



The
Federal Capital
Territory
Abuja-Nigeria



CUSTOMARY COURT (CIVIL PROCEDURE) RULES
AS AMENDED IN 2023



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COMMENCEMENT

This Rule shall come into effect on the 3rd of January, 2023

ORDER 1 - COMMENCEMENT OF PROCEEDINGS

1. Every civil cause shall be commenced by a complaint made by the person making the complaint (referred to as “the Plaintiff or Petitioner” as the case may be), in person or by his authorized representative and/or Legal Practitioner, by delivering to the Registrar for filing, a claim together with the particulars of his claim.

Commencement of Causes

 - (1) The particulars shall be signed by the Plaintiff or his Legal Practitioner and the Legal Practitioner shall provide an address at which he will accept service of documents on behalf of the Plaintiff, as well as a telephone number.
 - (2) Where the Plaintiff or Petitioner is not represented by a Legal Practitioner, the Registrar shall not accept the claim if there is no address for service.
2. On the institution of a cause or matter under the provisions of these Rules before a Court and on the payment of prescribed fees, the Registrar shall:

Entry of Claim

 - (1) enter in a book to be kept for this purpose in his office and called the Civil Cause Book as prescribed in Order 20, a statement in writing, hereinafter called a *Plaint* stating the names and last known places of abode or of business of the parties and the substance of the action intended to be brought;
 - (2) shall number every *plaint* in order in each year as it is entered in the Civil Cause Book.
 - (3) deliver a *plaint note* to the applicant
 - (4) direct service on the opposing party(ies); and
 - (5) deliver such claims, on the day of filing, to the office of the Chairman of the Customary Court.
3. (1) Upon a *Plaint* being entered, the Chairman or the Registrar on the directive of the Chairman, shall thereupon issue a *summon* directed at the person against whom the complaint is made, referred to as the Defendant/Respondent as the case may be.

Issue of Summons

- (2) The summons shall state the date, time and venue to which the Defendant/Respondent (as the case may be) shall be required to appear before the Court to answer to the Plaintiff.

Provided that such date shall not be less than 7 (seven) days and not more than 14 (fourteen) days from the date of service of the summons.

- (1) A copy of the particulars shall also be annexed to every summons for service.
- (2) Every Summons issued by a Court under these Rules shall be in duplicate and signed by the Chairman of the Court and shall be in the Form prescribed by these Rules.

4. In case a Summons issued for the commencement of a cause or matter is not served within three (3) months from the date of issue, the same shall become void; but the Court may, at any time before the expiration of the current period, from time to time renew the Summons for a further period not exceeding one (1) month at any one time.

*Renewal of
Summons*

5. Where a Defendant on whom an ordinary summons has been served intends to set up a counter-claim or set-off or a defense, he shall within six (6) days of the service of the summons on him file in the Registry for service on the plaintiff the counter-claim or defense.

*Counter Claim or
Defense*

- (1) Such counter-claim or defense shall be accompanied By a copy of the summons and the Registrar shall cause the copy to be served on the Plaintiff together with the counter-claim.

- (2) Where a Defendant has set up a counter-claim or set-off or a defense after the period of six (6) days prescribed above, the Court may, if satisfied that the Plaintiff has been prejudiced, adjourn the trial and order the Defendant to pay the costs properly incurred as a result of his delay.

ORDER 2 - PARTIES

1. Where after an action has been brought, any change or transmission of interest or liability occurs in relation to any party to the action or any party to the suit dies, or the action in any way becomes incapable of being carried on, any person interested may obtain from the Court any order enabling or compelling proper parties to carry on the proceedings.

*Change or
Transmission of
Parties*

2. Where a Plaintiff sues or any Defendant is sued in a representative capacity; it shall be expressed in the summons. The Court may order any of the persons represented to be made a party either in lieu of or in addition to the previously existing parties.

*Representative
Capacity*

Provided that before the summons is issued the plaintiff shall file before the Registrar a written authority to sue, duly signed or thumb-impressed by the person or a reasonable number of persons whom he is representing.

3. An action shall not stop by reason of the marriage, death or ill health of any party, unless the reason for suing the Defendant is personal to the Plaintiff.

*When Proceedings
will not abate*

(1) An action in Court shall not become defective by reason that the Plaintiff has assigned or transferred his interest in the subject matter of the action to another person or that it has passed by inheritance to another person or persons.

(2) Whether the reason for suing the Defendant is personal to the Plaintiff or not, an action shall not stop by reason of the death of the Plaintiff where the Court has concluded taking evidence of the parties. In such a case, the Court shall proceed to give Judgment notwithstanding the death of the Plaintiff.

4. Where after the commencement of an action and before Judgment, there is any change or transmission or devolution of interest, estate or title or liability in relation to any party, any person interested may apply to the Court for an order enabling or compelling the parties to carry on the proceedings.

*Change of party's
title or interest*

- (1) The application to the Court as stated in Rule 4 above shall be made by the relevant party ex-parte.
 - (2) Where the Court makes an order ex-parte as stated in Rule 4 above, the order shall be served on any party affected. A party served with such an order and who wishes to apply to Court to set it aside shall by notice within 7 days of service on him of the order apply to the Court.
 - (3) The Court in chambers may set aside the order and award costs to be paid to the applicant or may order notice to be given to the parties or any other person or may make any order as it thinks fit.
5. Where a Plaintiff or Defendant is substituted or added under any of the rules of this Order, the record of the Court shall be altered accordingly and all subsequent proceedings shall be carried on under the altered title.
6. Where any change has taken place after Judgment by death, assignment or otherwise, amongst the parties to any action and there is money standing in Court to the credit of the action, any person claiming to be entitled to the money may write to the Customary Court for his claim, accompanied by an affidavit of the facts stated in the notice.
- (1) The Court in chambers may, if satisfied as to the right of the person so claiming, order payment to be made to such person or may, before deciding, require notice to be given to any other person or persons

*Alteration of
Record or change
of parties*

*Claims to money in
Court where change
in parties occur after
Judgment*

ORDER 3 - SERVICE OF PROCESS

1. Subject to the provisions of any Law or Rule, service of summons and other originating processes shall be effected by delivering the summons or other originating process together with the particulars personally on the person to be served.
2. Where it appears to the Court that a party is evading service in respect of any process other than a warrant or that for any reason whatsoever, service cannot conveniently be effected, the Court after being satisfied by the bailiff through an affidavit, that it is necessary to do so, may order that service be effected in the following ways.

*Normal Mode of
Service*

*Substituted
Service*

- (1) By delivering the process together with a copy of the order to some person on it being proved that there is reasonable probability that the document would in the ordinary course, through that person come to the knowledge of the person to be served; and
- (2) By advertisement in the Federal Gazette or in some newspaper circulating within the jurisdiction of the Court;
- (3) By notice put up at the Court premises or some other place of public resort of the district wherein proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or the business of the person to be served; or
- (4) Electronic means as would in the circumstances, serve the cause of justice; or
- (5) 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 said document upon the person to be served.

3. No summons for service on a Defendant in any other part of Nigeria, outside the Federal Capital Territory, shall be issued without the Order of the Customary Court of Federal Capital Territory.

- (1) Every application for permission to issue the summons shall be made within forty-eight (48) hours of filing the summons, to the Court in chambers.
- (2) The date specified in a summons served out of the jurisdiction under this Order for the appearance of the defendant in Court shall not be less than thirty (30) days after the service of the summons.

4. When an application for service out of the Federal Capital Territory has been granted, the Court granting such application shall direct the mode for the service of the process.

- (1) An order for service outside the jurisdiction may be varied by the Court from time to time with respect to the mode of service directed by the order.



Service outside the FCT

Mode of Service outside the FCT

5. Evidence of service shall be kept in the case file in which the Order for service was made. *Record of Evidence of Service*
6. Service of process shall be effected by any person authorized under the provisions of the FCT Customary Court Act, 2007, but the Chairman may direct service to be effected by any person designated by him. *Who may effect Service*
Provided that the Chairman's directive to any person as provided in paragraph 4 (1) above shall be in writing and filed in the case file.
7. Where any process issued by the Court is served, the person effecting the service shall file such proof of service setting out the facts, place, mode and date of service which shall be *prima facie* evidence of the service of the process stated in the affidavit. *Proof of Service*
8. Where service is to be effected by delivering a document to the person to be served by personal service and such person refuses to take the document, it is sufficient to inform such person of the nature of the document and to throw it down near him. *Person refusing Service*
Provided that the Court may refuse to accept such service as proper where it finds out that there was no sufficient justification to serve the defendant by throwing the process down near him, instead of serving him personally.
9. Where in any proceedings in the Court, any process is required to be served on any person and no other mode of service is prescribed by any Law or Rule, the following provisions shall apply: *Mode of Service other than personal Service*
- (a) where an address for service has been given by the person to be served, service shall be sufficiently effected by sending the process to such address or by delivering the process at the last known address for service, to an adult person employed or residing at such address;
 - (b) where the person to be served is acting by a legal practitioner, service shall be sufficiently effected by delivering the process at or sending it to the legal practitioner's address for service.

10. Service of process other than warrant of arrest shall not be made on a Sunday or on a public holiday, or before 6.00 am or after 6.00 pm. on any other day, unless the Court directs otherwise by order endorsed on the document to be served. *Time of Service*

11. The Party requiring service of any process shall pay in advance all costs and expenses of, and incidental to the service. *Payment for service*

12. A book shall be kept in every Court for recording service of process. The Registrar shall in every case enter in that book: *Record of Service*

- (a) the name of the Plaintiff or the Petitioner;
- (b) the name of the Defendant or the Respondent;
- (c) the particular Customary Court issuing the process;
- (d) the method of service of the process; and
- (e) the manner in which the person serving the process has ascertained that he served it on the right person.

Where any process has not been duly served, the cause of failure to serve it shall be fully stated. Every entry in such book or a certified true copy of an entry shall be sufficient evidence of the several matters therein stated.

13. Where a Defendant or Respondent (as the case may be) willfully refuses to appear in Court in compliance with a summons, the Court may issue a warrant for his arrest where it is satisfied that: - *Arrest of Defendant*

- (1) the Defendant or Respondent (as the case may be) has been served with a summons in compliance with the mode of service as provided under this Rules; and
- (2) the cause or matter cannot be disposed of under the native law and custom without the appearance of the defendant.

14. Any reference in this Rules to an address for service means a physical or postal address within the Federal Republic of Nigeria or an electronic mail address or facsimile number or telephone number or any other mode of communication as may become available, to where notices and other processes, which are not required to be served personally, may be left or sent or posted or transmitted. *Address for service*

ORDER 4 - APPLICATIONS AND DIRECTIONS IN CIVIL PROCEEDINGS

1. Where by any Law or Rule any application in the course of an action before or after Judgment is expressly or by implication authorized to be made to the Court then, subject to the provisions of the particular Law or Rule applicable as far as it is not inconsistent, the following provisions shall apply:

- (a) Interlocutory applications shall be by motion on notice accompanied with an affidavit.
- (b) Such interlocutory applications shall be served on the other party not later than (2) days from the date of filing.
- (c) The party served with such an application, may respond within (4) days from the date of service on him of the said application at the address provided for service or to his Legal Practitioner.

General procedure

Provided that the Court shall fix the date of hearing of the application not later than 7 days from the date of filing of the motion.

- (d) The Court may on sufficient reason extend any of the time specified in paragraphs (b) & (c) above.
- (e) The Court may in appropriate cases allow oral applications to be made provided that the other party is present or represented by counsel in Court.

2. The Court may, as a condition for granting any interlocutory application, impose such terms and conditions as it thinks fit, and without prejudice to the generality of the following provisions, may make orders requiring any party to: -

Power to impose terms

- (a) give security;
- (b) give an undertaking;
- (c) pay money into Court; or
- (d) pay all or any part of the costs of the proceedings.

3. In any action the Court may, at any time on the application on notice of any party or of its own motion, give such directions as it thinks proper in order to do substantial justice.

Directions

4. Interlocutory applications may be made at any stage of the proceedings in a cause or matter and by any of the parties thereto

Interlocutory applications

- (1) Unless as may be otherwise directed by the Court, no motion shall be entertained by the Court until the party moving has filed a motion paper supported by affidavit, or by making a verbal application to the Court. *Application to be in motion*
- (2) Motions may only be heard after notice of motion has been served on all the parties likely to be affected. *Notice of Motion*
- (3) Where the circumstance permits, an application may be made to the Court in chambers for consideration on an ex-parte basis. *Application in Chamber*
- Provided* that where an application is made ex parte for an interlocutory injunction or order, the Court may direct notice to be given to any person who may be affected by the order.
- (4) Any interim injunction or order granted or made ex-parte shall be for such limited time only as shall be stated, but not exceeding 14 days and the injunction or order shall be served on the person affected. *Where order is made ex-parte*
- (5) Where an interim injunction or order is granted or made ex-parte, such injunction or order may be discharged or varied by the Court on application made by any person affected thereby, after notice is given to the party who obtained such injunction or order. *Discharge or variation of ex-parte order*

ORDER 5 – TRIAL

1. Conduct of proceedings shall be in the open Court, but the Court may in any cause or matter, order at any stage of the proceedings where it appears that the administration of justice would be impracticable by the presence of the public, that no member of the public shall have access to, or be, or remain in the Court to witness the trial. *Trial in Open Court*
2. On the day when a cause is called on for hearing or at any adjournment of such hearing, if the Plaintiff does not appear and is not represented by a Legal Practitioner, the Court shall strike out the cause unless the Court sees good reason to the contrary. Any such reason shall be recorded in the Civil Cause Book. *Non-appearance of Plaintiff*
- (1) Where a cause has been struck out under Rule 2 above and the defendant has a counterclaim, the Court may:-

- (a) on proof of service of the process on the Plaintiff,
or
 - (b) where it considers that the Plaintiff had due notice of the hearing, proceed to the hearing and determination of the counterclaim and give Judgment for the defendant with or without costs or adjourn the hearing and cause notice to be given to the Plaintiff of the date of such adjourned hearing.
- (2) Any sum payable under a judgment or award under paragraph (1) above may be recovered by execution on the property of the plaintiff and no further step shall be taken in the cause until such execution is completed.

3. When a Civil Cause is called on for hearing or at any adjournment of such hearing, if the Plaintiff appears and the defendant does not appear, the Court may, on due proof of service of the process and upon being satisfied that the time between the date of service and the date of hearing was sufficient for the defendant to have appeared had he wished so to do, proceed to hearing and determination of the cause on the part of the Plaintiff only, and Judgment thereon shall be as valid as if both parties had appeared.

Non-appearance of Defendant in Civil cause

(1) When the Court has heard and determined any cause in the absence of the defendant under the provisions of paragraph (1) and the defendant has a counterclaim in such cause, the counterclaim shall, unless the Court sees good reason to the contrary, be struck out and any such reason shall be entered in the appropriate records.

Provided that when a cause is called for hearing or at any adjournment of such hearing, service of the process on the defendant is not proved to the satisfaction of the Court, the Court shall fix a new date for hearing.

4. Where any cause or matter has been struck out under these Rules, the Court may upon an application supported by affidavit brought not later than 14 days from the date of striking out, and upon sufficient cause shown, relist it for trial on such terms as the Court may deem just.

Relisting of Cause struck out

5. Any Judgment obtained against any party in the absence of such party may upon an application supported by affidavit showing

Setting aside of Judgment in absence of party

sufficient cause, be set aside by the Court upon such terms as the Court may deem just.

6. On the day when the cause is called on for hearing or at any adjournment of such hearing, if both parties are absent and no satisfactory explanation of their absence is received by the Court, the Court may strike out the cause without prejudice to the Plaintiff taking out a fresh plaint. *Non-appearance of both parties*
7. Where both parties appear, the Registrar shall take his plea after he has been asked what he has to say in answer to the plaintiff's claim, and his answer shall be entered in the Civil Cause Record Book.
8. Where the defendant is not opposing the claim, the Court shall proceed to give Judgment for the plaintiff with or without costs. *Admission of liability*
9. Where the defendant is opposing the claim, then the Court shall:
 - (a) call upon the plaintiff to state his case, he shall open by first taking an oath. He shall then proceed to state his case and produce his evidence (if any), after which the defendant may cross-examine him. The Court may also cross-examine the plaintiff. *Order of proceeding where defendant deny liability*
 - (b) after the cross-examination, the plaintiff may call his witnesses (if any) in turn, who shall give evidence on oath and the defendant or the Court may cross-examine each of the witnesses in turn; and the plaintiff may re-examine his witnesses on any new point which arose from cross-examination.
 - (c) after the plaintiff and his witnesses (if any) have completed their evidence, the plaintiff shall then close his case.
- (1) At the close of the plaintiff's case, the Court shall consider whether any case has been made out for the defendant to answer, and
 - (a) if no case has been made out, the Court shall non-suit the plaintiff with or without cost to the defendant.
 - (b) if the Court is satisfied that the Plaintiff has made out a case for the Defendant to answer, it shall call on the Defendant to enter his defense.

10. Where a Defendant is called upon to enter his defense, he shall be entitled to:

Defense

- (a) if he so desires, give evidence on oath at the end of which he may be cross-examined by the Plaintiff or the Court (as the case may be);
- (b) call witness(es), known as Defense Witness(es) (if any) to also state what he knows about the cause, at the end of which he may be cross-examined by the Plaintiff or the Court (as the case may be); the defendant may re-examine the witness on any new point that arose from the cross-examination.
- (c) after the defendant and his witnesses (if any) have completed their evidence, the defendant shall close his defense.

11. At the close of Defendant's case, the Defendant shall be at liberty to address the Court not only on his own evidence but on the whole case.

Address by Parties

- (1) At the close of address by the Defendant, the Plaintiff shall be entitled to address the Court in reply generally on the whole case.
- (2) However where there is a counter-claim, the Plaintiff shall address the Court first and the defendant/counter-claimant shall address the Court thereafter.

12. The Defendant can file a counter claim against the Plaintiff and with the permission/leave of the Court, against another person(s) who is /are party or parties to the action.

Counter Claim

Provided that, where a person who is not a plaintiff but who is sued in the counter claim is served but does not appear at the hearing, the Court may proceed with the counter claim and give Judgment against him if the counter claim is proved.

- (1) Where the Court is of the opinion that a counter-claim could be better disposed of in an independent proceeding, the Court may of its own motion or on the application of any party, order the counter-claim to be tried separately.
- (2) Where the defendant sets up a counter-claim and the claim of the plaintiff is discontinued, struck out, stayed or dismissed, the counter-claim may be proceeded with and the defendant, on proof of it, may have Judgment.

Provided that where the defendant files a counter claim, he shall not lead evidence as if he was a plaintiff but rather, he shall prove his counter claim in the cause of his defense.

13. The Court may inspect any property or thing concerning which any question may arise in any proceedings.

- (1) The expenses of any inspection under this Rule shall be paid in the first instance by the party on whose application the inspection is made or ordered, or if made or ordered without an application by both parties.
- (2) During visits to locus in quo, every party shall be given opportunity to cross-examine any witness or witnesses who testified against him.
- (3) Before a witness testifies at a locus in quo, he shall be made to take oath or affirm to state the truth. Every evidence so obtained shall be recorded in the Court's record book.

Inspection by Court

14. At any stage of the proceedings, the Court may of its own motion, adjourn until such a time as may be convenient.

Adjournment

- (1) A request by a party to a cause for adjournment shall not be granted unless there is good reason(s) for granting it.
- (2) If an adjournment is granted under paragraph (1) above, the Court may order the payment of costs against the party seeking for such adjournment.

15. A civil record book dealing with all civil matters including land cases shall be kept by the Court wherein the daily proceedings of the Court shall be recorded.

Record Book

- (1). The record of proceedings in these Rules shall include the verbatim minutes of the proceedings; and all other documents, letters, exhibits, affidavits, Judgments and decisions used in the action.
- (2). At the opening of each day's sitting, the Registrar shall write in red ink, at the top of the page in which the proceedings are to be recorded, the name of the Court and place of sitting, the name of the Chairman and each Member of the Court and the day and date.
- (3). The Chairman or other Member presiding, when a case is called up shall record at the left-hand side of the record book the:
 - (a) suit or charge number and
 - (b) the parties to the suit or charge,
 - (c) the plea of the defendant when present before proceeding to take evidence or make any order or adjournment.
- (4). At the close of each day's sitting, the Chairman and the Members shall sign at the last line of the day's proceeding, their names and status.

ORDER 6 - OUT OF COURT SETTLEMENT

1. At any stage of the proceedings, where parties to the action consent, the Court may make an order referring disputes for settlement out of Court.
 - (1) Settlement out of Court shall not in any event exceed a period of 30 days.
 - (a) Within 30 days of the order, if settlement has been effected, the parties shall submit a document embodying the terms of settlement.
 - (b) The Court on receipt of the aforesaid document shall enter a consent Judgment.
 - (2) The time within which to take procedural steps under these Rules shall not run during the period of settlement out of Court.
2.
 - (1) The Court may, at any stage of the proceedings, with the consent of the parties, order that the cause be referred for Alternative Dispute Resolution to such persons, in such manner and on such terms as it thinks just and reasonable.
 - (2) The decision of the Alternative Dispute Resolution Panel shall be final.

Time within which to take any step

Alternative Dispute Resolution

ORDER 7 - EVIDENCE AND WITNESSES

1. In the establishment of any fact or proof of the contents of any document in the Customary Court of the Federal Capital Territory, a party shall not apply the provisions of the Evidence Act.
2. Except as otherwise provided by these rules or any applicable Law, the evidence of witnesses at the trial of any action shall be taken orally on oath or affirmation, and where, by these Rules, evidence is required or permitted to be taken by affidavit, it shall nevertheless be taken orally on oath or affirmation if the Court, on any application before or at the trial, so directs.
3. Where the circumstances require, a party may use an affidavit to establish the existence of any fact so long as he provides the other party the opportunity to have notice of the content of the affidavit and to respond in order to contradict or accept the content of the affidavit.
Provided that a party shall not be required to provide the other party with his affidavit in a motion ex-parte.

Non application of Evidence Act

Oral evidence

Proof by affidavit

4. The Court may on its own or on application by any of the parties to any cause or matter, summon any person to attend Court and to give evidence or to produce any document in his possession and such summons shall be served by delivery to the person summoned.
5. Immediately prior to the trial of any cause or matter in which witnesses are to be examined, the Court may direct that all witnesses shall leave the Court and shall be kept out of Court and out of hearing.
- Witness to be out of Hearing*
- Provided* that the Court may in its discretion permit professional and technical witnesses to remain in Court and;
- Provided* further, that failure to comply with the provisions of this Rule, shall not invalidate the proceedings.
6. The Court shall write in the Civil Cause Record Book, the oral evidence given before the Court.
- Recording of Evidence*
7. The receipt of evidence in the Court shall be in the following order: -
- Practice as to the taking of Evidence*
- (i) The plaintiff testifies in chief;
 - (ii) The plaintiff is cross-examined by the defendant or his lawyer;
 - (iii) The plaintiff is re-examined by his lawyer, if any and/or by the Court;
 - (iv) The plaintiff calls his witnesses in turn, each of whom shall testify in chief, be cross-examined and re-examined.
 - (v) The defendant testifies in chief, is cross-examined and re-examined by his lawyer or by the Court;
 - (vi) The defendant calls his witnesses in turn, each of whom shall testify in chief, be cross-examined and re-examined.
8. The Court may, in circumstances considered appropriate, appoint a special witness who in the opinion of the Court has specialized knowledge on any matter that is in issue in any action or proceedings before the Court.
- Special Witnesses*
- (1) The special witness shall give evidence in person, on oath or by an affidavit.

9. Where a party relies on a Customary law in any cause or matter before a Customary Court, the burden shall lie on the Party to prove the Customary law.
10. Any appellant aggrieved by the decision of the Court with respect to the appropriate Customary Law may apply to the Customary Court of Appeal for leave to adduce evidence of Customary law in the Customary Court of Appeal and such application may be granted.
 - (1) Whenever a party is allowed to adduce evidence of Customary law in the Customary Court of Appeal, any other party shall be entitled to adduce evidence either in rebuttal or in support of the evidence so adduced.
11. When a document or thing is exhibited to the Court and admitted in evidence, the Court shall allot to it a distinctive letter or number and shall record the same in the record book; and the Registrar shall mark it with the letter or number allotted and the title and number of the case.
 - (1) When a document or thing is produced and tendered in evidence but is rejected by the Court, the Registrar shall mark it as having being so tendered and with the title and number of the case.
 - (2) When there is an appeal, the Registrar shall forward to the Customary Court of Appeal together with the certified true copy of the record, all documents and things admitted in evidence or tendered in evidence and rejected.
 - (3) If there is no appeal within the time allowed, the Registrar shall return each document or thing to the party producing it or shall dispose of it in such other manner as the trial Court may order.

Exhibits

ORDER 8 - JUDGMENT AND ORDERS

1.
 - (a) At the conclusion of the hearing of an action the Court shall, either at the same or at a subsequent sitting, deliver Judgment or make a final order in the action. Every Judgment or final order shall be in writing and signed by the Chairman and Members who participated in the entire proceedings.
 - (b) If the parties to a proceeding in the Court have reached an agreement about a matter in dispute in the proceedings, the Court may, on application by the parties, make an order or Judgment on the terms of the agreement.
 - (c) If any order is made by consent, that fact shall be stated on the face of the record.

Entry of Judgment

2. Upon payment of the prescribed fee, a person shall be entitled to obtain an extract of any Ruling or Judgment containing the orders of a Court with or without the record of proceedings.
3. Except in cases where disobedience to an Order entails attachment or committal for contempt, it shall not be necessary to serve Judgments and Orders unless the Court otherwise directs.
4. Every Judgment or Order requiring any person to do an act other than the payment of money or costs, shall state the time within which the act is to be done and where no time is stated, the provisions of Rule 7 of this Order shall apply. *Order to state time of doing an act*
5. When a Judgment is given or an Order is made by a Court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the Court may as it thinks fit, order the money to be paid either- *Payment and suspension of Judgments and orders*
 - (a) in one sum, immediately or within such period as the Court may fix; or
 - (b) by such instalments payable at such times as the Court may fix.
6. If the plaintiff in an action for the recovery of any chattel or thing establishes his claim, Judgment shall be given either for the delivery of the chattel or thing or for payment of the value as proved at the trial or as the Court may think fit. In either case the Court may award, in addition, such damages as the justice of the case may require. *Judgment in action for recovery of chattel*
7. Subject to particular Rules, the Court may in all actions make any order which the circumstances of the action justify and which it considers necessary for doing justice, whether such order has been expressly asked for by the person entitled to the benefit of the order or not. *When Court to make order not asked for*
8. Every Judgment and order of the Court shall, except as provided by any other law or rule be final and conclusive between the parties. *Finality of Judgment*
 - (1) The Court shall have power to non-suit the plaintiff, where the plaintiff has led evidence in support of his case, but there is a feature in the case that will not permit the Court to give Judgment to the plaintiff but it will be unfair to dismiss the plaintiff's claim entirely.
9. Where money payable under a Judgment or order is directed to be paid by one party to another party or his legal practitioner *Notice of payment into Court*

instead of into Court, a direction to that effect shall be inserted in the Judgment or order.

10. Where Judgment is given or an order is made for the payment or otherwise than by instalments of a sum of money and costs or for the payment of costs, the money and costs or the costs shall be payable on such day as may be specified in the Judgment or order or if no day is specified then at the expiration of five (5) days from the date of the Judgment or order.

Notwithstanding the provisions of the last preceding paragraph, the Court may at any time before the expiration of the period allowed for payment, on application made on notice, make an order for payment at an earlier date.

11. Where any payment into Court is made under a Judgment or order, the Registrar of the Court shall notify the person entitled to the money.

ORDER 9 - INJUNCTIONS 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, or to require any act or thing to be done or left undone, other than the payment of money, and no mode is made otherwise than by this Rule provided for enforcing such requirement, the Court may exercise such power by an injunction and:-

Injunctions

- (a) Annex to such injunction such conditions as the Court may deem just;
- (b) Suspend or rescind such injunction on such an undertaking being given or condition being performed as the Court may deem just;
- (c) Make such arrangement for carrying such injunction into effect as the Court may deem expedient.

2. Any person who for the space of fourteen (14) days makes default in complying with an injunction made under Rule 1, other than an Order for the payment of money, may upon proof of such default, be ordered by the Court: -

Enforcement to injunction

- (a) To pay into Court a sum not exceeding One Thousand Naira only for each day during which such default is made;
- (b) To be imprisoned for a renewable and indefinite period of term, each term not exceeding 14 days until he has remedied his default.

3. Any sum ordered to be paid under the provisions of this Order shall be recoverable summarily as a civil debt.

ORDER 10 - COSTS

1. Subject to the provisions of any Law or Rule, the costs of proceedings in any civil action shall be at the discretion of the Court. *Costs*
 - (a) In awarding costs, the Court shall take into account that the successful party shall be compensated for his time and money spent in filing processes and other considerations which the Court may deem fit.
 - (b) When costs are ordered to be paid, the amount of such costs shall, be summarily determined by the Court at the time of delivering the Judgment or making the order.
2. An order for the payment of costs may be enforced in like manner as any other order of Court for the payment of money. *Enforcement*
3. Where the Court orders cost to be paid, or security to be given for costs by any party, the Court may in appropriate circumstances, order all proceedings by or on behalf of that party in the same suit or proceedings, or connected therewith, to be stayed until the costs are paid or security given accordingly; but such order shall not supersede the use of any other lawful method of enforcing payment. *Non compliance with order for cost*

ORDER 11 - EXECUTION GENERALLY

1. Where a person desires to enforce an Order that has been made in his favour by a Court, he may apply to that Court for execution. *Application for execution*
2. Executions shall not normally be issued until fourteen days (14) days after the date of the Order. *Time of issue*

Provided that the Court may if it shall think fit in any case, make a special Order for the immediate execution.
3. Execution shall not be issued after the lapse of two (2) years from the date of the Order. *Execution not to issue after 2 years*

Provided that the Court may if it shall think fit in any case, grant leave for the execution to be issued after the lapse of two (2) years.

4. If any person against whom an Order has been made dies before execution has been fully had thereon, application may be made to the Court for execution to be levied against the legal representatives or the estate of the deceased person and the Court shall make an Order accordingly if there shall be no objection in law thereto.

*Death of person
against which
execution is issued*

5. Where an Order has been made against two or more persons jointly, execution may be levied upon: -

*Execution against
joint property*

(a) Their joint heirs; or

(b) The property of any one or more of them.

- (1) The writ of execution shall be joint to accord with the Order but levy may be on the property of any person against whom the execution has been ordered and who is named in the Writ.

ORDER 12 - EXECUTION AGAINST THE PERSON

1. A Judgment or Order of a Court for the payment of money in a civil cause or matter may be enforced by the arrest and imprisonment of the Judgment debtor, which shall be carried out in accordance with the following Rules.

*Execution against
person*

2. On the application of a Judgment creditor for the enforcement of any Order for the payment of any money by the imprisonment of the judgement 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 the prison.

*Summons to show
cause*

3. 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.

- (1) 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.

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: -

Discovery of property and production of books and documents

- (1). (a) his ability to pay the money ordered to be paid and for discovery of property, applicable to such payment, and as to what debts are being 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 respecting the means or expectation he then had of paying or discharging the debt or liability, and he shall be bound to produce all books, papers and documents in his possession or power relating to any such matters.

- (2) Whether the Judgment debtor appears or not, the Judgment creditor and all other witnesses whom the Court thinks necessary may be examined in respect of the said matters.

6. While investigation under 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 investigation

7. The Court may upon any such investigation as aforesaid, make an Interim Order for the protection of the property applicable or available in discharge of the Judgment as it shall think expedient.

Interim Order for 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 at close of investigation

- (a) an Order for the committal of the Judgment debtor to prison in accordance with the provisions of Rule 10;
(b) an Order for the attachment and sale of the Judgment debtor's property;



- (c) an Order for the payment of money by instalments or otherwise by the Judgment debtor;
- (d) an Order for the discharge of the Judgment debtor from prison.

Provided that the Judgment debtor shall not be committed to prison unless and until the Judgment creditor has paid to the Court such sum as, in the opinion of the Court, is sufficient for the subsistence of the Judgment debtor during the period that he is imprisoned.

9. Before making an order under Rule 8, the Court may take into consideration any allegation of the Judgment creditor touching any of the following matters, namely:

Matters relevant to inquiry

- (a) that the Judgment debtor has then or has since the making of the Judgment or order, sufficient means to pay the money directed to be paid by him or part thereof, and he refuses or neglects, or has refused or neglected to pay the same;
- (b) that with intent to defraud or delay his creditors or any of them, the Judgment debtor has made any gift, delivery or transfer of any property or has removed property from the jurisdiction of the Court which has made the Judgment or order inexecutable;
- (c) that the debt or liability in respect of which the Judgment or order has been made has been contracted or incurred by the Judgment debtor by fraud or breach of trust;
- (d) that forbearance of the debt was obtained by the Judgment debtor by fraud;
- (e) that the debt or liability was willfully and recklessly contracted by the Judgment debtor without his having at the same time, a reasonable expectation of being able to discharge it.

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

Limitation of term of imprisonment

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.

11. No person shall be imprisoned in pursuance of the provisions of this Order for a term longer than: *Release of debtor*
- (a) one month, if the order is for the payment of a sum not exceeding Five Hundred Thousand Naira; or
 - (b) two months if the order is for the payment of a sum of money exceeding Five Hundred Thousand Naira but not exceeding One Million Naira; or
 - (c) three months if the Order is for the payment of a sum of money exceeding One Million Naira.
12. A Judgment debtor shall be released at any time- *Imprisonment not satisfaction of debt*
- (a) on the Judgment or order being fully satisfied; or
 - (b) at the request of the Judgment creditor.
13. (1) Imprisonment shall not in any case operate as satisfaction or extinguishment of the debt or deprive the Judgment creditor of
- (a) his right of execution against the property of the Judgment debtor, (or)
 - (b) his right to make a fresh application under Rule 2 for the committal of the Judgment debtor if he can prove that the Judgment debtor has, or has had, since his release from prison the means to pay the Judgment debt in whole or in part and has made default.
- (2) Where a Judgment debtor has been arrested and is detained in custody or where a warrant has been issued for the arrest of a Judgment debtor no sale of any of his property shall, except with his written consent be made until-
- (a) one month has elapsed from the date of his arrest; and
 - (b) at least fifteen days' notice has been given to the Judgment debtor specifying the property which has been seized and is intended to be sold.
- Provided* that this rule shall not apply to perishable articles which may be sold at once.
14. Nothing contained in this order shall be deemed to derogate from the powers of a Court under the provision of Order 9. *Saving*

ORDER 13 - EXECUTION AGAINST PROPERTY

1. A Judgment or order of a Court for the payment of money in a civil cause or matter may be enforced by the attachment and sale of the property of the Judgment debtor, which shall be carried out in accordance with the following rules;

Execution against property

(i) On the application of a Judgment creditor for the enforcement of any Judgment or order for the payment of money by the attachment and sale of the property of the Judgment debtor, the Court shall issue a writ for the attachment and sale of the moveable property of the Judgment debtor. Such writ shall be addressed to the bailiffs and messengers of the Court.

Attachment of moveable property

(ii) Upon receipt of the writ, the bailiff or messenger executing the same may seize moveable property in the actual possession of the Judgment debtor including any money, bank notes, bills of exchange, promissory notes, shares, bonds or securities for money belonging to that person. Upon such seizure, the bailiff or messenger shall be responsible for the safe custody of such moveable property but shall transfer the same as soon as possible to the custody of the Court.

Provided that the clothing, bedding and household utensils of the Judgment debtor or his dependants and the tools and implements of his trade to the value of Five Hundred Thousand Naira shall not be seized.

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

Proceeds of sale

Provided that no goods seized in execution under process of a Court shall be sold for the purpose of satisfying the writ until the expiration of a period of at least five (5) days next following the day on which the goods have been seized unless-

- (a) the goods are of a perishable nature; or
- (b) the person whose goods have been seized so request in writing or orally before the Court in the presence of not less than two witnesses:

Provided further that the Court may, if it thinks fit, direct that the sale shall be postponed for any period not exceeding twenty-eight days after the attachment.

3. The person authorized by the Court to conduct the sale shall pay the proceeds thereof to the Registrar, who shall, after deducting the expenses of the sale, pay to the Judgment creditor the amount owing under the terms of the Judgment or order and any costs of execution. Any balance shall be paid to the Judgment debtor.

4. (i) Where the proceeds of the sale of movable property attached in execution of a writ issued in accordance with Rule 2 are insufficient to satisfy the Judgment or order, the Court may, on the further application of the Judgment creditor issue a writ for the attachment and sale of the immovable property of the debtor. Such writ shall be addressed to the bailiffs of the Court.

*Attachment of
immoveable
Property*

(ii) Upon receipt of the writ the bailiff or messenger executing the same may attach lands, building or other immovable property belonging to the Judgment debtor by serving the Judgment debtor with a written order of the Court forbidding the Judgment debtor from alienating the property in any way.

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

5. When the attachment has been completed the bailiff executing the writ shall report the same to the Registrar 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
immoveable property*

6. At any time within twenty-one days from the date of sale of any immovable property, application may be made to the Court for an order to set aside the sale on the ground of material irregularity in the conduct of the sale, but no such

*Setting aside sale for
irregularity*

order shall be made unless the applicant shall prove to the Court that he has suffered substantial damage or injury by reason of such irregularity.

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

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

Effect of setting aside

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

Absolute sale

9. 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

Provided that any consent to the alienation of the right of occupancy required by the Land Use Act, 1978 shall have been had and obtained before the certificate is issued.

10. The proceeds of the sale of immovable property shall be disposed of in the manner provided for in Rule 3.

Proceeds of sale of immovable property

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

Cost of execution

ORDER 14 - GARNISHEE PROCEEDINGS

1. Where a Judgment or order of a Court for the recovery of payment of money has been made and is unsatisfied or partially

Debts may be garnished

satisfied, the Court may, upon the application of the Judgment creditor order that debts owing to the Judgment debtor from any third person, hereinafter called the garnishee, shall be attached to satisfy the Judgment or order.

2. On the application of a Judgment creditor for a garnishee order, the Court may, either before or after any oral examination of the Judgment debtor, require such Judgment creditor to make a declaration, which may be on oath, that the Judgment or order is still unsatisfied and to what amount and that the garnishee is indebted to the Judgment debtor.

(1) Where the Court is satisfied that the garnishee is indebted to the Judgment debtor the Court may order that the debts so owed to the Judgment debtor shall be attached to satisfy the Judgment or order, together with the cost of the garnishee proceedings, and may order by the same or any subsequent order that the garnishee shall appear before the Court on a day and at a time stated in the order to show cause why he should not pay to the Judgment creditor the debt due from him to the Judgment debtor or so much thereof as may be sufficient to satisfy the Judgment or order together with costs as aforesaid.

(2) Such order shall be served on the garnishee and the Judgment debtor at least fourteen days before the day of hearing.

3. Service on the garnishee in such manner as the Court may direct of an order or of a notice thereof that a debt due or accruing to the Judgment debtor shall be attached shall bind such debt in the hands of the garnishee.

Order for attachments to bind debt

4. The garnishee may before the day and time prescribed by any order made under the provisions of paragraph (1) of rule 2 pay into Court without disputing his liability or with admission of his liability-

Payment into Court by garnishee

(a) the amount due from him to the Judgment debtor; or

- (b) an amount equal to the Judgment debt, together with, in each case, the costs of the garnishee proceedings.

5. Where the garnishee-

- (a) does not dispute the debt due or claimed to be due from him to the Judgment debtor but fails to comply with the provisions of Rule 4; or

Garnishee

- (b) fails to appear upon the summons, the Court may upon proof of service order execution to issue in accordance with the provisions of Order 14 and in the form prescribed in the First Schedule to levy the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the Judgment or order, together with, in each case, costs as aforesaid.

6. Where the garnishee appears and disputes his liability, the Court shall proceed to hear and determine the issue in such manner as justice shall seem to require.

7. Where in any garnishee proceedings it is suggested by the garnishee that the debt sought to be attached belongs to some third person or that any third person has a lien or charge upon it, the Court may order such third party to appear and state the nature and particulars of his claim upon such debt.

8. Where the third person as described in Rule 7 does not appear, the Court may, upon proof of service of a copy of the order, proceed to make such order as justice shall seem to require.

9. Upon the appearance of the third person as described in Rule 7, after hearing his allegations and those of any other person whom the Court may order to appear, the Court may:

Procedure upon appearance of claimants

- (a) Order execution to levy the amount due from the garnishee; or
- (b) order any issue or question to be tried and may bar the claim of such third person; or

- (c) make such other order, upon such terms with respect to any lien or charge or otherwise, as the Court shall think just
10. Payment made by or execution levied upon a garnishee under any such proceedings shall be a valid discharge to him against the Judgment debtor, to the amount paid or levied. *Garnishee discharged*
11. After an attachment of immovable property of the garnishee shall have been made in accordance with these rules, any alienation without leave of the Court of the property attached, whether by sale, gift or otherwise, and any payment of any debt or debts to the Judgment debtor during the continuance of the attachment shall be null and void. *Alienation of immoveable property and payment of debt void during attachment*
12. The Court may, in its discretion, refuse to make or issue a garnishee order where, from the small amount to be recovered or from the smallness of the debt to be attached, or otherwise, the remedy sought would be worthless or vexatious. *Court may refuse Order*

ORDER 15 - 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. *Proceeding of the hearing*
- (2) Where 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) Where it appears that 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 claims*
- (2) No claim shall be investigated if it appears to the Court that it was deliberately delayed with a view to obstructing the ends of justice.
- (3). When it appears to the Court that there has been deliberate delay, or when the sale has taken place before the claim was made, the interpleader proceedings shall be dismissed.
4. 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.
- (1) A copy of such declaration, certified by the Registrar, shall be provided for each person against whom the relief is sought and a copy shall be attached to each summons issued by the Court.
- (2) 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 claim damages from the Judgment creditor or from the bailiff of the Court in respect of any misfeasance occurring during the course of the attachment he shall in the declaration under paragraph (1) or Rule 4, state the amount which he claims for damages and the grounds upon which he claims such damages.
- (1) Where in the interpleader proceedings a claim for damages is made, the person from whom damages are claimed may pay money into the Court in satisfaction of that claim, and the payment shall be made in the same manner and have the same effect as if the proceedings were an action in that Court and the person claiming damages were the plaintiff and the person from whom damages are claimed were the defendant. *Payment into Court where damages are claimed*

6. Costs in any interpleader proceedings may be ordered to be paid in such manner as shall appear to the Court to be just. *Cost*

ORDER 16 - 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*

Provided that any consent to the alienation of the right of occupancy required by the Land Use Act, 1978 shall have been obtained before the said Judgment creditor is placed in possession of the land or other immovable property.

2. Where 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- *Claims to possession by a third party*
- (a) the property was in good faith in his possession on his own account or on the account of some person other than the Judgment debtor;
 - (b) the property was not included in the Judgment or order; or
 - (c) where included in the Judgment or Order, he was not a party to the suit, he may apply to the Court within twenty-eight days of dispossession making claims to such land or other immovable property as has been attached or for such other relief as may be appropriate.
3. Where after examining the application, it appears to the Court that the applicant has good ground for making the application, the application shall be numbered and entered in the Civil Cause Record Book as a suit between the applicant and the Judgment creditor, and the Court shall investigate the matter in dispute in the same manner and with the same powers as if a claim for the property had been made in a suit by the applicant against the Judgment creditor.
4. 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.

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

Effect of an Order on a claim to possession

ORDER 17 – FORMS

1. All forms for issue by a Court shall be completed by the Registrar.
2. A record of all forms issued shall be kept by the Registrar retaining a duplicate which shall accurately record all the details inserted in the form before issue.
3. Forms to the like effect may be used in all proceedings to which they are applicable with such variations as circumstances may require.

Completion of forms

Record of issue of forms

ORDER 18 – FEES

1. (1) Fees shall be charged according to the scales set out in the Second Schedule:

Scale of fees

Provided that the Chief Registrar may direct in writing: -

- (a) that such fee or fees (not exceeding the said fees set out in the Second Schedule) as he may consider suitable in respect of the matters mentioned in the said Schedule or any of them shall be substituted in the case of any particular Court, and where substituted fees have been so specified, such fees and no other fees shall be payable in that Court (subject nevertheless to the provisions hereinafter mentioned).
 - (b) That in any class or classes of cases, no fee shall be payable.
- (2) In the administration of an estate the Court, instead of charging any fees which but for this paragraph

would have been chargeable, may order those five (5) percent of the value of the estate be retained by or paid to the Court as a Court fee.

2. No additional fee shall be paid on the issue of any civil process by reason of the names of more than one defendant appearing thereon.
3. A list of the authorized fees shall be conspicuously exhibited in the most public and accessible part of every Court and also in its offices.
4. Fees shall be paid to the Registrar, who shall issue to the payer an official receipt for each payment made to him in accordance with the provisions of Order 19 Rule 3.
5. Where in these Rules a fee is prescribed for any form or process, or the doing of any act, such form or process shall not be issued, or the act done, unless the fee is first paid.
6. A Court may order that fees shall be wholly or in part waived, reduced or remitted when owing to the poverty of a party or other reasonable cause it appears desirable that such waiver, reduction or remission should be made.
 - (1) Any person who seeks a waiver, reduction or remission of fees shall make an application for the same in person to the Court and the Court may, if it so wishes, call upon the applicant to give, and to produce witness to give, evidence in support of his application, and any such proceedings and the decision of the Court shall be written in the Civil Cause Record Book by the Judge.
7. Whenever the party by whom, fees would be payable under this order is a public officer or a local authority or an officer or servant of a local authority in each case acting in his or its official capacity, fees shall not be charged, but in a Civil Cause fees which would be payable but for this Rule may be included in any costs allowed to such public officer or local authority or officer or servant and shall in the event, be paid to the Court.

*No fees payable by
local authority or
public offices*

ORDER 19 – ACCOUNTS

1. Every Court shall cause to be kept.
 - (a) a Cause Cash Book;
 - (b) receipt books;such cash book and receipt books shall be in such form and pattern as may from time to time be approved by the Accountant-General of the Federation in consultation with the Auditor-General of the Federation.
2. All moneys received by a Court and all moneys paid out by a Court in the course of the business of the Court shall be accounted for by the Registrar of the Court.
3. All moneys received by a Court whether revenue or deposits and all moneys paid out by a Court in the course of the business of the Court shall be entered in the Cash book by the Registrar.
 - (1) Each entry shall show the case number and folio number of the appropriate record and whether payment was made by the plaintiff or defendant or whether the payment was for fees or costs as the case may be.
 - (2) The Registrar shall from the receipt book required to be kept by paragraph (b) of rule 1 of this Order issue a receipt to all persons paying money into Court in the course of the business of the Court. The receipt number shall be entered in the cash book as part of the particulars required by paragraph (1) of this rule.
4. All moneys received by a Court and all moneys paid out by a Court in the course of the business of the Court shall be retained, deposited and paid out in accordance with the provisions of such financial regulations as may from time to time be issued.
5. All cash books and receipt books required to be kept by a Court under the provisions of Rule 1 shall be submitted for treasury inspection and audit at such time and in such manner as the Accountant-General of the Federation or Auditor-General of the Federation respectively may direct.

ORDER 20 – RECORDS

1. Each Court shall cause the following records to be kept-
 - (a) a Cause Book;
 - (b) a Civil Cause Record Book

Cash books and Receipts books

Registrar responsible for all money

Entry in cash book on issuance of receipts

Compliance with financial regulations

Inspection and audit of cash books and receipt books

Record to be kept by the Customary Court

2. All proceedings of a Court, including final and interlocutory orders, orders for adjournment and notes of evidence must be in English Language. *Recording of proceedings to be in English Language*
3. The Chairman shall be responsible for the carrying out of the provisions of Rule 2 and shall authenticate all records by signing same. *Maintenance and authentication of records*
- (1) All records and Forms as prescribed in the First Schedule shall be authenticated by the signature of the Chairman of the Court concerned. *First Schedule*
- (2) The Chairman and Members of the Customary Court shall sign the record book at the end of the proceedings in each cause or matter and at the end of each day's business.
4. A copy of any proceedings in any cause or matter shall upon application and payment of the prescribed fee be supplied by a Court- *Copies of Records*
- (a) to a party to or person concerned in any such cause or matter;
- (b) to a member of the immediate family or such party or person;
- (c) to any administrative officer applying on behalf of such party or person; and
- (d) with the consent of the Court, to any other person.
- (1) Any copy so supplied shall be certified by the signature of the Registrar as being a true copy.
5. The records prescribed by Rule 1 and any other records which may from time to time be prescribed by rules made under the Act shall be preserved by the Registrar. *Preservation of Records*

ORDER 21 – APPEALS

1. After an appeal has been entered and until it has been finally disposed of, the Customary Court of Appeal shall be seized of the whole of the proceedings as between the parties thereto and except as may be otherwise provided in these Rules, every application therein shall be made to the Customary Court of Appeal and not to the Court below. *Notice and grounds of appeal*

2. (i) Every appeal shall be brought by Notice of Appeal which shall be lodged at the lower Court or the Customary Court of Appeal within thirty days where the appeal is against a final decision and fourteen days where the appeal is against an interlocutory decision. It shall be served on all other parties affected by the appeal.
- (ii) The Notice of Appeal shall set forth concisely and under distinct heads the grounds upon which the Appellant intends to rely at the hearing of the appeal without any argument or narrative and shall be numbered consecutively.
- (iii) No ground which is vague or general in terms or which discloses no reasonable ground of appeal shall be permitted, and any ground of appeal or any part thereof which is not permitted under this may be struck out by the Court of its own motion or on application by the respondent.
- (iv) The Appellant shall not without the leave of the Court argue or be heard in support of any ground of appeal not mentioned in the Notice of Appeal, but the Court may in its discretion allow the Appellant to amend the grounds of appeal upon payment of the fees prescribed for making such amendment and upon such terms as the Court may deem fit.
- (v) The Customary Court of Appeal shall have the power to strike out a Notice of Appeal when an appeal is not competent or for any other sufficient reason.
3. The Notice of Appeal shall set out the reference number of the proceedings in which the decision complained of was given, the names of the parties, the date of such decision and the grounds of appeal in full and the reliefs sought.
- (1) Where the Appellant complains only of a part of the decision, the notice of appeal shall specify the part complained of, otherwise the appeal shall be taken to be against the decision as a whole.
- (2) The Notice of Appeal shall give addresses within the Federal Capital Territory, Abuja, to which notice may

be served on parties.

- (3) The Notice of Appeal shall be in such form to suit the circumstances of the case.

4. The Registrar of the lower Court shall, within thirty days from the date of the perfection of the conditions of appeal prepare as many certified copies of the proceedings as may be required for the consideration of the appeal and serve same on the parties.

Copies of Proceedings

- (1) The Registrar of the Court below shall within seven days from the date of the receipt of the notice and grounds of appeal in the cause or matter serve same on the parties.

Services of Notice of Appeal

5. An appeal shall be deemed to have been brought when the Notice of Appeal has been filed in the Registry of the Customary Court of Appeal or the Court below.

When appeal is deemed to have been brought

6. An appeal shall be deemed to have been entered when the records of proceedings at the lower Court are settled, and transmitted to the Customary Court of Appeal.

When appeal is deemed to have been entered

ORDER 22 - MISCELLANEOUS

1. Where any proceeding is not covered by the forgoing Rules, the Rules of the principles of natural justice, equity and good conscience should be applicable
2. The Chairman of the Customary Court shall preside over all cases and in his absence the next senior member who is a legal practitioner of the Customary Court shall preside.
3. The Customary Court shall have and use, as occasion may require, a seal bearing an inscription of Customary Court among others in English
4. The seal of the Customary Court shall be kept and used as may be directed by the Chairman.

ORDER 23 - INTERPRETATION

In These Rules

1. **"Act"** means the Federal Capital Territory Court Act 2007 as may be amended from time to time;
2. **"Attachment"** includes distress and seizure;
3. **"Cause"** includes any action, suit or other original proceeding between a plaintiff and a defendant;
4. **"Chief Registrar"** means the Chief Registrar of the Customary Court of Appeal, Abuja;
5. **"Civil Proceeding"** means all civil actions triable in a Customary Court and all proceedings in relations to the making of an Order for the doing abstaining from doing of any act or thing not enforceable by fine or imprisonment in the first instance;
6. **"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 under the Federal Capital Territory Customary Court Act;
7. **"Cost"** means the expenses necessarily and actually incurred by a party
8. **"Court"** mean any Court established pursuant to the Federal Capital Territory Customary Court Act;
9. **"Defendant"** includes every persons served with any writ of summons or process, or served with any notice of any proceedings in a civil cause;
10. **"Executed"**, **"execution"** respectively, include **"served"**, **"service"**;

11. **“Judgement Creditor”** means any person for the time being entitled to enforce a judgment;
12. **“Judgement Debtor”** mean a person liable under a judgment, and includes every person ordered by a judgment or order in a civil cause to pay money or to do or abstain, from doing an act;
13. **“Lower Court”** means a Customary Court against whose judgment an aggrieved person has lodged an appeal and includes other Courts of same status;
14. **“Motion”** means an application to a Court for an Order directing something to be done in the applicant’s favour;
15. **“Order”** means a command or direction by a Court in any proceeding before it.
16. **“Plaintiff”** includes every person asking for any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceedings, whether by writ, petition or otherwise.
17. **“Prescribed Fee”** in relation to any particular matter means: -
 - (a) Where the fees chargeable by Customary Court are specified in writing by the Chief Registrar or by his direction, the fee, if any, so specified as chargeable in respect of such matter;
 - (b) Where the fees chargeable by a Customary Court are not so specified in writing, the fee specified in the Second Schedule as chargeable in respect of such matter;
18. **“President”** means the President of the Customary Court of Appeal, Federal Capital Territory, Abuja.
19. **“Process of Court”** includes any writ, summons, warrant, Order, notice, or other documents issued by a Court;



20. "Registrar" means any Registrar of a Customary Court or of the Customary Court of Appeal of the Federal Capital Territory, Abuja, as the case may be."

