

## **CHAPTER 71 - JUDICIAL SERVICE COMMITTEE**

### **A LAW TO ESTABLISH A JUDICIAL SERVICE COMMITTEE IN THE STATE AS REQUIRED BY THE CONSTITUTION**

[31 December 1983]

1. This Law may be cited as the State Judicial Service Committee Law.
2. In this Law unless the context otherwise requires:-
  - "Chairman" means Chairman of the Committee;
  - "Committee" means the body established by section 3 of this Law;
  - "Ex-officio member" has the meaning assigned to it by section 186 of the Constitution of the Federal Republic of Nigeria as suspended or amended;
  - "Government" means Government of the State;
  - "Governor" means the Governor of Gongola State of Nigeria;
  - "Member" means a member of the Committee and includes the Chairman;
  - "Secretary" means Secretary of the Committee.
3. There is hereby established for the State a body to be known as the State Judicial Service Committee.
4. The Committee shall comprise the following members, namely:-
  - (a) the Chief Judge of the High Court of the State who shall be the Chairman;
  - (b) the Attorney-General of the State;
  - (c) the Grand Kadi of the Sharia Court of Appeal of the State;
  - (d) one member, who is a legal practitioner and who has been qualified to practice as a legal practitioner in Nigeria for not less than ten years; and
  - (e) one other person, not being a legal practitioner who in the opinion of the Governor is of unquestionable integrity.
5. Except in the case of an ex-officio member, the members of  
The Committee shall be appointed by the Governor.
- 6.—(1) A member other than an ex-officio member shall hold office  
for five years from the date of his appointment.
  - (2) A member shall cease to be a member if any circumstances arise that, if he were not a member, would cause him to be disqualified for appointment as a member under this Law.
7. No person shall be qualified for appointment as a member unless he is qualified to be a member of a State Judicial Service Committee under the provisions of section 181 of the Constitution of the Federal Republic of Nigeria 1970 as amended or suspended.
8. A member shall only be removed from his office as such member by the Governor for inability to discharge the functions of the office or for misconduct.
9. The quorum for a meeting of the Committee shall be two members.
- 10.—(1) The Committee shall hold such and so many meetings as may be necessary for the performance of its functions.
  - (2) At a meeting of the Committee:-
    - (a) the Chairman shall, if present preside;
    - (b) every matter shall be decided by a majority of votes of the members present and voting:Provided that where the votes are equally divided, the person presiding at such meeting shall

have a second or casting vote.

(3) Subject to rules made under section 12 of this Law, the Committee may act notwithstanding any vacancy in its membership or absence of any member.

(4) Subject to subsection (5) of this section, all meetings of the Committee shall be summoned at the direction of the Chairman.

(5) Any two members may by notice in writing signed by them request the Chairman to call a special meeting of the Committee for purposes set out in such notice and the Chairman shall thereupon call a special meeting.

11. If at any time when the Committee meets:-

(a) the office of the Chairman is vacant; or

(b) the Chairman is absent from the meeting; or

(c) the Chairman is incapacitated and cannot exercise the functions of his office as Chairman, the members present at the meeting shall choose one of their number to preside at the meeting and the member so chosen shall have all the powers and perform all the functions of the Chairman for that meeting.

12.—(1) Subject to the provisions of this Law and the Constitution, the Committee may, with the approval of the Governor, by rules regulate its own procedure or confer powers or impose duties on any officer or authority for the purpose of discharging its functions.

(2) In the exercise of any powers under subsection (1) of this section the Committee shall not confer powers or impose duties on any officer or authority of the Federation or the State except with the approval of the Head of State of the Federal Republic of Nigeria or the State Governor, respectively.

13.—(1) Save as otherwise provided by this section, a member other than an ex-officio member may resign from his office as such member by writing under his hand addressed to the Governor.

(2) The resignation of a member shall take effect when the writing signifying the resignation is received by the Governor.

14. The Committee shall have power, subject to such conditions as may be prescribed, to appoint, dismiss and exercise disciplinary control over the Chief Registrar and Deputy Chief Registrar of the High Court, the Chief Registrars of the Sharia Court of Appeal and Customary Court of Appeal, Magistrates, District Courts Judges, Area Courts Judges and members and Customary Courts Judges and members.

15. Members other than ex-officio members shall be paid such salaries as may be fixed by Law.

16. The funds of the Committee shall include such moneys as may be provided for the Committee in any Appropriation Edict or Supplementary Appropriation Law.

17. The funds of the Committee shall be applied for the purposes of the Committee in accordance with an estimate of expenditure set out in an Appropriation or Supplementary Appropriation Law.

18.—(1) The Committee shall, upon such salary, terms and conditions as it may think fit, appoint

a fit and proper person to be Secretary of the Committee.

(2) The Secretary shall:-

- (a) conduct the correspondence of the Committee and keep records of the proceedings of the Committee;
- (b) subject to the overall control and direction of the Committee exercise general disciplinary control over other staff of the Committee; and
- © perform such other duties of administration and other character as the Committee may assign to him.

(3) The Committee may:-

- (a) from time to time appoint upon such salaries, terms and conditions as it may think fit, such other employees as may be necessary for proper and efficient conduct of the business of the Committee;
  - (b) grant pensions, gratuities or retiring allowances to employees of the Committee who contribute to any pension or contributory scheme;
  - © grant loans to employees of the Committee for such purposes as the Committee may approve;
  - (d) dismiss, terminate the appointment of and discipline any employee of the Committee.
- (4) Service by an employee of the Committee under this Edict shall be deemed to be public service for the purposes of the Pensions (Northern Nigeria New Officers) Law or any Law or Edict replacing the same.

19. In exercising its powers to make appointment or to exercise disciplinary control over persons, the Committee shall not be subject to the direction and control of any other authority or person.

20. Notwithstanding anything contained in any other enactment, all acts done or purported to be done, or omitted to be done, or proposed to be done by the Judicial Service Committee of the State shall be deemed to have been lawfully done under the Law and shall have effect as if so done.