



**KADUNA STATE
CUSTOMARY COURTS AND UPPER
CUSTOMARY COURTS**

**PRACTICE DIRECTIONS
2014**

**IN THE CUSTOMARY COURT OF APPEAL KADUNA STATE
PRACTICE DIRECTIONS 2014**

In exercise of the powers conferred upon me by Section 284 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 50 of the Customary Court of Appeal Law of Kaduna State 2001 (as amended) and Section 72 of the Customary Courts Law of Kaduna State 2001 (as amended) and by virtue of all other powers enabling me in that behalf, I, Danlami Garba, President, Customary Court of Appeal, Kaduna State, hereby make the following Practice Directions, 2014

1. COMPILATION OF RECORD OF APPEAL

- 1.(1) Notwithstanding anything to the contrary in Order 14 Rule 4 of the Customary Courts and Upper Customary Courts Rules, 2013 where a notice of appeal, whether verbal or written has been given, the Registrar shall forthwith transmit the case file of that case and the record of proceedings to the Registry of the Customary Court of Appeal.
- (2) The Registrar of the Customary Court of Appeal, shall inform the appellant of the transmission of the notice of appeal and record of proceedings to the Customary Court of Appeal.
- (3) The appellant shall then pay such amount as the Customary Court of Appeal Registry considers adequate to cover the cost of the requisite number of certified copies of the proceedings and the judgment.
- (4) Where the appellant has complied with the above mentioned provisions, Order 14 Rule 4 of the Customary Courts Rules, 2013 shall apply if necessary.
- (5) The Registrar of the Court shall collect the compiled records of appeal at the Customary Court of Appeal for certification and return same to the Registrar of the Customary Court of Appeal for service on all the parties in the appeal.

2. TRANSFER OF CAUSES OR MATTERS FROM CUSTOMARY COURTS AND UPPER CUSTOMARY COURTS

- (1) Subject to the provisions of Order 6 Rule 1 of the Customary Courts and Upper Customary Courts, 2013, where an applicant has made a written application for transfer to the Hon. President as provided in Order 6 Rule 1 of the Customary Courts and Upper Customary Courts, he shall serve a copy of the application on the opposing party and if the transfer is granted, a copy of the transfer letter shall be served on the opposing party also.
- (2) Proof of service of the application for transfer shall be by depositing an endorsed copy at the office of the Deputy Chief Registrar of the Customary Court of Appeal Kaduna State.
- (3) The matter so transferred shall be tried as provided in Order 6 Rule 2 of the Customary Courts and Upper Customary Courts Rules, 2013.

3. ADJOURNMENTS

- (1) Subject to Order 11 Rule 13 (1) (2) and (3) of the Customary Courts and Upper Customary Courts Rules, 2013, a Court shall grant adjournments in all causes and matters without prejudice to the need to conduct speedy trials.
- (2) A court may adjourn a matter from day to day, but where it becomes absolutely impossible to do so, no adjournment shall exceed fourteen (14) days.
- (3) Customary Courts and Upper Customary Courts shall not countenance applications for adjournments solely on the grounds that a Counsel representing a party is appearing before a higher Court or holding brief or traveled or for such similar reasons provided that the

matter was previously adjourned in the presence and with the consent of that Counsel.

- (4) Where a Court considers however, that there are absolutely compelling reasons for a Court to adjourn a matter on the grounds that a Counsel is appearing before a higher Court or holding brief or traveled, the matter shall be adjourned to the next sitting day of the court, or such reasonably short period as possible.
- (5) Where a party or Counsel in any cause or matter applies for adjournment on health ground, the Court may grant such application if it is satisfied of the existence of the fact of the ill health provided that the cumulative adjournments for any reason shall not exceed two adjournments.

4. TIME STANDARD

The following time standards (i.e. maximum length of time to dispose of a case) shall be observed by Customary Courts in the determination of causes and matters.

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|-----|--------------------------------|---|----------|
| (a) | Matrimonial causes and matters | - | 3 months |
| (b) | Land causes and matters | - | 6 months |
| (c) | Criminal causes and matters | - | 4 months |
| (d) | Monetary claims | - | 3 months |
| (e) | Inheritance causes and matters | - | 4 months |

5. INSPECTION OF CUSTOMARY COURTS

- (1) In consonance with its supervisory jurisdiction, the Customary Court of Appeal shall inspect every Customary Court at least once every quarter except as otherwise directed by the President of the Customary Court of Appeal with respect to any particular Court.
- (2) The detailed inspection procedures, shall be as provided by the Honourable President of Customary Court of Appeal without prejudice to Section 45 (1) (2) of

Customary Courts Law of Kaduna State 2001 as amended.

- (3) Every Registrar of a Customary Court and Upper Customary Court shall submit a completed Monthly Case Log Sheet and Quarterly Court Information Form to the Hon President of Customary Court of Appeal not later than the 5th day of every succeeding month.

6. SITTING DAYS

Subject to Section 11 of the Customary Courts and Upper Customary Courts Law of Kaduna State 2001 as amended, a Court shall hold sessions or shall sit at such times and in such places as may be necessary for the convenient or speedy dispatch of its business, provided that the cumulative sitting days of every Customary Court shall not be less than four (4) sittings days in a week.

- (1). A Judge shall comply strictly with the provisions of Section 12 of the Customary Courts and Upper Customary Courts Law on quorum, except in criminal cases.

- (2) The Court shall sit at 9:00 am prompt

7. CITATION AND COMMENCEMENT

These Practice Directions shall be cited as Kaduna State Customary Courts and Upper Customary Courts Practice Directions, 2014 and shall come into effect on 1st APRIL, 2014

Dated at the Customary Court of Appeal Kaduna this 1st day of April, 2014.



Hon. Justice Danlami Garba
President, Customary Court of Appeal,
Kaduna State