

PRACTICE DIRECTION FOR THE ENFORCEMENT UNIT

1. The Execution unit shall not initiate or engage in any form of communication with the Judgment Creditors, Judgment Debtors or their Counsel.
2. Upon receipt of a writ of Execution duly signed by a High Court Judge/Magistrate, the Execution Unit shall promptly carry out the Execution unless same is recalled or formally stayed by a Judge/Magistrate or Court of Appeal or Supreme Court,
3. The Execution Unit shall not accept any application (for stay of execution, inter-pleader summons etc) directly from the Judgment Debtors/Applicants or their counsel. Any such application shall, after being filed in the Litigation Department, be forwarded to the court concerned by the applicant's counsel for determination. It is the outcome of that decision that will be communicated to the Execution Unit.
4. The Execution Unit is directly under the Head of Department of Enforcement. Thus it is his responsibility to see that due process is observed upon the receipt of a writ of execution duly signed by a High court Judge or Magistrate.
5. (a) However, all Motions on stay of execution or inter-pleader Summons shall be received at the Chief Registrar's office by a desk officer who shall be an experienced lawyer. Upon the receipt of same shall through the Head of Department of Enforcement draw the attention of the Judge in question.

(b) The applicant's lawyer shall furnish the desk officer with the details of the cases; such as, the name of the Judge and the court hearing the matter.

6. Every writ of Execution emanating from a judgment of court or order for-stay of execution shall be communicated by the registrar of that court to the Execution Unit. Same shall be entered in a register known as REGISTER OF PROCESS, stating the name of the court, the case number, name of parties, date and time when received.

7. Mere filing of Notice of Appeal does not serve as stay of execution

8. Where goods, chattels or other movable properties are attached in furtherance of a writ of execution, the goods so attached shall be disposed of upon the expiration of five (5) working days following the day on which the goods had been seized unless:

(a). The goods are of perishable nature or

(b). The person whose goods have been seized so requests in writing; in which the five (5) days period shall not apply.

9.(a) All goods, chattels or other movable properties which are to be sold under execution shall be advertised on the court's public notice board at least five (5) working days preceding the sale and all such sale shall be by public auction.

(b) Subject to the provisions of 9(a) above, all immovable properties which are to be sold under execution shall be advertised in at least one national newspaper.

10. Where there is an order of court directing the deposit of monies in an account, such order shall be complied with by depositing such monies into the ENFORCEMENT ACCOUNT.

11. In all cases, the Enforcement Unit shall transmit to the court from which the judgment or order emanated, the fact of its compliance in writing signed by the head of Enforcement Department giving details of what was done not later than five (5) days after such compliance.

12. Every file for sale of attached property must carry the photograph and necessary documents or the description of the property in question.

13. The property for sale must be valued by a Valuer and only be sold by a registered auctioneer. However, the reserve price for any item for sale shall be determined by the Chief Registrar.

14. The cost of execution shall also be determined by the Head of Department of Enforcement and not by the counsel

THIS PRACTICE DIRECTION shall take effect from:

\_\_\_\_\_ 19<sup>th</sup> \_\_\_\_\_ Day of \_\_\_\_\_ Oct, \_\_\_\_\_ 2016



HON JUSTICE I. U. BELLO  
CHIEF JUDGE