

LOCAL COURTS INTERIM JUDICIAL SERVICE BODIES (ESTABLISHMENT, ETC.) DECREE 1978



Decree No. 3

[1st March 1978]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I.—AREA COURTS

1.—(1) There shall be established for each State in the Federation to which this Part applies an Interim Area Courts Judicial Service Board which shall consist of the Chief Judge of that State as Chairman and the following other members, that is—

Establish-
ment of
Interim
Judicial
Service
Boards.

(a) the Grand Kadi of the State ;

(b) the Attorney-General of the State ;

(c) the Chairman of the Public Service Commission of the State ; and

(d) one other person, not being a legal practitioner but who shall be a person generally conversant with Moslem law and the customary laws applicable in the area courts of the State or part thereof.

(2) The member referred to in paragraph (d) of subsection (1) above shall—

(a) be appointed by the Military Governor of the State and may be removed from office by the Military Governor ; and

(b) be paid such allowances in accordance with scales approved from time to time by the Military Governor of the State.

(3) The Board shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

(4) The Chief Registrar of the High Court of the State shall be the Secretary to the Committee.

2. Power to appoint persons to hold or act in the office of Area Court Judge of any grade, including power to make appointments on promotion and transfer and to confirm appointments and to dismiss and exercise disciplinary control over persons holding or acting in such offices, shall vest in the Board.

Functions
of the
Board.

Tenure of
office of
Area Court
Judges.

3. Subject to the provisions of this section, a person holding or appointed to act in the office of Area Court Judge of any grade shall vacate his office or appointment when he attains such age as may be prescribed by the Military Governor of the State :

Provided that the Board may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or do any other thing in relation to proceedings that were commenced before him before he attained that age.

Application
of this Part.

4. This Part of this Decree shall apply in relation to the following States in the Federation, that is to say, the Bauchi, Benue, Borno, Gongola, Kaduna, Kano, Kwara, Niger, Plateau and Sokoto States.

PART II—CUSTOMARY COURTS

Establish-
ment of
Interim
Judicial
Service
Committees.

5.—(1) There shall be established for each State in the Federation to which this Part applies an Interim Customary Courts Judicial Service Committee which shall consist of the Chief Judge of that State as Chairman and the following other members, that is—

(a) the Attorney-General of the State ;

(b) the Chairman of the Public Service Commission of the State ; and

(c) two other persons to represent interests not otherwise represented above of whom one shall be a person selected for his knowledge of the customary laws generally applicable in the State or part thereof.

(2) The members referred to in paragraph (c) of subsection (1) above shall—

(a) be appointed by the Military Governor of the State and may be removed from office by the Military Governor ; and

(b) be paid such allowances in accordance with scales approved from time to time by the Military Governor of the State.

(3) The Committee shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

(4) The Chief Registrar of the High Court of the State shall be the Secretary to the Committee.

Functions
of the
Committee.

6. Power to appoint persons to hold or act in the office of Customary Court Judge of any grade, including power to make appointments on promotion and transfer and to confirm appointments and to dismiss and exercise disciplinary control over persons holding or acting in such offices, shall vest in the Committee.

Tenure of
office of
Customary
Court
Judges.

7. Subject to the provisions of this section, a person holding or appointed to act in the office of Customary Court Judge of any grade shall vacate his office or appointment when he attains such age as may be prescribed by the Military Governor of the State :

Provided that the Committee may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or do any other thing in relation to proceedings that were commenced before him before he attained that age.

8. This Part of this Decree shall apply in relation to the following States in the Federation, that is to say, the Anambra, Bendel, Cross River, Imo, Lagos, Ogun, Ondo, Oyo and Rivers States.

Application
of this
Part.

PART III—SUPPLEMENTARY

9. The provisions of the constitution of any State in the Federation (as modified by the Constitution (Basic Provisions) Decree 1975) or of any other law relating to appointment of persons holding offices in the public service of such State shall be construed subject to the provisions of this Decree ; but for the avoidance of doubt, nothing in this Decree shall be construed as prejudicially affecting paragraph (c) of section 13 (3) of the aforementioned Decree.

Modifica-
tion
of certain
existing
laws.
1975 No. 32.

10.—(1) In this Decree, unless the context otherwise requires—

“the Board” means the Interim Area Courts Judicial Service Board established by section 1 of this Decree ;

“the Committee” means the Interim Customary Courts Judicial Service Committee established by section 5 of this Decree.

(2) In this Decree, references to persons holding offices in the public service of a State include references to persons holding offices of judges or acting in such offices being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or any other public fund of that State.

Definitions.

11 This Decree may be cited as the Local Courts Interim Judicial Service Bodies (Establishment, etc.) Decree 1978.

Citation.

MADE at Lagos this 1st day of March 1978.

LT.GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its effect)*

The Decree provides for the setting up of two interim bodies, that is the Interim Area Courts Judicial Service Board and the Interim Customary Courts Judicial Service Committee charged, respectively, with the appointment of Area Court Judges and Customary Court Judges.

Tenure of
office of
Area Court
Judges.

3. Subject to the provisions of this section, a person holding or appointed to act in the office of Area Court Judge of any grade shall vacate his office or appointment when he attains such age as may be prescribed by the Military Governor of the State :

Provided that the Board may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or do any other thing in relation to proceedings that were commenced before him before he attained that age.

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PART II—CUSTOMARY COURTS

Establish-
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(a) the Attorney-General of the State ;

(b) the Chairman of the Public Service Commission of the State ; and

(c) two other persons to represent interests not otherwise represented above of whom one shall be a person selected for his knowledge of the customary laws generally applicable in the State or part thereof.

(2) The members referred to in paragraph (c) of subsection (1) above shall—

(a) be appointed by the Military Governor of the State and may be removed from office by the Military Governor ; and

(b) be paid such allowances in accordance with scales approved from time to time by the Military Governor of the State.

(3) The Committee shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

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Functions
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7. Subject to the provisions of this section, a person holding or appointed to act in the office of Customary Court Judge of any grade shall vacate his office or appointment when he attains such age as may be prescribed by the Military Governor of the State :

Tenure of
office of
Customary
Court
Judges.

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