

Customary Court President or member as the case may be and may apply either to any particular cause or matter pending, either entirely or in respect of any part thereof or in respect of the procedure required to be taken thereon or generally to all such causes and matters as may be described in such order and in the latter case, may extend to future causes or matters as well as to such as may, at the time of making such order, be pending”.

(6) The President of the Customary Court of Appeal or the Supervising Authority or the judge of the Customary Court of Appeal or other Customary Court President or member as the case may be, may at anytime cancel, alter, add to or amend any order made under subsection (5) of this Section”.

(7) The President of the Customary Court of Appeal or the supervising authority or the judge of the Customary Court of Appeal or a Customary Court President or member as the case may be, may, if it appears expedient, by means of a telegram transmit in the first instance the contents of any such order made by him to the parties concerned and such telegram shall, until the receipt of the said order, have the same validity and effect as if it were the said order”.

13. The principal Edict is hereby amended by *inserting* immediately after section 46 the following new section -

“Delegation of supervising authority.

46A The President of the Customary Court of Appeal may delegate his supervisory authority to a judge of the customary court of appeal”.

Insertion of a new Section 46A

MADE at Benin City this 12th day of April, 1990.

COLONEL JONATHAN TUNDE OGBEIIA,
Military Governor,
Bendel State of Nigeria

6. Section 13 of the principal Edict is hereby amended in subsection (1) thereof by *deleting* the word "may" in line 3. Amendment to Section 13 of the Principal Edict.
7. Section 17 of the principal Edict is hereby amended in subsection (1) thereof by *deleting* the words "State Civil Service Commission" and *substituting* therefor the following new word "Committee". Amendment to Section 17 of the Principal Edict.
8. Section 20 of the principal Edict is hereby amended in subsection (3) thereof by *deleting* the words "mandadus" and *substituting* therefor the following new word "mandamus". Amendment to Section 20 of the Principal Edict.
9. Section 25 of the principal Edict is hereby amended in subsection (3) by *deleting* subparagraph (a)(iii) thereof and *substituting* therefor the following new subparagraph -
 "(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 shall be regulated wholly or partly by the Customary law applying to one of the parties, the appropriate Customary Law shall be the customary law agreed or presumed to have been agreed to be binding between the parties". Amendment to Section 25 of the Principal Edict.
10. Section 26 of the principal Edict is hereby amended in -
 (a) Subsection (6) thereof by *deleting* the words "the defendant was at the time".
 (b) and in subsection (8) thereof by *deleting* the figures "(i) (2) to (5)" and *substituting* therefor the following new figures "(1)-(5)". Amendment to Section 26 of the Principal Edict.
11. Section 29 of the principal Edict is hereby amended by *deleting* subsection (3) thereof and *substituting* therefor the following new subsection -
 "(3) Any party may be represented by a legal practitioner in any cause or matter before a Customary Court. Amendment to Section 29 of the Principal Edict.
12. Section 31 of the principal Edict is hereby amended by *deleting* subsections (3), (5), (6) and (7) thereof and *substituting* therefor the following new subsections -
 "3. The President of the Customary Court of Appeal or the supervisory authority or a judge of the Customary Court of Appeal may at anytime and at any stage before judgment on application by any party transfer any cause or matter pending before a District or Area Customary Court within the judicial zone to any other District or Area Customary Court within the judicial zone if he is of the view that on grounds of convenience or for any other reason, and having regard to all the circumstances of the case, it is desirable that the cause or matter be so transferred".
 "(5) The power of transfer conferred by subsections (1), (2) and (3) of this section shall be exercised by means of an order under the hand of the President of the Customary Court of Appeal or the supervising authority or the judge of the Customary Court of Appeal or the

CONSTITUTION (SUSPENSION AND MODIFICATION)
DECREE, 1984

CUSTOMARY COURTS (AMENDMENT) EDICT, 1990

BENDEL STATE OF NIGERIA

EDICT No. 13 of 1990

Date of Commencement: 15th March, 1990

The Military Governor of Bendel State of Nigeria hereby issues the following Edict:

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| <p>1. This Edict may be cited as the Customary Courts Edict (Amendment) Edict, 1990 and shall be deemed to have come into force on the 15th day of March, 1990.</p> | <p>Short title and Commencement.</p> |
| <p>2. Section 5 of the Customary Court Edict No.2 of 1984 (hereinafter referred to as the "Principal Edict") is hereby amended by <i>deleting</i> sub-section (3) thereof and <i>substituting</i> therefor the following new subsection -</p> <p style="padding-left: 40px;">“(3) Subject to section 8 of this Edict, the president and members of a district customary court and the lay members of an area customary court shall hold office for a period of three years but shall be eligible for re-appointment. subject to a satisfactory annual evaluation report”.</p> | <p>Amendment to Section 5 of the Principal Edict.</p> |
| <p>3. Section 6 of the Principal Edict is hereby amended in subparagraph (b) thereof by <i>deleting</i> the word “of” in line 2 and substituting therefor the following new word “or”.</p> | <p>Amendment to Section 6 of the Principal Edict.</p> |
| <p>4. Section 8 of the principal Edict is hereby amended in subsection (1) (a) thereof by <i>deleting</i> the word “of” in line 2.</p> | <p>Amendment to Section 8 of the Principal Edict.</p> |
| <p>5. Section 10 of the principal Edict is hereby amended by <i>deleting</i> the word “or” in line 1 thereof and substituting therefor the following new word “of”.</p> | <p>Amendment to Section 10 of the Principal Edict.</p> |