

EXTRAORDINARY

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Customary Courts Rules, 2011

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CUSTOMARY COURTS LAW, 1984
Customary Courts Rules, 2011

ORDER 1 – PRELIMINARY

1. These Rules may be cited as the Customary Courts Rules, 2011 and shall come into force on Short Title and commencement.
2. In these Rules, unless the context otherwise requires: Interpretation.
 - “appeal court” means the Customary Court of Appeal, or a High Court sitting as a court of appeal;
 - “cause, suit 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” mean 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;
 - “complainant” means any person taking criminal proceedings in a court against any other person, or any person on whose behalf such proceedings are taken;
 - “costs” mean the expenses incurred by a party on account of the proceedings in a court, and shall include the expenses of summoning attendance of parties’ witnesses, allowances and fees payable to any person both during the proceedings and for purposes of enforcing an order;
 - “court” means a customary court established under or in pursuance of the Law;
 - “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, and includes an accused person;
 - “judgment” means a court’s final determination of the rights and obligations of the parties in a case as well as any other decision of the 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;
 - “Law” means the Customary Courts Law, 1984;
 - “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 presiding member selected in accordance with section 10 of the Law;

“process” means a 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;

“registrar” means any person appointed as a registrar for a customary court in accordance with section 15 of the Law and shall include all registrars of court by whatever title called;

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

“State” means Edo State of Nigeria;

“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 – INSTITUTION OF CAUSES AND MATTERS

1. (1) A civil cause or matter shall be instituted in such court as has jurisdiction to entertain the particular cause or matter.

Causes and Matters:
where commenced.

(2) A criminal cause or matter shall be instituted in such court as has jurisdiction to hear the particular cause or matter.

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

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 orally in person, the registrar 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 matter, the applicant shall write the value of the subject-matter to enable such value to be stated in the particulars of claim in the summons.

(4) A warrant of arrest shall be issued only where the court or the president is satisfied that there are grounds for fearing that the person to be arrested may abscond or has wilfully refused to appear in answer to the criminal summons served upon him.

Issue of warrant of
arrest.

(5) A person arrested with a warrant shall be brought before the court at the first opportunity and, in any event, not later than 48 (forty-eight) hours from the time of arrest.

Persons arrested with
warrant to be brought
before the Court
without delay.

ORDER III – ISSUE, SERVICE AND EXECUTION OF SUMMONSES AND WARRANTS

(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 as set out in Forms A(i), A(ii), A(iii) and B respectively set out in the First Schedule to these Rules.

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 44 of the Law shall be as set out in Form C set out in the First Schedule.

(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 registrar 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.

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.

Service of process or execution of warrant.

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

Mode of service.

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

(3) A written statement from the head of department or the secretary of the local government, 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 purpose 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 or division of a department.

4. 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 or sworn evidence that it is necessary so to do, may order that service be effected:

Substituted service.

(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 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 a 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.

5. (1) Subject to the provisions of paragraph (2) of Rule 3 of this Order 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 or such other person as is appointed by the court, an affidavit of service shall be sufficient proof of service, unless the contrary is proved.

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

Service on Sunday or Public holidays.

7. The court shall not proceed to adjudicate upon any cause or matter which depends upon any process or document having been served unless service is admitted by the person concerned or proved or deemed to have been effected.

No proceeding without proof of service.

ORDER IV – SERVICE AND EXECUTION OUT OF JURISDICTION BUT WITHIN THE STATE

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| 1. 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 territorial jurisdiction but within the State, it shall forward such process or document, warrant or decree or order to the court within whose jurisdiction the process or document, warrant or decree or order is to be served, executed or enforced, as the case may be. | Process to be forwarded. |
| 2. When a court receives any process or document or warrant forwarded in accordance with Rule 1 of this Order it shall forthwith endorse on the process or 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. |
| 3. (1) When a court receives a decree or order forwarded in accordance with Rule 1 of this Order, it shall:

(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. | Decree and Orders. |
| 4. Any process or 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. | Document to be properly addressed. |

ORDER V – PART I – PROCESS, ETC FORWARDED FROM OTHER COURTS

When any other court desires any process or document to be served, or a warrant to be executed, or a decree or order to be enforced anywhere within the State, the court may forward the process or document, warrant, decree or order to the court whose jurisdiction the process or 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 document, warrant, decree or order, is forwarded in accordance with Rule 1 of Order IV.	Process from Courts within the State.
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ORDER VI – BAIL

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| 1. (1) Any person who has been arrested with a warrant and charged with an offence or who has voluntarily appeared in court in answer to a criminal summons shall be admitted to bail on such terms as the court thinks fit. | Bail. |
| (2) A bail bond shall be in Form D set out in the First Schedule. | Bail Bond Form D First Schedule. |
| (3) Where a court has wrongfully refused to grant bail to a defendant, the High Court to which an appeal lies from the decision of the court before which the defendant is charged, may on the application of any person, grant bail to the defendant. | |
| 2. The amount of bail to be taken in any case shall be at the discretion of the court and shall be fixed with due regard to the circumstances of the case. | Conditions of bail. |

3. (1) When an accused person or appellant, as the case may be, has been released on bail breaches any of the bail conditions, the registrar shall record the fact and the details of the bond and the court may, 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.

Forfeiture of bail.

(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 realized 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 one month in respect of the unpaid amount, unless it be sooner paid.

ORDER VII – NON APPEARANCE OF PARTIES AT THE HEARING

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.

Neither party appearing.

(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.

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.

Failure of plaintiff or complainant to appear.

(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.

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, proceed in the absence of the defendant to hear and determine the cause or matter on the evidence of the plaintiff and his witness if any:

Failure of defendant to appear in a civil cause or matter.

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 of the claim.

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 of 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.

Failure of defendant to appear in a criminal cause or matter.

(2) A warrant to arrest a defendant in a criminal cause or matter shall be issued only where he fails to obey a summons without giving any 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.

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

5. Any cause or matter struck out may, by leave of court, upon reasonable cause being shown, be replaced on the cause list upon such terms as the court may deem fit.

Re-listing of cause struck out.

6. Any judgment or order obtained against any party in the absence of such party may, upon reasonable cause being shown, be set aside by the court upon such terms as the court may deem fit.

Setting aside of judgment made in absence of party.

7. (1) In any cause brought by or against a Government department or a corporation sole, such department or corporation may be represented by any of its officials who satisfies the court that he is duly authorised in that behalf by his head of department or the head of his corporation.

Representation of Government departments and corporation sole.

(2) For the purpose of paragraph (1) above the expression “head of department” includes a public officer who is in charge of a section or division of a department.

ORDER VIII – INTERLOCUTORY APPLICATIONS

1. For the purpose of this Order-

“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.

Definition.

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 therefore.

Motions how made.

4. 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. Where an order is made on motion *ex-parte*, it shall be served on the party affected by it, and he shall have the right to apply to set it aside, within seven days of its being served on him.

Court may set aside *ex-parte* order.

6. 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 of a claim or a 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:

Plea as to jurisdiction.

(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 or 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 court.

3. (1) The court shall consider whether a plea made under Rule 2 of this Order 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.

<p>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.</p>	<p>Plea of liability or guilt.</p>
<p>5. (1) Where the defendant does not admit the claim or the charge as the case may be, the plaintiff or complainant shall adduce evidence in support of his case.</p>	<p>Plea of non - liability or of not guilty.</p>
<p>(2) In any criminal cause or matter:</p> <p>(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;</p> <p>(b) if no case has been made out, the charge shall be dismissed and the defendant acquitted and discharged;</p> <p>(c) where there is a case for the defendant to answer, the court shall call upon him to make his defence and he may adduce evidence in support of his case.</p>	<p>Case for prosecution and defence.</p>
<p>6. (1) At the conclusion of the evidence on both sides, the court shall consider the whole evidence and give its judgment thereon and the grounds upon which the judgment is based and it shall issue an order in accordance with Order XI, Rule 2.</p>	<p>Verdict.</p>
<p>(2) In every civil cause or matter in which there is a dispute with respect to the appropriate customary law, the court shall clearly state in its judgment the appropriate customary law applicable to the cause or matter.</p>	
<p>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:</p>	<p>Amendment of claim or charge.</p>
<p>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.</p>	
<p>(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.</p>	
<p>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.</p>	<p>Adjournment.</p>
<p>(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.</p>	
<p>(3) The court may grant an adjournment of the hearing on such terms as it thinks fit.</p>	
<p>9. (1) Every defendant in a criminal trial shall be present in court during the whole of his trial except where:</p>	<p>Presence of defendant at criminal trial.</p>
<p>(a) he misconducts himself by so interrupting the proceedings or otherwise as to make their continuance in his presence impracticable;</p>	
<p>(b) he is summoned in respect of an offence with respect to which 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.</p>	
<p>(2) The court may, in any criminal trial in which the defendant has pleaded guilty in writing or is being represented by a person entitled to represent him, at any subsequent stage of the proceedings, direct the personal attendance of the defendant and, if necessary, enforce such attendance by means of a warrant to apprehend the defendant and bring him before the court.</p>	
<p>(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.</p>	

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| <p>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.</p> | <p>When persons may be charged jointly.</p> |
| <p>11. (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 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, or other persons directly concerned in the proceedings, be excluded from the court during the trial or the taking of evidence of such person.</p> <p>(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 required, provided that in any case, an order made under this rule shall not, unless specifically stated by the court, authorize the exclusion of representatives of the press.</p> | <p>Exclusion of public from trial.</p> |

ORDER X – EVIDENCE

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| <p>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.</p> | <p>Evidence to be on oath or affirmation.</p> |
| <p>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.</p> | <p>Evidence of a child.</p> |
| <p>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 cross-examination.</p> <p>(2) A witness may be questioned by the court at any stage of the proceedings.</p> | <p>Examination of witnesses.</p> |
| <p>4. (1) The president or any other member of the court authorised by the president shall record in the proper record book all oral evidence given before the court.</p> <p>(2) The fact that the other party was given the opportunity to examine, cross-examine, or re-examine a witness shall be indicated on the record.</p> | <p>Record of evidence.</p> |
| <p>5. (1) In every cause or matter, the court shall admit only the best evidence available, having regard to the circumstances of the case.</p> <p>(2) Hearsay evidence shall not be admitted except for the purpose of proving communal tradition and in all other cases in which such evidence is the best evidence available.</p> <p>(3) Where a party in a cause or matter desires to rely on the contents of a document, he shall cause the original documents to be produced and tendered in evidence except where:</p> <p>(a) it appears to the court that the original is in the possession or power of the opposing party or any other person who refuses to produce it when requested to do so;</p> <p>(b) when the original cannot be produced;</p> <p>(c) when the contents of the document have been proved to be admitted in writing by the opposing party or his representative in interest or his predecessor in title;</p> <p>(d) when the original cannot easily be moved to the court;</p> <p>(e) when the original is a public document and a certified true copy is produced;</p> <p>(f) where the document is an entry in a banker's book;</p> | <p>Best evidence.</p> |

(g) in any other case, where the interest of justice requires that secondary evidence be admitted.	
(4) Oral evidence shall not be admitted to vary, contradict or add to the contents of a document except where it is in the interest of justice that such evidence be admitted.	
6. (1) Subject to the provisions of Order IX, the court shall in any civil cause or matter decide in favour of the party in whose favour there is a preponderance of evidence which is believed by the court.	Burden of proof.
(2) In any criminal cause or matter, the burden shall lie on the complainant to prove his case beyond reasonable doubt.	
(3) Where in any cause or matter before a customary court, any party wishes to rely on customary law, the burden shall lie on him to prove the customary law.	
(4) Any customary law which the court after hearing evidence, in its judgment states to be the appropriate customary law shall be presumed to be correct until the contrary is proved except where the stated customary law conflicts with any previous subsisting judgment of any superior court of record in Nigeria.	
(5) Any appellant aggrieved by the decision of the court with respect to the appropriate customary law, may apply to the appeal court for leave to adduce evidence of customary law in the appeal court and such application shall be granted.	
7. In any criminal cause or matter, the fact that the defendant is of bad character is irrelevant except:	Evidence of character.
(a) where the bad character of the defendant is a fact in issue; or	
(b) where the defendant has given evidence of his good character.	
8. (1) No plaintiff in any action for adultery or breach of promise of marriage may obtain a verdict in his favour unless his evidence is corroborated by some other material evidence in proof of the adultery or breach of promise of marriage.	Corroboration.
(2) No defendant in a criminal cause shall be convicted on the evidence of an accomplice unless such evidence is corroborated by some material evidence implicating the defendant.	
9. 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.	Court may order deposit of witnesses' expenses.
10. If a witness does not appear 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.	Non-appearance of witness.
11. 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:	Witnesses may be excluded from court.
Provided that the parties themselves shall not be so ordered, although it is intended that they should be called as witnesses.	
12. (1) All documents and other exhibits admitted in evidence by the court shall be marked and retained by the registrar until an appeal is lodged or the time which appeal should be lodged has elapsed, whichever is the earlier.	Exhibits and documents to be kept by court.
(2) Where no appeal is lodged within time, the registrar shall return the documents and other exhibits to the parties who have tendered them in evidence, unless the court otherwise directs.	
13. (1) Witnesses' allowances and fees shall not be paid to them until they have given evidence.	Witnesses' allowances and fees.

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 consequential 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:

Consequential
orders.

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.

2. Orders of a court shall be issued in open court by the president and shall be recorded and signed by the president and the members 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.

5. An application for the grant of an order for the administration of an intestate estate shall be in writing and supported by an affidavit sworn to by the applicant and supported by another affidavit sworn to by the family head or his representative.

Intestate estate.

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 other mode is provided by these Rules for enforcing the requirement, the court may exercise the power by an order and may annex to the order such conditions as the court may deem fit, and may suspend or rescind any such order on terms and may make such arrangements for carrying out such order as the court may deem 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 within 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 with the failure of the person in default to comply with the order, order him:

- (a) to pay into court the sum of ₦1,000.00 for each day during which such default is made; or
- (b) to 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 one month.

(4) Any sum ordered to be paid under the provisions of this Rule may be recoverable summarily as a judgment debt.

ORDER XIII – EXECUTION AGAINST PROPERTY

1. Subject to the provisions of Rule 9 of this Order, any sum of money payable under a judgment of a court may, in case of default or failure of payment thereof at the time or times directed or, if no time is directed, within three days of the judgment, be recovered by execution against the goods and chattels of the judgment debtor. Recovery of money payable under judgment.
2. The registrar on the application of the judgment creditor, shall cause to be issued a writ of attachment and sale whereby the bailiff of the court shall be empowered to attach and sell goods and chattels belonging to the judgment debtor, wherever they may be found within the State, in respect of the money payable under the judgment and the cost 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 IV for execution. Writ of attachment.
3. The precise time of the making of an application to the registrar for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when 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. Details of application to be recorded.
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 instalments according to the order. Writ not to issue until default made in payment of instalments.
5. In or upon every writ of execution against the goods and chattels of any person, the registrar shall cause to be inserted or endorsed, the sum of money and costs adjudged, and the fees for the execution of the writ. Sums recoverable and fees to be endorsed on writ.
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 was issued or to the bailiff of the court holding the writ, the sums 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. When debt is paid before execution.
7. The bailiff of a court executing any writ of execution issued by 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 apparels and beddings of that person or of his family and the tools and implements of his trade to the value of ₦10,000.00 which shall be protected from seizure. Powers of bailiff.
8. Goods and chattels seized in execution under the process of the court shall, until sale thereof:
 - (a) be deposited by the bailiff of the court in some fit place; or
 - (b) remain in the custody of a fit person approved by the president of the court from which the writ was issued. Custody of goods seized.
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 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 by auction of goods seized.
 - (2) No goods and chattels shall be set out for sale on a Saturday, Sunday or a public holiday.
 - (3) The bailiff shall, prior to the sale, inform the judgment debtor in writing of the date, place and time of the sale.

11. 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.
12. When goods and chattels are attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, at the time of removal. Bailiff to give inventory.
13. Every bailiff shall pay to the registrar at the close of the day all moneys received for the time being in his possession. Bailiff to pay over all moneys received to registrar.
14. At the close of every month, the registrar shall: Returns by the registrar.
- (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; and
- (b) make a return of all moneys received by him during the past month.
15. The registrar 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. Inspection of bailiff's receipt book.
16. No money realized by any process shall be paid by the bailiff direct to the judgment creditor or to his agent. Bailiff not to pay money direct to judgment creditor or his agent.
17. Where property is sold under a writ of execution, the proceeds, less the expenses of the sale, shall be disposed of as follows: Proceeds of sale.
- (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.
18. (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, by application on notice to the judgment debtor, apply for the issue of a writ of attachment and sale of the immovable property of the judgment debtor to the court within whose territorial limits of jurisdiction any immovable property of the debtor is situated. Attachment of immovable property.
- (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 movable property of the judgment debtor sufficient to satisfy the judgment or order cannot with diligence be found within the State.
- (3) If on the hearing of the application, the court is satisfied that sufficient movable property of the judgment debtor cannot with diligence be found, then a writ of attachment and sale may lawfully issue against the immovable property, and the court shall order its issue accordingly.
19. (1) Upon receipt of a writ issued under Rule 18, the bailiff or messenger executing the same may attach lands, buildings or other immovable property belonging to the judgment debtor by serving the Service of order forbidding alienation.

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 pasted upon all items of the immovable property which have been attached.

20. When the attachment has been completed, the bailiff or messenger executing the writ shall report the same to the registrar 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.

21. 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:

Setting aside sale.

Provided that the court may refrain from making any such order if it is satisfied that no substantial damage has resulted to the applicant by reason of such irregularity.

22. If a sale of immovable property is set aside, the purchaser shall be entitled to a refund of 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 sale.

23. (1) If no application to set aside 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.

24. 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.

25. The proceeds of sale of immovable property shall be disposed of by the registrar of the court in the manner provided in Rule 17.

Disposal of proceeds of sale.

26. The party enforcing a judgment or order may levy the cost 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 cost has been unreasonably incurred.

Cost 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 in an original suit, it shall-

(a) order the claimant to institute proceedings in a court of competent jurisdiction within thirty days for the purpose of establishing his claim; and

(b) stay the proceedings on the writ of attachment and sale until the issue between the judgment creditor and the claimant has been determined by a court or 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.

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.

Time for making claim.

(2) 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.

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.

Evidence in support of claim.

(2) A copy of such declaration certified by the registrar of the court, shall be provided for such 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.

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) of Rule 4 state the amount which he claims for damages and the ground upon which he claims such damages.

Procedure where damages claimed.

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 interpleader proceedings were between the plaintiff and the person from whom damages are claimed were the defendant.

Payment into court.

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 may, in a proper case, order that payment of such damages shall be made by the bailiff or messenger.

Damages by bailiff or messenger.

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

Costs.

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 by an ex-parte motion 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 writ between the applicant and the judgment creditor on whom shall be served a writ and copies of

the motion papers and order of court; thereafter, 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 pending a decision of the court in accordance with the next Rule.

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 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 Rules contained herein.

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.

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 at an hour specified in the summons to show cause why he should not be committed to prison.

Summons to show cause.

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.

Non-appearance to summons.

(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 liable, be sooner paid.

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.

Subsistence of judgment debtor.

5. 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 in respect of:

Examination of judgment debtor.

(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 owed 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 in respect of 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 in respect of the said matters.

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.

Detention or release during examination.

(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.

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.

Protection of property.

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 of this Order;

(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, 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 four 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 ₱500.00 per day.

Subsistence of judgment debtor.

(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 XIII 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 debtor.

(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 of this Order 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 satisfaction of 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 week 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

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.

Sentences of imprisonment.

(2) Any such warrant shall be sufficient authority to the bailiffs and messengers of the court or members of the Nigeria 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.

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

Commencement of term.

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 the limit of jurisdiction of the court.

Consecutive sentences.

ORDER XVIII – APPEALS

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 E(i) or (ii) set out in the First Schedule hereto within the time prescribed by the Law.

Appeals: how commenced
Form E(i) or E(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 E(i) or E(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.

2. Upon receiving the notice of appeal, the registrar of the court shall file same, and the president and member(s) shall order as the circumstances of the case may require:

Court to specify conditions of appeal.

(a) a deposit of a sum of money not exceeding one thousand naira to be made by the appellant to cover the costs of making up and transmitting the record of appeal;

(b) a deposit or the entering into a recognizance 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.

3. (1) The court, upon being satisfied that the defendant in a criminal cause has given notice of appeal, shall admit him to bail on such terms as it thinks fit:

Bail and stay of execution.

Provided that if the appellant fails to comply with the conditions of appeal within thirty days, the appeal shall be deemed to have lapsed and the sentence shall be enforced.

(2) The court, having made an order under Rule 2 in respect of a civil cause or matter and being satisfied by the appellant that the order has been complied with, may order a stay of execution upon such terms as it thinks fit.

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| <p>4. The registrar of court shall within 10 days from the date of receipt of the notice and grounds of appeal in the cause or matter serve same on the respondent.</p> | <p>Procedure on receipt of notice of appeal.</p> |
| <p>5. The registrar of court shall within sixty days from the date of receipt of notice and grounds of appeal in the cause or matter, prepare and forward the record of appeal in the cause or matter to the appeal court and shall deduct the costs 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). Thereafter:</p> <p>(1) the registrar of court shall type and incorporate in the record of appeal immediately after the notice and grounds of appeal all the documentary exhibits tendered in the cause or matter except very bulky documentary exhibits;</p> <p>(2) the president or other member of the court authorised by him shall immediately after the judgment certify under his hand that all proceedings up to judgment are the true entries of the cause or matter as contained in the record book;</p> <p>(3) the registrar of the court shall certify as correct the exhibits typed and incorporated in the record of appeal.</p> | <p>Lower courts to supply record.</p> |
| <p>6. The registrar of court shall forward all exhibits retained by the court together with the record of appeal to the appeal court.</p> | <p>Registrar of court to forward exhibits, etc.</p> |
| <p>7. The appeal court shall immediately after the receipt of the record of appeal, fix a date for the hearing of the appeal, and shall notify the parties directly affected by the appeal of the place and the date of the hearing of the appeal by causing notice thereof to be served on them.</p> | <p>Parties to be notified of hearing date.</p> |
| <p>8. (1) Where the appeal is in a criminal cause or matter, the registrar 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.</p> <p>(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 7 of the Order to the Director of Public Prosecutions.</p> | <p>Sending of record to Director of Public Prosecutions.</p> |
| <p>9. An order made by the court under Rule 2 may be varied or amended by a subsequent order of the appeal court.</p> | <p>Court may vary conditions.</p> |
| <p>10. Any party to a cause or matter shall be entitled, upon payment of the appropriate fee prescribed in the Second Schedule hereto, to receive a copy of the proceedings in the cause or matter.</p> | <p>Copy of proceedings Second Schedule.</p> |

ORDER XIX – RECORDS OF PROCEEDINGS ETC.

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| <p>1. (1) All proceedings including notes of evidence given before the court shall be recorded in English in the proper record books by the president or other member duly authorised by the president.</p> <p>(2) The president and members shall sign the record book at the end of the proceedings in each cause or matter and at the end of each day's proceedings.</p> | <p>Records of proceedings.</p> |
| <p>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.</p> <p>(2) The court may, in its discretion, grant such application on such terms as it thinks fit.</p> | <p>Copies of records.</p> |
| <p>3. (1) Every court shall keep receipt books from which receipts shall be issued for all sums paid into court funds.</p> | <p>Receipt Books.</p> |

4. The registrar or such other person duly appointed 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 hereto.

Fees for and supervision of records.

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

ORDER XX – COSTS

1. (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 the discretion of court.

(2) Where in any cause or matter any costs awarded would be payable to the State Government 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 State Government Treasury.

2. Any court awarding costs shall whenever possible assess the amount of such costs summarily and shall include such amount in its order.

Determination of costs.

ORDER XXI – FEES AND FINES

1. The fees prescribed in the Second Schedule shall be payable in the circumstances specified therein and lists of such fees be exhibited to the public in suitable parts of the court offices, provided that:

Fees: Second Schedule.

(a) 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;

(b) 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 exempted from payment of fees;

(c) 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.

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.

Time of payment of fees.

ORDER XXII – FORMS AND ACCOUNTS

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.

Use of form: First Schedule.

2. The registrar shall keep 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.

Record of forms issued.

3. The registrar or such other person duly appointed for the purpose shall account for all moneys received by the court.

Accounting.

ORDER XXIII – EFFECT OF NON-COMPLIANCE

1. Where, in beginning or purporting to begin any proceedings or at any stage in the course of or in connection with any proceedings, there has, by reason of anything done or left undone, been a failure to comply with the requirements of these Rules, whether in respect of time, place, manner, form or content or in any other respect, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings, or any document, judgment or order therein.

**FIRST SCHEDULE FORMS
FORM A (i)**

Order III, Rule I

**CIVIL SUMMONS
CUSTOMARY COURTS RULES, 2011**

CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE.....

.....

Cause/Suit No.....

..... Plaintiff

And

..... Defendant

You are hereby summoned to appear at

.....

.....

on the.....day of.....20.....

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
CUSTOMARY COURTS RULES, 2011

Order III, Rule I

CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE.....
.....

Cause/Charge No.....
.....Complainant

And

.....Defendant

You are hereby commanded to appear at

on the day of 20.....

at..... o'clock a.m. to answer a complaint of:

Particulars of offence

Fees paid.....

Date.....

.....
President or Member

**WITNESS SUMMONS
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

IN THE.....

Cause/Suit No.....

.....Plaintiff/Complainant

And

.....Defendant

To.....

You are hereby commanded to attend

on the.....day of.....to testify all that you know in the above-mentioned cause or matter.

You are summoned on behalf of the

Issued at.....the.....day of.....20.....

Fees paid.....

.....
President or Member

FORM B

Order III, Rule I

**GENERAL WARRANT OF ARREST
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

IN THE.....

Cause/Charge No:.....

.....Complainant

And

.....Defendant

ToPolice Officer

A complaint on oath/an order has been made on theday of

.....by.....

that.....hereinafter, called defendant, on the.....

day ofat.....in the.....

You are therefore hereby commanded to bring the defendant before this court sitting at

forthwith to answer the said complaint.

Fees paid.....

Date

.....
President or Member

FORM C

Order III, Rule 1

SEARCH WARRANT
CUSTOMARY COURTS RULES, 2011

CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE

Cause/Suit No.....

.....Complainant

To.....

.....

WHEREAS information in writing and upon oath has this day been made that there is reasonable ground for believing that

.....

.....

.....

(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 afore-said 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 atthis.....day of.....20.....

Fees paid.....

.....
President or Member

FORM D

BAIL BOND
CUSTOMARY COURTS RULES, 2011

Order VI, Rule 1

CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE.....

Cause/Suit No.....

.....Plaintiff/Complainant

And

.....Defendant

WHEREAS the undersigned principal party to this recognizance is charged with the offence of

.....the said principal party hereby binds himself to perform the following obligation: to appear before
the court at.....o'clock a.m. on theday of20.....
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 ₦.....K and the said sureties the sum of
₦K each, in case the principal fails to perform the obligation or part thereof.

Signed and delivered:

.....Principal Party

} Sureties

Date

.....
President/Member

FORM E(i)

NOTICE OF APPEAL (CIVIL)
CUSTOMARY COURTS RULES, 2011

Order XVIII, Rule 1

CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE

Cause/Suit No.

.....

And

.....

Take Notice that the Plaintiff/Defendant etc.....appeals
from the decree or order dated theday of20.....

in the above-mentioned proceedings, upon the following grounds:

- 1.
- 2.
- 3.
- 4.

.....

The address for service of the said Plaintiff/Defendant etc. within the jurisdiction of the court is.....

.....

.....

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

Fees paid.....

.....
Appellant or Legal Practitioner acting for him

To the Registrar of the Court

.....

.....

NOTICE OF APPEAL (CRIMINAL)
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

IN THE

Cause/Charge No.

.....

..... Complainant/Respondent/Appellant

And

..... Defendant/Appellant/Respondent

Take Notice that the Complainant/Defendant appeals against the conviction/sentence by the court pronounced on the day of 20..... in the above-mentioned proceedings, upon the following grounds:

(1)

.....

(2)

.....

(3)

.....

(4)

.....etc.

This notice of appeal is given by of

..... (who wishes to be present at the hearing).

Dated this day of 20.....

Fees paid

.....
Appellant or Legal Practitioner acting for him

To Registrar of the Court

.....

.....

FORM F
SUMMONS TO WITNESS TO TESTIFY AND PRODUCE
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Order III, Rule 1

Cause/Suit No.....

IN THE

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 at²

on theday of20.....at the hour ofa.m/p.m.
to testify all that you know in the above cause, and to produce the following document(s) that is to say-

.....³

.....

You are summoned on behalf of the⁴

DATED thisday of20....

(Signature).....

President/Member

- _____
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.

**FORM G
FORMAL ORDER
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

Cause/Suit No.

IN THE

Between.....

.....Plaintiff (if more than one, all should be named).

And

.....

.....Defendant (if more than one, all should be named).

To¹

It is hereby ordered that the above named²
do recover from you¹ the sum of ₦K
representing ₦K for the debt/damages and ₦K for costs and you are
hereby ordered to pay to such person(s) the total sum of ₦K forthwith*on theday
of20.....* by instalments of ₦K for every.....³

Dated at⁴ this.....day of20.....

(Signature).....

President

₦ K

*Debt

*Damages

*Costs

*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.

FORM H
JUDGMENT DEBTOR SUMMONS
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No

IN THE.....

BETWEEN.....

.....Plaintiff (if more than one, all should be named).

And

..... Defendant (if more than one, all should be named)

To.....¹

WHEREAS the above-named.....² obtained judgment/order against the above-named.....³ in this Court sitting at.....⁴ on the.....day of.....20.....for the payment of ₦.....K for debt/damages and costs to be paid forthwith on the.....day of.....20..... by instalments of ₦.....K for every⁵..... and subsequent costs have been incurred and allowed by the Court, amounting to ₦.....K

AND WHEREAS default has been made by you to the above-named.....⁶ in payment of the sum of ₦.....K payable in pursuance of the said judgment/order and the.....² has/have required this judgment summons to be issued against you.

You are therefore hereby summoned to appear personally in this Court at.....⁷ on the.....day of.....20....., 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.....20.....

(Signature).....

President

₦ K

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

- *Delete* whichever is not applicable.
- 1. *Insert* names 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 I
WARRANT TO ARREST A JUDGMENT DEBTOR
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.....

IN THE.....

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 theday of 20.....

AND WHEREAS it has been proved that the said¹
was duly served with the summons:

You are hereby commanded to arrest the said

.....

.....¹
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 of20.....

(Signature).....
President

*Delete whichever is not applicable.

1. *Insert* name of person or persons to be arrested.

FORM J
WARRANT OF IMPRISONMENT OF A JUDGMENT DEBTOR
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.....

IN THE.....

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 the Court and to the Superintendent of.....¹ Prison.

You are hereby commanded to convey the above-named.....²

hence and to deliver him to the officer in charge of¹

Prison, there to be imprisoned for³

unless he shall sooner pay to the above-named⁴

the sum of ₦K.

being the balance of the sum of ₦K which sum he was ordered to pay to the

said.....⁴ by a judgment/order* of the Court in the

above-mentioned suit.

Dated this.....day of20.....

(Signature).....

President

**Delete whichever is not applicable.*

1. Insert All Police Officers and Superintendent of 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.

FORM K
WRIT OF ATTACHMENT
(Movable Property)
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.....
 IN THE
 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 20.....for the payment of ₦ K for debt/damages* and costs to be
 paid forthwith on theday of20..... by instalments of ₦ k for every
⁴ and subsequent costs have been incurred and allowed by the Court amounting to ₦..... K

AND WHEREAS default has been made in payment of the sum of ₦ k payable by the
 above named.....⁵

You are hereby ordered forthwith to levy the sum of ₦k due under the said judgment/order*,together
 with costs of this writ and the costs of executing the same, by the attachment of the moveable property of the
 said.....⁵ wheresoever they may be found within the area of the jurisdiction of this Court (except
 his clothings and those of dependants and the tools and implements of his trade to the value of ten thousand naira) 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.....⁵ 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 report of 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 of20.....

(Signature).....

President

₦ K

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/order was made.
 4 Insert week, month or as the case may be.
 5.Insert name of defaulting debtor.

FORM L
WRIT OF ATTACHMENT
(Immovable Property)
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.

IN THE

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 at³ on the day of20..... for the payment of ₦ K for debt/damages* and costs to be paid forthwith on the day of20 by instalments of ₦ K for every⁴ and subsequent costs have been incurred and allowed by the court amounting to ₦K:

AND WHEREAS default has been made in the payment of the sum of ₦ K payable by the above named.....⁵

AND WHEREAS a writ has been issued by the Court for the attachment and sale of the movable property of the said.....⁵ but the execution of such writ has failed to realize the full amount due from the said.....⁵ in pursuance of the said judgment/order*.

You are hereby commanded forthwith to levy the sum ₦ K still remaining due to the above-named¹ under the said judgment/order* together with the cost of this writ and the cost of executing the same 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 of20.....

(Signature).....

President

₦ K

Amount remaining

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, month or as the case may be.
5 Insert names of defaulting judgment debtor.

**FORM M
ATTACHMENT NOTICE
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

Cause/Suit No.

IN THE

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 theday of20..... has been issued under the hand of¹

President/Member* of.....²at the instance of.....
.....³ judgment creditor, for the attachment of the immovable property of
.....⁴ 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 – that is to say⁵

.....

.....

.....

.....⁵

DATED atthisday of20.....

(Signature).....

Registrar

-
- *Delete* whichever is not applicable.
 - 1 *Insert* name of person signing writ.
 - 2 *Insert* name of Court issuing writ.
 - 3 *Insert* name of judgment creditor.
 - 4 *Insert* name of judgment debtor.
 - 5 *Insert* detail of goods attached.

**FORM N
CERTIFICATE OF PURCHASE
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

Cause/Suit No.....

IN THE

BETWEEN.....

.....Plaintiff (if more than one, all should be named).

And

.....

.....Defendant (if more than one, all should be named).

This is to certify that.....¹

of.....²

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

.....

.....

.....

.....³

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 the.....day of.....⁴

DATED at.....⁵ this.....day of.....20.....

(Signature).....

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 O
INTERPLEADER SUMMONS
CUSTOMARY COURTS RULES, 2011

CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.

IN THE

In the matter of a debt owed by¹ to
.....²

WHEREAS a writ of attachment was at the instance of³
issued by this Court on the day of 20.....
against the property of¹ and has since been
executed;

AND WHEREAS⁴ 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 Court⁵
on the day of 20.....
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 20.....

(Signature).....

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 where the Court will sit to adjudicate upon the interpleader issue.*

FORM P
WRIT OF POSSESSION
CUSTOMARY COURTS RULES, 2011

CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause/Suit No.....

IN THE

To all bailiffs and messengers of this Court.

WHEREAS by an order of this Court, dated the.....day of.....20.....
one.....¹ was ordered to
deliver to² possession of the land
and premises hereinafter mentioned, that is to say.....
.....
.....
.....
.....
.....³

You are hereby commanded to give possession of the said land and premises to the said.....
.....², 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 at⁴ this.....day of20.....

(Signature).....
President

1 *Insert* the name of 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 Q
WARRANT OF COMMITTAL ON CONVICTION
CUSTOMARY COURTS RULES, 2011
CUSTOMARY COURTS, EDO STATE OF NIGERIA

Cause /Charge No.....

IN THE

To all bailiffs or messengers or Police of¹

And the Superintendent of² Prison.

WHEREAS.....³ hereafter called the accused was before this Court sitting at⁴ on theday of.....20..... convicted in that he did.....

.....⁵
And it is adjudged that the accused, for his said offence be imprisoned at² or the period of⁶

Now therefore you the said bailiffs or messengers or the said Police are hereby ordered to convey the accused to the said.....² Prison and there to deliver him to the said Superintendent in charge thereof together with this Warrant.

And you the said Superintendent in charge of the said.....² Prison are hereby ordered to receive the said accused into your custody and keep him for the above period.

DATED thisday of20.....

(Signature)
President

-
- 1 *Insert* the Police formation.
 - 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.

**CUSTOMARY COURTS RULES, 2011 (ORDER XXI)
CUSTOMARY COURTS, EDO STATE OF NIGERIA**

SECOND SCHEDULE

FEEES

A - CIVIL CAUSES OR MATTERS

	N	K
1A. For the recovery of a specified sum:		
(a) ₦10,000.00 and below	...	300. 00
(b) ₦10,001.00 – ₦20,000.00	...	500. 00
(c) ₦20,001.00 – ₦50,000.00	...	750. 00
(d) ₦50,001.00 – ₦100,000.00	...	1,000.00
(e) Maximum fee	...	2,000.00
B. For the recovery of an unspecified sum, the fee payable is the same as the maximum fee under item 1 (e) namely ₦2,000.00.		
C. Filing fees for Matrimonial Causes or Matters	...	300.00
2. For possession of property, as between Landlord and Tenant where the annual rental value is:-		
(a) ₦10,000.00 and below.	...	300.00
(b) ₦10,001.00 – ₦20,000.00.	...	500.00
(c) ₦20,001.00 – ₦50,000.00	...	750.00
(d) ₦50,001.00 – ₦100,000.00	...	1,000.00
(e) Maximum fee.	...	2,000.00
3. For a declaration of title to land and/or for possession of land other than as between Landlord and Tenant:		
(a) Where the annual rent or value does not exceed ₦10,000.00	...	300.00
(b) Where no annual rent or value has been specified.	...	2,000.00
(c) Maximum fee.	...	2,000.00
4. For the determination of any question relating to the distribution of or the succession to the property of a deceased person, or to a trust whether the person who created the same be dead or alive:		
(a) Where the gross value of the property of the deceased or of the property under trust does not exceed ₦10,000.00	...	300.00
(b) Where it exceeds ₦10,000.00, for every ₦5,000.00.	...	150.00
(c) Where no gross value has been specified	...	2,000.00

							₱	K
(d)	Maximum fee.	...	...	...	...	...	2,000.00	
(e)	On the issuance of the order to administer estate <i>(The value of the property shall be stated in the affidavit in support of the motion paper and shall be verified by the Chief Registrar or an Officer of the Department of Government responsible for Land Matters in conjunction with the Office of the Chief Registrar).</i>						10% of the value	of the property.
5.	For any other relief or assistance not specifically provided for.	...	...	...	...	...	300.00	
6.	On filing a written admission of a claim.	...	...	...	...	...	100.00	
7.	On issue of Judgment Debtor summons:							
(a)	Where the amount does not exceed ₱100,000.00	...	...	...	...	...	200.00	
(b)	Exceeds ₱100,000.00.	...	...	...	...	...	500.00	
8.	On issue of every Writ of Attachment and Sale, where the amount of the judgment debt, or the value of the property to be recovered, of the sum of such amount and value:							
(a)	Does not exceed ₱100,000.00.	...	...	...	...	...	200.00	
(b)	Exceeds ₱100,000.00.	...	...	...	...	...	400.00	
9.	On issue of every order or warrant of committal or for arrest and detention of a Judgment Debtor or absconding defendant						500.00	
10.	On issue of Interpleader Summons.	...	...	...	...	...	250.00	
11.	On grant of Certificate of Title.	...	...	...	...	...	500.00	
12.	On drawing up of formal decree or order.	...	...	...	...	...	100.00	
13.	Land Inspection Fees.	...	...	...	...	...	500.00	
14.	On issue of Writ of Possession:							
(a)	Where the annual rent or value does not exceed ₱100,000.00	...	...	...	...	...	200.00	
(b)	Exceeds ₱100,000.00 but not exceeding ₱200,000.00	...	...	...	...	...	500.00	
(c)	Exceeds ₱200,000.00	...	...	...	...	...	1,000.00	

B- CIVIL AND CRIMINAL CAUSES OR MATTERS

15.	On issue of summons or warrant, unless issued by the court of its own motion..	...	...	...	...	...	150.00	
16.	On filing a Security Bond	...	...	...	...	...	200.00	
17.	On issue of a Witness Summons.	...	...	...	...	...	100.00	

₦ K

18.	On filing a Motion.	...	...	...	...	...	...	200.00
19.	Service fees.	...	...	...	...	...	...	100.00
20.	Cost of transportation is to be charged at the rate of ₦50.00 per kilometer payable to the Registrar for the service of the process.							
21.	Inspection of record of proceedings.	...	...	...	...	...	...	100.00
22.	Fees for a non-staff interpreter per day per case.	...	...	...	...	...	...	100.00
23.	Affidavit, Affirmation and all Statutory Declarations including Declaration of age:							
	(a) Standing alone (per deponent)	...	...	...	...	...	...	200.00
	(b) In court processes.	...	...	...	...	...	...	100.00
24.	Annexure (Exhibit)	...	...	...	...	...	...	50.00
25.	Witness Allowances per daily court appearance	...	...	...	...	...	...	200.00

In case of civil causes or matters, such witness shall be paid by the party at whose instance the witness is summoned.

C – APPEALS IN CIVIL AND CRIMINAL CAUSES OR MATTERS

₦ K

1.	On filing notice and grounds of appeal:							
	(a) If within time							500.00
	(b) If out of time							1,000.00
2.	On compilation of records of appeal for every page.							30.00
3.	Fees for the transmission of the appeal, if sent by post, the amount paid therefore, and if transmitted by special messenger or otherwise a charge to be fixed by the court transmitting same not exceeding	...	...	...	...	...	...	500.00
4.	The fees set out in the second schedule shall be payable by any person commencing respective proceedings or desiring any respective services for which they are specified in that schedule.							
5.	The allowances set out in the said schedule shall be payable to the various categories of witnesses mentioned therein by any person at whose instance they testify provided that a witness who testifies at the instance of the Court acting on its own motion shall be paid out of public revenue.							

D – TRANSFER OF CASES

						₦	K
On an application to transfer a case before a Customary Court to any other court.	...	...	...	...	...	500.00	

E – OTHERS

1.	On granting an adjournment of hearing an application of a party.	...	...	...	...	200.00	
2.	On issuance of a warrant for a Prisoner to give evidence	...	...	...	...	100.00	
3.	For certifying a copy as a true copy: per folio of 72 words or part thereof.	...	...	...	...	50.00	
4.	For certifying other documents not originating from the Court.	...	...	...	...	100.00	
5.	Endorsing process from other States for service	...	...	...	...	200.00	
6.	Certified copy of any order or judgment	...	...	...	...	100.00	
7.	Adoption of children.	...	...	...	...	200.00	
8.	Storage of goods per day.	...	...	...	...	100.00	
9.	Storage of a vehicle per day.	...	...	...	...	100.00	

HON. JUSTICE JOSEPH OTABOR OLUBOR, OFR
PRESIDENT
CUSTOMARY COURT OF APPEAL
EDO STATE OF NIGERIA