

**A LAW TO ESTABLISH THE ALTERNATIVE DISPUTES RESOLUTION CENTRE  
IN THE STATE, ITS CONSTITUTION, FUNCTION AND OTHER PURPOSES  
RELATING TO THE ADMINISTRATION OF THE CENTRE**



**Kaduna State of Nigeria**

**Law No. 4 2013**

**14 - 4 - 2013**

Date of Commencement

**BE IT ENACTED** by the House of Assembly of Kaduna State as follows: -

Enactment

1. This Law may be cited as the Kaduna State Alternative Disputes Resolution (Adoption and Application) Law, 2013.

Short Title

2. This Law shall come into operation on the 14<sup>th</sup> day of April, 2013.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

“ADR” means Alternative Disputes Resolution;

“Arbitration” means a process of dispute resolution in which a neutral third party, the Arbitrator renders a decision after a hearing at which both parties have an opportunity to be heard;

“Chief Judge” means the Chief Judge of Kaduna State;

“Committee” means the Alternative Dispute Resolution Committee established under this Law;

“Judge” means the judicial officer presiding over judicial proceedings in any court;

“Mediation” means a private, informal dispute resolution process in which a neutral third person, the mediator has no power to impose a decision on the parties; and

“Registry” means the Registry of the ADR Centre;

“Register” means to record receipt of a mediation agreement or arbitral award.

4. There is hereby established an Alternative Dispute Resolution Centre of Kaduna State. Establishment of ADR Centre
5. This Law shall apply to all Courts and to all types of disputes filed in the Courts of Kaduna State or directly at the ADR Centre; Application of the Law
- PROVIDED that settlements and agreements reached may be filed with the Registry under this Law, and to that extent, the provision of this Law will apply for the purpose of execution and finality.
6. (1) There is hereby established the Alternative Disputes Resolution Committee. Establishment and Constitution of ADR Committee
- (2) The Committee shall be constituted as follows:
- (a) two serving Judges of the High Court who shall be the Chairman and Vice Chairman respectively,
  - (b) three legal practitioners of not less than ten years standing,
  - (c) a Judge of the Customary Court of Appeal;
  - (d) a Khadi of the Shari'a Court of Appeal, and
  - (e) a Chief Magistrate.
7. The Committee shall be responsible for: Functions of the Committee
- (a) managing the ADR Centre and any other organ for implementing ADR in Kaduna State;
  - (b) setting minimum qualifications for Mediators and Arbitrators;
  - (c) certification or de-certification of Mediators or Arbitrators;
  - (d) setting minimum standards for mediation and arbitration process; and
  - (e) training of Mediators and Arbitrators.

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| 8.  | The ADR process shall operate as a stay of proceedings in a pending suit.  | Proceedings to be stayed pending ADR     |
| 9.  | Mediation or Arbitration shall be commenced as follows:<br>(1) At any stage of a suit in the following manner:<br>(a) at the instance of the Chief Judge, or<br>(b) at the instance of a Judge, Khadi or a Judge of the Customary Court of Appeal,<br>(c) at the instance of the parties.<br>(2) By filling directly at the ADR Centre.  | Commencement of Mediation or Arbitration |
| 10. | The following persons shall appear at any meeting or session scheduled by the Mediator or Arbitrator, unless excused by the Mediator, Arbitrator or Committee:<br>(a) each party or the party's representative having full authority to settle without further consultation.<br>(b) each party's counsel if any.   | Attendance of Parties                    |
| 11. | (1) No member of the Committee or any person appointed as an Arbitrator or Mediator shall be subpoenaed or called to testify or be subject to any process requiring disclosure of confidential information in any proceeding relating to or arising out of a dispute.<br><br>(2) No civil suit lie or be maintained against members of the Committee or any person appointed as an Arbitrator or Mediator.   | Immunity                                 |
| 12. | (1) The records of Mediator or Arbitration kept by the Committee, Arbitrator or Mediator shall be confidential.<br><br>(2) The Mediator shall not subsequently serve as an attorney ad litem, Arbitrator or Judge, or act in any decision-making capacity in matter about which the Mediator has received confidential information from one party outside the hearing of the other party or parties, without full disclosure to all parties and without their consent. | Confidentiality                          |

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| 13. | (1) The Judge or Committee shall set the timeframe for completion or Mediation or Arbitration process.                            | Time for Completion of ADR |
|     | (2) The Judge or Committee may, on its own or on the application of the parties, extend the time so fixed under this section.     |                            |
| 14. | (1) All arbitral awards and mediation agreements shall be binding and enforceable in the same manner as the judgement of a Court. | Enforcement                |
| 15. | Mediators and Arbitrators shall at all times be in control of the proceedings before them.  | Control of Proceedings     |
| 16. | The Chief Judge may make or amend Mediation Procedure Rules.  | Rules of Court             |

DATED AT KADUNA this 14<sup>th</sup> day of April, 2013.

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**MUKHTAR RAMALAN YERO**  
**EXECUTIVE GOVERNOR**  
**KADUNA STATE.**

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to establish the Kaduna State Alternative Disputes Resolution (Adoption and Application) Law.

This printed impression has been carefully compared with the bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.

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**HON. MU'AZU USMAN GANGARA**  
**(SPEAKER)**

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**BARR. UMMA ALIYU HIKIMA**  
**(CLERK TO THE LEGISLATURE)**