



NATIONAL JUDICIAL INSTITUTE ACT, 2004

ARRANGEMENT OF SECTIONS

Establishment of National Judicial Institute

SECTION

1. Establishment of the National Judicial Institute.
2. Board of Governors.
3. Objectives and functions of the Institute.
4. Provision of library facilities.

Staff of the Institute

5. The Administrator of the Institute.
6. Officers of the Institute.
7. Service in the Institute to be pensionable.

Financial Provisions

8. Establishment of the fund of the Institute.
9. Power to accept gifts.
10. Estimates, accounts and audit.

Legal proceedings against the Institute

11. Notice of intention to sue to be given to the Institute.
12. Mode of service of documents on the Institute.
13. Provisions for satisfying judgments against the Institute.
14. Indemnity of members of the Board, etc.
15. Annual Report.
16. Staff regulations.
17. Interpretation.
18. Short title.

SCHEDULE

Proceedings of the Board

NATIONAL JUDICIAL INSTITUTE ACT, 2004

An Act to establish the National Judicial Institute.
[1991 No. 28.]

[Commencement.]

[27th June, 1991]

1. Establishment of the National Judicial Institute

There is hereby established a body to be known as the National Judicial Institute (in this Act referred to as "the Institute").

2. Board of Governors

(1) The management of the Institute and the power of direction of its affairs shall vest in the Board of Governors of the Institute (in this Act referred to as "the Board") which shall have the functions assigned to it by this Act.

(2) Without prejudice to the generality of subsection (1) of this section, it shall be the responsibility of the Board to consider and approve-

- (a) the plan of activities of the Institute;
- (b) the programme of studies, courses and research to be undertaken by the Institute; and
- (c) the annual budget of the Institute.

(3) The Board shall consist of the Chief Justice of Nigeria as its chairman and the following members, that is-

- (a) the Attorney-General of the Federation and Minister of Justice;
- (b) the President of the Court of Appeal;
- (c) the most senior of the Justices of the Supreme Court of Nigeria in order of precedence;
- (d) the Chief Judge of the Federal High Court;
- (e) the Chief Judge of each State of the Federation and of the Federal Capital Territory, Abuja;
- (f) two Grand Khadis of a Shari a Court of Appeal appointed annually, in rotation, by the Chief Justice of Nigeria from the States having Sharia Courts of Appeal and the Federal Capital Territory, Abuja;
- (g) two Presidents of a Customary Court of Appeal appointed annually, in rotation, by the Chief Justice of Nigeria from the States having Customary Courts of Appeal and the Federal Capital Territory, Abuja; and
- (h) four other persons of unquestionable character to be appointed by the Chief Justice of Nigeria.

(4) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters therein mentioned. [Schedule.]

3. Objectives and functions of the Institute

(1) The Institute shall serve as the principal focal point of judicial activities relating to the promotion of efficiency, uniformity and improvement in the quality of judicial services in the superior and inferior courts.

(2) For the purposes of subsection (1) of this section, the Institute is hereby empowered to--

(a) conduct courses for all categories of judicial officers and their supporting staff with a view to expanding and improving their overall knowledge and performance in their different sections of service;

(b) provide continuing education for all categories of judicial officers by undertaking, organising, conducting and facilitating study courses, lectures, seminars, workshops, conferences and other programmes related to judicial education;

(c) organise once in two years a conference for all Nigerian Judges of superior and inferior courts respectively;

(d) disseminate by way of publication of books, journals, records, reports or other means of information about any part of its activities, to the extent deemed justified by the Board and generally as a contribution towards knowledge; and

(e) promote or undertake any other activity which in the opinion of the Board is calculated to help achieve the purpose for which the Institute was established.

4. Provision of library facilities

The Institute shall establish and maintain a library comprising such books, records, law reports, other reports and publications as may be directed by the Board for the advancement of knowledge in the areas of activities undertaken by it, for research purposes and for other purposes connected with the functions conferred on the Institute by or pursuant to this Act.

Staff of the Institute

5. The Administrator of the Institute

(1) There shall be an officer of the Institute to be known as the Administrator.

(2) The Administrator, who shall be a serving or retired judicial officer, shall be appointed by the Chief Justice of Nigeria after consultation with the members of the Board.

(3) The Administrator shall be the chief executive of the Institute and shall also be responsible to the Board for the management of the affairs of the Institute.

(4) The Administrator shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms and conditions as may be determined, from time to time, by the Board.

6. Officers of the Institute

(I) There shall be appointed by the Board the following officers of the Institute, that is-

- (a) a secretary;
- (b) a director of studies;
- (c) a director of research; and
- (d) a librarian.

(2) The secretary shall be responsible to the Administrator for the day-to-day administration of the affairs of the Institute and for its finances.

(3) The director of studies shall be responsible to the Administrator for organising and conducting the courses and other studies undertaken by the Institute, including the collation and publication of course materials and other publications relating thereto.

(4) The director of research shall be responsible to the Administrator for organising the research staff and research projects of the Institute and the collation and publication of research materials.

(5) There may be appointed, from time to time, by the Board such other staff as may be required for the efficient performance of the functions conferred on the Institute under or pursuant to this Act.

7. Service in the Institute to be pensionable

(I) Notwithstanding the provisions of the Pensions Act, service in the Institute shall be approved service for the purposes of that Act and, accordingly, officers and other persons employed in the Institute shall in respect of their service in the Institute be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

[Cap. P4.)

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Institute and not by any other person or authority.

Financial provisions

8. Establishment of the fund of the Institute

(1) The Institute shall establish and maintain a fund which shall be applied towards the realisation of the objectives specified in this Act.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such sums of money as may be provided by the Government of the Federation or of a State for payment into the fund;

(b) fees charged for services rendered by the Institute; and

(c) all sums accruing to the Institute by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

9. Power to accept gifts

(1) The Institute may accept gifts of money or of movable or immovable property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Institute shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with or inimical to the objectives of the Institute.

(3) The Institute may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest its funds, including any of its surplus funds, in any securities as may be approved by the Board.

10. Estimates, accounts and audits

(1) The Board shall cause to be prepared, not later than 31 October in each year, an estimate of the income and expenditure of the Institute for the next succeeding year, and when prepared the estimate shall be submitted to the President for consideration and approval.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Institute shall be audited within six months after the end of each year by auditors appointed by the Board from the list of auditors and in accordance with guidelines supplied by the Auditor-General for the Federation and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Institute.

Legal proceedings against the Institute

11. Notice of intention to sue to be given to the Institute

(1) No suit against the Institute, a member of the Board or any employee of the Institute for any act done in pursuance or execution of the functions conferred upon the Institute by this Act or in respect of any alleged neglect or defect in such execution or pursuant thereto shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the cessation thereof.

(2) No suit shall commence against the Institute before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Institute by the party intending to sue the Institute or by his solicitor and such notice shall clearly and explicitly state-

(a) the cause of action;

(b) *the particulars of the claim;*

(c) *the name and place of abode of the party intending to sue; and*

(d) *the relief which he claims.*

12. Mode of service of documents on the Institute

The notice referred to in subsection (2) of section II of this Act and any summons, other notice, process or other document required or authorised to be served on the Institute under the provisions of this Act, or any other law, shall be served by delivering the

same to the Administrator or the secretary of the Institute, or by sending it by registered post addressed to the Administrator at the principal office of the Institute.

13. Provisions for satisfying judgments against the Institute

In any action or suit against the Institute no execution or attachment or process in the nature thereof shall issue against the Institute but any sums of money which by judgment of court is awarded against the Institute shall, subject to any direction given by the Board, be paid from the general reserve fund of the Institute.

14. Indemnity of members of the Board, etc.

Every member of the Board, agent or employee of the Institute shall be indemnified from the funds of the Institute against any liability incurred by him in defending any proceeding, if any such proceedings are brought against him in his capacity as such member, agent or employee as aforesaid.

15. Annual report

The Board shall, not later than 30 September in each year, submit to the President through the Attorney-General of the Federation a report on the activities of the Institute and its administration during the immediately preceding year and shall include in such report, the audited accounts of the Institute.

16. Staff regulations

(I) Subject to the provisions of this Act, the Board may make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing such regulations may provide for-

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service in the civil service of the Federation shall be applicable to the employees of the Institute with such modifications as may be necessary.

(2) Staff regulations made under subsection (I) of this section shall be published in the *Gazette*.

17. Interpretation

In this Act, unless the context otherwise requires-

"Administrator" means the Administrator of the Institute;

"Board" means the Board of Governors of the Institute constituted as provided in section 2 of this Act;

"chairman" means the chairman of the Board;

"Institute" means the National Judicial Institute established by section I of this Act;

"judicial officer" means a holder of the office of Chief Justice of Nigeria, a Justice of the Supreme Court, the President or Justice of the Court of Appeal, the Chief Judge or Judge of the Federal High Court, the Chief Judge or Judge of a High Court of a State and of the Federal Capital Territory, Abuja the Grand Khadi or Khadi of a Sharia Court of Appeal of a State and of the Federal Capital Territory, Abuja, the President or Judge of a Customary Court of Appeal of a State and of the Federal Capital Territory, Abuja and includes the holder of a similar office in any inferior court whatsoever;

"member" includes the chairman of the Board;

"President" means President of the Federal Republic of Nigeria; and

"superior court" means any court established by the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

18. Short title

This Act may be cited as the National Judicial Institute Act.

SCHEDULE

[Section 2 (4).]

Proceeding of the Board

1. (1) Subject to this Act and to section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman and ten other members and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons
(not necessarily all members of the Board) as may be determined by the Board; and a person
other than a member of the Board shall hold office on the committee in accordance

with the
terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed
by
the Board.

4. (I) The fixing of the seal of the Institute shall be authenticated by the signature of
the
chairman or of some other member authorised generally or specially to act for that
purpose by
the Board.

(2) Any contract or instrument which, if made or executed by a person not being a
body
corporate, would not be required to be under seal, may be made or executed on behalf
of the
Institute by the Administrator or any person generally or specially authorised to act
for that
purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the
Institute shall
be received in evidence and shall, unless and until the contrary is proved, be presumed
to be so executed.

5. The validity of any proceedings of the Board or of committee thereof shall not be
affected
by any vacancy in the membership of the Board or of a committee, or by any defect in
the
appointment of a member of the Board or of a committee, or by reason that a person
not
entitled to do so took part in the proceedings of the Board or committee.

6. Any member of the Board and any person holding office on a committee of the
Board,
who has a personal interest in any contract or arrangement entered into or proposed to
be
considered by the Board or a committee thereof shall forthwith disclose his interest to
the Board
and shall not vote on any question relating to the contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation