

CHAPTER 25

CHIEFS (APPOINTMENT AND DEPOSITION)†

A LAW TO PROVIDE FOR THE APPOINTMENT AND DEPOSITION OF CHIEFS

NN 1963, Cap 20, KDSL N 5 of 1982, KDS 1 of 1961, KDS 11 of 1981, KDS 11 of 1983.

[3 July 1930] Date of commencement.

1. This Law may be cited as the Chiefs (Appointment and Deposition) Law. Short title.

2.—(1) In this Law—

“chief” means any person for the time being recognized by the Governor as a chief and includes an Emir;

Interpretation. KDSL N 5 of 1982.

“court” means a magistrate’s court, a District Court, the High Court, the Federal High Court, the Federal Court of Appeal;

“property” includes all regalia and other things whatsoever attaching to a chief by virtue of his chieftaincy.

3.—(1) Upon the death, resignation or deposition of any chief or of any head chief other than a chief of a kind referred to in section 4, the Governor may appoint as the successor of such chief or head chief, any person selected in that behalf by those entitled by customary law and practice to select in accordance with customary law and practice. Appointment of Chiefs in accordance with customary law and practice. KDS 11 of 1983.

(2) Where no selection is made before the expiration of such interval as is usual under customary law and practice, the Governor may himself appoint such person as he may deem fit and proper to carry out such duties incidental to the chieftaincy as it may be necessary to perform.

(3) In the case of any dispute, the Governor, after due inquiry

and consultation with persons concerned in the selection, shall have the final say as to whether the appointment of any chief or head chief has been made in accordance with customary law and practice.

Appointment of Chiefs otherwise than in accordance with customary law and practice. KDS 11 of 1983.

4.—(1) The provision of section 3 shall not apply to the office of a chief or head chief which has not originated from customary law and practice but has been created by legislation or administration act of a competent authority, but the provisions of subsections (2) and (3) of this section shall apply thereto.

(2) Upon the death, resignation or deposition of any chief or head chief of a kind described in subsection (1) above, the Governor may appoint any person selected in that behalf by those entitled to select in accordance with the provisions of any order made by the Governor prescribing the method of appointment of such a chief or head chief.

(3) When no selection is made before the expiration of any interval prescribed in any such order, the Governor may appoint any person he may deem fit and proper to carry out such duties incidental to the chieftaincy as it may be necessary to perform.

(4) In the case of any dispute the Governor, after due inquiry and consultation with persons concerned in the selection, shall have the final say as to whether the appointment of any chief or head chief has been in accordance with the provisions of any order made by the Governor.

Grading of head Chiefs. KDS 11 of 1983.

5. The Governor may grade the office of a head chief as first, second or third class, according to the size and importance of such office.

Deposition of Chiefs. KDS 11 of 1983.

6. The Governor after due inquiry and consultation with the persons concerned in the selection, may depose any chief or head chief, if he is satisfied that such deposition is required according to customary law and practice or is necessary in the interest of peace, order or good government.

7. The power of the Governor under the preceding sections of this Law shall only be exercised after receiving the advice of the Council of Chiefs.

Powers of Governor to be exercised after advice from Council of Chiefs. KDSL N 5 of 1982.

8. Any person appointed on or after the 1st day of October, 1963, as a chief or head chief shall as soon as may be after his appointment take the oath set out in the Schedule before the Governor or such other person as he may appoint.

Oath to be taken by chief.

9. If any person declines or neglects to take the oath, when any oath required to be taken by him under section 7 is duly tendered, he shall—

Effect of not taking oath.

- (a) if he has already entered on his office of chief or head chief, vacate the same; or
- (b) if he has not entered on his office of chief or head chief, be disqualified from entering on the same.

10. Nothing contained in this Law shall affect the validity of any oath taken prior to the 1st day of October, 1979, by any person on his appointment as chief or head chief, and any such oath shall be deemed to have been taken under the provisions of this Law and shall be as effectual and binding as if taken under the provisions of this Law.

Savings for previous oaths taken by chiefs.

11. The Secretary to the Council of Chiefs may by a certificate under his hand state that a particular person is or was a chief or head chief of a specified grade at a specified time or during a specified period in the State.

Certificate respecting chief.

12. Where in any criminal proceedings it is necessary to name the person to whom any property belongs and that property is the property of a chief by virtue of his chieftaincy, it shall be sufficient to name such chief by whichever title such chief is known notwithstanding that no person has been duly appointed or installed as such chief or that there is a dispute in respect of such chieftaincy.

Description of ownership of property of chiefs in criminal cases.