

Amendment of section 31(2) of the Principal Edict.

5. Subsection (2) of section 31 of the Principal Edict is hereby deleted and a new subsection inserted as follows:

“An Area Customary Court may at any time and at any stage before judgement of its own motion or on the application of any party, transfer any cause or matter pending before it to any District Customary Court exercising jurisdiction in the area of jurisdiction of the Area Customary Court or to any other Area Customary Court if it is of the view that on ground of convenience and having regard to all the circumstance of the case, it is desirable or expedient that the cause or matter be so transferred”.

Amendment of section 49 of Edict No.10 of 1990.

6. The new section 49 of the Principal Edict as amended by section 2(1) thereof to be deleted and to be substituted therefor by the following new section.

Time within to appeal.

49(a) “Any Complainant or Prosecutor in a criminal cause or matter who is aggrieved by a decision or order of a customary court may within 30 days of the Date of such decision or order, appeal to the appropriate High Courts”

49(b) “Any party who is aggrieved by a decision of a Customary Court in a Civil cause or matter may within 30 days of the Date of such decision or order appeal to the Customary Court of Appeal on issues involving questions of Customary Law”.

Amendment of sections 68 (a) and 68 (n) of the Principal Edict.

7. (i) Subsection (a) of section 68 is hereby amended by inserting a full stop after the word ‘Courts’ in the first line thereof and delete the remaining words in the subsection.

(ii) Subsection (n) of section 68 is hereby deleted and substituted with the following:

“(n) the grant of bail to accused persons and to convicted persons pending an appeal from a Customary Court to a High Court and the regulation of the conditions of and the procedure for the granting of such bail”.

8. Section 69 is hereby amended by inserting the following new subsections (3) and (4) as follows:

Insertion.

“(3) Any Appeal pending before an Area Customary Court immediately before the commencement of this Edict, shall be continued and be finally disposed of by the Court concerned and shall not be adversely affected by the provision of this Edict”.

“(4) For the purposes of this section, an appeal from a District Customary Court involving questions of Customary Law that has not been entered in an Area Customary Court shall be transmitted to the Customary Court of Appeal for hearing and determination”.

MADE at Benin City, this 14th day of July, 1994.

LT. COL. MOHAMMED ABDUSALAM ONUKA
MSS FSC PSC.
Military Administrator
Edo State

**THE CONSTITUTION (SUSPENSION AND MODIFICATION)
DECREE 1993**

**CUSTOMARY COURT EDICT (AMENDMENT) EDICT
1994**

**EDO STATE
EDO STATE OF NIGERIA**

EDICT NO. of 1994

Date of Commencement: 14th day of July, 1994.

The Military Administrator of Edo State of Nigeria hereby issues this Edict as follows:

1. This Edict may be cited as the Customary Court Edict (Amendment) Edict 1994 and shall come into force on the 14th day of July, 1994. Short title and Commencement.

2. The Customary Court Edict (No.2 of 1984) hereafter referred to as the Principal Edict is hereby amended as follows:

3. Section 9 of the Principal Edict is hereby amended as follows: Amendment of section 9 of No.2 of 1984.
 - (a) By deleting in section 9(1) the word "Original" appearing in line one thereof and substitute therefor the word "Such".

 - (b) (i) By deleting in section 9(3) the words "Original and appellate" appearing in line one thereof.

(ii) By deleting in section 9(3) the word "are" appearing in line 2 thereof and substitute therefor the word "is".

4. Subsection (3) of section 20 of the Principal Edict is hereby repealed. Repeal of section 20 (3) of the Principal Edict.