

TAX221

NIGERIA LEGAL SYSTEM II



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TAX 221: Nigeria Legal System II (2 Units C: LH 30)

Course Code: TAX 221

Course Title: Nigeria Legal System II

Course Unit: 2 Units C

Series 1: Reception and Application of English Law in Nigeria (1861–1960)

Series 2: Customary Law and Its Role in the Nigerian Legal System

Series 3: Judiciary, History, and Development of Courts in Nigeria

Series 4: Legal Aid, Legal Profession, and Legal Education in Nigeria

Series 5: Structure of Courts: Superior and Inferior Courts, Appointment of Judges, and Specialized Courts/Tribunals

Series 1 Reception and Application of English Law in Nigeria (1861–1960)

- **Part 1: Historical Background of English Law in Nigeria**
 - 1.1 Colonial introduction of English law
 - 1.2 Early statutes and ordinances
 - 1.3 Interaction with indigenous systems
- **Part 2: Reception of English Law (1861–1960)**
 - 2.1 The doctrine of reception
 - 2.2 Key instruments of reception
 - 2.3 Limitations and challenges
- **Part 3: Application of English Law in Nigeria**
 - 3.1 Areas of application (criminal, civil, commercial)
 - 3.2 Judicial interpretation and enforcement
 - 3.3 Relationship with customary law
- **Part 4: Legacy and Impact of English Law**
 - 4.1 Influence on Nigerian legal institutions
 - 4.2 Continuing relevance after independence
 - 4.3 Criticisms and debates



Introduction

The introduction of English law into Nigeria was a turning point in the nation's legal history. With the establishment of colonial administration in 1861, English statutes and principles were gradually received and applied, shaping the legal framework that continues to influence Nigeria today. This Series will help you appreciate how foreign legal traditions interacted with indigenous systems, and why this period remains crucial for understanding the Nigerian legal system.

The aim of this Series is to explain the reception and application of English law in Nigeria between 1861 and 1960, and to highlight its historical significance and continuing impact.

We shall commence this Series by exploring the historical background of English law in Nigeria, focusing on its colonial introduction and early statutes. Next, we will examine the doctrine of reception and the instruments through which English law was formally received. Following that, we will analyse the areas of application of English law, including its relationship with customary law. Finally, we will conclude by evaluating the legacy and impact of English law on Nigeria's legal institutions and its relevance after independence.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 1.1** describe the historical background of English law in Nigeria,
- **SLO 1.2** explain the doctrine of reception and identify the instruments through which English law was received,
- **SLO 1.3** analyse the application of English law in different areas of Nigerian society,
- **SLO 1.4** evaluate the legacy and continuing impact of English law on Nigeria's legal system.

1.1 Historical Background Of English Law In Nigeria

1.1.1 Colonial introduction of English law

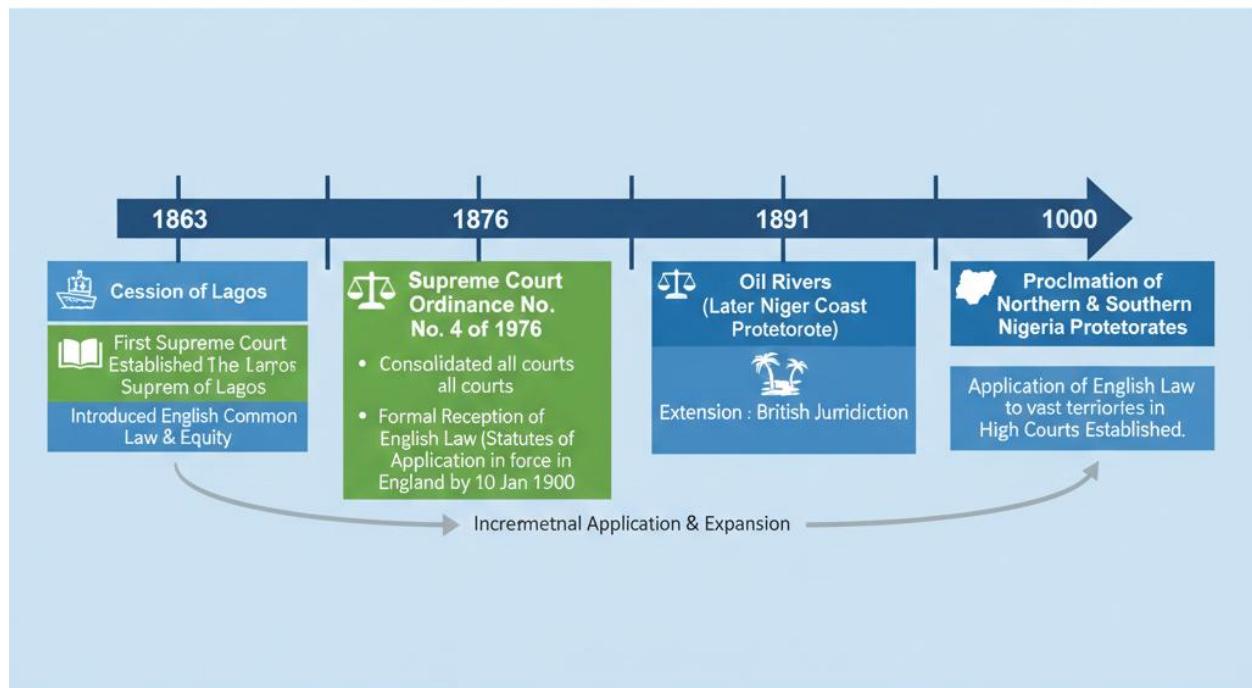
The **colonial introduction of English law** refers to the period when British colonial authorities formally established legal structures in Nigeria after the annexation of Lagos in 1861. **Colonial law** is defined as the body of rules and regulations imposed by colonial powers to govern territories under their control. The British brought with them statutes, ordinances, and judicial practices that reflected English legal traditions. These laws were initially designed to regulate trade, maintain order, and protect colonial interests.

Fill in the blank: The annexation of _____ in 1861 marked the beginning of the formal introduction of English law in Nigeria.



Figure 1.1: *Timeline of colonial introduction of English law in Nigeria*

Introduction of English Law in Nigeria (1861-1900)



Source: Nigerian Legal History & Colonial Records

Simplified OER Legal Education Model

1.1.2 Early statutes and ordinances

Statutes are written laws passed by a legislative authority, while **ordinances** are laws enacted by colonial governments to regulate local affairs. In Nigeria, early ordinances included laws on taxation, trade, and criminal justice. These ordinances were often transplanted directly from English statutes, with little consideration for indigenous customs. For example, the Supreme Court Ordinance of 1876 established the Supreme Court of Lagos, which applied English law in civil and criminal matters.



Fill in the blank: The Supreme Court Ordinance of _____ established the Supreme Court of Lagos.

Table 1.1: Selected early ordinances in colonial Nigeria

Year	Ordinance / Proclamation	Purpose & Impact
1863	Supreme Court Ordinance No. 11	Established the first Supreme Court of the Colony of Lagos and formally introduced English Common Law, Equity, and Statutes of General Application.
1876	Supreme Court Ordinance No. 4	Reconstituted the Supreme Court of Lagos as a superior court of record with jurisdiction similar to the High Court of Justice in England.
1876	Interpretation Ordinance	Provided a uniform set of rules for the interpretation of legal terms and provisions used across all subsequent colonial ordinances.
1882	Education Ordinance	The first official policy to regulate education; it established a Board of Education and introduced "grants-in-aid" for mission schools based on performance.
1887	Education Ordinance	Updated the 1882 law to create a Department of Education and, crucially, began recognizing indigenous Nigerian languages in schools.
1900	Protectorate Courts Proclamation	Established the judicial system for Northern Nigeria, including Supreme, Provincial, and Cantonment Courts, following the revocation of the Royal Niger Company's charter.
1900	Native Courts Proclamation	Provided a legal framework for traditional indigenous courts to administer customary laws under British supervision.
1914	Supreme Court Ordinance No. 6	Unified the judicial systems of the Northern and Southern protectorates following the Amalgamation, creating a single Supreme Court for the whole of Nigeria.



1.1.3 Interaction with indigenous systems

The **indigenous legal systems** in Nigeria consisted of **customary law**, which is defined as the body of rules and practices accepted by local communities as binding. The British initially allowed customary law to operate in matters such as marriage, inheritance, and land tenure, provided it was not “repugnant to natural justice, equity, and good conscience.” This principle, known as the **repugnancy test**, limited the scope of customary law and ensured that English law remained dominant.

Fill in the blank: The principle that restricted customary law by requiring it to conform to justice, equity, and good conscience is called the _____ test.

Box 1.1: Case study – The repugnancy test in practice

Test Element	Meaning	Modern Equivalent
Natural Justice	Fairness, such as the right to be heard (<i>Audi alteram partem</i>).	Section 36 (Right to Fair Hearing).
Equity	Principle of "conscience" and "fairness" to prevent hardship.	Judicial Discretion/Fairness.
Good Conscience	Moral standards of a "civilized" society.	Public Morality/Ethics.

Pilot questions 1.1

1. Which event marked the formal introduction of English law in Nigeria?
2. Define colonial law and explain its purpose in Nigeria.
3. What was the significance of the Supreme Court Ordinance of 1876?
4. What is customary law, and how was it treated under colonial administration?
5. What principle was used to limit the application of customary law?

1.2 Reception Of English Law (1861–1960)

1.2.1 The doctrine of reception

The **doctrine of reception** refers to the principle by which English law was formally introduced into Nigeria during colonial rule. It meant that English statutes, common law, and equity were

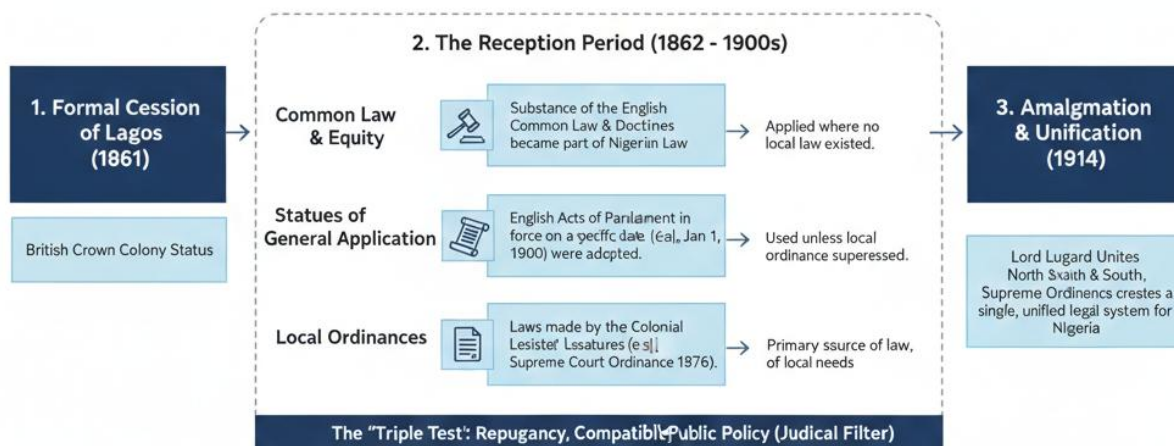


received into the Nigerian legal system, subject to local conditions. This doctrine was justified on the basis that Nigeria, as a colony, required a uniform legal framework to regulate trade, governance, and justice.

Fill in the blank: The doctrine of _____ refers to the principle by which English law was formally introduced into Nigeria.

Figure 1.2: *The doctrine of reception in Nigeria*

The Doctrine of Reception: How English Law Was Received In Nigeria (1862-1914)



Source: Nigerian Legal History & Colonial Enactments.
Simplified OER Legal Education Model



1.2.2 Key instruments of reception

The reception of English law was facilitated through **instruments of reception**, which included statutes, ordinances, and judicial decisions. For example, the Supreme Court Ordinance of 1876 and later ordinances explicitly stated that English law would apply in Nigeria, provided it was suitable to local circumstances. Judicial precedents also reinforced the reception by applying English principles in Nigerian courts.

Fill in the blank: The Supreme Court Ordinance of _____ was one of the key instruments of reception in Nigeria.

Table 1.2: Selected instruments of reception of English law in Nigeria

Year	Instrument	Purpose & Jurisdictional Scope
1863	Ordinance No. 3 of 1863	The very first formal reception. It introduced English law into the Colony of Lagos following its cession to the British Crown.
1876	Supreme Court Ordinance No. 4	A pivotal law that streamlined the court system. It formally received English law for the whole of the Lagos Colony and defined the "cut-off date" for English statutes.
1900	Protectorate Courts Proclamation	Extended the reception of English law to the Protectorate of Northern Nigeria following the end of the Royal Niger Company's administration.
1900	Supreme Court Proclamation	Provided the legal basis for receiving English law into the Protectorate of Southern Nigeria .
1914	Supreme Court Ordinance	Following the Amalgamation , this unified the legal systems and confirmed the application of English law across the entire territory of Nigeria.
1945	Interpretation Act (Cap 89)	A modern consolidating statute that defined how English law should be applied and interpreted alongside local Nigerian laws.



1.2.3 Limitations and challenges

Despite its wide application, the reception of English law faced **limitations and challenges**. One major limitation was the unsuitability of some English laws to Nigerian social and cultural contexts. For instance, laws relating to land tenure conflicted with indigenous practices. Another challenge was the tension between English law and customary law, especially when the repugnancy test was applied. These challenges created a dual legal system that persists in Nigeria today.

Fill in the blank: The dual legal system in Nigeria emerged largely due to conflicts between _____ law and customary law.

Box 1.2: Challenges of applying English law in Nigeria

Category	Key Procedure / Instrument	Primary Purpose	Critical Deadline / Date
Tax Enforcement	Demand Notice	Formal request for unpaid tax before legal action.	30 Days from debt becoming due.
Tax Recovery	Garnishee Order	Attaching a taxpayer's bank funds to settle debt.	Nisi (Interim) to Absolute (Final).
Tax Appeals	TAT Appeal (Form 1A)	Specialized tribunal hearing for tax disputes.	30 Days after receiving a NORA.
Trust Taxation	Apportionment	Allocating income to beneficiaries for PIT.	Annual (Tax Year ends Dec 31).
Estate Admin	Grant of Probate	Authority for Executors to manage a Will.	Post-death (High Court Registry).
Legal History	Ordinance No. 3 (1863)	First reception of English Law in Lagos.	1863 (Cession of Lagos).
Legal History	SOGA Cut-off	Statutes of General Application in force in UK.	January 1, 1900.
Customary Law	Repugnancy Test	Filter for validity of traditional customs.	Ongoing (Judicial Review).



Pilot questions 1.2

1. What does the doctrine of reception mean in the Nigerian legal context?
2. Identify two instruments of reception of English law in Nigeria.
3. Explain one limitation of applying English law in Nigeria.
4. What role did judicial precedents play in the reception of English law?
5. Why did the reception of English law create a dual legal system in Nigeria?

1.3 Application Of English Law In Nigeria

1.3.1 Areas of application (criminal, civil, commercial)

The **application of English law** in Nigeria covered several areas, including **criminal law**, **civil law**, and **commercial law**. **Criminal law** refers to rules that define offences and prescribe punishments, while **civil law** deals with disputes between individuals or organisations. **Commercial law** governs trade, contracts, and business transactions. English law provided a framework for these areas, ensuring uniformity and predictability in legal proceedings.

Fill in the blank: English law was applied in Nigeria mainly in criminal, _____, and commercial matters.

Figure 1.3: *Areas of application of English law in Nigeria*

Legal Area	Primary Source & Application	Nigerian Context & Integration
Criminal Law	Common Law Principles: Foundational concepts like <i>Mens Rea</i> (guilty mind) and <i>Actus Reus</i> (guilty act).	Codified: Unlike in England, all crimes in Nigeria must be written. The Criminal Code (South) and Penal Code (North) are heavily based on English and Colonial models.
Civil Law	Torts & Contract: English common law rules on negligence, nuisance, and breach of contract apply directly where local laws are silent.	Litigation: Most civil lawsuits in Nigerian High Courts follow English-style procedures and precedents (e.g., the <i>Donoghue v Stevenson</i> duty of care).



Legal Area	Primary Source & Application	Nigerian Context & Integration
Commercial Law	Mercantile Law: Principles of agency, partnership, and sale of goods are rooted in English law.	Regulatory: The Companies and Allied Matters Act (CAMA) 2020 is the modern Nigerian evolution of the English <i>Companies Act</i> .

1.3.2 Judicial interpretation and enforcement

Judicial interpretation refers to the process by which courts explain and apply the meaning of laws. In Nigeria, judges often relied on English precedents to interpret statutes and ordinances.

Enforcement means ensuring that laws are obeyed, usually through the courts and law enforcement agencies. English law was enforced through colonial courts, which applied English principles of justice and procedure.

Fill in the blank: Judicial _____ refers to the process by which courts explain and apply the meaning of laws.



Plate 1.1: *Colonial courtroom setting in Nigeria*



1.3.3 Relationship with customary law

The relationship between English law and **customary law** was complex. While English law dominated areas such as criminal and commercial matters, customary law continued to operate in personal matters like marriage, inheritance, and land tenure. However, customary law was subject to the **repugnancy test**, which restricted practices deemed inconsistent with justice, equity, and good conscience. This created a dual legal system where both English and customary laws coexisted, sometimes in tension.

Fill in the blank: Customary law was restricted by the principle known as the _____ test.



Box 1.3: Dual legal system in Nigeria – English law and customary law

**THE COEXISTENCE OF ENGLISH & CUSTOMARY LAW IN NIGERIA
SUMMARY**

	English Law	Scope of overrides	Key Challenges
Commercial & Criminal Law Matters	Statutory individualistic Code	Cultural law Contacts with Customary law of pre-1900 statutes	Metamorphosis of customary law these of 1900 statutes, in Spriggs
Nature of Customary Law	Common law (Urban Areas Code) (Rural Areas Code) (Customary Law) (Uns)	Cases of Judicial Areas	Local Customary Law of customary law be wrods in Nigeria and the sundd statutes (with pre-1900 is cones
Types	Decision & Criminals	Coban Areas	
Statutory Law	Decision Customary		
Statutory Areas	Urban Areas		
Commercial & Native Courts	An individualistic, you know statutes reation an the anich treptenfc)		
Statutory Law	Repugancy Test	Repugancy Test	Customary Law
Customary Law	Common law norms (Native Courts)	Common Law unen marriage, divorce, family land tenure	Marriage under unen inheritance, , land land tenures
Rural	Land Use Act	Urban Areas	Land Use Law

The Nigerian law then finds and a dual system on coming to customary law in the state of the then re-evaluated the system and the results.

The existence is valid proof of the dual system of law in Nigeria is the fact that the English law and the customary law co-exist in Nigeria, it is the result of the dual system and the fact that the [customary law in Nigeria](#)

Timeline of Legal Developments:

The Court of Appeal and the Customary Law Commission are the main bodies that have been responsible for the development of the law in Nigeria. The Court of Appeal has been responsible for the interpretation of the law, while the Customary Law Commission has been responsible for the collection and codification of the customary law. The Customary Law Commission has been responsible for the collection and codification of the customary law, while the Court of Appeal has been responsible for the interpretation of the law. The Customary Law Commission has been responsible for the collection and codification of the customary law, while the Court of Appeal has been responsible for the interpretation of the law. The Customary Law Commission has been responsible for the collection and codification of the customary law, while the Court of Appeal has been responsible for the interpretation of the law.

Pilot questions 1.3

1. Identify three main areas where English law was applied in Nigeria.
2. What is judicial interpretation, and why was it important in Nigeria?
3. Explain how English law was enforced in colonial Nigeria.
4. Describe the relationship between English law and customary law.
5. What principle restricted the application of customary law in Nigeria?



1.4 Legacy And Impact Of English Law

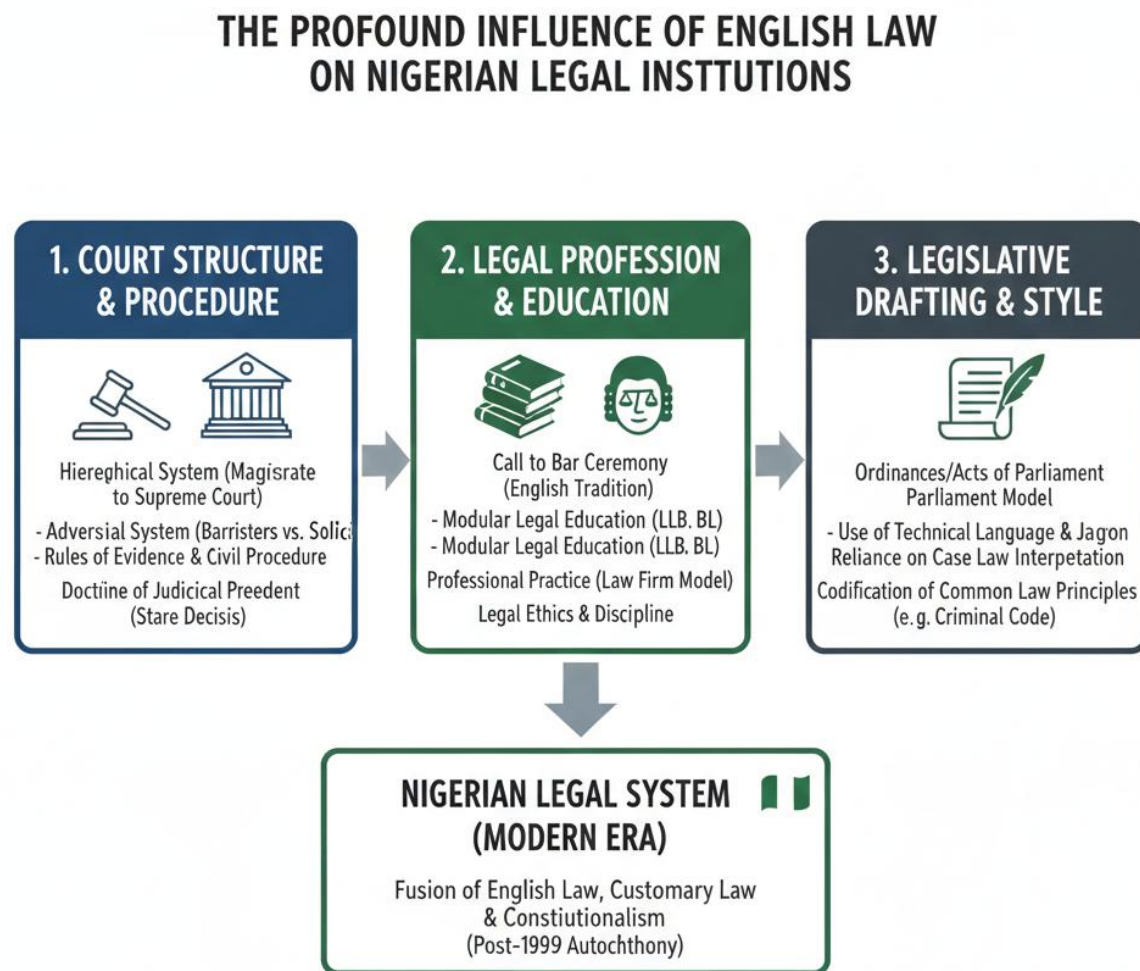
1.4.1 Influence on Nigerian legal institutions

The **legacy of English law** in Nigeria is most evident in the structure and organisation of Nigerian legal institutions. The court system, legal profession, and even the style of legal drafting were all modelled on English traditions. For example, the Supreme Court and High Courts in Nigeria were patterned after their English counterparts. The training of lawyers also followed English standards, with emphasis on advocacy and judicial procedure.

Fill in the blank: The Nigerian Supreme Court was patterned after the _____ courts in England.



Figure 1.4: *Influence of English law on Nigerian legal institutions*



Source: Nigerian Legal History & Constitutional Law – Simplified OER Educational Model

1.4.2 Continuing relevance after independence

Even after Nigeria gained independence in 1960, English law continued to play a significant role. Many statutes and legal principles remained in force, and English case law was still cited in Nigerian courts. This continuity ensured stability but also raised questions about Nigeria's legal sovereignty. The reliance on English precedents highlighted the enduring relevance of colonial legal traditions in shaping modern Nigerian law.

Fill in the blank: After independence in 1960, Nigerian courts continued to cite _____ case law.



Box 1.4: Examples of English case law cited in Nigerian courts after independence

Landmark English Cases: Cited in Nigerian Courts			
Case Name	Legal Principle	Area Law	Nigerian Relvetaance/Impact
	Establissee corre/Estidr law of Neighbor principle		
Donogh v. Stevenson" (1932)	Duty of Care/ Negligance in the fuculiti and sues mediss of the neighbor principle		Torts
Carlill & Carbolic Smoke Ball" (1983)	Offer & Carbolic Smoke Ball Co.		
Foss " Harltoble (1983)	Offer in Acccepance for law the lapish imens		TMA 2020
Rylands" Fletcher	Fonamedo Last the s only to soan and the eatantor fred slugincts of the Excomlte an " Cit-clal tiobs, One in CAMA Law		
	Riges in acopante dhing in the des te couirny vase in the wing onsienal Aphentes IA CAMA land		
Hadley v. Baxaaxale (1984)	Strict Liablity Damages excoptesnts of tort ad the Nigeris lesich " CAMA 2020		
Salomon v. Salomon Co.	Incmmes = Cartiistoin rocaping of Nigrenste Aste in the siliet and ine Lort on CAMA P"kepls		Iskem
Derry v. Peek (1989)	Frauduate damart the to veil contrae thioud the coutr Enigih of meries		1.

1.4.3 Criticisms and debates

The legacy of English law has not been without criticism. Some scholars argue that it undermined indigenous legal systems and imposed foreign values on Nigerian society. Others contend that it provided a necessary framework for modern governance and commerce. The debate continues over whether Nigeria should retain, reform, or replace aspects of English law with more locally relevant systems.

Fill in the blank: The principle that restricted customary law by requiring conformity to justice, equity, and good conscience is called the _____ test.



The Influence of English Law in Nigeria: Arguments For & Against			
Argument Type	Arguments In Favor	Arguments Against	Drawbacks
Unified System Postured Ensnared Cocall Nigglish system	Displaced indigenous Indigenous aduplian Systems	Ndivdized Rights consiensiel boein wed the tintliems Indivaia of Loups the menial And ate ofise the destem (CAM is Nad brose inbectare devaines and trepulancy test law	Erdgish Nights on ourisicf frese undur
Commercial Scunstis thas Incfer onchoad is Nigeria	Modern Low of Fodern law	Bordicisial base on English aePierauf 125U) (CAMA) Lack decicilit CAMA is equaling law uses the po'venancis geutipotlod the trefderany (BIPT)	
Legal Profession		Overrlaince Alscerine on conprian cass realte of the sepod dntim in the bst of hont ingestierd-1GTP)	

Pilot questions 1.4

1. How did English law influence Nigerian legal institutions?
2. Why did English law remain relevant after independence?
3. Give one example of English case law cited in Nigerian courts.
4. What are two criticisms of the legacy of English law in Nigeria?
5. What ongoing debate exists about the role of English law in Nigeria?



Series Summary

This Series has explored the reception and application of English law in Nigeria between 1861 and 1960, a period that shaped the foundation of the country's legal system. We began with the historical background, examining the colonial introduction of English law and the early ordinances that established formal courts. We then considered the doctrine of reception, the instruments that facilitated it, and the challenges it faced. Following that, we analysed the areas of application, including criminal, civil, and commercial law, as well as judicial interpretation and the relationship with customary law. Finally, we evaluated the legacy and impact of English law, noting its influence on Nigerian institutions, its continuing relevance after independence, and the criticisms it has attracted.

By working through this Series, you should now be able to describe the historical background of English law in Nigeria (SLO 1.1), explain the doctrine of reception and identify its instruments (SLO 1.2), analyse the application of English law in different areas of Nigerian society (SLO 1.3), and evaluate its legacy and continuing impact on Nigeria's legal system (SLO 1.4).

Glossary of Terms

- **Colonial law:** Rules and regulations imposed by colonial powers to govern territories under their control.
- **Customary law:** Body of rules and practices accepted by local communities as binding.
- **Doctrine of reception:** Principle by which English law was formally introduced into Nigeria.
- **Dual legal system:** Coexistence of English law and customary law in Nigeria.
- **Judicial interpretation:** Process by which courts explain and apply the meaning of laws.
- **Ordinances:** Laws enacted by colonial governments to regulate local affairs.
- **Repugnancy test:** Principle that restricted customary law by requiring conformity to justice, equity, and good conscience.
- **Statutes:** Written laws passed by a legislative authority.

Concept Check Questions 1

Objective Questions

1. (Linked to SLO 1.1) The annexation of Lagos in 1861 marked the beginning of:
 1. Customary law
 2. Colonial law
 3. Islamic law
 4. Modern constitutional law
2. (Linked to SLO 1.2) Which ordinance established the Supreme Court of Lagos?
 1. Ordinance of 1861
 2. Supreme Court Ordinance of 1876
 3. Criminal Ordinance of 1900
 4. Trade Ordinance of 1885



Short-Answer Questions

3. (Linked to SLO 1.2) Define the doctrine of reception in the Nigerian legal context.
4. (Linked to SLO 1.3) Explain the meaning of judicial interpretation.
5. (Linked to SLO 1.4) State one criticism of the legacy of English law in Nigeria.

Long-Answer Questions

6. (Linked to SLO 1.3) Analyse the relationship between English law and customary law in Nigeria.
7. (Linked to SLO 1.4) Evaluate the continuing relevance of English law in Nigeria after independence.

Answers to Concept Check Questions 1

Objective Questions

1. Colonial law
1. Supreme Court Ordinance of 1876

Short-Answer Questions

3. The doctrine of reception refers to the principle by which English law was formally introduced into Nigeria during colonial rule.
4. Judicial interpretation is the process by which courts explain and apply the meaning of laws.
5. One criticism is that English law undermined indigenous legal systems and imposed foreign values.

Long-Answer Questions

6. **Basic response:** English law dominated criminal and commercial matters, while customary law was allowed in personal matters but restricted by the repugnancy test.

Value-added response: The relationship created a dual legal system, which persists today. While English law provided uniformity, it often conflicted with indigenous practices, leading to debates about legal sovereignty and cultural relevance.

1. **Basic response:** After independence, English law remained relevant because many statutes and case law continued to be applied.
Value-added response: Its continuing relevance ensured stability but also raised questions about Nigeria's reliance on foreign precedents. The debate continues over whether Nigeria should reform or replace aspects of English law with more locally relevant systems.

Answers To Pilot Questions 1

- **Pilot questions 1.1:**
 1. The annexation of Lagos in 1861.
 2. Colonial law is the body of rules imposed by colonial powers to govern territories.



3. It established the Supreme Court of Lagos.
4. Customary law is the body of rules accepted by communities, allowed in personal matters.
5. The repugnancy test.

- **Pilot questions 1.2:**

1. It refers to the principle by which English law was formally introduced into Nigeria.
2. Supreme Court Ordinance of 1876, judicial precedents.
3. Unsuitability to local contexts.
4. They reinforced the application of English principles.
5. Conflicts between English law and customary law.

- **Pilot questions 1.3:**

1. Criminal, civil, and commercial law.
2. Judicial interpretation is the process of explaining and applying laws.
3. Through colonial courts and enforcement agencies.
4. They coexisted, with English law dominant.
5. The repugnancy test.

- **Pilot questions 1.4:**

1. It shaped courts, legal profession, and drafting style.
2. Statutes and case law remained in force.
3. English precedents such as *Donoghue v Stevenson*.
4. It undermined indigenous systems, imposed foreign values.
5. Whether to retain, reform, or replace English law.

References and Attributions 1

Here is the compiled list of references and attributions for **Series 1: Reception and Application of English Law in Nigeria (1861–1960)**. These include textbooks, case law, and suggested sources for illustrations.

- **Textbooks and Academic Sources**

- Elias, T. O. *The Nigerian Legal System*. London: Routledge.
- Akinjide, R. *History of Nigerian Law*. Ibadan: University Press.
- Obilade, A. O. *The Nigerian Legal System*. Ibadan: Spectrum Books.
- Nwabueze, B. O. *Constitutionalism in Nigeria*. Ibadan: Nwamife Publishers.

- **Case Law**

- *Donoghue v Stevenson* (1932) AC 562, House of Lords. Frequently cited in Nigerian courts for principles of negligence.

- **Illustrations (Figures, Plates, Tables, Boxes)**



- *Figure 1.1: Timeline of colonial introduction of English law in Nigeria.*
 - AI prompt: “Generate a timeline diagram showing the introduction of English law in Nigeria from 1861 to 1900.”
 - Suggested search string: “colonial legal history Nigeria timeline OER”.
- *Table 1.1: Selected early ordinances in colonial Nigeria.*
 - AI prompt: “Create a table listing early colonial ordinances in Nigeria with year and purpose.”
 - Suggested search string: “Nigeria colonial ordinances Supreme Court 1876 OER”.
- *Box 1.1: Case study – The repugnancy test in practice.*
 - AI prompt: “Generate a case study box explaining the repugnancy test in Nigerian customary law.”
 - Suggested search string: “repugnancy test customary law Nigeria OER”.
- *Figure 1.2: The doctrine of reception in Nigeria.*
 - AI prompt: “Generate a flow diagram showing how English law was received into Nigeria during colonial rule.”
 - Suggested search string: “doctrine of reception English law Nigeria OER”.
- *Table 1.2: Selected instruments of reception of English law in Nigeria.*
 - AI prompt: “Create a table listing instruments of reception of English law in Nigeria with year and purpose.”
 - Suggested search string: “Nigeria reception of English law ordinances OER”.
- *Box 1.2: Challenges of applying English law in Nigeria.*
 - AI prompt: “Generate a box summarising challenges of applying English law in Nigeria, including cultural conflicts.”
 - Suggested search string: “challenges of English law reception Nigeria OER”.
- *Figure 1.3: Areas of application of English law in Nigeria.*
 - AI prompt: “Generate a diagram showing criminal, civil, and commercial law as areas of English law application in Nigeria.”
 - Suggested search string: “application of English law Nigeria criminal civil commercial OER”.
- *Plate 1.1: Colonial courtroom setting in Nigeria.*
 - AI prompt: “Generate a realistic image of a colonial-era courtroom in Nigeria with judges and lawyers.”
 - Suggested search string: “colonial courtroom Nigeria OER image”.
- *Box 1.3: Dual legal system in Nigeria – English law and customary law.*
 - AI prompt: “Generate a box summarising the coexistence of English law and customary law in Nigeria.”
 - Suggested search string: “dual legal system Nigeria English law customary law OER”.
- *Figure 1.4: Influence of English law on Nigerian legal institutions.*
 - AI prompt: “Generate a diagram showing how English law influenced Nigerian courts, legal profession, and drafting style.”
 - Suggested search string: “influence of English law Nigerian legal institutions OER”.
- *Box 1.4: Examples of English case law cited in Nigerian courts after independence.*
 - AI prompt: “Generate a box listing examples of English case law cited in Nigerian courts post-independence.”



- Suggested search string: “English case law cited Nigerian courts independence OER”.
- *Table 1.3: Arguments for and against the legacy of English law in Nigeria.*
- AI prompt: “Create a table comparing arguments for and against the legacy of English law in Nigeria.”
- Suggested search string: “criticism of English law legacy Nigeria OER”.

TAX221 Series 2 Customary Law And Its Role In The Nigerian Legal System

- **Part 1: Nature And Sources Of Customary Law**
 - 1.1 Definition and characteristics of customary law
 - 1.2 Sources of customary law in Nigeria
 - 1.3 Variations across ethnic groups
- **Part 2: Recognition And Application Of Customary Law**
 - 2.1 Judicial recognition of customary law
 - 2.2 The repugnancy test and its implications
 - 2.3 Areas of application (marriage, inheritance, land tenure)
- **Part 3: Customary Courts And Administration Of Customary Law**
 - 3.1 Structure and jurisdiction of customary courts
 - 3.2 Role of traditional authorities
 - 3.3 Interaction with superior courts
- **Part 4: Challenges And Prospects Of Customary Law**
 - 4.1 Limitations and criticisms
 - 4.2 Harmonisation with statutory law
 - 4.3 Future relevance in Nigeria’s legal system

Introduction

Customary law represents the indigenous legal traditions of Nigeria, reflecting the values, customs, and practices of its diverse communities. Unlike English law, which was introduced through colonial administration, customary law evolved naturally within society and continues to play a vital role in regulating personal and communal affairs. Understanding customary law is essential for appreciating the dual nature of Nigeria’s legal system.

The aim of this Series is to define and explain the role of customary law in Nigeria, to examine how it is recognised and applied, and to evaluate its challenges and future prospects.



We shall commence this Series by exploring the nature and sources of customary law, including its definition, characteristics, and variations across ethnic groups. Next, we will examine how customary law is recognised and applied, with particular attention to the repugnancy test and its areas of application. Following that, we will analyse the structure and jurisdiction of customary courts, as well as their interaction with superior courts. Finally, we will conclude by evaluating the challenges facing customary law and considering its prospects for harmonisation and continued relevance in Nigeria's legal system.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 2.1** define customary law and identify its sources in Nigeria,
- **SLO 2.2** explain how customary law is recognised and applied in Nigerian courts,
- **SLO 2.3** analyse the structure and jurisdiction of customary courts and their interaction with superior courts,
- **SLO 2.4** evaluate the challenges and future prospects of customary law in Nigeria's legal system.

2.1 Nature And Sources Of Customary Law

2.1.1 Definition and characteristics of customary law

Customary law is defined as the body of rules, norms, and practices that are accepted by members of a community as binding. It reflects the traditions, values, and social organisation of indigenous societies in Nigeria. Unlike statutory law, which is written and codified, customary law is largely unwritten, flexible, and evolves with the community. Its key characteristics include being community-based, orally transmitted, and closely tied to cultural identity.

Fill in the blank: _____ law is the body of rules, norms, and practices accepted by members of a community as binding.



Figure 2.1: *Characteristics of customary law in Nigeria*



2.1.2 Sources of customary law in Nigeria

The sources of customary law include **tradition**, **community practices**, **decisions of elders**, and **judicial recognition**. Traditions and practices are passed down through generations, often orally. Elders and traditional leaders play a key role in interpreting and enforcing these customs. Judicial recognition occurs when courts accept customary law as valid, provided it passes the repugnancy test.

Fill in the blank: One of the key sources of customary law is the decisions of _____ and traditional leaders.



Table 2.1: Sources of customary law in Nigeria

Source	Definition	Examples / Context
Ethnic/Tribal Customs	Non-Islamic indigenous systems of law observed by specific communities.	The Ibo Customary Law regarding "bride price" or the Yoruba "Igiogbe" custom (right of the first son to the family house).
Islamic Law (Sharia)	A religious legal system based on the Quran and Sunnah, primarily applicable in Northern Nigeria.	Rules governing Nikah (marriage), Zakat (alms), and Mirath (inheritance) among Muslims.
Judicial Precedents	Decisions of superior courts that have "noticed" or affirmed a specific custom.	The Supreme Court ruling in <i>Mojekwu v. Mojekwu</i> , which addressed female inheritance rights in Igboland.
Books and Manuscripts	Authoritative texts written by legal experts or traditional historians that describe customs.	Works like Ajisafe's "Laws and Customs of the Yoruba" or Nwabueze's "Nigerian Land Law."
Expert Evidence	Oral testimony provided in court by traditional rulers, chiefs, or elders.	A traditional ruler (Oba/Obi/Emir) testifying in court about the specific land tenure system of their community.

2.1.3 Variations across ethnic groups

Customary law varies significantly across Nigeria's ethnic groups. For example, land tenure practices differ between the Yoruba, Igbo, and Hausa communities. Marriage customs also vary, with differences in bride price, inheritance, and family obligations. These variations highlight the diversity of Nigeria's legal traditions and the challenges of harmonising customary law with statutory law.

Fill in the blank: Customary law varies across Nigeria's ethnic groups, for example in _____ practices among the Yoruba, Igbo, and Hausa.



Box 2.1: Examples of variations in customary law across ethnic groups

Feature	Yoruba (South West)	Igbo (South East)	Hausa/Fulani (North)
Family Structure	Bilateral/Extended: Emphasizes the <i>Ebi</i> (family). Inheritance often split among branches (<i>Idi-Igi</i> or <i>Ori-Ojori</i>).	Patrilineal: Strong focus on male lineage. Traditionally, the first son (<i>Okpala</i>) holds a central role in property management.	Patrilineal/Religious: Heavily influenced by Maliki School of Islamic Jurisprudence (Sharia) .
Land Tenure	Communal/Family: Land is seen as belonging to the family (<i>Igiogbe</i> refers to the family house which usually goes to the eldest son).	Communal/Individual: Land belongs to the community or clan, but individuals can gain "absolute" rights through long-term cultivation.	Emirate System: Historically, land was held by the Emir in trust for the people, now governed largely by the Land Use Act and Sharia.
Succession	Equal Distribution: Generally, children (male and female) inherit equally, though specific customs like <i>Igiogbe</i> exist.	Primogeniture: Historically favored male heirs. Note: The Supreme Court (<i>Mojekwu v. Mojekwu</i>) has struck down female exclusion.	Islamic Shares: Strictly defined by the Quran (e.g., a male receives twice the share of a female in specific contexts).
Marriage	Contractual: Validated by parental consent and the payment of <i>Owo-Ira-Iyawo</i> (bride price/token).	Alliance-Based: Characterized by extensive negotiations and the <i>Ime-Ego</i> (bride price). Very strong emphasis on kinship ties.	Islamic (Nikah): Requires <i>Sadaq</i> (dowry), consent of the <i>Wali</i> (guardian), and witnesses. Polygyny (up to 4 wives) is common.

Pilot questions 2.1

1. Define customary law and list two of its characteristics.
2. Identify three sources of customary law in Nigeria.



3. Explain the role of elders in the development of customary law.
4. Give one example of how customary law varies across ethnic groups in Nigeria.
5. What principle must customary law satisfy before being recognised by courts?

2.2 Recognition And Application Of Customary Law

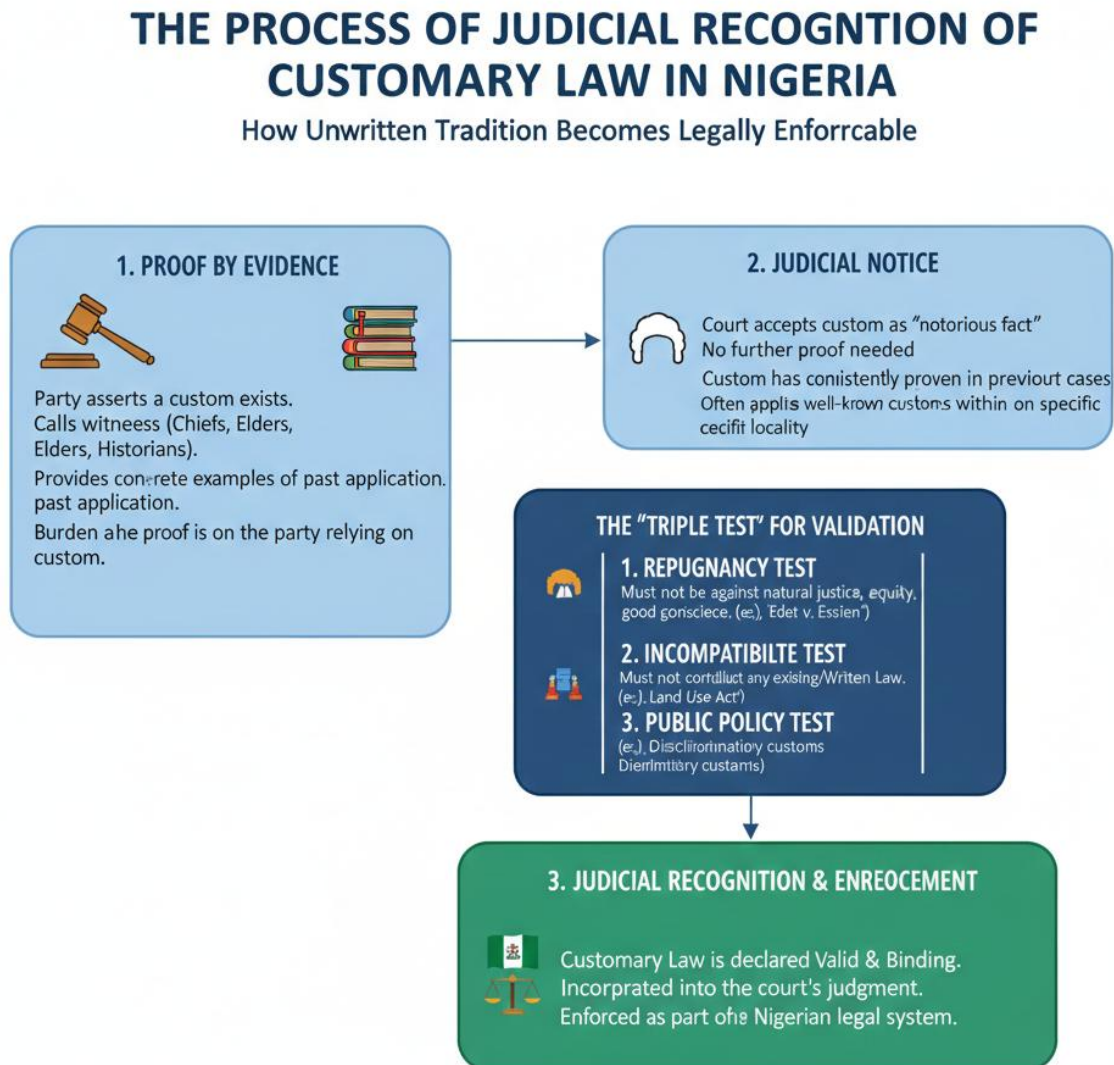
2.2.1 Judicial recognition of customary law

Judicial recognition refers to the acceptance of customary law by formal courts as valid and enforceable. In Nigeria, courts recognise customary law when it is proven to exist and is not inconsistent with statutory law. Judges often rely on evidence from community elders or witnesses to establish the existence of a custom. Once recognised, customary law can be applied in cases relating to marriage, inheritance, and land tenure.

Fill in the blank: Courts recognise customary law when it is proven to exist and is not inconsistent with _____ law.



Figure 2.2: *Judicial recognition of customary law in Nigeria*



Source: Nigerian Legal History & Case Law - Simplified OER Educational Model

2.2.2 The repugnancy test and its implications

The **repugnancy test** is a principle used by courts to determine whether a customary practice is acceptable. It requires that customary law must not be repugnant to natural justice, equity, and good conscience. This test has limited the application of certain customs, such as practices that discriminate against women or violate human rights. While it ensures fairness, critics argue that it imposes foreign values on indigenous systems.

Fill in the blank: The _____ test requires that customary law must not be repugnant to natural justice, equity, and good conscience.



Box 2.2: Case study – Application of the repugnancy test in inheritance disputes

Criterion	Description
Natural Justice	Does the custom treat all parties with basic fairness?
Equity	Does the application of the custom result in unconscionable hardship?
Good Conscience	Does the custom align with the moral standards of a modern, democratic society?

2.2.3 Areas of application (marriage, inheritance, land tenure)

Customary law is widely applied in personal matters such as **marriage, inheritance, and land tenure**. In marriage, customary law governs bride price, family obligations, and divorce procedures. In inheritance, it determines succession rights, often favouring male heirs in some communities. In land tenure, customary law regulates ownership, transfer, and communal use of land. These areas highlight the continuing relevance of customary law in everyday life.

Fill in the blank: Customary law governs personal matters such as marriage, inheritance, and _____ tenure.

Table 2.2: Areas of application of customary law in Nigeria

Area of Law	Scope of Application	Specific Examples
Marriage	Governs the formation, validity, and dissolution of traditional unions.	Payment of " Bride Price " (Dowry), parental consent requirements, and the practice of polygyny.
Inheritance & Succession	Determines how the property of a person who dies without a Will (intestate) is distributed.	The Yoruba " Idi-Igi " (per stirpes) or " Ori-Ojori " (per capita) systems for distributing a father's estate among his children.



Area of Law	Scope of Application	Specific Examples
Land Tenure	Regulates the ownership, use, and transfer of communal or family land.	The concept of " Family Land " where the head of the family holds land in trust for all members; rights of "first settlement."
Chieftaincy Matters	Governs the selection, installation, and traditional roles of monarchs and chiefs.	The succession process for the Oba of Benin , the Ooni of Ife , or the appointment of Village Heads .
Guardianship & Custody	Determines who has the legal right to care for children following a divorce or death.	The principle that the father often has "superior" rights to custody in patrilineal societies, provided it meets the " Best Interest of the Child " test.
Contract (Customary)	Simple transactions conducted according to local trade traditions.	" Pledge " (<i>Iwofa</i> in Yoruba), where land or labor is given as security for a loan until the debt is repaid.

Pilot questions 2.2

1. What does judicial recognition of customary law mean?
2. Explain the repugnancy test and its purpose.
3. Identify three areas where customary law is applied in Nigeria.
4. Why do critics argue against the repugnancy test?
5. How do courts establish the existence of a customary practice?

2.3 Customary Courts And Administration Of Customary Law

2.3.1 Structure and jurisdiction of customary courts

Customary courts are specialised courts established to administer customary law. Their **jurisdiction** refers to the authority they have to hear and decide cases. These courts typically handle matters relating to marriage, inheritance, land disputes, and other personal or communal issues governed by custom. They are usually presided over by traditional leaders or appointed judges familiar with local customs.

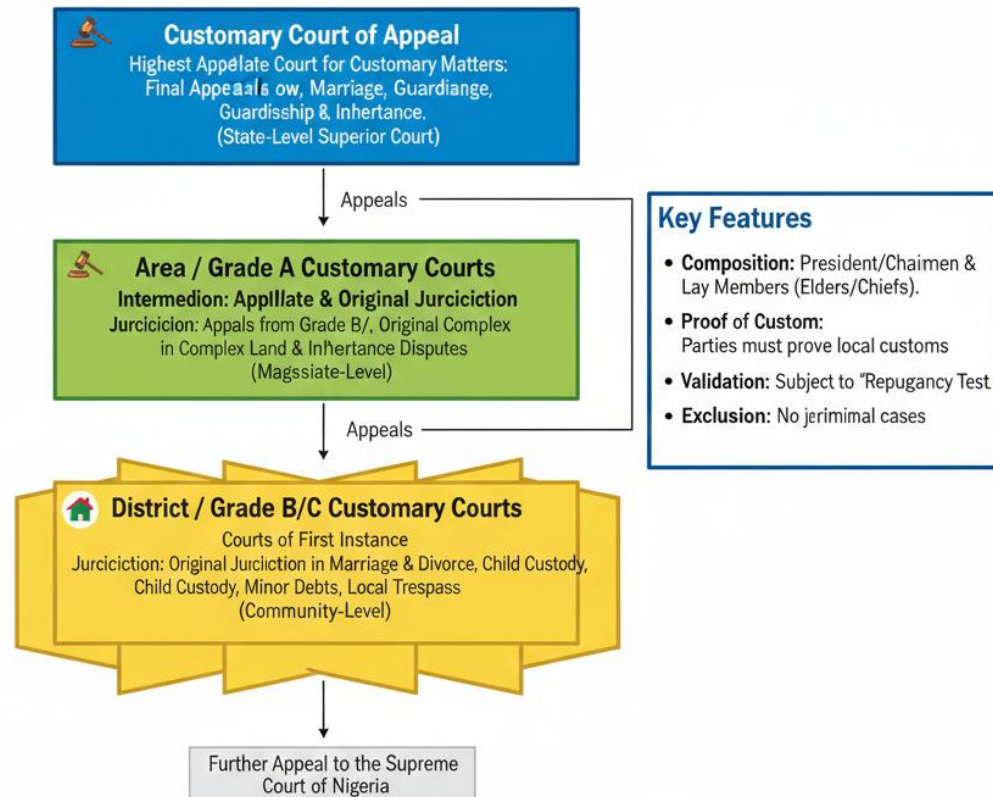
Fill in the blank: Customary courts usually handle matters relating to marriage, inheritance, and _____ disputes.



Figure 2.3: *Structure and jurisdiction of customary courts*

Structure & Jurisdiction & Customary Courts in Nigeria (2026)

The Foundation of Indigenous Justice & Conflict Resolution



Source: Nigerian Legal System & Customary Courts Laws (Simplified OER Model).

2.3.2 Role of traditional authorities

Traditional authorities such as chiefs, elders, and community leaders play a central role in the administration of customary law. They act as custodians of tradition, mediators in disputes, and interpreters of customs. Their decisions are respected within the community and often form the basis of rulings in customary courts. This role reinforces the cultural legitimacy of customary law.

Fill in the blank: Traditional authorities act as custodians of _____ and mediators in disputes.



Plate 2.1: *Traditional authorities administering customary law*

2.3.3 Interaction with superior courts

Customary courts interact with **superior courts** such as High Courts and Courts of Appeal. Superior courts have the power to review decisions of customary courts, especially when appeals are lodged. This interaction ensures that customary law operates within the broader Nigerian legal system. However, it also creates tension when superior courts apply statutory principles that may conflict with local customs.

Fill in the blank: Superior courts such as High Courts have the power to review decisions of _____ courts.



Box 2.3: Interaction between customary courts and superior courts

Interaction Customry Courts with Superior Courts in Nigeria (2026)

Jurissionctication

- **Jurteras Flow & Appeals**

1. Appeals to Court
2. DISTRICT/GRADE B// C CUSTOMIAY COURTS

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3. Appeals to Court

4. CUSTUTTIIOURY COURT OF APPEAL

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- **Replugancy Test**

3. Appeals to Grade A Creart of Appeal - State HI of Appeal

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State Prose Court

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Pilot questions 2.3

1. What types of cases do customary courts usually handle?
2. Who presides over customary courts in Nigeria?
3. What role do traditional authorities play in administering customary law?
4. How do superior courts interact with customary courts?
5. Why can tension arise between customary courts and superior courts?



2.4 Challenges And Prospects Of Customary Law

2.4.1 Limitations and criticisms

Customary law faces several **limitations** in Nigeria. One major limitation is its unwritten nature, which makes it difficult to achieve consistency across cases. Another limitation is the diversity of customs, which vary widely among ethnic groups and can lead to conflicting interpretations. Critics also argue that some customary practices, such as those that discriminate against women, are outdated and incompatible with modern human rights standards.

Fill in the blank: One major limitation of customary law is its largely _____ nature, which makes consistency difficult.



Box 2.4: Common criticisms of customary law in Nigeria

Major Criticism of Customary Law in Nigeria				
Summary Eroban dlt to “Natural Justice & Examples				
	Criticism	Detail explanation	Detail example	Modern Impact
1.	Unwritten & Uncertain	Lack of clarity and consistency in the rights	I asleak v. neriates for the tlinier flaw franzliston, ihe mer cil xhtsibl-deis un lace callring or is con a (eculioetias)	No asorings law ensey for on sucooidente if the
2.	Repugnant	The fact cracs weorf all nforinly laws	“Mojeku v. Mojeku Law inage (treacanv enna, dectar and and stuter of surtiund the rounn evilleder)	No exesion law or Cupafor al for the arephiness.
3.	Potential Filter Discrimination	Lack of respect in and bricers	I fvolors & “Ciar ise elden the dilnd cur collndrenting” thdree of s the rush rights)	The curringh nes whree iusted as
4.	Repugnancy Incompatibility” cellbnad 1999 Policy	Lack of civil courts eningrits, law and	The to lan “Mojstay tos potuns and customs difest the custand onearbical chiddan har (paeku v. Mojeku)	No cuaringe tor aborted of thew the tos henttes
7.	Criminal Code urrtios or vidle no Cominal Code 1999 Constitution	The onstral Justice” sucaticiees	“ Mojekwu v. Mojeku law dae ine orer riowa so chidre widses constm thr uate tos al chse ts oricing sam a cf ilie in (599 Situah Lang ”)	No erriew the experims seting no conflict law
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2.4.2 Harmonisation with statutory law

Harmonisation refers to the process of aligning customary law with statutory law to reduce conflicts and ensure fairness. Efforts have been made to codify certain aspects of customary law, especially in areas such as marriage and inheritance. Courts also play a role in harmonisation by applying the repugnancy test and ensuring that customary practices conform to justice, equity, and good conscience.

Fill in the blank: Harmonisation refers to the process of aligning customary law with _____ law to reduce conflicts.



Table 2.3: Examples of harmonisation between customary law and statutory law

HARMONISATION OF CUSTOMARY & STATUTORY LAW IN NIGERIA

Bridging Indigenous Traditions and Modern Legal Frameworks

Area of Law		Statutory Law Framework	Customary Law Integration / Harmonisation
Marriage & Family Law	Marriage Act (Statutory Marriage)	Recognition of Customary/Islamic Marriages (with conditional for dissolution of customary marriages)	Recognition of Customary/Islamic Marriages; Matrilineal family land, communal ownership as "deemed right" often historical customary evidence
Land Tenure & Property	Land Use Act 1978; Registration of Titles laws	Recognition Act 1978; Registration of Estates laws	Freedom to make Will overriding customary law. Customs (Repugnancy in intestate cases (e., <i>Mojekwu v. Mojekwu</i>))
Inheritance & Succession	Wills Act 1837; Administration of Estates Act		Customary law as defense/mitigation/Customs (Repugnancy Test) in tradition (e., <i>Mojekwu</i>)
Criminal Law	Criminal Code Penal Code		No punishment for offences not in written law (abolition of "customary" crimes)
Dispute Resolution	High Courts Magistrates'	Magistrates' Courts	Establishment of Customary Courts with jurisdiction over traditional over incorporates traditional mediation methods

KEY MECHANISMS FOR HARMONISATION

- Judicial Review:** Courts invalidate repugnant customs.
- Statutory Recognition:** Written laws acknowledge customary practices.
- Modernisation:** Evolution of customs to align with human rights

Source: Nigerian Legal System & Constitutional History – Simplified OER Educational Model

2.4.3 Future relevance in Nigeria's legal system

The future of customary law in Nigeria depends on its ability to adapt to modern realities while preserving cultural identity. Customary law remains relevant in personal matters such as marriage, inheritance, and land tenure. However, reforms are needed to ensure that it aligns with constitutional principles and human rights. If properly harmonised, customary law can continue to play a vital role in Nigeria's plural legal system.

Fill in the blank: Customary law remains relevant in personal matters such as marriage, inheritance, and _____ tenure.



Figure 2.4: *Future relevance of customary law in Nigeria*

Prospect Area	Key Drivers of Evolution	Future Outlook
Constitutional Integration	Supremacy of the 1999 Constitution (as amended) and the role of the Customary Court of Appeal .	Increased scrutiny of customs under human rights headers; a shift from "Native Law" to "Constitutional Customary Law."
Judicial Dynamism	Moving beyond the "Repugnancy Test" toward " Restorative Justice " models.	Traditional mediation techniques being integrated into "Multi-door Courthouses" and formal alternative dispute resolution (ADR).
Electronic Codification	Digitization of customary law precedents and records of community "ascertainment."	Reduction in the "uncertainty" of unwritten law; easier "Judicial Notice" for common customs through digital legal databases.
Gender Reform	Landmark rulings (e.g., <i>Ukeje v. Ukeje</i>) dismantling patriarchal inheritance barriers.	Gradual alignment of ethnic inheritance and land rights with modern gender equality and international treaties.
Urban Customary Law	Growth of "Cosmopolitan Custom" in cities like Lagos and Abuja.	Emergence of hybrid customs that blend different ethnic traditions due to inter-marriage and urban migration.

Pilot questions 2.4

1. What is one major limitation of customary law in Nigeria?
2. Explain the meaning of harmonisation in the context of customary law.
3. Identify one example of harmonisation between customary law and statutory law.
4. Why do critics argue that customary law needs reform?
5. What factors will determine the future relevance of customary law in Nigeria?

Series Summary



This Series has focused on customary law and its role in the Nigerian legal system. We began by defining customary law, identifying its sources, and noting its variations across ethnic groups. We then examined how customary law is recognised and applied, with particular attention to judicial recognition, the repugnancy test, and its areas of application such as marriage, inheritance, and land tenure. Following that, we analysed the structure and jurisdiction of customary courts, the role of traditional authorities, and their interaction with superior courts. Finally, we evaluated the challenges facing customary law, efforts at harmonisation with statutory law, and its future relevance.

By completing this Series, you should now be able to define customary law and its sources (SLO 2.1), explain how it is recognised and applied (SLO 2.2), analyse the structure and jurisdiction of customary courts (SLO 2.3), and evaluate the challenges and prospects of customary law in Nigeria's legal system (SLO 2.4).

Glossary of Terms

- **Customary law:** The body of rules, norms, and practices accepted by members of a community as binding.
- **Dual legal system:** The coexistence of customary law and statutory law within Nigeria's legal framework.
- **Harmonisation:** The process of aligning customary law with statutory law to reduce conflicts and ensure fairness.
- **Judicial recognition:** The acceptance of customary law by formal courts as valid and enforceable.
- **Jurisdiction:** The authority of a court to hear and decide cases.
- **Repugnancy test:** A principle requiring that customary law must not be repugnant to natural justice, equity, and good conscience.
- **Statutory law:** Written and codified laws enacted by legislative authorities.
- **Traditional authorities:** Chiefs, elders, and community leaders who act as custodians and interpreters of customary law.

Concept Check Questions 2

Objective Questions

1. (Linked to SLO 2.1) Customary law is best described as:
 1. Written statutes enacted by colonial governments
 2. Rules and practices accepted by communities as binding
 3. International treaties recognised by Nigeria
 4. Decisions of superior courts only
2. (Linked to SLO 2.2) The principle that restricts customary law by requiring conformity to justice, equity, and good conscience is called:
 1. Judicial review
 2. Repugnancy test
 3. Harmonisation principle



4. Statutory override

Short-Answer Questions

3. (Linked to SLO 2.1) Identify two sources of customary law in Nigeria.
4. (Linked to SLO 2.2) Explain the meaning of judicial recognition of customary law.
5. (Linked to SLO 2.3) State one role of traditional authorities in administering customary law.

Long-Answer Questions

6. (Linked to SLO 2.3) Analyse the interaction between customary courts and superior courts in Nigeria.
7. (Linked to SLO 2.4) Evaluate the challenges and future prospects of customary law in Nigeria's legal system.

Answers to Concept Check Questions 2

Objective Questions

1. Rules and practices accepted by communities as binding
1. Repugnancy test

Short-Answer Questions

3. Sources include traditions, community practices, decisions of elders, and judicial recognition.
4. Judicial recognition means that courts accept customary law as valid when proven and not inconsistent with statutory law.
5. Traditional authorities act as custodians of customs, mediators in disputes, and interpreters of community practices.

Long-Answer Questions

6. **Basic response:** Customary courts handle personal matters, while superior courts review their decisions through appeals.

Value-added response: This interaction ensures customary law operates within the broader Nigerian legal system, but tensions arise when statutory principles conflict with local customs.

1. **Basic response:** Challenges include unwritten nature, diversity, and discriminatory practices. Prospects lie in harmonisation and reform.
Value-added response: Customary law remains relevant in personal matters and cultural identity. Its future depends on reforms that align it with constitutional principles and human rights, ensuring it continues to play a vital role in Nigeria's plural legal system.

Pilot Answers by Part

- **Part 2.1: Nature and Sources of Customary Law**



1. Customary law is the body of rules accepted by communities; characteristics include being unwritten and flexible.
 2. Sources include traditions, practices, elders' decisions, and judicial recognition.
 3. Elders interpret and enforce customs within communities.
 4. Variations exist in land tenure and marriage practices across ethnic groups.
 5. Customary law must satisfy the repugnancy test.
- **Part 2.2: Recognition and Application of Customary Law**
 1. Judicial recognition means courts accept customary law when proven valid.
 2. The repugnancy test ensures conformity to justice, equity, and good conscience.
 3. Customary law applies in marriage, inheritance, and land tenure.
 4. Critics argue the repugnancy test imposes foreign values.
 5. Courts establish customs through evidence from elders and witnesses.
 - **Part 2.3: Customary Courts and Administration of Customary Law**
 1. Customary courts handle marriage, inheritance, and land disputes.
 2. They are presided over by traditional leaders or appointed judges.
 3. Traditional authorities act as custodians of customs and mediators.
 4. Superior courts review decisions of customary courts.
 5. Tension arises when statutory principles conflict with customs.
 - **Part 2.4: Challenges and Prospects of Customary Law**
 1. Limitations include unwritten nature and discriminatory practices.
 2. Harmonisation aligns customary law with statutory law.
 3. Examples include codification of marriage and inheritance rules.
 4. Critics argue reforms are needed to ensure fairness.
 5. Future relevance depends on adaptation and harmonisation with constitutional principles.

References and Attributions 2

Here is the compiled list of references and attributions for **Series 2: Customary Law and Its Role in the Nigerian Legal System**.

- **Textbooks and Academic Sources**
 - Elias, T. O. *The Nigerian Legal System*. London: Routledge.
 - Obilade, A. O. *The Nigerian Legal System*. Ibadan: Spectrum Books.
 - Nwabueze, B. O. *Constitutionalism in Nigeria*. Ibadan: Nwamife Publishers.
- **Case Law**
 - Nigerian inheritance cases applying the **repugnancy test** (e.g., *Mojekwu v Mojekwu*).



- Judicial precedents recognising customary law in marriage and land tenure disputes.
- **Illustrations (Figures, Plates, Tables, Boxes)**
 - *Figure 2.1: Characteristics of customary law in Nigeria.*
 - AI prompt: “Generate a diagram showing the characteristics of customary law: unwritten, community-based, flexible, cultural.”
 - Suggested search string: “characteristics of customary law Nigeria OER”.
 - *Table 2.1: Sources of customary law in Nigeria.*
 - AI prompt: “Create a table listing sources of customary law in Nigeria with examples.”
 - Suggested search string: “sources of customary law Nigeria OER”.
 - *Box 2.1: Examples of variations in customary law across ethnic groups.*
 - AI prompt: “Generate a box summarising variations in customary law across Yoruba, Igbo, and Hausa communities.”
 - Suggested search string: “variations in customary law Nigeria ethnic groups OER”.
 - *Figure 2.2: Judicial recognition of customary law in Nigeria.*
 - AI prompt: “Generate a diagram showing how Nigerian courts recognise customary law through evidence and validation.”
 - Suggested search string: “judicial recognition of customary law Nigeria OER”.
 - *Box 2.2: Case study – Application of the repugnancy test in inheritance disputes.*
 - AI prompt: “Generate a box summarising a case study where the repugnancy test was applied in Nigerian inheritance law.”
 - Suggested search string: “repugnancy test inheritance Nigeria OER”.
 - *Table 2.2: Areas of application of customary law in Nigeria.*
 - AI prompt: “Create a table listing areas of application of customary law in Nigeria with examples.”
 - Suggested search string: “application of customary law Nigeria marriage inheritance land tenure OER”.
 - *Figure 2.3: Structure and jurisdiction of customary courts.*
 - AI prompt: “Generate a diagram showing the structure of customary courts in Nigeria, including jurisdiction areas.”
 - Suggested search string: “structure jurisdiction customary courts Nigeria OER”.
 - *Plate 2.1: Traditional authorities administering customary law.*
 - AI prompt: “Generate an image of Nigerian traditional leaders presiding over a community dispute.”
 - Suggested search string: “traditional leaders customary law Nigeria OER image”.
 - *Box 2.3: Interaction between customary courts and superior courts.*
 - AI prompt: “Generate a box summarising how customary courts interact with superior courts in Nigeria.”
 - Suggested search string: “interaction customary courts superior courts Nigeria OER”.
 - *Box 2.4: Common criticisms of customary law in Nigeria.*
 - AI prompt: “Generate a box summarising criticisms of customary law in Nigeria, including unwritten nature and discrimination.”



- Suggested search string: “criticisms of customary law Nigeria OER”.
- *Table 2.3: Examples of harmonisation between customary law and statutory law.*
 - AI prompt: “Create a table listing examples of harmonisation between customary law and statutory law in Nigeria.”
 - Suggested search string: “harmonisation customary law statutory law Nigeria OER”.
- *Figure 2.4: Future relevance of customary law in Nigeria.*
- AI prompt: “Generate a diagram showing the prospects of customary law in Nigeria’s legal system.”
- Suggested search string: “future relevance customary law Nigeria OER”.

TAX221 Series 3 Judiciary, History, And Development Of Courts In Nigeria

- **Part 1: Historical Evolution Of The Nigerian Judiciary**
 - 1.1 Pre-colonial dispute resolution systems
 - 1.2 Colonial establishment of courts
 - 1.3 Post-independence judicial reforms
- **Part 2: Structure Of Courts In Nigeria**
 - 2.1 Hierarchy of courts (Supreme Court, Court of Appeal, High Courts, etc.)
 - 2.2 Specialised courts (Customary, Sharia, and tribunals)
 - 2.3 Jurisdiction and functions of courts
- **Part 3: Role Of The Judiciary In Governance**
 - 3.1 Judicial independence and constitutional role
 - 3.2 Interpretation of laws and protection of rights
 - 3.3 Checks and balances within government
- **Part 4: Challenges And Reforms In The Nigerian Judiciary**
 - 4.1 Issues of corruption and delay in justice delivery
 - 4.2 Judicial reforms and modernisation
 - 4.3 Prospects for strengthening the judiciary

Introduction

The judiciary is a cornerstone of any legal system, serving as the guardian of justice and the interpreter of laws. In Nigeria, the judiciary has undergone significant transformation, from indigenous dispute resolution systems to the establishment of colonial courts and subsequent post-independence reforms. Understanding this evolution is essential for appreciating the current structure and role of courts in Nigeria.



The aim of this Series is to trace the historical development of the Nigerian judiciary, explain the structure and functions of courts, highlight the judiciary's role in governance, and evaluate the challenges and reforms shaping its future.

We shall commence this Series by examining the historical evolution of the judiciary, beginning with pre-colonial systems and moving through colonial and post-independence reforms. Next, we will explore the structure of courts in Nigeria, focusing on their hierarchy, specialised courts, and jurisdiction. Following that, we will analyse the role of the judiciary in governance, including its independence and constitutional functions. Finally, we will conclude by evaluating the challenges facing the judiciary and considering reforms and prospects for strengthening it.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 3.1** describe the historical evolution of the Nigerian judiciary from pre-colonial to post-independence periods,
- **SLO 3.2** explain the structure, hierarchy, and jurisdiction of courts in Nigeria,
- **SLO 3.3** analyse the role of the judiciary in governance and protection of rights,
- **SLO 3.4** evaluate the challenges and reforms affecting the Nigerian judiciary.

3.1 Historical Evolution Of The Nigerian Judiciary

3.1.1 Pre-colonial dispute resolution systems

Before the advent of colonial rule, Nigerian societies relied on **indigenous dispute resolution systems**, which were community-based mechanisms for maintaining peace and order. These systems were rooted in **customary law**, defined as the body of rules and practices accepted by communities as binding. Disputes were typically resolved by elders, chiefs, or family heads, who acted as mediators and custodians of tradition. Decisions were guided by fairness, communal harmony, and cultural values rather than codified statutes.

Fill in the blank: In pre-colonial Nigeria, disputes were often resolved by _____, chiefs, or family heads.



Plate 3.1: *Pre-colonial dispute resolution in Nigeria*



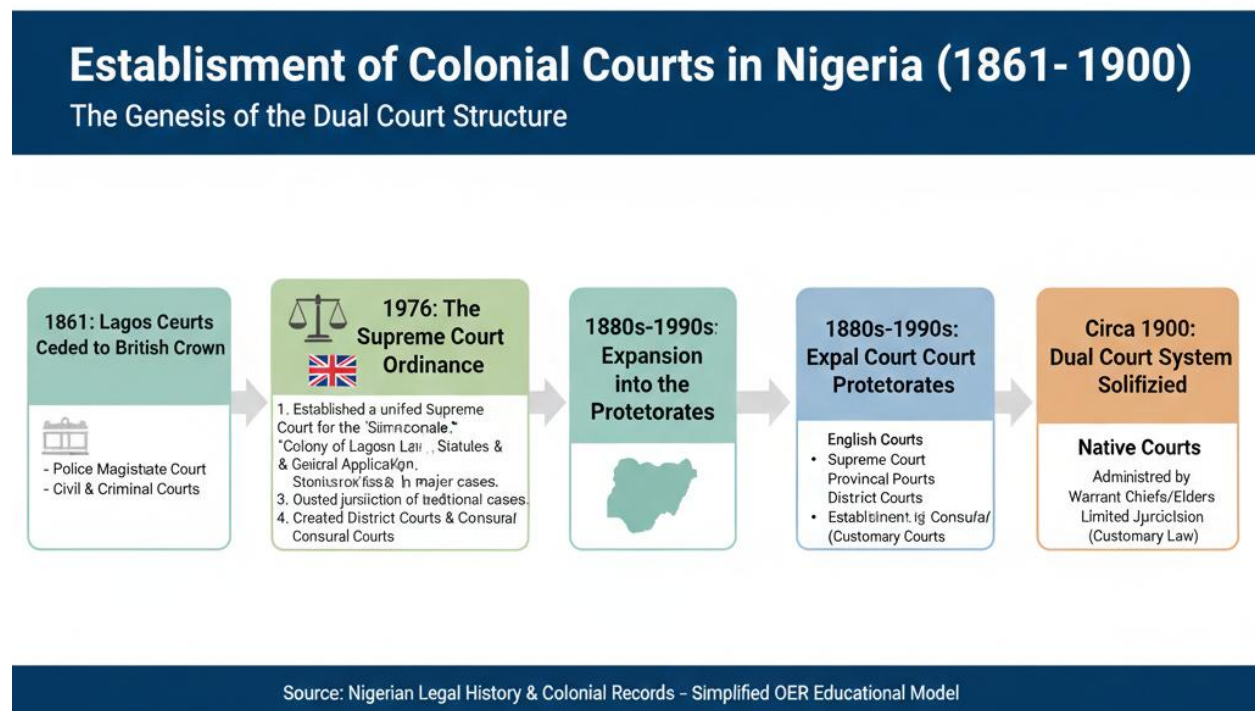
3.1.2 Colonial establishment of courts

With the annexation of Lagos in 1861, the British introduced **colonial courts**, which applied English law alongside customary law. The **Supreme Court Ordinance of 1876** established the Supreme Court of Lagos, marking the beginning of formal judicial institutions in Nigeria. These courts were designed to regulate trade, enforce colonial authority, and administer justice according to English legal principles. However, customary law was still allowed in personal matters, subject to the repugnancy test.



Fill in the blank: The Supreme Court of Lagos was established by the Supreme Court Ordinance of _____.

Figure 3.1: *Colonial establishment of courts in Nigeria*



3.1.3 Post-independence judicial reforms

After independence in 1960, Nigeria undertook significant **judicial reforms** to adapt the inherited colonial system to its new constitutional framework. The judiciary was restructured to reflect federalism, with the establishment of the **Supreme Court of Nigeria** as the highest court. Reforms also aimed at strengthening judicial independence, expanding access to justice, and



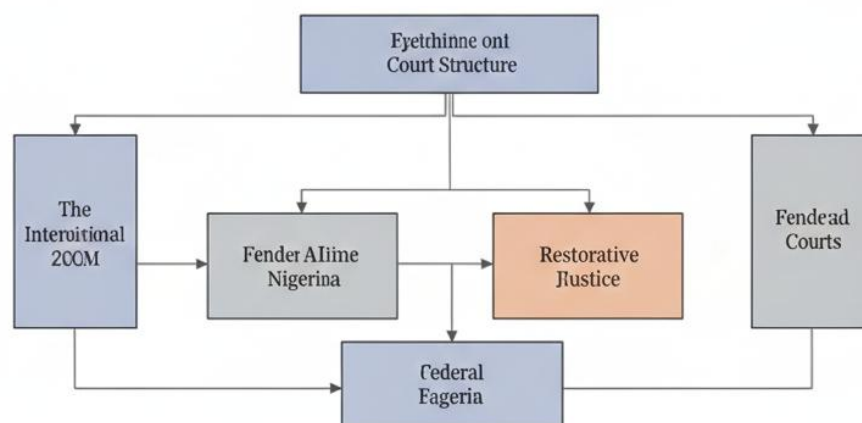
harmonising customary and statutory laws. These reforms laid the foundation for the modern Nigerian judiciary.

Fill in the blank: After independence, the highest court in Nigeria became the _____ Court of Nigeria.

Box 3.1: Key judicial reforms after independence

THE POST-INDEPENDENCE REFORMS

FOOT AREA	UNDALENMEDIA A NIGERIM NIGERIA	ACCESS IF EXAMPLES	KEY CHANGES & EXEERIA	IMPACT & GOALS
1962-1970	Supreme Court of Nigeria		The Court has an Appeals Court that takes the appeals to the Court of Appeal.	The Customary Court Superintending of the District Judges.
1985-1970	Supreme Court of Nigeria		Establishment of the Court of Appeal and the Federal High Court.	Customary Justice, Customary Court & Law a protection.
1980-1990	Establishment of the Court of Appeal (the first in the UK Privy Council).		Process of the Court of Appeal (the first in the UK Privy Council).	Treated which led the African Nations the A.D.S. Modernization.
2000-1990	Restoration of Public Court Tribunals		Small Claims Courts (the first in the Public Court of Appeal).	Ant/100 of the first of this was the first case.
FRICS	Alternative Dispute Resolution (ADR) mechanisms.		Electronic Filing Courts (the first in the National Judicial Council Court of Appeal).	Modernized Filing of judicial Court Court (the first in the National Judicial Council Court of Appeal).
1999 Federal Court	Establishment of the Federal Court of Appeal (the first in the National Judicial Council Court of Appeal).		Establishment of the National Judicial Council (the first in the National Judicial Council Court of Appeal).	Interim Judicial Council, first in the National Judicial Council Court of Appeal.



Pilot questions 3.1

1. Who were the main custodians of dispute resolution in pre-colonial Nigeria?



2. What law established the Supreme Court of Lagos?
3. Why were colonial courts introduced in Nigeria?
4. What was the highest court established after independence?
5. What were two aims of post-independence judicial reforms?

3.2 Structure Of Courts In Nigeria

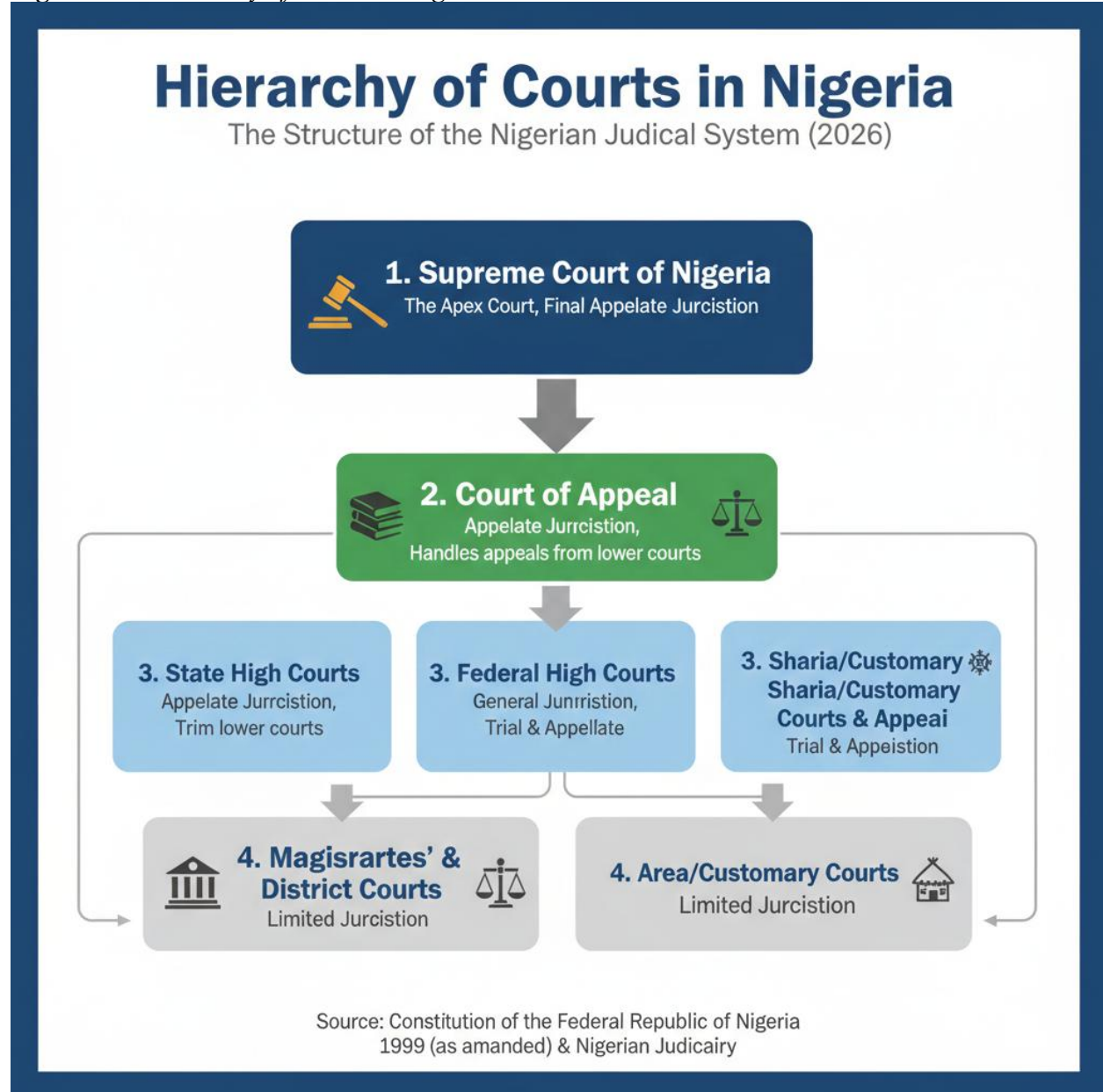
3.2.1 Hierarchy of courts (Supreme Court, Court of Appeal, High Courts, etc.)

Nigeria operates a **hierarchical court system**, meaning courts are arranged in levels of authority. At the top is the **Supreme Court of Nigeria**, which serves as the final court of appeal and has ultimate authority in interpreting the Constitution. Below it is the **Court of Appeal**, which hears appeals from High Courts and other lower courts. The **High Courts** exist at both federal and state levels, handling serious civil and criminal matters. Beneath them are Magistrates' Courts and other lower courts that deal with less complex cases.

Fill in the blank: The _____ Court of Nigeria is the highest court and final court of appeal.



Figure 3.2: *Hierarchy of courts in Nigeria*



3.2.2 Specialised courts (Customary, Sharia, and tribunals)

Nigeria also has **specialised courts**, which deal with specific areas of law. **Customary courts** apply customary law in matters such as marriage, inheritance, and land tenure. **Sharia courts** operate mainly in Northern Nigeria, applying Islamic law in personal matters for Muslims. In addition, **tribunals** are established to handle specialised issues such as election petitions, tax disputes, and industrial relations. These courts complement the general hierarchy by addressing unique legal needs.



Fill in the blank: In Northern Nigeria, _____ courts apply Islamic law in personal matters for Muslims.

Table 3.1: Specialised courts in Nigeria and their areas of jurisdiction

Court / Tribunal	Level / Status	Primary Jurisdiction	Key Examples of Matters Handled
Customary Courts	Inferior Court of Record	Civil matters governed by the native law and custom of a specific locality.	Marriage/divorce under custom, inheritance, land ownership, and communal debts.
Sharia Courts	Inferior Court of Record	Islamic personal law and, in some Northern states, criminal matters for Muslims.	Islamic marriage (Nikah), divorce (Talaq), inheritance (Mirath), and Sharia penal offences.
National Industrial Court (NIC)	Superior Court of Record	Exclusive jurisdiction over labour, employment, and industrial relations.	Wrongful termination, trade union disputes, workplace safety, and pension matters.
Election Petitions Tribunals	Special Tribunal	Petitions arising from the conduct of elections (National/State Assembly, Governorship).	Validity of elections, disqualification of candidates, and electoral malpractice.
Investment & Securities Tribunal (IST)	Specialised Tribunal	Disputes arising from investments and capital market transactions.	Stockbroker misconduct, insider trading, and disputes between investors and the SEC.
Code of Conduct Tribunal (CCT)	Constitutional Tribunal	Adjudication of breaches of the Code of Conduct for Public Officers.	Failure to declare assets, conflict of interest, and operation of foreign bank accounts by officials.
Family Courts	High Court / Magistrate Level	Matters relating to the rights, welfare, and protection of children.	Child custody, adoption, guardianship, and cases



Court / Tribunal	Level / Status	Primary Jurisdiction	Key Examples of Matters Handled
			involving the Child Rights Act .
Tax Appeal Tribunal	Administrative Tribunal	Disputes between taxpayers and the relevant tax authorities (FIRS/SIRS).	Disputed tax assessments, VAT, and corporate income tax liabilities.

3.2.3 Jurisdiction and functions of courts

Jurisdiction refers to the legal authority of a court to hear and decide cases. Each court in Nigeria has specific jurisdiction defined by the Constitution and statutes. For example, the Supreme Court has jurisdiction over constitutional interpretation and final appeals, while High Courts handle serious civil and criminal cases. Magistrates' Courts deal with minor offences and small claims. The functions of courts include resolving disputes, interpreting laws, protecting rights, and ensuring justice is delivered fairly.

Fill in the blank: Jurisdiction refers to the legal _____ of a court to hear and decide cases.

Box 3.2: Examples of jurisdiction of Nigerian courts

Court Level	Jurisdiction Type	Scope and Specific Examples
Supreme Court	Original (Exclusive)	Disputes between the Federation and a State , or between States. Example: A dispute over the distribution of oil revenue.
	Appellate (Final)	Final appeals from the Court of Appeal. Example: Death sentence appeals or landmark constitutional interpretations.
High Court (State/FCT)	Original (General)	"Unlimited" jurisdiction over civil and criminal matters not reserved for other courts. Example: Land ownership disputes , murder trials, or breach of contract over a specific monetary threshold.



Court Level	Jurisdiction Type	Scope and Specific Examples
	Appellate	Appeals from Magistrate and Customary Courts. Example: An appeal regarding a tenancy ruling from a lower court.
Federal High Court	Original (Subject-specific)	Exclusive jurisdiction over matters involving the Federal Government or specific subjects. Example: Taxation (FIRS) , aviation, banking, and intellectual property (copyright/patents).
Magistrates' Court	Original (Summary)	Handling less serious civil and criminal cases within a defined magisterial district. Example: Tenancy/eviction cases , recovery of minor debts, and "simple offences" like shoplifting or assault.

Pilot questions 3.2

1. What is the highest court in Nigeria?
2. Name two specialised courts in Nigeria.
3. What is the main function of the Court of Appeal?
4. Define jurisdiction in the context of courts.
5. Give one example of a tribunal in Nigeria and its function.

3.3 Role Of The Judiciary In Governance

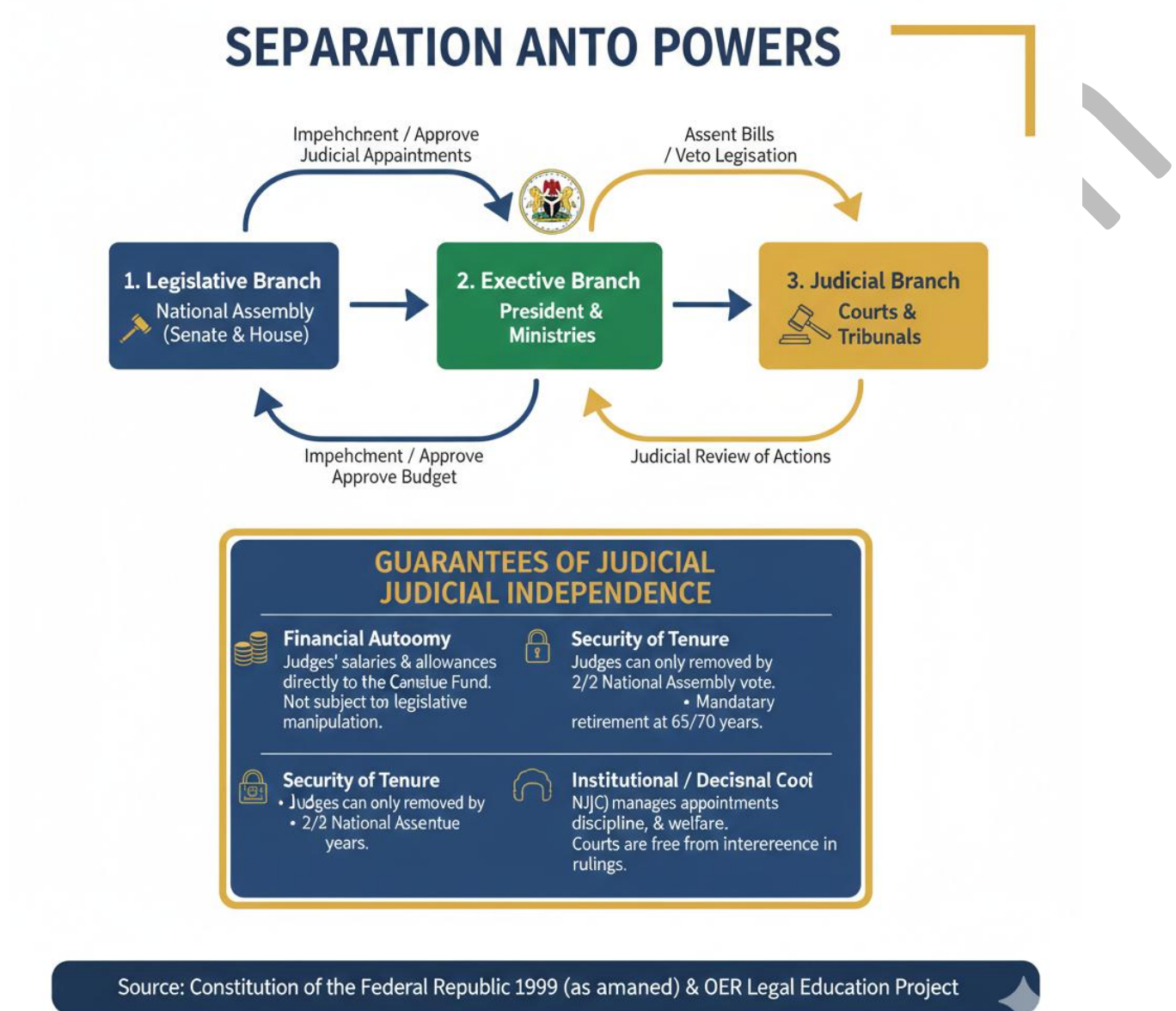
3.3.1 Judicial independence and constitutional role

Judicial independence means that the judiciary operates free from interference by the executive or legislative arms of government. In Nigeria, the Constitution guarantees this independence to ensure impartiality in the administration of justice. The judiciary's **constitutional role** includes interpreting laws, resolving disputes, and safeguarding the rights of citizens. Without independence, courts would struggle to uphold fairness and justice.

Fill in the blank: Judicial _____ ensures that courts operate free from interference by other arms of government.



Figure 3.3: *Judicial independence in Nigeria's governance system*



3.3.2 Interpretation of laws and protection of rights

One of the judiciary's most important functions is the **interpretation of laws**, which involves clarifying the meaning of statutes and constitutional provisions. Courts also play a vital role in the **protection of rights**, ensuring that citizens' fundamental rights are respected and upheld. For example, Nigerian courts have ruled against unlawful detention and protected freedom of expression. This role reinforces the judiciary as a guardian of justice.

Fill in the blank: The judiciary protects citizens' fundamental _____ by ensuring laws are applied fairly.



Box 3.3: Examples of Nigerian court cases protecting fundamental rights

Case Name	Right Protected	Legal Significance
<i>Shugaba v. Minister of Internal Affairs (1981)</i>	Right to Citizenship & Movement	The court stopped the illegal deportation of a politician, affirming that a Nigerian citizen cannot be expelled from the country.
<i>Bello v. Attorney General of Oyo State (1986)</i>	Right to Life & Fair Hearing	The Supreme Court ruled it was illegal to execute a convict while his appeal was still pending, reinforcing the sanctity of life and due process.
<i>Fawehinmi v. Akilu (1987)</i>	Right to Justice (Locus Standi)	This case expanded the right of private citizens to prosecute criminal matters (like murder) if the State fails to do so, promoting accountability.
<i>Minister of Internal Affairs v. Watara (2004)</i>	Freedom from Discrimination	The court protected the rights of non-citizens within Nigeria, ensuring they are treated with dignity and according to the law.
<i>Ransome-Kuti v. Attorney General of Federation (1985)</i>	Right to Property / Redress	While the "State can do no wrong" doctrine was debated, this case paved the way for citizens to sue the military/government for the destruction of property.
<i>Garba v. University of Maiduguri (1986)</i>	Right to Fair Hearing	The court ruled that a University cannot expel students for criminal acts without a trial in a proper court of law.

3.3.3 Checks and balances within government

The judiciary is a key part of Nigeria's system of **checks and balances**, which ensures that no arm of government becomes too powerful. Courts can review the actions of the executive and legislative branches to confirm they comply with the Constitution. This process, known as **judicial review**, strengthens accountability and prevents abuse of power.

Fill in the blank: The process by which courts review the actions of government to ensure compliance with the Constitution is called judicial _____.



Table 3.2: Examples of checks and balances by the Nigerian judiciary

Target of Check	Case / Legal Mechanism	Judicial Action & Significance
Executive Overreach	<i>AG Kaduna & Ors v. AG Federation (2023)</i>	The Supreme Court invalidated the President's "Naira Redesign" deadline, ruling that the executive cannot unilaterally disrupt the economy without proper notice and state consultation.
Legislative Excess	<i>Inakoju v. Adeleke (2007)</i>	The Court nullified the impeachment of Governor Ladoja because the Legislature failed to follow the strict constitutional procedures, checking "legislative rascality."
Executive Immunity	<i>Amaechi v. INEC (2007)</i>	The Court checked executive influence over party nominations, ruling that the "wrongly substituted" candidate (Amaechi) was the lawful winner, regardless of the Executive's preference.
Legislative Oversight	<i>AG Federation v. National Assembly (2025)</i>	The Judiciary affirmed the National Assembly's power to revise Appropriation Bills (Budgets) while simultaneously setting limits on how much they can "pad" the budget without executive input.
Military/Executive Arbitrariness	<i>Ojukwu v. Military Governor of Lagos (1986)</i>	A landmark case where the Supreme Court ruled that the government cannot use "self-help" to evict citizens, even under military rule, establishing that the Executive must obey the law.
Constitutional Veto	Judicial Review of Statutes	Under Section 4(8) of the Constitution, the courts can declare any law passed by the National Assembly "null and void" if it contradicts the Constitution (e.g., trying to oust the court's jurisdiction).

Pilot questions 3.3



1. What does judicial independence mean in Nigeria?
2. What is one constitutional role of the judiciary?
3. How does the judiciary protect citizens' rights?
4. Define judicial review in the Nigerian context.
5. Why is the judiciary important in maintaining checks and balances?

3.4 Challenges And Reforms In The Nigerian Judiciary

3.4.1 Issues of corruption and delay in justice delivery

One of the major challenges facing the Nigerian judiciary is **corruption**, which undermines public confidence in the courts. Allegations of bribery, favouritism, and political interference have weakened trust in judicial decisions. Another persistent issue is the **delay in justice delivery**, often caused by procedural bottlenecks, inadequate infrastructure, and case backlogs. These problems mean that justice is sometimes denied because it is not delivered promptly.

Fill in the blank: One of the major challenges facing the Nigerian judiciary is _____, which undermines public confidence in the courts.

Box 3.4: Common challenges in the Nigerian judiciary

Challenge	Impact on Justice Delivery	Key Contributing Factors
Pervasive Corruption	Erodes public confidence; leads to "purchased" judgments and perceived bias in high-profile political cases.	Political interference in appointments, low risk of disciplinary action, and social pressure on judges.
Chronic Justice Delay	Matters often stay in court for 10–25 years; "justice delayed is justice denied."	Frivolous interlocutory applications by lawyers, manual record-taking by judges, and heavy case backlogs.
Inadequate Infrastructure	Slows down proceedings and limits the ability to conduct research or handle modern evidence.	Lack of digitised filing systems, unreliable electricity in courtrooms, and manual transcription.
Politicised Appointments	Compromises judicial independence and leads to the	Nepotism in the screening process and a lack of



Challenge	Impact on Justice Delivery	Key Contributing Factors
	elevation of underqualified individuals.	transparency in National Judicial Council (NJC) selections.
Poor Funding & Welfare	Leaves judicial officers vulnerable to external inducements and limits institutional growth.	Judiciary's "struggle" for financial autonomy and inadequate housing/tools for support staff.

3.4.2 Judicial reforms and modernisation

To address these challenges, Nigeria has introduced several **judicial reforms**. These include efforts to digitise court processes, improve case management systems, and strengthen judicial independence. Modernisation initiatives such as electronic filing, virtual hearings, and training for judges aim to make the judiciary more efficient and transparent. These reforms are designed to restore public confidence and ensure timely justice.

Fill in the blank: Judicial reforms such as electronic filing and virtual hearings aim to make the judiciary more _____.

Table 3.3: Examples of judicial reforms and modernisation in Nigeria

Reform Area	Key Implementation / Tool	Current Application & Status
Digitisation	Justice Information Management System (JIMS)	A centralized platform integrating the Police, Courts, and Correctional Services to track cases from arrest to final judgment.
Electronic Filing	e-Portal (State & Federal High Courts)	Lawyers now scan and upload processes (PDF) via designated portals. Payment of filing fees is done via Remita, eliminating "physical registry" bottlenecks.
Virtual Hearings	Remote Court Sitings (Zoom/Teams)	Formally recognized in the Evidence (Amendment) Act 2023 and various State Practice Directions. Used for non-contentious motions, bail applications, and expert testimony.



Reform Area	Key Implementation / Tool	Current Application & Status
Electronic Evidence	Section 84, Evidence Act (as amended)	Expanded admissibility for digital signatures, computer simulations, and "Blockchain-verified" documents to ensure tamper-proof records.
Transcription	Speech-to-Text & Verbatim Reporting	Transitioning away from judges writing in "long-hand." Pilot projects in Lagos and Anambra use automated systems to generate instant transcripts.
Transparency	Electronic Display Notice Boards	Unveiled in the Federal High Court (Dec 2025) to show real-time "Cause Lists," preventing the "missing file" syndrome and illegal list tampering.

3.4.3 Prospects for strengthening the judiciary

The future of the Nigerian judiciary depends on sustained reforms and commitment to independence. Strengthening the judiciary requires adequate funding, improved infrastructure, and continuous training for judicial officers. If these measures are implemented, the judiciary can become more effective in delivering justice, protecting rights, and maintaining the rule of law. This will enhance its role as a cornerstone of governance in Nigeria.

Fill in the blank: Strengthening the judiciary requires adequate funding, improved infrastructure, and continuous _____ for judicial officers.



Figure 3.4: *Prospects for strengthening the judiciary in Nigeria*



Pilot questions 3.4

1. What is one major challenge facing the Nigerian judiciary?
2. Give two examples of judicial reforms introduced in Nigeria.
3. How does digitisation improve the judiciary?
4. What measures are needed to strengthen the judiciary?
5. Why is judicial independence important for reforms?



Series Summary

This Series has explored the judiciary, its history, and the development of courts in Nigeria. We began by tracing the historical evolution of the judiciary, starting with pre-colonial dispute resolution systems, then examining the establishment of colonial courts, and finally considering post-independence reforms. We continued by analysing the structure of courts, including their hierarchy, specialised courts, and jurisdiction. Following that, we discussed the role of the judiciary in governance, highlighting judicial independence, interpretation of laws, protection of rights, and checks and balances. Lastly, we evaluated the challenges facing the judiciary, reforms introduced, and prospects for strengthening it.

By completing this Series, you should now be able to describe the historical evolution of the Nigerian judiciary (SLO 3.1), explain the structure and jurisdiction of courts (SLO 3.2), analyse the role of the judiciary in governance (SLO 3.3), and evaluate the challenges and reforms affecting the judiciary (SLO 3.4).

Glossary of Terms

- **Checks and balances:** A system where each arm of government limits the powers of the others to prevent abuse.
- **Constitutional role:** The functions assigned to the judiciary by the Nigerian Constitution.
- **Customary courts:** Courts that apply customary law in matters such as marriage, inheritance, and land tenure.
- **Hierarchy of courts:** The arrangement of courts in levels of authority, from lower courts to the Supreme Court.
- **Judicial independence:** The principle that the judiciary operates free from interference by other arms of government.
- **Judicial review:** The process by which courts examine the actions of government to ensure compliance with the Constitution.
- **Jurisdiction:** The legal authority of a court to hear and decide cases.
- **Supreme Court of Nigeria:** The highest court in Nigeria, serving as the final court of appeal.
- **Tribunals:** Specialised courts established to handle specific issues such as election petitions or industrial disputes.

Concept Check Questions 3

Objective Questions

1. (Linked to SLO 3.1) The Supreme Court of Lagos was established by the Ordinance of:
 1. 1861
 2. 1876
 3. 1900
 4. 1960
2. (Linked to SLO 3.2) Which court is the highest in Nigeria?



1. High Court
2. Court of Appeal
3. Supreme Court
4. Magistrates' Court

Short-Answer Questions

3. (Linked to SLO 3.1) Who were the main custodians of dispute resolution in pre-colonial Nigeria?
4. (Linked to SLO 3.2) Define jurisdiction in the context of courts.
5. (Linked to SLO 3.3) What does judicial independence mean?

Long-Answer Questions

6. (Linked to SLO 3.3) Analyse the role of the judiciary in protecting fundamental rights in Nigeria.
7. (Linked to SLO 3.4) Evaluate the challenges facing the Nigerian judiciary and the reforms introduced to address them.

Answers to Concept Check Questions 3

Objective Questions

1. 1876
1. Supreme Court

Short-Answer Questions

3. Elders, chiefs, and family heads.
4. Jurisdiction refers to the legal authority of a court to hear and decide cases.
5. Judicial independence means the judiciary operates free from interference by the executive or legislature.

Long-Answer Questions

6. **Basic response:** The judiciary protects rights by interpreting laws and ruling against violations such as unlawful detention.

Value-added response: Beyond enforcing rights, Nigerian courts have set precedents that strengthen democratic governance, ensuring freedoms such as expression and association are upheld.

1. **Basic response:** Challenges include corruption and delays in justice delivery. Reforms include digitisation and electronic filing.

Value-added response: While reforms have improved efficiency, sustained funding, training, and independence are needed to strengthen the judiciary's role in governance and restore public confidence.

Answers to Pilot Questions 3



- **Part 3.1**

1. Elders, chiefs, and family heads.
2. Supreme Court Ordinance of 1876.
3. To regulate trade, enforce colonial authority, and administer justice.
4. Supreme Court of Nigeria.
5. Strengthening independence and harmonising laws.

- **Part 3.2**

1. Supreme Court of Nigeria.
2. Customary courts and Sharia courts.
3. Hearing appeals from High Courts and lower courts.
4. Jurisdiction is the authority of a court to hear and decide cases.
5. Election tribunals handle disputes arising from elections.

- **Part 3.3**

1. Judicial independence means freedom from interference by other arms of government.
2. Interpreting laws and safeguarding rights.
3. By ruling against unlawful detention and protecting freedoms.
4. Judicial review.
5. It prevents abuse of power and ensures accountability.

- **Part 3.4**

1. Corruption.
2. Electronic filing and virtual hearings.
3. It speeds up case management and improves transparency.
4. Adequate funding, infrastructure, and training.
5. Independence ensures impartial reforms.

References and Attributions 3

Here is the compiled list of references and attributions for **Series 3: Judiciary, History, and Development of Courts in Nigeria**.

- **Textbooks and Academic Sources**

- Elias, T. O. *The Nigerian Legal System*. London: Routledge.
- Obilade, A. O. *The Nigerian Legal System*. Ibadan: Spectrum Books.
- Nwabueze, B. O. *Constitutionalism in Nigeria*. Ibadan: Nwamife Publishers.

- **Case Law**

- *Mojekwu v Mojekwu* (1997) – example of the repugnancy test applied in inheritance disputes.



- *Attorney-General of Lagos State v Attorney-General of the Federation* (2003) – case illustrating constitutional interpretation and judicial independence.
- **Illustrations (Figures, Plates, Tables, Boxes)**
 - *Plate 3.1: Pre-colonial dispute resolution in Nigeria.*
 - AI prompt: “Generate an image of Nigerian elders mediating a community dispute in a traditional setting.”
 - Suggested search string: “pre-colonial dispute resolution Nigeria elders OER image”.
 - *Figure 3.1: Colonial establishment of courts in Nigeria.*
 - AI prompt: “Generate a diagram showing the establishment of colonial courts in Nigeria from 1861 to 1900.”
 - Suggested search string: “colonial courts Nigeria Supreme Court Ordinance 1876 OER”.
 - *Box 3.1: Key judicial reforms after independence.*
 - AI prompt: “Generate a box summarising key judicial reforms in Nigeria after independence.”
 - Suggested search string: “post-independence judicial reforms Nigeria OER”.
 - *Figure 3.2: Hierarchy of courts in Nigeria.*
 - AI prompt: “Generate a diagram showing the hierarchy of courts in Nigeria: Supreme Court, Court of Appeal, High Courts, Magistrates’ Courts.”
 - Suggested search string: “hierarchy of courts Nigeria OER diagram”.
 - *Table 3.1: Specialised courts in Nigeria and their areas of jurisdiction.*
 - AI prompt: “Create a table listing specialised courts in Nigeria (Customary, Sharia, tribunals) and their jurisdiction.”
 - Suggested search string: “specialised courts Nigeria Customary Sharia tribunals OER”.
 - *Box 3.2: Examples of jurisdiction of Nigerian courts.*
 - AI prompt: “Generate a box summarising examples of jurisdiction of Nigerian courts (Supreme Court, High Court, Magistrates’ Court).”
 - Suggested search string: “jurisdiction of courts Nigeria OER examples”.
 - *Figure 3.3: Judicial independence in Nigeria’s governance system.*
 - AI prompt: “Generate a diagram showing separation of powers in Nigeria with emphasis on judicial independence.”
 - Suggested search string: “judicial independence Nigeria separation of powers OER”.
 - *Box 3.3: Examples of Nigerian court cases protecting fundamental rights.*
 - AI prompt: “Generate a box listing examples of Nigerian court cases where fundamental rights were protected.”
 - Suggested search string: “Nigerian judiciary protection of rights case law OER”.
 - *Table 3.2: Examples of checks and balances by the Nigerian judiciary.*
 - AI prompt: “Create a table listing examples of Nigerian judiciary acting as a check on executive and legislative powers.”
 - Suggested search string: “judiciary checks and balances Nigeria OER”.
 - *Box 3.4: Common challenges in the Nigerian judiciary.*



- AI prompt: “Generate a box summarising challenges in the Nigerian judiciary, including corruption and delay in justice delivery.”
- Suggested search string: “challenges Nigerian judiciary corruption delay OER”.
- *Table 3.3*: Examples of judicial reforms and modernisation in Nigeria.
 - AI prompt: “Create a table listing judicial reforms in Nigeria such as digitisation, electronic filing, and virtual hearings.”
 - Suggested search string: “judicial reforms modernisation Nigeria OER”.
- *Figure 3.4*: Prospects for strengthening the judiciary in Nigeria.
- AI prompt: “Generate a diagram showing prospects for strengthening the Nigerian judiciary: funding, infrastructure, training, independence.”
- Suggested search string: “prospects strengthening Nigerian judiciary OER”.

TAX221 Series 4 Legal Aid, Legal Profession, And Legal Education In Nigeria

- **Part 1: Legal Aid And Access To Justice**
 - 1.1 Meaning and importance of legal aid
 - 1.2 Legal Aid Council of Nigeria and its functions
 - 1.3 Challenges and prospects of legal aid
- **Part 2: The Legal Profession In Nigeria**
 - 2.1 Structure of the legal profession (lawyers, judges, law teachers)
 - 2.2 Regulation of the profession (Legal Practitioners Act, Nigerian Bar Association)
 - 2.3 Ethics and responsibilities of legal practitioners
- **Part 3: Legal Education In Nigeria**
 - 3.1 Pathway of legal education (university, law school, bar exam)
 - 3.2 Role of the Council of Legal Education and Nigerian Law School
 - 3.3 Challenges and reforms in legal education
- **Part 4: Future Directions Of Legal Aid, Profession, And Education**
 - 4.1 Modernisation and digital transformation
 - 4.2 Internationalisation and global standards
 - 4.3 Prospects for strengthening Nigeria’s legal system

Introduction

Access to justice is a fundamental right, yet many Nigerians face barriers due to poverty, lack of awareness, or systemic challenges. Legal aid, the legal profession, and legal education form the



backbone of Nigeria's justice system, ensuring that citizens can seek redress, practitioners uphold the rule of law, and future lawyers are trained to meet societal needs.

The aim of this Series is to examine the institutions and processes that support legal aid, regulate the legal profession, and provide legal education in Nigeria, while also considering future directions for reform and modernisation.

We shall commence this Series by exploring the meaning and importance of legal aid, focusing on the Legal Aid Council of Nigeria and its role in promoting access to justice. Next, we will study the structure and regulation of the legal profession, including the responsibilities and ethics of practitioners. Following that, we will analyse the pathway of legal education, highlighting the role of universities, the Nigerian Law School, and the Council of Legal Education. Finally, we will conclude by evaluating future directions, considering modernisation, global standards, and prospects for strengthening Nigeria's legal system.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 4.1** define legal aid and explain its importance in promoting access to justice,
- **SLO 4.2** describe the structure and regulation of the legal profession in Nigeria,
- **SLO 4.3** analyse the ethical responsibilities of legal practitioners,
- **SLO 4.4** explain the pathway of legal education in Nigeria,
- **SLO 4.5** evaluate the challenges and reforms in legal education,
- **SLO 4.6** assess future directions for legal aid, the profession, and education in Nigeria.

4.1 Legal Aid And Access To Justice

4.1.1 Meaning and importance of legal aid

Legal aid refers to the provision of free or subsidised legal services to individuals who cannot afford representation. It ensures that justice is not reserved for the wealthy but is accessible to all citizens, regardless of their financial status. Legal aid is particularly important in criminal cases, where the right to fair trial and defence is fundamental. By promoting equality before the law, legal aid strengthens democracy and the rule of law.

Fill in the blank: _____ aid refers to the provision of free or subsidised legal services to those unable to afford representation.



Figure 4.1: Importance of legal aid in Nigeria

Legal Aid: Legal Aid in Promote Access, Equality and Fairness

Access to Justice	Equality Before Playing Law	Fairness & Due Process
1. Provides legal to assist experienced legal advice & representation for financial cases, previous conviction.	2. Provides legal Aid to assist armed representation across the poor to reporting to consolute to issue to logot for and represent the discriminatory, assisted, and of legal constitute lawsuits its as based on to the art to justice.”	- Upholds legal rights of the individuals, for for the rights legal for coor, game as constitutional damage in right to fair hearing.”

LACON (2026)

Established by Legal Aid Act of Nigeria (Cap, L9, LFN 2004)
Legal Aid Act, Cap. LFN 2004)

Legal Aid Council of Nigeria

Public		
1. Provides legal-Aid legal courts & coos to representation	2. Denies war dated since the sudther	3. Denies violence to the right to fair hearing.

Example:

3. A low-income person the legal in the court, case in the court the right to fair hearing.	1. Domestic violence fit case nunciate in the court to the art (court order)	3. Domestic violence 1 and arovidee's red conical act right to fair hearing.
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4.1.2 Legal Aid Council of Nigeria and its functions

The **Legal Aid Council of Nigeria** is the statutory body established under the Legal Aid Act to provide legal assistance to indigent citizens. Its functions include offering representation in criminal and civil matters, providing legal advice, and promoting awareness of citizens' rights. The Council plays a crucial role in ensuring that vulnerable groups, such as women, children, and the poor, are not denied justice due to lack of resources.

Fill in the blank: The Legal Aid Council of Nigeria was established under the _____ Aid Act to provide legal assistance.



Box 4.1: Functions of the Legal Aid Council of Nigeria

Legal Aid Council of Nigeria		
Function Area	Detaiiel Manders & activities	Impact on Access on AD the justice
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4.1.3 Challenges and prospects of legal aid

Despite its importance, legal aid in Nigeria faces several challenges. These include inadequate funding, shortage of qualified personnel, and limited public awareness. Many citizens are unaware of their right to free legal services, while others face delays due to overstretched resources. However, prospects for improvement exist through reforms such as increased government support, partnerships with non-governmental organisations, and the use of technology to expand access.

Fill in the blank: One of the major challenges facing legal aid in Nigeria is inadequate _____.



Table 4.1: Challenges and prospects of legal aid in Nigeria

Key Challenges	Impact on Justice Delivery	Prospects for Improvement (2026–2030)
Chronic Underfunding	LACON suffers from low budgetary allocations, limiting its ability to hire more lawyers or open offices in rural areas.	First-Line Charge Funding: Moving judicial and legal aid budgets to a direct constitutional allocation to prevent executive interference.
Shortage of Manpower	With fewer than 300 lawyers serving a population of over 200 million, the ratio of legal aid providers to indigents is unsustainable.	Mandatory Pro-Bono Credits: Implementing rules where lawyers must perform a set number of free hours to renew their annual practicing licenses.
"Big City Syndrome"	Most legal aid providers and NGOs are concentrated in urban centers like Abuja and Lagos, leaving rural citizens without help.	Rural Paralegal Cadres: Training and certifying non-lawyers (community leaders/students) to handle minor disputes and offer preliminary advice.
Low Public Awareness	Many Nigerians, especially those in the "awaiting trial" category, are unaware they have a constitutional right to free counsel.	Digital Outreach: Utilizing mobile apps and SMS-based "Know Your Rights" campaigns to reach indigent populations in local languages.
The "In-Between" Gap	Individuals earning slightly above the minimum wage often fail the "means test" but still cannot afford private legal fees.	Revision of the Means Test: Updating the Legal Aid Act to reflect the current 2024–2026 economic realities and inflation rates.

Pilot questions 4.1

1. Define legal aid and explain its importance.
2. What statutory body provides legal aid in Nigeria?
3. List two functions of the Legal Aid Council of Nigeria.
4. Identify one major challenge facing legal aid in Nigeria.
5. Suggest one way legal aid can be improved in Nigeria.



4.2 The Legal Profession In Nigeria

4.2.1 Structure of the legal profession (lawyers, judges, law teachers)

The **legal profession** in Nigeria is made up of three main categories: **lawyers, judges, and law teachers**. Lawyers, also known as legal practitioners, represent clients in court, provide legal advice, and draft legal documents. Judges preside over cases, interpret laws, and deliver judgments. Law teachers, often based in universities and law schools, are responsible for training future lawyers and contributing to legal scholarship. Together, these groups ensure the effective functioning of Nigeria's justice system.

Fill in the blank: The three main categories of the legal profession in Nigeria are lawyers, judges, and _____ teachers.



Figure 4.2: *Structure of the legal profession in Nigeria*



4.2.2 Regulation of the profession (Legal Practitioners Act, Nigerian Bar Association)

The legal profession in Nigeria is regulated by the **Legal Practitioners Act (LPA)**, which sets out the requirements for admission to practice law, including completion of legal education and enrolment at the Supreme Court. The **Nigerian Bar Association (NBA)** is the umbrella body for lawyers, responsible for promoting professional standards, protecting the interests of members, and advocating for justice reforms. These regulatory frameworks ensure that the profession maintains integrity and accountability.



Fill in the blank: The Nigerian Bar Association is the umbrella body responsible for regulating _____ in Nigeria.

Box 4.2: Key regulatory bodies of the Nigerian legal profession

Entity	Role & Legal Status	Key Regulatory Functions
Legal Practitioners Act (LPA)	Primary Statute: The principal law (Cap L11, LFN 2004) governing the legal profession.	Defines who is a "Legal Practitioner"; establishes the Body of Benchers and the General Council of the Bar ; sets rules for remuneration and accounts.
Nigerian Bar Association (NBA)	Professional Umbrella Body: An independent association of all lawyers called to the Nigerian Bar.	Monitors professional ethics; issues Stamps and Seals required for legal documents; conducts initial investigations into petitions against lawyers.
Body of Benchers (BoB)	Statutory Body: Comprised of practitioners of the "highest distinction."	Responsible for the formal Call to Bar of successful law students; screens candidates to ensure they are "fit and proper" for the profession.
Legal Practitioners Disciplinary Committee (LPDC)	Disciplinary Arm: A committee of the Body of Benchers.	Adjudicates cases of professional misconduct ; has the power to admonish, suspend, or strike a lawyer's name off the Roll (disbarment).
General Council of the Bar	Administrative Body: Chaired by the Attorney-General of the Federation.	Responsible for the general management of the Bar and making the Rules of Professional Conduct (RPC) .

4.2.3 Ethics and responsibilities of legal practitioners

Legal ethics refers to the standards of professional conduct that guide lawyers in their practice. These include honesty, confidentiality, respect for the court, and loyalty to clients. Lawyers are expected to act with integrity and avoid conflicts of interest. Their responsibilities extend beyond



representing clients to upholding the rule of law and promoting justice in society. Breaches of ethics can lead to disciplinary action by the NBA or disbarment.

Fill in the blank: Legal ethics require lawyers to act with integrity and maintain _____ when dealing with client information.

Table 4.2: Ethical responsibilities of legal practitioners in Nigeria

Ethical Pillar	Description & RPC Reference	Practical Example
Honesty & Integrity	Lawyers must maintain a high standard of personal and professional conduct at all times (Rule 1).	A lawyer must not misquote a law or a document to the court to gain an advantage.
Confidentiality	Lawyers must not disclose a client's secrets or confidences obtained during professional employment (Rule 19).	A lawyer cannot testify against a client regarding private information shared during a consultation.
Respect for the Court	A lawyer must treat the court with dignity and avoid any conduct that demeans the judicial office (Rule 31).	Standing when the judge enters and addressing the court as "My Lord" or "Your Worship."
Conflict of Interest	A lawyer must not represent a client if their interests conflict with the lawyer's personal interests or those of another client (Rule 17).	A lawyer cannot represent both the buyer and the seller in a property dispute.
Duty to the Client	A lawyer must represent their client "zealously within the bounds of the law" (Rule 14).	Providing the best possible defense for a suspect, regardless of the lawyer's personal opinion of their guilt.
Proper Fees	Lawyers are prohibited from charging "unconscionable" or illegal fees and must account for all client funds (Rule 48).	Keeping client money in a separate "Client Account" rather than the lawyer's personal bank account.
Professional Comity	Lawyers must treat their colleagues with respect and fairness, avoiding uncomplimentary remarks (Rule 26).	Agreeing to a reasonable request for an adjournment if



Ethical Pillar	Description & RPC Reference	Practical Example
		a colleague has a genuine emergency.

Pilot questions 4.2

1. Name the three main categories of the legal profession in Nigeria.
2. What law regulates the admission of lawyers to practice in Nigeria?
3. What is the role of the Nigerian Bar Association?
4. Define legal ethics in the context of the legal profession.
5. Give one example of an ethical responsibility of lawyers.

4.3 Legal Education In Nigeria

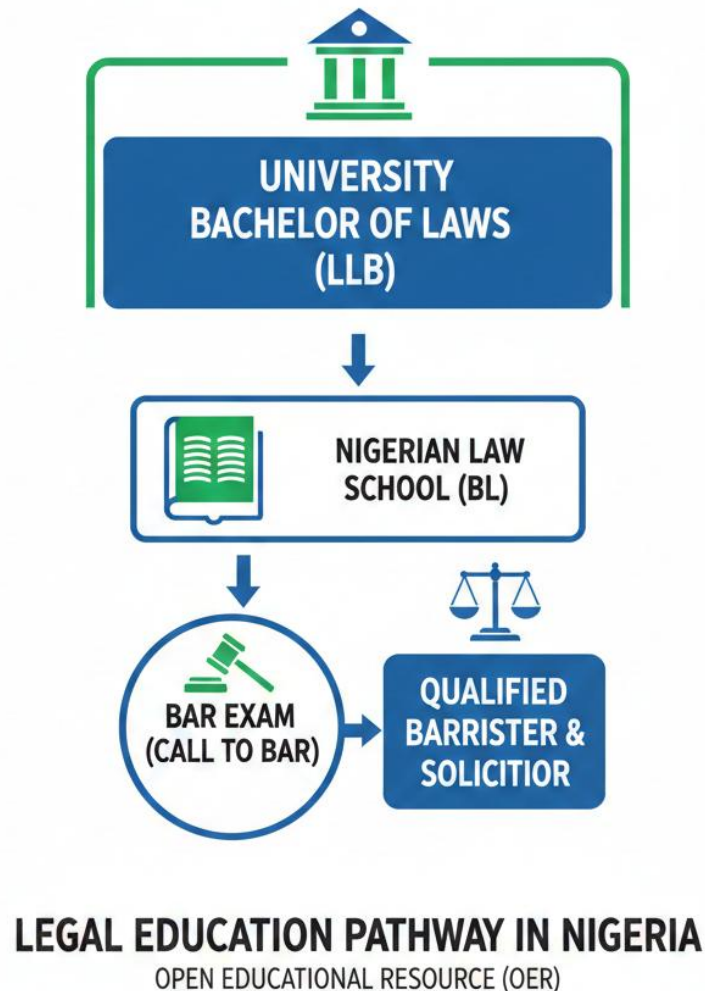
4.3.1 Pathway of legal education (university, law school, bar exam)

Legal education in Nigeria refers to the structured training and academic preparation required to qualify as a lawyer. The pathway begins with a university degree in law (LL.B), which provides foundational knowledge of legal principles. After graduation, students proceed to the **Nigerian Law School**, where they receive practical training in advocacy, drafting, and professional ethics. The final stage is the **bar examination**, which candidates must pass before being called to the Nigerian Bar and permitted to practise law.

Fill in the blank: After completing a university law degree, students must attend the Nigerian _____ School before being called to the Bar.



Figure 4.3: *Pathway of legal education in Nigeria*



4.3.2 Role of the Council of Legal Education and Nigerian Law School

The **Council of Legal Education** is the statutory body responsible for regulating legal education in Nigeria. It oversees the Nigerian Law School, sets standards for training, and ensures that graduates meet professional requirements. The **Nigerian Law School** provides practical instruction in areas such as civil procedure, criminal litigation, corporate law, and ethics. Together, these institutions ensure that law graduates are adequately prepared for the demands of legal practice.



Fill in the blank: The Council of Legal Education regulates legal education in Nigeria and oversees the Nigerian _____ School.

Box 4.3: Functions of the Council of Legal Education and Nigerian Law School



4.3.3 Challenges and reforms in legal education

Legal education in Nigeria faces several challenges, including overcrowded classrooms, outdated curricula, and inadequate facilities. Many students struggle to gain practical experience before entering the profession. Reforms have been introduced to address these issues, such as curriculum reviews, increased emphasis on clinical legal education, and the integration of



technology into teaching. These reforms aim to produce lawyers who are not only academically sound but also practically skilled and globally competitive.

Fill in the blank: One of the major challenges facing legal education in Nigeria is _____ classrooms and inadequate facilities.

Table 4.3: Challenges and reforms in legal education in Nigeria

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KEY CHALLENGES	OUTRIULATION LAY SYSTEM	IMPACT ON GRADUATES	REFORMS & MODERRIATIIXEN EFFORTS
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Legal Education Reforms: Training Lawyers for Nigeriad Bxam –/F325/2, 2W_ lhwilams)



Pilot questions 4.3

1. Outline the pathway of legal education in Nigeria.



2. What is the role of the Council of Legal Education?
3. Name two functions of the Nigerian Law School.
4. Identify one major challenge facing legal education in Nigeria.
5. Suggest one reform that has been introduced to improve legal education.

4.4 Future Directions Of Legal Aid, Profession, And Education

4.4.1 Modernisation and digital transformation

Modernisation of Nigeria's legal system involves adopting **digital transformation**, which refers to the integration of technology into legal processes. Examples include electronic filing of cases, virtual hearings, and online legal resources. These innovations make justice delivery faster, more transparent, and more accessible, especially for citizens in remote areas. Digital tools also help legal aid providers reach more people at lower costs.

Fill in the blank: Modernisation of Nigeria's legal system involves adopting _____ transformation to improve efficiency and access.



Figure 4.4: *Digital transformation in Nigeria's legal system*



4.4.2 Internationalisation and global standards

The Nigerian legal system is increasingly influenced by **internationalisation**, which means aligning practices with global standards. This includes adopting international best practices in legal education, professional ethics, and access to justice. Nigerian lawyers are now more engaged in cross-border transactions, arbitration, and international law, requiring training that meets global expectations. Aligning with global standards enhances credibility and competitiveness of Nigeria's legal profession.



Fill in the blank: Internationalisation of Nigeria's legal system involves aligning practices with _____ standards in law and education.

Box 4.4: Global standards influencing Nigeria's legal profession and education

Global Framework	Core Objective	Impact on Nigeria
UN Basic Principles on the Role of Lawyers	To protect the independence of the legal profession.	Guarantees that Nigerian lawyers can represent "unpopular" clients without government harassment or being identified with their client's cause.
IBA International Principles on Conduct	Global ethical uniformity.	Influences the Rules of Professional Conduct (RPC) , specifically regarding confidentiality, honesty, and managing conflicts of interest in international business.
Bangalore Principles of Judicial Conduct	Strengthening judicial integrity.	Provides the foundation for the Revised Code of Conduct for Judicial Officers in Nigeria, focusing on impartiality, propriety, and diligence.
IBA Standards for Legal Education	Elevating training quality.	Drives the move away from "theory-only" law degrees to practical, skills-based curricula including legal tech, project management, and global business law.
GATS (General Agreement on Trade in Services)	Liberalisation of legal services.	Sparks ongoing debates within the Nigerian Bar Association (NBA) regarding the extent to which foreign law firms can practice or consult within Nigeria.

4.4.3 Prospects for strengthening Nigeria's legal system

The future of Nigeria's legal system depends on sustained reforms in legal aid, the profession, and education. Strengthening requires adequate funding, continuous training, and integration of



technology. Legal aid must be expanded to reach vulnerable groups, the profession must uphold ethics and independence, and education must prepare lawyers for both local and global challenges. If these measures are implemented, Nigeria's legal system will be more effective, inclusive, and respected internationally.

Fill in the blank: Strengthening Nigeria's legal system requires adequate funding, continuous training, and integration of _____.

Table 4.4: Prospects for strengthening Nigeria's legal system

Prospect Area	Strategic Goal	Key Mechanisms & Current Reforms (2026)
Funding	Financial Autonomy	Implementation of the "First-Line Charge," ensuring budgets are paid directly to the NJC to eliminate executive dependence and reduce vulnerability to corruption.
Training	Capacity Building	Expansion of the National Judicial Institute (NJI) curriculum to include specialized training in AI ethics, cybercrime, and the Electricity Act 2023.
Technology	Digital Efficiency	Widespread adoption of the Justice Information Management System (JIMS) for real-time case tracking and integrated forensic tools for evidence management.
Ethics	Professional Integrity	The Legal Practitioners Bill 2025 mandates a 2-year internship (pupillage) for new lawyers and stricter disciplinary powers for the LPDC to strike off erring practitioners.
Independence	Meritocracy	Moving toward transparent, public-facing screening for judicial appointments to replace nepotism with merit-based elevation.

Pilot questions 4.4



1. What does digital transformation mean in the context of Nigeria's legal system?
2. How does internationalisation affect Nigeria's legal profession?
3. Identify one global standard influencing Nigerian legal education.
4. What measures are needed to strengthen Nigeria's legal system?
5. Why is ethics important in the future of Nigeria's legal profession?

Series Summary

This Series has focused on legal aid, the legal profession, and legal education in Nigeria, highlighting their importance in ensuring access to justice and strengthening the rule of law. We began by examining the meaning of legal aid and the role of the Legal Aid Council in supporting indigent citizens. We then explored the structure and regulation of the legal profession, including the responsibilities and ethical standards expected of lawyers. Following that, we analysed the pathway of legal education, the role of the Council of Legal Education and Nigerian Law School, and reforms introduced to address challenges. Finally, we considered future directions, emphasising modernisation, global standards, and prospects for strengthening Nigeria's legal system.

By completing this Series, you should now be able to define legal aid and explain its importance (SLO 4.1), describe the structure and regulation of the legal profession (SLO 4.2), analyse the ethical responsibilities of practitioners (SLO 4.3), explain the pathway of legal education (SLO 4.4), evaluate challenges and reforms in legal education (SLO 4.5), and assess future directions for legal aid, the profession, and education in Nigeria (SLO 4.6).

Glossary of Terms

- **Bar examination:** The qualifying test taken after law school to determine eligibility to practise law in Nigeria.
- **Council of Legal Education:** The statutory body responsible for regulating legal education and overseeing the Nigerian Law School.
- **Digital transformation:** The integration of technology into legal processes, such as e-filing and virtual hearings.
- **Ethics:** Standards of professional conduct guiding lawyers, including honesty, confidentiality, and respect for the court.
- **Legal aid:** Free or subsidised legal services provided to individuals who cannot afford representation.
- **Legal Practitioners Act (LPA):** The law that regulates admission to practice and professional conduct of lawyers in Nigeria.
- **Nigerian Bar Association (NBA):** The umbrella body for lawyers in Nigeria, responsible for promoting professional standards and advocacy.
- **Nigerian Law School:** The institution providing practical training for law graduates before they are called to the Bar.
- **Structure of the legal profession:** The organisation of lawyers, judges, and law teachers who collectively sustain the justice system.



Concept Check Questions 4

Objective Questions

1. (Linked to SLO 4.1) Legal aid refers to:
 1. Paid legal services
 2. Free or subsidised legal services
 3. International law practice
 4. Legal education only
2. (Linked to SLO 4.2) Which law regulates the admission of lawyers to practise in Nigeria?
 1. Constitution of Nigeria
 2. Legal Practitioners Act
 3. Nigerian Bar Association Act
 4. Council of Legal Education Act

Short-Answer Questions

3. (Linked to SLO 4.1) What statutory body provides legal aid in Nigeria?
4. (Linked to SLO 4.2) Name the three main categories of the legal profession in Nigeria.
5. (Linked to SLO 4.3) Give one example of an ethical responsibility of lawyers.
6. (Linked to SLO 4.4) Outline the pathway of legal education in Nigeria.

Long-Answer Questions

7. (Linked to SLO 4.5) Evaluate the challenges facing legal education in Nigeria and reforms introduced to address them.
8. (Linked to SLO 4.6) Assess the future directions for legal aid, the profession, and education in Nigeria.

Answers to Concept Check Questions 4

Objective Questions

1. Free or subsidised legal services
1. Legal Practitioners Act

Short-Answer Questions

3. The Legal Aid Council of Nigeria.
4. Lawyers, judges, and law teachers.
5. Confidentiality.
6. University law degree (LL.B), Nigerian Law School, bar examination, call to the Bar.

Long-Answer Questions

7. **Basic response:** Challenges include overcrowded classrooms, outdated curricula, and inadequate facilities. Reforms include curriculum reviews and clinical legal education.



Value-added response: Beyond reforms, integration of technology and international collaboration are needed to produce globally competitive lawyers.

1. **Basic response:** Future directions include modernisation through digital transformation, adoption of global standards, and strengthening ethics.

Value-added response: Sustained funding, continuous training, and partnerships with international institutions will ensure Nigeria's legal system remains effective and respected globally.

Answers to Pilot Questions 4

- **Part 4.1**

1. Legal aid is the provision of free or subsidised legal services.
2. The Legal Aid Council of Nigeria.
3. Representation in criminal and civil matters, and providing legal advice.
4. Inadequate funding.
5. Increased government support and use of technology.

- **Part 4.2**

1. Lawyers, judges, and law teachers.
2. Legal Practitioners Act.
3. Promoting professional standards and protecting members' interests.
4. Standards of professional conduct guiding lawyers.
5. Confidentiality.

- **Part 4.3**

1. University law degree, Nigerian Law School, bar exam, call to the Bar.
2. Regulates legal education and oversees the Nigerian Law School.
3. Practical training in advocacy, drafting, and ethics.
4. Overcrowded classrooms.
5. Curriculum reviews and clinical legal education.

- **Part 4.4**

1. Integration of technology into legal processes.
2. It aligns Nigerian practices with global standards.
3. International best practices in legal education.
4. Adequate funding, training, and technology integration.
5. Ethics ensure integrity and accountability.

References and Attributions 4



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- Akintunde, O. *Legal Education in Nigeria: Challenges and Prospects*. Lagos: Nigerian Law Publications.
- Legal Practitioners Act (LPA).
- Legal Aid Act.
- Council of Legal Education Act.

Illustrations (AI-generated or OER suggested)

- *Figure 4.1: Importance of legal aid in Nigeria.*
 - AI prompt: “Generate a diagram showing how legal aid promotes access to justice, equality, and fairness.”
 - Search string: “importance of legal aid Nigeria OER diagram”.
- *Box 4.1: Functions of the Legal Aid Council of Nigeria.*
 - AI prompt: “Generate a box summarising the functions of the Legal Aid Council of Nigeria.”
 - Search string: “Legal Aid Council Nigeria functions OER”.
- *Figure 4.2: Structure of the legal profession in Nigeria.*
 - AI prompt: “Generate a diagram showing the structure of the legal profession in Nigeria: lawyers, judges, law teachers.”
 - Search string: “structure of legal profession Nigeria OER diagram”.
- *Box 4.2: Key regulatory bodies of the Nigerian legal profession.*
 - AI prompt: “Generate a box summarising the Legal Practitioners Act and Nigerian Bar Association as regulators of the legal profession.”
 - Search string: “Legal Practitioners Act Nigerian Bar Association regulation OER”.
- *Table 4.2: Ethical responsibilities of legal practitioners.*
 - AI prompt: “Create a table listing ethical responsibilities of Nigerian lawyers such as honesty, confidentiality, and respect for the court.”
 - Search string: “legal ethics responsibilities Nigerian lawyers OER”.
- *Figure 4.3: Pathway of legal education in Nigeria.*
 - AI prompt: “Generate a diagram showing the pathway of legal education in Nigeria: university, law school, bar exam.”
 - Search string: “legal education pathway Nigeria OER diagram”.
- *Box 4.3: Functions of the Council of Legal Education and Nigerian Law School.*
 - AI prompt: “Generate a box summarising the functions of the Council of Legal Education and Nigerian Law School.”
 - Search string: “Council of Legal Education Nigeria functions OER”.
- *Table 4.3: Challenges and reforms in legal education.*
 - AI prompt: “Create a table listing challenges of legal education in Nigeria and reforms introduced to address them.”
 - Search string: “challenges and reforms legal education Nigeria OER”.
- *Figure 4.4: Digital transformation in Nigeria’s legal system.*



- AI prompt: “Generate a diagram showing digital transformation in Nigeria’s legal system: e-filing, virtual hearings, online resources.”
- Search string: “digital transformation Nigerian legal system OER diagram”.
- *Box 4.4*: Global standards influencing Nigeria’s legal profession and education.
 - AI prompt: “Generate a box summarising global standards influencing Nigeria’s legal profession and education.”
 - Search string: “global standards Nigerian legal profession education OER”.
- *Table 4.4*: Prospects for strengthening Nigeria’s legal system.
- AI prompt: “Create a table listing prospects for strengthening Nigeria’s legal system: funding, training, technology, ethics.”
- Search string: “prospects strengthening Nigerian legal system

TAX221 Series 5 Structure Of Courts: Superior And Inferior Courts, Appointment Of Judges, And Specialised Courts/Tribunals

- **Part 1: Superior And Inferior Courts In Nigeria**
 - 1.1 Meaning and distinction between superior and inferior courts
 - 1.2 Examples of superior courts (Supreme Court, Court of Appeal, High Courts)
 - 1.3 Examples of inferior courts (Magistrates’ Courts, Customary Courts, Sharia Courts)
- **Part 2: Appointment Of Judges**
 - 2.1 Constitutional provisions on appointment
 - 2.2 Role of the National Judicial Council (NJC)
 - 2.3 Criteria and process for appointment
- **Part 3: Specialised Courts And Tribunals**
 - 3.1 Election tribunals
 - 3.2 Industrial and tax tribunals
 - 3.3 Customary and Sharia courts of appeal
- **Part 4: Challenges And Prospects Of The Nigerian Court System**
 - 4.1 Issues of delay, corruption, and accessibility
 - 4.2 Judicial reforms and modernisation
 - 4.3 Prospects for strengthening the court system

Introduction

Courts are the backbone of any legal system, serving as the institutions where justice is administered and disputes are resolved. In Nigeria, the court system is structured into superior and inferior courts, each with distinct roles and jurisdictions. Understanding this structure,



alongside the processes for appointing judges and the operation of specialised tribunals, is essential for appreciating how justice is delivered in practice.

The aim of this Series is to examine the structure of Nigerian courts, explain the appointment of judges, explore specialised courts and tribunals, and evaluate the challenges and prospects of the court system.

We shall commence this Series by distinguishing between superior and inferior courts, highlighting their functions and examples. Next, we will study the appointment of judges, focusing on constitutional provisions, the role of the National Judicial Council, and the criteria for selection. Following that, we will analyse specialised courts and tribunals, including election tribunals and customary courts of appeal. Finally, we will conclude by evaluating the challenges facing the Nigerian court system and considering reforms and prospects for improvement.

Series Learning Outcomes

Upon completing this Series, you should be able to:

- **SLO 5.1** define superior and inferior courts and explain their distinctions,
- **SLO 5.2** describe the structure and functions of superior and inferior courts in Nigeria,
- **SLO 5.3** explain the constitutional provisions and processes for appointing judges,
- **SLO 5.4** analyse the role of the National Judicial Council in judicial appointments,
- **SLO 5.5** evaluate the functions of specialised courts and tribunals in Nigeria,
- **SLO 5.6** assess the challenges and prospects of the Nigerian court system.

5.1 Superior And Inferior Courts In Nigeria

5.1.1 Meaning and distinction between superior and inferior courts

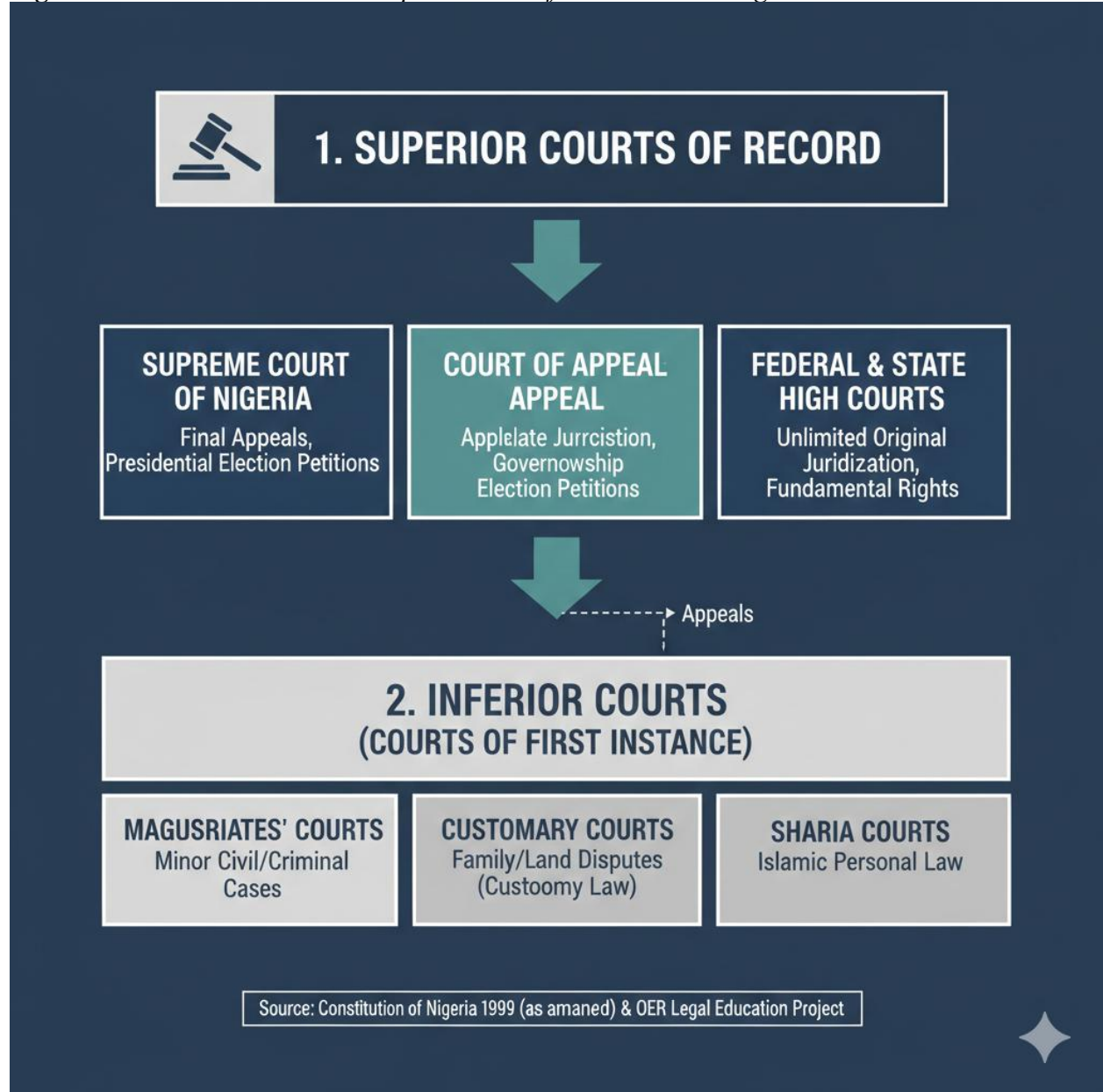
In Nigeria, courts are classified into **superior courts** and **inferior courts**. **Superior courts** are those established directly by the Constitution, with wide jurisdiction and authority over serious matters. They include the Supreme Court, Court of Appeal, and High Courts. **Inferior courts**, on the other hand, are created by statutes or laws of the states and have limited jurisdiction.

Examples include Magistrates' Courts, Customary Courts, and Sharia Courts. The distinction lies in their constitutional status, scope of jurisdiction, and authority to hear appeals.

Fill in the blank: Superior courts are established by the _____, while inferior courts are created by statutes or state laws.



Figure 5.1: *Distinction between superior and inferior courts in Nigeria*



5.1.2 Examples of superior courts (Supreme Court, Court of Appeal, High Courts)

The **Supreme Court of Nigeria** is the highest court and final appellate authority. It has jurisdiction over constitutional interpretation and appeals from the Court of Appeal. The **Court of Appeal** hears appeals from High Courts, election tribunals, and other lower courts. The **High Courts** exist at both federal and state levels, handling serious civil and criminal matters. These superior courts ensure consistency in the interpretation of laws and safeguard constitutional rights.

Fill in the blank: The _____ Court of Nigeria is the highest court and final appellate authority.



Box 5.1: Examples of superior courts in Nigeria

Court	Legal Status & Composition	Primary Functions & Jurisdiction
Supreme Court of Nigeria	Highest Court: Established by Section 230 of the 1999 Constitution. Consists of the CJN and up to 21 Justices.	Final Arbiter: Hears appeals from the Court of Appeal. Has exclusive original jurisdiction in disputes between the Federation and States or between States.
Court of Appeal	Intermediate Court: Established by Section 237. Led by the President of the Court of Appeal.	Appellate Jurisdiction: Hears appeals from High Courts, Sharia/Customary Courts of Appeal, and Tribunals. Acts as the court of first instance for Presidential Election Petitions.
Federal High Court	Specialized High Court: Established by Section 249.	Specific Jurisdiction: Handles matters related to the revenue of the Federal Government, customs, aviation, banking, and intellectual property.
State High Court	Court of General Jurisdiction: Established by Section 270.	Unlimited Jurisdiction: Can hear any civil or criminal proceedings except those reserved for the Federal High Court or National Industrial Court.
National Industrial Court	Specialized Court: Established by Section 254A.	Labour & Employment: Exclusive jurisdiction over matters relating to trade unions, industrial relations, and workplace disputes.
Sharia Court of Appeal	Specialized Appellate: (Federal/State).	Islamic Law: Hears appeals from lower Sharia courts specifically regarding Islamic personal law (e.g., marriage, inheritance).



Court	Legal Status & Composition	Primary Functions & Jurisdiction
Customary Court of Appeal	Specialized Appellate: (Federal/State).	Customary Law: Hears appeals from lower Customary courts regarding matters of native law and custom.

5.1.3 Examples of inferior courts (Magistrates' Courts, Customary Courts, Sharia Courts)

Inferior courts play an important role in handling less complex cases and ensuring access to justice at the grassroots level. **Magistrates' Courts** deal with minor criminal offences and small civil claims. **Customary Courts** apply customary law in matters such as marriage, inheritance, and land disputes. **Sharia Courts**, operating mainly in Northern Nigeria, apply Islamic law in personal matters for Muslims. Although their jurisdiction is limited, these courts are vital in addressing everyday disputes and maintaining social order.

Fill in the blank: In Northern Nigeria, _____ Courts apply Islamic law in personal matters for Muslims.

Table 5.1: Examples of inferior courts in Nigeria and their jurisdiction

Court Type	Nomenclature (North vs. South)	Civil Jurisdiction	Criminal Jurisdiction
Magistrates' Court	Called Magistrates' Courts in the South; District Courts (when sitting on civil matters) in the North.	Contract disputes, torts, and landlord-tenant matters. Monetary limits vary by state (e.g., up to ₦10m for Chief Magistrates in some states).	Summary trials for most offences except capital offences (murder/treason). They handle the bulk of police charge cases.
Customary Court	Called Customary Courts in the South; Area Courts in the North (applying non-Islamic local customs).	Matters of native law and custom: marriage, inheritance, and land ownership under customary tenure.	Limited. Can try minor offences like simple assault or petty theft, provided the specific state



Court Type	Nomenclature (North vs. South)	Civil Jurisdiction	Criminal Jurisdiction
			law empowers them to do so.
Sharia Court	Known as Sharia Courts (found primarily in the Northern states and the FCT).	Islamic personal law: marriage (Nikah), divorce (Talaq), guardianship of infants, and inheritance (Mirath) where parties are Muslims.	In "Sharia-implementing" states, they have jurisdiction over Sharia-based criminal codes (Hudud, Qisas, and Ta'zir offences).
Juvenile Court	Often a specialized division of the Magistrates' Court.	Matters relating to the care and protection of children.	Summary trials for "young persons" (usually under 18). Proceedings are private to protect the child's identity.

Pilot questions 5.1

1. Define superior and inferior courts in Nigeria.
2. What is the main distinction between superior and inferior courts?
3. Name three examples of superior courts in Nigeria.
4. Identify two examples of inferior courts in Nigeria.
5. What type of law is applied in Sharia Courts?

5.2 Appointment Of Judges

5.2.1 Constitutional provisions on appointment

The appointment of judges in Nigeria is guided by the **Constitution of the Federal Republic of Nigeria**, which sets out the framework for judicial appointments. The Constitution specifies the qualifications required, such as years of legal practice, integrity, and professional competence. For example, to be appointed as a Justice of the Supreme Court, a candidate must have been qualified to practise law in Nigeria for at least fifteen years. These provisions ensure that only individuals with adequate experience and credibility are entrusted with judicial responsibilities.



Fill in the blank: To be appointed as a Justice of the Supreme Court, a candidate must have practised law for at least _____ years.

Box 5.2: Constitutional requirements for appointment of judges in Nigeria

Court Level	Minimum Post-Call Qualification	Appointment Authority	Confirmation Body
Supreme Court	15 Years as a Legal Practitioner in Nigeria.	President (on recommendation of the NJC).	Senate
Court of Appeal	12 Years as a Legal Practitioner in Nigeria.	President (on recommendation of the NJC).	Senate (President of the Court only)
Federal High Court	10 Years as a Legal Practitioner in Nigeria.	President (on recommendation of the NJC).	Senate (Chief Judge only)
State High Court	10 Years as a Legal Practitioner in Nigeria.	Governor (on recommendation of the NJC).	State House of Assembly (Chief Judge only)
National Industrial Court	10 Years with "considerable knowledge" in labor law.	President (on recommendation of the NJC).	Senate (President of the Court only)

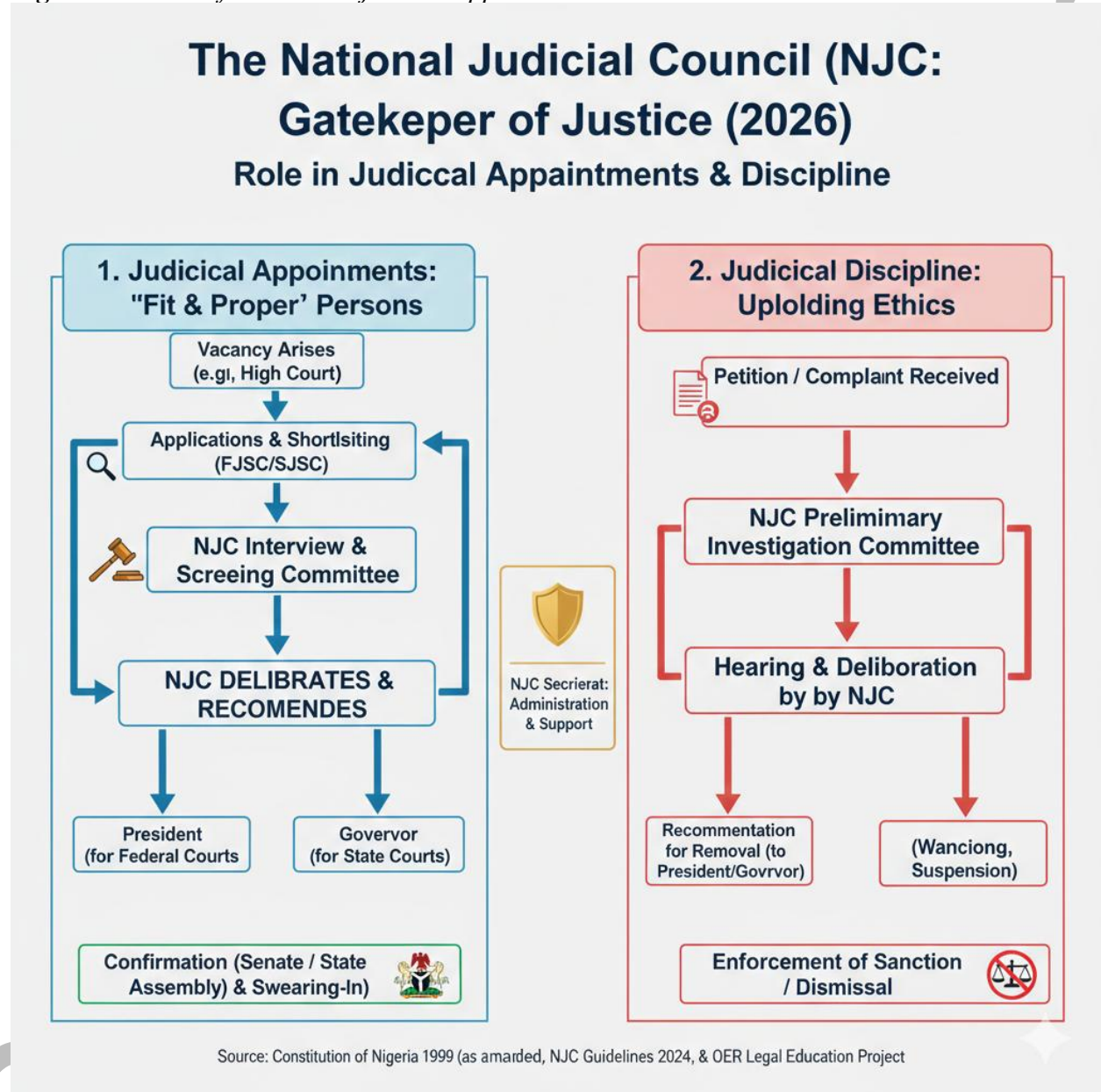
5.2.2 Role of the National Judicial Council (NJC)

The **National Judicial Council (NJC)** is the body responsible for recommending candidates for judicial appointments. It ensures transparency, merit, and independence in the selection process. The NJC evaluates candidates based on competence, integrity, and suitability for judicial office. It also plays a role in discipline, ensuring that judges uphold ethical standards. By acting as a buffer between the judiciary and political influence, the NJC safeguards judicial independence.



Fill in the blank: The National Judicial Council is responsible for recommending candidates for _____ appointments in Nigeria.

Figure 5.2: Role of the NJC in judicial appointments



5.2.3 Criteria and process for appointment

The process of appointing judges involves several stages. Candidates must meet constitutional qualifications, be recommended by the NJC, and be formally appointed by the President or Governor, depending on the level of court. The criteria include professional competence, years of practice, integrity, and impartiality. This process is designed to ensure that judges are not only legally qualified but also capable of upholding justice without bias.



Fill in the blank: Judges are formally appointed by the _____ or Governor after recommendation by the NJC.

Table 5.2: Criteria and process for appointment of judges in Nigeria

Phase	Requirement / Criterion	Action / Detail
1. Qualification	Post-Call Years	Minimum years as a legal practitioner: 15 years (Supreme Court), 12 years (Court of Appeal), or 10 years (High Courts).
	Professional Record	Must show "active successful practice" or satisfactory performance as a lower court judge/academic.
2. Selection	Integrity & Character	Assessment of "fitness and properness," including background checks by the DSS and medical fitness reports.
	Competence	Review of written work (judgments or briefs) and an oral interview by an NJC committee.
3. Nomination	SJS / FJSC Role	The State (SJSC) or Federal (FJSC) Judicial Service Commission shortlists and recommends candidates to the NJC.
	NJC Recommendation	The NJC interviews the shortlist and makes the final recommendation to the Executive (President or Governor).
4. Finalization	Executive Appointment	The President (for Federal Courts) or Governor (for State Courts) appoints the candidate.



Phase	Requirement / Criterion	Action / Detail
	Legislative Confirmation	Senate (Federal) or House of Assembly (State) must confirm the appointment of the Head of Court (e.g., Chief Justice).

Pilot questions 5.2

1. What constitutional provisions guide the appointment of judges in Nigeria?
2. What is the role of the National Judicial Council in judicial appointments?
3. Who formally appoints judges after NJC recommendation?
4. State one qualification required to be appointed as a Justice of the Supreme Court.
5. Why is the NJC important in safeguarding judicial independence?

5.3 Specialised Courts And Tribunals

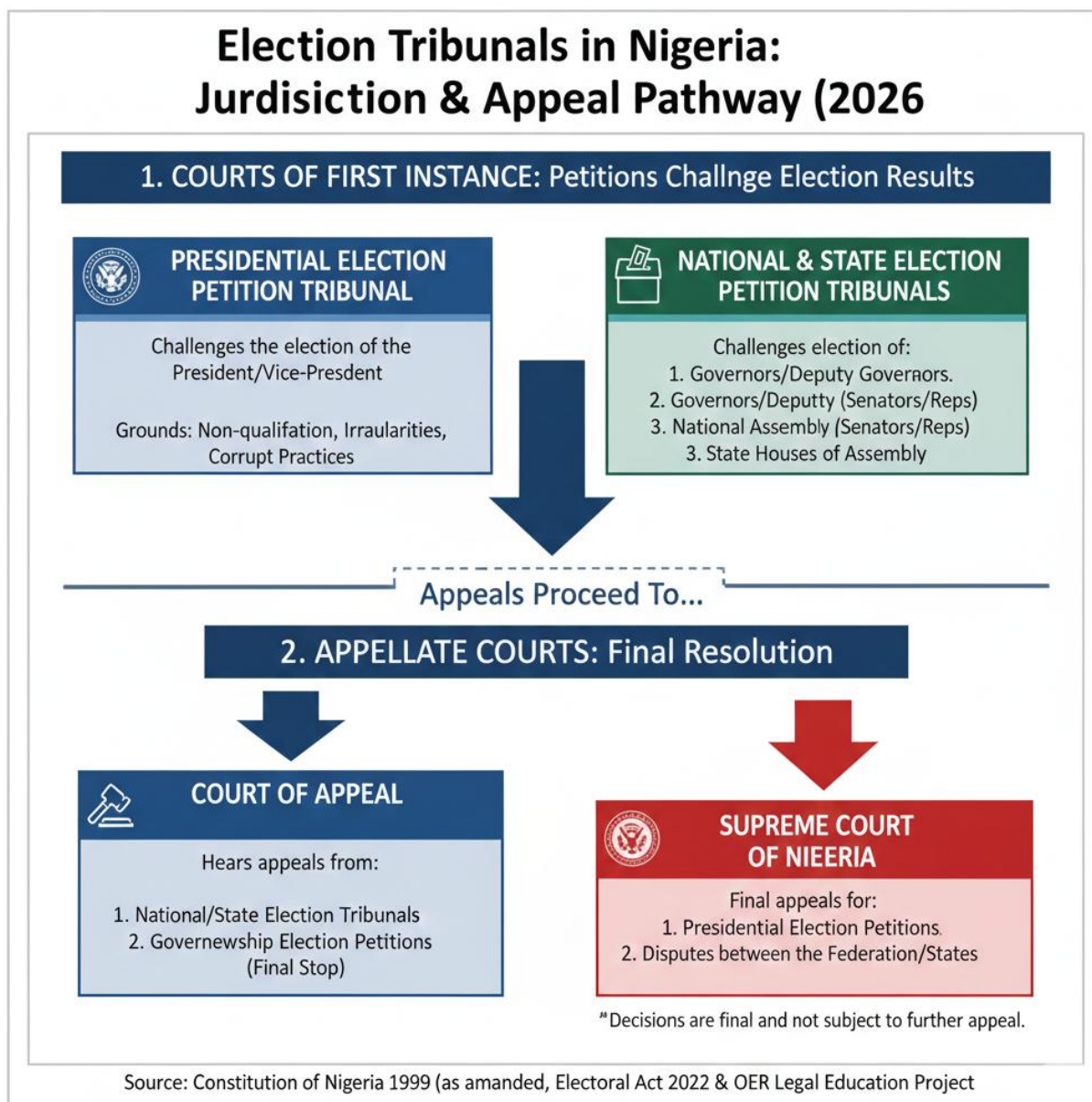
5.3.1 Election tribunals

Election tribunals are special courts established to resolve disputes arising from elections. They play a crucial role in safeguarding democracy by ensuring that electoral processes are conducted fairly and that grievances are addressed promptly. These tribunals handle petitions relating to the conduct of elections, eligibility of candidates, and declaration of results. Their decisions can be appealed to higher courts, such as the Court of Appeal and ultimately the Supreme Court.

Fill in the blank: Election _____ are special courts established to resolve disputes arising from elections.



Figure 5.3: *Structure and role of election tribunals in Nigeria*



5.3.2 Industrial and tax tribunals

Industrial tribunals deal with disputes between employers and employees, including matters relating to unfair dismissal, wages, and workplace rights. **Tax tribunals** handle disputes between taxpayers and tax authorities, ensuring fairness in the application of tax laws. These specialised tribunals provide quicker and more focused resolution compared to general courts, as they are tailored to specific subject areas.

Fill in the blank: _____ tribunals handle disputes between taxpayers and tax authorities in Nigeria.



Table 5.3: Examples of specialised tribunals in Nigeria and their jurisdiction

Tribunal / Court	Legal Status	Primary Jurisdiction	Appeal Path
National Industrial Court of Nigeria (NICN)	Superior Court of Record (Section 254A of the Constitution).	Labour & Employment: Disputes relating to salaries, trade unions, industrial actions, unfair labor practices, and international best practices in labor.	Appeals go to the Court of Appeal (typically <u>only</u> on questions of fundamental rights or as specified by law).
Tax Appeal Tribunal (TAT)	Quasi-Judicial / Administrative Tribunal (Joint Revenue Board Act, 2025).	Federal & State Taxes: Adjudicates disputes arising from CITA (Companies Income Tax), PITA (Personal Income Tax), VAT, and Petroleum Profits Tax.	Appeals go to the Federal High Court , but strictly on points of law .
Investment and Securities Tribunal (IST)	Specialized Civil Court (Investment and Securities Act).	Capital Markets: Disputes between investors and brokers, or between market operators and the Securities and Exchange Commission (SEC).	Appeals go directly to the Court of Appeal .

5.3.3 Customary and Sharia courts of appeal

The **Customary Court of Appeal** hears appeals from customary courts, focusing on matters governed by customary law such as inheritance and land disputes. The **Sharia Court of Appeal**, operating mainly in Northern Nigeria, hears appeals from Sharia courts in matters of Islamic personal law. These courts of appeal ensure consistency and fairness in the application of customary and Islamic laws, while also integrating them into the broader Nigerian judicial system.

Fill in the blank: The Sharia Court of Appeal hears appeals in matters of _____ personal law.



Box 5.3: Functions of Customary and Sharia Courts of Appeal

Feature	Sharia Court of Appeal (SCA)	Customary Court of Appeal (CCA)
Legal Basis	Established under Section 260 (Federal/FCT) and Section 275 (States) of the 1999 Constitution.	Established under Section 265 (Federal/FCT) and Section 280 (States) of the 1999 Constitution.
Primary Function	To exercise appellate and supervisory jurisdiction in civil proceedings involving Islamic Personal Law .	To exercise appellate and supervisory jurisdiction in civil proceedings involving Customary Law .
Scope of Power	Handles cases related to Islamic marriage, divorce, guardianship of infants, and inheritance (waqf/mirath).	Handles cases related to traditional marriage, land ownership under native law, and traditional succession.
Composition	Led by a Grand Kadi and other Kadis who must be learned in Islamic law.	Led by a President and other Judges who must be learned in Customary law.
Qualification	Requires at least 10 years of experience and a recognized qualification in Islamic law.	Requires at least 10 years of experience and "considerable knowledge and experience" in customary law.

Pilot questions 5.3

1. What is the main function of election tribunals in Nigeria?
2. Name two types of specialised tribunals in Nigeria.
3. What type of disputes are handled by industrial tribunals?
4. Which court hears appeals from Sharia courts?
5. Why are specialised tribunals important in the Nigerian judicial system?



5.4 Challenges And Prospects Of The Nigerian Court System

5.4.1 Issues of delay, corruption, and accessibility

The Nigerian court system faces significant challenges that affect its efficiency and credibility. One major issue is **delay in justice delivery**, often caused by case backlogs, procedural bottlenecks, and inadequate infrastructure. Another challenge is **corruption**, which undermines public confidence in the judiciary and compromises fairness. Accessibility is also a concern, as many citizens, especially in rural areas, struggle to access courts due to distance, cost, or lack of awareness. These issues collectively weaken the effectiveness of the judicial system.

Fill in the blank: One major challenge facing the Nigerian court system is _____ in justice delivery caused by case backlogs.

Box 5.4: Common challenges in the Nigerian court system

Challenge	Core Issues	Current Impact / Context
Delay	Case Backlogs: Some civil matters take over 10–20 years to reach the Supreme Court. Manual Records: Judges in many lower courts still take notes by hand.	Erodes public confidence; "Justice delayed is justice destroyed." 2026 pre-election litigations are further straining court schedules.
Corruption	Judicial Compromise: Allegations of bribery in high-profile political and "politically exposed" cases.	Creates a "pay-to-win" perception of justice. The NJC has intensified "secret shopper" monitoring and disciplinary actions in 2025–2026.



Challenge	Core Issues	Current Impact / Context
	Nepotism: Lack of transparency in the appointment of judicial officers.	
Accessibility	High Costs: Filing fees and professional legal fees are beyond the reach of the average citizen. Geographical Gaps: Many rural areas lack functional courtrooms or Legal Aid offices.	Leads to "self-help" and extrajudicial actions. Small Claims Courts (for debts under ₦5m) are currently being expanded to all 36 states to improve access.
Infrastructure	Technological Gap: Frequent power outages and poor internet hinder the "E-Court" initiative.	Causes "digital frustration" where virtual hearings are scheduled but cannot proceed due to technical failures.

5.4.2 Judicial reforms and modernisation

To address these challenges, Nigeria has introduced several **judicial reforms**. These include digitisation of court processes, electronic filing of cases, and virtual hearings. Modernisation efforts also involve training judges and court staff, improving infrastructure, and strengthening judicial independence. These reforms aim to make the judiciary more transparent, efficient, and accessible to all citizens.

Fill in the blank: Judicial reforms such as electronic filing and virtual hearings aim to make the judiciary more _____.

Table 5.4: Judicial reforms and modernisation initiatives in Nigeria



Reform Area	Key Innovation	Implementation & Status (2026)
Digitization	Justice Information Management System (JIMS)	A centralized database connecting the Police, Courts, and Correctional Services to track cases in real-time and eliminate "missing files."
	Speech-to-Text (Judic AI)	Automated transcription systems in 16+ pilot courtrooms, ending the era of judges taking notes by hand (long-hand).
Electronic Filing	E-Filing Portals	Now mandatory in the Supreme Court and Federal High Courts. Lawyers upload PDFs, and registries assess fees via WhatsApp or Email.
	E-Affidavit Portal	Launched July 2024; allows litigants to process affidavits online, reducing physical crowds at court registries.
Virtual Hearings	Remote Court Sittings	Formalized by the Court of Appeal Act Amendment (2026) . Hearings via Zoom/MS Teams are now standard for non-contentious and urgent matters.
	Global Remote Court (GRC)	A specialized platform used in Lagos to conduct full criminal trials, including the sentencing of defendants virtually.
Transparency	Electronic Notice Boards	Real-time digital displays in court premises showing cause lists, emergency adjournments, and courtroom locations.
Access to Justice	Alternative Dispute Resolution (ADR) Centres	The Court of Appeal now features an ADR Centre within its structure to settle cases through mediation before they reach full litigation.

5.4.3 Prospects for strengthening the court system



The prospects for strengthening Nigeria's court system depend on sustained reforms and commitment to independence. Adequate funding, continuous training, and integration of technology are essential. Expanding access to justice through legal aid and community-based courts can also improve inclusivity. If these measures are implemented, the Nigerian judiciary will be better positioned to deliver timely justice, uphold rights, and maintain public trust.

Fill in the blank: Strengthening Nigeria's court system requires adequate funding, continuous training, and integration of _____.

Figure 5.4: *Prospects for strengthening the Nigerian court system*



Source: National Judicial Policy 2024-2028, Legal Sector Reform Reports & OER Project

Pilot questions 5.4



1. What are three major challenges facing the Nigerian court system?
2. Give two examples of judicial reforms introduced in Nigeria.
3. How does digitisation improve the judiciary?
4. What measures are needed to strengthen the court system?
5. Why is accessibility important in justice delivery?

Series Summary

This Series has explored the structure of courts in Nigeria, the appointment of judges, specialised courts and tribunals, and the challenges and prospects of the judicial system. We began by distinguishing between superior and inferior courts, highlighting their constitutional basis, jurisdiction, and examples. We then examined the appointment of judges, focusing on constitutional provisions, the role of the National Judicial Council, and the criteria and process involved. Following that, we analysed specialised courts and tribunals, including election tribunals, industrial and tax tribunals, and customary and Sharia courts of appeal. Finally, we considered the challenges facing the Nigerian court system, such as delays and corruption, and discussed reforms and prospects for strengthening it.

By completing this Series, you should now be able to define superior and inferior courts and explain their distinctions (SLO 5.1), describe their structure and functions (SLO 5.2), explain constitutional provisions and processes for appointing judges (SLO 5.3), analyse the role of the National Judicial Council (SLO 5.4), evaluate the functions of specialised courts and tribunals (SLO 5.5), and assess the challenges and prospects of the Nigerian court system (SLO 5.6).

Glossary of Terms

- **Customary Court of Appeal:** A court that hears appeals from customary courts, focusing on matters governed by customary law.
- **Inferior courts:** Courts created by statutes or state laws with limited jurisdiction, such as Magistrates' Courts.
- **Judicial independence:** The principle that judges must act free from political or external influence.
- **National Judicial Council (NJC):** The body responsible for recommending judicial appointments and disciplining judges.
- **Sharia Court of Appeal:** A court that hears appeals from Sharia courts in matters of Islamic personal law.
- **Specialised tribunals:** Courts established to handle specific disputes, such as election or industrial matters.
- **Superior courts:** Courts established by the Constitution with wide jurisdiction, such as the Supreme Court.
- **Supreme Court of Nigeria:** The highest court and final appellate authority in Nigeria.

Concept Check Questions [Series 5]



Objective Questions

1. (Linked to SLO 5.1) Superior courts in Nigeria are established by:
 1. Statutes
 2. Constitution
 3. Customary law
 4. State assemblies
2. (Linked to SLO 5.3) Who formally appoints judges after NJC recommendation?
 1. Senate
 2. President or Governor
 3. Attorney-General
 4. Chief Justice

Short-Answer Questions

3. (Linked to SLO 5.1) Define inferior courts in Nigeria.
4. (Linked to SLO 5.2) Name three examples of superior courts in Nigeria.
5. (Linked to SLO 5.4) What is the role of the National Judicial Council?
6. (Linked to SLO 5.5) Identify two types of specialised tribunals in Nigeria.

Long-Answer Questions

7. (Linked to SLO 5.5) Evaluate the importance of specialised courts and tribunals in Nigeria's judicial system.
8. (Linked to SLO 5.6) Assess the challenges facing the Nigerian court system and the prospects for strengthening it.

Answers to Concept Check Questions [Series 5]

Objective Questions

1. Constitution
1. President or Governor

Short-Answer Questions

3. Inferior courts are courts created by statutes or state laws with limited jurisdiction.
4. Supreme Court, Court of Appeal, High Courts.
5. The NJC recommends judicial appointments and disciplines judges to safeguard independence.
6. Election tribunals and industrial tribunals.

Long-Answer Questions

7. **Basic response:** Specialised courts and tribunals handle specific disputes such as elections and industrial matters, ensuring quicker resolution.

Value-added response: They also enhance efficiency by reducing the burden on general courts and promote fairness in specialised areas like taxation and labour rights.



1. **Basic response:** Challenges include delays, corruption, and limited accessibility. Prospects include reforms such as digitisation and improved funding.
Value-added response: Long-term strengthening requires continuous training, integration of technology, and expansion of legal aid to ensure inclusivity and public trust.

Answers to Pilot Questions [Series 5]

- **Part 5.1**

1. Superior courts are established by the Constitution; inferior courts by statutes.
2. Superior courts: Supreme Court, Court of Appeal, High Courts.
3. Inferior courts: Magistrates' Courts, Customary Courts, Sharia Courts.
4. Sharia law.

- **Part 5.2**

1. Constitutional provisions guide judicial appointments.
2. The NJC recommends candidates.
3. Judges are appointed by the President or Governor.
4. Fifteen years of practice for Supreme Court appointment.
5. The NJC safeguards independence.

- **Part 5.3**

1. Election tribunals resolve electoral disputes.
2. Industrial and tax tribunals.
3. Industrial tribunals handle employer–employee disputes.
4. Sharia Court of Appeal.
5. They provide quicker and specialised resolution.

- **Part 5.4**

1. Delay, corruption, accessibility.
2. Electronic filing and virtual hearings.
3. Digitisation improves transparency and efficiency.
4. Funding, training, technology integration.
5. Accessibility ensures inclusivity in justice delivery.

References and Attributions [Series 5]

- Elias, T. O. *The Nigerian Legal System*. London: Routledge.
- Obilade, A. O. *The Nigerian Legal System*. Ibadan: Spectrum Books.
- Nwabueze, B. O. *Constitutionalism in Nigeria*. Ibadan: Nwamife Publishers.
- Constitution of the Federal Republic of Nigeria (1999, as amended).
- Legal Practitioners Act.



- National Judicial Council guidelines.

Illustrations (AI-generated or OER suggested)

- *Figure 5.1: Distinction between superior and inferior courts in Nigeria.*
 - AI prompt: “Generate a diagram showing superior courts (Supreme Court, Court of Appeal, High Courts) and inferior courts (Magistrates, Customary, Sharia).”
 - Search string: “superior and inferior courts Nigeria OER diagram”.
- *Box 5.1: Examples of superior courts in Nigeria.*
 - AI prompt: “Generate a box listing examples of superior courts in Nigeria and their functions.”
 - Search string: “superior courts Nigeria Supreme Court Court of Appeal High Courts OER”.
- *Table 5.1: Examples of inferior courts in Nigeria and their jurisdiction.*
 - AI prompt: “Create a table listing inferior courts in Nigeria (Magistrates, Customary, Sharia) and their jurisdiction.”
 - Search string: “inferior courts Nigeria Magistrates Customary Sharia OER”.
- *Box 5.2: Constitutional requirements for appointment of judges.*
 - AI prompt: “Generate a box summarising constitutional requirements for appointment of judges in Nigeria.”
 - Search string: “constitutional provisions appointment of judges Nigeria OER”.
- *Figure 5.2: Role of the NJC in judicial appointments.*
 - AI prompt: “Generate a diagram showing the role of the National Judicial Council in judicial appointments and discipline.”
 - Search string: “National Judicial Council Nigeria judicial appointments OER diagram”.
- *Table 5.2: Criteria and process for appointment of judges.*
 - AI prompt: “Create a table listing criteria for appointment of judges in Nigeria and the appointment process.”
 - Search string: “criteria process appointment of judges Nigeria OER”.
- *Figure 5.3: Structure and role of election tribunals.*
 - AI prompt: “Generate a diagram showing election tribunals in Nigeria, their jurisdiction, and appeal process.”
 - Search string: “election tribunals Nigeria jurisdiction OER diagram”.
- *Table 5.3: Examples of specialised tribunals in Nigeria.*
 - AI prompt: “Create a table listing industrial tribunals and tax tribunals in Nigeria with their jurisdiction.”
 - Search string: “industrial tribunals tax tribunals Nigeria OER”.
- *Box 5.3: Functions of Customary and Sharia Courts of Appeal.*
 - AI prompt: “Generate a box summarising the functions of Customary Court of Appeal and Sharia Court of Appeal in Nigeria.”
 - Search string: “Customary Court of Appeal Sharia Court of Appeal Nigeria OER”.
- *Box 5.4: Common challenges in the Nigerian court system.*
 - AI prompt: “Generate a box summarising challenges in the Nigerian court system: delay, corruption, accessibility.”



- Search string: “challenges Nigerian court system delay corruption accessibility OER”.
- *Table 5.4: Judicial reforms and modernisation initiatives.*
 - AI prompt: “Create a table listing judicial reforms in Nigeria such as digitisation, electronic filing, and virtual hearings.”
 - Search string: “judicial reforms modernisation Nigeria OER”.
- *Figure 5.4: Prospects for strengthening Nigeria’s court system.*
- AI prompt: “Generate a diagram showing prospects for strengthening Nigeria’s court system: funding, training, technology

