



The Federal Capital
Territory
Abuja-Nigeria



CUSTOMARY COURT OF APPEAL RULES
AS AMENDED IN 2023

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THE FEDERAL CAPITAL TERRITORY, ABUJA
CUSTOMARY COURT OF APPEAL
(PROBATE AND ADMINISTRATION) RULES 2023



PROBATE AND ADMINISTRATION

ORDER ONE

GRANT OF PROBATE OR ADMINISTRATION IN GENERAL

*Petition to be
made to the
probate Registrar*

1. (1) Where a person subject to the jurisdiction of the Court dies intestate, all petitions for the granting of any Letters of Administration of the Estate of the deceased person, and all applications on matters connected thereto, shall be made to the Probate Registrar of the court.

(2) Upon any such application, the Hon. President may direct, take measures and/or make orders expedient for the interim preservation of the property of the deceased,
PROVIDED that no grant of administration shall be issued within 14 days of the death of the deceased.

2. Where in the opinion of the Probate Registrar, additional evidence is required in addition to that provided by the Applicant, the Probate of Registrar require such evidence to ascertain:

- (a) The identity of the deceased or of the Applicant; or
- (b) The relationship of the applicant to the deceased; or
- (c) Any person or persons in existence possessing equal rights as the Applicant to the grant of the probate or administration sought; or
- (d) Any other matter which may be considered relevant to the question whether the applicant is the proper person to whom the grant shall be made.

*Unauthorized
persons
intermeddling with
property Notice to
prohibit grant*

3. Where it appears to the Court that some person or persons other than the Applicant may have at least an equal right with the applicant to the grant sought, the court may refuse the grant until due notice of the application has

been given to such other person or persons and an opportunity given for such person or persons to be heard.

Value of property

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An applicant for a grant of Letters of Administration shall file in the court a true declaration of all the personal property of the deceased and the value of same.

Provided that for the purpose of assessment of fees payable on Letters of Administration, the value of the property on which the grant is made shall not include:

- (a) Any gratuity payable by the Government of the Federation or the Government of any State or the Federal Capital Territory, Abuja, payable to the estate of a deceased; or
- (b) Any sum of money payable to an estate from a Provident Fund, or Pension Fund.

Where an unauthorized person takes possession of and administers or deals with the property of a deceased person, such an unauthorized person shall be liable to a fine not exceeding Seven Thousand Five Hundred Naira (=N=7,500.00), besides any other liabilities he may incur.

A notice to prohibit a grant of administration may be filed in the Court and such notice shall remain in force for three (3) months only from the day of filing PROVIDED a notice shall not affect a grant made on the day on which the notice is filed.

ORDER TWO

GRANT OF LETTERS OF ADMINISTRATION

*Letter of
Administration*

1. The requirement for obtaining Letters of Administration at the Probate Division of the FCT Customary Court of Appeal shall be:
 - (a) Death Certificate (Original and Photocopy)

- (b) Letter of Introduction of Next of Kin from either the deceased's place of work (if employed) or any other person as the Court may deem fit, addressed to the Probate Registrar.
- (c) Minimum of two Next of Kin (who must come in person) with one passport photograph each and photocopy of a valid means of identification.
- (d) Two Sureties (who must come in person) with one passport photograph each and a valid means of identification.
- (e) Name of Pension Manager of the deceased and Pen Number (where applicable).
- (f) Name of Bank and Account Number of the Deceased.
- (g) Application Fee
- (h) Publication Fee
- (i) Document of Landed Property (if the Deceased had any) (I) Any other information or item that the court may require.

**Requirements for
the grant of Letter
of Administration**

- 2. (1) In granting a Letters of Administration, the Court shall proceed as far as possible as in cases of probate
- (2) The Court shall ascertain the time and place of the deceased's death and the value of the property to be covered by the Letters of

**Administration
Bond**

- 3. A person to whom a Letter of Administration is granted shall give a bond, with one or more reasonable Sureties, to the Probate Registrar of the Court, as a condition for duly collecting, getting in and administering the personal property of the deceased, such Sureties shall be to the satisfaction of the Probate Registrar.
 - 1. Except as otherwise directed, the bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn.

- Assignment of Bond** 4. The Probate Registrar may, on being satisfied that the condition of a bond has been broken, assign it to some person and that person may then sue on the bond in his own name, as if it has been originally given to him instead of the Probate Registrar and may recover then, as Trustee for persons interested, the full amount recoverable in respect of the bond.
- Administration Summons** 5. A person claiming to be a legatee or the Next-of-Kin, or one of the Next-of-Kins of a deceased, may apply for and obtain a summons from court requiring the Administrator of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.
- Order of Administration** 6. The Court may make an order or direct as appropriate in the special circumstances of the case, for the due administration of the property of the deceased.
- Grant of Administration to officer in Court** 7. Where the special circumstances of a case may require, the Court may on the application of any person having interest in the estate of the deceased or of its own grant Letters of Administration to an officer of the Court or to a person in the service of the Government, who shall act under the direction of the Court.
8. The Court may direct that an Administrator shall receive out of the personal and real estate of the deceased, such reasonable remuneration as the court thinks fit.

ORDER THREE

ADMINISTRATION GENERALLY

- Filling of account** 1. Every person to whom a grant of Letter of Administration has been made and every Administrator appointed by the Court shall, if called upon by the court, file in court the

account of his administration and shall thereafter file such further periodic accounts as the court may direct until the completion of the administration.

2. An Administrator who fails to file his accounts as specified shall be liable to such penalty not as the court may in the circumstances, impose including but not limited to imprisonment for a term not exceeding six (6) months.
3. Where in the opinion of the Court, it appears that by reason of improper or unjustifiable entries or that the account is not a full and proper account, the Court may give written notice to the person filing such account, to within a specified period, remedy the identified defects. Failure to remedy such defects within the given time, the person filing such account shall be deemed to have failed to file an account and shall be liable to penalty.
4. The Court may on the motion of an interested party, or on its own, summon any Administrator failing to file account, to show cause why he should not be punished.
5. It shall be the duty of the Probate Registrar to bring to the notice of the Court the fact that any Administrator has failed to file his accounts as required by this Rule.
6. In this rule, the word "accounts" includes an inventory, an account of the administration, the vouchers in hands of the Administrator, and an affidavit in verification
7. The grant of Letters of Administration shall be signed by the Hon. President or by a Judge designated by him.
8. Where there are additional assets(s) not included in the Letters of Administration, an application for supplementary Letters of Administration could be made

*President to sign
Letter of
Administration*

*Supplementary
Letter of
Administration*

to the Probate Registrar by the Administrators of the grant or their Legal Representative.

**Letter of
Administration not
to be transferred**

9. A Letter of Administration cannot be transferred nor inherited

