

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

---

No. 61

Lagos - 17th January, 2011

Vol. 98

---

*Government Notice No. 152*

The following is published as Supplement to this *Gazette* :

<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
12	Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Act, 2010 .. .. .	A 179-196

---

Printed and Published by The Federal Government Printer, Lagos, Nigeria  
FGP 109/82011/500 (OL 57)

Annual Subscription from 1st January, 2011 is Local : N15,000.00 Overseas : N21,500.00 [Surface Mail] N24,500.00 [Second Class Air Mail]. Present issue N1,500.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

**FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS  
(REPEAL AND ENACTMENT) ACT, 2010**



ARRANGEMENT OF SECTIONS

SECTION :

PART I—ESTABLISHMENT AND CONSTITUTION OF THE AREA COURTS

1. Establishment of Area Courts.
2. Constitution and membership of Area Courts.
3. Discipline of members of Area Courts.
4. Sessions.
5. Indemnity of members of Area Courts.

PART II—STAFF OF AREA COURTS

6. Staff of the Court.
7. Delegation of Duties.
8. Bailiffs and messengers.
9. Indemnity of staff of Area Courts.

PART III—JURISDICTION OF AREA COURTS

10. institution of proceedings in Area Courts.
11. Inquiry by High Court whether person is subject to jurisdiction of Area Courts.
12. Persons subject to jurisdiction of Area Courts.
13. Civil jurisdiction.
14. Place of hearing.
15. Law to be administered in civil cases and matters.
16. Guardianship of children.

PART IV—PRACTICE AND PROCEDURE IN AREA COURTS

17. Practice and procedure generally.
18. Jurisdiction of Area Court not required to be shown on the record.
19. Appearance and representation of parties.
20. Proceedings to be in open court.

PART V—TRANSFER BY AREA COURTS

21. Power to transfer by Area Court.
22. Remission of case to lower grade Area Court.

Part VI—ANCILLARY POWERS OF AREA COURTS

23. Power to summon witnesses.
24. Person present may be required to give evidence.
25. Evidence of person within jurisdiction.
26. Execution of judgments.
27. Execution of orders of other courts.
28. Power to grant interim injunction or impound property.
29. Power to appoint receiver and manager.
30. Inspection.

PART VII—CONTROL OF AREA COURTS

31. General supervision of Area Courts.
32. Appointment and functions of Chief Inspector of Area Court.
33. Appointment of inspectors.
34. Reports of cases tried.
35. Inspector's right of cases to Area Courts.
36. Supervisory powers of inspectors.
37. Effect of order to transfer.
38. Review by Appeal Court on report of inspector.
39. Special plea in bar not admissible on hearing.
40. Power of inspector not exercisable where appeal instituted.

PART VIII—APPEAL

41. Appeals from Area Courts.
42. Restriction on right of appeal.
43. Appeals out of time.
44. Powers of appellate court in civil matters.
45. Powers of courts or appeal to inspect records.
46. Substantial justice to be done without undue regard to technicalities.

PART IX—OFFENCES

47. Adjudication without authority.
48. Jurisdiction of courts under Part IX.

PART X—RULES OF COURT

49. Power to make rules.

PART XI—MISCELLANEOUS

50. Saving and Transition provision.
51. Interpretation.
52. Repeal of Cap. 477, Laws of the Federal Capital Territory Abuja, 2006.
53. Citation.

FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS  
(REPEAL AND ENACTMENT) ACT, 2010

ACT No. 12

AN ACT TO REPEAL THE AREA COURTS ACT CAP. 477, LAWS OF THE FEDERAL CAPITAL TERRITORY ABUJA, 2006 AND ENACT THE FEDERAL CAPITAL TERRITORY AREA COURTS AND ; FOR RELATED MATTERS.

[14th Day of January, 2011]

Commence-  
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT AND CONSTITUTION OF AREA COURTS

1.—(1) There is established such grade of Area Courts for the Federal Capital Territory, Abuja.

Establishment  
of Area  
Courts.

(2) An Area Court shall exercise the jurisdiction conferred upon it by or under this Act within the area and to the extent specified.

(3) The Grand Kadi, in consultation with the Chief Judge, shall assign to each Area Court established in pursuance of this section such name as he may deem fit and shall issue a warrant under his hand in respect of such court.

(4) Except otherwise stated, a warrant issued under this section shall come to force on the day of publication in the Official Gazette.

(5) The Grand Kadi, in consultation with the Chief Judge, may at any time suspend, cancel or vary any warrant establishing an Area Court or specifying the area within which, or the extent to which, the powers of an Area Court may be exercised.

(6) The Grand Kadi shall cause the jurisdiction of each Area Court to be published from time to time in the Official Gazette.

2.—(1) An Area Court shall consist of an Area Court Judge sitting alone.

Constitution  
and  
membership  
of Area  
Courts.

(2) An Area Court shall hear and determine all questions on Islamic Personal Law.

(3) Every Judge of an Area Court shall be an officer in the Public Service.

3.—(1) Subject to the provisions of any written law, the Judicial Service Committee shall appoint and exercise disciplinary power on an Area Court Judge—

Discipline of  
members of  
Area Courts.

(a) who appears to have abused his power or to be incapable of exercising the same justly ; and

(b) for other sufficient reason.

(2) The appointment and discipline of an Area Court Judge shall be in accordance with the rules and regulations applicable to Area Court Judges.

Sessions.

4.—(1) Subject to the provisions of any written law, an Area Court shall hold sessions at such times and places as may be necessary for the convenient and speedy dispatch of the business of the court.

(2) The Grand Kadi may direct that sessions shall be held at times and places he deems fit.

Indemnity of members of Area Courts.

5. An Area Court Judge shall not be personally liable for any act done by him or ordered by him to be done in the discharge of his judicial duty, whether or not within the limits of his jurisdiction : Provided that he, at the time in good faith, believed himself to have jurisdiction to do or order to be done the act in question.

## PART II — STAFF OF AREA COURTS

Staff of the Court.

6.—(1) Staff of Area Courts shall be officers in the Public Service of the Federation.

(2) There shall be appointed a Registrar or Clerk and such other staff as may be required by an Area Court.

(3) The duties of the Registrar or Clerk shall include—

(a) prepare warrants and writs ;

(b) register orders and judgments ;

(c) keep records of moneys received or paid by the court ; and

(d) perform such duties in the execution of the powers and authorities of the court as may be assigned to him by the rules or special order of the court.

Delegation of Duties.

7. A Registrar or Clerk may, with the consent of the Area Court Judge, delegate any of the duties assigned to him to any other servant of the court, and in every such case, such servant shall be governed in respect of his duties by the orders and directions of the Registrar or Clerk.

Bailiffs and Messengers.

8.—(1) Such bailiffs or messengers as may be required shall be appointed to every Area Court.

(2) A person appointed under subsection (1) of this section shall—

(a) effect the service and execution of all writs and other process which he may receive from the Area Court to which he is attached ;

(b) make all necessary returns in relation to such writs and processes;

(c) carry out other duties as may be prescribed by rules made under this Act ; and

(d) at all times when he is not engaged in duties which necessitate his absence from the Area Court, attend the Area Court and obey all the lawful directions of the Court.

(3) An Area Court may authorize a police officer to perform all or any of the duties mentioned in sub-section (2) of this section in so far as they relate to the criminal jurisdiction of the court and any police officer who is in possession of any criminal process shall be presumed to be authorized to execute such process unless the contrary is proved.

(4) Subject to the provisions of sub-section (3) of this section, no person other than a duly appointed bailiff or messenger shall carry out, purport or attempt to carry out any of the duties mentioned in sub-section (2) of this section.

9. No member of the staff of any Area Court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Act is liable to be sued in any court for the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

Indemnity of Staff of Area Courts.

### PART III—JURISDICTION OF AREA COURT

10.—(1) Subject to the provisions of this Act and of any other written law, any person may institute and prosecute any cause or matter in an Area Court.

Institution of proceedings in Area Courts.

(2) A person who institutes or prosecutes any cause or matter in an Area Court under sub-section (1) of this section shall, in that cause or matter be subject to the jurisdiction of that Area Court and of any other court exercising jurisdiction in that cause or matter.

11.—(1) Subject to the provisions of this Act and of any other written law, the following persons shall be subject to the jurisdiction of Area Court—

Persons subject to jurisdiction of Area Courts.

(a) any person who is a Muslim ;

(b) any other person in a cause or matter who consents to the exercise of the jurisdiction of the Area Court.

12.—(1) Where at any stage of the proceedings before final judgment in any cause or matter in an Area Court a person alleges that he is not subject to the jurisdiction of Area Court, the proceedings shall, on the application of that person to the High Court be transferred to the High Court, which shall inquire into and determine the truth of the person's allegation.

Inquiry by High Court whether person is subject to jurisdiction of Area Courts.

(2) Upon such determination as mentioned in subsection (1), the High Court shall make such order for the trial of the proceedings in the High Court, Magistrate Court, District Court, Area Court or Customary Court as the circumstances of the case may seem just.

(3) The applicant shall give notice to the Area Court of the application made by him under sub-section (1) of this section and the application shall operate as a stay of the proceedings in the Area Court until the High Court has made an order under sub-section (2) of this section.

Civil  
jurisdiction.

13. An Area Court shall have jurisdiction and power to the extent set out in the warrant establishing it, and subject to the provisions of this Act and of the Civil Procedure Code, in all civil causes in which all the parties are subject to the jurisdiction of the Area Court.

Place of  
hearing.

14. All civil causes or matters shall be tried and determined by an Area Court which has jurisdiction over the area—

- (a) in which the defendant is ordinarily resident ;
- (b) in which the defendant was at the time when the cause of action arose ; or
- (c) where the transaction occurred.

Law to be  
administered  
in civil cases  
and matters.

15. Subject to the provisions of this Act, an Area Court shall, in civil cases and matters, administer Islamic Law of the Maliki School of jurisprudence.

Guardianship  
of children.

16.—(1) In any matter relating to the guardianship of children, the interest and welfare of the child shall be the first and paramount consideration.

(2) Whenever it appears to an Area Court that an order made by the court, should, in the interest of a child, be reviewed, the court may of its own motion or upon the application of any interested person, vary or discharge the order.

#### PART IV—PRACTICE AND PROCEDURE IN AREA COURTS

Practice and  
procedure  
generally.

17. Subject to the provisions of this Act and of any other written law and any rule which may be made under section 50 of this Act, the provisions of section 16 of this Act shall apply in the regulation of the practice and procedure of Area Courts in civil cases and matters.

Jurisdiction  
of Area  
Court not  
required to  
be shown on  
the record.

18.—(1) All proceedings in the Area Court shall be recorded by the Judge in English Language.

(2) An Area Court shall record the reasons for its decisions in every cause or matter.

(3) Where an Area Court has jurisdiction in or over any cause or matter or over the parties thereto it shall not be necessary for—

(a) such court to state on the face of the record of its proceedings in such cause or matter that the court has jurisdiction in or over such cause or matter or over the parties ; and

(b) the jurisdiction of such court in or over such cause or matter or over the parties thereto to appear on or from the face of the record of its proceedings in such cause or matter.

19.—(1) Legal practitioners shall have right of audience before an Area Court.

Appearance and representation of parties.

(2) An Area Court may permit—

(a) the husband, wife, brother, sister, son, daughter, guardian, servant, master or any inmate of the household of any party, who shall give satisfactory proof that he or she has authority in that behalf ; or

(b) a relative of a person administering the estate of a deceased person who was subject to the jurisdiction of an Area Court, to appear for any party before an Area Court.

(3) Subject to the provisions of sub-sections (1) and (2) of this section, in the case of a local authority or in any proceeding pending before an Area Court, a local authority may be represented in court at any stage of the proceedings by any member or officer of the local authority who shall satisfy the court that he is duly authorized in that behalf.

20.—(1) The room or place in which an Area Court sits to hear and determine any proceedings shall be an open and public court to which the members of the public shall have a right of access while they shall be of good behavior and to that extent to which the capacity of the court shall allow.

Proceedings to be in open court.

(2) Provision may be made by rules of court under section 50 of this Act for the exclusion of the public from any Area Court in cases—

(a) in which persons under the age of 17 years are involved ; or

(b) where the administration of justice would be rendered impracticable by the presence of the public.

#### PART V—TRANSFER BY AREA COURTS

21. An Area Court may order the transfer of any cause or matter either before hearing or at any stage of the proceedings before judgment is given to any other Area Court of competent jurisdiction and that other Area Court may take any course with regard to the cause or matter which it considers that justice requires.

Power of transfer by Area Court.



Remission  
of case to  
lower grade  
Area Court.

22. An Area Court may, of its own motion or upon the application of either party to a cause or matter, remit to a lower grade Area Court of competent jurisdiction which is within the territorial jurisdiction of that other lower grade Area Court, any cause or matter before it which, in its opinion, can, for purposes of convenience or otherwise, be more appropriately or expeditiously dealt with by such lower grade Area Court and upon such order being made the lower grade Area Court specified therein shall hear and determine the cause or matter, *de novo*.

#### PART VI—ANCILLARY POWERS OF AREA COURTS

Power to  
summon  
witnesses.

23. An Area Court shall have power, subject to any limitation that may be imposed by any law, to summon before it, for the purpose of giving evidence, any person.

Person  
present may  
be required  
to give  
evidence.

24. Any person present at an Area Court, whether a party or not to a cause or matter before the court, may be required by the court to give evidence as if he had been summoned to attend and give evidence.

Evidence of  
person not  
within  
jurisdiction.

25.—(1) If, in any cause or matter, an Area Court considers that the interest of justice requires that the evidence of a person not within the area jurisdiction of the Area Court should be obtained before any other court or any officer, the Area Court may make an application to a Sharia Court of Appeal requesting that the evidence of the person be taken before any other court or officer in the place in which that person is.

(2) Upon an application under sub-section (1) of this section, the Sharia Court of Appeal to which the application is made, may, in its discretion, make an order in respect of the taking of the evidence of the person as it deems fit.

Execution of  
judgments.

26. Any judgment or order given or made by an Area Court in a civil cause or matter may be enforced by seizure and sale of the property of the person against whom the judgment or order is made, or by such other method of enforcing judgments and orders as may be prescribed by rules made under section 50 of this Act.

Execution of  
orders of  
other courts.

27. An Area Court shall—

- (a) carry into execution any decree or order of all courts established by law which may be fully directed to them ;
- (b) execute all warrants and serve all process issued by the courts and directed to the Area Courts for execution or service ; and
- (c) generally give such assistance to any court as may be required.

28. In any cause or matter before an Area Court in which, pending final determination it is shown to the satisfaction of the Area Court that any property which is in dispute in the cause or matter is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with by any party to the cause or matter, the Area Court may issue an injunction to the party commanding him to refrain from doing the particular act complained of, or alternatively, may take and keep the property in custody pending the determination of the cause or matter.

Power to grant interim injunction or impound property.

29.—(1) An Area Court may, whenever it deems it necessary to do so for the preservation, proper custody or management of any property in dispute in a cause or matter, appoint any person as a receiver or manager to receive and take charge of the property and to deal with it in any manner as may be directed by the Area Court.

Power to appoint receiver and manager.

(2) Any person appointed as a receiver or manager under sub-section (1) of this section shall be responsible to the Area Court for all things done as receiver or manager, and shall account for or pay to the Area Court all moneys received in respect of any property referred to in sub-section (1) of this section.

(3) An Area Court may make an order as it deems fit in regard to the remuneration of any person appointed as receiver and manager and shall pay to the party entitled thereto all moneys in the custody of the Area Court in respect of any property referred to in sub-section (1) of this section.

30. In any cause or matter an Area Court, may on the application of either party or on its own motion—

Inspection.

(a) make such order as the court may deem fit for the inspection by the Area Court, the parties or any witness of any immovable or movable property the inspection of which may be material to the proper determination of the question in dispute ; and

(b) give any direction as the court may deem fit respecting the inspection.

#### PART VII—CONTROL OF AREA COURTS

31.—(1) Subject to the provisions of this Act and any other written law, all Area Courts shall be subject to the general supervision of the Sharia Court of Appeal.

General supervision of Area Courts.

(2) Without prejudice to the generality of sub-section (1) of this section, if it appears to the Sharia Court of Appeal that—

(a) it is necessary for the purpose of securing, as far as possible, a fair and impartial trial, or

(b) it is expedient in the interest of justice generally, that a particular cause or matter which is within the jurisdiction of an Area Court should

not be tried by that court having jurisdiction to do so, the Sharia Court of Appeal may order that such cause or matter be tried by such other Area Court which the order may direct.

(3) The powers of the Sharia Court of Appeal under this section may be exercised by it either on its own motion or on the application of any party to a cause or matter in an Area Court or upon report by an inspector of an Area Court.

Appointment and functions of Chief Inspector of Area Court.

32.—(1) The Judicial Service Committee shall appoint a Chief Inspector of Area Court.

(2) The functions of the Chief Inspector of Area Court shall include

(a) the advising of the Chief Registrar in respect of the Constitution of jurisdiction and membership of Area Courts ;

(b) subject to the general or special directions of the Chief Registrar, the organization, guidance and supervision of Area Courts ;

(c) the powers of an inspector under this Act ; and

(d) any other function as may, from time to time, be conferred upon him by the Chief Registrar.

Appointment of inspectors.

33. The Judicial Service Committee shall, for the purposes of this Act, appoint inspectors.

Reports of cases tried.

34. An inspector may require an Area Court to submit a report to him on any case tried in that court.

Inspector's right of access to Area Courts.

35. An inspector shall, at all times, have access to all Area Courts within the Federal Capital Territory, Abuja and to the records and proceedings of those courts.

Supervisory powers of inspectors.

36.—(1) An inspector shall have power, at any stage of the proceedings before final judgment, either of his own motion or on the application of any party to a cause or matter before an Area Court, by order, to stay the hearing of the cause or matter on terms as the inspector may consider just.

(2) Where an order under sub-section (1) of this section has been made, the inspector may, in his discretion, adopt one or any of the following courses—

(a) if the cause or matter appears to be within the jurisdiction of an Area Court other than that referred to in sub-section (1) of this section, he may, by the same or another order, direct that the cause or matter be inquired into, tried and determined by the Area Court which has jurisdiction over the same ;

(b) he may direct in like manner that the cause or matter be inquired into, tried and determined by a Magistrate Court, District Court or Customary Court.

(c) if the cause or matter is one which in his opinion ought for any reason to be transferred from an Area Court to the Sharia Court of Appeal, he may report the case to the Sharia Court of Appeal.

(3) No cause or matter which has been transferred by the High Court or a Magistrate Court or District Court or Customary Court to an Area Court may be reported to the Sharia Court of Appeal or transferred to the same or any other Magistrate Court, District Court or Customary Court under this section.

(4) The court to which a cause or matter is transferred under this section shall be informed in writing of the reason for making the order of transfer and may thereafter take any course with regard to the cause or matter which it considers that justice requires.

(5) Where a cause or matter is reported to the Sharia Court of Appeal under sub-section (2)(c) of this section, the Sharia Court of Appeal shall direct in what mode and in what court the cause or matter shall be heard and determined.

(6) Where a cause or matter is transferred from an Area Court to any other court under this section, no summons fee shall be payable in the court to which the cause or matter is transferred if the appropriate summons fee has been paid in the Area Court from which the cause or matter is transferred.

37.—(1) An order of transfer shall operate as a stay of proceedings before the Area Court from which the proceedings are ordered to be transferred in any cause or matter to which the order extends or is applicable, and the process and proceedings in that cause or matter, and a certified copy of the record shall be transmitted to the court to which the same is transferred and all proceedings in the cause or matter shall be taken in the court as if the cause or matter had been commenced therein.

Effect of  
order of  
transfer.

(2) A report made under section 36(2)(c) of this Act shall operate to suspend the proceedings, the subject of the report until the directions of the Sharia Court of Appeal have been given under section 36(4) of this Act.

(3) The inspector may, if it appears expedient in the first instance, transmit by post the contents of any order made by him under sub-section (1) of this section and the post shall, until the receipt of the order, have the same validity and effect as if it were the said order.

Review by  
Appeal  
Court on  
report of  
inspector.

38.—(1) An inspector, if in his opinion there has been a miscarriage of justice in any case before an Area Court to which he has access under the provisions of section 36 of this Act, may of his own motion or in his discretion on the application of any person concerned, report that case to the court to which an appeal in the case would lie.

(2) A report under sub-section (1) of this section shall be made in writing and shall record the particulars of the judgment, order or case, and the reason for its being reported and shall be accompanied by a copy of the record of the case.

(3) The Court to which the case has been reported shall review it, and may—

(a) reverse, vary or confirm the decision given ;

(b) make an order in the proceedings as the lower court could have made ;

(c) make a further order, as may be necessary or as the justice of the case may require but no order in a civil proceeding to the prejudice of any party shall be made without an opportunity being given to the party of being heard ;

(d) set aside the judgment or other order of the lower court ; and

(e) when it considers it desirable, order the case to be reheard either by the same court or any other Area Court of competent jurisdiction or by any Magistrate Court, District Court or Customary Court, or if the case is one that appears proper to be heard by the High Court, report the case to the Sharia Court of Appeal.

(4) In the exercise of its powers of review under this section, a court may hear any additional evidence as it considers necessary for the just disposal of the case.

(5) An inspector who has reported any case to a court under the provisions of this section shall have power to make an interim order suspending the operation of any order made by the lower court in the case.

(6) A person aggrieved by a decision of the Sharia Court of Appeal in a review under this section may appeal from the decision to the Court of Appeal as if it were a decision in an appeal brought to the Sharia Court of Appeal from some other court.

39. Where proceedings are quashed and an order for rehearing is made under the provisions of this Part, no plea of res judicata or autre fois convict shall be entertained in respect of the proceedings in any subsequent proceedings.

Special plea in bar not admissible on hearing.

40. No inspector shall exercise the powers conferred upon him under this Part in any case where a party aggrieved by the decision of the Area Court has appealed from that decision or otherwise instituted any appeal proceeding in respect of the decision.

Power of inspector not exercisable where appeal instituted.

#### PART VIII—APPEAL

41.—(1) A party aggrieved by a decision of an Area Court may appeal to—

Appeals from Area Courts.

(a) the Sharia Court of Appeal in cases involving questions regarding Islamic Personal Law ; and

(b) the High Court in all other cases.

(2) Every such appeal shall be commenced by the appellant giving to the Registrar of the Area Court notice of the appeal which shall be verbal or in writing, and if verbal shall be reduced to writing by the Registrar and signed by the appellant or by a legal practitioner if a legal practitioner is representing him.

(3) Subject to the provisions of sub-section (4) of this section, a notice of appeal under sub-section (2) of this section shall be given in every case before the expiration of 30 days from the date of the decision appealed against.

(4) A notice of appeal under sub-section (2) in respect of an interlocutory decision shall be given within 14 days from the date of the decision appealed against.

42. Subject to the provisions of the Constitution of the Federal Republic of Nigeria, no appeal shall lie from the lower court at the instance of any person at whose request a case has been reported to a court under section 38 of this Act.

Restriction on right of appeal.

43. Leave to appeal out of time to any court may be given by the court upon such terms as it may seem just.

Appeals out of time.

44.—(1) Any court exercising appellate jurisdiction in civil matters under the provisions of this Act may, in the exercise of that jurisdiction—

Powers of appellate court in civil matters.

(a) reverse, vary or confirm the decision of the court from which the appeal is brought and may make any order or exercise any power as the

court of first instance could have made or exercised in the case or as the Appeal Court considers that the justice of the case requires ;

(b) quash any proceeding and, there-upon where it is considered desirable, order such case to be retried before the court of first instance or before any other court of competent jurisdiction.

(2) In the exercise of his power under sub-section (1)(a) of this section, a court may hear additional evidence if it considers the evidence necessary for the just disposal of the case, and the court shall report its reason for exercising its power under this subsection.

Powers of courts or appeal to inspect records.

45. Where an appeal lies from an order or decision of an Area Court, the court to which the appeal is brought shall have power to inspect the records or books of the Area Court relative to the appeal.

Substantial justice to be done without undue regard to technicalities.

46. No proceedings in an Area Court and no summons, warrants, process, order or decree issued or made thereby shall be varied or declared void upon appeal or revision solely by reason of any defect in procedure or want of form but every court or authority established in and for the Federal Capital Territory, Abuja and exercising powers of appeal or revision under this Act shall decide all matters according to substantial justice without undue regard to technicalities.

#### PART IX—OFFENCES

Adjudication without authority.

47.—(1) Any person who exercises or attempts to exercise judicial powers within the area of the jurisdiction of a duly constituted Area Court, except in accordance with the provisions of any written law, shall be liable on conviction before the High Court or Magistrate Court of competent jurisdiction, to a fine not exceeding ₦20,000.00 or to imprisonment for a period not exceeding 12 months or to both.

(2) Nothing contained in this section shall be deemed to prohibit any person from adjudicating as an arbitrator upon any civil matter in dispute where the parties to the matter have agreed to submit the dispute to his decision.

Jurisdiction of Courts.

48. Subject to the provisions of this Act, any proceeding arising under this Part may be brought in the High Court or a Magistrate Court of competent jurisdiction.

#### PART X — RULES OF COURT

Power to make rules.

49.—(1) The Grand Kadi may make rules providing for any or all of the following matters—

(a) prescribing and providing for :



(i) the maximum fees which may be charged in Area Courts of first instance and of appeal and for appeals from the Area Courts and generally ;

(ii) the reduction of the maximum fees in respect of all or any Area Court or in respect of all or any proceeding ; and

(iii) the remission in whole or in part of any maximum or reduced fee and the manner in which the persons or Area Court by whom or by which the remission may be made.

(b) the disposal and application of fines and fees received by Area Courts ;

(c) the practice and procedure of Area Courts in their original jurisdiction, on review and appeal ;

(d) the time within which any act, matter or thing shall be carried out or performed for the purposes of this Act and the time within which notice of appeal shall be given from the decision of any Area Court ;

(e) providing for the execution of :

(i) the decrees or orders of Area Court or any class of Area Courts, whether the Area Courts are established under this Act or under any other written law ; and

(ii) the warrants and the service of the process of the courts or class of courts, where these decrees or orders are made or the warrants or process are issued in respect of persons or property not within the area of the jurisdiction of the Area Court making or issuing the same.

(f) prescribing the courts or authority by which the decrees, orders, warrants or process mentioned in paragraph (e) (ii) of this subsection shall be carried into execution, executed or served ;

(g) the exclusion of the public from an Area Court in accordance with section 20(2) of this Act ; and

(h) the procedure of Area Courts in relation to applications for the interpretation of the Constitution of the Federal Republic of Nigeria.

(2) Any rule made under this section may apply to all Area Courts or a class of Area Courts or any particular Area Court or those Area Courts or particular Area Courts as may be determined under the rules.

#### PART XI—MISCELLANEOUS

50.—(1) All assets and liabilities of the Area Court established under the Area Court Act. Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 shall be vested in the Area Court established under this Act.

Saving and transitional provision.



(2) All appointments or decisions made by the Area Courts established under the Area Courts Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 shall continue to persist or deemed to have been made by the Area Court established under this Act.

(3) Nothing in this Act shall be deemed to affect the powers or functions of the High Court or Magistrate Court in the exercise of their criminal jurisdiction or any right or power in any officer or person to institute criminal proceedings in those courts.

Interpreta-  
tion.

51. In this Act —

“*Area Court*” means a court established under this Act for the Federal Capital Territory, Abuja or deemed to have been so established and includes an Upper Area Court ;

“*cause*” includes any action, suit or other original proceeding between a plaintiff and a defendant and also any criminal proceeding ;

“*Chief Registrar*” means the Chief Registrar of the Sharia Court of Appeal of the Federal Capital Territory, Abuja ;

“*Customary Court*” means a Customary Court established under the Customary Court Act, 2007 ;

“*District Court*” means a District Court established under the District Court Act 1960 ;

“*Grand Kadi*” means the Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja ;

“*inspector of Area Courts*” or “*inspector*” means an officer appointed under Section 33 to exercise the powers vested in him under this Act and includes the Director of Area Courts, any senior inspector and Assistant Inspector ;

“*Judicial Service Committee*” means the Judicial Service Committee of the Federal Capital Territory, Abuja ;

“*land cause*” means a cause or matter relating to the ownership, occupation or possession of land ;

“*Legal practitioner*” has the same meaning as in the Legal Practitioners Act, Cap. L11 LFN, 2004.

“*local authority*” means an Area Councilor or any other body established for the administration of the Federal Capital Territory, Abuja ;

“*Magistrate Court*” means a Magistrate Court established under or pursuant to the Criminal Procedure Code, or deemed to have been so established ;

“Islamic personal law” has the same meaning as it has in the Sharia Court of Appeal Act ;

“Sharia Court of Appeal” means the Sharia Court of Appeal established for the Federal Capital Territory, Abuja.

52. The Area Court Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 is hereby repealed.

Repeal of  
Cap. 477,  
Laws of the  
Federal  
Capital  
Territory  
Abuja, 2006.

53. This Act may be cited as the FCT Abuja Area Courts (Repeal and Enactment) Act, 2010.

Citation.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, mni  
*Clerk to the National Assembly*  
14th Day of January, 2011.

#### EXPLANATORY MEMORANDUM

This Act repeals the Area Courts Act, Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 and enacts the Federal Capital Territory Area Courts Act, 2010.

**SCHEDULE TO THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS (REPEAL AND ENACTMENT) BILL, 2010**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Federal Capital Territory Abuja Area Courts (Repeal and Enactment) Bill, 2010.	An Act to repeal the Area Courts Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 and enact the Federal Capital Territory Area Courts and ; for related matters.	This Bill repeals the Area Courts Act Cap. 477, Laws of the Federal Capital Territory Abuja, 2006 and enact the Federal Capital Territory Area Courts Acts, 2010.	7th December, 2010.	16th December, 2010.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT.



SALISU ABUBAKAR MAIKASUWA, mni  
Clerk to the National Assembly  
14th Day of January, 2011.

DR. GOODLUCK EBELE JONATHAN, GCFR  
President of the Federal Republic of Nigeria  
14th Day of January, 2011.