

Supplement to Bendel State of Nigeria Extraordinary Gazette No. 41, Vol. 27 of 18th May, 1990
- Part A

**CONSTITUTION (SUSPENSION AND MODIFICATION)
DECREE, 1984**

CUSTOMARY COURTS (AMENDMENT) EDICT, 1990

BENDEL STATE OF NIGERIA

EDICT No. 13 of 1990

Date of Commencement: 15th March, 1990

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

1. This Edict may be cited as the Customary Courts Edict (Amendment) Edict, 1990 and shall be deemed to have come into force on the 15th day of March, 1990.

Short title and Commencement.

2. Section 5 of the Customary Court Edict No.2 of 1984 (hereinafter referred to as the "Principal Edict") is hereby amended by *deleting* sub-section (3) thereof and *substituting* therefor the following new subsection -

Amendment to Section 5 of the Principal Edict.

õ(3) Subject to section 8 of this Edict, the president and members of a district customary court and the lay members of an area customary court shall hold office for a period of three years but shall be eligible for re-appointment, subject to a satisfactory annual evaluation report.

3. Section 6 of the Principal Edict is hereby amended in subparagraph (b) thereof by *deleting* the word "õfõ" in line 2 and substituting therefor the following new word "õorõ".

Amendment to Section 6 of the Principal Edict.

4. Section 8 of the principal Edict is hereby amended in subsection (1) (a) thereof by *deleting* the word "õfõ" in line 2.

Amendment to Section 8 of the Principal Edict.

<p>5. Section 10 of the principal Edict is hereby amended by <i>deleting</i> the word öörö in line 1 thereof and substituting therefor the following new word ööfö.</p>	<p>Amendment to Section 10 of the Principal Edict.</p>
<p>A 100 1990 No. 13 Customary Courts Edict (Amendment)</p> <hr/>	
<p>6. Section 13 of the principal Edict is hereby amended in subsection (1) thereof by <i>deleting</i> the word ömayö in line 3.</p>	<p>Amendment to Section 13 of the Principal Edict.</p>
<p>7. Section 17 of the principal Edict is hereby amended in subsection (1) thereof by <i>deleting</i> the words öState Civil Service Commissionö and <i>substituting</i> therefor the following new word öCommitteeö.</p>	<p>Amendment to Section 17 of the Principal Edict.</p>
<p>8. Section 20 of the principal Edict is hereby amended in subsection (3) thereof by <i>deleting</i> the words ömandadusö and <i>substituting</i> therefor the following new word ömandamusö.</p>	<p>Amendment to Section 20 of the Principal Edict.</p>
<p>9. Section 25 of the principal Edict is hereby amended in subsection (3) by <i>deleting</i> subparagraph (a)(iii) thereof and <i>substituting</i> therefor the following new subparagraph - ö(iii) one of the parties is not a native of the area of jurisdiction of the court and the parties agreed or may be presumed to have agreed that their obligations shall be regulated wholly or partly by the Customary law applying to one of the parties, the appropriate Customary Law shall be the customary law agreed or presumed to have been agreed to be binding between the partiesö.</p>	<p>Amendment to Section 25 of the Principal Edict.</p>
<p>10. Section 26 of the principal Edict is hereby amended in - (a) Subsection (6) thereof by <i>deleting</i> the words öthe defendant was at the timeö. (b) and in subsection (8) thereof by <i>deleting</i> the figures ö(i) (2) to (5)ö and <i>substituting</i> therefor the following new figures ö(1)-(5)ö.</p>	<p>Amendment to Section 26 of the Principal Edict.</p>
<p>11. Section 29 of the principal Edict is hereby amended by <i>deleting</i> subsection (3) thereof and <i>substituting</i> therefor the following new subsection - ö(3) Any party may be represented by a legal practitioner in any cause or matter before a Customary Court.</p>	<p>Amendment to Section 29 of the Principal Edict.</p>
<p>12. Section 31 of the principal Edict is hereby amended by <i>deleting</i> subsections (3), (5), (6) and (7) thereof and <i>substituting</i> therefor the following new subsections -</p>	<p>Amendment to Section 31 of the Principal Edict.</p>
<p>ö3. The President of the Customary Court of Appeal or the supervisory authority or a judge of the Customary Court of Appeal may at anytime and at any stage before judgment on application by any party transfer any cause or matter pending before a District or Area Customary Court within the judicial zone to any other District or Area Customary Court within the judicial zone if he is of the view that on grounds of convenience or for any other reason, and having regard to all the circumstances of the case, it is desirable that the cause or matter be so transferredö.</p>	<p>Amendment to Section 31 of the Principal Edict.</p>

õ(5) The power of transfer conferred by subsections (1), (2) and (3) of this section shall be exercised by means of an order under the hand of the President of the Customary Court of Appeal or the supervising authority or the judge of the Customary Court of Appeal or the

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

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

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

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

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

Insertion of a new Section 46A

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

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

FEEES PAYABLE IN CUSTOMARY COURTS,
EDO STATE

By virtue of the powers conferred on me by Section 68 sub-sections (k) (I) and (m) of the Customary Courts Edict, 1984 (as amended) and all other laws enabling me in that behalf, I, Hon. Justice JOSEPH OTABOR OLUBOR, President, Customary Court of Appeal, Edo State, hereby revise and prescribe the fees payable in Customary Courts, Edo State, with effect from **1st day of April, 2005** by amending the Second Schedule (Order XXII) of the Customary Courts Rules, 1978 as follows:-

SECOND SCHEDULE (ORDER XXII)

A –CIVIL CAUSES OR MATTERS

1A.	For the recovery of a specified sums:							₦	K
(a)	₦10,000.00 and below.	í	í	í	í			300.00	
(b)	₦10,001.00 ó ₦20,000.00	í	í	í	í			500.00	
(c)	₦20,001.00 ó ₦50,000.00	í	í	í	í	í		750.00	
(d)	₦50,001.00 ó ₦100,000.00	í	í	í	í	í		1,000.00	
(e)	Maximum fee	í	í	í	í	í	í	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					í	í		300.00
2.	For possession of property, as between Landlord and Tenant:- Where the annual rental value is:-								
(a)	₦10,000.00 and below.	í	í	í	í			300.00	
(b)	₦10,001.00 ó ₦20,000.00	í	í	í	í			500.00	
(c)	₦20,001.00 ó ₦50,000.00	í	í	í	í	í		750.00	

	(d)	₦50,001.00 ó ₦100,000.00	í	í	í	í	í	1,000.00
	(e)	Maximum fee	í	í	í	í	í	2,000.00
								₦ K
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.	í	í	í	í		300.00
	(b)	Where no annual rent or value has been specified.	í	í	í	í	í	2,000.00
	(c)	Maximum fee.	í	í	í	í	..	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.	í	í	í	í		300.00
	(b)	Where it exceeds ₦10,000.00, for every ₦5,000.00.	í	í	í	í		150.00
	(c)	Where no gross value has been specified				2,000.00
	(d)	Maximum fee.	í	í	í			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.							
			í	í	í	í	í	300.00
6.	On filing a written admission of a claim							
			í	í	í			100.00

7.	On issue of Judgment Debtor summons:					
	(a) Where the amount does not exceed ₦100,000.00	í				200.00
	(b) Exceeds ₦100,000.00	í	í	í		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:					₦ K
	(a) Does not exceed ₦100,000.00.	í	í	í		200.00
	(b) Exceeds ₦100,000.00.	í	í	í		400.00
9.	On issue of every order or warrant of commitment or for arrest and detention of a Judgment debtor or absconding defendant					500.00
10.	On issue of Interpleader Summons.	í	í	í		250.00
11.	On grant of Certificate of Title.	í	í	í		500.00
12.	On drawing up of formal decree or order	í	í	í		100.00
13.	Land Inspection Fees	í	í	í	í	500.00
14.	On issue of Writ of Possession:					
	(a) Where the annual rent or value does not exceed ₦100,000.00	í	í	í	í	200.00
	(b) Exceeds N100,000.00 but not exceeding ₦200,000.00	í	í	í	í	500.00
	(c) Exceeds N200,000.00	í	í	í	í	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.	í	í	í	í	150.00
16.	On filing a Security Bond.	í	í	í	í	200.00
17.	On issue of Witness Summons.	í	í	í	í	100.00
18.	On filing a Motion.	í	í	í	í	200.00

19.	Service fees.	í	í	í	í	...	í	100.00
								₦ K
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		í	í	í		í	100.00
22.	Fees for a non-staff interpreter per day per case.						í í	100.00
23.	Affidavit, Affirmation and all Statutory Declarations including Declaration of age:							
	(a) Standing alone (per deponent)						í í í	200.00
	(b) In court processes		í	í	í		í	100.00
24.	Annexure (Exhibit)		í	í	í		í	50.00
25.	Witness Allowances per daily court appearance.						í í	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

1.	On filing notice and grounds of appeal:							₦ K
	(a) If within time.		í	í	í		í	500.00
	(b) If not of time.		í	í	í		í	1,000.00
2.	On compilation of records of appeal for every page.						í	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.						í í	500.00

4. The fees set out in the second schedule shall be payable by any person commencing respective proceedings or desiring the 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 testify at the instance of the Court acting on its won motion shall be paid out of public revenue.

D – TRANSFER OF CASES

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

E – OTHERS

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

DATED at Benin City this 24th day of March, 2005.

(J.O. OLUBOR)

PRESIDENT
CUSTOMARY COURT OF APPEAL
EDO STATE

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