BAIL BOND

FORM D

ORDER VI

CUSTOMARY COURTS
WESTERN NIGERIA

ORDER VI,
Rule 1.

Customary Court of

Grade

Cause/Matter No. 19

Plaintiff/Complainant

and

Defendant

WHEREAS the undersigned principal party to this recognisance is charged with the offence of the said principal party hereby binds himself to perform the following obligation: to appear before the court at at

o'clock a.m. on the day of 19

and on any other or subsequent day required by the court to answer the said charge and to be dealt with according to law, and the said principal party and the undersigned sureties hereby acknowledge themselves bound to forfeit to the court the sums following, namely, the said principal party the sum of £

and the said sureties the sum of £ each, in case the principal party fails to perform the obligation or part thereof.

Signed and delivered:

..... } Principal Party
..... } Sureties
..... }

Date

.....
President or Clerk

Form E
REMAND WARRANT

ORDER IX

FORM E

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No. 19

Complainant

and

Defendant
Police Officer

To

prison.

hereinafter called the defendant
being brought before this court sitting at
charged with having

The hearing of the case being adjourned: You the said Police Officer are hereby
commanded to convey the defendant to the said prison, and thereby to deliver him to
the Superintendent thereof, together with this warrant, and you, the Superintendent of
the said prison, to receive him into your custody, and keep him until the day
of 19, and on that day to convey him
before the court sitting at
at o'clock a.m. to be further dealt with according to law.

19

day of

DATED the

President or Member

ORDER IX,
Rule 13

FORM E

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No. 19

Complainant

and

Defendant
Police Officer

To

prison.

hereinafter called the
defendant being brought before this court sitting at
charged with having

The hearing of the case being adjourned: You the said Police
Officer are hereby commanded to convey the defendant to the
said prison, and thereby to deliver him to the Superintendent
thereof, together with this warrant, and you, the Superintendent
of the said prison, to receive him into your custody, and keep
him until the day of 19,
and on that day to convey him before the court
sitting at o'clock
a.m. to be further dealt with according to law.

19

day of

DATED the

President or Member

Form F (i)
NOTICE OF APPEAL (CIVIL)
(by aggrieved party)

ORDER XVIII

Order XVIII
Rule 1.

FORM F (i)

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No 19
Plaintiff Appellant/Respondent
and
Defendant Appellant/Respondent

TAKE NOTICE that the Plaintiff (or Defendant)
appeals from the decree or order dated the day of
19, in the above-mentioned proceedings.

The address for service of the said Plaintiff/Defendant/Appellant within the
jurisdiction of the court is

DATED the day of 19
Fees paid

*Appellant or Legal Practitioner
acting for him*

To
of

Notes.—The notice must be filed with the clerk of the court within thirty days of
the decree or order appealed from and served on all parties affected by the appeal.
Form of grounds of appeal is set out in Form F (iii).

Form F (ii)
NOTICE OF APPEAL (CRIMINAL)
(by aggrieved party)

ORDER XVIII

Order XVIII
Rule 1.

FORM F (ii)

CUSTOMARY COURTS
WESTERN NIGERIA

Customary Court of
Grade
Cause/Matter No 19
Complainant/Respondent
and
Defendant/Appellant

TAKE NOTICE that the Defendant appeals against the conviction/sentence by the
court pronounced on the day of 19,
in the above-mentioned proceedings.

PARTICULARS:

Offence convicted of
Date of conviction
Sentence and date
Prison where appellant is
Legal Practitioner representing appellant (if any) and his address

This notice of appeal is given by of
(who wishes to be present at the hearing).

DATED the day of 19
Fees paid

*Appellant or the Legal Practitioner
acting for him*

To the Clerk of the Court.

Notes.—This notice must be filed with the clerk of the court within thirty days of
the decree or order appealed from and served on all parties affected by the appeal.
Forms of grounds of appeal is set out in Form F (iii).

Form F (iii)

MEMORANDUM OF GROUNDS OF APPEAL ORDER XVIII

FORM F (iii)

CUSTOMARY COURTS
WESTERN NIGERIA

Order XVIII
Rule 2 A.

Customary Court of _____

Grade _____

Cause/Matter No. _____ 19 _____

Plaintiff Appellant/Respondent

and

Defendant Appellant/Respondent

This is my memorandum of grounds of appeal in connection with my Notice of Appeal dated _____ 19 _____

GROUNDS OF APPEAL

DATED the _____ day of _____ 19 _____

To the clerk of the Court.
Fees paid _____

*Appellant or the Legal Practitioner
acting for him*

Form G

No. _____

SUMMONS TO WITNESS

In the Customary Court of _____

Between _____ Plaintiff (if more than one, all should be named) and _____ Defendant (if more than one, all should be named).

To _____ 1

You are hereby commanded to attend before this Court sitting at _____ 2
on the _____ day of _____ 19 _____, at the hour of _____ a.m./p.m.
to testify all that you know in the above cause, and to produce the following documents, that is to say:—
_____ 3

You are summoned on behalf of the _____ 4

DATED the _____ day of _____, 19 _____

(Signature) _____
President/Vice-President

- 1. Insert name of witness.
- 2. Insert place of sitting.
- 3. State details of documents to be produced by the witness.
- 4. Insert plaintiff or defendant as the case may be.

No. _____

Form H
FORMAL ORDER

In the Customary Court of _____
Between _____ Plaintiff (if more than
one, all should be named) and _____ Defendant
(if more than one, all should be named).

To _____
It is hereby ordered that the above-named _____
do recover from you _____ the sum of £ _____ s _____ d,
representing £ _____ s _____ d for the debt/damages and £ _____ s _____ d for costs and you are hereby
ordered to pay to such persons the total sums of £ _____ s _____ d forthwith * on the _____ day
of _____ 19____ * by instalments of £ _____ s _____ d for every _____
DATED at _____ 4 this _____ day of _____ 19____

(Signature)

President/Vice-President
£ _____ s _____ d

*Debt	...	...	...	...	...	...	...	...	...
*Damages	...	...	...	...	...	...	...	...	...
Costs	...	...	...	...	...	...	...	...	...
TOTAL	...	...	...	...	...	...	...	...	...

- * Delete whichever is not applicable.
- 1. Insert full names of all persons against whom the order is made.
- 2. Insert full names of all persons in whose favour the order is made.
- 3. Insert week, month or as the case may be.
- 4. Insert place of sitting.

No. _____

Form I
JUDGMENT DEBTOR SUMMONS

In the Customary Court of _____
Between _____ Plaintiff (if more than
one, all should be named),

and

Defendant (if more than one, all

should be named).

To _____
WHEREAS the above-named _____
obtained a judgment/order* against the above-named _____
in this Court sitting at _____
of _____ 19____, for the payment of £ _____ s _____ d for debt/damages and costs
to be paid *forthwith * on the _____ day of _____ 19____ * by instal-
ments of £ _____ s _____ d for every _____ and subsequent costs have been incurred
and allowed by the Court, amounting to £ _____ s _____ d.

AND WHEREAS default has been made by you to the above-named _____
in payment of the sum of £ _____ s _____ d payable in pursuance of the said judgment/order and
the said _____ has/have* required this judgment
summons to be issued against you.

You are therefore hereby summoned to appear personally in this Court at _____
on the _____ day of _____ 19____, at the hour of _____ a.m./p.m.
to be examined as to the means you have or have had since the date of the said judgment/order*
to satisfy the sum payable in pursuance of the said judgment/order*; and also to show cause why
you should not be committed to prison for such default.

DATED this _____ day of _____ 19____

(Signature)

President/Vice-President
£ _____ s _____ d

Sum in payment of which default has been made as in second recital above
Fees on issue of this summons _____
Other expenses incurred by judgment creditor _____

TOTAL _____

- * Delete whichever is not applicable.
- 1. Insert name of person or persons to whom summons is issued.
- 2. Insert full names of all persons in whose favour Judgment or order was made.
- 3. Insert full names of all persons against whom Judgment or order was made.
- 4. Insert place where Court was sitting when Judgment/order was made.
- 5. Insert week, month or as the case may be.
- 6. Insert full names of judgment debtor or debtors who are in default.
- 7. Insert place at which Court will sit to hear application.

Form J

No. _____

WARRANT TO ARREST A JUDGMENT DEBTOR

In the Customary Court of _____

Between _____ Plaintiff (if more than one
all should be named),

and

_____ Defendant (if more than one, all
should be named).

To all bailiffs and messengers of this Court.

WHEREAS the above-named _____¹ has failed to answer to a
judgment summons issued by this Court on the _____ day of _____ 19____

AND WHEREAS it has been proved that the said _____² was duly served with the
summons:

You are hereby commanded to arrest the said _____³ and to bring him before
the Court to be examined as to the means he has or has had since the date of the judgment/order*
to satisfy the sum payable in pursuance of the said judgment/order*; and to show cause why he
should not be committed to prison for such default.

DATED this _____ day of _____ 19____

(Signature)

President/Vice-President

* Delete whichever is not applicable.

1. Insert name of judgment debtor.
2. Insert name of person or persons to be arrested.

Form K

No. _____

WARRANT OF IMPRISONMENT OF A JUDGMENT DEBTOR

In the Customary Court of _____

Between _____ Plaintiff (if more than one, all should be
named),

and

_____ Defendant (if more than one, all should be
named),

To all bailiffs and messengers of this Court and members of _____¹
Police, and to the officer in charge of _____¹ Prison.

You are hereby commanded to convey the above-named _____²
hence and to deliver him to the officer in charge of _____¹ Prison,
there to be imprisoned for _____³ unless he shall sooner pay to the
above-named _____⁴ the sum of £ _____ s _____ d, being the balance of the
sum of £ _____ s _____ d which sum he was ordered to pay to the said _____⁴
by a judgment/order* of the Court in the above-mentioned suit.

DATED at _____⁵ this _____ day of _____
19____

(Signature)

President or Vice-President

* Delete whichever is not applicable.

1. Insert the name of the appropriate Local Government Police Force or Local Government Prison, as the case may be.
2. Insert name of defaulting debtor to be imprisoned.
3. Insert the number of days/months for which the defaulting debtor is to be imprisoned.
4. Insert the name or names of the judgment creditor or creditors to whom payment is due.
5. Insert place of sitting.

Form L

No. _____

**WRIT OF ATTACHMENT
(MOVABLE PROPERTY)**

In the Customary Court of _____
 Between _____ Plaintiff (if more than one, all should be
 named).
 and
 _____ Defendant (if more than one, all should be
 named).

To all bailiffs and messengers of this Court.
 WHEREAS the above-named _____¹ obtained a judgment/order* against
 the above-named _____² in this Court sitting at _____³ on
 the _____ day of _____ 19____ for the payment of
 £ s d for debt/damages* and costs to be paid *forthwith *on the _____ day
 of _____ 19____ by instalments of £ s d for every _____ day
 and subsequent costs have been incurred and allowed by the Court amounting to £ s d:
 AND WHEREAS default has been made in payment of the sum of £ s d payable by the
 above-named _____⁴

You are hereby ordered forthwith to levy the sum of £ s d due under the said judgment/
 order*, together with the costs of this writ and the costs of executing the same, by the attachment of
 the movable property of the said _____⁵ wheresoever they may be found
 within the area of the jurisdiction of this court (except the clothing and bedding of him or his
 dependants and the tools and implements of his trade to the value of five pounds) and also by
 seizing and taking any money, bank-notes, cheques, bills of exchange, promissory notes, bonds or
 securities for money belonging to the said _____⁶ or such part or so much
 thereof as may be sufficient to satisfy this execution and to bring what you shall have so levied to
 this Court and to make a report of what you have done under this writ immediately upon execution
 thereof.

DATED this _____ day of _____ 19____

(Signature) _____
 President or Vice-President
 £ s d

Amount remaining due under judgment/order*	...	...	...	...	...	...	...	...	...
Fees and costs on execution of this writ	...	...	...	...	...	...	...	...	...
TOTAL	...	...	...	...	...	...	...	...	...

- * Delete whichever is not applicable.
- 1. Insert full names of all persons in whose favour judgment or order was made.
- 2. Insert full names of all persons against whom judgment or order was made.
- 3. Insert place where Court was sitting when judgment or order was made.
- 4. Insert week or month as the case may be.
- 5. Insert name of defaulting judgment debtor.

Form M

No. _____

**WRIT OF ATTACHMENT
(IMMOVABLE PROPERTY)**

In the Customary Court of _____
 Between _____ Plaintiff (if more than one, all should be
 named).
 and
 _____ Defendant (if more than one, all should be
 named).

To all bailiffs and messengers of this Court.
 WHEREAS the above-named _____¹ obtained a judgment/order* against
 the above-named _____² in the Court sitting at _____³
 on the _____ day of _____ 19____ for the payment of
 £ s d for debt/damages* and cost to be paid *forthwith *on the _____ day
 of _____ 19____ by instalments of £ s d for every _____ day
 and subsequent costs have been incurred and allowed by the court amounting to £ s d:
 AND WHEREAS default has been made in the payment of the sum of £ s d: payable by
 the above-named _____⁴

AND WHEREAS a writ has been issued by the Court for the attachment and sale of the movable property of the said _____¹ but the execution of such writ has failed to realise the full amount due from the said _____² in pursuance of the said Judgment/order³;

You are hereby commanded forthwith to levy the sum of £ s d still remaining due to the above-named _____¹ under the said judgment/order³ together with the costs of this writ and the costs of executing the same by the attachment of the immovable property of the said _____² wheresoever such property may be found within the area of jurisdiction of this Court, and to make a report of what you have done under this writ immediately upon execution thereof.

DATED this _____ day of _____ 19 _____

(Signature) _____
President or Vice-President

Amount remaining due	...	...	...	...	...	...	...	...	...	£	s	d
Fees and costs on execution of this writ	...	...	...	...	...	...	...	...	...
TOTAL	...	...	...	...	...	...	...	...	...

- * Delete whichever is not applicable
- 1. Insert full names of all persons in whose favour judgment or order was made.
- 2. Insert full names of all persons against whom judgment or order was made.
- 3. Insert place where court was sitting when judgment or order was made.
- 4. Insert week or month as the case may be.
- 5. Insert name of defaulting judgment debtor.

Form N

No. _____

ATTACHMENT NOTICE

In the Customary Court of _____
Between _____ Plaintiff (if more than one, all should be named).
and _____
Defendant (if more than one, all should be named)

TAKE NOTICE THAT—
WHEREAS a writ of attachment dated the _____ day of _____ has been issued under the hand of _____¹ President/Vice-President* of _____, 19 _____
_____² at the instance of _____

creditor, for the attachment of the immovable property of _____ judgment debtor in the above-mentioned suit, the said judgment debtor is hereby prohibited from alienating the property below mentioned by sale, gift, or in any other way and all persons are hereby prohibited from receiving the said property by purchase, gift or otherwise—³ judgment that is to say⁴ _____
_____ persons are prohibited that is to

DATED at _____ this _____ day of _____, 19 _____

Proper Officer

- * Delete whichever is not applicable.
- 1. Here insert name of person signing writ.
- 2. Here insert name of Court issuing writ.
- 3. Here insert name of judgment creditor.
- 4. Here insert name of judgment debtor.
- 5. Here detail goods attached.

No. _____

Form O

CERTIFICATE OF PURCHASE

In the Customary Court of _____
Between _____ Plaintiff (if more than one, all should be named)
and _____
Defendant (if more than one, all should be named).

TAKE NOTICE THAT—

This is to certify that _____ of _____
has been declared by this Court to be the purchaser of the right, title and interest in the land and
other immovable property hereinafter mentioned, that is to say:—

_____ which said right, title and interest was sold in execution of a judgment/order* in the above suit by
an order of this Court dated _____ day of _____

DATED at _____ this _____ day of _____, 19____
(Signature) _____

President or Vice-President

- * Delete whichever is not applicable.
- 1. Insert name of purchaser.
- 2. Insert address of purchaser.
- 3. Describe the land or other immovable property purchased.
- 4. Insert date when order was made.
- 5. Insert place of sitting.

Form P

INTERPLEADER SUMMONS

No. _____

In the Customary Court of _____
In the matter of a debt owing by _____
to _____

WHEREAS a writ of attachment was at the instance of _____
issued by this Court on the _____ day of _____, 19____, against
the property of _____ and has since been executed;

AND WHEREAS _____ hereinafter called the claimant,
has made claim to certain goods or the proceeds thereof taken in execution of the said writ;

You are hereby summoned to appear before this Court at _____
on the _____ day of _____, 19____, at the hour of _____ a.m./p.m.
when the said claim will be adjudicated upon and such order made thereon as the Court thinks fit.

DATED this _____ day of _____, 19____
(Signature) _____

President or Vice-President

Note.—A copy of the declaration made by the claimant, specifying the property claimed and
setting out the grounds upon which it is claimed, is attached hereto.

- * Delete whichever is not applicable.
- 1. Insert the name of the judgment debtor in the original suit.
- 2. Insert the name of the claimant or the judgment creditor in the original suit as the case may be.
- 3. Insert the name of the judgment creditor.
- 4. Insert the name of the person at whose instance this summons is issued.
- 5. Insert the place at which court will sit to adjudicate upon the interpleader issue.

Form Q

WRIT OF POSSESSION

No. _____

In the Customary Court of _____
To all bailiffs and messengers of this Court.

WHEREAS by an order of this Court, dated the _____ day of _____
19____, one _____ was ordered to deliver to _____ possession
of the land and premises hereinafter mentioned, that is to say:

_____ You are hereby commanded to give possession of the said land and premises to the said
_____; and to make a report of what you have done
under this writ immediately after the execution hereof, and to bring that report and this writ to
this Court.

DATED at _____ this _____ day of _____, 19____
(Signature) _____

President or Vice-President

- 1. Insert the name of the person who is to deliver possession.
- 2. Insert name of person who is to receive possession.
- 3. Set out particulars of the land and premises to be delivered.
- 4. Insert place of sitting.

Form R

No.

WARRANT OF COMMITTAL ON CONVICTION

In the Customary Court of

To all bailiffs and messengers and members of¹ Police
and the officer in charge of² Prison.

WHEREAS³ hereinafter called the accused was before this Court
sitting at⁴ on the day of 19.....
convicted in that he did⁵

And it is adjudged that the accused, for his said offence be imprisoned at⁶
for the period of

Now therefore you the said bailiffs and messengers and the said members of¹
Police are hereby ordered to convey the accused to the said²
Prison and there to deliver him to the said officer in charge thereof together with this Warrant.

And you the said officer in charge of the said³ Prison
are hereby ordered to receive the said accused into your custody and keep him for the above period.

DATED day of 19.....

(Signature)
President or Vice-President

-
1. Insert name of appropriate Local Government.
 2. Insert name of prison.
 3. Insert name of convicted person.
 4. Insert the place of sitting.
 5. Insert details of offence and if the offence is against any written law, quote the written law and the section against which the offence was committed.
 6. State length of sentence.

**SECOND SCHEDULE (ORDER XVII)
FEES**

A.—Civil Causes or Matters

	<i>£</i>	<i>s</i>	<i>d</i>
1. On issue of summons, where claim does not exceed £10	0	16	0
On issue of summons, where claim exceeds £10 but does not exceed £50 ...	2	2	0
On issue of summons, where claim exceeds £50, for each £50 or part thereof in excess of the first £50	1	1	0
2. On issue of summons, where the claim is not for the recovery of money or goods but some other relief or assistance	4	4	0
3. If the claim arose more than five years before the application for summons, the fee in the case of each of the items above will be double of the fee specified in the item.			
3A. On filing a written admission of a claim	0	1	6
4. On issue of Judgment Debtor Summons	0	18	0
5. On issue of Writ of Attachment and Sale	1	1	0
6. On issue of Writ to imprison a judgment debtor	0	18	0
7. On issue of Interpleader Summons	0	16	0
8. On grant of Certificate of Title	0	16	0
9. On drawing up of formal decree	0	10	0
10. Land Inspection Fees	5	5	0
11. On issue of Writ of Possession	1	7	0

B.—Criminal Causes or Matters

1. On issue of summons or warrant, unless issued by the court of its own motion ...	1	1	0
---	---	---	---

C.—Civil and Criminal Causes or Matters

1. On filing a security bond	0	18	0
2. On issue of a summons for witness	0	8	0
3. On filing an interlocutory application	0	10	0
4. On granting an adjournment of hearing on application of a party	0	10	0
5. Service fees initial fee (cost of transport is to be charged at the rate of 6d per mile return journey)	0	6	0
		per day or part thereof plus cost of transport.	
6. Inspection of record of proceedings	0	5	0
7. On supply of copy of proceedings per 100 words or part thereof... ..	0	1	0
8. Witness fees and allowances:			
(a) Professional men, mercantile agents, bank managers, surveyors and public officers whose salary is not below £624 per annum as evidenced by his income tax receipt	1	6	0
(b) Merchants, captains of ships, mercantile assistants and public officers whose salary is £300 but less than £624 per annum	1	8	0
(c) Auctioneers, native chiefs, master tradesmen, pilots, clerks and the like	0	14	0
(d) Others in the public service whose salary is less than £200	0	10	0
(e) Artisans, journeymen and the like	0	4	0
(f) Servants, labourers, canoemen and the like	0	1	6
(g) Women according to station in life from 1s 6d	1	8	0
(h) Travelling expenses of witness shall be allowed having regard to the sums reasonably and actually spent.			

D.—Appeals in Civil and Criminal Causes or Matters

1. On filing notice and grounds of appeal:			
(a) if within time	0	10	0
(b) if out of time	0	10	0
2. On making up and supplying record of appeal, for every 100 words	0	1	0
3. Fee for the transmission of the appeal, if sent by post, the amount payable and if transmitted by special messenger or otherwise, a charge to be fixed by the court transmitting same.			

E.—Exemptions under Order XVII, Rule 1 (c)

The following are exempted from the payment of the fees specified in this Schedule:—

1. The Western Region Finance Corporation and Local Loans Board established under Finance Corporation and Local Loans Board's Law.
2. All Departments of the Regional Government.
3. All Local Government Councils.

**EXTRACT FROM THE CUSTOMARY COURTS
(JURISDICTION IN STATUTORY CRIMINAL OFFENCES)
ORDER, 1966**

W.N.L.N.
42 of 1966

1. This Order may be cited as the Customary Courts (Jurisdiction in Statutory Criminal Offences) Order, 1966. Short title.

4. Subject to the provisions of paragraph 5 of this Order, Customary Courts, Grade "C", shall have jurisdiction to enforce within the local limits of their jurisdiction the provisions of the laws in the first column of the Fourth Schedule as set out in the second column thereof subject to the limitations and restrictions mentioned in the third column of the said Schedule. Criminal jurisdiction conferred on Customary Courts Grades "C" Fourth Schedule.

5. All customary courts shall have jurisdiction to impose penalties on persons subject to their jurisdiction who offend against the provisions of any written laws which such customary courts have by this Order been given jurisdiction to enforce: Jurisdiction to enforce penalties.

Provided that no such penalty shall exceed the maximum penalty which—

(a) the customary court is authorised by the Customary Courts Law to impose in criminal causes; Cap. 31.

(b) is prescribed for the offence by the written law creating the offence.

FOURTH SCHEDULE

PROVISIONS OF LAWS ENFORCEABLE BY CUSTOMARY COURTS, GRADE "C"

<i>Enactment</i>	<i>Provisions to be enforced</i>	<i>Limitations and restrictions</i>
The Animals (Diseases) Law (Cap. 6).	The whole Law.	—
The Criminal Code (Cap. 28).	Sections 20-34 inclusive Sections 74, 76, 79, 108, 115, 118, 119, 120, 121, 129, 130, 196, 197, 199, to 235 inclusive, 284, 292, 296, 306, 313, 323, to 331 inclusive, 355, 336, 418, 419 and sub-section (3) of section 310.	In relation to section 118 jurisdiction is conferred in respect of acts and omissions before or in respect of judicial proceedings before Customary Courts only.
The Forestry Law (Cap. 38).	Sections 49, 50, 51, 53, 54, 55, 56, 58 and 59.	—
The Hides and Skins Law (Cap. 43).	The whole Law	—
The Income Tax and Development Contribution Law (Cap. 48).	Sub-section (2)(aa) of section 66.	—
The Local Government Law (Cap. 68).	Sections 255, 256, 257 and 258.	—
The Mosquitoes Destruction Law (Cap. 79).	The whole Law	—
The Public Health Law (Cap. 103).	The whole Law except section 51.	—
The Road Traffic Law (Cap. 113).	The whole Law.	—
The Waterworks Law (Cap. 127).	The whole Law.	—

EXTRACT FROM THE CRIMINAL CODE LAW
CHAPTER V.—CRIMINAL RESPONSIBILITY

20. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

Ignorance of law.

21. A person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by him with respect to any property in the exercise of an honest claim of right and without intention to defraud.

Bona fide claim of right.

22. Subject to the express provisions of this code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission, which occurs independently of the exercise of his will, or for an event which occurs by accident.

Intention: motive.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

23. A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

Mistake of fact.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

24. Subject to the express provisions of this Code relating to acts done upon compulsion or provocation or in self-defence, a person is not criminally responsible for an act done or omission made under such circumstances of sudden or extraordinary emergency that an ordinary person possessing ordinary power of self-control could not reasonably be expected to act otherwise.

Extra-ordinary emergencies.

25. Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

Presumption of sanity.

26. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission.

Insanity.

A person whose mind, at the time of his doing or omitting to do an act, is affected by delusions on some specific matter or matters, but who is not otherwise entitled to the benefit of the foregoing provisions of this section, is criminally responsible for the act or omission to the

same extent as if the real state of things had been such as he was induced by the delusions to believe to exist.

Intoxication. 27. (1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—

(a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

(b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under the preceding sub-section is established, then in a case falling under paragraph (a) thereof the accused person shall be discharged, and in a case falling under paragraph (b) sections 229 and 230 of the Criminal Procedure Ordinance shall apply.

L. of N.
1948,
Cap. 43.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

**Immature
age.**

28. A person under the age of seven years is not criminally responsible for any act or omission.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

**Judicial
officers.**

29. Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

**Justification.
and excuse:
compulsion.**

30. A person is not criminally responsible for an act or omission if he does or omits to do the act under any of the following circumstances:—

(1) in execution of the law;

(2) in obedience to the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful;

(3) when the act is reasonably necessary in order to resist actual and unlawful violence threatened to him, or to another person in his presence;

(4) when he does or omits to do the act in order to save himself from immediate death or grievous harm threatened to be inflicted upon him by some person actually present and in a position to execute the threats, and believing himself to be unable otherwise to escape the carrying of the threats into execution:

but this protection does not extend to an act or omission which would constitute an offence punishable with death, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has by entering into an unlawful association or conspiracy rendered himself liable to have such threats made to him.

Whether an order is or is not manifestly unlawful is a question of law.

31. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband. Compulsion of husband.

But a wife of a Christian marriage is not criminally responsible for doing anything or omitting to do an act which she is actually compelled by her husband to do or omit to do, and which is done or omitted to be done in his presence, except in the case of an act or omission which would constitute an offence punishable with death, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, in which case the presence of her husband is immaterial.

32. A husband and wife of a Christian marriage are not criminally responsible for a conspiracy between themselves alone. No conspiracy between husband and wife alone.

33. A person who, being a member of a co-partnership, corporation, or joint stock company, does or omits to do any act with respect to the property of the co-partnership, corporation, or company which, if he were not a member of the co-partnership, corporation, or company, would constitute an offence, is criminally responsible to the same extent as if he were not such member. Offences by partners and members of companies with respect to partnership or corporate property.

34. When a husband and wife of a Christian marriage are living together, neither of them incurs any criminal responsibility for doing or omitting to do any act with respect to the property of the other, except in the case of an act or omission of which an intention to injure or defraud some other person is an element, and except in the case of an act done by either of them when leaving or deserting, or when about to leave or desert, the other. Liability of husband and wife for offences committed by either with respect to the other's property.

Subject to the foregoing provisions a husband and wife are, each of them, criminally responsible for any act done by him or her with respect to the property of the other, which would be an offence if they were not husband and wife, and to the same extent as if they were not husband and wife.

But in the case of a Christian marriage neither of them can institute criminal proceedings against the other while they are living together.

In this section the term "property" used with respect to a wife means her separate property.

CHAPTER X

UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE

Forcible entry.

74. Any person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters on land which is in actual and peaceable possession of another is guilty of a misdemeanour, and is liable to imprisonment for one year.

It is immaterial whether he is entitled to enter on the land or not.

Affray.

76. Any person who takes part in a fight in a public place is guilty of a misdemeanour, and is liable to imprisonment for one year.

Threatening violence.

79. Any person who—

(i) with intent to intimidate or annoy any person, threatens to break or injure a dwelling-house; or

(ii) with intent to alarm any person in a dwelling-house, discharges loaded firearms or commits any other breach of the peace; is guilty of a misdemeanour, and is liable to imprisonment for one year.

If the offence is committed in the night the offender is guilty of a felony, and is liable to imprisonment for three years.

CHAPTER XIV

OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

Preventing witnesses from attending.

108. Any person who wilfully prevents or attempts to prevent any person who has been duly summoned to attend as a witness before any court or tribunal from attending as a witness, or from producing anything in evidence pursuant to the subpoena or summons, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Delay to take person arrested before a court.

115. Any person who, having arrested another upon a charge of an offence, wilfully delays to take him before a court to be dealt with according to law is guilty of a misdemeanour, and is liable to imprisonment for two years.

Contempt of court.

118. Any person who—

(1) within the premises in which any judicial proceeding is being heard or taken or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being heard or taken; or

(2) having been called upon to give evidence in a judicial proceeding, fails to attend or, having attended, refuses to be sworn or to make an affirmation, or, having been sworn or affirmed, refuses without lawful excuse to answer a question, or to produce a document,

or prevaricates, or remains in the room in which such proceeding is being heard or taken, after the witnesses have been ordered to leave such room; or

(3) causes an obstruction or disturbance in the course of a judicial proceeding; or

(4) while a judicial proceeding is pending, makes use of any speech or writing, misrepresenting such proceeding, or capable of prejudicing any person in favour of or against any party to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken; or

(5) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private; or

(6) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connection with such evidence; or

(7) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding; or

(8) retakes possession of land from any person who has recently obtained possession by a writ of court; or

(9) commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being heard or taken,

is guilty of a simple offence, and liable to imprisonment for three months.

CHAPTER XV

ESCAPES; RESCUES; OBSTRUCTING OFFICERS OF COURTS

119. (1) Any person, who by force rescues or attempts to rescue Rescue. from lawful custody any other person—

(a) is, if such last-named person is under sentence of death or penal servitude or imprisonment for life, or charged with an offence punishable with death, or penal servitude or imprisonment for life, guilty of a felony, and is liable to imprisonment for life; and

(b) is, in any other case, guilty of a felony, and is liable to imprisonment for seven years.

(2) If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

120. Any person who, being in lawful custody, escapes from such Escape. custody—

(a) is, if he is charged with, or has been convicted of, felony or misdemeanour, guilty of a felony, and is liable to imprisonment for seven years, with or without whipping; and

(b) is, in any other case, guilty of a misdemeanour, and is liable to imprisonment for two years.

Aiding
prisoners to
escape.

121. Any person who—

(1) aids a prisoner in escaping or attempting to escape from lawful custody; or

(2) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner; is guilty of a felony, and is liable to imprisonment for seven years.

Removing,
etc. property
under lawful
seizure.

129. Any person who, when any property has been attached or taken under the process or authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals, or disposes of such property, is guilty of a felony, and is liable to imprisonment for three years.

Obstructing
officers of
courts of
justice.

130. Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court, is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of one hundred pounds.

CHAPTER XXII

IDLE AND DISORDERLY PERSONS; ROGUES AND VAGABONDS; BRINGING CONTEMPT ON UNIFORM

Idle and
disorderly
persons.

196. The following persons—

(a) every common prostitute—

(i) behaving in a disorderly or indecent manner in any public place;

(ii) loitering and persistently importuning or soliciting persons for the purpose of prostitution;

(b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do;

(c) every person playing at any game of chance for money or money's worth in any public place; and

(d) every person who, in any public place, conducts himself in manner likely to cause a breach of the peace, shall be deemed idle and disorderly persons, and may be arrested without warrant, and shall be guilty of a simple offence, and shall be liable to imprisonment for one month.

Rogues and
vagabonds.

197. The following persons—

(1) every person convicted of an offence under the last preceding section after having been previously convicted as an idle and disorderly person;

(2) every person wandering abroad and endeavouring by the exposure of wounds or deformation to obtain or gather alms;

(3) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;

(4) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;

(5) every person who exercises control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or controlling her prostitution with any man, whether a particular man or not;

(6) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose;

shall be deemed to be a rogue and vagabond, and is guilty of a misdemeanour, and is liable on summary conviction for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

An offender may be arrested without warrant.

PART V.—OFFENCES AGAINST THE PERSON AND ACTS INJURIOUS TO INDIVIDUALS

CHAPTER XXIII

ASSAULTS AND VIOLENCE TO THE PERSON GENERALLY: JUSTIFICATION AND EXCUSE

199. A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault. Definition of assault.

The term "applies force" includes the case of applying heat, light, electrical force, gas, odour, or any other substance or thing whatever, if applied in such a degree as to cause injury or personal discomfort.

200. An assault is unlawful, and constitutes an offence unless it is authorised or justified or excused by law. Assaults unlawful.

The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

201. It is lawful for a person who is charged by law with the duty of executing or giving effect to the lawful sentence of a court (including a customary court) to execute or give effect to that sentence. Execution of sentence.

Execution of process.

202. It is lawful for a person who is charged by law with the duty of executing the lawful process of a court (including a customary court) and who is required to arrest or detain another person under such process, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the terms of the process.

Execution of warrant.

203. It is lawful for a person who is charged by law with the duty of executing a lawful warrant issued by any court (including customary court) or judicial officer, or other person having jurisdiction to issue it, and who is required to arrest or detain another person under such warrant, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the directions of the warrant.

Erroneous sentence or process or warrant.

204. If the sentence was passed, or the process was issued, by a court (including a customary court) having jurisdiction under any circumstances to pass such a sentence or to issue such process, or if the warrant was issued by a court (including a customary court) or judicial officer or other person having authority in any circumstances to issue such a warrant, it is immaterial whether the court or judicial officer or person had or had not authority to pass the sentence or issue the process or warrant in the particular case; unless the person executing the same knows that the sentence or process or warrant, was in fact passed or issued without authority.

Sentence or process or warrant without jurisdiction.

205. A person who executes or assists in executing any sentence, or process, or warrant which purports to be passed or issued by a court (including a customary court), judicial officer, or other person, and who would be justified, under the provisions of the four last preceding sections, in executing the same if it had been passed or issued by a court (including a customary court), or judicial officer or person, having authority to pass or issue it, is not criminally responsible for any act done in such execution notwithstanding that the court, judicial officer or person, had no authority to pass the sentence or issue the process or warrant, if in such execution he acted in good faith and in the belief that the sentence, process or warrant was that of a court, judicial officer or other person having such authority.

Arrest of wrong person.

206. A person who, being duly authorised to execute a warrant to arrest one person, arrests another person, believing in good faith and on reasonable grounds that the person arrested is the person named in the warrant, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

Any person who lawfully assists in making such an arrest believing that the person arrested is the person named in the warrant, or who, being required by the warrant to receive and detain the person named in it, receives and detains the person so arrested, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

Irregular process or warrant.

207. When any process or warrant is bad in law by reason of some defect in substance or in form apparent on the face of it, a person who, in good faith and believing that it is good in law, acts in the execution of

the process or warrant, is not criminally responsible for any thing done in such execution to any greater extent than if the process or warrant were good in law.

208. It is lawful for a person who is engaged in the lawful execution of any sentence, process or warrant, or in making any arrest, and for any person lawfully assisting him, to use such force as may be reasonably necessary to overcome any force used in resisting such execution or arrest.

Force used in executing process or in arrest.

209. When a peace officer or police officer is proceeding lawfully to arrest, with or without warrant, a person for an offence which is a felony, and is such that the offender may be arrested without warrant, and the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the peace officer or police officer and for any person lawfully assisting him, to use such force as may be reasonably necessary to prevent the escape of the person sought to be arrested, and, if the offence is such that the offender may be punished with death or with imprisonment for seven years or more, may kill him if he cannot by any means otherwise be arrested.

Peace officer preventing escape from arrest.

210. When a person who is not a peace officer or police officer is proceeding lawfully to arrest, without warrant, another person for an offence which is such that the offender may be arrested without warrant, and when any person is proceeding lawfully to arrest another person for any cause other than such an offence, and, in either case, the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the person seeking to arrest him to use such force as may be reasonably necessary to prevent his escape.

Other cases of preventing escape from arrest.

But this section does not authorise the use of force which is intended or likely to cause death or grievous harm.

211. When any person has lawfully arrested another person for any offence, it is lawful for him to use such force as he believes, on reasonable grounds to be necessary to prevent the escape or rescue of the person arrested.

Preventing escape or rescue after arrest.

But, if the offence is not one which is such that the offender may be arrested without warrant, this section does not authorise the use of force which is intended or is likely to cause death or grievous harm.

212. It is lawful for any person who witnesses a breach of the peace to interfere to prevent the continuance or renewal of it, and to use such force as is reasonably necessary for such prevention and is reasonably proportioned to the danger to be apprehended from such continuance or renewal, and to detain any person who is committing or who is about to join in or to renew the breach of the peace for such time as may be reasonably necessary in order to give him into the custody of a peace officer or police officer.

Preventing a breach of the peace.

It is lawful for a peace officer or police officer who witnesses a breach of the peace, and for any person lawfully assisting him, to arrest any person whom he finds committing it, or whom he believes on reasonable grounds to be about to join in or renew the breach of the peace.

It is lawful for a peace officer or police officer to receive into custody and detain in custody any person given into his charge as having been a party to a breach of the peace by a person whom the peace officer or police officer believes, on reasonable grounds, to have witnessed the breach of the peace.

Suppression of riot.

213. It is lawful for any person to use force as is necessary to suppress a riot, and is reasonably proportioned to the danger to be apprehended from its continuance.

Suppression of riot by peace officers.

214. It is lawful for a peace officer to use or order to be used such force as he believes, on reasonable grounds, to be necessary in order to suppress a riot, and is reasonably proportioned to the danger which he believes on reasonable grounds, is to be apprehended from its continuance.

Suppression of riot by person acting under lawful orders.

215. It is lawful for any person acting in good faith in obedience to orders, not manifestly unlawful, given by a peace officer for the suppression of a riot, to use such force as he believes, on reasonable grounds, to be necessary for carrying such orders into effect. Whether any particular order so given is or is not manifestly unlawful is a question of law.

Suppression of riot by person acting without order in case of emergency.

216. When any person, whether subject to military law or not, believes, on reasonable grounds, that serious mischief will arise from a riot before there is time to procure the intervention of a peace officer, it is lawful for him to use such force as he believes, on reasonable grounds, to be necessary for the suppression of the riot, and as is reasonably proportioned to the danger which he believes on reasonable grounds, is to be apprehended from its continuance.

Riot: persons subject to military law or members of the police forces.

217. It is lawful for a person who is bound by the laws in force relative to the military forces of Nigeria or to the police forces to obey the lawful commands of his superior officer, to obey any command given him by his superior officer, in order to effect the suppression of a riot, unless the command is manifestly unlawful. Whether any particular command is or is not manifestly unlawful is a question of law.

Prevention of offences for which offender may be arrested without warrant: prevention of violence by persons of unsound mind.

218. It is lawful for any person to use such force as is reasonably necessary in order to prevent the commission of an offence which is such that the offender may be arrested without warrant; or in order to prevent any act from being done as to which he believes on reasonable grounds, that it would, if done, amount to any such offence; or in order to prevent a person whom he believes, on reasonable grounds, to be of unsound mind, from doing violence to any person or property.

Defence of dwelling-house.

219. It is lawful for any person who is in peaceable possession of a dwelling-house, and for any person lawfully assisting him or acting by his authority, to use such force as he believes, on reasonable grounds, to be necessary in order to prevent the forcible breaking and entering of the dwelling-house, either by night or day, by any person whom he

believes, on reasonable grounds, to be attempting to break and enter the dwelling-house with intent to commit a felony or misdemeanor therein.

220. The term "provocation", used with reference to an offence of ^{Provocation.} which an assault is an element, includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal, relation, or in the relation of master or servant, to deprive him of the power of self-control, and to induce him to assault the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of excitement given by another person in order to induce him to do the act, and thereby to furnish an excuse for committing an assault, is not provocation to that other person for an assault.

An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

221. A person is not criminally responsible for an assault committed upon a person who gives him provocation for the assault, if he is in fact deprived by the provocation of the power of self-control, and acts upon it on the sudden and before there is time for his passion to cool: provided that the force used is not disproportionate to the provocation, and is not intended, and is not such as is likely, to cause death or grievous harm. ^{Defecne of provocation}

Whether any particular act or insult is such as to be likely to deprive an ordinary person of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered, and whether, in any particular case, the person provoked was actually deprived by the provocation of the power of self-control, and whether any force used is or is not disproportionate to the provocation, are questions of fact.

222. It is lawful for any person to use such force as is reasonably necessary to prevent the repetition of an act or insult of such a nature as to be provocation to him for an assault: ^{Prevention of repetition of insult.}

Provided that the force used is not intended, and is not such as is likely, to cause death or grievous harm.

Self-defence
against
unprovoked
assault.

223. When a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effectual defence against the assault:

Provided that the force used is not intended, and is not such as is likely, to cause death or grievous harm.

If the nature of the assault is such as to cause reasonable apprehension or death or grievous harm, and the person using the force by way of defence believes, on reasonable grounds, that he cannot otherwise preserve the person defended from death or grievous harm, it is lawful for him to use any such force to the assailant as is necessary for defence, even though such force may cause death or grievous harm.

Self-defence
against
provoked
assault.

224. When a person has unlawfully assaulted another or has provoked an assault from another, and that other assaults him with such violence as to cause reasonable apprehension of death or grievous harm, and to induce him to believe, on reasonable grounds, that it is necessary for his preservation from death or grievous harm to use force in self-defence, he is not criminally responsible for using any such force as is reasonably necessary for such preservation, although such force may cause death or grievous harm.

This protection does not extend to a case in which the person using force, which causes death or grievous harm, first began the assault with intent to kill or to do grievous harm to some person; nor to a case in which the person using force which causes death or grievous harm endeavoured to kill or to do grievous harm to some person before the necessity of so preserving himself arose; nor, in either case, unless, before such necessity arose, the person using such force declined further conflict, and quitted it or retreated from it as far as was practicable.

Aiding in
self defence.

225. In any case in which it is lawful for any person to use force in any degree for the purpose of defending himself against an assault, it is lawful for any other person acting in good faith in his aid to use a like degree of force for the purpose of defending such first-mentioned person.

Defence of
movable
property
against
trespassers.

226. It is lawful for any person who is in peaceable possession of any movable property, and for any person acting by his authority, to use such force as is reasonably necessary in order to resist the taking of such property by a trespasser, or in order to retake it from a trespasser, provided that he does not do harm to the trespasser.

Defence of
movable
property
with claim
of right.

227. When a person is in peaceable possession of any movable property under a claim of right, it is lawful for him, and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession of the property, even against a person who is entitled by law to possession of the property, provided that he does not do harm to such other person.

Defence of
movable
property
without
claim of
right.

228. When a person who is entitled by law to the possession of movable property attempts to take from a person who is in possession of the property, but who neither claims right to it, nor acts by the authority of a person who claims right, and the person in possession resists him,

it is lawful for the person so entitled to possession to use force in order to obtain possession of the property, provided that he does not do harm to the person in possession.

229. It is lawful for a person who is in peaceable possession of any land, structure, vessel or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use such force as is reasonably necessary in order to prevent any person from wrongfully entering upon such land, structure, vessel, or place, or in order to remove therefrom a person who wrongfully remains therein, provided that he does not do harm to such person.

Defence of premises against trespassers: removal of disorderly persons.

It is lawful for a person who is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use force in order to remove therefrom any person who conducts himself in a disorderly manner therein, provided that he does not do him harm.

The term "place" includes any part of an enclosure or structure, whether separated from the rest of the enclosure or structure by a partition, fence, rope, or any other means, or not.

230. When a person is in peaceable possession of any land, structure, or vessel, with a claim of right, it is lawful for him, and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession, even against a person who is entitled by law to the possession of the property, provided that he does not do harm to such person.

Defence of possession of real property or vessel with claim of right.

231. When a person who claims to be lawfully entitled to enter upon land for the exercise of a right of way or other easement or profit enters upon the land for the purpose of exercising such right of way, easement, or profit, after notice that his right to use such way or easement or to take such profit is disputed by the person in possession of the land, or having entered persists in his entry after such notice, it is lawful for the person in possession, and for any person acting by his authority, to use such force as is reasonably necessary for the purpose of making the person so entering desist from the entry, provided that he does not do him harm.

Exercise of right of way or easement.

232. A blow or other force not in any case extending to a wound or grievous harm, may be justified for the purpose of correction as follows:

Correction of child, servant, etc.

(1) a father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, or any guardian or person acting as a guardian, his ward, being under sixteen years of age, for misconduct or disobedience to any lawful command;

(2) a master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such servant or apprentice;

(3) the master of a ship may correct any person on board his ship who is bound to perform any manual labour, for misconduct or disobedience to any lawful command;

(4) a father or mother or guardian, or a person acting as a guardian, may delegate to any person whom he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward all his or her own authority for correction, including the power to determine in what cases correction ought to be inflicted; and such a delegation shall be presumed, except in so far as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward;

(5) a person who is authorised to inflict correction as in this section mentioned may, in any particular case, delegate to any fit person the infliction of such correction; and

(6) no correction can be justified which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted; and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

Use of force
for preserv-
ing order on
board a
vessel.

233. The master of a vessel within Regional waters or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen, or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of any other person; and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel, or the preservation of any such person as aforesaid, cannot be otherwise secured.

Surgical
operations.

234. A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

Excessive
force.

235. Any person authorised by law to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

CHAPTER XXVI

OFFENCES ENDANGERING LIFE OR HEALTH

Abandoning
or exposing
children.

284. Any person who unlawfully abandons or exposes a child under the age of seven years, in such a manner that any grievous harm is likely to be caused to it, is guilty of a felony and is liable to imprisonment for five years.

CHAPTER XXVII

ASSAULTS

292. Any person who unlawfully assaults another is guilty of a misdemeanour, and is liable, if no greater punishment is provided, to imprisonment for one year. Punishment of assault.

296. Any person who unlawfully assaults another and thereby does him harm is guilty of a felony, and is liable to imprisonment for three years. Assaults occasioning harm.

CHAPTER XXIX

OFFENCES AGAINST LIBERTY: SLAVE DEALING

306. Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour, and is liable to imprisonment for two years. Deprivation of liberty.

310. Any person who—

(3) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known, is guilty of slave dealing and is liable to imprisonment for fourteen years.

Slave-dealing.

CHAPTER XXX

OFFENCES RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES

313. Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour, and is liable to imprisonment for one year. Desertion of children.

PART VI.—OFFENCES RELATING TO PROPERTY AND CONTRACTS

Division I.—Stealing and like Offences

CHAPTER XXXII STEALING

323. Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen. Things capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen: but tame pigeons are not capable of being stolen except when they are in a pigeon-house or on their owner's land.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

An ostrich on an enclosed ostrich farm is capable of being stolen.

The term "animal" includes any living creature other than mankind.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

Definition of stealing.

324. (1) A person who fraudulently takes anything capable of being stolen, or fraudulently converts to his own use or to the use of any other person anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents:—

- (a) an intent permanently to deprive the owner of the thing of it;
- (b) an intent permanently to deprive any person who has any special property in the thing of such property;
- (c) an intent to use the thing as a pledge or security;
- (d) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (e) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;
- (f) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term "special property" includes any charge or lien upon the thing in question, and any right arising from or dependent upon holding possession of the thing in question, whether by the person entitled to such right or by some other person for his benefit.

(3) The taking or conversion may be fraudulent, although it is effected without secrecy or attempt at concealment.

(4) In the case of conversion, it is immaterial whether the thing converted is taken for the purpose of conversion, or whether it is at the time of conversion in the possession of the person who converts it. It is also immaterial that the person who converts the property is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of the property.

(5) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(6) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

325. (1) When a factor or agent pledges or gives a lien on any goods or document of title of goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promisory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be stealing.

Special cases.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be stealing.

326. When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition, of any property, whether capable of being stolen or not with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power of attorney, was received until the direction has been complied with:

Funds, etc., held under direction.

Provided that if the person receiving the money, security, or power of attorney, and the person from whom he receives it, ordinarily deal with each other on such terms that in the absence of any special direction all money paid to the former on account of the latter would be properly treated as an item in a debtor and creditor account between them, the former cannot be charged with stealing the money or any such proceeds unless the direction is in writing.

327. When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the

Property, etc., received by agents for sales.

property, to the person from whom it is received, or some other person, then the proceeds or the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

Money received for another.

328. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Stealing by persons having an interest in the thing stolen.

329. When any person takes or converts anything capable of being stolen, in such circumstances as would otherwise amount to stealing, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of thing taken or converted subject to some special property or interest of some other person therein; or that he is the lessee of the thing, or that he himself is one of two or more joint owners of the thing; or that he is a director or officer of a corporation or company or society who are the owners of it.

Husband and wife.

330. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be stealing if they were not married, is deemed to have stolen the thing, and may be charged with stealing it.

Punishment of stealing.

331. Any person who steals anything capable of being stolen is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years.

PUNISHMENT IN SPECIAL CASES

Stealing wills.

(1) If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for life.

Stealing cattle.

(2) If the thing stolen is any of the things following, that is to say: a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young of any such animal, the offender is liable to imprisonment for seven years.

Stealing from the person; stealing goods in transit, etc.

(3) If the offence is committed in any of the following circumstances:—

(a) if the thing is stolen from the person of another;

(b) if the thing is stolen in a dwelling-house, and its value exceeds five pounds, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;

(c) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;

(d) if the thing is stolen from a vessel which is in distress or wrecked or stranded;

(e) if the thing is stolen from a public office in which it is deposited or kept;

(f) if the offender, in order to commit the offence, opens any locked room, box or, other receptacle, by means of a key or other instrument; the offender is liable to imprisonment for seven years.

(4) If the offender is a person employed in the public service and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for seven years. Stealing by persons in the public service.

(5) If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for seven years. Stealing by clerks and servants.

(6) If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for seven years. Stealing by directors or officers of companies.

(7) If the thing stolen is any of the following things:— Stealing by agents, etc.

(a) property which has been received by the offender with a power of attorney for the disposition thereof;

(b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;

(c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;

(d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;

(e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction;

the offender is liable to imprisonment for seven years.

(8) If the thing stolen is of the value of five hundred pounds or upwards, the offender is liable to imprisonment for seven years. Stealing property of value of £500.

Stealing by tenants or lodgers.

(9) If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds five pounds, he is liable to imprisonment for seven years.

Stealing after previous conviction.

(10) If the offender, before committing the offence, had been convicted of any of the felonies or misdemeanours defined in this Division of this Part of this Code, he is liable to imprisonment for seven years.

CHAPTER XXXIII OFFENCES ANALOGOUS TO STEALING

Killing animals with intent to steal.

335. Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of an offence, and is liable to the same punishment as if he had stolen the animal.

CHAPTER XXXVII RECEIVING PROPERTY, STOLEN OR FRAUDULENTLY OBTAINED AND LIKE OFFENCES

Receiving stolen property, etc.

366. Any person who receives anything which has been obtained by means of any act constituting a felony or misdemeanour, or by means of any act done at a place not in the Region, which if it had been done in the Region would have constituted a felony or misdemeanour, and which is an offence under the laws in force in the place where it was done knowing the same to have been so obtained, is guilty of a felony.

If the offence by means of which the thing was obtained is a felony, the offender is liable to imprisonment for fourteen years, except in the case in which the thing so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender is liable to imprisonment for life.

In any other case the offender is liable to imprisonment for seven years.

For the purpose of proving the receiving of anything it is sufficient to show that the accused person has, either alone or jointly with some other person, had the thing in his possession or has aided in concealing it or disposing of it.

CHAPTER XLIV PERSONATION

Personation of person named in a testimonial or character.

418. Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial or character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.

Lending, etc. testimonial for personation.

419. Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment is guilty of a misdemeanour and is liable to imprisonment for three years.

EXTRACT FROM THE ANIMALS (DISEASES) LAW

1. This Law may be cited as the Animals (Diseases) Law.

Short title.

2. In this Law—

“animal” means stock, camels, dogs and ostriches, and includes any animal or bird which the Governor may by notice in the Regional Gazette declare to be included in the term “animal” for the purpose of this Law;

Interpretation.

“carcass” means the carcass of an animal and includes part of a carcass and the meat, bones, hide, skin, hooves, horns, offal or other part of an animal, separately or otherwise or any part thereof.

“cattle” means bulls, cows, oxen, heifers and calves;

“disease” means African coast fever, anthrax, black quarter, cattle plague (rinderpest), farcy, foot and mouth disease, glanders, lumpangitis (epizootic and ulcerative), mange, piroplasmiasis, peluro pneumonia, rabies, scab, sheep pox, swine erysipelas, swine fever, trypanosomiasis and tuberculosis, and includes any other disease of an infectious or contagious nature which the Governor may by notice in the Regional Gazette declare to be included in the term “disease” for the purpose of this Law;

“fodder” means grass or any other substance used for food for an animal;

“litter” means straw or any other substance used for bedding or otherwise for or about an animal;

“stock” includes horses, mules, donkeys, cattle, sheep, goats, antelopes (domesticated) and swine.

3. (1) The Governor in Council may make regulations for all or any of purposes following:—

Power to make regulations.

(a) for providing for the examination, testing, isolation, inoculation, removal, disinfection, branding, and slaughter of animals infected or suspected of being infected with any disease or which have been in contact with any such animal;

(b) for prescribing and regulating the destruction, burial, digging up, disposal or treatment of any carcass or of any fodder, litter, utensils, pens, hurdles, dung or other thing being in an infected place or area or removed thereout;

(c) for regulating the movement of animals within the Region;

(d) for prohibiting the movement of animals into any area in which there is or is suspected to be any disease, and for prohibiting or restricting the removal from any such area of any animal, carcass, hide, skin, hair, wool, litter, fodder or any other thing by means of which disease may be carried;

(e) for the disinfection of persons and their clothing who have been in contact with or employed about animals which are suffering or are suspected to be suffering from disease;

(f) for the reporting of cases of disease or death amongst animals;

(g) for the disinfection of buildings and places wherein animals infected with disease have been stalled or kept, and the disinfection and cleaning of public markets, private sale yards, railway premises, railway vans, trucks or carriages, wherein any animal shall have been placed, kept or carried;

(h) for prohibiting in any place where disease exists the performance of any native custom likely to tend to the dissemination of such disease;

(i) for requiring or regulating the branding of stock, prescribing the brands which may or shall be used and providing for the registration of brands;

(j) for the appointment of officers to carry out the provisions of any regulations under this Law, and conferring upon them all necessary powers;

(k) for prescribing and regulating the seizure, detention, disposal and forfeiture of any animal in relation to which any breach of any regulation under this Law or of any order or instructions under any such regulation has been committed and determining the person who shall be liable to defray the expenses of such seizure, detention and disposal;

(l) for prescribing the fees to be paid for any examination inoculation, testing or disinfection, or for any certificate, licence, permit or other thing issued or done under any regulation under this Law, and the payments to be made for the feeding and stabling of animals in quarantine;

(m) for prescribing the cases in which compensation may be paid to the owners of any animal slaughtered, or to the owners of any carcass destroyed because it is suspected of being infected with disease, under the powers conferred by any regulation under this Law and determining the amount of such compensation and the funds out of which such compensation shall be paid.

(n) for prescribing the proof required that an animal or carcass is infected with disease or is suspected of being infected with disease;

(o) for prescribing and regulating the construction, position and proper sanitary maintenance of any place where an animal is kept; and

(p) generally for the prevention of the introduction and spread of disease and for giving effect to the purposes of this Law.

Application.

(2) Any regulation made under this section may be applied to the whole of the Region or to any part thereof.

4. When the owner or person in charge of any animal suffering from disease is charged with an offence against any regulation under this Law he shall be presumed to have known of the existence of such disease in such animal unless he satisfies the court that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.

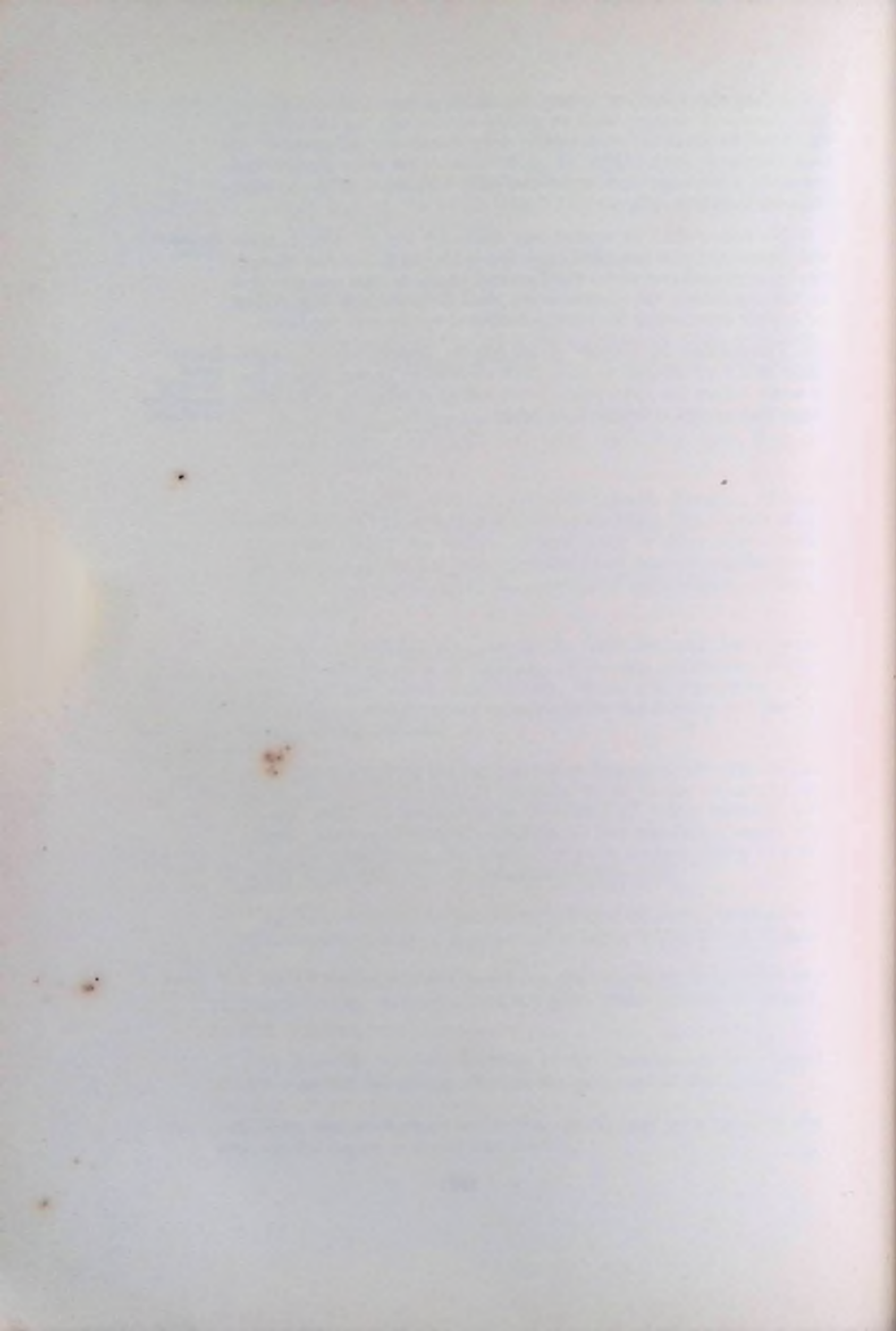
Presumption.

5. No action shall lie against any officer for any act done in good faith in execution or intended execution of the powers conferred upon him by any regulation under this Law and, except as otherwise provided by the regulation, no compensation shall be payable to any person for any act done under the powers conferred by any such regulation.

Protection of officers.

6. Proceedings in respect of an offence against any regulations under this Law alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.

Special power regarding proceedings for offence.



EXTRACT FROM THE FORESTRY LAW

PART VIII

GENERAL PROVISIONS

Acts prohibited in a forest reserve.

49. Whoever in any forest reserve, except with the authority in writing of the prescribed officer—

- (a) takes any forest produce;
- (b) uproots, burns, strips off the bark or leaves from, or otherwise damages any tree;
- (c) sets fire to any grass or herbage, or kindles a fire without taking due precaution to prevent its spreading;
- (d) smokes or lights a fire in any part of a forest reserve within which, or at a time when, smoking or the lighting of fires is prohibited by an order of the Governor;
- (e) pastures cattle or permits cattle to trespass;
- (f) digs, cuts, turns or cultivates the soil or makes a farm or plantation;
- (g) trespasses in any part of a forest reserve in which trespass shall be prohibited by an order of the Governor or during any period specified in an order of the Governor;
- (h) constructs any dam or weir across any river or stream or otherwise obstructs the channel of any river or stream;
- (i) resides or erects any building;
- (j) hunts or fishes;
- (k) damages in any way or destroys any forestry property, shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for twelve months or to both.

50. Nothing in the preceding section shall prohibit the exercise by any person or community of any right in a forest reserve constituted under this Law if such right has been recognised in the order constituting such forest reserve.

Saving in respect of section 49.

51. Whoever within a protected forest, except with the authority in writing of the prescribed officer—

Offences in protected forests.

- (a) uproots, fells or otherwise damages any protected tree of over two feet in girth;
- (b) otherwise than during the period of year allowed for this purpose either sets fire to or allows fire to spread to any forest growth unless such forest growth is being or has been felled for farming purposes;

(c) contravenes any of the provisions of paragraph (b) of section 19, shall be liable on summary conviction to fine of fifty pounds or to imprisonment for six months and in addition thereto may be required by the court to pay a sum equivalent to the fees and royalties payable on any forest produce removed or damaged and also such amount, if any, as the court may consider just as compensation for any damage done.

Offences.

53. Any person who—

(a) forges or fraudulently uses, or aids or abets any person to forge or fraudulently use, any registered hammer or hammer mark or any mark used for denoting the ownership of any forest produce, or any other mark used by the forestry department in connexion with the administration of the provisions of this Law; or

(b) alters, removes, destroys or defaces any such mark placed on forest produce or any boundary mark of a forest or of any land proposed to be included in a forest,

shall be liable to a fine of one hundred pounds or imprisonment for two years or to both.

Arrest of
suspected
persons.

54. (1) It shall be lawful for any forestry officer to arrest without a warrant any person who may be reasonably suspected of having committed any offence under this Law, if such person refuses to give his name and address or gives a name or address which is believed to be false, or if there is reason to believe that he will abscond:

Provided that any person so arrested shall be taken before a magistrate or a customary court or to the nearest police station without unnecessary delay.

Innocent
possession.

55. When any person is charged with the breach of any regulation prohibiting the sale, purchase or possession of any forest produce taken, collected or prepared in contravention of this Law, such person shall be liable to be convicted of such breach unless he shows to the satisfaction of the court that he was unaware that such forest produce was taken, collected or prepared in contravention of this Law.

Onus of
proof.

56. The onus of proof that any forest produce has not been taken in contravention of this Law shall lie upon the person in whose possession the forest produce is found.

General
penalty.

58. Any person who contravenes any regulations made under this Law or the conditions of any licence or permit issued under this Law for which no penalty is expressly prescribed shall be liable to a fine of fifty pounds or to imprisonment for six months or to both.

59. In addition to any penalty imposed for an offence against the provisions of this Law or any regulations made hereunder the court may order—

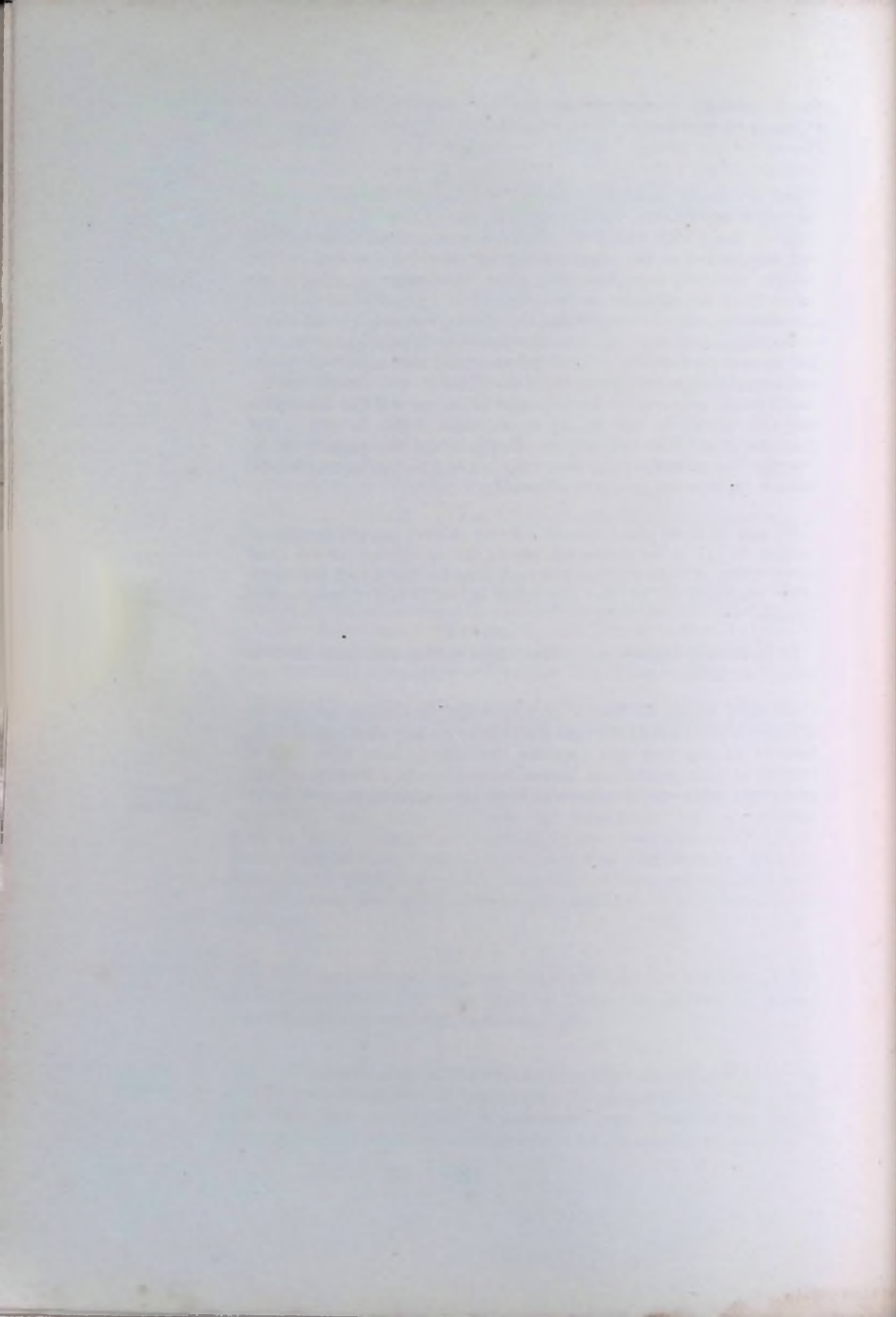
Additional
penalty.

(a) any forest produce in respect of which the offence was committed or any tractor, vehicle, sawmill, manufacturing plant, instrument or thing with which the offence was committed to be forfeited and disposed of as the court may direct; provided that such tractor, vehicle, sawmill, manufacturing plant, instrument or thing is the property of the offender or the property of a principal or master of the offender, who, in committing the offence, was acting in the course of his employment as agent or servant of such principal or master; but in any prosecution it shall be presumed that any of the aforementioned things is the property of the offender, or as the case may be, that it is the property of his principal or master and that in committing the offence he was acting as aforesaid unless he proves that the same is not his property, or that it is not the property of his principal or master, as the case may be, and that in committing the offence he was not acting as aforesaid;

(b) any farm or plantation in a forest reserve in contravention of section 49 (f) to be destroyed, or, on the application of the Chief Conservator of Forests, that any such farm be confiscated and thereafter disposed of in the discretion of the Chief Conservator of Forests;

(c) that any licence or permit held under this Law shall be cancelled; and

(d) that, where no licence or permit has been taken out and the offender should have taken out a licence or permit, a sum equal to the amount of the fees and royalties that should have been paid in respect of such permit and licence, be paid to the authority, council, or person who would otherwise have been entitled to such fee or royalty.



EXTRACT FROM THE
WESTERN NIGERIA WATER CORPORATION LAW, 1964

PART VIII.—CIVIL PROCEEDINGS

40. A Customary Court shall have jurisdiction to the extent of its general powers, in all civil proceedings between the Corporation and any party who belong to a class of persons who are subject to the jurisdiction of such court.

Customary Courts to have certain jurisdiction.

41. (1) The Corporation may be represented at any stage of any civil proceeding in any court by any officer in the employ of the Corporation who shall satisfy the court that he is duly authorised in writing by the Corporation in that behalf.

Representation of the Corporation.

(2) Nothing in sub-section (1) of this section shall be construed as precluding the Corporation from being represented by a legal practitioner in any court in which a legal practitioner has a right of audience.

42. In any action for the recovery of any rate, or other moneys (other than fines and penalties) payable or recoverable under this Law, a certificate under the hand of the Corporation, or of any person appointed by the Corporation in that behalf, that any sum of money is due, and that the defendant is the person liable to pay the same shall, in the absence of evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof, and that the defendant is the person liable to pay the same.

Proof of moneys due.

PART IX.—OFFENCES

43. Any person who wilfully or negligently damages any waterworks, public fountains, services or meters, or unlawfully draws off, diverts or takes water from the same, or from any streams or waters by which any waterworks are supplied, or pollutes any such water, or allows any foul liquid, gas or other noxious or injurious matter to enter into any waterworks or any services connected therewith, shall be guilty of an offence and shall be liable on conviction to a fine of twenty pounds and to a penalty of one pound for each day whilst the offence continues.

Injury, pollution, etc.

44. (1) Any person who wilfully or negligently misuses or wastes, or causes or allows to be misused or wasted any water passing into, through, upon, or near any tenement from any waterworks shall be guilty of an offence and shall be liable on conviction to a fine of five pounds.

Waste and altering service.

(2) Any person who alters, or causes, or permits to be altered, any service without the consent of the Corporation or contrary to any regulations made under this Law, shall be guilty of an offence and shall be liable on conviction to a fine of ten pounds.

Fraudulent measurement.

45. Any person who alters, or causes, or permits to be altered, any service with intent to avoid the accurate measurement or register of water by means of any meter, or obtain a greater supply of water than he is entitled to, or to avoid payment therefor, or wilfully or negligently damages any meter, shall be guilty of an offence and shall be liable on conviction to a fine of fifty pounds; and any service so altered or meter so damaged shall be replaced or repaired by the Corporation at the expense of such person, and the cost of replacing or repairing any such service or meter may be recovered upon the order of a Magistrate in the same manner as any penalty may be recovered upon conviction.

Foul accumulation of earth, etc.

46. Any person who puts, or allows to be put, or to remain, or to accumulate on any tenement occupied or owned by him or his servants, or fails to remove or to cause to be removed, or to take such steps as may be necessary to prevent upon notice in writing from the Corporation, any foul, noisome or injurious matter, or any earth, deposit or excavated material in such manner or place that it may be washed, fall, or be carried into any waterworks or the gathering grounds thereof, shall be guilty of an offence and shall be liable on conviction to a fine of twenty pounds, and in respect of any period during which such matter, earth, deposit or excavated material is allowed to remain after notice in writing from the Corporation requiring the same to be removed, to a penalty of two pounds for each day whilst the offence continues.

Bathing, washing, etc.

47. Any person who—

(a) bathes in any part of any waterworks; or

(b) washes, throws or causes to enter therein, any horse, dog, goat, pig, or other animal, or any bird, or any clothes, material or thing; or

(c) wrongfully opens or closes any lock, cock, valve, sluice or manhole belonging to any waterworks,

shall be guilty of an offence and shall be liable on conviction to a fine of twenty pounds.

Penalty for refusing or failing to pay rates or charges.

48. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuses or fails to pay any rate or charge payable by him by virtue of this Law by the date on which it is payable, shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year.

Penalty for inciting any person to refuse to pay rates or charges, etc.

49. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged—

(a) incites any person to refuse to pay any rate or charge payable by him by virtue of this Law; or

(b) incites or assists any person to misrepresent in any way his rateable capacity or any information material to the assessment of or rating upon any tenements of which he is owner or occupier,

shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

EXTRACT FROM THE ROAD TRAFFIC LAW

PART I

DEFINITIONS

2. (1) Definitions—

Interpreta-
tion.

“articulated vehicle” means a motor vehicle with a trailer drawn thereby which is so constructed and by partial superimposition attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle;

“axle weight” means in relation to an axle of a heavy motor vehicle or of a trailer the aggregate weight transmitted to the surface beneath by the several wheels attached to that axle, when the heavy motor vehicle or the trailer is loaded;

“commercial vehicle” means a hackney carriage, a stage carriage, a tractor, a break-down lorry and any motor vehicle primarily designed for the carriage of goods, excluding any such vehicle used exclusively for carrying the personal effects of the owner and not for hire or reward;

“dealer” means a person who stocks motor vehicles for sale or carries on business as a repairer of motor vehicles;

“gross weight” means the net weight of the vehicle with the weight of freight or load (including the driver and crew) which such vehicle is designed to carry and registered as such by the licensing authority;

“hackney carriage” means any motor vehicle designed or constructed to carry not more than seven persons, used or intended to be used for carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;

“heavy motor vehicle” means a commercial vehicle of which the gross weight exceeds one ton, fifteen hundredweight;

“highway” includes any roadway to which the public have access;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“net weight” means the weight of a vehicle unladen with a full fuel tank, full radiator and inclusive of all equipment;

“owner” means the person by whom the vehicle is kept and used and, in relation to a vehicle which is subject to a hiring agreement or hire purchase agreement, means the person keeping or using the vehicle under that agreement, and the expression “ownership” shall be construed accordingly;

“police officer” includes an administrative officer;

"stage carriage" means any motor vehicle used or intended to be used for carrying passengers for hire or reward other than such a vehicle constructed or adapted to carry less than eight persons, the passengers paying separate and distinct fares or at the rate of separate or distinct fares for their respective places, and shall be deemed to include the expression "omnibus";

"trailer" means a vehicle drawn by any motor vehicle but does not include a side-car attached to a motorcycle.

(2) For the purposes of this Law and the regulations made thereunder an articulated vehicle shall be deemed to be one vehicle.

PART II

LICENSING AUTHORITIES AND REGISTRATION OF VEHICLES

Appointment of licensing authorities and central registrar of motor licences.

3. (1) (a) The Governor may by notice in the Regional Gazette appoint licensing authorities for the purposes of this Law and may assign to such authorities distinctive letters for the purposes of the identification marks hereinafter mentioned:

Provided that the Governor may from time to time by notice in the Regional Gazette assign to any such authority other distinctive letters for the purposes of additional identification marks, subject to such conditions as he may prescribe.

(b) The Governor may from time to time allot distinctive devices or letters to be used as identification marks on vehicles used in the public service of the Crown or in any other particular case as he may think fit.

(2) A copy of every licence or renewal of a licence issued under this Law shall be sent by the licensing authority by which it is issued to the central registrar.

(3) The licensing authority issuing a licence shall supply the central registrar with such information in respect thereof or in respect of the vehicle or person in respect of which it is issued as may be prescribed or as the central registrar may require.

Use of unregistered or unlicensed or unmarked vehicle prohibited.

4. Subject to the provisions of section 5 (1) no person shall drive, or, being the owner, shall permit any other person to drive a motor vehicle on highway unless such vehicle and any trailer are registered and licensed under this Law and have affixed thereto in the prescribed manner an identification mark:

Provided that a person shall not be liable to a penalty for a breach of this section if he proves that he has taken reasonable steps to comply with its requirements.

Registration and licensing of motor vehicle.

5. (1) The owner of a motor vehicle or trailer may register the same and obtain a licence which shall be valid within the Region in respect thereof in accordance with the regulations made under this Law; and a licence granted in any other Region or in the Federal Territory of Lagos shall be valid in this Region:

Provided that no licence valid for a period of more than fourteen days shall be issued by any licensing authority unless—

(i) the owner ordinarily resides in the Region, or

(ii) where the owner does not ordinarily reside in the Region, the motor vehicle or trailer is normally operated in the Region.

(2) There shall be paid such fees as may be prescribed for the registration and for a licence in respect of a motor vehicle or trailer.

(3) Such licences, being other than special trade licences or licences valid for a period not exceeding fourteen days, shall require at the end of a period of twelve months or of three months (according as the applicant requires) beginning in either case from the first day of the month in which the licence is issued.

Provided that where a licence is renewed before the date of its expiry the licence shall have effect as from the first day of the month following the month in which the previous licence expires.

(4) The licensing authority shall assign to each vehicle registered by it a separate number and each number together with the distinctive letter assigned to the licensing authority in accordance with section 3 shall be the identification mark and such mark shall be exhibited on the vehicle in such manner as may be prescribed.

6. (1) A dealer who ordinarily carries on business in the Region may in accordance with the regulations made under this Law obtain from any licensing authority situate in the Region a special trade licence which may be used throughout the Region on any motor vehicle or trailer for such purposes and in such circumstances as may be prescribed and any special trade licence granted in any other Region or in the Federal Territory of Lagos shall be valid in this Region. Trade licences.

(2) There shall be paid for such licences such fees as may be prescribed and such licences shall expire on the 31st March, 30th June, 30th September or 31st December.

(3) The licensing authority shall, as may be prescribed, assign one or more identification marks in respect of each special trade licence, and one such identification mark shall, in such manner as may be prescribed, be exhibited on any motor vehicle used under such special trade licence.

PART III

LICENSING OF MOTOR VEHICLE DRIVERS

7. (1) No person shall drive a motor vehicle on a highway unless he is licensed for the purpose under this section, and no person shall employ a person to drive a motor vehicle who is not so licensed: Driving without licence prohibited.

Provided that the holder of a learner's permit issued under the regulations made under this Law may, when accompanied for the purpose of instruction by a licensed driver sitting beside him, drive

for such period as may be prescribed and on such highways as may be specified in such permit and the holder of such permit and such licensed driver shall be jointly and severally liable for any injury or damage caused by such driving or any offence under this Law committed in the course thereof.

Licence must correspond to vehicle driven.

(2) No person shall drive a motor vehicle of any class or type other than that which he is licensed to drive or in respect of which he holds a learner's permit.

Grant of licence.

(3) The licensing authority shall on receipt of an application in the prescribed form together with the prescribed fee grant a licence to drive a motor vehicle to any person applying for it—

(a) who is not disqualified for obtaining such a licence; and

(b) who if so required by the licensing authority passes such test as to the driving of motor vehicles as may be prescribed; and

(c) who, if the licensing authority so requires, supplies to the licensing authority satisfactory evidence that he is not suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such description as he would be authorised by the licence to drive, to be a source of danger to the public;

(d) who has complied with the provisions of any written law relating to insurance in respect of motor vehicles.

(4) Any person to whom a licence or renewal of a licence has been refused by reason only of non-compliance with paragraph (c) of subsection (3) may appeal against such refusal to a magistrate, who may make such order as he may deem just, having due regard to public safety.

Applicant must not be under eighteen years.

(5) No licence shall be granted to a person who is under eighteen years of age.

Period of licence.

(6) Every such licence shall be valid for twelve months from the date of its issue and may be renewed on application from time to time on payment of the prescribed fee but save as otherwise provided by regulations made under this Law such renewal shall be granted by a licensing authority only to an applicant who ordinarily resides within the Region.

(7) A licence or permit to drive a motor vehicle issued in any other Region or in the Federal Territory of Lagos shall be valid in this Region.

Suspension of licence and dis-qualification.

8. (1) Any court before which a person is convicted of any offence in connection with the driving of a motor vehicle—

(a) may, in addition to any other penalty imposed, if the person convicted holds a driver's licence, suspend his licence for a specified period, and, if the court thinks fit, also declare the person convicted to be disqualified for holding or obtaining a licence for a further specified period after the expiration of the licence; and

(b) may, in addition to any other penalty imposed, if the person convicted does not hold a driver's licence, declare him disqualified for holding or obtaining a driver's licence for a specified period; and

(c) shall, if the person convicted holds a driver's licence, direct that particulars of the conviction and of any order of the court made under this section be endorsed upon his licence.

(2) Any person so convicted, if he holds a driver's licence, shall produce the licence within such time as the court may direct for the purpose of endorsement, and if he fails to do so he shall be guilty of an offence under this Law.

Production of licence for endorsement on conviction.

(3) A licence suspended by the court shall during the term of suspension be of no effect and shall for that term be retained in the custody of the court and a person whose licence is suspended or who is declared by the court to be disqualified for obtaining a licence shall during the period of suspension or disqualification be disqualified for holding or obtaining a licence.

Effect of suspension.

(4) Any person who is by virtue of an order of the court under this section disqualified for holding or obtaining a licence may appeal against the order in the manner provided by the Magistrates' Courts Law, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Appeal against disqualifying order. Cap. 74.

(5) The court shall cause particulars of all convictions and orders of the court in relation to offences connected with the driving of a motor vehicle, to be sent without delay to the central registrar who shall keep records thereof in such manner as may be prescribed.

(6) Any person who applies for or obtains a licence or a renewal of a licence and who—

Applying while disqualified an offence.

(a) is disqualified for holding or obtaining a licence; or

(b) holds an endorsed licence and does not give particulars of the endorsement; or

(c) fails to disclose that he holds or previously held a licence in Nigeria; or

(d) fails to disclose that he is suffering from any mental or physical disease or disability which might affect his driving or control of a motor vehicle,

shall be guilty of an offence, and any licence so obtained shall be of no effect.

(7) Every person who at any time has held a driving licence issued in Nigeria shall produce such licence or if he has held more than one licence the most recent of such licences to the licensing authority when he applies for a renewal thereof or for a new driving licence:

Old licence to be produced on applying for renewal.

Provided that the licensing authority may dispense with this requirement where the previous licence expired at least two years before the application or where in his opinion it is impracticable for the applicant to produce such licence.

9. (1) Notwithstanding anything in this Law or in the regulations made under this Law, a superintendent of police may request a licensing authority to revoke a licence to drive a motor vehicle during its currency, or to refuse the issue or renewal of such licence to any

Special powers of licensing authority at the instance of police.

person whose conduct or character is, in the opinion of the superintendent of police, such as to render him unfit, whether from the point of view of safety of the public or otherwise, to hold such licence :

Provided that no action under this sub-section shall be taken without the authority of the Commissioner, Deputy Commissioner, or an Assistant Commissioner of Police.

Procedure.

(2) Upon receiving such request the licensing authority shall—

(a) if the request concerns revocation of the licence, by notice in writing addressed to the registered address of the licensee and to the superintendent of police, appoint a time and place when the superintendent of police and such person may attend before the licensing authority and be heard and upon such hearing may require the production of the licence to drive and may revoke and take possession of such licence, and forthwith notify the central registrar of his decision;

(b) if the request concerns refusal to issue or renew a licence on an application being made for such issue or renewal by the person to whom the request refers, by notice in writing call upon the superintendent of police to show cause why a licence should not be issued or renewed and shall call upon the applicant to reply thereto, either orally or in writing as the applicant may desire, and then if in his opinion sufficient cause is shown, may refuse to issue or renew the licence and shall notify the central registrar accordingly;

(c) keep a record in writing of any proceedings under either paragraph (a) or (b) of this sub-section and, on written request, issue a certified copy thereof to either party to any such proceedings.

Appeal to
magistrate.

(3) A person whose licence has been revoked or to whom a licence or renewal has been refused by the licensing authority in accordance with the provisions of this section may appeal to a magistrate who may cancel the revocation or order the issue or renewal of a licence which has been refused solely by reason of the cause shown by the superintendent of police, and any such decision or order of a magistrate shall be subject to appeal as provided in the Magistrates' Courts Law.

Cap. 74.

Time to
apply after
revocation of
licence.

(4) No person whose licence has been revoked or to whom the issue or renewal of a licence has been refused under this section shall, subject to any appeal, again apply within twelve months of the date of such revocation or refusal for the issue of a licence or a renewal thereof.

PART IV CONTROL OF TRAFFIC

10. In this Part—

Definitions.

“parking place” means a place where vehicles or vehicles of any particular class or description may wait;

“traffic sign” includes all signals, warning sign posts, direction posts, signs or other devices for the guidance or direction of persons using highways;

“vehicle” includes carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, lorries, trailers, hand carts, sledges, trucks, barrows and all other machines for the carriage of goods or persons.

11. (1) (a) A competent local government council may make provision by Bye-law for—

Power to restrict use of vehicles on specified highways and control of traffic generally in townships and elsewhere.

(i) the specification of the routes to be followed by vehicles, animals and pedestrians;

(ii) the line to be kept by persons driving or in charge of or riding any vehicle or animal on any highway;

(iii) the prohibition or restriction of the use of any specified highways by vehicles of any specified class or description;

(iv) the prohibition of the driving or propelling of vehicles on any specified highway otherwise than in a specified direction;

(v) the specification of parking places, and the days and hours during which and the maximum periods for which they may be used and fees, if any, to be imposed;

(vi) waiting vehicles to use different sides of the highway on different days or at different hours;

(vii) the prohibition of waiting vehicles on any specified highway;

(viii) the specification of routes to be followed and the stopping places to be used by stage carriages;

(ix) the appointment of stands for hackney and stage carriages and the days and hours during which they may be used;

(x) the prohibition of the sounding of horns or other similar appliances either in general or during specified hours or in respect of specified areas;

(xi) regulating the conduct of persons driving, or propelling or in charge of or riding any vehicle or animal on a highway;

(xii) the prohibition of the operation of stage carriages and hackney carriages within a township save under and in accordance with the conditions of a permit issued by the local government council and the restriction of the number of stage carriages and hackney carriages which may so operate either generally or in respect of any specified route or area;

(xiii) generally in relation to the regulation of traffic.

(b) The Commissioner of Police may by order or by general directions or by the use of traffic signs either generally or in respect of specified occasions, regulate traffic in the neighbourhood of any public place or places of public resort.

(2) The approving authority for bye-laws made under sub-section (1) of this section shall be the Regional Minister charged with responsibility for road traffic matters.

Saving.

(3) No order or bye-law shall be made under this section with respect to any highway which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

(4) In this section "competent local government council" means a local government council upon which the Governor in Council may by the Instrument confer the functions of a council under this section.

Traffic signs.

12. (1) A local government council, an administrative officer or the Permanent Secretary may cause or permit traffic signs to be placed on or near any highway.

(2) Traffic signs shall when necessary conform to any international requirement relating thereto and in default of such requirement shall be of such size, colour and type as may be prescribed.

(3) After the commencement of this Law no traffic signs shall be placed on or near any highway except under and in accordance with the provisions of this Part of this Law:

Provided that nothing in this Part shall apply to any traffic signs placed by the owners or workers of any railway, light railway, dock undertaking or harbour undertaking in pursuance of powers conferred by any Ordinance in force in Nigeria.

(4) A local government council or an administrative officer may by notice in writing require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such notice the local government council or administrative officer may effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred in so doing.

Power to close highways.

13. (1) When it appears to a local government council, an administrative officer or the Permanent Secretary that any highway should be closed temporarily to vehicular traffic or to any particular kind of vehicular traffic such council, administrative officer or the Permanent Secretary may fix or cause to be fixed at each end of such highway a notice to the effect that such highway is closed to such traffic and the said highway shall thereupon be deemed to be closed to such traffic until the said notices are removed by, or by the order of the council, administrative officer or the Permanent Secretary:

Provided that in cases of emergency the closing authority may grant or cause to be granted a permit in writing to the person named therein to use a specified vehicle on the said highway on the occasion and for the purpose therein stated.

14. (1) The Permanent Secretary or head of other public department or any local government council responsible for the maintenance of any bridge may cause to be placed in a conspicuous place on or near any bridge a notice to the effect that—

Control of vehicular traffic on bridges.

(a) the bridge is insufficient to carry more than a certain weight;

(b) a vehicle exceeding a certain breadth or height cannot with safety be driven on or over such bridge;

(c) vehicles may not exceed a specified speed when crossing the bridge,

and thereafter any person who contravenes or fails to comply with the terms of such notice shall be guilty of an offence.

(2) For the purposes of this section and section 15 the weight of a vehicle which is drawing any other vehicle shall be deemed to be the gross weight of that vehicle and of the vehicle or vehicles drawn by it.

15. (1) When any bridge is damaged—

(a) by reason of any vehicle passing over it in contravention of the provisions of section 14; or

Liability of owner and driver for damage to bridge.

(b) by reason of any vehicle when passing over the bridge coming into contact with any portion thereof other than the surface of the roadway, the owner of the vehicle and the person driving or propelling the same shall be jointly and severally liable to the Government or the local government council, as the case may be, for any damage done thereto.

(2) A certificate under the hand of the Permanent Secretary or of an engineer employed by the local government council of the amount of the cost of making good such damage shall, without proof of signature, be *prima facie* evidence of such cost.

Certificate of Permanent Secretary *prima facie* evidence of cost of repair.

16. Neither the Government nor any local government council, shall incur any liability in respect of any injury, damage or loss which may accrue to any person or property through the failure of any highway to sustain any vehicle.

Government and local government council not liable for failure of highway to sustain vehicle.

17. Where a police officer is for the time being engaged in the regulation of traffic on a highway, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near a highway in accordance with the provisions of this Part any person driving or propelling any vehicle who—

Penalties for neglect of traffic directions.

(a) neglects or refuses to stop the vehicle or to make it proceed or to keep to a particular line of traffic when directed so to do by the police officer in the execution of his duty ; or

(b) fails to conform to the indication given by the sign, shall be guilty of an offence.

PART V

OFFENCES

Reckless or dangerous driving.

18. (1) Any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition, and use of the highway, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, shall be liable on conviction to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Punishment of persons driving motor vehicles when under influence of drink or a drug.

19. (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a highway is under the influence of drink or a drug to such an extent as to be incapable of having proper control of such vehicle, shall be liable on conviction to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

Arrest without warrant.

20. A police officer may arrest without warrant any person committing an offence under section 18 or section 19.

Misuse of identification mark or licence.

21. Any person who—

(a) forges or fraudulently defaces, alters, mutilates or adds anything to any licence or identification mark ; or

(b) exhibits or uses any licence which has been forged, defaced, altered, mutilated or added to as aforesaid ; or

(c) lends or allows to be used by any other person any licence or identification mark ; or

(d) uses on one vehicle a licence or identification mark pertaining to another vehicle ; or

(e) uses a driving licence belonging to another person or exhibits or uses any licence upon which figures or particulars have become illegible or exhibits or uses any colourable imitation of any licence, shall be guilty of an offence.

Driving without authorisation of owner.

22. Any person who drives a motor vehicle on any occasion when he is not expressly or impliedly authorised by the owner of such motor vehicle shall be liable on conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

23. Where in any accident due to the use of any motor vehicle or trailer on a highway any injury is caused to any person, property, or livestock in the charge of any person, the driver of the motor vehicle shall—

Duty in case of accident.

(a) immediately stop the vehicle;

(b) furnish his name and address, the name and address of the owner of the vehicle, the identification mark of the vehicle and other particulars relating thereto if requested so to do by any person to whom, or by the owner or person in charge of the property or of the livestock to which, the injury has been caused, or by any police officer;

(c) in any case where the person to whom injury has been caused so requests, or if he is unconscious or if the injury caused to that person appears to endanger life, take all reasonably practicable steps to attend to the injured person, to procure him medical attention and to procure, where necessary, his removal to a hospital and thereafter report the accident forthwith to the nearest police station or to the nearest administrative officer or local government council;

(d) in every case not referred to in paragraph (c), report the accident as soon as possible and in any case within twenty-four hours of the occurrence of the accident to the nearest police station, or to the nearest administrative officer or local government council.

24. (1) Any person who commits or who is alleged to have committed an offence under this Law or the regulations made thereunder who refuses to give his name or address or such other information as may be demanded or who gives a false name or address or false information, shall be guilty of an offence.

Refusal to give name an offence.

(2) The owner of any motor vehicle or trailer shall, on demand by any police officer, give all information which it is within his power to give as to the name, address, description, antecedents and whereabouts of any person who commits or is alleged to have committed any offence in respect of or with any such motor vehicle or trailer and shall also give similar information regarding any occupants of the motor vehicle or trailer at the time of the offence or alleged offence and if such owner fails so to do he shall be guilty of an offence.

Information to be supplied by owner.

25. Any police officer may apprehend without warrant any person who commits within his view, or whom he reasonably suspects of having committed, an offence under this Law or under any regulation made hereunder—

Apprehension of offender refusing name.

(a) if such person refuses or fails to produce his driving licence on demand; or

(b) if such person refuses to give his name and address or gives a name and address which may reasonably be believed to be false; or

(c) if any vehicle driven by such person does not bear the prescribed identification mark.

Power to retain driving licence in certain circumstances.

25A. (1) Subject to the provisions of this section, any police officer may retain the driving licence of any person who commits within his view, or whom he reasonably suspects of having committed an offence under this law or under any regulation made thereunder, if he reasonably considers that any difficulty is likely to arise in the service of a summons on such person.

(2) A police officer, who retains the driving licence of any person under this section shall thereupon give to him a written statement signed and dated by the officer to the effect that the licence has been so retained and indicating the police station at which the licence may be claimed.

(3) A driving licence retained under this section shall be returned to the holder upon his giving a written acknowledgement signed and dated by him to the effect that it has been so returned—

(a) if he reports in person, not less than three days after the date of its retention, at the police station mentioned in the written statement given in accordance with sub-section (2); or

(b) if a summons relating to the offence committed or suspected to have been committed by him is served on him.

Furnishing false information to licensing authority an offence.

26. Where, under this Law or any regulations made hereunder, a person is required to supply to a licensing authority any information with regard to a motor vehicle or trailer or any particulars in relation to any licence or permit issued or applied for and such person supplies information or particulars which he knows or has reason to believe are false, he shall be guilty of an offence.

Owner of commercial vehicle liable in certain cases of over-loading and exceeding speed limit.

27. Where a person is convicted of an offence in respect of the over-loading of a commercial vehicle or trailer or of driving a commercial vehicle at a speed exceeding that provided by law, then in addition to the person driving the vehicle at the time of the commission of the offence, if such person be not the owner of the vehicle, the owner of such vehicle shall also be liable, and may be charged accordingly;

Provided that—

(a) such owner shall not be convicted of the offence if he can prove to the satisfaction of the court that no act or omission on his part was conducive to the commission of the offence; and

(b) no proceedings under this section shall be commenced against such an owner except with the approval of a member of the police force of or above the rank of assistant superintendent.

28. (1) Where a person is convicted of an offence relating to the condition of a commercial motor vehicle then in addition to the person convicted the owner, if such person is not the owner, shall also be guilty of the offence unless he can prove to the satisfaction of the court that he was not aware and could not by reasonable inquiry have been aware that the vehicle did not comply with the requirements of the law relating to the condition of the vehicle.

Owner of commercial vehicle liable in certain cases if vehicle is not safe.

(2) No proceedings under this section shall be commenced except with the approval of a member of the police force of or above the rank of assistant superintendent.

29. Any person who uses a motor vehicle or trailer for a purpose other than that for which it is licensed shall be guilty of an offence.

Contravention of terms of licence.

30. Save as is provided in sub-section (1) of section 7 nothing in this Law shall affect any liability of the driver or owner of a motor vehicle or trailer by virtue of any Law or Ordinance or at common law.

Other liability.

31. (1) Where a commercial vehicle or trailer is in the custody of or under the control of any person other than the owner or some person employed by the owner then—

Liability of third party in certain cases.

(a) that other person and not the owner shall be liable under section 27; and

(b) that person in addition to the owner shall be liable under section 28 unless such person can prove to the satisfaction of the court that he was not aware and could not by reasonable inquiry have been aware that the vehicle did not comply with the requirements of the law relating to the condition of the vehicle.

(2) No proceedings under this section shall be commenced except with the approval of a member of the police force of or above the rank of assistant superintendent.

32. The owner or driver of a motor vehicle or of an articulated vehicle shall not by reason of the vehicle having been registered or licensed by a licensing authority be relieved thereby of any responsibility for its roadworthiness and fitness for the purpose for which it is being used.

Owner responsible for condition of vehicle.

33. A person guilty of a breach of or failing to comply with any of the provisions of the Law or who commits an offence against this Law for which no special penalty is provided shall be liable for a first offence to a fine of fifty pounds, or for a second or subsequent offence to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

General penalty.

35. In any cause or matter relating to a motor vehicle or to any licence, permit, certificate or other document issued under this Law, or any regulation made hereunder, the production of a document purporting to be a copy of an entry in a register or a copy of a licence, permit, certificate or other document as aforesaid, by, or from

Copy of Central registrar's records *prima facie* evidence.

the records of the central registrar or any officer deputed by him for that purpose, shall be *prima facie* evidence of any matter, fact or thing stated or appearing thereon.

Existing records. Ordinance No. 10 of 1927.

36. All registers, records and other documents kept in accordance with the provisions of the Motor Traffic Ordinance, 1927, shall be deemed to be registers, records and documents kept in accordance with the provisions of this Law and the provisions of section 35 shall apply to such registers, records and documents as aforesaid as if they had been kept under this Law.

Application to the Crown.

37. The provisions of this Law shall apply to vehicles and persons in the public service of the Crown, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible.

EXTRACT FROM THE LOCAL GOVERNMENT LAW

PART XX.—OFFENCES

OFFENCES RELATING TO RATES

255. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuses or fails to pay any rate payable by him under this Law on or before the date on which it is payable, shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or in default of payment to imprisonment for one year.

Penalty for refusal to pay rates.

256. Any person who, without lawful justification or excuse the proof of which shall lie on the person charged—

Penalty for inciting a person to refuse to pay rates, etc.

(a) incites any person to refuse to pay any rate payable by him under this Law on or before the day on which it is payable; or

(b) incites or assists any person to misrepresent in any way his rateable capacity,

shall be guilty of an offence, and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

257. Any person who—

Penalty for unauthorised collection of rates.

(a) not being authorised under this Law or by the rating authority or by a rate collector so to do, collects or attempts to collect any rate imposed under this Law ; or

(b) collects or attempts to collect any rates other than the rates which may be imposed under this Law or authorised by any other enactment,

shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

257A (1) Subject to the provisions of this section, the Governor in Council may, by notice in the Gazette, depute the Minister to exercise and perform on his behalf, such of the powers and duties conferred upon him by or under section 10 or any of the provisions of this Law as may be specified in the notice, and thereupon, or from the date specified in the notice, the Minister shall have and exercise such powers and duties.

Delegation of powers by Governor in Council.

(2) The Governor in Council may in the notice specify conditions, exceptions and qualifications to which the exercise of any power or duty delegated by him shall be subject.

(3) The Governor in Council may, in the like manner, revoke any such notice and may exercise any powers or perform any duties conferred upon him by or under this Law notwithstanding the deligation by him of such powers or duties.

Penalty in respect of offences by rate collector.

258. (1) Any rate collector who—

(a) fails to deposit with the rating authority any sum of money collected by him as rates;

(b) demands from any person an amount in excess of the duly assessed rates; or

(c) renders false returns, whether orally or in writing, of the number of the rate payers or the amounts of rates collected or received by him, shall be guilty of an offence and shall be liable on conviction to imprisonment for three years.

(2) Any person who fails to collect any rate which it is his duty under this Law to collect or fails to carry out any other duty imposed upon him, as a rate collector, by this Law, shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year or both such fine and imprisonment.

EXTRACT FROM THE MOSQUITOES DESTRUCTION LAW

2. In this Law—

- “house” includes dwelling-house, warehouse, office, shop, school and any other building in which persons are employed; Inter-pretation.
- “mosquito” means the insect and includes its eggs, larvae and pupae;
- “occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent of another person but does not include a lodger;
- “owner” includes the person for the time being receiving the rent of any premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if such land or house were let to a tenant and includes the Crown and any local government council;
- “premises” includes messuages, buildings, lands, tenements and hereditaments of any description or tenure, vehicles, tents, vans, structures of any kind, drains, ditches and places whether open or enclosed, whether built or not, whether public or private and whether or not maintained under statutory authority and any ship, vessel, small craft, canoe or other boat in a port or on any inland waters;
- “sanitary authority” means a government Medical Officer appointed for any area in accordance with sub-section 1 of section 3 of the Public Health Law or any person appointed as such under the provisions of section 3 of this Law. Cap. 103.

4. (1) The sanitary authority or any person authorised by him either generally or specially in that behalf in writing may, between the hours of six in the morning and six in the evening, with or without assistants, enter and examine any premises in order to ascertain whether they or any thing thereon are in a condition favourable to the propagation or harbouring of mosquitoes and take immediate steps to destroy mosquitoes and may take such action as may be necessary to render any accumulations of water unfit to be breeding places for mosquitoes. Entry and inspection by sanitary authority or authorised person.

(2) The owner and the occupier of any premises shall permit the sanitary authority or any person so authorised by him as aforesaid with or without assistants to have access thereto and to any part thereof for the purpose of sub-section (1), and shall supply all such information as the sanitary authority requires and as is reasonably necessary for that purpose.

5. (1) The sanitary authority, if as a result of any such examination it appears to him that any premises or anything thereon is favourable to the propagation or harbouring of mosquitoes, may, by order in writing addressed to the owner or occupier of such premises, direct him within a specified time to take such specified measures with regard to General power of sanitary authority to order action.

the premises or for the treatment, destruction or removal of anything thereon as may bring them into condition not favourable to the propagation or harbouring of mosquitoes.

(2) In particular and without prejudice to the generality of the powers aforesaid, the sanitary authority may in such order direct the owner or occupier, to drain any land or fill up inequalities in the surface thereof or to construct other works so as to keep the land permanently free from standing water to the extent required by the order, and to refrain from doing such things or keeping such animals as may damage work done or increase the cost of maintenance thereof.

Prohibition
of clearing
undergrowth.

6. Where on any land a stream or standing water is afforded shade by undergrowth and other vegetation, no person shall cut down or clear or cause to be cut down or cleared such undergrowth or vegetation without the previous written sanction of the sanitary authority. Any person guilty of an offence under the provisions of this section shall be liable to a fine of fifty pounds or to six months' imprisonment or to both such fine and imprisonment.

Power of
sanitary
authority
to order
covering of
tanks and
receptacles.

7. (1) The sanitary authority may, by order in writing, direct the occupier of any premises so to cover within a specified time and keep continuously covered any specified vessel or receptacle, including any tank, cistern, or well, on or appertaining to the premises that mosquitoes shall be unable to enter such vessel or receptacle.

(2) Where any premises are unoccupied such order may be addressed to the owner thereof as if he were the occupier.

Power of
sanitary
authority to
take
preventive
measures.

8. (1) The owner or occupier of any premises shall take such measures as are reasonably necessary—

(a) to destroy mosquitoes wherever found;

(b) to collect and remove empty tins, cans, bottles or other receptacles in which mosquitoes may breed;

(c) to cut down and remove any grass, bamboo stumps, fern, undergrowth or other vegetation in which mosquitoes are likely to breed or be harboured;

(d) to bring any water or swamp into a condition not favourable to the propagation or harbouring of mosquitoes;

(e) to fill with concrete or otherwise treat holes or hollows in trees which hold or are likely to hold water.

(2) The sanitary authority or any person authorised by him either generally or specifically in that behalf in writing may, with the consent of the owner or occupier, and upon such terms as the sanitary authority may think reasonable, take all reasonable measures on behalf of such owner or occupier to carry out the provisions of sub-section (1).

(3) If in any prosecution for contravention of any of the provisions of sub-section (1) it is proved that eggs, larvae or pupae of the mosquito were found in premises the onus of proof of compliance with all or any of the provisions of sub-section (1) shall lie upon the person charged with the contravention.

9. (1) If the owner or occupier of any premises on whom an order under the provisions of section 5 or 7 has been served fails to comply with the terms thereof, the sanitary authority, or any person authorised by him either generally or specially in that behalf in writing, may enter upon or into the said premises with such assistants and things as are necessary and may perform and do thereon or therein all acts and things required by the said order to be performed or done, and the cost thereof shall be recoverable from the owner or occupier by the sanitary authority.

Sanitary authority may perform work and recover costs.

(2) If the amount of such cost is not paid by the party liable to pay the same within seven days after demand, such amount may be reported to a court and recovered in the same way as if judgment has been obtained in that court for such amount.

(3) Nothing in this section shall affect any liability of any person to prosecution and punishment under the provisions of section 10.

10. (1) Any owner or occupier of any premises, on whom an order under the provisions of section 5 or 7 has been served, who fails to comply with the terms thereof and any owner or occupier of any premises who contravenes or fails to comply with all or any of the provisions of sub-section (1) of section 8 shall be liable, on summary conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

Penalty for default.

(2) No person shall be punishable under the provisions of this section for neglect to comply with any order in respect whereof he has appealed as hereinafter provided unless such order has been confirmed on appeal.

14. (1) When an order is required by the provisions of this Law to be served on the owner or occupier of any premises, such order addressed to the owner or occupier may be served by delivering the same to the owner or occupier or by leaving the same with some male adult member of his family, other than a servant, residing with him or if there is no known owner or occupier of the premises the order may be posted on some conspicuous place thereon.

Service of orders.

(2) It shall not be necessary in any such order to name the owner or occupier if the premises to which the order relates are therein specified.

15. Any person, who obstructs the sanitary authority or any person authorised by him or any person engaged in carrying out the provisions of this Law in any act authorised by this Law, shall be liable to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

Penalty for obstructing sanitary authority.

16. Any person who, without the consent of the sanitary authority, interferes with, injures, destroys or renders useless any works executed or any materials or things placed in, under or upon any premises by or under the orders of the sanitary authority, shall be liable to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and imprisonment. In addition the sanitary authority may recover from such person such sum as may be assessed by the court to

Penalty for injuring works executed by sanitary authority.

cover costs and expenses incurred in re-executing the works or replacing the materials or things interfered with, injured, destroyed or rendered useless as if the sanitary authority had obtained judgment for that amount in a court of competent jurisdiction.

Premises not to be used in manner deleterious to anti-mosquito works.

17. (1) Where the sanitary authority or any department of Government or any local government council has constructed any works with the object of preventing the breeding of mosquitoes whether before, on or after the date of the commencement of this Law, the owner and the occupier of the premises on which such works stand shall prevent such premises being used in any manner whatsoever that is likely to cause or has caused the deterioration or to lessen the efficiency of such works.

Penalty.

(2) Where any such premises are used in such a manner as to lessen the full efficiency of such works, the owner and the occupier of such premises shall, subject to sub-section (4), be liable to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and imprisonment and the sanitary authority may enter upon the premises and execute any necessary repairs or work thereon and recover from such person such sum as may be assessed by the court to cover such costs and expenses as he thereby incurs as if the sanitary authority has obtained judgment for that amount in a court of competent jurisdiction.

(3) Before any proceedings are taken under the provisions of this section, written notice shall be given by the sanitary authority or by the local government council to the owner or occupier, as the case may be, specifying what the sanitary authority or local government council requires to be done or not to be done and giving a reasonable time for compliance therewith.

(4) If the owner of such premises is by reason of any legal contract, not being a contract made with an intention to evade liability under the provisions of this section prevented from entering upon such premises to carry out the duties and obligations mentioned in sub-section (1), he shall not be liable to any of the penalties mentioned in sub-section (2), unless it can be shown that he has contributed in any way to the refusal or failure of the occupier to carry out such duties and obligations.

General direction of Chief Health Officer.

18. The powers conferred and the duties imposed upon a sanitary authority under the provisions of sections 5 and 7 shall be exercised and performed under and in accordance with the general directions of the Chief Health Officer.

FORMS OF CHARGES

The Criminal Code

(1) FORCIBLE ENTRY—SECTION 74

That you Samuel Ojo on the 6th day of May, 1969, at Ibadan, in the area of jurisdiction of the Grade "B" Customary Court, Ibadan, in a manner likely to cause a breach of the peace, entered on land which is in actual and peaceable possession of David Dare and thereby committed an offence punishable under section 74 of the Criminal Code.

(2) AFFRAY—SECTION 76

That you Samuel Ojo and David Dare on the 7th day of May, 1969, at Oyo in the area of jurisdiction of the Grade "A" Customary Court, Oyo, took part in a fight in a public place, to wit, at Akesan Market, Oyo, and thereby committed an offence punishable under section 76 of the Criminal Code.

(3) CONTEMPT OF COURT—SECTION 118

That you.....on the.....day of.....1969, at.....in the area of jurisdiction of the Grade "B" Customary Court....., having been called upon to give evidence in a judicial proceeding refused without lawful excuse to answer a question put to you by the Judge of the Grade "A" Customary Court....., and thereby committed an offence punishable under section 118 of the Criminal Code.

(4) ESCAPE—SECTION 120

That you.....on the.....day of....., 1969, at.....in the area of jurisdiction of the Grade.....Customary Court....., being a person in lawful custody, to wit, in the police cell at King's Barracks..... escaped from such custody and thereby committed an offence punishable under section 120 of the Criminal Code.

(5) AIDING PRISONERS TO ESCAPE—SECTION 121

That you.....on the.....day of....., 1969, at....., in the area of jurisdiction of the Grade.....Customary Court....., aided a prisoner, Samuel Ojo, in escaping from lawful custody, to wit, from Benin Prison, and thereby committed an offence punishable under section 121 of the Criminal Code.

(6) OBSTRUCTING OFFICERS OF COURTS OF JUSTICE—SECTION 130

That you.....on the.....day of....., 1969, at.....in the area of jurisdiction of the Grade.....Customary Court....., wilfully obstructed P.C. 432 James John, charged with the execution of Warrant No..... issued by the Grade.....Customary Court....., and thereby committed an offence punishable under section 130 of the Criminal Code

(7) IDLE AND DISORDERLY PERSONS—SECTION 196

That you.....on the.....day of....., 1969, at.....in the area of jurisdiction of the Grade.....Customary Court....., behaved in a disorderly manner in a public place, to wit, at Akesan Market, Oyo, and thereby committed an offence punishable under section 196 of the Criminal Code.

(8) ASSAULT—SECTION 292

That you.....on the.....day of
....., 1969,.....in the area of jurisdic-
tion of the Grade.....Customary Court.....unlawfully
assaulted.....and hereby committed an offence punishable
under section 292 of the Criminal Code.

(9) ASSAULTS OCCASIONING HARM—SECTION 296

That you.....on the.....day of
....., 1969, at....., in the area of jurisdic-
tion of the Grade.....Customary Court....., unlaw-
fully assaulted.....and did him harm, and thereby committed
an offence punishable under section 296 of the Criminal Code.

(10) DEPRIVATION OF LIBERTY—SECTION 306

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., unlaw-
fully confined one Surakatu Abeni (*f*) against her will in your house at.....
and thereby committed an offence punishable under section 306 of the Criminal Code.

(11) SLAVE DEALING—SECTION 310

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., sold one
James John (*m*) as a slave to Samuel Ojo (*m*) and thereby committed an offence punish-
able under section 310 of the Criminal Code.

(12) DESERTION OF CHILDREN—SECTION 313

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., being
the mother of Mary Abeke (*f*) a child under the age of twelve years, and being able to
maintain such child, wilfully and without lawful or reasonable cause deserted the child
and left her without means of support and thereby committed an offence punishable
under section 313 of the Criminal Code.

(13) STEALING—SECTION 331

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., stole
three bags of cocoa the property of.....and thereby committed
an offence punishable under section 331 of the Criminal Code.

(14) STEALING BY PERSONS IN PUBLIC SERVICE—SECTION 331 (4)

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., being
a person in the public service, to wit, a clerk in the Adeoyo Hospital, Ibadan, stole the
sum of £10, the property of the State, and thereby committed an offence punishable
under section 331 (4) of the Criminal Code.

(15) STEALING BY CLERKS AND SERVANTS—SECTION 331 (5)

That you.....on the.....day of
....., 1969 at.....in the area of jurisdic-
tion of the Grade.....Customary Court....., being
clerk or servant to Chief Ulaeto, stole from the said Chief Ulaeto 10 yards of cloth
and thereby committed an offence punishable under section 331 (5) of the Criminal Code.

(16) STEALING PROPERTY OF VALUE OF £500—SECTION 331 (8)

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court,
stole an Opel car No. LC 477 value £550, the property of.....
and thereby committed an offence punishable under section 331 (8) of the Criminal Code.

(17) KILLING ANIMALS WITH INTENT TO STEAL—SECTION 335

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court,
killed a goat property of.....with intent to steal the carcass,
and thereby committed an offence punishable under section 335 of the Criminal Code.

(18) RECEIVING STOLEN PROPERTY—SECTION 366

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court,
did receive a Raleigh bicycle, licence No. A 634, the property of.....
knowing the same to have been stolen, and thereby committed an offence punishable
under section 366 of the Criminal Code.

(19) PERSONATION OF PERSON NAMED IN A TESTIMONIAL OR CHARACTER—SECTION 418

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court,
with the purpose of obtaining an employment, uttered the school leaving certificate of
one James John to....., Chief Clerk, Benin Divisional Council,
purporting it to be your own, and thereby committed an offence punishable under section
418 of the Criminal Code.

(20) LENDING TESTIMONIAL FOR PERSONATION—SECTION 419

That you.....on the.....day of
....., 1969, at.....in the area of jurisdic-
tion of the Grade.....Customary Court,
being a person to whom School Leaving Certificate No.....
has been given, lent it to one.....with the intent that he may
utter the certificate for the purpose of obtaining an employment and thereby committed
an offence punishable under section 419 of the Criminal Code.

The Western Nigeria Water Corporation Law, 1964

(1) INJURY, POLLUTION, ETC.—SECTION 43

That you.....on the.....day of
....., 1969, at Ibadan, in the area of jurisdiction of the Grade
"B" Customary Court, Ibadan, wilfully injured the public fountain at Adeoyo Road,
Ibadan, and thereby committed an offence contrary to section 43 of the Water Cor-
poration Law, 1964.

(2) WASTING WATER—SECTION 44

That you.....on the.....day of
....., 1969, at Ibadan, in the area of jurisdiction of the Grade
"B" Customary Court, Ibadan, negligently wasted water passing into the Catering
Rest House, Ibadan, from the Eleiyele Waterworks, and thereby committed an offence
contrary to section 44 of the Water Corporation Law, 1964.

(3) BATHING, WASHING, ETC.—SECTION 47

That you.....on the.....day of
....., 1969, at, in the area of jurisdic-
tion of the Grade "A" Customary Court,....., washed four
clothes in the.....Waterworks,.....and
thereby committed an offence contrary to section 47 of the Water Corporation Law, 1964.

The Road Traffic Law

(1) NEGLIGENT DRIVING—SECTION 18

That you.....on the.....day of
....., 1969, at Amunigun Road, Ibadan, in the area of jurisdic-
tion of the Grade "B" Customary Court, Ibadan, drove a motor vehicle No. WA 447
negligently, having regard to all the circumstances of the case including the nature, condi-
tion and use of the highway, and thereby committed an offence contrary to section 18 of
the Road Traffic Law.

(2) MISUSE OF LICENCE—SECTION 21

That you.....on the.....day of
....., 1969, at Ibadan in the area of jurisdiction of the Grade
"B" Customary Court, Ibadan, used a driving licence No. 298270 of 6th March, 1959,
belonging to one Amusa Alao of Agbokojo, Ibadan, and thereby committed an offence
contrary to section 21 (e) of the Road Traffic Law.

(3) FAILURE TO STOP VEHICLE IMMEDIATELY AFTER AN ACCIDENT—SECTION 23

That you.....on the.....day of
....., 1969, at Bola Road, Ibadan, in the area of jurisdiction of
the Grade "B" Customary Court, Ibadan, after an accident due to the use of your
vehicle No. WA 596 in which one Janet Abeke (f) was injured, failed to stop the said
vehicle immediately and thereby committed an offence contrary to section 23 (a) and
punishable under section 33 of the Road Traffic Law.

(4) CONTRAVENTION OF TERMS OF LICENCE—SECTION 29

That you.....on the.....day of
....., 1969, at mile 4 on the Ibadan-Abeokuta Road, in the area
of jurisdiction of the Grade "A" Customary Court, Ibadan, used motor vehicle No.
WE 937 as a stage carriage when it was not so licensed, and thereby committed an
offence contrary to section 29 of the Road Traffic Law.

The Local Government Law

OFFENCES RELATING TO RATES

REFUSAL TO PAY

(1) REFUSAL TO PAY RATES—SECTION 255

That you.....on the.....day of
.....1969, at.....in the area of jurisdiction
of the Grade "C" Customary Court,....., without lawful justification
or excuse, refused to pay the.....rate payable by you on or before the.....
day of.....1969 the date on which it was payable, and thereby committed
an offence contrary to section 255 of the Local Government Law.

(2) INCITING A PERSON TO REFUSE TO PAY RATE—SECTION 256

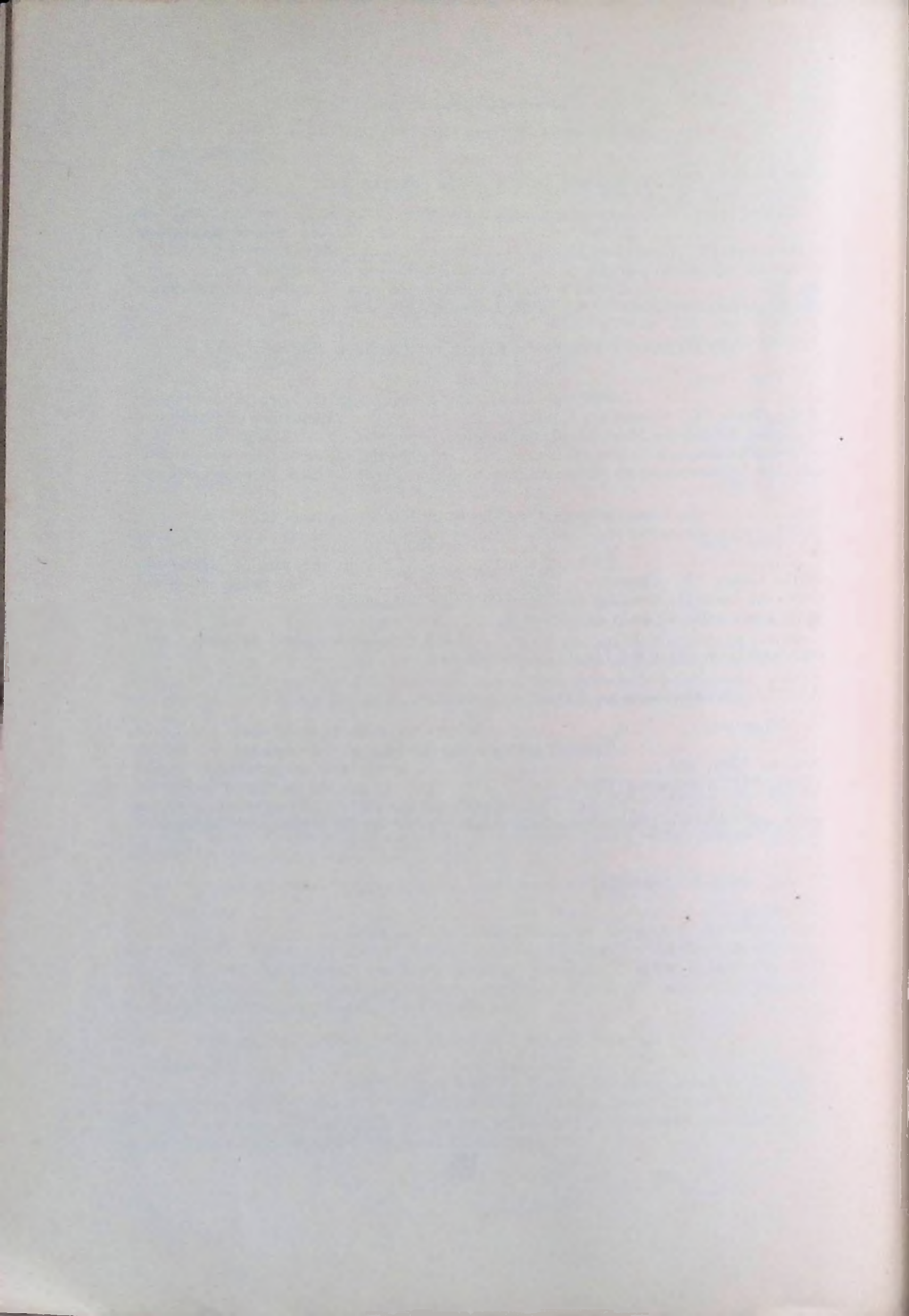
That you.....on the.....day of
.....1969, at.....in the area of jurisdiction
of the Grade "C" Customary Court,.....without lawful justification
or excuse, incited one Muri Atanda (*m*) to refuse to pay the.....rate payable by him
on or before the.....day of.....1959, the day on which it was payable,
and thereby committed an offence contrary to section 256 of the Local Government Law.

(3) UNAUTHORISED COLLECTION OF RATES—SECTION 257

That you..... on the.....day of
.....1969, at.....in the area of jurisdiction
of the Grade "B" Customary Court,....., not being authorised
under the Local Government Law or by the rating authority of.....
or by a rate collector so to do, collected.....rate from.....of
.....and thereby committed an offence con-
trary to section 257 of the Local Government Law.

(4) OFFENCES BY RATE COLLECTORS—SECTION 258

That you.....being a rate collector under the.....
.....Council, between the 31st day of July and the 5th day of
August, 1969, at.....in the area of jurisdiction of the
Grade "C" Customary Court.....failed to deposit with the
.....rating authority the sum of £30 collected by you as
rates, and thereby committed an offence contrary to section 258 of the Local Government
Law.



FORM OF RECORD IN A CRIMINAL CASE
RECORD OF PROCEEDINGS
IN THE CUSTOMARY COURT OF WESTERN NIGERIA
IN THE IKEJA GRADE C CUSTOMARY COURT
BEFORE (Here state the names of the Judges and the Assessors, if any)

THURSDAY THE 7TH DAY OF MAY, 1970

Charge No. A1/59:

COMMISSIONER OF POLICE

Versus

AMUSA AREMU

Accused person present.

Lance Corporal Areho for the prosecution.

Charge.—That you, Amusa Aremu, on the 6th day of May, 1970 at the area of Jurisdiction of the Ikeja Grade C Customary Court, stole the sum of £1, the property of Jinatu Amao and thereby committed an offence punishable under section 331 of the Criminal Code.

(The following part of the record of proceedings must be recorded in open Court after the charge has been read in open court to the accused).

The Charge is read over and explained to the accused.

Plea : Accused pleads not guilty.

PROSECUTION :

1st Witness.—Jinatu Amao (*f*), sworn on the Kuran states in Yoruba : I live at Onigbongbo Village, Ikeja. I am a petty trader. I carry on my business at Ikeja Market. On the 6th day of May, 1970, I went to the market stall at Ikeja with my daughter Salamotu. At about 10.30 a.m. on that day while I was in the stall, a certain man came to me and said he wanted to buy gari from me. The man is the accused. (*Witness here identifies the accused in the Dock*). The accused then said I should first change 10s notes into coins as he had only currency notes with him. I then took out a cigarette tin. The tin contained £1 in shilling pieces. I put the tin on a box in front of my stall. As I was about to open it, my friend Seliatu who occupied the stall next to mine called me. I turned round to speak to her. As I was about to speak to Seliatu I heard my daughter and Seliatu both shout "thief, thief." Then I saw the accused running away with the tin of cigarette containing £1. I ran after him shouting, "thief, thief". A man coming from the opposite direction caught the accused.

I can identify the man if I see him (*witness here identifies P.C. No. 2265, Samuel Ogidi*). Samuel Ogidi then arrested the accused and I followed them to the Police Station.

Cross Examined : (This may be abbreviated as shown—*XX*amined or *XX*d.) by accused.

I am not telling lies. What I have told the Court is the truth. I have never seen you before the 6th of May, 1970.

Re-examined : (Abbreviated : *Rxd*) by Cpl. Areho : No Question.

2nd Witness : Samuel Ogidi (*m*) sworn on the Bible states in English. I am P.C. No. 2265 attached to Ikeja Police Station. On the 6th of May, I was on patrol duty at Ikeja Market, while on duty, I heard an alarm. Several people were shouting "thief, thief". I rushed towards the direction of the noise. I saw the accused running with a tin of cigarette in his hand. The 1st prosecution witness and others were following closely behind. I arrested the accused and took him to Ikeja Police Station.

XXd. by the accused : No Question.

Rxd. by Cpl. Areho : No Question.

3rd Witness : Seliatu Abeke (*f*) sworn on the Kuran states in Yoruba. I am a petty trader. I live at Mushin. I have a stall at Ikeja Market. My stall is next to that of 1st prosecution witness (Jinatu Amao). On the 6th of May at about 10.30 a.m. I saw the accused in front of 1st prosecution witness's stall. I called 1st prosecution witness, I wanted to speak to her. As she turned round I saw the accused remove a cigarette tin from the 1st prosecution witness's stall. After removing the tin he started to run and I shouted "thief, thief". I and 1st prosecution witness ran after him. Then we saw a police officer who caught the accused.

XXamined by the accused: I am not telling lies.

CASE FOR PROSECUTION

DEFENCE

Court asks accused if he wishes to give evidence on Oath. Accused informs Court of his desire to give evidence on Oath.

Accused: Amusa Aremu (*m*) sworn on the Kuran. I live at Ikeja. I am un-employed. I do not know anything about the charge. The witnesses for the prosecution are telling lies. That is all I want to say. I have no witness.

CASE FOR DEFENCE

JUDGMENT

I have considered the evidence of the witnesses for the prosecution and the defence. I am satisfied that the witnesses for the prosecution have told the truth. I am unable to believe the evidence of the accused.

I therefore find the accused guilty.

(Prosecutor here gives the antecedents of the accused, i.e., whether he has had any previous convictions).

Court asks accused if he has anything to say.

Accused: I have nothing to say.

Sentence: Three months imprisonment hard labour.

(Sgd).....
Court President

CUSTOMARY COURTS STRUCTURE, WESTERN STATE OF NIGERIA

Serial No.	Customary Court and Grade	Competent Council	Number of Members	Channel of Appeal
AKOKO DIVISION				
1.	Akoko No. 1 Grade 'B'	Ikare District Council, Akoko West, South Provisional Authorities.	3	Owo Divisional Grade 'A'
2.	Akoko No. 2 Grade 'B'	Akoko Central-East, North-East and North Provisional Authorities.	3	Owo Divisional Grade 'A'
3.	Ikare No. 1 Grade 'C'	Ikare District Council	9	Owo Divisional Grade 'A'
4.	Ikare No. 2 Grade 'C'	Ikare District Council	9	Owo Divisional Grade 'A'
5.	Oka Grade 'B'	Oka District Council	3	Owo Divisional Grade 'A'
6.	Oka No. 1 Grade 'C'	Oka District Council	9	Owo Divisional Grade 'B'
7.	Oka No. 2 Grade 'C'	Oka District Council	9	Owo Divisional Grade 'B'
8.	Ajowa Grade 'C'	Akoko North-East Provisional Authority	9	Owo Divisional Grade 'B'
9.	Akumu/Avgu/Kakumo Grade 'C'	Akoko North-East Provisional Authority	9	Owo Divisional Grade 'B'
10.	Ikeram Grade 'C'	Akoko North-East Provisional Authority	9	Owo Divisional Grade 'B'
11.	Ogbagi Grade 'C'	Akoko West Provisional Authority	9	Owo Divisional Grade 'B'
12.	Irun Grade 'C'	Akoko East Provisional Authority	9	Owo Divisional Grade 'B'
13.	Ishua/Shosun Grade 'C'	Akoko East Provisional Authority	9	Owo Divisional Grade 'B'
14.	Ifra/Ipesi Grade 'C'	Akoko East Provisional Authority	9	Owo Divisional Grade 'B'
15.	Ukpe/Ekperne Grade 'C'	Akoko East Provisional Authority	9	Owo Divisional Grade 'B'
16.	Omuo Grade 'C'	Omuo Provisional Authority	9	Owo Divisional Grade 'B'
17.	Oyin Grade 'C'	Omuo Provisional Authority	9	Owo Divisional Grade 'B'
18.	Akungba Grade 'C'	Omuo Provisional Authority	9	Owo Divisional Grade 'B'
19.	Oba Grade 'C'	Akoko South Provisional Authority	5	Owo Divisional Grade 'B'
20.	Ikun Grade 'C'	Akoko South Provisional Authority	5	Owo Divisional Grade 'B'
21.	Shupare Grade 'C'	Akoko South Provisional Authority	9	Owo Divisional Grade 'B'
22.	Arigidi Grade 'C'	Akoko Central Provisional Authority	9	Owo Divisional Grade 'B'
23.	Erusinu Grade 'C'	Akoko Central Provisional Authority	9	Owo Divisional Grade 'B'
24.	Iboripa/Ulpe/Ishu Grade 'C'	Akoko Central Provisional Authority	9	Owo Divisional Grade 'B'
25.	Okeingbe Grade 'C'	Akoko Central Provisional Authority	9	Owo Divisional Grade 'B'
AKURE DIVISION				
26.	Akure Grade 'B'	Akure District Council	3	Ondo Divisional Grade 'A'
27.	Akure No. 1 Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
28.	Akure No. 2 Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
29.	Akure No. 3 Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
30.	Iju/Ira-Osholu Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
31.	Idanre No. 1 Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
32.	Idanre No. 2 Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
33.	Alade/Atosin Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'
34.	Onisero Grade 'C'	Akure District Council	9	Ondo Divisional Grade 'B'

Serial
No.

Customary Court and Grade

Competent Council

Number of
Members

Channel of Appeal

AKURE DIVISION—contd

35.	Igbura-Oke Grade 'C'	Ifedore District Council	9	Ondo Divisional Grade 'B'
36.	Ijara Grade 'C'	Ifedore District Council	9	Ondo Divisional Grade 'B'
37.	Ijare Grade 'C'	Ifedore District Council	9	Ondo Divisional Grade 'B'
EGBA DIVISION				
38.	Egba Divisional Grade 'A'	Joint Board made up of Egba Divisional Council, Imala and Otta District Councils.	1	High Court
39.	Egba Divisional Grade 'B'	Joint Board made up of Egba Divisional Council, Imala and Otta District Councils.	1	High Court
40.	Abookuta Grade 'B' No. 1	Abokuta Urban District Council	1	Egba Divisional Grade 'A'
41.	Ifo and Ikereku Grade 'B'	Egba-Ifo and Egba-Ikereku District Councils	1	Egba Divisional Grade 'A'
42.	Odeda and Obafemi Grade 'B'	Egba-Odeda and Egba-Obafemi District Council	1	Egba Divisional Grade 'A'
43.	Owode Grade 'B'	Egba Owode District Council	9	Egba Divisional Grade 'B'
44.	Sunren Grade 'C'	Egba Ifo District Council	9	Egba Divisional Grade 'B'
45.	Gaun Grade 'C'	Egba Ifo District Council	9	Egba Divisional Grade 'B'
46.	Isheri Grade 'C'	Egba Ifo District Council	9	Egba Divisional Grade 'B'
47.	Egba Obafemi Grade 'C'	Egba Obafemi District Council	9	Egba Divisional Grade 'B'
48.	Ilujuun Grade 'C'	Egba Odeda District Council	9	Egba Divisional Grade 'B'
49.	Ajura Grade 'C'	Egba Owode District Council	9	Egba Divisional Grade 'B'
50.	Iro Grade 'C'	Egba Owode District Council	9	Egba Divisional Grade 'B'
51.	Egbeda Grade 'C'	Egba Owode District Council	9	Egba Divisional Grade 'B'
52.	Otta Grade 'B'	Otta District Council	1	Egba Divisional Grade 'A'
53.	Ilogbo Grade 'C'	Otta District Council	5	Egba Divisional Grade 'B'
54.	Atun Grade 'B'	Otta District Council	1	Egba Divisional Grade 'B'
55.	Imala Grade 'B'	Otta District Council	1	Egba Divisional Grade 'B'
56.	Imala Grade 'C'	Imala District Council	9	Egba Divisional Grade 'A'
57.	Egbadò Divisional Grade 'B'	Imala District Council	1	Egba Divisional Grade 'B'
58.	Ilaro Grade 'C'	All Egbadò Councils	9	High Court
59.	Ilaro Grade 'C'	Ilaro District Councils	9	Egbadò Divisional Grade 'B'
60.	Aiyetoro Grade 'C'	Ilaro District Council	9	Egbadò Divisional Grade 'B'
61.	Ibeshe/Igbogila Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
62.	Iboro Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
63.	Meko Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
64.	Alon Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
65.	Idofa Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
66.	Egwa/Ijoun Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
67.	Ebure-Gboro/Egbadò Grade 'C'	Egbadò/Ketu District Council	9	Egbadò Divisional Grade 'B'
68.	Ado Grade 'C'	Ado-Igbessa District Council	9	Egbadò Divisional Grade 'B'
69.	Igbessa Grade 'C'	Ado-Igbessa District Council	9	Egbadò Divisional Grade 'B'
70.	Oke-Odan Grade 'C'	Egbadò-Ikomiyin District Council	9	Egbadò Divisional Grade 'B'

EGBADO DIVISION

71.	Ajilete Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
72.	Ihumbo Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
73.	Ilobi Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
74.	Ilashe Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
75.	Ifonyintedo Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
76.	Ikolaje Grade 'C'	.	.	.	.	.	.	Egbado-Ifonyin District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
77.	Ipokia Grade 'C'	.	.	.	.	.	.	Ipokia District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
78.	Agosasa Grade 'C'	.	.	.	.	.	.	Ipokia District Council	.	.	.	.	9	Egbado Divisional Grade 'B'
79.	Ijofin Grade 'C'	.	.	.	.	.	.	Ipokia District Council	.	.	.	.	9	Egbado Divisional Grade 'B'

EKITI CENTRAL DIVISION

80.	Ekiti Divisional Grade 'A'	.	.	.	.	.	.	Ado District Council Joint Board of all Councils in Ekiti.	.	.	.	.	1	High Court
81.	Ekiti Divisional Grade 'B'	.	.	.	.	.	.	Ado District Council Joint Board of all Councils in Ekiti.	.	.	.	.	1	High Court
82.	Ado District Grade 'B'	.	.	.	.	.	.	Ado District Council	.	.	.	.	3	Ekiti Divisional Grade 'A'
83.	Ado No. 1 Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'A'
84.	Ado No. 2 Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'A'
85.	Iyin Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'A'
86.	Igede Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'A'
87.	Igbemo Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
88.	Awo Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
89.	Are Grade 'C'	.	.	.	.	.	.	Ado District Council	.	.	.	.	3	Ekiti Divisional Grade 'A'
90.	Gbonyin District Grade 'B'	.	.	.	.	.	.	Gbonyin District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
91.	Aisagba Grade 'C'	.	.	.	.	.	.	Gbonyin District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
92.	Ode Grade 'C'	.	.	.	.	.	.	Gbonyin District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
93.	Ijan/Iluomoba Grade 'C'	.	.	.	.	.	.	Gbonyin District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'

EKITI NORTH DIVISION

94.	Ekiti Northern Grade 'B'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	3	Ekiti Divisional Grade 'A'
95.	Oye Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
96.	Itaji Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
97.	Ishan Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
98.	Ire Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
99.	Ipawo Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
100.	Egosi Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
101.	Aiyede Grade 'C'	.	.	.	.	.	.	Ekiti Northern District Council	.	.	.	.	3	Ekiti Divisional Grade 'A'
102.	Ikole District Grade 'B'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
103.	Ikole Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
104.	Itapa Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
105.	Iluasha Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
106.	Aiyedun Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
107.	Ijesha Isha Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
108.	Iribode Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'
109.	Onitoto Grade 'C'	.	.	.	.	.	.	Ikole District Council	.	.	.	.	9	Ekiti Divisional Grade 'B'

Serial
No.

Customary Court and Grade

Competent Council

Number of
Members

Channel of Appeal

EKITI SOUTH DIVISION

110.	Ekiti Southern District Grade 'B'	Ekiti Southern District Council	3	Ekiti Divisional Grade 'A'
111.	Ikerre No. 1 Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
112.	Ikerre No. 2 Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
113.	Emure Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
114.	Igbura-Odo Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
115.	Igbare Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
116.	Ise Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'
117.	Orotun Grade 'C'	Ekiti Southern District Council	9	Ekiti Divisional Grade 'B'

EKITI WEST DIVISION

118.	Ijero District Grade 'B'	Ijero District Council	3	Ekiti Divisional Grade 'A'
119.	Ijero Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
120.	Ipoti Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
121.	Odo-Owa Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
122.	Aiyetoro/Ilaro/Ijurin Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
123.	Ileje/Meje Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
124.	Ikeru Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
125.	Aiyegunle Grade 'C'	Ijero District Council	9	Ekiti Divisional Grade 'B'
126.	Iddo-Osi District Grade 'B'	Iddo-Osi District Council	3	Ekiti Divisional Grade 'A'
127.	Iddo Grade 'C'	Iddo-Osi District Council	9	Ekiti Divisional Grade 'B'
128.	Ifaki Grade 'C'	Iddo-Osi District Council	9	Ekiti Divisional Grade 'B'
129.	Osi Grade 'C'	Iddo-Osi District Council	9	Ekiti Divisional Grade 'B'
130.	Ushii-Ilogbo Grade 'C'	Iddo-Osi District Council	9	Ekiti Divisional Grade 'B'
131.	Otun District Grade 'B'	Otun District Council	9	Ekiti Divisional Grade 'B'
132.	Otun Grade 'C'	Otun District Council	3	Ekiti Divisional Grade 'A'
133.	Erinmope Grade 'C'	Otun District Council	9	Ekiti Divisional Grade 'B'
134.	Igogo Grade 'C'	Otun District Council	9	Ekiti Divisional Grade 'B'
135.	Ikun Grade 'C'	Otun District Council	9	Ekiti Divisional Grade 'B'
136.	Osan/Osun/Iro/Ira Grade 'C'	Otun District Council	9	Ekiti Divisional Grade 'B'
137.	Ekiti West District Grade 'B'	Otun District Council	9	Ekiti Divisional Grade 'B'
138.	Aranoko Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
139.	Efion-Alaye Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
140.	Erio Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
141.	Erijayan Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
142.	Iddo Ajinare Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
143.	Ikojosi Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
144.	Ipole Iloru Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'
145.	Okemesi Grade 'C'	Ekiti West District Council	9	Ekiti Divisional Grade 'B'

IBADAN (CITY AREA) DIVISION

146.	Ibadan City No. 1 Grade 'A'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	High Court
147.	Ibadan City No. 2 Grade 'A'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	High Court
148.	Ibadan City No. 1 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
149.	Ibadan City No. 2 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
150.	Ibadan City No. 3 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
151.	Ibadan City No. 4 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
152.	Ibadan City No. 5 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
153.	Ibadan City No. 6 Grade 'B'	.	.	.	.	.	Ibadan Customary Court Joint Board	.	.	.	.	1	Ibadan City No. 1 Grade 'A'
154.	Ibadan City No. 1 Grade 'C'	.	.	.	.	.	Ibadan City Council	.	.	.	.	9	Ibadan City No. 1 Grade 'A'
155.	Ibadan City No. 2 Grade 'C'	.	.	.	.	.	Ibadan City Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
156.	Ibadan City No. 3 Grade 'C'	.	.	.	.	.	Ibadan City Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
157.	Ibadan City No. 4 Grade 'C'	.	.	.	.	.	Ibadan City Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'

IBADAN (LESS CITY AREA) DIVISION

158.	Ikeretu Grade 'C'	.	.	.	.	.	Ibadan North District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
159.	Iyaye Grade 'C'	.	.	.	.	.	Ibadan North District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
160.	Arulogun Grade 'C'	.	.	.	.	.	Ibadan North District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
161.	Momiya Grade 'C'	.	.	.	.	.	Ibadan North District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
162.	Lalupon Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
163.	Erunmu Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
164.	Iyana Offa Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
165.	Olorunda Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
166.	Egbeda Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
167.	Olorunda Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
168.	Akanran Grade 'C'	.	.	.	.	.	Ibadan South-East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
169.	Olode Grade 'C'	.	.	.	.	.	Ibadan South-East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
170.	Aiyegun Grade 'C'	.	.	.	.	.	Ibadan South-East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
171.	Odo-Ona Grade 'C'	.	.	.	.	.	Ibadan South-West District Council	.	.	.	.	9	Ibadan City No. 1 Grade 'A'
172.	Idi-Ayure Grade 'C'	.	.	.	.	.	Ibadan South-West District Council	.	.	.	.	9	Ibadan City No. 1 Grade 'A'
173.	Akufo Grade 'C'	.	.	.	.	.	Ibadan West District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
174.	Iddo Grade 'C'	.	.	.	.	.	Ibadan West District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
175.	Lagun/Apatere/Offin-Igbo Grade 'C'	.	.	.	.	.	Ibadan East District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'

IBARAPA DIVISION

176.	Ibarapa East Grade 'B'	.	.	.	.	.	Ibarapa East Provisional Authority	.	.	.	.	2	Ibadan City No. 2 Grade 'A'
177.	Ibarapa West Grade 'B'	.	.	.	.	.	Ibarapa West Provisional Authority	.	.	.	.	2	Ibadan City No. 2 Grade 'A'
178.	Igboora Grade 'C'	.	.	.	.	.	Ibarapa West District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
179.	Tapa/Aiyere Grade 'C'	.	.	.	.	.	Ibarapa West District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
180.	Iganran Grade 'C'	.	.	.	.	.	Ibarapa West District Council	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
181.	Lanlate Grade 'C'	.	.	.	.	.	Ibarapa East Provisional Authority	.	.	.	.	9	Ibadan City No. 2 Grade 'A'
182.	Eruwa Grade 'C'	.	.	.	.	.	Ibarapa East Provisional Authority	.	.	.	.	9	Ibadan City No. 2 Grade 'A'

Serial No.	Customary Court and Grade	Competent Council	Number of Members	Channel of Appeal
IFE DIVISION				
183.	Ife Divisional Grade 'A'	Ife Divisional Council	1	High Court
184.	Ife District Grade 'B'	Ife Divisional Council	3	Ife Divisional Grade 'A'
185.	Ife No. 1 Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
186.	Ife No. 2 Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
187.	Modikete Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
188.	Edumabon/Moro Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
189.	Ipetumodu Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
190.	Iretedo Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
191.	Aiyepe Olode No. 1 Grade 'C'	Ife Divisional Council	5	Ife Divisional Grade 'A'
192.	Oke-Owena Grade 'C'	Ife Divisional Council	9	Ife Divisional Grade 'A'
IJBUB DIVISION				
193.	Ijebu Divisional Grade 'A'	The whole of Ijebu Divisional (Joint Board)	1	High Court
194.	Ijebu-Igbo and North Grade 'B'	Ijebu-Igbo, Northern, North-Western District Councils (Joint Board).	1	High Court
195.	Ijebu Ode Grade 'B'	Ijebu-Ode, Ijebu Southern, Ijebu-Eastern, Ijebu Western, Ijebu Waterside District Councils.	3	Ijebu Divisional Grade 'A'
196.	Ijebu-Ode No. 1 Grade 'C'	Ijebu Ode District Council	9	Ijebu Divisional Grade 'A'
197.	Ijebu-Ode No. 2 Grade 'C'	Ijebu Ode District Council	9	Ijebu Divisional Grade 'A'
198.	Isiwu Grade 'C'	Ijebu Ode District Council	9	Ijebu Divisional Grade 'A'
199.	Itamapake Grade 'C'	Ijebu Ode District Council	9	Ijebu Divisional Grade 'A'
200.	Odogbolu Grade 'C'	Ijebu Western District Council	9	Ijebu Divisional Grade 'A'
201.	Aiyepe Grade 'C'	Ijebu Western District Council	9	Ijebu Divisional Grade 'A'
202.	Okun-Owa Grade 'C'	Ijebu Western District Council	9	Ijebu Divisional Grade 'A'
203.	Ijebu-Igbo Grade 'C'	Ijebu-Igbo District Council	9	Ijebu-Igbo and North Grade 'B'
204.	Alamo Grade 'C'	Ijebu-Igbo District Council	9	Ijebu-Igbo and North Grade 'B'
205.	Oru/Awa Grade 'C'	Ijebu-Northern District Council	9	Ijebu-Igbo and North Grade 'B'
206.	Ago Iwoye Grade 'C'	Ijebu North-West District Council	9	Ijebu-Igbo and North Grade 'B'
207.	Mama Grade 'C'	Ijebu North-West District Council	9	Ijebu-Igbo and North Grade 'B'
208.	Ilugun Grade 'C'	Ilugun/Alaro District Council	9	Ijebu-Igbo and North Grade 'B'
209.	Alaro Grade 'C'	Ilugun/Alaro District Council	9	Ijebu-Igbo and North Grade 'B'
210.	Abigi Grade 'C'	Ijebu Waterside District Council	9	Ijebu Divisional Grade 'A'
211.	Ayila Grade 'C'	Ijebu Waterside District Council	9	Ijebu Divisional Grade 'A'

Serial No.

Customary Court and Grade

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Channel of Appeal

IJESHA NORTH DIVISION

244.	Ijesha Northern District Grade 'B'	Ijesha Northern District Council	.	.	1	Ilesha Divisional Grade 'A'
245.	Ibokun Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
246.	Oshun Ijesha Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
247.	Imesi-Ile Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
248.	Esa-Oke Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
249.	Ijebu-Ijesha Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
250.	Ipetu-Ijesha Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
251.	Erin-Odo Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
252.	Aiyepesju Grade 'C'	Ijesha Northern District Council	.	.	9	Ilesha Divisional Grade 'A'
IJESHA SOUTH DIVISION						
253.	Ilesha Divisional Grade 'A'	Ijesha Urban, Ijesha Northern and Southern District Councils.	.	.	1	High Court
254.	Ilesha Urban District Grade 'B'	Ilesha Urban District Council	.	.	1	Ilesha Divisional Grade 'A'
255.	Ilesha Urban District No. 1 Grade 'C'	Ilesha Urban District Council.	.	.	9	Ilesha Divisional Grade 'A'
256.	Ilesha Urban District No. 2 Grade 'C'	Ilesha Urban District Council.	.	.	9	Ilesha Divisional Grade 'A'
257.	Ijesha Southern District Grade 'B'	Ijesha Southern District Council	.	.	1	Ilesha Divisional Grade 'A'
258.	Ipole Grade 'C'	Ijesha Southern District Council	.	.	9	Ilesha Divisional Grade 'A'
259.	Oshun Grade 'C'	Ijesha Southern District Council	.	.	9	Ilesha Divisional Grade 'A'
260.	Amuyefafariti Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
261.	Ifewara Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
262.	Ibode Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
263.	Ajido Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
264.	Iwara Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
265.	Ibodi Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
266.	Itagan/Ifeodun Grade 'C'	Ijesha Southern District Council	.	.	9	Ijesha Southern District Grade 'B'
ORITUPA DIVISION						
267.	Okitipupa Divisional Grade 'B'	Okitipupa Divisional Council	.	.	1	Magistrate Court
268.	Okitipupa/Idepe Grade 'C'	Okitipupa Divisional Council	.	.	9	Magistrate Court
269.	Iyansan Grade 'C'	Ikale/Idapometa District Council	.	.	5	Magistrate Court
270.	Irele/Omi Grade 'C'	Ikale/Idapometa District Council	.	.	5	Magistrate Court
271.	Idepe Grade 'C'	Ikale/Idapometa District Council	.	.	5	Magistrate Court
272.	Aye Grade 'C'	Ikale/Idapometa District Council	.	.	5	Magistrate Court

Serial No.	Customary Court and Grade	Competent Council	Number of Members	Channel of Appeal
312.	Ilobu Grade 'C'	Irepodun District Council	.	Oshun North-East Grade 'B'
313.	Ede Grade 'B'	Ede District Council	.	Oshun North-East Grade 'B'
314.	Ede Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
315.	Ara Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
316.	Awo Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
317.	Iddo-Oshun Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
318.	Iragbiri Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
319.	Sekona Grade 'C'	Ede District Council	.	Oshun North-East Grade 'B'
OSHUN NORTH-EAST DIVISION				
320.	Oshun North-East Grade 'B'	Ifelodun, Ikirun, Oshogbo, Odo-Otin, Irepodun District Council.	1	High Court
321.	Ifelodun Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
322.	Ada Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
323.	Igbajio Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
324.	Iragbiji No. 1 Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
325.	Iragbiji No. 2 Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
326.	Ire Grade 'C'	Iree/Eripa Provisional Authority	.	Oshun North-East Grade 'B'
327.	Iressi Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
328.	Otan Grade 'C'	Ifelodun District Council	.	Oshun North-East Grade 'B'
329.	Odo-Otin Grade 'B'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
330.	Odo-Otin Grade 'C'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
331.	Ekosin Grade 'C'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
332.	Igbaye Grade 'C'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
333.	Insha Grade 'C'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
334.	Oyan Grade 'C'	Odo-Otin District Council	.	Oshun North-East Grade 'B'
335.	Ikirun Grade 'B'	Ikirun District Council	.	Oshun North-East Grade 'B'
336.	Ikirun Grade 'C'	Ikirun District Council	.	Oshun North-East Grade 'B'
337.	Eko-Ende Grade 'C'	Ikirun District Council	.	Oshun North-East Grade 'B'
338.	Iba Grade 'C'	Ikirun District Council	.	Oshun North-East Grade 'B'
339.	Ila Grade 'C'	Ila District Council	.	Oshun North-East Grade 'B'
340.	Ora Grade 'C'	Ila District Council	.	Oshun North-East Grade 'B'
341.	Ila Grade 'B'	Ila District Council	.	Oshun North-East Grade 'B'
OSHUN NORTH WEST DIVISION				
342.	Oshun North-West Grade 'B'	Ejigbo and Ogboimosho District Councils	1	High Court
343.	Ogboimosho No. 1 Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
344.	Ogboimosho No. 2 Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
345.	Ajase Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
346.	Alawa Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
347.	Gbede Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
348.	Iressa-Adu Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'
349.	Oko Grade 'C'	Ejigbo and Ogboimosho District Councils	.	Oshun North-West Grade 'B'

350. Ejigbo No. 1 Grade 'C'
 351. Ejigbo No. 2 Grade 'C'
 352. Irepodun Grade 'C'
 353. Ifeodan Grade 'C'

OSHUN SOUTH DIVISION

354.	Oshun South Division Grade 'B'	. . . . .	Aiyedade, Ede, Egbedore, District Councils.	Iwo, Orile-Owu	1	High Court	Oshun North-West Grade 'B'
355.	Egbedore Grade 'B'	. . . . .	Egbedore District Council	. . . . .	3	(Appeal)	Oshun North-West Grade 'B'
356.	Gbongan Grade 'C'	. . . . .	Egbedore District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
357.	Egbe-Ogbagba Oluwada Grade 'C'	. . . . .	Egbedore District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
358.	Ode-Omu Grade 'C'	. . . . .	Egbedore District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
359.	Tonkere Grade 'C'	. . . . .	Egbedore District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
360.	Iwo Grade 'B'	. . . . .	Iwo District Council	. . . . .	3	(Appeal)	Oshun North-West Grade 'B'
361.	Iwo No. 1 Grade 'C'	. . . . .	Iwo District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
362.	Iwo No. 2 Grade 'C'	. . . . .	Iwo District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
363.	Bode-Osi/Asa Grade 'C'	. . . . .	Iwo District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
364.	Ikire-Ile/Ogbagba Grade 'C'	. . . . .	Iwo District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
365.	Ile-Igbo Grade 'C'	. . . . .	Iwo District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
366.	Kuta-Telemu Grade 'C'	. . . . .	Iwo District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
367.	Oluponna Grade 'C'	. . . . .	Iwo District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'
368.	Aiyedade Grade 'B'	. . . . .	Aiyedade District Council	. . . . .	3	(Appeal)	Oshun North-West Grade 'B'
369.	Ikire No. 1 Grade 'C'	. . . . .	Aiyedade District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
370.	Ikire No. 2 Grade 'C'	. . . . .	Aiyedade District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
371.	Apoonu Grade 'C'	. . . . .	Aiyedade District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
372.	Ikoyi Grade 'C'	. . . . .	Aiyedade District Council	. . . . .	5	(Appeal)	Oshun North-West Grade 'B'
373.	Ago-Owu Grade 'C'	. . . . .	Orile-Owu District Council	. . . . .	9	(Appeal)	Oshun North-West Grade 'B'

Serial No.	Customary Court and Grade	Competent Council	Number of Members	Channel of Appeal
	OYO DIVISION			
374.	Oyo Divisional Grade 'A'	All Councils in Oyo Division	1	High Court
375.	Oyo Divisional Grade 'B'	All Councils in Oyo Division	1	High Court
376.	Oyo District Grade 'B'	Oyo District Council	3	Oyo Divisional Grade 'A'
377.	Oyo No. 1 Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'A'
378.	Oyo No. 2 Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'A'
379.	Arimogija Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'B'
380.	Ipele Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'B'
381.	Iso/Emurele Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'B'
382.	Okeluse Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'B'
383.	Ute Grade 'C'	Oyo District Council	9	Oyo Divisional Grade 'B'
384.	Irekari/Ekamarun Grade 'B'	Irekari and Ekamarun District Councils	3	Oyo Divisional Grade 'B'
385.	Ifon Grade 'C'	Ekamarun District Council	9	Oyo Divisional Grade 'B'
386.	Ikaro/Imoru Grade 'C'	Ekamarun District Council	9	Oyo Divisional Grade 'B'
387.	Sobo/Iyagba Grade 'C'	Ekamarun District Council	9	Oyo Divisional Grade 'B'
388.	Idoani Grade 'C'	Irekari District Council	9	Oyo Divisional Grade 'B'
389.	Afo Grade 'C'	Irekari District Council	9	Oyo Divisional Grade 'B'
390.	Idogun Grade 'C'	Irekari District Council	9	Oyo Divisional Grade 'B'
	OYO NORTH DIVISION			
391.	Oyo Northern Grade 'B'	Iseyin, Okeho/Iganna, Irepo and Shaki District Councils.	1	High Court
392.	Shaki Grade 'C'	Shaki District Council	9	Oyo Northern Grade 'B'
393.	Tede Grade 'C'	Shaki District Council	9	Oyo Northern Grade 'B'
394.	Shepeteri Grade 'C'	Shaki District Council	5	Oyo Northern Grade 'B'
395.	Ago-Are Grade 'C'	Shaki District Council	9	Oyo Northern Grade 'B'
396.	Aha Grade 'C'	Shaki District Council	5	Oyo Northern Grade 'B'
397.	Irawo Grade 'C'	Shaki District Council	5	Oyo Northern Grade 'B'
398.	Ofiki Grade 'C'	Shaki District Council	5	Oyo Northern Grade 'B'
399.	Okeho Grade 'C'	Shaki District Council	5	Oyo Northern Grade 'B'
400.	Ilero Grade 'C'	Okeho/Iganna District Council	5	Oyo Northern Grade 'B'
401.	Isemi-Ile Grade 'C'	Okeho/Iganna District Council	5	Oyo Northern Grade 'B'
402.	Iganna Grade 'C'	Okeho/Iganna District Council	5	Oyo Northern Grade 'B'
403.	Iwere Grade 'C'	Okeho/Iganna District Council	9	Oyo Northern Grade 'B'
404.	Aiyetoro Grade 'C'	Okeho/Iganna District Council	9	Oyo Northern Grade 'B'
405.	Kishi Grade 'C'	Irepo District Council	5	Oyo Northern Grade 'B'
406.	Igbetti Grade 'C'	Irepo District Council	5	Oyo Northern Grade 'B'
407.	Igbobho Grade 'C'	Irepo District Council	5	Oyo Northern Grade 'B'
	OYO SOUTH DIVISION			
408.	Oyo Divisional Grade 'A'	All Councils in Oyo Division	1	High Court.
409.	Oyo Southern Grade 'B'	Oyo Southern District Council	3	Oyo Divisional Grade 'A'
410.	Oyo Town No. 1 Grade 'C'	Oyo Southern District Council	9	Oyo Divisional Grade 'A'
411.	Oyo Town No. 2 Grade 'C'	Oyo Southern District Council	9	Oyo Divisional Grade 'A'



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