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The following are notified for general information:

By the Governor's Command
ISHMAEL OLALEKAN ALLI
Secretary to the State Government

Ibadan, 31st January, 2019

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ASSENTED to by me this 31st day of October, 2017

Senator Abiola Ajimobi
His Excellency, The Executive Governor

OYO STATE OF NIGERIA

No. 17 **2017**

A LAW FOR THE ESTABLISHMENT OF THE OYO STATE MULTI-DOOR COURTHOUSE AS A CORPORATE SOLE, TO PROVIDE FOR ITS FUNCTIONS AND COINNECTED PURPOSES

(31st October, 2017) ***Date of Commencement.***

ENACTED by the House of Assembly of Oyo State of Nigeria as follows: ***Enactment.***

1. This Law is cited as the Oyo State Multi-Door Courthouse Law, 2017. ***Short Title.***

2. In this Law - ***Interpretation.***

"ADR Judge" means a Judge appointed and designated as an ADR Judge by the Chief Judge;

"ADR Magistrate" means a Magistrate appointed and designated as an ADR Magistrate by the Chief Judge;

"ADR Magistrate" means a Magistrate appointed and designated as an ADR Magistrate by the Chief Judge;

"ADR" means Alternative Dispute Resolution which includes the entire range of alternatives to litigation that involves third party intervention to assist in the resolution of a dispute;

"**Arbitration and Conciliation Act"** means the Arbitration and Conciliation Act, Cap. A18, Laws of the Federation of Nigeria 2004 or any amendment thereto;

"Attorney-General" means the Attorney-General and Commissioner for Justice of the State;

"Auditor-General" means the Auditor-General of the State;

"Board" means the Governing Board of the OYSMDC as established under section 6 of this Law;

"Chief Judge" means the Chief Judge of the State;

"court" means High Court or Magistrate Court;

"director" means the director of OYSMDC;

"functions" includes duties and powers;

"Government" means the Government of Oyo State of Nigeria;

"High Court" means the High Court of the State;

"Judge" means Judge of the High Court;

"Judicial Service Commission" means the Judicial Service Commission of the State;

"Magistrate" means Magistrate of the Magistrate Court of the State;

"member" includes chairman;

"Neutral" includes mediators, arbitrators and neutral evaluators appointed to the panel of neutrals of OYSMDC:

"OYSMDC" means the Oyo State Multi-Door Courthouse as established under section 3 of this Law;

"panel" means the OYSMDC Panel of Neutrals;

"Screening and Selection Committee" means a committee set up by the Board for the purpose of selection and appointment of suitably qualified persons or neutrals to the Panel.

"State" means Oyo State of Nigeria;

"walk-in" means the deliberate or direct submission of a matter to the OYSMDC for ADR by an interested person or his agent.

3. Establishment of Oyo State Multi – Door Courthouse

(1) There is established for the State the Oyo State Multi-Door Court-house.

(2) The OYSMDC shall -

(a) be a body corporate with perpetual succession and a common seal; and
(b) have power to acquire, hold or dispose any movable or immovable properties for the purposes of its functions under this Law.

4. ***Objectives of OYSMDC.***

The objectives of the OYSMDC are to -

(a) provide people in the State with easy access to justice by providing alternative mechanism to litigation in the resolution of disputes;
(b) offer parties a legal framework for the fair and efficient settlement of dispute through ADR and ensure, that citizen's frustration and delay in justice delivery is minimized;
(c) serve as a focal point for the promotion of ADR in the State; and
(d) promote and enhance the growth and effective functioning of the justice system through ADR.

5. ***Functions of OYSMDC.***

The OYSMDDC shall have the following functions to -

(a) apply ADR mechanisms in the resolution of such disputes which may -
  (i) be referred to it from any court, public institution' or dispute resolution organisation within or outside the State or
  (ii) come before it by way of a walk-in;
(b) publicize its services and facilities by informing and sensitizing the general public of its facilities;
(c) encourage disputing parties to appear before the OYSMDC for resolution of their disputes;
(d) render assistance in the conduct of ad-hoc arbitration and mediation proceedings;
(e) maintain a working relationship with the State Ministry of Justice, the Oyo State Mediation Centre and other reputable and recognized organisation towards the enhancement of its operation of matters to it;
(f) maintain a panel of suitably qualified persons to act as mediators, arbitrators or neutral evaluators;
(g) promote and undertake projects which will further assist in decongesting the courts in the resolution of disputes among litigants;
(h) obtain loans by way of overdraft facilities or otherwise, such sum as may be required for the performance of its functions under this Law;
(i) offer training services in the field of ADR; and
(j) carry out any other duties that may be necessary for the implementation of its functions and objectives under this Law.

5. Establishment and membership of Governing Board.

(1) There is hereby established for the OYSMDC a Governing Board (herein referred to as the "Board').
(2) The Board shall consist of -
  (a) the Chairman who shall be a retired Judge;
  (b) 2 ADR Judges of the High Court of the State to be appointed by the Chief Judge:
  (c) the Attorney-General;

(d) 2 representative of the Nigerian Bar Association of the State;
(e) the Director of the OYSMDC;
(f) 1 representative of the private sector with experience in ADR; and
(g) 1 person whose membership in the opinion of the Attorney-General will assist with the promotion of ADR and OYSMDC.

(3) The overall supervision of the OYSMDC shall be vested in the Board.

7. Chairman of the Board.

(1) The Chairman shall be a person with relevant interest and qualifications in ADR.

(2) He shall have overall supervision of the Board and shall be appointed by the Chief Judge on the recommendation of the Judicial Service Commission.

(3) He shall hold office for a term of 3 years and shall be eligible for re-appointment for one further term of 3 years in compliance with the terms and conditions as may be approved by the Judicial Service Commission.

(4) He shall preside over every meeting of the Board and shall periodically report to the Chief Judge on the activities of the OYSMDC.

8. Appointment and tenure of Members of the Board.

(1) The Chief Judge shall appoint members of the Board.
(2) The tenure of members of the Board shall be for a term of 3 years and shall be eligible for re-appointment for one further term of 3 years.
(3) The proceedings of the Board shall be in accordance with the provisions contained in the Schedule to this Law.
(4) Members of the Board shall be paid such remunerations and allowances as the Governor may approve.

9. Cessation of member of the Board.

A person shall cease to be a member of the Board if he -

(a) is absent from 2 consecutive meetings without the permission of the Chairman; or
(b) has become bankrupt; or
(c) is incapacitated by physical or mental illness; or
(d) is convicted by a court of Law for an offence involving dishonesty, corruption or abuse of office; or
(e) resigns his appointment by a letter addressed to the Chairman.

10. Powers of the Board.

(1) The Board shall have the power to -
(a) prepare the annual budget of the OYSMDC;
(b) employ the director and such other members of staff of the OYSMDC;
(c) approve the salaries, entitlements and condition of service of the staff of the OYSMDC as applicable in the Judicial Service of the State;

(d) formulate, initiate and validate proposal and programmes to restructure and expand the OYSMDC;
(e) foster good relationship between the OYSMDC and other private and Government establishment;
(f) enter into contracts on behalf of the OYSMDC;
(g) assume the responsibility for the existing rights, liabilities, claims agreements entered into with regards to the OYSMDC;
(h) enhance the effective administration and delivery of Justice through ADR in the State: and
(i) do such other things as are necessary and expedient for the overall development of the OYSMDC.

(2) Where, upon any special occasion, the Board desires to obtain the advice of any person on particular matter, the Board may co-opt such person to its meeting to receive such advice as may be required.

11. ***Secretary of the Board****.*

(1) The Board shall appoint a Secretary who -
(a) shall be a lawyer with not less than 5 years post-call experience;
(b) may be a staff of the OYSMDC but not a member of the Board; and
(c) shall perform such duties as the Board may determine from time to time.

(2) The Secretary shall -
(a) ensure that all meetings of the Board are held;
(b) oversee the preparation of notices, agenda and minutes of meetings;
(c) take custody of the Seal; and
(d) perform other duties as are necessary for the effective functioning of the office.

12. ***The Chief Judge of the State.***

It shall be the responsibility of the Chief Judge to -

(a) appoint the members of the Board in accordance with section 6 of this Law;

(b) receive regular updates on the activities of the OYSMDC from the Board, including reports of its financial and overall activities;

(c) promote the growth and development of the OYSMDC including its integration within the judicial system; and

(d) make other contributions which shall enhance the activities of the OYSMDC and to further its overriding objectives.

13. **Director of the OYSMDC**

There is appointed for the OYSMDC a Director who shall -

(a) be the Chief Executive Officer with the responsibility for the overall development, promotion and administration of the OYSMDC; Qualification.

Qualification

(b) possess at least a first degree in law from a recognised university and not less than 10 years post call experience with a wide knowledge, qualification and experience in ADR, Multi-Door court concept and administrative skills; and

(c) be assisted in the performance of his functions by a deputy director and a principal registrar.

14. ***Deputy Director****.*

The Deputy Director shall -

(a) be responsible for the management of the OYSMDC facilities and any other business development initiatives of the OYSMDC;

(b) possess at least a first degree in law from a recognised university with not less than 7 years post call experience with knowledge in ADR, Multi-Door court concept and administrative skills;

(c) supervise the staff and other officers of the OYSMDC;

(d) attend to the needs of clients;

(e) ensure the smooth and efficient management of matters at the OYSMDC;

(f) be responsible for the effective administration of the OYSMDC including the preparation of reports;

(g) be responsible for other activities as shall be required by the Director to further enhance the OYSMDC; and

(h) be directly responsible to the Director.

15. Principal Registrar

The Principal Registrar shall -

(a) be a law graduate from a recognised university with at least 5 years post call experience with knowledge in ADR;

(b) be responsible to the Deputy Director for the day-to-day administration of the OYSMDC; and supervise the activities of other staff of the OYSMDC;

(c) effectively manage the dockets of the OYSMDC with a view to ensuring an efficient case flow management and documentation; and

(d) undertake other responsibilities as may be incidental to the overall purpose of the OYSMDC.

16. ***Staff of the OYSMDC****.*

(1) The Board may from time to time employ such persons as members of staff of the OYSMDC to assist the OYSMDC in the efficient performance of its functions under this Law.

(2) Subject to the provisions of this Law, the Board may make or approve such staff regulations relating to the appointment, promotion, discipline and the conditions of service of the employees of the OYSMDC as applicable in the Judicial Service of the State.

17 ***ADR Judges and Magistrates.***

(1) The Chief Judge shall designate and appoint such number of Judges· and Magistrates as ADR Judges and ADR Magistrates to take responsibility for promotion and determination of ADR within the Judiciary of the State.

(2) 2 ADR Judges shall be appointed by the Chief Judge to serve as members of the Board.

(3) Where any of the parties to a proceeding at the OYSMDC refuses or neglects to appear before the OYSMDC, the party may be requested to appear before the ADR Judge who shall make orders and give directives as may be considered desirable in the fulfillment of the objectives of the OYSMDC.

(4) ADR proceedings may take place in the premises of the OYSMDC.

(5) Any settlement agreement or memorandum of understanding duly signed by disputing parties may upon being filed at the OYSMDC, be presented to the ADR Judge or ADR Magistrate or any other Judge or Magistrate as directed by the Chief Judge for enforcement as Consent Judgment of the Court.

18. ***Role of Courts***.

It shall be the responsibility of Judges and Magistrates to further the cause of ADR and give effect to the overriding objectives of the OYSMDC by -

(1) (a) encouraging the use of the OYSMDC for the settlement of disputes by ADR in accordance with the High Court of Oyo State Civil Procedure Rules and refer cases that are suited to ADR to the OYSMDC to facilitate the just and speedy disposal of such cases;

(b) avoiding the assumption of the role of a mediator in the course of a pre-trial conference;

(c) inquiring from parties, efforts made at settlement by ADR and examining the reasons stated for a failed attempt towards employing ADR in the resolution of the disputes:

(d) ensuring that parties and their counsel show proportionate and responsible behaviour in their pursuit of exploring or adopting ADR in the resolution of disputes;

(e) controlling and managing proceedings in Court and issue orders which would encourage the adoption of ADR methods in dispute resolution;

(f) adopting best known international practices and appropriate measures towards the promotion and development of an ADR consciousness among litigants and their counsel including orders as to costs and such other orders or directions as the court may consider appropriate;

(g) discouraging the continuation of proceedings in Court until parties referred to the OYSMDC have through their counsel or by themselves confirmed submission to proceedings at the OYSMDC and a report has been duly filed in Court by the OYSMDC;

(h) recognizing and giving effect to dispute resolution clauses contained in agreements between parties; and

(i) ensuring the adoption and enforcement of terms of settlement and awards reached at the OYSMDC in the same manner as a judgment or order of Court.

(2) where it is found that one party offers ADR and the other party refuses it, the party refusing ADR must show good and sufficient reason for doing so.

19. Role of counsel.

(1) The responsibility of Counsel in regard to ADR is to the Court, the OYSMDC and the Legal profession in promoting a better and more efficient justice delivery system.

(2) Counsel has a duty to expose clients to alternative methods of dispute resolution and explore with them the most appropriate mechanism in the resolution of matters brought before them.

(3) Counsel shall -

(a) give due consideration and support to suggestions, orders and directives from the courts for an amicable settlement or the referral of on-going matters to the OYSMDC;

(b) give regard and ensure clients accord respect to notices, invitations and directives from the OYSMDC; and

(c) further the cause of ADR and give effect to the overriding objectives of the OYSMDC.

20. ***Role of parties.***

(1) Disputing parties have a responsibility to the OYSMDC and to the ADR process and are to cooperate with officers of the OYSMDC in the administration of their dispute.

(2) Parties shall -

(a) consider seriously the possibility of ADR procedures for resolving their claims or issues when encouraged to do so by the Court, their counsel or the OYSMDC;

(b) initiate the resolution of an on - going dispute through ADR and have due regard to notices and directives from the OYSMDC;

(c) ensure personal attendance at ADR sessions and where the party is a body corporate, ensure attendance of a suitable high ranking official with authority to settle the dispute on behalf of the body Corporate;

(d) attend the ADR without undue requests for adjournments or unwarranted delays and comply with directives from the Court and the OYSMDC Practice Direction; and

(e) prepare adequately for an ADR sessions, be actively involved and be willing to explore various options towards settlement.

21. Enforcement of settlement agreement and awards.

(1) On the completion of an ADR proceedings, settlement agreements or other memorandum of understanding which are duly signed by the parties shall be enforceable as contract between the parties.

(2) When such agreement, mentioned in subsection (1) of this section, are endorsed by an ADR Judge or ADR Magistrate or any Judge of the High Court or Magistrate, it shall be deemed to be enforceable under Part III of the Sheriff and Civil Process Act and Part 3 of the Sheriff and Civil Process Law of the State.

(3) Arbitration Awards shall be enforced as provided for in the Arbitration and Conciliation Act and any other applicable legislation.

22. Panel of Neutrals.

(1) There is established a body of Panel of Neutrals (herein referred to as the "Panel").

(2) The Panel shall comprise of individuals who have -

(a) distinguished themselves in their chosen vocation;

(b) considerable relevant experience in their particular field, of ADR; and

(c) been trained and duly certified by a reputable and recognised organisation in relevant field of expertise in ADR.

(3) The OYSMDC shall also employ a limited body of in-house Neutrals whose terms of engagement shall be approved by the Board.

(4) The fees payable to the Panel for services rendered at the OYSMDC shall be in accordance with the stipulated guidelines as approved by the Board.

(5) The Board shall, after due consultation with the Screening and Selection Committee may remove a member of the Panel on grounds of misconduct, inability to perform the functions of a member of the Panel or such other ground that may bring disrepute to OYSMDC.

23. ***Establishment of OYSMDC Fund****.*

(1) There is established a fund for the OYSMDC (herein referred to as the "Fund").

(2) The Fund shall consist of -

(a) all grants as may be provided by the Government;

(b) all sums accruing to the OYSMDC by way of aid, gifts, testamentary dispositions, endowments or contributions by persons or organizations;

(c) all fees paid for services rendered by the OYSMDC or for the utilization of its facilities.

(d) all other sums which may from time to time accrue to the OYSMDC in the form of grants, awards or any other form of support by private persons or organizations.

(3) The OYSMDC shall not accept any aid, gifts, testamentary dispositions, endowments or contributions by persons or organizations if the conditions attached are inconsistent with the objectives and functions of the OYSMDC.

(4) The OYSMDC may subject to the provisions of this Law, and the conditions of any fund created in respect of any property, invest its funds, including any of its surplus funds on any securities or such other ventures as may be directed by the Board.

24. ***Accounts, Audits and Annual Report****.*

(1) The OYSMDC shall maintain accounts in commercial banks as may be approved by the Board.

(2) The Board shall -

(a) cause to be prepared not later than the 31st day of October in each year, an estimate of the income and expenditure of OYSMDC for the next year; and

(b) cause to be kept, proper accounts and records of the OYSMDC in relation to its income, expenditure, cash flow and other necessary accounting requirements towards ensuring a transparent statement of accounts.

(3) The accounts of the OYSMDC shall be audited each year by auditors appointed by the Board and approved by the Auditor-General.

(4) The Director shall submit to the Board, a bi-annual report of the activities of the OYSMDC, including statistics of cases, during the immediate preceding year or for such periods as the Board may require.

(5) The annual report shall include the audited accounts of the OYSMDC and the auditor's report on those accounts for any financial year shall be submitted to the Chief Judge not later than six months before the end of the next financial year.

25. ***Power to borrow****.*

(1) The OYSMDC may borrow such sum of money as maybe required for the performance of its functions under this Law.

(2) The Director shall obtain the approval of the Board before taking such facilities as required under subsection (1) of this section.

26. ***Execution of Document****.*

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

(2) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other member of the Board authorised by chairman for that purpose.

27. ***Exemption from tax****.*

The OYSMDC shall not be liable to tax on its income, expenditure or other transaction by any government or authority in the State.

28. Library facilities.

The OYSMDC may establish and maintain a physical and virtual library comprising such books, records, reports and publications as may be necessary for the advancement of knowledge in the areas of activities undertaken by it, for research purposes and for other purposes connected with the functions of the OYSMDC by or pursuant to this Law.

29. Legal Proceedings against the OYSMDC.

(1) No legal action shall be commenced in any court of law against the OYSMDC, the Director, any member of the Board or any of the officers in relation to any activity or matter conducted in the course of business without an initial submission of the dispute or concern to mediation.

(2) The choice of the mediator shall be mutually agreed by the parties, failing which, an ADR Judge who is not a member of the Board will appoint a mediator.

(3) No member of the OYSMDC or of the Panel shall be liable for any act or omission committed in relation to the conduct of ADR except the act or omission is of a fraudulent nature.

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

(a) cause of action and the particulars of claim;

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

(c) relief which he claims.

30. ***Notice, Summons etc***

The notice referred to in subsection (4) of section 29 of this Law and any summons, process or other document required or authorised to be served on the OYSMDC under the provisions of this Law, or any other law, shall be served by delivering the same to the OYSMDC or by sending it by registered post to the OYSMDC office.

31. Service in the OYSMDC and pension.

(1) Notwithstanding the provisions of the Oyo State Pensions Law -

(a) service in the OYSMDC shall be approved service for the purposes of that Law; and

(b) accordingly, other officers and persons employed by the OYSMDC shall in respect of their service in the OYSMDC be entitled to pensions and other retirement benefits stated in the Staff Handbook.

(2) However, nothing in **"*Oyo State Pensions Law"*** shall prevent the appointment of a person to any office on terms which precludes the, grants of pension and other retirement benefits in respect of that office.

32. ***Practice Directions and Rules****.*

On the recommendation of the Board the Chief Judge may -

(a) issue Practice Directions as are considered necessary for the effective utilization of the OYSMDC in the administration of justice in the High Court and Magistrate Court; and

(b) make such rules or procedure or issue such Practice Directions as may be necessary for the effective administration and efficient delivery of ADR services at the OYSMDC.

33. ***Power to make Regulations****.*

The Chief Judge may make regulations for the purpose of achieving the objectives of this Law.
This printed impression has been carefully compared with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.

.....	.....
Barrister Paul Ishola Bankole, mni	Rt. Hon. Adesina Michael Adeyemo
Clerk of the State House of Assembly	Speaker of the State House of Assembly

THE SCHEDLLE
(section 8 (3))

Proceedings of the Board.

1. The Board shall meet at least four times in each calendar year.

2. Subject to the standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so, by notice given to him by not less than 5 other members, he shall summon a meeting of the Board to be held within 15 days from the date on which the notice is so given.

3. At any meeting of the Board, the Chairman, or in his absence, the Vice-Chairman shall preside over that meeting and in the absence of both any member appointed by the members present for that purpose shall preside.

4. The Board may make standing orders to regulate its own proceedings or the proceedings of any committee created by it in accordance with the Interpretation Law of the State.

Quorum

5. The quorum of the Board shall be 5, if a quorum is not formed at the time of any meeting, the members present shall have power to adjourn the meeting.

6. The quorum of any committee of the Board shall be determined by the Board.

Vice-Chairman

7. The Board shall elect one of its members to be the Vice-Chairman of the Board for such period as the Board may determine, provided that a vice-chairman who ceases to be a member shall cease to be the vice-chairman.

8. The vice-chairman must be a respected, renowned professional with at least a law degree from a recognised university and not less than 10 years of notable practical experience in a chosen field with relevant interest and qualification in ADR.

9. At any time while the office of the Chairman is vacant or the Chairman is in the opinion of the Board, permanently or temporarily unable to perform the functions of his office. A vice-chairman shall be appointed to perform those functions and the references in this Law to the Chairman shall be construed accordingly.

Co-option

10. A person co-opted under section 10 (2) of this Law shall not be entitled to vote at any meeting of the Board and shall not be counted towards a quorum.