

**EXTANT REVISED NJC GUIDELINES & PROCEDURAL  
RULES FOR THE APPOINTMENT OF JUDICIAL OFFICERS OF ALL  
SUPERIOR COURTS OF RECORD IN NIGERIA  
3RD NOVEMBER, 2014**

**RULE ONE**

The Federal Judicial Service Commission, State Judicial Service Commission and the Judicial Service Committee of the Federal Capital Territory shall comply with these Rules in their advice to National Judicial Council for nominations or recommendations of candidates for appointment of Judicial Officers for the Superior Courts of Record under the 1999 Constitution of the Federal Republic of Nigeria (as amended).

**RULE TWO**

1. Whenever the Chairman of a State Judicial Service Commission proposes to embark on the process for appointment of candidates or a candidate to Judicial Office in the State, notice shall be given to the Governor of the State concerned stating the number of Judicial Officers intended to be appointed.
2. (a) Whenever the Head of a Federal Court proposes to embark on the process for appointment of candidates or a candidate to the office of Judicial Officer of a Federal Court of which he/she is the head, notice shall be given to the Chief Justice/Chairman of the Federal Judicial Service Commission stating the number of Judicial Officers intended to be proposed for appointment.
  - (b) In like manner, whenever the Chairman of the Judicial Service Committee of the Federal Capital Territory proposes to embark on the process for appointment of candidates or a candidate to the Office of Judicial Officer in the Federal Capital Territory, notice shall be given to the Chief Justice/Chairman of the National Judicial Council stating the number of Judicial Officers intended to be proposed for appointment.
3. A copy of the notice sent to the Governor or, as the case may be, to the Chief Justice/Chairman of the Federal Judicial Service Commission/National Judicial Council, shall be forwarded to the Secretary at the same time as such notice is given to the Governor or, as the case may be to the Chief Justice/Chairman of the Federal Judicial Service Commission/National Judicial Council as provided in Rule 2(1) or Rule 2(2).
4. The Secretary shall upon receipt of the notice, advise the Chief Justice/Chairman of the National Judicial Council in regard to the number of Judicial Officers that can be appointed pursuant to the notice, having regard to relevant budgetary provision in the budget of the Council for the year. Upon consideration of the advice, the Chief Justice/Chairman of the National Judicial Council shall notify the Chairman of the State Judicial Service Commission/Committee or, as the case may be, the Head of the Court concerned that the exercise may (i) be proceeded with; or, (ii) not to be proceeded with; or, (iii) may be proceeded with, but with a specified reduction in the number of Judicial Officers proposed to be appointed.
5. The decision of the Chief Justice/Chairman of the National Judicial Council shall be communicated in writing to the Chairman of the Judicial Service Commission/Committee, or as the case may be, the Head of Court and shall be final unless the Head of Court shows grounds to the satisfaction of the Chief Justice/Chairman of the National Judicial Council why it should be reviewed.
6. A copy of the notice given pursuant to Rule 2(1) and the Governor's response thereto shall be served on each Member of the Judicial Service Commission/Committee concerned.

**RULE THREE**

- I(a) Upon receipt by the Judicial Service Commission/Committee concerned of the decision of the Chief Justice/Chairman of the National Judicial Council rendered pursuant to Rule 2(4) advising that the exercise be proceeded with, the relevant Judicial Service Commission/Committee shall:
  - (i) call expression of interest by suitable candidates by way of public notice placed on the website of the Judicial Service Commission/Committee concerned, notice Boards of the Courts and notice Boards of Nigeria Bar Association Branches;
  - (ii) write to every other head of Superior Courts of Record in Nigeria and to every Judicial officer of the Court concerned asking for nomination of suitable candidates for the proposed judicial appointment;
  - (iii) write, in the case of appointment to a Federal Court, to the President, Nigerian Bar Association; or, in the case of appointment to a State Court, to the Chairman of every Branch of the Nigerian Bar Association

in the State concerned, asking for nomination of suitable candidates for the proposed judicial appointment and requesting that he/she brings to the notice of suitable candidates the call for expression of interest by each of them.

- 1(b) In the case of appointment of Judicial Officers for Court of Appeal and Supreme Court of Nigeria, the President of the Court of Appeal/Chief Justice of Nigeria shall as the case may be, write to Heads of Courts, serving Justices of Court of Appeal/Supreme Court of Nigeria and President of the Nigerian Bar Association asking for nomination of suitable Judicial Officers/Legal Practitioners for appointment as Justice of Court of Appeal/Supreme Court of Nigeria.
2. Any person nominating a candidate must do so in writing and indicate clearly and in detail, that he/she has sufficient personal and professional knowledge of the candidate's requisite attributes for a reasonable period of time as would make him competent to make the nomination. He/she shall expressly certify that from his/her personal knowledge of the candidate, the candidate possesses the qualities set out in Rule 4 (4)(i)(a)-(b) of these Rules; and, where applicable the qualities set out in Rule 4(4)(i)(d) and/or (e).
  3. The Judicial Service Commission/Committee shall specify the closing date for the receipt of applications and/or nominations in the call of expression of interest and in the request for nomination.
  4. Soon after the closing date for the receipt of applications and or nominations, the Chairman of the Judicial Service Commission/Committee concerned shall make a provisional shortlist on the merits consisting of not less than twice the number of Judicial Officers intended to be appointed at the particular time and circulate the provisional shortlist together with a request for comments on the suitability or otherwise of any of the short listed candidates, as follows:
    - (i) among all serving and retired Judicial Officers of the Court to which an appointment of a Judicial Officer, other than the Head of a Court, is proposed to be made;
    - (ii) among all serving and retired Heads of the relevant State or Federal Court, including retired Chief Justices of Nigeria and retired Presidents of the Court of Appeal, in the case of appointment of a Head of Court;
    - (iii) among the Nigerian Bar Association branches in the State concerned where the appointment is to a State Court; provided that where the appointment is to a Federal Court the shortlist shall only be sent to the President of the Nigerian Bar Association; and
    - (iv) Among every Member of the Judicial Service Commission/Committee concerned.
  5. The Chairman of the Judicial Service Commission/Committee shall place the provisional shortlist before the Judicial Service Commission/Committee for approval and upon such approval, with or without modification; the provisional shortlist shall become the final list.
  6. In carrying out the provisional short listing exercise, the Chairman of the Judicial Service Commission /Committee shall take into consideration as much as possible, (i) professional expertise and competence, including in the case of appointment of Judges from the High Court to the Court of Appeal and Justices of the Court of Appeal/Chief Judges/Legal Practitioners/academicians to the Supreme Court, the quality of judgments and performance and demonstration of judicial skills of the Judge; and in the case of appointment from the Bar, evidence of 6 contested cases in the last 5 years; (ii) sound knowledge of law, (iii) seniority at the Bar and or the Bench, (iv) Federal character or geographical spread and where necessary and possible, without compromising the independence of the Judiciary or allowing politics to permeate or influence the appointment.
  7. The Chairman of the Judicial Service Commission/Committee shall not include in the provisional shortlist any person whose reputation in the locality is low or had been tarnished; and, where applicable, shall not include any Judicial Officer whose performance has been consistently rated low or not satisfactory in judicial performance evaluation reports.
  8. Where the Chairman of the Judicial Service Commission/Committee has excluded any person from the provisional shortlist on any of the grounds stated in Rule 3(7), such fact shall be stated in the provisional shortlist placed before the Judicial Service Commission/Committee.



**RULE FOUR**

1. The Chairman of the Judicial Service Commission/Committee shall forward or direct the Secretary of the Judicial Service Commission/Committee to forward to every short listed candidate NJC Form 'A', which shall be completed and returned to the Chairman by the candidate, together with all necessary attachments specified.
2. The Chairman shall then table before the Judicial Service Commission/Committee for its consideration a memorandum on each of the short-listed candidates with:
  - a) The completed NJC Form 'A' and the necessary attachments thereto;
  - b) The comments of the persons specified under Rule 3(2) of these Rules;
  - c) Any petition or protest against a short-listed candidate together with the response of the candidate, if any;
  - d) Detailed Medical Certificate of fitness issued by Government Hospital or Medical Institution; and
  - e) Report by the Department of State Security on the suitability of the candidate for appointment to a Judicial Office supported by verifiable facts on which the report is based and, in addition, stating clearly whether the Department kept a file on the candidate and, if so, whether the file contains reports adverse to the candidate being appointed as Judicial Officer.
3. The Judicial Service Commission/Committee may make such further enquiries about the candidate from reputable sources as to the suitability of the candidate as it deems fit.
4. In considering the candidates, Judicial Service Commission/Committee shall take into account the fact that Judicial Officers hold high office of State and occupy an office carrying enormous powers and authority. Accordingly, the National Judicial Council shall –
  - (i) Regard the following qualities as essential requirements for the selection of suitable candidates for the judicial office in any of the Superior Courts of Record in Nigeria;

**In all cases:**

- a) Good character and reputation, diligence and hard work, honesty, integrity and sound knowledge of law and consistent adherence to professional ethics;

**As may be applicable:**

- b) Active successful practice at the Bar, including satisfactory presentation of cases in Court as a Legal Practitioner either in private practice or as a Legal Officer in any Public Service;
- c) Satisfactory and consistent display of sound and mature judgment in the office as a Chief Registrar or Chief Magistrate;
- d) Credible record of teaching law, legal research in a reputable University and publication of legal works, and in addition to any or all of the above;
- e) In the case of appointment of a candidate to the office of Kadi of a Sharia Court of Appeal, knowledge of Arabic language and grammar.
- (ii) Consider that:

Candidate for the high office of Judicial Officers of the Superior Courts of Record including Court of Appeal and Supreme Court of Nigeria, shall be disqualified and shall not be recommended for appointment if found to have been involved in:-

- a) canvassing or lobbying for the appointment directly or indirectly in any form and/or through any person or persons, such as but not limited to, politicians, traditional rulers, public officers or other Judicial Officers;
- b) bad behaviour, whether in or out of Court;
- c) activity suggesting impecuniosities and/or display of lifestyle that indicates that the candidate has been living above his/her means;
- d) influence peddling;
- e) any act of dishonesty or corruption or corrupt practice either, on behalf of himself or of any other Judicial Officer or professional colleague;
- f) rendering dishonest or questionable legal opinion or advice or suppression of truth and suggestion of falsehood in any legal matter in dealing with colleagues, clients, or the Courts of Law;
- g) deliberate improper or wrong completion of NJC Form 'A' with intent to deceive or mislead;
- h) submission of false credentials and or deceitful or fraudulent curriculum vitae;

i) or is shown to have nor very limited exposure to practice at the Bar and conduct of cases in the Superior Courts of Record.

5. The decision of the Judicial Service Commission /Committee in respect of nomination and advice for appointment of a Judicial Officer shall be authenticated by the Minutes of the Commission/Committee Meeting, duly adopted and signed by the Chairman and Secretary of the Commission/Committee.

**NB RULE FIVE**

1. Upon compliance with Rules 1-4 of these Rules, the Chairman of the Judicial Service Commission/Committee shall advise, or as the case may be, recommend to, the National Judicial Council by a memorandum which shall conclude with a clear declaration that the NJC Guidelines and Procedural Rules have been complied with strictly and fully.

2. The memorandum must state whether any of the shortlisted candidates had on any previous occasion been presented to the Council for recommendation for appointment as a Judicial Officer and, if so, contain particulars of such earlier presentation, including date of submission and decision of the Council on such earlier occasion or occasions.

3. The memorandum shall be addressed to the Chief Justice/Chairman of the National Judicial Council or Secretary and delivered to the Headquarters of the Council in Abuja. The Secretary after consultation with the Chief Justice/Chairman may not put such memorandum on the agenda for consideration by Council unless if it has been received not less than 30 clear days before a scheduled meeting of the Council.

4. The memorandum shall contain justification for the number of Judicial Officers sought to be appointed, and be accompanied by –

- i) Minutes of meeting of the Judicial Service Commission or Committee where the nomination of candidates was considered and a decision taken;
- ii) All the materials and documents placed before the Judicial Service Commission/Committee as required by Rule 4(2) in respect of each nominated candidate;
- iii) Proof of the establishment prescribed by legislation for the particular Court concerned;
- iv) Proof of adequate Capital vote provision in the relevant approved Budget for the Superior Court of Record concerned;
- v) Real and verifiable proof of availability of suitable Court hall, Judge's residence, Car and Library, among others; and
- vi) A chart which shall show at a glance, as much as possible, the essential particulars of the candidates shortlisted.

5. The Council in considering the number of Judicial Officers to be recommended for appointment shall in addition to all of the above, have regard to the workload of the Court, performance of the current serving Judicial Officers of the Court; and, may, in its discretion, reduce the number of Judicial Officers to be recommended for appointment; or, consider that the proposed appointment is not at all justified by need; or, direct that no such advice to Council be made in future until such time as the Council may determine, having regard to factors which may include: absence of need, very low performance of Judicial Officers of the Court concerned and low level of average judicial workload.

**RULE SIX**

1. Every candidate/Judge/Justice/Chief Judge/Legal Practitioner, who has been short listed shall undergo interview to be conducted by the National Judicial Council to ascertain his or her suitability for the judicial office sought.

2. The mode of interview shall be determined by the Council.

3. The result of the interview shall form a major part of the decision on the candidate's suitability for the judicial office for which he or she has been interviewed .



4. A candidate who is unsuccessful at the interview shall not be recommended for appointment by the Council.
5. A candidate once rejected on the ground stated in Rule 4(4)(ii) shall not be re-presented to the Council for at least another 2 years or any such period as the Council may direct.