

REPUBLIC OF CAMEROON

Peace – Work – Fatherland

NATIONAL ASSEMBLY

8th LEGISLATIVE PERIOD
LEGISLATIVE YEAR 2011
3rd EXTRAORDINARY SESSION
(December 2011)

LAW

TO AMEND AND SUPPLEMENT CERTAIN
PROVISIONS OF LAW NO. 2006/15 OF 29 DECEMBER
2006 ON JUDICIAL ORGANIZATION

The National Assembly deliberated and adopted
at its Plenary Sitting held on Saturday 3 December 2011
Bill No. 902/PJL/AN set out as follows:

Section 1: The provisions of Sections 3, 4, 14, 15, 17, 18, 20 and 22 of Law No. 2006/15 of 29 December 2006 on judicial organization are hereby amended and supplemented as follows:

Section 3.- (new) Judicial organization shall comprise:

- The Supreme Court;
- Courts of Appeal;
- The Special Criminal Court;
- Lower courts for administrative litigation;
- Lower audit courts;
- Military Tribunals;
- High Courts;
- Courts of First Instance;
- Customary Law Courts

Section 4 (new).- (1) The law shall lay down:

- the organization of the Supreme Court and constituent Benches;
- the organization of Appeal Courts and constituent Benches;
- the organization of the Special Criminal Court;
- the organization of lower courts for administrative litigation;
- the organization of lower audit courts;
- the organization of military courts;
- the organization of courts sitting in labour matters;
- the organization of customary law courts;
- High Courts and constituent Benches;
- Courts of First Instance and constituent Benches;

(2) The administrative organization of courts shall be laid down by a separate instrument.

Section 14.- (4) (new)

(a) The Court of First Instance shall be organized into:

- Benches;
- General Assembly.

(b) The Court of First Instance shall comprise:

- one or more Benches for civil matters;
- one or more Benches for commercial matters;
- one or more Benches for labour matters;
- one or more Benches for misdemeanours or simple offences;
- one or more Benches for minors.

(c) Notwithstanding the provisions of subsection (b) above, the President of the Court of Appeal may, by order and considering service needs, merge two or more Benches.

(d) The President of the Court of Appeal of the area shall, by order after consultation with the President of the court, appoint from amongst other magistrates Presidents of Benches for each judicial year.

The appointment order may be amended before the end of the judicial year for reasons of unavailability of the President of a Bench or where the President of the court, by reasoned opinion, notes shortcomings in the performance of the President of a Bench.

The appointment of a new President of a Bench within the course of a judicial year shall cover the rest of the period.

- (e) The magistrates appointed to a court shall be assigned to Benches by order of the President of that court issued at the beginning of the judicial year for that entire year.

Where the magistrates of a Bench sit in panel, the additional members of the panel shall be appointed by the President of the court.

- (f) The General Assembly shall be composed of all the Legal and Judicial Officers working in the Court of First Instance as well as the Registrar-in-Chief of the court. It shall have an advisory capacity and judicial jurisdiction where provided for by the law.

- (g) The General Assembly shall consider and express opinion on matters provided for by the law as well as on all issues relating to the functioning of the court submitted to it by the President, the State Counsel or by one-third of its members.

- (h) Where the General Assembly is deliberating on matters for which it expresses advisory opinion, Judicial Officers of the Legal Department shall take part in the deliberation and vote.

- (i) Where the General Assembly is hearing matters for which the Court exercises judicial jurisdiction, it shall, after receiving the submissions of the Legal Department, deliberate without the presence of the Judicial Officers of the Legal Department.

Section 15.- (1) The Court of First Instance shall have jurisdiction.

- (b) (new):

In civil matters:

- to hear matters where the amount of damages claimed does not exceed 10 000 000 (ten million) francs;

- to recover, by way of the simplified recovery procedure, all claims where the amount does not exceed 10 000 000 (ten million) francs.

In commercial matters:

- disputes relating to commitments and transactions between businessmen, credit establishments or between businessmen and credit establishments;
- disputes:
 - between shareholders of a business company or economic interest group relating to:
 - commercial companies;
 - acts and bills of exchange between all persons as provided for by the Uniform Act of the Organization for the Harmonization of Business Law in Africa relating to general commercial law;

When the amount in terms of money does not exceed 10 000 000 (ten million) francs.

In labour matters:

- disputes where the amount of damages does not exceed 10 000 000 (ten million) francs.

Section 17.- (9) (new)

(a) The High Court shall comprise:

- Benches;
- General Assembly.

(b) The High Court shall comprise:

- one or more Benches for civil matters;
- one or more Benches for commercial matters;
- one or more Benches for labour matters;
- one or more Benches for criminal matters.

(c) Notwithstanding the provisions of subsection (b) above, the President of the Court of Appeal may, by order and considering service needs, merge two or more Benches.

(d) The President of the Court of Appeal with jurisdiction shall by order, after consultation with the President of the Court, appoint from amongst the magistrates, Presidents of Benches for each judicial year.

The appointment order may be amended before the end of the judicial year where the President of a Bench is unavailable or where the President of the Court, in a reasoned opinion, notes shortcomings in the performance of the President of a Bench.

The appointment of a new President of a Bench within the course of the judicial year shall cover the rest of the period.

(e) The magistrates appointed to a court shall be assigned to Benches by order of the President of that court issued at the beginning of the Judicial year for that entire year.

Where the magistrates of a Bench sit in panel, the additional members of the panel shall be appointed by the President of the Court.

(f) The General Assembly shall be composed of all the Legal and Judicial Officers working in the court as well as the Registrar-in-Chief of the court. It shall have an advisory capacity and judicial jurisdiction where provided for by the law.

(g) The General Assembly shall consider and express opinion on matters provided for by the law as well as on all issues relating to the functioning of the court submitted to it by the President, the State Counsel or by one-third of its members.

(h) Where the General Assembly is deliberating on matters for which it expresses advisory opinion, Judicial Officers of the Legal Department shall take part in the deliberation and vote.

(i) Where the General Assembly is hearing matters for which the court exercises judicial jurisdiction, it shall, after receiving the submissions of the Legal Department, deliberate without the presence of the Judicial Officers of the Legal Department.

Section 18 (1).- The High Court shall have jurisdiction:

(b) (new):

In civil matters:

- to hear and determine suits and proceedings relating to the status of persons, civil status, marriage, divorce, filiations, adoption and inheritance;
- to hear matters where the amount of damages claimed exceeds 10 000 000 (ten million) francs;
- to recover, by way of the simplified recovery procedure, all claims whose amount exceeds 10 000 000 (ten million) francs.

In commercial matters:

- collective proceedings for wiping off debts;
- unquestionable, liquidated and due commercial debts of whatever amount where the obligation arises from a cheque, a promissory note or a bill of exchange;

- disputes relating to commitments and transaction between businessmen, credit establishments or between businessmen and credit establishments;
- disputes:

between shareholders of a business company or economic interest group relating to:

- commercial companies;
- acts and bills of exchange between all persons as provided for by the Uniform Act of the Organization for the Harmonization of Business Law in Africa relating to general commercial law;

where the amount in terms of money exceeds 10 000 000 (ten million) francs.

In labour matters:

- disputes where the amount of damages claimed exceeds 10 000 000 (ten million) francs.

(2) The President of the High Court or a judge designated by him shall be competent to hear and determine:

- (a) (new) disputes relating to the enforcement of the decisions of High Courts.

“Section 20.- (2)

- (a) The Court of Appeal shall be organized into:

- Benches;
- General Assembly.

(b) (new) The Court of Appeal shall be composed of:

- one or more Benches for motions and urgent applications;
- one or more Benches for disputes relating to the enforcement of judgments;
- one or more Benches for civil matters;
- one or more Benches for commercial matters;
- one or more Benches for labour matters;
- one or more Benches for customary law matters;
- one or more Benches for criminal matters;
- one or more Benches for misdemeanours and simple offences;
- one or more Benches for inquiry control.

(c) Notwithstanding the provisions of subsection (b) above, the President of the Court of Appeal may, by order and considering service needs, merge two or more Benches.

(d) The magistrates of the Court of Appeal shall be assigned to the Benches by order of the President of that court issued at the beginning of the judicial year for that entire year.

(e) A magistrate may be member of more than one Bench.

(new) The President of the Court of Appeal with jurisdiction shall appoint by order from amongst the Vice-Presidents of the Court, the Presidents of Benches for each judicial year."

"Section 22.- (new) The Court of Appeal shall have jurisdiction to hear:

- (a) appeals against judgments delivered by courts, with the exception of those delivered by the Supreme Court and the Court of Appeal itself;
- (b) appeals against the rulings of the Examining Magistrate;
- (c) all other matters provided for by the law.

(2) The Benches of the Court of Appeal shall have jurisdiction to hear appeals against decisions rendered by the respective Benches of Courts of First Instance and High Courts.

(3) The President of the Court of Appeal shall have jurisdiction to hear and determine at the first instance, disputes relating to the enforcement of the decisions of Courts of Appeal".

Section2: This law, which repeals all previous provisions repugnant hereto, shall be registered and published according to the procedure of urgency and inserted in the Official Gazette in English and French.

YAOUNDE,

CAVAYE YEGUIE Djibril
PRESIDENT OF NATIONAL ASSEMBLY