

THE FEDERAL JUDICIAL SERVICE COMMISSION REGULATIONS 1981

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S.I. 9 of 1981

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979

The Federal Judicial Service Commission Regulations, 1981

Date of Commencement : 8th of January 1981

In exercise of the powers conferred by section 147 of the Constitution of the Federal Republic of Nigeria 1979, (hereinafter referred to as "the Constitution") and by virtue of all other powers enabling it in that behalf, the following Regulations are hereby made by the Federal Judicial Service Commission, with the approval of the President of the Federal Republic of Nigeria :—

PART 1—PRELIMINARY

1. These Regulations may be cited as the Federal Judicial Service Commission Regulations, 1981. Short title.
- 2.—(1) Parts I to VIII both inclusive and Part X of these Regulations shall apply in relation to the office of the Chief Registrar and Deputy Chief Registrar of the Supreme Court of Nigeria. The Chief Registrar and Deputy Chief Registrar of the Federal Court of Appeal and the Chief Registrar and Deputy Registrar of the Federal High Court and reference to an officer in any section of Part I—VIII and Part X shall be reference to a holder of any of these offices. Application of Regulations.
- (2) Parts I, II, III, IX and X only of these Regulations shall apply in relation to judicial offices.
3. In these Regulations, unless the context otherwise requires— Interpretation.
 - "basic salary" means salary together with, in the case of a contract officer, contract addition, but excluding inducement addition and any other addition to salary ;
 - "Chairman" means the Chairman of the Commission ;
 - "Chief Judge" means the Chief Judge of the Federal High Court ;
 - "Chief Justice" means the Chief Justice of Nigeria ;
 - "Chief Registrar" means the Chief Registrar of the Supreme Court of Nigeria, or the Chief Registrar of the Federal Court of Appeal or the Chief Registrar of the Federal High Court, as the context requires ;
 - "Code of Conduct" has the meaning assigned to it by section 277 of the Constitution ;
 - "Commission" means the Federal Judicial Service Commission established under section 140 of the Constitution ;
 - "the Constitution" means the Constitution of the Federal Republic of Nigeria 1979 ;
 - "contract" and "contract officer" mean respectively an agreement for appointment, and an officer appointed by such an agreement, which does not provide for the payment of a pension, to an established office for a specified number of months or years and includes a pensioner re-engaged on such terms ;

"enactment" includes any Act, Ordinance, Law, Decree or Edict in force in Nigeria and also Regulations, Rules, Orders or any other form of subsidiary legislation whatsoever made or having effect as if made under any such Act, Ordinance, Law, Decree or Edict ;

"Federal Court of Appeal" means the Federal Court of Appeal established by section 217 of the Constitution ;

"High Court" means the Federal High Court established under section 228 of the Constitution ;

"inquiry" means a disciplinary inquiry conducted under regulation 44 ;

"investigation" means an examination of a matter by an officer holding powers of inquiry which need not follow the procedure for an inquiry as laid down in regulation 44 ;

"judicial office" has the meaning assigned to it in section 277 of the Constitution ;

"judicial Officer" means the holder of a judicial office ;

"judicial service" means service in the judiciary ;

"judiciary" means the Federal Judiciary ;

"Member" means a member of the Commission and when the contest so admits includes the Chairman ;

"misconduct" includes moral turpitude ;

"non-pensionable office" includes a pensionable office held by a person appointed on contract or temporary appointment ;

"official document" means any file, electronically produced material, record or other document prepared by, or which comes into the custody or possession of, any officer to whom these Regulations apply in the course of his duties as such officer ;

"Performance Evaluation Report" includes a progress report, an annual Performance Evaluation Report, a special Performance Evaluation Report, however entitled, a supplementary Performance Evaluation Report, and any endorsement of or alteration or addition to a Performance Evaluation Report ;

"permanent establishment" means those public offices for which provision is made with reference to their titles in a personal emoluments sub-head of the Estimates of the Government of the Federal Republic of Nigeria, but excluding any such office shown as being temporary in the said Estimates ;

"President" means, where the context so requires, the President of the Federal Court of Appeal ;

"public office" means any office of emolument in the Federal public service ;

"public officer" means any person holding, or acting in, any public office ;

"the public service of the Federation" has the meaning assigned to it in section 277 of the Constitution ;

"reporting officer" includes every officer writing a Performance Evaluation Report on an officer to whom these regulations apply ;

"Secretary" means the person appointed under these Regulations as Secretary to the Commission and includes any person appointed to act as such ;

"State" means a State in the Federation ;

"temporary appointment" means an appointment on non-pensionable terms for a period not exceeding one month at a time but which may be continued by the appointing authority without formal renewal from month to month, or as may be appropriate in the case of an appointment for a shorter period than one month, until terminated.

PART II — SECRETARY AND PROCEEDINGS OF THE COMMISSION

4. There shall be a Secretary appointed by the Commission who, in addition to his functions as prescribed in these Regulations, shall have such other functions of an administrative nature as may from time to time be assigned to him by the Commission or the Chairman.

Secretary.

5. Where under the Constitution or these Regulations any function or power is conferred upon the Commission, any exercise of such function or power may be signified under the hand of the Chairman or the Secretary when so directed by the Chairman.

Signification of acts, documents, etc. of the Commission.

6. (1) The Commission shall hold meetings at such times and place as the Chairman may appoint.

Meetings of the Commission.

(2) Notwithstanding the provision of paragraph (1) of this regulation, a meeting of the Commission shall be convened if two or more members make a request in writing to that effect to the Chairman, specifying the business to be transacted.

(3) Every meeting of the Commission shall be presided over by the Chairman and in his absence, by a member selected by majority of the members present.

(4) The quorum for a meeting shall not be less than one-third of the total number of members of the Commission as at the date of that meeting.

(5) A member shall be entitled to one vote and the majority votes shall be the decision of the Commission, provided that the Chairman or other person presiding shall have a casting vote as well as a deliberative vote.

7. Record shall be kept of the Members present and of the business transacted at every meeting of the Commission.

Record of meetings.

8 (1). Subject to paragraph (2) of this regulation a decision may be made by the Commission without a meeting by circulation of the relevant papers among the Members and the expression of their views in writing and in such case the views of the majority of the Members shall be the decision of the Commission.

Decision without meeting.

(2) If any Member requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission, no decision shall be made on that subject except at a meeting of the Commission.

Privilege for
actions of
members.

9. The Chairman or any Member shall have like protection and privilege in the case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under these Regulations as is by law given to acts done or words spoken by a Judge of any superior court in the exercise of his judicial office.

PART III—DUTIES OF PUBLIC OFFICERS

Commission
may require
public officers
to attend.

10. The Commission may require the holder of an office in the Federal public service to attend and give evidence before it concerning any matter which it is required to consider in exercise of its functions under these Regulations and may require the production of any official documents relating to any such matter.

Material to
be made
available to
the Commis-
sion.

11. The holder of any public office on being so required shall attend before the Commission and shall ensure that all relevant documents and papers are made available to the Commission.

PART IV—APPOINTMENTS (INCLUDING PROMOTIONS AND TRANSFERS)

Supervision
of methods
of selection
for appoint-
ment.

12. The Commission shall exercise supervision over and approve all methods of selection for appointment to the offices to which this Part of these Regulations applies including the procedure of any Selection Boards that may be constituted.

Advertise-
ment of
vacancies.

13. Where vacancies are not to be filled solely by persons already in the service of the Judiciary, the public shall, unless the Commission otherwise directs, be informed by advertisement of the existence of such vacancies in time to enable candidates to make their applications in accordance with that advertisement.

Constitution
of Selection
Boards and
interviewing
of candidates
by Commis-
sion.

14. The Commission may constitute Selection Boards to interview candidates either generally or in relation to a particular vacancy and notwithstanding the procedure set out in any regulation may in its discretion summon any of the candidates for any vacancy for interview by the Commission.

Judicial
Selection
and Promo-
tion Boards.

15.—(1) Unless the Commission otherwise directs, the Chief Registrar may constitute, either generally or in relation to a particular vacancy, a Judicial Selection Board or Boards to advise him before he makes a recommendation to the Commission.

(2) Where a Selection Board is constituted, the Board shall forward its report to the Secretary.

(3) Where any delay is likely to result from carrying out the procedure for the Selection Board, and the delay appears to the Chief Registrar likely to cause serious inconvenience, he may so inform the Commission and make recommendations to it for a person to act in the office concerned, and the Commission may approve such recommendation without further compliance with these Regulations.

16. The following provisions shall apply to the filling of a vacancy in an office to which this Part of these Regulations applies :

Procedure for appointment of officers.

(a) As soon as it is known that a vacancy will occur or has occurred in the relevant office, the Chief Registrar shall, on the direction of the Chief Justice or the President or the Chief Judge as the case may be, communicate to the Commission in writing proposals regarding the filling of the vacancy. Such proposals shall indicate the methods to be employed in filling the vacancy and whether or not the vacancy should be advertised and, if so, the recommended means of advertisement if other than publication in the *Gazette* of the various Governments of the Federation of Nigeria. Where necessary the Chief Registrar shall submit with the proposals a draft advertisement.

(b) Where it is proposed that the vacancy should be filled by promotion within the Judiciary or by transfer or secondment within or to the Judiciary, the recommendation to that effect in accordance with these Regulations in respect of a named person may be included in the proposals or made separately. On the receipt of such recommendation from the Chief Registrar concerned, the Secretary shall inform the other Chief Registrars, both of the Federal Judiciary and of the Judiciary of each State of the existence of the vacancy and shall ask for their nomination.

(c) The Commission shall decide whether or not a vacancy shall be advertised, and if the Commission decides that the vacancy shall be advertised, it shall arrange for the publication of the advertisement.

(d) Where a vacancy is advertised, the Commission may direct that a short list be prepared and submitted to the Commission for consideration.

17.—(1) The suitability of an officer to promotion shall be considered on the basis of his qualifications for the office to which his promotion is being considered, his experience, and his merit as shown by the manner in which he has performed and is performing his duties, and the standard which he is considered by the Commission to be likely to attain in the performance of such duties as may be allotted to him in the future.

Criteria for promotion and for acting appointment with a view to promotion.

(2) Where it is considered necessary that an officer should be appointed to act in a higher post in the first instance for some period with a view specifically to his eventual promotion thereto if he proves suitable, the Commission, on the recommendation of the Chief Registrar, or of its own motion may appoint him to act in such higher post. Recommendations for such acting appointments shall, in addition to complying with the procedure prescribed in regulation 23 for acting appointments ; be as carefully considered and made as if they were for a promotion and such appointments shall not, except for good reason, last longer than six months.

18. An officer shall not apply for promotion unless :—

(a) he has acquired, since his appointment (including appointment on promotion or transfer) to the office which he currently holds, qualifications which render him eligible for promotion ; or

Applications by officers for promotion.

(b) the advertisement of a vacant office invites application from officers in his circumstances.

19.—(1) When recommending a promotion, the Chief Registrar shall—

(a) give his reasons for selecting the officer recommended ;

Recommendations and selection for promotion.

(b) state whether the officer recommended is the most outstanding on the basis of records on the officers in the Court concerned eligible to be considered for the promotion and where he is not, give detailed reasons as to why he recommends the officer in preference to each of such other officers in the Court concerned as would be superseded ;

(c) recommend an effective date for the promotion giving reasons for his recommendation ;

(d) if his recommendation in respect of the selection of the officer or an effective date for the promotion is at variance with the advice of the Judicial Selection Board, give his reasons for the variation ;

(e) if the officer recommended holds a non-pensionable office, draw the Commission's attention to that fact.

Appoint-
ments on
transfer or
secondment.

20. Where a Chief Registrar recommends to the Commission that a vacancy should be filled by transfer or secondment, he shall—

(a) state whether the transfer or secondment would result in the supersession of any eligible officer in the Court concerned and where it would do so give detailed reasons as to why he recommends such transfer or secondment in supersession of each of such officers as would be superseded ;

(b) where the recommended transfer or secondment is of an officer in the Judiciary and the officer has not applied for transfer or secondment, obtain and report the officer's view to the Commission.

Applications
for transfer
or second-
ment.

21.—(1) An officer applying for transfer or secondment shall address his application to the Chief Registrar and shall state in his application his reasons for wanting the transfer or secondment and his qualifications for the officer to which he wishes to transfer or be seconded.

(2) Where the transfer or secondment is within the judiciary the Chief Registrar shall make such recommendation as he thinks fit to the Commission in accordance with these Regulations.

Release on
transfer or
secondment
outside the
Federal
Public
Service.

22. An officer applying for transfer or secondment to an office outside the Federal public service shall address his application through the usual departmental channels to the Chief Registrar and the Commission. The Chief Registrar shall act in accordance with such procedure as the Commission may prescribe in respect of the type of application for transfer or secondment concerned.

Acting
appoint-
ments
procedure.

23.—(1) In any recommendation he makes for an acting appointment, the Chief Registrar shall—

(a) state the date on which he recommends that the appointment shall begin and state, if possible, at the same time as he makes the recommendation and if not as soon as possible thereafter, when he expects that it will end ;

(b) where the proposed acting appointment is in an office which is not filled substantively, and it is intended that the appointment shall be for the purpose of considering the suitability of the officer concerned for promotion, comply with paragraph (2) of regulation 17 in respect of such acting appointment ;

(c) in the case of an acting appointment of a judicial officer to which this Part applies and which does not relate to any existing vacancy, the Chief Justice or the President or the Chief Judge as the case may be, may approve such acting appointment and report back to the Commission at the earliest meeting of the Commission thereafter.

(2) Any recommendation relating to the office of the Chief Registrar shall be made by the Chief Justice or the President or the Chief Judge as the case may be.

(3) As soon as the holder of an acting appointment ceases to hold it the Chief Registrar shall report the fact to the Commission.

24. A contract officer shall give notice to the Chief Registrar at the time and in the manner laid down in his agreement as to whether he wants further employment in the Court concerned and if the terms on which he is serving do not provide for such notification, he shall give such notice to the Chief Registrar in writing six months before the expiry of his contract.

Notification by contract officer of wishes regarding re-engagement.

25. On receipt of a notification from a contract officer that he wishes to be re-engaged, the Chief Registrar shall make a recommendation to the Commission as to the officer's re-engagement.

Recommendation regarding re-engagement of contract officers.

PART V—COMPULSORY RETIREMENT, TERMINATION OF APPOINTMENT, CONCLUSION OF PROBATIONARY SERVICE AND ACTING APPOINTMENTS WITH A VIEW TO PROMOTION

26.—(1) Where it appears to the Chief Justice or the President or the Chief Judge as the case may be that there is reason why an officer who holds pensionable office should be called upon to retire, the Chief Registrar shall, on the direction of the Chief Justice or the President or the Chief Judge as the case may be, make a recommendation giving reasons to the Commission, and the Commission on receiving the recommendation shall consider it, and may either :

Procedure for recommending retirement of pensionable officer.

(a) reject such recommendation ; or

(b) call upon the officer to submit representations regarding his proposed compulsory retirement within a specified date (which date shall allow a reasonable time for the purpose).

(2) The Commission upon receiving any such representations or if the officer does not make any representations before the date specified, shall deliberate on the issues and take a decision.

(3) The decision of the Commission shall be communicated to the officer by the Secretary.

27. Where a contract officer is serving under an agreement which provides for the termination of his appointment before the expiration of the term of engagement stipulated in the agreement, and the Chief Justice or the President or the Chief Judge as the case may be is of the opinion that the appointment should be so terminated or where the Chief Justice or the President or the Chief Judge as the case may be is of the opinion that the appointment of the holder of a temporary appointment should be terminated the Chief Registrar shall, on the direction of the Chief Justice or the President or the Chief Judge as the case may be, make a recommendation to the Commission.

Premature termination of contract and termination of temporary appointment.

Commission may initiate retirement, withdrawal or premature termination of appointment.

Procedure for concluding probationary service.

28. In any case in which it appears to the Commission to be desirable in the public interest that a pensionable officer should retire, withdraw or that appointment of a contract officer should be terminated before the expiration of the term of engagement stipulated in the officer's agreement or that the appointment of any officer should be terminated, the Commission may, notwithstanding the provisions of regulation 27 or 29, direct the Chief Registrar to take such proceedings as are appropriate in accordance with any of these regulations or itself initiate proceedings in that behalf in such manner as it shall think fit.

29.—(1) Where an officer holds an appointment on probation and the Chief Justice or the President or the Chief Judge as the case may be, at any time during the period of probation, is of the opinion that the officer's appointment should be terminated, the Chief Justice or the President or the Chief Judge as the case may be, may direct the Chief Registrar, subject to paragraph (3) of this regulation, to make a recommendation to the Commission accordingly.

(2) Where an officer holds an appointment on probation and no action as provided in paragraph (1) of this regulation has been taken earlier, the Chief Registrar on the direction of the Chief Justice or the President or the Chief Judge as the case may be shall, not later than six months before the expiration of the period of probation, make a recommendation to the Commission as to whether the officer should on such expiration be confirmed in a pensionable office, or whether a further period of probationary service is necessary to determine whether the officer should be terminated.

(3) Where the Chief Registrar proposes on the direction of the Chief Justice or the President or the Chief Judge as the case may be to recommend to the Commission that the appointment on probation of that officer should not be confirmed but should be terminated, the Chief Registrar shall inform the officer of his intention and shall afford him an opportunity of submitting representations, if any, before transmitting such representation, with his observations, to the Commission or if the officer does not avail himself of the opportunity to submit representations before a date specified by the Chief Registrar (which date shall allow a reasonable interval for the purpose) he shall report the fact to the Commission.

(4)—(a) Where in accordance with paragraph (2) of regulation 17 an officer has been appointed to act in a higher post with a view specifically to his eventual promotion thereto if he proves suitable, the Chief Registrar may on the direction of the Chief Justice or the President or the Chief Judge as the case may be, recommend to the Commission at any time within six months of the effective date of such acting appointment that the acting appointment should be made substantive or that the officer should revert to his substantive appointment. Where no such recommendation has been made earlier, the Chief Registrar, on the direction of the Chief Justice or the President or the Chief Judge as the case may be shall, not later than one month before the end of the said six months, recommend to the Commission that the officer's acting appointment should be made substantive, or that the officer should revert to his substantive appointment or that the acting appointment of the officer be extended for a specific period.

(b) If the Commission authorises the Chief Registrar to call upon the officer to submit representations regarding his proposed reversion, the Chief Registrar shall submit them, with his observations to the Commission

or if the officer does not avail himself of the opportunity to submit representations before a date specified by the Chief Registrar (which date shall allow a reasonable interval for the purpose) he shall report the fact to the Commission.

PART VI—DISCIPLINARY PROCEDURE

30. In any case which comes to the attention of the Commission, if the Commission is of the opinion that disciplinary proceedings should be instituted against an officer, the Commission may, subject to the provisions of regulation 33 but notwithstanding any other provisions of these Regulations, direct the Chief Registrar to initiate such proceedings in accordance with these Regulations or itself initiate proceedings in that behalf in such manner as it thinks fit.

Commission may initiate Proceedings.

31.—(1) Any misconduct by an officer shall be dealt with under these Regulations as soon as possible after the time of its occurrence.

Misconduct to be dealt with as soon as possible after occurrence and procedure in cases not provided for by regulations.

(2) Any case of misconduct for which provision is not made under these Regulations shall be reported by the Chief Registrar to the Commission, and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly.

No disciplinary action against a female officer on maternity leave.

32. Any disciplinary proceedings against a female officer which would otherwise have been taken during the period of her maternity leave shall be postponed until her maternity leave has expired.

Procedure where grounds for criminal prosecution may exist.

33. If it appears, while the institution of disciplinary proceedings is being contemplated, or in the course of an inquiry or investigation, that an offence against any enactment may have been committed by an officer, the institution or continuation of disciplinary proceedings shall be postponed and the Chief Registrar shall, on the direction of the Commission, unless the Police have taken or are about to take action, ask the Federal Director of Public Prosecutions whether he considers it desirable to institute criminal proceedings against the officer, and if the Director does not consider it desirable to institute such criminal proceedings the Chief Registrar shall, on the direction of the Commission, refer the matter to the Solicitor-General of the Federation for an opinion as to whether disciplinary proceedings can properly be instituted or continued under the appropriate regulation or not. If the Solicitor-General's opinion is in the affirmative the charges framed against the officer shall be approved by the Solicitor-General before the officer is required to answer them or before the proceedings continue.

34. If criminal proceedings are instituted against an officer in any court of law, disciplinary proceedings upon any grounds involved in the criminal charge may be taken only after the conclusion of the criminal proceedings and the determination of any appeal therefrom and then only if, having regard to the provisions of regulation 39, the case is one in which disciplinary proceedings may properly be taken.

Disciplinary action while criminal proceedings pending.

35. If disciplinary proceedings for an officer's dismissal (including any disciplinary proceedings with a view to dismissal instituted or continued in pursuance of regulation 39) are instituted or are about to be instituted or

Interdiction when permissible.

if criminal proceedings are instituted, against an officer, and if the Commission considers that the interests of the judicial service require that such officer should cease forthwith to exercise the powers and functions of his office, the Commission may—

(a) if the officer holds an appointment other than a temporary appointment, interdict him, or

(b) if the officer holds a temporary appointment, terminate his appointment by payment of the appropriate remuneration in lieu of notice, but if such criminal proceedings result in his acquittal or such disciplinary proceedings (including any disciplinary proceedings with a view to dismissal instituted or continued in pursuance of regulation 41) result otherwise than in his dismissal, he shall be re-engaged with effect from the date of such result or from the date following the expiration of the period for which he was paid remuneration in lieu of notice, whichever is the earlier.

Interdiction :
Procedure.

36.—(1) Where the Chief Registrar considers that an officer should be interdicted under regulation 35 he shall report the case with his recommendations to the Chief Justice, or the President or the Chief Judge as the case may be.

(2) Where the Chief Justice or the President or the Chief Judge as the case may be is satisfied after considering the report and recommendations of the Chief Registrar that an officer should be interdicted under regulation 35, he may order the officer to cease to exercise any of his powers and functions and the Chief Justice or the President or the Chief Judge as the case may be shall cause the case to be reported to the Commission which may confirm or otherwise deal with it.

(3) If an officer is interdicted he shall be informed that he has been interdicted and the interdiction shall date from the time he is so informed.

(4) If the criminal proceedings against an interdicted officer result in his acquittal or if the disciplinary proceedings against him (including any disciplinary proceedings with a view to dismissal instituted or continued in pursuance of regulation 39) result otherwise than in his dismissal, he shall be reinstated in his office by the disciplinary authority with effect from the date of such result.

Officer not
to leave
his station
without
permission.

37. Any officer who is under interdiction shall not leave his station without the permission of the Chairman, and shall keep the Chief Registrar informed of the address at which instructions to him can be delivered; if he fails to comply with instructions delivered at such address within twenty-four hours of such delivery, he shall be regarded as being absent from duty without leave. Where an officer under interdiction has received permission from the Chairman to leave his station, any conditions imposed by the Chairman in respect of his so leaving shall be complied with by him and failure to do so may be dealt with as misconduct for which disciplinary proceedings may be instituted under these Regulations.

Salary
during
interdiction.

38.—(1) An officer who is under interdiction shall, subject to the provisions of regulation 40, receive such salary, not being less than half his salary, as the Commission shall think fit.

(2) If disciplinary proceedings against such an officer result otherwise than in his dismissal the whole of the salary withheld from him shall be restored to him when the final decision is taken.

39. An officer acquitted of a criminal charge in any court of law shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charge arising out of his conduct in the matter, unless such charge raises substantially the same issues as those on which he has been acquitted. In the event of the acquittal, or of the discharge, whether amounting to an acquittal or not, of an officer who has been charged with a criminal offence the Chief Registrar shall consider whether he should recommend the institution or continuance of disciplinary proceedings against such officer, but before recommending the institution or continuance of disciplinary proceedings in pursuance of this regulation he shall, after consultation with the Chief Justice, or the President or the Chief Judge as the case may be, refer the matter to the Solicitor-General of the Federation for an opinion as to whether or not disciplinary proceedings can properly be instituted or continued under these Regulations. In the event of a discharge which does not amount to an acquittal the Chief Registrar shall, before referring the matter to the Solicitor-General, ascertain from the Federal Director of Public Prosecutions that further criminal proceedings against the officer are not proposed.

Disciplinary procedure after acquittal or discharge on a criminal charge.

40. An officer adjudged by a court of law to be guilty of a criminal offence shall not receive any emoluments from the date of such judgment, pending the decision of the Commission.

No payment of salary on conviction.

41. If an officer is convicted of a criminal offence the Chief Registrar shall make a recommendation to the Commission as to whether the officer should be dismissed or subjected to some lesser penalty on account of his conviction for the offence of which he has been adjudged guilty, and shall submit with his recommendation a copy of the charge or charges and of the judgment (and the proceedings of the court, if they are available at the time he makes his recommendations, and if they are not, and if the Commission asks to see them when they become available) and the Commission may inflict such punishment upon the officer as may seem proper to the Commission without following the procedure prescribed in regulations 44, 46 or 48.

Disciplinary action after conviction.

42.—(1) Without prejudice to the power to institute disciplinary proceedings in respect of any absence from duty without leave or reasonable cause where an officer is absent from duty without leave or reasonable cause the Commission may dismiss him without following the procedure prescribed in regulation 44.

Absence without leave or reasonable cause.

(2) An officer shall be considered and treated for all purposes as having been dismissed from service by the very fact, and from the very date of his having committed any of the following acts or omissions :—

(a) absenting himself from duty without leave or reasonable cause and in circumstances evincing an intention on his part no longer to continue in the service ; or

(b) resigning or purporting to resign his appointment without having first given due notice, and serving for the period of the notice of such resignation, or else paying *in lieu* thereof in accordance with the provisions applicable in the circumstance :

Provided that if the officer concerned can later satisfy the Commission that the circumstances of his having committed any of the acts or omissions aforementioned do not justify his dismissal from the judicial service, the

Commission may, without prejudice to the power to institute disciplinary proceedings in respect of such acts or omissions and with a view to a lesser punishment than dismissal being imposed, revoke the dismissal.

Punishment.

43. The following are the punishments which may be ordered under and in accordance with this Part of these Regulations :—

- (a) dismissal ;
- (b) removal on grounds of inefficiency ;
- (c) discharge on grounds of general unsuitability for further employment in the case of a person holding a non-established and non-pensionable office ;
- (d) reduction in rank ;
- (e) reduction in salary ;
- (f) withholding or deferment of increment ;
- (g) withholding of salary, where the circumstances do not justify dismissal or other punishment ;
- (h) loss of pay for corresponding days of absence without authority ;
- (i) surcharge ; and
- (j) reprimand.

Provided that nothing in this regulation shall be construed as limiting or otherwise affecting any powers of the Commission—

(a) to call upon an officer to retire or withdraw in pursuance of regulation 26 or 28, or

(b) to terminate a contract officer's appointment prematurely or to terminate the appointment of the holder of a temporary appointment in pursuance of regulation 27 or 28, or

(c) to terminate or extend a probationary appointment, or to order that an officer acting in a higher post with a view to his eventual promotion thereto if he proves suitable should revert to his substantive appointment, in pursuance of regulation 29, or

(d) to defer or withhold increments, without proceedings under regulation 47, in pursuance of regulation 50.

Procedure for dismissal of officers.

44. Whenever the Chief Justice or the President or the Chief Judge as the case may be, considers it necessary to institute disciplinary proceedings against an officer and he is of the opinion that the misconduct alleged against the officer is such as would, if proved, justify the officer's dismissal from the service, the following provisions shall apply—

(a) The Chief Registrar shall prepare and forward to the officer a brief statement of the facts on which the allegation against him is based and shall call on him to state in writing before a day to be specified (which day shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself.

(b) The Chief Registrar shall, immediately after the specified day forward to the Commission with his comments or recommendation any such statement as the officer may have furnished or report to the Commission the fact that the accused officer has failed to furnish an exculpatory statement.

(c) After receiving the report or statement together with the comments and recommendations referred to in sub-paragraph (b) of this paragraph, the Commission may—

(i) decide the issue depending on the clarity of the facts disclosed ;

(ii) seek further clarifications of any doubtful points or call on the officer to submit fresh representations through the Chief Registrar who shall add his own comments and recommendation as to punishment, if any, to be awarded ;

(iii) appoint a Committee comprising such persons as it shall specify, being not less than three in number, to hold an inquiry into the matter provided that the Chief Registrar shall not be a member of the Committee.

(d) In the event of a Committee being appointed as stated in sub-paragraph (c) (iii) of this paragraph—

(i) the committee shall inform the accused officer that on a specified day the charge against him will be investigated by them and that he will be allowed or, if the Committee shall so determine, will be required, to appear before them to defend himself ;

(ii) If witnesses are examined by the Committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to such witnesses ; he may also call witnesses in his own defence and such witnesses may be examined by the Committee ;

(iii) The Committee shall permit the Chief Registrar or the accused officer to be represented by an officer or a legal practitioner.

(iv) If, during the course of the inquiry, new allegations are made, the Committee shall inform the Commission and, if the Commission thinks it fit to proceed against the accused officer upon such new allegations, the same procedure shall be followed by the Chief Registrar in dealing with the fresh allegations as was adopted in the original statement.

(v) The Committee, having inquired into the matter, shall forward its reports thereon to the Commission, accompanied by the record of the allegations, the evidence led, the defence given, and other proceedings relevant to the inquiry, and its findings on the allegations, and the Commission may send a copy of the report to the Chief Registrar for his comments.

(vi) The Commission, after consideration of the report of the Committee, may if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the Committee for further investigation and report, or may itself hear evidence by summoning the parties and/or witnesses involved before the Committee, or examining any documentary evidence.

(vii) The Commission after considering the report and any further evidence before it shall then decide on the guilt or responsibility of the officer on the allegations made against him and if the officer is not exonerated shall decide on the punishment to be inflicted. The decision on each allegation made against the accused officer (but not the reasons for the decision) shall be communicated to him.

Removal for general inefficiency arising from proceedings instituted for dismissal.

Documentary evidence and supplying of copies of evidence.

Procedure for lesser punishment than dismissal of officer.

45. On completion of proceedings instituted for the dismissal of an officer, the Commission may, if of opinion that the officer does not deserve to be dismissed but that the proceedings disclosed grounds for removing him on account of general inefficiency in the performance of his duties, terminate his appointment.

46.—(1) No documentary evidence shall be used at or for the purpose of an inquiry under regulation 44 without the accused officer having first had, a reasonable time beforehand, an opportunity to receive a copy thereof, for which copy no charge shall be made, or an opportunity of access thereto.

(2) After an inquiry has been closed, the accused officer may be given a copy of the record of the evidence led (including copies of documents tendered in evidence) on payment of such amount as the Commission may specify, regard being had to the labour and cost of producing such document.

47. Where the Chief Justice or the President or the Chief Judge as the case may be considers it necessary to institute disciplinary proceedings against an officer and is of the opinion that the misconduct alleged against the officer is not such as would, if proved, justify the officer's dismissal from the service, the following provisions shall apply :—

(a) The Chief Registrar shall, on the direction of the Chief Justice or the President or the Chief Judge, as the case may be, report the case together with a statement of his opinion and the reasons for it to the Commission.

(b) If the Commission agrees with the opinion of the Chief Registrar the Commission may—

(i) decide the issue ;

(ii) direct the Chief Registrar to cause an investigation to be made into the matter by an officer holding powers of inquiry in such manner as it shall think fit ; or

(iii) if it considers the circumstances to have been sufficiently established by other proceedings under these Regulations or otherwise, direct the Chief Registrar to call upon the officer to submit representations as to why he should not be punished :

Provided that in each case the accused officer shall be entitled to know the whole case against him and shall have an adequate opportunity of making his defence.

(c) The Chief Registrar shall forward to the Commission the report of any such investigation, and any representations submitted by the accused officer, together with the Chief Registrar's recommendations as to the punishment, if any, other than dismissal, which he considers should be inflicted upon the accused officer.

(d) The Commission shall decide on the guilt or responsibility of the accused officer on the allegations made against him and also on the punishment if any. The decision on each allegations (but not the reasons for the decision) shall be communicated to him.

48.—(1) The Commission may by direction in writing confer on any public officer power to hold disciplinary inquiries and investigations under these Regulations either generally or in any particular case and to report thereon to the Commission.

Commission may confer power of inquiry and investigation on officers.

(2) Such power of inquiry shall not include any power to reach final decision or award punishment.

49. Before recommendation to the Commission that an officer should be removed from the public service or otherwise dealt with on grounds of inefficiency, the Chief Registrar shall prepare a statement as to the officer's general standard of efficiency and shall afford him an opportunity of considering the statement and showing cause why he should not be removed from the public service or otherwise dealt with on grounds of inefficiency :

Procedure
for
removal for
inefficiency.

Provided that nothing in this paragraph shall prevent the Commission from ordering the removal from the Judicial Service, on grounds of inefficiency, of an officer who has been confirmed in a pensionable office where the Commission is of opinion upon the completion of proceedings instituted for the dismissal of the officer that the officer does not deserve to be dismissed but that the proceedings disclose ground for removing him on account of inefficiency, in which event it shall not be necessary to comply with the main provisions of this regulation.

50.—(1) If the Chief Registrar is of the opinion that there are grounds upon which the grant of an annual increment to an officer should be deferred or withheld, the Chief Registrar shall on the direction of the Chief Justice or the President or the Chief Judge as the case may be, report the case with his recommendation to the Commission.

Deferring or
with-
holding of
increments.

(2) Where an increment has been deferred the Chief Registrar shall, upon the expiration of the period fixed for determination, make a report to the Commission with his recommendation as to whether the increment should be granted, further deferred (if permissible) or withheld.

PART VII—PETITIONS

51.—(2) An officer or a person who was formerly an officer may, subject to the other paragraphs of this regulation, petition the Commission on a matter concerning the exercise of a power vested in the Commission by the Constitution or these Regulations.

When peti-
tions may
be address-
ed to the
Commission.

(2) Before petitioning the Commission an officer or a person who was formerly an officer shall make representations to the Chief Registrar (in the case of an officer through the usual departmental channels) and an officer or a person who was formerly an officer shall petition the Commission only if he fails to obtain satisfaction as a result of such representations, which failure he shall record in his petition.

52. A petition to the Commission shall, if written by a person who is still an officer, be submitted through the usual departmental channels and the Chief Registrar, and each officer through whose hands it passes in the course of such submission shall furnish to his superior such comments on it, and on the comments furnished by his subordinates, as he thinks necessary, and the Chief Registrar shall, when submitting it, furnish comments on it to the Commission.

Routing of
and com-
ments on
petitions to
the Com-
mission.

53.—(1) A petitioner who is still an officer shall submit to his immediate superior the original of his petition and such number of copies as will in addition provide a copy for each officer through whose hands it must pass in accordance with regulation 52.

Submission
of original
and copies.

(2) The Chief Registrar shall send the original of the petition to the Commission.

Form of
petitions.

54.—(1) A petition shall conclude by stating the nature of the redress sought, and a petition which exceeds two pages in length shall also include a summary of the reasons adduced in support of the redress sought.

(2) A petition submitted by the petitioner shall bear his signature.

(3) The Commission may, if it thinks fit, decline to enter into correspondence on a petition concerning an officer with any person other than that officer or the legal practitioner representing him.

Action
where
petitions
do not
comply with
Regulations.

55.—(1) Petitions submitted otherwise than in accordance with the provisions of this Part of these Regulations may be returned to the petitioner or writer and his attention drawn to the points in regard to which the petition has not complied with any of those provisions.

(2) A copy of a petition sent to the Commission or any officer in advance of the original of the petition submitted in accordance with regulation 52 or a petition which—

(a) without introducing new matter of relevance, deals with the subject of a previous petition on which a decision has been given ;

(b) repeats the substance of a previous petition without introducing new matter of relevance ;

(c) is telegraphed ; or

(d) is anonymous, bears a fictitious signature, is couched in abusive or improper language or is illegible or meaningless, may be ignored :

Provided that nothing in this paragraph or this Part of these Regulations shall be construed as prohibiting a petitioner from addressing direct to the Commission, the Chief Registrar or any other officer through whom he is required under regulation 52 to submit a petition an inquiry after a reasonable time asking only whether his petition has been received by the authority to whom such inquiry is addressed.

Decision on
petition.

56. The Commission shall consider any petition sent to it and take such decision as it considers appropriate.

PART VIII—ANNUAL PERFORMANCE EVALUATION REPORTS; CERTIFICATE OF SERVICE

Commission
may require
reports to
be rendered.

57. The Commission may require performance evaluation reports to be rendered on officers, and the submission and custody of such reports shall comply with the provisions of these Regulations and any instructions in that behalf that may be issued by or with the approval of the Commission.

Performance
Evaluation
Reports.

58.—(1) Performance Evaluation Reports shall be rendered to the Commission by the Chief Registrar on every officer who is—

(a) on probation ;

(b) on contract and has served for less than two years ;

(c) a re-engaged pensioner on contract ;

(d) appointed to act in a higher post with a view specifically to his eventual promotion thereto if he proves suitable.

(2) Performance Evaluation Reports shall be rendered on officers in such forms as the Commission may prescribe. Any such report in which a recommendation is made that an officer on probation should be confirmed or that an officer appointed to act in a higher post with a view specifically to his eventual promotion thereto if he proves suitable should be promoted shall include as full as assessment as possible of his achievements and future potentiality. Any final report required by paragraph (3) of this regulation shall include a definite recommendation as to the officer's confirmation, further engagement, or promotion.

(3) A separate Performance Evaluation Report shall be rendered on an officer to whom sub-paragraphs (a) to (c) of paragraph (1) of this regulation apply not later than six weeks after the end of the period to which it relates, in respect of each of his first three periods of six months' service including leave and a final report shall be rendered not later than two months before the officer's probationary period or second year of re-engagement is due to expire or not later than four months before his second year of contract service is due to expire, and a separate Performance Evaluation Report shall be rendered on an officer to whom sub-paragraph (d) of paragraph (1) of this regulation applies at the same time as any recommendation is made to the Commission in pursuance of sub-paragraph (a) of paragraph (4) of regulation 29 :

Provided that—

(i) Where an officer's probationary period has been reduced to less than two years or where a contract officer is appointed for a shorter period than two years, the number of reports to be rendered on periods of six months' service shall be correspondingly reduced and references to a final report shall be construed accordingly, so that in any case a final report shall be rendered not later than two months before a probationary period or four months before a period of contract service is to expire ;

(ii) Where an officer's probationary period has been extended beyond two years, a separate report, to be known as an Additional Performance Evaluation Report, shall be rendered, not later than six weeks after the end of the period to which it relates, on each period of six months' service under such extension.

59.—(1) Annual Performance Evaluation Reports shall be rendered on every officer who—

(a) holds an office to which this Part of these Regulations applies ; and

(b) is not an officer in respect of whom paragraph (1) of regulation 58 requires a Performance Evaluation Report to be rendered or an officer holding a temporary appointment : Provided that it shall not be necessary to render an Annual Performance Evaluation Report in respect of an officer on whom a Performance Evaluation Report has been rendered less than four months before the end of the period for which an Annual Performance Evaluation Report would have been required.

Annual
Performance
Evaluation
Reports.

(2) Annual Performance Evaluation Reports on officers shall be rendered to the Commission by the Chief Registrar and in such form as the Commission may prescribe.

(3) The procedure for the rendering of Annual Performance Evaluation Reports on officers shall be as follows :

(a) An Annual Performance Evaluation Report shall be rendered in respect of each period of twelve months ending on the 31st December,

or subject to the provision to paragraph (1) of this regulation, any part of that period during which an officer has held an office in respect of which paragraph (1) of this regulation requires that an Annual Performance Evaluation Report shall be rendered on him to the Commission.

(b) In the first week of January each year, or earlier if he will then be on leave or if the Chief Registrar requires him to take earlier action, every officer on whom an Annual Performance Evaluation Report is required by this regulation shall complete, sign and date the part he is required to complete of the prescribed number of copies of prescribed form and, if he is the Chief Registrar, shall deliver the copies to the Chief Justice or the President or the Chief Judge as the case may be or, if he is not, shall deliver them to the officer to whom he is immediately responsible. An officer required by regulation 61 to write a report may require other officers to provide written material for a report on the officer on whom the report is required. The prescribed number of copies of the report duly completed as required by regulation 61 shall be delivered to the Commission not later than the 1st January following the period in respect of which the report is rendered.

Special and
Supplementary
Reports.

60. Special Performance Evaluation Reports and Supplementary Performance Evaluation Reports shall be rendered on any officer at any time at the request of the Commission or of the Chief Registrar and shall have such title and be in such forms as the Commission may prescribe.

By whom
reports to
Commission
to be
written.

61 (1).—Performance Evaluation Reports rendered to the Commission shall be written by the immediate supervisor of the officer reported upon and (except in the case of the Chief Registrar) by the Chief Registrar.

(2) Where the holder of an office charged with responsibility for writing a Performance Evaluation Report knows that he will be temporarily absent from such office at the time a report is due to be written, he shall write the report and submit it as these Regulations may require before he leaves his office.

(3) Where posting to an office the substantive holder of which is charged with responsibility for writing a Performance Evaluation Report would result in an officer assuming responsibility within the last one-third of the period to which the report is to relate for writing a report on another officer of whom he has had no official knowledge immediately prior to his own posting, the officer vacating the office shall write the report before he leaves and shall deliver it to the officer who succeeds him, and the latter officer shall submit the report when it becomes due with such signed alterations, if any, as he shall think fit.

(4) Where the posting of an officer would result in another officer assuming, after the beginning of the period to which the report is to relate, responsibility for writing upon such officer as is first mentioned, and neither paragraph (2) nor paragraph (3) of these Regulations applies, any other officer under whom the officer to be reported on served for one-third or more of the period, and who would have been responsible for writing the report had the officer to be reported on continued to serve under him shall, at the request of the officer assuming responsibility, provide that officer with written material for a report on the officer to be reported on (in which case the fact that such comments have been taken into account shall be recorded in the report) or shall, if so requested by the Chief Registrar, write the report.

(5) Where an officer assumes responsibility within the last one-third of the period to which the report is to relate for writing a report on another officer of whom he has had no official knowledge immediately prior to his own posting, the officer vacating the office shall write the report before he leaves and shall deliver it to the officer who succeeds him, and the latter officer shall submit the report when it becomes due with such signed alterations, if any, as he shall think fit.

(6) Where it is impossible to comply with paragraph (1) or (2) of this regulation and compliance with paragraphs (3), (4) or (5) of this regulation would be inappropriate, the Chief Registrar shall after consultation with the Chief Justice or the President or the Chief Judge as the case may be, make what appears to him to be the most suitable arrangement possible for the writing of a report and the circumstances shall be explained in the report.

62. Where an officer has, during a period or part of a period in respect of which a Performance Evaluation Report is to be rendered, been absent from his office for the purpose of training, the Chief Registrar may obtain such reports from the authorities in charge of such training as may facilitate the writing of a Performance Evaluation Report in compliance as nearly as possible with these Regulations.

Reports on officers on training courses.

63. Every Performance Evaluation Report (including any endorsement or alteration in or addition to a report) shall be dated and shall be signed in full by the reporting officer who shall append his rank or acting rank below his signature.

Reports to be dated and signed.

64. The Performance Evaluation Report on an officer's work and conduct shall be signed by him to indicate that he has seen it. He may make in the prescribed manner such comments on the report as he thinks fit and such comments shall be discussed with him by the Reporting Officer and/or the Chief Registrar as the case may be.

Communication of Reports to officers; comments by and discussion with officer.

65.—(1) An officer who is writing, has written, or has custody of a Performance Evaluation Report, or to whom a report is delivered, or into whose possession a report comes in any manner whatsoever, shall ensure that it is seen or retained only by the authority to which it is rendered in accordance with these Regulations, or by an officer authorised by the Chief Registrar acting in accordance with paragraph (3) of this regulation, to see or retain it as the case may be.

Custody and transmission of Reports and retention of copies.

(2) An officer sending a Performance Evaluation Report to the Commission or to another officer shall cover, address and transmit it in such a manner as shall ensure that it is not seen by any person who has not been authorised to see it by the Commission or by the officer to whom it is addressed.

(3) No copy of a Performance Evaluation Report shall be retained by a reporting officer :

Provided that the Chief Registrar may retain one copy of any report rendered to the Commission on an officer on condition that he arranges for the custody under his personal supervision of such reports in such manner as shall ensure compliance with paragraph (1) of this regulation.

Official
testimonials.

66. The Chief Registrar may, subject to the Commission's approval of the terms of any testimonial relating to an officer, issue official testimonials to prospective employers of officers or former officers at the request of such prospective employers but shall issue to an officer or a former officer himself only the Certificate of Service under regulation 67.

Certificates
of Service.

67. An officer shall, if he so requests, be furnished with a Certificate of Service on the prescribed form on leaving the judicial service.

PART IX—APPOINTMENT, REMOVAL AND DISCIPLINE OF JUDICIAL OFFICERS

Advice on
nomination
for appoint-
ment as
Justice of
the
Supreme
Court, etc.

68.—(1) Whenever a vacancy occurs or is about to occur—

(a) in the office of Justice of the Supreme Court or President of the Federal Court of Appeal and it is intended to advise the President in nominating a person for appointment to the office ; or

(b) in the office of Justice of the Federal Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, or Chairman or Member of the Code of Conduct Tribunal and it is intended to recommend to the President of the Federal Republic of Nigeria the appointment of a person to the office ; the Chief Justice or the President or the Chief Judge as the case may be, or, in the case of appointments to the Code of Conduct Tribunal, the Commission's Chairman shall, after secure enquiry as he may deem necessary, prepare a list of persons suitable for nomination for appointment or for appointment as the case may be and submit the same to the Commission for consideration.

(2) The list shall be accompanied by—

(a) the *curriculum vitae* of each person on the list ; and

(b) any written comments obtained about any of them.

(3) The Commission, after considering these documents and any other information available to it, or which it may require, shall take a decision.

(4) Where the Commission decides to advise the President of the Federal Republic of Nigeria to nominate any of the persons on the list for appointment as a Justice of the Supreme Court or President of the Federal Court of Appeal, or to recommend to him the appointment of any of the persons as a Justice of the Federal Court of Appeal or Chief Judge or Judge of the Federal High Court or as Chairman or member of the Code of Conduct Tribunal as the case may be, the Chairman shall communicate such decision to the President of the Federal Republic of Nigeria.

(5) In the exercise of its powers under this regulation, the Commission shall have regard, among other things, to the candidate's experience, knowledge of the law, mental capacity and temperament, comportment and behaviour, integrity, sense of responsibility, the type of association kept and the respect which he commands in the community.

69.—(1) Whenever the Chief Justice or the President or the Chief Judge as the case may be is of the opinion that disciplinary proceedings ought to be instituted against a judicial officer (other than the Chief Justice of Nigeria) with a view to the Commission making a recommendation to the President of the Federal Republic of Nigeria for his removal from office in accordance with the provisions of section 256 (1) (b) of the Constitution, or with a view to the Commission imposing some other disciplinary measure on him for misconduct or breach of the Code of Conduct, the following provisions shall apply ;

Removal
and disci-
pline of
judicial
officers.

(a) The Chief Justice or the President or the Chief Judge as the case may be, shall send to the Judicial Officer concerned, a brief statement of the facts on which the allegation against him is based and shall call on him for his defence within a reasonable period.

(b) The Chief Justice or the President or the Chief Judge as the case may be shall, after the specified period, report to the Commission and forward any statement made by the Judicial Officer together with the Chief Justice's or the President's or the Chief Judge's letter as the case may be, inviting the Judicial Officer to furnish a defence.

(c) If the Judicial Officer fails to furnish a defence within the specified period, the Chief Justice or the President or the Chief Judge as the case may be, shall so report.

(d) After receiving the report of the Chief Justice or the President or the Chief Judge as the case may be the Commission may seek further clarification or call on the Judicial Officer to submit fresh or further representations and then decide the issue on the facts disclosed.

(2) A recommendation shall not be made to the President of the Federal Republic of Nigeria for the removal of a Judicial Officer from office unless the Commission is satisfied after due enquiry that the Judicial Officer is unable to discharge the functions of his office or appointment (whether arising from infirmity of mind or body) or that he is guilty of misconduct or contravention of the Code of Conduct.

(3) Misconduct for which disciplinary action may be instituted includes such misconduct or misbehaviour which in the opinion of the Commission is incompatible with a Judicial Office or unbecoming of the holder of such office.

PART X—MISCELLANEOUS

70. When, in respect of any matter to which these Regulations relate, action was initiated before the commencement of these Regulations, such further action as may be required under the provisions of these Regulations shall be taken under and in accordance with the provisions of these Regulations.

Matters
initiated
before the
commence-
ment of
these Re-
gulations.

71. Any case in which provision is not made for an appropriate procedure by these Regulations shall be reported to the Commission which may give such directions in such manner as it may deem necessary.

Procedure
for dealing
with cases
not pro-
vided for by
these Re-
gulations.

Penalty for
making false
statement,
etc.

72 Any person who obtains appointment under or in pursuance of these Regulations by making a false statement, tendering false documents or concealing any material fact which, if disclosed, would militate against his being offered the appointment may be liable to dismissal notwithstanding anything contained in the provisions of these Regulations.

MADE by the Commission at Lagos this 10th day of September, 1980.

A. FATAYI WILLIAMS
Chairman,
Federal Judicial Service Commission

APPROVED by me this 8th day of January, 1981.

SHEHU SHAGARI,
President of the Federal
Republic of Nigeria