

*Extraordinary*



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## SUPREME COURT ACT, CAP. S15 LFN, 2004

## SUPREME COURT RULES, 2024



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## S. I. No. 21 of 2024

## SUPREME COURT ACT, CAP. S15 LFN, 2004

## SUPREME COURT RULES, 2024

[1st Day of August, 2024]

## ORDER 1 — GENERAL DEFINITIONS

1. These Rules may be cited as the Supreme Court Rules, 2024 and shall come into force by notification in the official Gazette.

2. The Supreme Court Rules, 1985 are repealed.

3. In these Rules, unless the context otherwise requires —

“Act” means Supreme Court Act, Cap S15 Laws of The Federation 2004, or any other Act amending or replacing it;

“Appeal” means entry of Appeal after the record of appeal has been transmitted from the Court below;

“Appellant” means a party appealing from a decision or applying for leave on behalf thereof and includes the Legal Practitioner retained or assigned to represent him in the proceedings before the Court;

“Applicant” means any person who makes an application to the Court for an order;

“Bailiff” means a person authorised to serve Court processes and carry out such other function(s) as the Court may, from time to time, assign to him, and includes any special Bailiff appointed by the Court;

“Cause” includes any action, suit or other proceedings between an Appellant and a Respondent or any Applicant and a Respondent; or between a Plaintiff and a Defendant when the original jurisdiction of the Court is invoked.

“Chief Justice” means the Chief Justice of Nigeria (CJN); or a Justice of the Supreme Court for the time being acting for him or in his stead.

(a) “Presiding Justice” means any Justice of the Supreme Court duly assigned by the Chief Justice to preside over the Court Sitting;

(b) “Justice” means a Justice of the Supreme Court;

“Chief Registrar” means the Chief Registrar of the Court;

(a) “Registrar” means any other Officer of the Court (by whatever title called) exercising the functions of the Chief Registrar.

(b) “Registrar of the Court below” means the Chief Registrar or other administrative staff (howsoever called) of that Court or any other Court or Tribunal whose decision is subject to appeal to the Supreme Court.

“Committee” means the Rules of Court Advisory Committee established under these Rules;

Commence-  
ment.

Short title.

Repeal.

Interpretations.

“*Constitution*” means the Constitution of the Federal Republic of Nigeria, and includes any amendment thereto or modification thereof or any enactment replacing it;

“*Court*” means the Supreme Court of Nigeria, —

(a) “*Court below*” means the Court of Appeal or any other Court or Tribunal whose decision is subject to appeal to the Supreme Court.

(b) “*Court in chambers*” means Court sitting without Legal Practitioner where oral hearing is not required.

(c) “*Court of first instance*” means any court or tribunal sitting either in its original or appellate jurisdiction, immediately below the Court below.

(d) “*Court sitting*” includes physical and virtual sitting of the Court;

(i) “*Virtual hearing*” means proceedings of the Court conducted electronically or through the use of electronic or audio-visual means.

“*Costs*” means payment of money ordered by the Court to indemnify a party for expenses reasonably incurred in an appeal up to the time of striking out or dismissing an appeal or an application for lacking in merit;

“*Decision*” means in relation to the Court, any determination of the Court and includes judgment, direction, ruling, decree, order, conviction, sentence, verdict or recommendation;

“*Electronic media*” means any type of device that stores and allows distribution or use of electronic information;

“*Electronic device*” includes computers, e-readers, storage devices, input and output devices and audiovisual devices or such similar devices used in the typing or production of the Record of Appeal;

“*High Court*” means the Federal High Court, the High Court of The Federal Capital Territory, Abuja, the National Industrial Court and a High Court established for a state by the Constitution or any other Court of coordinate jurisdiction;

“*Indigent person*” means a person whose annual income is less than the minimum wage as set by the Government, for the time being;

“*Legal Practitioner*” means a person enrolled to practice in the Supreme Court of Nigeria and who has been retained by or assigned to a party to represent him in the proceedings before the Court;

“*NCMS*” means Nigeria Case Management System;

“*Out of jurisdiction of the Court*” means outside the territory of the Federal Republic of Nigeria;

“*Record*” means the aggregate of papers or electronic devices relating to any appeal, application or suit (including the pleadings, processes, proceedings, evidence, judgments and briefs) necessary to be laid before the Court at the hearing of the appeal;

“*Recording*” means anything or process in or by which information is recorded or stored by the Court;

“*Registry*” means the Registry of the Court;

“Respondent” in an Appeal means, any party other than the Appellant or Applicant directly affected by the appeal or application and includes a Legal Practitioner representing such a person in the proceedings before the Court;

“Rules” means these Rules or any amendment thereto or any other additional Rules made under the Constitution and includes the Schedules appended to these Rules.

4. The practice and procedure of the Court shall, subject to the Act, be as prescribed by these Rules notwithstanding any other rules of practice to the contrary.

Supremacy  
of the  
Rules.

5. The forms set out in the First Schedule to these Rules shall be used in all cases to which such forms are applicable or conform as near thereto as circumstances permit.

Forms.

## ORDER 2 — ADMINISTRATION

- Chief Registrar. 1. The Chief Registrar shall have custody of the records of the Court both physical and electronic, and shall exercise such other functions as are assigned to him by these Rules and by such directions as the Chief Justice may give from time to time.
- Other Registrars. 2. The Chief Justice may assign, and the Chief Registrar may, with the approval of the Chief Justice, delegate to any Registrar of the Court any function required by these Rules to be exercised by the Chief Registrar.
- Powers of the Chief Registrar. 3. Except as may be otherwise provided in the Constitution or in any other enactment, the Chief Registrar shall have such powers and duties as are given him by these Rules or such further powers and duties as the Chief Justice may direct.
- Seal of the Court. 4. The Court shall have and use, as the occasion may require, a seal having a device or impression approved by the Chief Justice and bearing the inscription "The Supreme Court of Nigeria" or an electronic version of it.
- Custody of the Seal. 5. The Seal of the Court, both physical and electronic versions, shall be kept in the custody of the Chief Justice who may entrust same or a duplicate or electronic version of it to such officer(s) of the Court as the Chief Justice may deem fit.
- Books to be kept by the Registrar. 6.—(1) The Chief Registrar shall keep the following books —
- (a) a Criminal Appeal Book in physical and electronic form;
  - (b) a Civil Appeal Book in physical and electronic form;
  - (c) a Civil Record Book in physical and electronic form; and
  - (d) a Criminal Record Book in physical and electronic form;
- each of which shall contain an index in alphabetical order.
- (2) The following particulars shall be entered in the Criminal Appeal Book, and the Civil Appeal Book:
- (a) the number of the appeal or application;
  - (b) the names of the Appellant or Applicant and Respondent;
  - (c) the Court from which the appeal is brought and the date of its judgment;
  - (d) the names of Counsel;
  - (e) the subject matter of the appeal or application;
  - (f) the date, place and mode of hearing of Appeal;
  - (g) the judgment of the Court; and
  - (h) any subsequent proceedings and remarks.
- (3) The following particulars shall be entered in the Civil Record Book:
- (a) the number of the application;
  - (b) the names of parties;
  - (c) the date and place of hearing of the case;

- (d) the names of Counsel;
- (e) the subject matter of the application;
- (f) the judgment of the Court; and
- (g) any subsequent proceedings and remarks.

7.—(1) As soon as the Notice of Appeal or a suit invoking the original jurisdiction of the Court is filed, the Registrar shall prepare a file in which pleadings or documents relating to the appeal or suit shall be contained and on the front page thereof, he shall record particulars of such pleadings or documents and the dates on which they are received.

Files of document.

(2) The Registrar shall furnish within fifteen (15) days to the Electronic Unit of the Registry of the Court, copies of the filed processes in an appeal or a suit to enable the Electronic Unit prepare an electronic file in which filed processes and documents relating to the appeal shall be uploaded and stored for access by the Justices of the Court.

8. Any person aggrieved by any act or order of any Registrar and who intends to have the act or order complained of set aside or varied, may write to the Chief Registrar of the Court, setting out the complaint, the ground for the complaint, the relief sought and the Chief Registrar shall deal with the complaint administratively.

Setting aside of varying order of Registrar.

9. The Registry of the Court shall, subject to the directions of the Chief Justice, be open every day in the year from 8 o' clock in the forenoon, to 4 o' clock in the afternoon, except on Saturdays and Sundays or on any day declared a public holiday by the Government of the Federation:

Hours of opening the registry.

Provided that for the filling of processes by electronic or other means, the Registry shall remain open every day including holidays.

10. The Registrar shall on every Friday, publish a weekly cause list, on the official Notice Board of the Court and on the official website of the Court, which shall set out the arrangement of fixture of causes for hearing on each day during the following week.

Publication of cause list.

11. The sittings of the Court and the matters to be disposed of at such sittings shall be communicated to the parties through their addresses for service; and such communication may be by the use of the physical and electronic addresses, available to the Court:

Notification of sittings.

Provided that the Court may in its discretion hear any appeal and deal with any other matter, whether or not same has been published by the Registrar.

12. The Court may, at any time, on application by any party, or of its own motion, adjourn any proceedings pending before it from time to time and from place to place.

Adjournments.

Sessions  
and  
appearance  
of Counsel  
at  
sessions.

13.—(1) Sessions of the Court shall be convened and constituted and the time, venue and forum for all sessions and for hearing interlocutory applications shall be settled in accordance with directions to be given by the Chief Justice.

(2) The Court shall regulate the number of Counsel who may appear before it in any matter:

Provided that—

(a) a Senior Advocate of Nigeria shall not appear with more than five (5) Counsel.

(b) where more than one Senior Advocate of Nigeria appears for the same party in a matter, such number of Counsel in that matter shall not exceed eight (8) inclusive of the Senior Advocates of Nigeria.

(c) other Learned Counsel shall not appear with more than four (4) junior Counsel.

14. Except as otherwise stated in this Order, or the context so implies, this Order shall apply to all matters whether civil or criminal.

## ORDER 3 — SERVICE

1. Any reference in these Rules to an address for service within or outside the Federal Republic of Nigeria, means a physical, postal, or electronic mail address, a GSM telephone number or any other available mode of communication where notices, summonses, warrants, proceedings and other documents, etc may be left, sent, posted or transmitted if not required to be served personally.

Definition of address for service.

2.—(1) Every Notice of Appeal shall be served on the Respondent(s) personally or on the Legal Practitioner who represented him at the Court below or by electronic mail or any other electronic means.

Service of notice of appeal.

(2) Save as may be otherwise provided in these Rules or in any other written law, no notice of process, document or other written communication in proceedings in the original or appellate jurisdiction of the Court, need be personally served; except:

(a) in proceedings in the original jurisdiction of the Court, the writ of summons or other documents issued by the Court for the institution of the proceedings; and

(b) in proceedings in the appellate jurisdiction of the Court, the Notice of Appeal;

Provided that if the Court is satisfied that the Notice of Appeal has in fact been served in the manner prescribed by sub-rules (1) and (3) of this Rule, or communicated to the Respondent, no objection to the hearing of the appeal shall lie on the ground only that the Notice of Appeal was not served personally.

(3) Where any document is required by these Rules to be served personally, it shall be sufficiently served if it is served in the manner prescribed by law for the personal service of a writ of summons issued by the Federal High Court and if it appears to the Court that for any reason personal service cannot be conveniently effected, the Court shall have the same power as the Federal High Court to direct that service be effected in some other way.

3. Where a Legal Practitioner has been served with a Notice of Appeal or any other process, and the Legal Practitioner has ceased to be instructed by the party for the purpose of the proceedings concerned, it shall be the duty of the Legal Practitioner to inform the Registrar within seven (7) days after service that he is not or no longer authorised to accept service on behalf of such person and if he omits to do so he shall be ordered to pay any costs occasioned thereby. In addition, the omission may be treated as an act of professional misconduct.

Duty of Legal Practitioner where he no longer acts for parties.

4.—(1) The Registry of the Court below or the Appellant shall, after the Notice of Appeal has been filed, cause to be served a certified true copy thereof upon each of the parties mentioned in the Notice of Appeal, but it shall not be necessary to serve any party not directly affected:

Service of notice on parties mentioned.

Provided that the Court may suo motu or on the application of any person claiming to be affected, direct Notice to be served on all or any party to the action or other proceeding or upon any person not a party and in the meantime may adjourn the hearing of the appeal upon such terms as may be just and make such Order(s) as might have been made if the persons served with Notice had been originally parties to the appeal.

Notice of appeal and address for service.

(2) Where in any proceeding in the Court below, a party has given a physical or electronic address for service, notice of any application preparatory or incidental to any appeal may be served in like manner as a Notice of Appeal under Rules 2 and 3 of this Order.

Mode of service.

5. Where under these Rules, any person has given an address for service, inclusive of an electronic mail address, any notice or other process shall be sufficiently served upon him if—

(a) left at that address, or

(b) sent by registered post to that address and in which case if the date of service by post is material, the relevant provision(s) of the Interpretation Act shall apply, or

(c) transmitted by electronic means to the electronic mail address or telephone number or any other mode of electronic communication.

Service of notice of appeal.

6.—(1) Where a Notice of Appeal is served on the Respondent by the Bailiff of the Court below, the Bailiff shall duly file an affidavit of such service at the Registry of the Court below.

Service of process.

(2) Where a process or document(s) is served on a party by the Bailiff of the Court, the Bailiff shall duly file an affidavit of service at the Registry of the Court:

Service by party.

Provided that if a party undertakes to effect personal service of a process other than a Notice of Appeal, the party undertaking service shall file an affidavit of such service at the Registry of the Court.

Endorsement of address for service.

7. Where under these Rules, any notice or other process is required to have an address for service endorsed on it, it shall not be accepted for filing by the Registry of the Court below or the Registry of the Court, or where accepted, it shall not be deemed to have been properly filed in so far as such address has not been endorsed on it.

Change of address and notification of change

8. Any party to an appeal or intended appeal may change his address for service at any time, by filing and serving on the Court and all other parties to the appeal or intended appeal, a notice of such change.

Respondent(s) notices of address for service.

9.—(1) Every person who by virtue of service on him of a Notice of Appeal becomes a Respondent to any appeal or intended appeal shall within fourteen (14) days after service on him of the Notice of Appeal file with the Registrar of the Court below notice of a full and sufficient address for service



in such number of copies as the said Registrar shall require and the Registrar of the Court below shall forthwith send a copy of the notice of address to the Registrar and shall cause a copy thereof to be served on the Appellant. Where Record has been transmitted, such notice shall be filed in the Court.

(2) Such notice may be signed by the Respondent or his Legal Practitioner. The electronic signature of the Respondent or his Legal Practitioner shall suffice for the electronic version of the notice.

(3) If any Respondent fails or omits to file such notice of address for service, then delivery of any document or proceeding at the address shown in the Notice of Appeal shall be deemed to be good and proper service on him.

10.—(1) Where the President, Vice President, a State Governor, a Deputy Governor of a State, Minister or Commissioner, or the Attorney-General, or Director of Public Prosecutions, or any other public officer of the Federal Republic of Nigeria or of a State is a party *ex-officio* in any proceedings in the Court, whether civil or criminal, any notice or other document may be served on him by leaving it at or by sending it by registered post or electronically or by serving it in the open office/chambers of the Attorney-General of the Federation or of the State concerned, as the case may be; and service in this manner shall be as effective as if it were personal service.

Service on  
Ex-officio  
party.

(2) The mode of service in sub-rule (1) of this Rule shall be deemed to be good and sufficient service on the state as a Respondent in a criminal appeal other than an appeal in a private prosecution.

11.—(1) Where any person who is out of the jurisdiction of the Court is a necessary or proper party to an appeal before the Court and it is necessary to serve him with the Notice of Appeal or other documents relating to the appeal, the Court may upon an application *ex-parte* for leave, allow service of the Notice of Appeal or such other document out of the jurisdiction of the Court.

Service  
outside  
jurisdiction.

(2) Every application for leave to serve a Notice of Appeal or other document on a person who is out of the jurisdiction of the Court shall be supported by an affidavit showing in what place or country such a person is or may be found and the grounds upon which the application is made.

(3) Any order granting leave to effect service out of the jurisdiction of the Court shall prescribe the mode of service and the Court may receive an affidavit or statutory declaration of such service having been effected as *prima facie* evidence of such service thereof.

12. Except as otherwise stated in this Order, or the context so implies, this Order shall apply to all matters whether civil or criminal. References to Appellant and Respondent may be adjusted to be references to Applicant, Plaintiff or Defendant, as the case may be.

Application  
of Order 3.

## ORDER 4 — APPLICATIONS

- Form of application.  
Form 1
1. Every application to the Court shall be by motion on notice, stating the Rule under which it is brought, the grounds for the reliefs sought and shall be supported by an affidavit and a written address. Each written address shall not exceed ten (10) pages.
- Time to file process.
2. The Respondent shall have fourteen (14) days within which to file processes in response (if any) to the motion on notice and the Applicant shall have seven (7) days to file a reply (if any) to the processes of the Respondent.
3. The Respondent may, if he so desires, file a written address not exceeding seven (7) pages; and a counter-affidavit in reply not later than fourteen (14) days after service of the application.
4. Upon being served with the Respondent's address, the Applicant may file in reply an address not exceeding five (5) pages within seven (7) days.
- Title of proceedings.
5. Subject to the provisions of these Rules, in case of death, withdrawal, Notices of Appeal, applications for leave to appeal, addresses of Counsel and all other documents whatsoever prepared in pursuance of the appellate jurisdiction of the Court for filing in accordance with the provisions of these Rules, shall reflect the same title as that which obtained in the judgment of the Court below.
- Applications for extension of time.
6. (1) Every application for extension of time in which to appeal or in which to apply for leave to appeal shall be served on the party or parties affected, and shall be supported by an affidavit setting forth good and substantial reason(s) for the failure to appeal or to apply for leave to appeal within the prescribed period. There shall be exhibited and/or annexed to such affidavit:
- (a) a certified true copy (CTC) of the decision of the trial Court;
  - (b) a certified true copy of the judgment from which it is intended to appeal;
  - (c) a copy of other proceedings necessary to support the complaints against the judgment;
  - (d) grounds of appeal which *prima facie* show good cause why the appeal should be heard;
  - (e) where leave has been refused by the Court below, a copy of the order refusing leave; and
  - (f) a written address in support of the application.
- (2) When time is so enlarged a copy of the order granting such enlargement of time shall be annexed to the Notice of Appeal.

7. Where leave to appeal is granted by the Court or the Court below or time is extended by the operation of these Rules, the Appellant shall file a Notice of Appeal at the Court below, the order and notice shall be exhibited as part of the Record of Appeal.

Notice of Appeal after leave.

8. Where an application has been refused by the Court below, an application for a similar purpose may be made to the Court within twenty-one (21) days after the date of the refusal.

9. Wherever under the Rules an application may be made either to the Court below or to the Court it shall not be made in the first instance to the Court except where there are exceptional circumstances which make it impossible or impracticable to apply to the Court below.

Application where first made.

10. Where, in an appeal to the Court from the Court below, the Court below has affirmed the findings of fact of the Court of first instance, any application to the Court in pursuance of its jurisdiction under section 233(3) of the Constitution for leave to appeal shall be granted only in exceptional circumstances.

Appeal from concurrent findings.

11. Where in any proceedings or at any stage of the hearing of any cause or matter, a question arises concerning the validity or constitutionality of any enactment or other law, the Court may, if it considers that it is necessary and expedient so to do, invite the Attorney-General of the Federation, the Attorney-General of the appropriate State or any other Legal Practitioner to attend the hearing of such cause or matter for the purpose of presenting arguments on such issues of validity or constitutionality.

Invitation of amici curiae.

12.—(1) Without prejudice to the powers of the Court to hear oral arguments, an application may be considered and determined by the Court in chambers.

Notice of non-contention.

Form 2.

(2) The Respondent shall file a notice of non-contention within fourteen (14) days of service of the application on him where he does not intend to contest the application.

13.—(1) A Respondent intending to rely upon a preliminary objection at the hearing of the appeal shall give the Appellant not less than five (5) clear days' notice thereof before the hearing, setting out the grounds of objection, and shall file such notice with eleven (11) physical copies and an electronic copy thereof with the Registry within the same time. The preliminary objection shall be argued in the Respondent's brief of argument.

Filing of preliminary objection.

Form 3.

Provided that where briefs have already been filed, a written address shall be filed with the notice of objection.

(2) Where the Respondent fails to comply with this Rule, the Court may refuse to entertain the objection or may adjourn the hearing thereof at the cost of the Respondent or may make such other order(s) as it deems appropriate.

Application to strike out, etc.

**14.** An application to strike out or set aside for non-compliance with these Rules, or for any other irregularity arising from the rules of practice and procedure in this Court, any proceedings or any step taken in any proceedings or any document, judgment or order therein shall only be entertained by the Court if it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

No application for extension of time.

**15.—(1)** The time provided by the Rules for filing any process shall be automatically extended in the first instance for the same period. In the second instance with payment of penalty for the time the applicant is in default but not exceeding the prescribed time. Thereafter, no application for extension of time shall be entertained except in an appeal against a death sentence.

Matters exempted from objection.

(2) No objection shall be taken to the hearing of an application or an appeal on the ground that the amount fixed by the Registrar of the Court below under Order 5 Rule 1(1) of these Rules was incorrectly assessed.

Section 233(4) of the 1999 Constitution (as amended).

**16.** The Court may dispose of any application for leave to appeal from any decision of the Court below or any other tribunal in respect of any civil or criminal proceedings in which leave to appeal is necessary after consideration of the record of the proceedings if the Court is of the opinion that the interests of justice do not require an oral hearing of the application.

Application of Order 4.

**17.** Except as otherwise stated in this Order, or the context so admits, this Order shall apply to all matters whether civil or criminal.

## ORDER 5 – FEES

1.– (1) Subject to the provisions of these Rules, the fees set out in the Second Schedule hereto shall be payable in respect of the matters to which they relate and shall be paid to the Registrar of the Court.

Fees generally

(2) The Chief Justice shall, from time to time, issue an amended Schedule of fees as the Chief Justice may deem appropriate.

2. No fee shall be payable in respect of any matter where such fee would be payable by the Government of the Federal Republic of Nigeria or of a State or Local Government or any Government Department or agency.

Exemption from fees for Government.

3.– (1) Any party may apply to the Court for leave to prosecute or defend an appeal as a poor person and such application shall be by notice of motion, supported by affidavit, and shall be served on the other party or parties to the proceedings. No fees shall be payable on filing any such application.

Fees in proceedings by poor persons.

(2) No party shall be permitted to proceed as a poor person unless he has satisfied the Court that he has a reasonable probability of success.

(3) A person permitted to proceed as a poor person shall not be liable to pay any of the Court fees prescribed by these Rules nor shall he be required to make any deposit or to give security for costs.

Effect of leave.

(4) Where the Court grants leave to a party under these Rules, the Chief Justice or any Justice so designated shall assign a Legal Practitioner to that party.

(5) The Court may for good cause shown, review, rescind or vary an order permitting any person to proceed as a poor person.

(6) The Court may, on account of the poverty of any party (although such party may not have been formally permitted to proceed as a poor person under this Rule) or for other sufficient reason, dispense, if it deems fit, with payment of any fees, if the circumstances of the case so require:

Provided that if such party succeeds in any appeal which results in an order for payment to him of any costs, the Court may order that such fees shall be a first charge on any money recovered or to be recovered under such order.

(7) No fee shall be payable by an Appellant in capital offences or where an Appellant is granted legal aid.

(8) Except as otherwise stated in this Order, or the context so admits, this Order shall apply to all matters whether civil or criminal.

Application of Order 5.

## ORDER 6 — RECORD OF APPEAL IN CIVIL AND CRIMINAL PROCEEDINGS

Appeal to which this Order applies.

1.—(1) The provisions of Rules 2, 3 and 4 of this Order shall apply to appeals to the Court from final decisions of the Court below in civil and criminal cases other than decisions on appeal to that Court from interlocutory decisions of a High Court.

(2) The provisions of Rules 6 and 7 of this Order shall apply to any decision of the Court below in respect of—

Certain appeals.

(a) an interlocutory decision made by it;

(b) a decision made by it on appeal from an interlocutory decision of a High Court;

(c) a decision made by it affirming or reversing an order for summary judgment; or

(d) a decision made by it in cases—

(i) where the liberty of a person or the custody of an infant is concerned,

(ii) where an injunction or the appointment of a receiver is granted or refused,

(iii) relating to or connected with the winding-up of companies,

(iv) of a decree nisi in a matrimonial cause,

(v) affecting the revenue of the Government of the Federation or of a State; and

(e) such other cases as the Court in its discretion may direct.

Preparation of the record.

Forms 4 and 5.

2.—(1) As soon as an Appellant has filed his Notice of Appeal in the Court below, the Registrar of that Court (in the case to which Rules 6 and 7 of this Order apply) shall, expeditiously prepare the record in accordance with the provisions of this Order.

(2) The record shall contain the following documents in the order set out—

(a) the index;

(b) a statement by the Registrar of the Court below giving brief particulars of the case and including a schedule of the fees paid in that Court;

(c) physical and electronic copies of the documents and proceedings constituting the Record of Appeal before the Court below;

(d) a physical and electronic copy of the order for leave to appeal whether made by the Court or the Court below;

(e) a physical and electronic copy of the Notice of Appeal;

(f) a physical and electronic certificate by the Registrar of the Court below certifying that the Notice of Appeal was duly served upon the Respondent;

(g) a physical and electronic certificate by the Registrar of the Court below certifying that the Appellant has duly and punctually complied with the conditions of appeal imposed upon him; and

(h) a physical and electronic certificate by the Registrar of the Court below certifying that the Appellant and the Respondent have either collected their copies of the record respectively or that they have been duly notified that such record is ready for collection.

(3) In respect of the documents and proceedings referred to in paragraphs (c) and (d) of sub-rule (2) of this rule, it shall not be necessary for the record of appeal to contain any documents which the Appellant with the consent of the Respondent considers should be excluded :

Provided that whenever such document has been included on the insistence of the Respondent, the Registrar of the Court below shall make a note to that effect.

(4) It shall not be necessary to copy the notes or minutes of the proceedings taken by every Justice on the panel of the Court below and the notes or minutes signed by the Presiding Justice shall be deemed to be the proceedings of the Court below.

(5) It shall not be necessary for copies of individual documents to be separately certified, but the Registrar of the Court below shall certify as correct each copy of the record transmitted by him in accordance with these Rules.

3.—(1) When the Appellant or his agent files his Notice of Appeal, he shall be informed of the amount assessed by the Registrar of the Court below as the cost of the preparation and transmission of the record to the Court and (in the case of civil appeals) as the amount of security for costs and the due prosecution of the appeal.

Fees for preparing the record and security for costs.

(2) The Appellant shall within a period of not more than fourteen (14) days pay the amount so assessed and deposit the amount prescribed as security for costs and the due prosecution of the appeal or in lieu thereof give security by bond with one or more sureties to the satisfaction of the Registrar :

Form 6.

Provided that —

(a) the amount of such security shall not exceed twice the costs awarded in favour of the successful party by the Court below; and

(b) no deposit or security shall be required where the deposit would be payable by the Government of the Federation or of a State, by any Government department or agency by a Local Government, or by a corporation directly established by a law enacted by the legislature of the Federation or of a State.

(3) The Appellant shall within such time as the Registrar of the Court below directs, deposit with him a sum fixed to cover the estimated expense of making up and forwarding the record of appeal calculated at the full cost of one copy for the Appellant and one-tenth cost for each of the ten (10) copies for the use of the Court.

(4) The Court may, where necessary, require security for costs or for performance of the orders to be made on appeal, in addition to the sum determined under this Rule.

(5) Twenty-one (21) days after filing a Notice of Appeal, or before the transmission of the Records of Appeal (whichever is earlier), the Appellant shall file evidence showing that all sums, by way of costs, the Appellant had been ordered to pay to the Respondent have been paid into an escrow account in a commercial bank in the name of the Chief Registrar. The Appellant shall forward the Certificate of Compliance to the Registrar of the Court below for inclusion in the Records, and if the Appellant compiles the Records himself, the Certificate of Compliance duly verified by the Registrar of the Court below shall form part of the Records; failure of which shall be deemed as non-compliance with the condition for the appeal. The Court may, in the circumstance, proceed to dismiss the appeal in chambers without hearing arguments in the appeal.

Transmission  
of the  
record.

4.—(1) The Registrar of the Court below shall within a period of not more than three (3) months from the date of the filing of the Notice of Appeal transmit the physical and electronic record when ready together with —

(a) a physical and electronic certificate of service of the Notice of Appeal;

(b) a physical and electronic certificate that the conditions imposed under this Order have been fulfilled;

(c) ten physical and electronic copies of the record for the use of the Justices;

(d) the docket or file of the case in the Court below and the Court of first instance containing all papers or documents filed by the parties in connection therewith, to the Registrar of the Court; and

(e) a physical and electronic certificate indicating the date of service of records on the parties.

Form 7.

(2) The Registrar of the Court below shall also cause to be served on all parties mentioned in the Notice of Appeal who have filed an address for service a notice that the record has been forwarded to the Registrar of the Court who shall in due course, enter the appeal in the cause list.

Departure  
from Rules  
2, 3 and 4.

5.—(1) The Court may in any case in which it considers it necessary or expedient so to do in the interest of justice, or in any case in which it makes an order for accelerated hearing of the appeal, direct a departure from Rules 2, 3 and 4 of this Order.

(2) Where a direction for such departure is made by the Court, the provisions of Rules 6 and 7 of this Order shall apply to the appeal notwithstanding the fact that it is an appeal of the type mentioned in sub-rule (2) of Rule 1 of this Order.



Provided that the Court may give further or other directions for the purpose of procuring a record for the hearing and determination of the appeal.

6. It shall not be necessary for the Registrar of the Court below to prepare a record in respect of an appeal of the type mentioned in sub-rule (2) of Rule 1 of this Order unless the Court otherwise directs, and accordingly, the record for the purpose of such appeal shall be prepared in the manner set forth in Rule 7 of this Order.

Record in certain appeals.

7.—(1) Where at the expiration of thirty (30) days after the filing of the Notice of Appeal and following notification by the Appellant, the Registrar has failed or neglected to compile and transmit the Record of Appeal in accordance with the preceding provisions of this Order, it shall become mandatory for the Appellant to compile the Record of all documents and exhibits necessary for his appeal, encrypt and transmit the Record of Appeal electronically to the Court through the official electronic mail address of the Registry of the Court, within thirty (30) days after the Registrar's failure or neglect; with ten (10) physical copies of the Record of Appeal also transmitted to the Court.

Mandatory compilation by appellant in certain appeals.

(2) The Appellant shall, in appeals to which Rule 1 sub-rule (2) of this Order applies, prepare for the use of the Justices a physical and electronic record comprising —

- (a) the index;
- (b) office copies of documents and proceedings which the Appellant considers relevant to the appeal; and
- (c) a copy of the Notice of Appeal.

(3) If the Respondent considers that the documents and proceedings filed by the Appellant are inaccurate or are not sufficient for the purposes of the appeal, he shall, within a period of seven (7) days after service on him of the record filed by the Appellant, file any further or other documents that he wishes to be part of the Record.

(4) All documents filed by either party shall be verified by the affidavit of a person who has read them and compared them with authentic or certified true copies.

(5) In the case of the documents and proceedings mentioned in Rule 7 (2) (b) and (c) of this Order, the party filing them shall lodge certified true copies thereof with the Registrar of the Court within thirty (30) days.

8.—(1) When the Registrar of the Court below has complied with the requirements of Rule 4 of this Order, he shall deliver a physical and electronic copy of the record to the parties after receiving any fees that may be due or payable under the Second Schedule to these Rules.

Distribution of record.

Application of notice and grounds of appeal.

Form 8.

(2) In respect of criminal appeals, the Registrar of the Court below shall forward a physical and electronic copy of the record to the Attorney-General or the Director of Public Prosecutions of the State from which the appeal emanates or to the Attorney-General or the Director of Public Prosecutions of the Federation as the case may require.

Production of documentary exhibits.

9.—(1) Subject as hereinafter provided each party or the Registrar of the Court below shall immediately after an appeal has been entered in the Court, deliver to the Registrar of the Court all documents (being exhibits in the case which were tendered as exhibits at trial whether admitted or rejected) which are in his custody or were produced or put in by any party at the trial.

Production of non-documentary exhibits.

(2) Subject as hereinafter provided, each party to an appeal or the Registrar of the Court below, shall be prepared to produce at the hearing of the appeal, all exhibits (other than documents) which are in his custody or were produced or put in by him at the trial.

Registrar's directive where exhibits not produced.

10. In case any party finds it difficult to comply with the provisions of Rule 9 of this Order, owing to the nature of documents or exhibits, or owing to its being in possession of a third party or for any reason, he may apply to the Registrar of the Court for directions.

Directives of the registrar in respect of exhibits.

11. The Registrar of the Court below may, either on his own motion or upon application, give any direction as he deems fit, whether dispensing with the provisions of Rule 9, modifying its application in any way or securing compliance with it.

Custody of exhibits.

12. All original documents delivered to the Court under Rule 9, shall remain in the custody of the Court until the determination of the appeal:

Provided that the Court or Registrar may allow the return of any documents to any party pending hearing of the appeal and subject to such conditions as it/ he may impose.

## ORDER 7 — ENTRY OF APPEALS AND POWERS OF THE COURT

1. An appeal is entered in the Court when the Record of Appeal from the Court below has been received in the Registry of the Court within the time prescribed by the Rules or within such other extended time as ordered by the Court. When an appeal is entered.
- 2.—(1) After an appeal has been entered and until it has been finally disposed of, the Court shall be seised of the whole of the proceedings as between the parties thereto, and except as may be otherwise provided in this Order, every application therein shall be made to the Court and not to the Court below. Control of proceedings during pendency of appeal.
- (2) The proceedings in any matter before the Court below or any Tribunal shall not be stayed in any form to await the outcome of an interlocutory appeal to this Court.
- 3.—(1) In relation to an appeal, the Court shall have all the powers and duties as to amendment and otherwise of the Court of first instance. General powers of the Court  
S.22  
Supreme Court Act.
- (2) The Court shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further or other order(s) as the case may require, including any order as to costs. Inference of fact.
- (3) The Court shall have powers to make orders by way of injunctions or the appointment of a Receiver or Manager, and such other necessary orders for the protection of property or person, pending the determination of an appeal to it even though no application for such an order was made in the Court below, upon the fulfilment of the following conditions to the satisfaction of the Court —
- (a) an undertaking to diligently prosecute the appeal is given by the Applicant;
- (b) in appeals relating to monetary judgments, a bond, guarantee or other like instrument from a reliable financial institution, in such sum not exceeding the judgment sum, as the Court may direct, as security for the judgment sum or such sum, as the Court may determine, deposited into an interest yielding account in the name of the Chief Registrar or Deputy Chief Registrar of the Court; and
- (c) in appeals relating to land, an undertaking to pay damages if the appeal is unsuccessful.

(4) Where an Applicant has filed an application for stay of execution and the application is accompanied by prima facie evidence of the satisfaction of the conditions under sub-rule (3)(a), (b) and/or (c) above, no steps shall be taken to enforce the judgment appealed against, pending the determination of the application for stay of execution by the Court.

Powers not limited by interlocutory Order.

(5) The powers of the Court in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

Powers not limited by notice of appeal.

(6) The powers of the Court under the foregoing provisions of this Rule may be exercised notwithstanding that no Notice of Appeal has been given in respect of any particular party to the proceedings in the Court, or that any ground for allowing the appeal or affirming or varying the decision of that Court is not specified in such a notice; and the Court may make any order, on such terms as the Court thinks just, to ensure the determination on the merit of the real question in controversy between the parties.

(7) The Court may, in special circumstances, order that such security shall be given for the costs of an appeal as may be just.

Impounded documents.

(8) Documents impounded by order of the Court shall not be delivered out of the custody of the Court except in compliance with an order of the Court:

Provided that where the Attorney-General of the Federation or of a State or the Director of Public Prosecutions of the Federation or of a State makes a written request in that behalf, documents so impounded shall be delivered into his custody.

Inspection of impounded documents.

(9) Documents impounded by order of the Court, while in the custody of the Court, shall not be inspected except by a person authorized to do so by an order of the Court.

Further evidence.

4.—(1) The Court shall have power to receive further evidence on questions of fact, either by oral examination in Court, by affidavit, or by deposition taken before an Examiner or Commissioner as the Court may direct, but, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits, no such further evidence (other than evidence as to matters which have occurred after the date of the trial or hearing) shall be admitted except on special grounds.

(2) A party who wishes the court to receive the evidence of witnesses (whether they were or were not called at the trial) or to order the production of any document, exhibit or other thing connected with the proceedings in accordance with the provisions of section 33 of the Act, shall apply for leave on motion on notice prior to the date set down for the hearing of the appeal.

(3) The application shall be supported by affidavit of the facts on which the party relies for making it and of the nature of the evidence or the document concerned.

(4) It shall not be necessary for the other party to answer the additional evidence intended to be called but if leave is granted the other party shall be entitled to a reasonable opportunity to give his own evidence in reply if he so wishes.

5. (1) On the hearing of any appeal the Court may, if it deems fit, make any such order as could be made in pursuance of an application for a new trial or to set aside a verdict, finding or judgment of the Court below.

Powers of  
the Court  
as to new  
trial.

(2) The Court shall not be bound to order a new trial on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the Court some substantial wrong or miscarriage of justice has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision on any other question, and if it appears to the Court that any such wrong or miscarriage of justice as is mentioned in sub-rule (2) of this Rule affects only part of the matter in controversy or one or only some of the parties, the Court may order a new trial as to the part only, or as to that party or those parties only, and give final judgment as to the remainder.

(4) In any case where the Court has power to order a new trial on the ground that damages awarded by the Court below are excessive or inadequate, the Court may, in lieu of ordering a new trial:

(a) substitute for the sum awarded by the Court below such sum as appears to the Court to be proper.

(b) reduce or increase the sum awarded by the Court below by such amount as appears to the Court to be proper in respect of any distinct head of damages erroneously included in or excluded from the sum so awarded; but except as aforesaid, the Court shall not have power to reduce or increase the damages awarded by the Court below.

(5) A new trial shall not be ordered by reason of the ruling of any judge of the Court below that a document is insufficiently stamped or does not require to be stamped.

6. Except as otherwise stated in this Order, or the context so implies, this Order shall apply to all matters whether civil or criminal.

Application  
of Order 7.

ORDER 8 — ORIGINAL JURISDICTION  
PROCEEDINGS IN THE ORIGINAL JURISDICTION OF THE COURT

Procedure not provided.	<p><b>1.</b> In the exercise of the original jurisdiction of the Court, where no provision exists in these Rules, the practice and procedure of the Court shall be conducted in substantial conformity with the practice and procedure for the time being observed in the Federal High Court.</p>
Commencement of proceedings.	<p><b>2.—(1)</b> Except where otherwise expressly provided, all proceedings for the exercise by the Court of its original jurisdiction shall be commenced by application to the Court, filed in accordance with Rule 15 of this Order.</p> <p><b>(2)</b> Subject to the provisions of any enactment and of these Rules, civil proceedings in the original jurisdiction may begin by filing a statement of claim, originating summons or originating motion as the case may require.</p>
Where statement of claim must be filed.	<p><b>3.</b> The following proceedings must commence by filing a statement of claim —</p> <p><b>(a)</b> proceedings in which the facts in issue are disputed or are likely to be disputed; and</p> <p><b>(b)</b> proceedings in which a claim made by the Plaintiff is based on an allegation of fraud.</p>
Issue of summons.	<p><b>4.</b> When a statement of claim has been filed, a summons shall be issued to the Defendant to appear and answer the claim.</p>
Forms of summons. Form 9.	<p><b>5.</b> Every summons shall be signed by the Registrar and sealed with the Seal of the Court and shall be accompanied by a copy of the statement of claim.</p>
Originating summons.	<p><b>6.—(1)</b> In any proceedings where the Court has original jurisdiction, any party claiming any legal or equitable right and the determination of the question whether he is entitled to the right depending on the construction of the Constitution or of any other enactment may apply for the issue of an originating summons for the determination of such question of construction as to the right claimed for any further or other reliefs.</p> <p><b>(2)</b> Any party claiming to be interested in any proceedings specified in sub-rule (1) of this Rule under a deed or other written instrument, may apply for the issuance of an originating summons for the determination of any question of construction arising under the instrument and for a declaration of the rights of the person interested and for any further or other reliefs.</p>
Form 10	<p><b>(3)</b> The application shall be made in Form 10 in the First Schedule to these Rules and shall be supported by such affidavit evidence as the Court may require.</p>

(4) The Respondent shall within thirty (30) days file a counter affidavit to the action.

7. Rule 8 of this Order shall not affect the right of any party seeking a declaratory judgment to institute proceedings by filing a statement of claim under this Order and on an application by originating summons the Court shall not be bound to determine any such questions of construction if in the opinion of the Court it ought not to be determined on originating summons; and in the latter event the Court may on the application of either party or of its own motion direct the parties to file pleadings.

Statement of claim in lieu of originating summons.

8. Where in any enactment, provision is made for obtaining any relief whatsoever by application to the Court and no procedure is prescribed for obtaining such relief in the enactment or under these Rules, the Plaintiff may initiate proceedings for such relief by originating motion.

Originating motion.  
Form 11.

9.—(1) A Defendant shall, within a period of fourteen (14) days after service of a summons on him enter appearance by filing in the Registry —

Mode of entering appearance.

(a) a memorandum in writing dated on the day of its delivery, containing the name, address, email and telephone number of the Defendant(s), the Attorney-General of the Federation or the State as the case may be, or the Defendant's Legal Practitioner; and

Form 12.

(b) two duplicates of the memorandum of appearance.

(2) The Registrar shall seal the duplicate copies of the memorandum of appearance with a seal bearing the words "Appearance entered" and showing the date on which they were sealed, and then return them to the person entering the appearance.

(3) The duplicate copies of the memorandum of appearance so sealed shall be evidence that the appearance was entered on the day indicated by the seal.

10. A Defendant shall, on the day on which he entered appearance, give or send written notice of his having entered appearance to the Plaintiff's Legal Practitioner, and a duplicate of the memorandum of appearance so sealed and delivered to the Plaintiff or his Legal Practitioner shall be sufficient notice for the purpose of this Rule.

Notice of entry to plaintiff.

Form 13.

11. Every application for the exercise by the Court of its original jurisdiction, and every memorandum of appearance shall contain a proper address for service to the satisfaction of the Registrar and shall not be received unless it conforms to these Rules.

Address for service.

12. Except the Court otherwise directs, the Defendant shall within forty-two days after service on him of a statement of claim, file his statement of defence.

Statement of defence.

Reply to  
defence.

**13.** The Plaintiff may, if he thinks fit file a reply to the statement of defence within fourteen (14) days after the service on him of the statement of defence.

Procedure  
in  
interlocutory  
applications.

**14.** An application for an interlocutory order shall be by motion titled in the proceeding in which it is made and shall be supported by an affidavit of the facts on which the applicant will rely and a written address.

Form 14.

Notice of  
motion.

**15.** No motion shall be made without previous notice to the parties affected thereby, but the Court, if satisfied that the delay caused by proceedings in the ordinary way would or might entail irreparable mischief or destroy the subject matter of the proceedings or otherwise render any final order in favour of the applicant nugatory, may make any order ex-parte upon such terms as to costs or otherwise, and subject to that undertaking, if any, as the Court may think just and any party affected by such order may within fifteen (15) days of the service of the order upon him apply to set it aside.

Length of  
notice.

**16.** Unless the Court gives special leave to the contrary, there must be at least three (3) days between the service of a notice and the day named in the notice for hearing the motion.

Motion  
may be  
dismissed or  
adjourned  
where  
necessary.

**17.** If on the hearing of a motion, the Court is of the opinion that any person to whom notice has not been given ought to have or to have had such notice, the Court may dismiss the motion or adjourn the hearing thereof, in order that such notice may be given, upon such terms, if any, as the Court may think fit to impose.

Effect of  
declaratory  
judgment

**18.** No action or proceeding shall be open to objection, on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether any consequential relief is or could be claimed or not.

Summons  
for  
directions.

**19.—(1)** The Plaintiff shall within fourteen (14) days after the Defendant has entered appearance take out a summons for directions by the Court.

Forms  
15 & 16.

**(2)** The Court may determine all matters pertaining to the summons in chambers or in open Court and shall, on the hearing of the summons, give such directions with respect to proceedings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matters as the Court may consider expedient for the just and expeditious determination of the case.



## ORDER 9 — CASE STATED

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|--|--|
| 1. The parties to proceedings commenced by statement of claim, originating summons or originating motion may at any stage concur in stating the question of law arising in the proceeding in the form of a case stated for the opinion of the Court.   | Stating questions of law.<br>Form 17.      |
| 2. The case stated shall be divided into paragraphs numbered consecutively and shall concisely state such facts and documents as are necessary to enable the Court to decide the questions raised by the case stated.  | Contents of case stated.                   |
| 3. Upon the argument of the case, the Court and the parties may refer to the whole contents of the documents stated.   | Reference to documents.                    |
| 4. The Court may draw from the facts and documents stated, any inference, whether of fact or law, which might have been drawn from them if proved at a trial.  | Inference from facts and documents.        |
| 5. No facts or documents other than those stated in the case shall be referred to upon the argument save with the consent of all parties.  | Argument confined to facts in case stated. |
| 6. A case stated concurred in by the parties to a proceeding shall be signed by the parties or their Legal Practitioners and filed with the Registrar.   | Signing and filing of case stated.         |
| 7. The parties to a case stated may, if they think fit, enter into an agreement in writing that upon the determination by the Court of the question or questions of law raised in the case stated, judgment shall be entered by the Court to any effect within its jurisdiction and with or without costs, and such agreement shall be filed with the Registrar. | Written agreement of parties.              |
| 8. Likewise, the parties may, in the presence of the Court, either themselves or by any Legal Practitioner representing them verbally make an agreement as to the judgment to be entered, upon the determination by the Court of the question of law raised in the case stated.  | Oral agreement before Court.               |
| 9. Where no such agreement is made, the proceedings in the cause shall be resumed, but the questions of law decided in the case stated shall not be re-opened in the Court and the application shall proceed to its final determination upon the decision upon the law recorded after the hearing of the case stated.  | Procedure in absence of agreement.         |

ORDER 10 — REFERENCES AS TO THE CONSTITUTION  
AND RESERVED POINTS OF LAW

Stating a  
case  
Forms 18,  
19 and 20.

1. Where a question with regards to the interpretation or application of the Constitution is referred to the Court, the Court below shall state a case in the Forms in the First Schedule to these Rules, whichever may be appropriate and the Registrar of the Court below shall forward ten (10) hard copies and an electronic copy thereof to the Registrar.

Documents  
to  
accompany  
case  
stated.

2.—(1) The case stated shall comply with the requirements prescribed under Rule 3 of this Order and shall be bound together with the following documents, that is to say:

(2) In the case of an appeal in civil proceedings —

(a) the originating process or other documents by which the proceedings were commenced in the Court of trial;

(b) the pleadings or amended pleadings as the case may be (if any);

(c) any other document or proceedings relevant to the question on which the decision of the Court is sought;

(d) the judgment or decision or order of the Court or tribunal from which the appeal came to the Court below; and

(e) the opinion of the Court below delivered in accordance with Rule 3 of this Order.

(3) In the case of an appeal in criminal proceedings:

(a) the charge in the Court of trial in so far as the same is relevant to the subject matter of the proceedings on appeal; and

(b) the documents containing the matters mentioned under subparagraphs (c), (d) and (e) of sub-rule 2 (2) of this Rule.

Form of  
case  
stated.

3.—(1) A case stated under this Order (hereafter referred to in this Rule as “the case”) shall be divided into paragraphs, which, as near as may be, shall be confined to distinct portions of the subject and every paragraph shall be numbered consecutively.

(2) The case shall state —

(a) the question(s) of interpretation or application of the Constitution on which the decision of the Court is sought;

(b) the findings of facts, as determined by the Court below, which are necessary and relevant to explain the questions referred for the decision of the Court;

(c) the contentions of each of the parties on such question or questions; and

(d) the opinion of the Justices of the Court below on such question or questions.

4.—(1) Subject to the provisions of this Rule, the following persons shall be entitled as of right to appear in person or by a Legal Practitioner at the hearing of the case: Right of audience.

- (a) the parties to the proceeding in which the question referred arose;
- (b) where the case involves the validity or constitutionality of a law within the competence of the Federal Government, the Attorney-General of the Federation;
- (c) where the case involves the validity or constitutionality of a law within the competence of a State, the Attorney-General of the particular State where the law is or purports to be in force.

(2) Where the Attorney-General of the Federation or the Attorney-General of a State is not entitled to appear as of right under sub-rule (1) of this Rule, the Court may of its own motion or otherwise, grant leave to either of them to appear personally or by a Legal Practitioner for the purpose of presenting arguments to the Court on the case.

(3) Any person who is entitled to appear as of right or by leave of the Court may obtain a copy of the case stated from the Registrar and shall be entitled to present argument to the Court on the issue of the validity or constitutionality of the law in question.

5.—(1) The provision of Order 16 of these Rules relating to the filing of briefs in civil and criminal appeals shall apply to proceedings relating to a case stated under this Order so however that each of the parties shall be deemed to be an Appellant and the bound physical and electronic record of the case shall be deemed to be the Record of Appeal and each party shall file the brief in support of his argument accordingly. Brief of argument.

(2) A person granted leave to appear pursuant to sub-rule (2) of Rule 4 of this Order may also be required to file a brief unless the Court otherwise directs, and the Registrar of the Court shall supply such a person with copies of the Record of Appeal together with the briefs.

6. Where a party disputes the determination of the Court below on any material issue of fact contained in the case stated for the opinion of the Court and has duly appealed against such determination, the Court shall adjourn the consideration of the case stated until after the hearing and decision in the appeal. Dispute on facts determined by the Court below.

7. The order of address on case stated shall be determined by the Court in respect of every such case and unless the Court calls upon any Counsel to address it a second time, every Counsel shall be limited to one address only. Address on case stated.

## ORDER 11 – APPELLATE JURISDICTION CIVIL-APPEALS

- Application. 1. This Order shall apply to appeals to the Court from the Court below in civil cases, and to matters related thereto.
- Contents and requirements of notice of appeal. Form 8. 2.—(1) All appeals shall be by way of rehearing and shall be brought by notice (herein after called “the Notice of Appeal”) to be filed physically or electronically in the Registry of the Court below, which shall set forth the grounds of appeal, stating whether the whole or part only of the decision of the Court below is complained of (in the latter case specifying such part) and shall state also the exact nature of the relief sought and the names, addresses, emails and telephone numbers of all parties directly affected by the appeal and shall be accompanied by a sufficient number of copies for service on such parties. It shall also have endorsed on it an address for service.
- (2) Where a ground of appeal alleges misdirection or error in law, the particulars and the nature of the misdirection or error shall be clearly stated.
- (3) The Notice of Appeal shall set forth, concisely and under distinct heads, the grounds upon which the Appellant intends to rely at the hearing of the appeal without any argument or narrative and shall be numbered consecutively.
- (4) The Notice of Appeal shall be signed by the Appellant or his Legal Practitioner.
- Vague grounds. 3. Any ground which is vague or general in terms or which discloses no reasonable ground of appeal shall not be permitted, save the general ground that the judgment is against the weight of the evidence. A ground of appeal or any part thereof which is not permitted under this Rule may be struck out by the Court suo motu or on application by the Respondent.
- Grounds on side notice. 4. The Appellant shall not without the leave of the Court urge or be heard in support of any ground of appeal not mentioned in the Notice of Appeal, but the Court may in its discretion allow the Appellant to amend the Notice of Appeal upon payment of the fees prescribed for making such amendment and upon such terms as the Court may deem just.
- Court not restricted by grounds. 5. Notwithstanding the foregoing provisions, the Court in deciding the appeal shall not be confined to the grounds set forth by the Appellant: Provided that the Court shall not, if it allows the appeal, rest its decision on any ground not set forth by the Appellant unless the Respondent has had sufficient opportunity of contesting the case on that ground.
- Striking out notice. 6. The Court shall have the power to strike out a Notice of Appeal where the Notice of Appeal is incompetent.

7. A Notice of Appeal may be amended by or with the leave of the Court at any time before judgment.

Amendment of notice of appeal.

8.—(1) The Court may in any case direct that the Notice of Appeal be served on any party to the proceedings in the Court below on whom it has not been served or on any person not a party to those proceedings.

Directions of the Court as to service of notice of appeal.

(2) The Court may in any case where it gives a direction under this Rule —

(a) postpone or adjourn the hearing of the appeal for such period and on such terms as may be just; and

(b) give such judgment and make such orders on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

9. It shall be the duty of counsel representing a party to an appeal to give immediate notice of the death of that party to the Registrar of the Court below or to the Registrar of the Court (as the case may require) and to all other parties affected by the appeal as soon as he becomes aware of the fact.

Death of party to an appeal.

10. Where it is necessary to add or substitute a new party for the deceased, an application shall, subject to the provisions of Order 7 Rule 2(1) of these Rules, be made in that behalf to the Court below or to the Court either by any existing party to the appeal or by any person who wishes to be added or substituted.

Addition or substitution of party.

11. All actions or other things whatsoever taken or done by the Registrar of the Court below or by any other person for the purpose of completing the record and transmitting the same to this Court shall not be open to objection on the ground that it was taken or done after the death of a party to the appeal.

12. Where an appeal has been set down for hearing and the Court is or becomes aware that a necessary party to the appeal is dead, the appeal may be struck off the Civil Appeal Book:

Power of Court to strike out appeal

Provided that no such striking out order shall be made when a formal application is made or brought by any party or intervener for substitution or other appropriate remedy, in which case, the Court, upon hearing such application, shall make such orders as it deems fit.

13. Where the name of a party to an appeal is changed during the pendency of the appeal, the party or the Appellant shall apply to the Court, in the manner prescribed in these Rules, for an order of substitution.

Change of name of party.

Withdrawal  
of appeal.

Forms  
21 and 22.

14. An Appellant may at any time before the hearing of an appeal file a notice of withdrawal of the appeal at the Registry and serve the parties.

15. If all parties to the appeal consent to the withdrawal of the appeal without an order of the Court, the Appellant may file in the Registry the document or documents signifying such consent and signed by the parties or by their legal practitioner and the appeal shall thereupon be deemed to have been withdrawn and shall be dismissed by the Court and in such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the Appellant.

16. If all the parties do not consent to the withdrawal of the appeal as aforesaid, the appeal, shall remain on the list, and shall come up for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, and for the making of an order as to the disposal of any sum lodged in Court as security for the costs of the appeal.

Non  
compliance  
with  
condition of  
appeal.  
Form 23.

17.—(1) If the Appellant has complied with none of the requirements or Order 6 Rule 3 of these Rules, the Registrar of the Court below shall certify such fact to the Court, which shall thereupon order that the appeal be dismissed with or without costs, and shall cause the Appellant and the Respondent to be notified of the terms of its order.

(2) Where an appeal has been dismissed under sub-rule (1) of this Rule, a Respondent who has given notice of Cross-appeal may proceed and the provisions of Order 6 Rules 2 and 3 of this Rules, shall apply as if the appeal were brought under that Rule.

(3) If the Respondent alleges that the Appellant has failed to comply with any part of the requirements of Order 6 Rule 3 of these Rules, the Court, if satisfied that the Appellant has so failed, may dismiss the appeal for want of diligent prosecution or make such other order as the Court may deem fit.

(4) An Appellant whose appeal has been dismissed under this Rule may apply by motion on notice within sixty (60) days from the date of dismissal that his appeal be restored. Any such application may be made to the Court and the Court may, where exceptional circumstances have been shown, cause such appeal to be restored upon such terms as it may deem appropriate.

(5) Any application under this Rule may be considered and determined by the Court in chambers without oral argument.

## ORDER 12 — COSTS

1. Where the costs of an appeal are allowed, they may either be fixed by the Court at the time when the judgment is given and may be ordered to be taxed. Costs allowed.
2. In fixing the amount of costs, the principle to be observed is that the successful party is to be indemnified for the expenses to which he has been unnecessarily put in the proceedings and compensated for his time and effort in coming to Court. The Court may take into account all the circumstances of the case. Indemnity for expenses.
3. In the event of an abuse of the Court's process, the Court may award punitive costs personally against the Counsel responsible for the abuse. Costs against counsel.
4. The costs to be awarded by the Court in a civil appeal and an application in a civil appeal are hereby fixed as follows : Costs generally.
  - (a) costs to a successful party in a civil appeal is fixed at a minimum of Two Million Naira (₦2,000,000:00);
  - (b) costs for delaying the hearing of a civil appeal by a party on the day the appeal has been fixed for hearing is fixed at a minimum of One Million Naira (₦1,000,000:00);
  - (c) costs in any application in a civil appeal being heard in open Court is fixed at a minimum of Five Hundred Thousand Naira (₦500,000:00); and
  - (d) costs where the Court has found that there has been an abuse of its process is fixed at a minimum of Two Million Naira (₦2,000,000:00).
5. Costs may be imposed personally on any counsel representing the Federal Republic of Nigeria, State or Local Government or any Governmental Department as the case maybe. Costs against counsel representing government.
6. Where costs have been ordered to be paid personally by counsel, it shall be paid within ninety (90) days of the order and a certificate of compliance filed in the Court within the said time. Time to pay costs by counsel.
7. Counsel who fails to comply with Rule 6 of this Order shall cease to have right of audience in any Court in Nigeria until compliance. Notice of such default shall be served on all superior Courts of Record in Nigeria by the Chief Registrar. Penalty for failure to pay costs by counsel.
- 8.—(1) Leave to proceed as a poor person granted pursuant to the provisions of Order 2 Rule 14 of these Rules shall not exempt such person from liability to an order for costs in favour of his opponent. Liability to costs by poor persons.
  - (2) If a poor person is not awarded costs in the proceedings, no fees shall be taken from him by a legal practitioner assigned to him.
  - (3) If a poor person is awarded costs against his opponent he shall be entitled to include and receive in such costs the fees of any legal practitioner assigned to him and all other fees and costs remitted by his admission to proceed as a poor person.

## ORDER 13 — CRIMINAL APPEALS

- Appeals to which this Order applies.
1. This Order shall apply to appeals from the Court below in criminal cases and to matters related thereto.
- Application by parties.
2. Except where otherwise provided in these Rules, any application to the Court may be made by the Appellant or Respondent or by a Legal Practitioner on his behalf orally or in writing, but in regard to such applications, if the Appellant is unrepresented and in custody and is not entitled or has not obtained leave to be present before the Court, he shall make any such application by forwarding same in writing to the Registrar who shall take the appropriate steps to obtain the decision of the Court thereon.
- Form 24.
- 3.—(1) Appeals shall be brought by notice (hereinafter called “the Notice of Appeal”) to be filed in the Registry of the Court below which shall set forth the grounds of appeal and shall state clearly the part or parts of the decision being challenged and whether the appeal is against some decision of the Court below other than conviction or sentence.
- Form 25.
- (2) Where an application for leave to appeal has been made to and granted by the Court below, the Registrar of that court shall send to the Registrar of the Court, notification of the ruling on the application in the First Schedule to these Rules.
4. Any ground which is vague or general in terms or which discloses no reasonable ground of appeal shall not be permitted, save the general ground that the judgment is against the evidence, and a ground of appeal or any part thereof which is not permitted under this Rule may be struck out by the Court suo motu or on application by the Respondent.
- Signing of notice of appeal.
- 5.—(1) Every Notice of Appeal or notice of application for leave to appeal or application for extension of time within which such notice shall be given, shall be signed by the Appellant himself or by his Legal Practitioner except under the provisions of sub-rules 4 and 5 of this Rule.
- (2) Any other notice required or authorised to be given shall be in writing and signed by the person giving the same or by his Legal Practitioner. All notices required or authorized to be given shall be addressed to the Registrar of the Court below to be forwarded by him to the Registrar:
- Provided that, notwithstanding that the provisions of Rules 3 (1), (2), 4 and 5 (1) of this Order have not been strictly complied with, the Court may, in the interest of justice and for good and sufficient cause shown, entertain an appeal if satisfied that the intending Appellant has exhibited a clear intention to appeal to the Court against the decision of the Court below.



(3) Any notice or other document which is required or authorised to be given or sent shall be deemed to be duly given or sent if served in accordance with the provision of Order 3 Rule 2 of these Rules.

(4) Where an Appellant or any other person authorised or required to give or send any Notice of Appeal or notice of any application is unable to write, he may affix his mark thereto in the presence of a witness who shall attest the same and thereupon such notice shall be deemed to be duly signed by such Appellant.

(5) Where on the trial of a person entitled to appeal, it has been contended that he was not responsible according to law for his action(s) on the ground that he was insane at the time the act was done or the omission made by him or that at the time of the trial he was of unsound mind and consequently incapable of making his defence, any notice required to be given and signed by the Appellant himself may be given and signed by his Legal Practitioner.

(6) In the case of a body corporate, where any notice or other document is required to be signed by the Appellant, it shall be sufficient compliance therewith if such notice or other document is signed by the Company Secretary, Director, Manager or Legal Practitioner of such body corporate.

6.—(1) The Record of Appeal in appeals or applications relating to appeals from the Court below acting in its appellate jurisdiction in criminal matters shall contain legible, typed or printed copies of the following items arranged in this order:

Record in criminal appeals from Court below in appellate jurisdiction.

(a) the index which shall include the particulars of the record of proceedings from the Court below;

(b) the record of proceedings including the judgment and copies of exhibit tendered before the trial Court as submitted to the Court below;

(c) the Notice of Appeal and all other relevant documents filed in connection with the appeal in the Court below;

(d) the notes of the Judges on the hearing of the appeal and minutes of the proceedings;

(e) the judgment of the Court below;

(f) the Notice of Appeal to the Court or notice of application for leave to appeal to the Court or notice of application to the Court for extension of time in which such notice shall be given; and

(g) where leave to appeal has been granted by the Court below, a copy of the order granting leave to appeal.

(2) It shall not be necessary for the Record of Appeal to contain copies of any recognizances entered into for the purposes of the appeal in the Court below or of the appeal or application to the Court, unless the Court or a Justice of the Court shall otherwise direct.

- Bail. 7.— (1) Where the Court admits an Appellant to bail pending the determination of his appeal on an application by him duly made, the Court shall, specify the amounts in which the Appellant and his surety or sureties (unless the Court directs that no surety is required) shall be bound by recognizance, and shall direct, if it deems fit so to do, before whom the recognizance of the Appellant and his surety or sureties (if any) may be taken.
- (2) In the event of the Court not making any special order or giving any special directions under this Rule, the recognizances of the Appellant and of his surety or sureties (if any) may be taken before the Registrar.
- Forms 26 and 27. (3) The recognizances provided for in these Rules shall be in the Forms prescribed in the First Schedule to these Rules.
- (4) The Registrar of the Court below shall where the Court below admits the Appellant to bail, forward the recognizances of the Appellant and his surety or sureties to the Registrar.
- Form 28. (5) An Appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal and at the final determination thereof, and the Court may, in the event of such Appellant not being present at any hearing of his appeal, if it deems right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same and may issue a warrant for the apprehension of the Appellant in the Form prescribed in the First Schedule of these Rules:
- Provided that the Court may consider the appeal in his absence, or make other order(s) as it deems fit.
- (6) When an Appellant is present before the Court, the Court may, on an application made by him or any other person or, if it deems right so to do, without any application, make an order admitting the Appellant to bail, or revoke or vary any such order previously made, or vary from time to time the recognizances of the Appellant or of his sureties or substitute any other surety for a surety previously bound as it deems appropriate.
- Form 28. (7) At any time after an Appellant has been released on bail, the Court, or where the Appellant was released on bail by the Court below, that Court may, if satisfied that it is in the interest of justice so to do, revoke the order admitting him to bail, and issue a warrant in the Form prescribed in the First Schedule of these Rules.

8.—(1) Where a person has, on his conviction, been sentenced to payment of a fine, in default of payment, to imprisonment, and such person remains in custody in default of payment of the fine, he shall be deemed, for purposes of appeal, to be a person sentenced to imprisonment.

Fines.

(2) An Appellant who has been sentenced to the payment of a fine, and has paid the same or part thereof in accordance with such sentence, shall, in the event of his appeal being successful, be entitled, subject to any order of the Court, to the return of the sum or any part thereof so paid by him.

9. Where the Court below has dismissed an appeal and confirmed the order for conviction, or has made or confirmed an order for restitution of any property to any person, the person in whose favour or against whom the order of restitution has been made, and, with the leave of the Court, any other person, shall, on the final hearing by the Court of an appeal against his conviction on which such order of restitution was made, be entitled to be heard by the Court before any order annulling or varying such order of restitution is made.

Vary order for restitution of property.

10. Where the Court is of the opinion that the title to any property, the subject of an order of restitution made on a conviction of a person before it is not in dispute, the Court, if it shall be of the opinion that the title of such property or a certified true copy thereof is reasonably necessary to be produced for use at the hearing of any appeal, shall give such direction to or impose such terms upon the person in whose favour the order of restitution is made, as it deems appropriate in order to secure the production of such counterpart or certified true copy for use at the hearing of any such appeal.

Non suspension of Order of restitution.

11. The Registrar of the Court below or of the Court of trial or of any other Court shall not issue, under any law authorising him so to do, a certificate of conviction of any person convicted in the Court below if Notice of Appeal or Notice of Application for leave to appeal is given, until the determination or abandonment thereof.

Restriction on issue of certificate of conviction.

12.—(1) An Appellant may at any time before the appeal is called for hearing serve on the Respondent and file with the Registrar a notice to the effect that he does not intend further to prosecute the appeal.

Withdrawal of notice of appeal and effect thereof.

(2) Upon receipt of a Notice of Withdrawal in accordance with this Rule, the Registrar shall give notice thereof in the Form prescribed in the First Schedule to the Respondent, the Correctional Services and the Registrar of the Court below, and in the case of an appeal against a conviction involving a sentence of death, shall in like manner give notice to the appropriate Federal or State authority responsible for the execution of the sentence of the Court below and exercise of the prerogative of mercy, and the Registrar shall also return to the Registrar of the Court below any original documents and exhibits received from him.

Form 29.

- Withdrawal of notice of abandonment of appeal. (3) An Appellant (other than one convicted of an offence involving sentence of death) who has withdrawn his appeal may, in special cases, with the leave of the Court, withdraw his notice of withdrawal. Upon such leave being granted, the Appellant shall be entitled to prosecute his appeal as if the notice of withdrawal was never filed.
- Attendance of witness.  
Form 30. 13.—(1) Where the Court has ordered any witness to attend and be examined before the Court, an order in the Form prescribed in the First Schedule hereto shall be served upon such witness specifying the time and place at which to attend for such purpose.
- Application to Court to hear witnesses.  
Form 31. (2) Such order may be made on the application at any time by the Appellant or Respondent, but if the Appellant is in custody and not legally represented, the application shall be made by him in the Form prescribed in the First Schedule.
- Order appointing examiner. (3) Where the Court orders the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the persons appointed as examiner to take, and the place of taking, such examination and the witness or witnesses to be examined thereat.
- Furnishing examiner with exhibits etc. (4) The Registrar shall furnish to the person appointed to take such examination any documents or exhibits and any other material relating to the said appeal as and when requested to do so. Such documents and exhibits and other materials shall after examination has been concluded be returned by the examiner, together with any deposition taken by him under this Rule to the Registrar.
- Notification of date of examination.  
Form 32. (5) When the examiner has appointed the day and time for the examination, he shall request the Registrar to give notice thereof to the Appellant and the Respondent and their Legal Practitioners, if any, and where the Appellant is in prison, to the Correctional Service. The Registrar shall cause to be served on every witness to be examined a notice in the Form prescribed in the First Schedule.
- Evidence to be taken on Oath. (6) Every witness examined before an examiner under this Rule shall give his evidence upon oath or affirmation to be administered by such examiner, except where any such witness, if giving evidence as a witness at a trial or information, needs not be sworn.
- Deposition of witness.  
Form 33. (7) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered shall be taken in private. The caption in the Form prescribed in the First Schedule shall be attached to any such deposition.
- Expenses of witness before examiner. (8) Where any witness shall receive an order or notice to attend before the Court or an examiner, the Registrar may, if it appears to him necessary so to do, pay to such witness a reasonable sum for his expenses.

(9) The Appellant and Respondent, or the Legal Practitioner representing them shall unless the Court otherwise directs, be entitled to be present at and take part in any examination of any witness to which this Rule relates.

Presence of parties at examination of witnesses.

14. When an order of reference is made by the Court to a Special Commissioner, the question to be referred, and the person to whom as Special Commissioner the same be referred, shall be specified in such order. The Court may in such order or by giving directions as and when from time to time it shall think appropriate, specify whether the Appellant or Respondent or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered, and specify any and what powers of the Court may be delegated to such Special Commissioner, and may require him from time to time to make interim reports to the Court upon the question referred to him, and may, if the Appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directions to the Correctional Services accordingly, and may give directions to the Registrar that copies of any report made by such Special Commissioner shall be furnished to the Appellant and Respondent.

Proceedings on reference.

15.—(1) On the final determination of any appeal or of any application to the Court, the Registrar shall give to the Appellant, if he be in custody and has not been present at such final determination, and to the Respondent and the Correctional Services, notice of such determination in the Form prescribed in the First Schedule.

Notification of final determination of appeals.

Form 34.

(2) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving the Notice of Appeal, send copies thereof to the appropriate authority responsible for the exercise of the prerogative of mercy, to the Respondent and to the Correctional Services.

Notification of appeal in capital cases.

Form 35.

16.—(1) The Registrar at the final determination of an appeal shall notify in such manner as he thinks most convenient to the Registrar of the Court below the decision in relation thereto, and also any orders or directions made or given by the Court in relation to such appeal or any matter connected therewith.

Notification of result of appeal.

Form 36.

(2) The Registrar of the Court below shall on receiving the notification referred to in this Rule, enter the particulars thereof in the records of such Court.

17. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the Registrar of the Court below any original depositions, exhibits, information, inquisition, plea or other documents usually kept by the said Registrar, or forming part of the record of the Court below, the Registrar shall, where practicable, cause the same to be returned to the Registrar of the Court below.

Return of original depositions.

Fees.

**18.** (1) Subject to the provisions of Order 5 Rule 3(7) of these Rules, the fees set out in the Third Schedule shall be paid upon every appeal under this Order.

(2) The Court may waive in whole or in part the payment of any fees or the making of any deposit.

Enforcement of Order.

**19.** Any order given or made by the Court may be enforced by the Court or by the Court below as may be most expedient.

Frivolous appeals.

**20.** If it appears to the Registrar that any Notice of an Appeal against a conviction purporting to be on a ground of appeal which involves a question of law alone, does not show any substantial ground of appeal, the Registrar may refer the appeal to any Justice of the Court and such Justice may if he is of the same opinion, direct the Registrar to refer the appeal to the Court for summary determination, and, when the case is so referred, the Court may, if it considers that the appeal is frivolous or vexatious, and can be determined without adjourning same for a full hearing, dismiss the appeal summarily, without calling on any person to attend the hearing or to appear for the Government thereon.

Section 32  
Supreme  
Court Act.

## ORDER 14 — FAST TRACK CRIMINAL APPEALS

1.—(1) This Order shall, save to the extent and as may otherwise be ordered by the Chief Justice of Nigeria, apply to : Application.

- (a) Criminal Appeals, relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking ; and
- (b) Interlocutory Applications in relation to cases listed in sub-rule (1)(a) of this Rule.

2.—(1) A party shall not serve a notice of an application on another party on the date scheduled for the hearing of the Appeal.

(2) A notice of Preliminary Objection, must be served not later than seven (7) days prior to the date scheduled for the hearing of the appeal.

(3) To ensure speedy dispensation of justice, e-mail and other electronic means may be employed by the Court to inform counsel of the hearing or other sittings by the Court.

Provided that such notification shall be given at least forty-eight (48) hours before the scheduled Court date.

(4) In line with the provision of Rules 2 (3) of this Order, parties are expected to furnish the Court Registrar with telephone numbers and e-mail addresses of themselves and their Counsel.

3.—(1) In any appeal particularly those relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, the Registrar of the Court below shall, not later than fifteen (15) days after the filing of the Notice of Appeal, compile and transmit the Record of Appeal to the Court.

Compilation and transmission of records.

(2) In any appeal in respect of matters listed in Rule 1(1) (a) of this Order, the Registrar of the Court below shall not later than fifteen (15) days after filing of a notice of Appeal, with the assistance of the Appellant, compile and transmit the Records of Appeal to the Court.

(3) Pursuant to Rule 3 (2) of this Order, the Registrar of the Court below shall within seven (7) days summon the parties before him to:

- (a) Settle the documents to be included in the Record of Appeal; and
- (b) fix the amount to be deposited by the Appellant to cover the estimated cost of compiling and forwarding the Record of Appeal to the Court.

(4) Where at the expiration of fifteen (15) days after the filing of the Notice of Appeal, the Registrar has failed or neglected to compile and transmit the Record of Appeal in accordance with the provisions of this Rule, it shall become mandatory for the Appellant to compile the Record, all documents and exhibits necessary for his Appeal and transmit same to the Court within fifteen (15) days after the Registrar's failure or neglect.

(5) The Record compiled by the Appellant, pursuant to Rule 3 (4) of this Order, shall be served on the Respondent within fifteen (15) days.

(6) Where the Respondent considers that there is additional Record which may be necessary in disposing of the Appeal, he shall be at liberty to, within five (5) days of the service on him of the Record, compile and transmit to the Court such record to be known as the Additional Record of Appeal.

Amendment  
of notice of  
appeal.

4.—(1) A Notice of Appeal may be amended by or with the leave of the Court at any time before Judgment.

Provided that any application or appeal in respect of:

(a) all criminal appeals, particularly those relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking; and

(b) Interlocutory applications and appeals challenging the ruling of the Court below on an interlocutory application heard in the Court below, such application for amendment should not be taken on the day scheduled for hearing of the appeal, without the leave of the Court.

(2) The Court shall not permit more than two amendments per party in the case of matters falling under interlocutory applications and appeals challenging the ruling of the Court below on an interlocutory application in the Court below.

Brief of  
argument.

5.—(1) The Appellant shall within ten (10) days of the receipt of the Record of Appeal from the Court below file in the Court, a written brief of argument in the Appeal.

(2) The Respondent shall within seven (7) days of the service on him of the brief of argument for the Appellant, file the Respondent's brief of argument which shall be duly endorsed with an address or addresses for service which must include electronic mail or telephone numbers.

(3) The Respondent's brief of argument shall, in accordance with established Rules of Court, answer all material points of substance contained in the Appellant's brief of argument and contain all points raised therein which the Respondent wishes to concede as well as reasons why the appeal ought to be dismissed.

(4) The Appellant may file a Reply brief of argument not later than three (3) days after service on him with the Respondent's brief of argument.

6.—(1) In the determination of the Appeal arising from interlocutory decisions of the Court below in all criminal appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, the Court shall give priority to those matters and where possible, hear such matters on a day to day basis until final determination.



(2) Without prejudice to any of the foregoing, the Court may refuse to hear an appeal arising from any interlocutory decision of the Court below where the matters deal with any criminal Appeal relating to the offence of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, and the Court is of the opinion that the ground(s) raised in the appeal are such that the Court can conveniently determine by way of appeal arising from the judgment of the Court below on the substantive matters.

## ORDER 15 — PROCEDURE IN ELECTION MATTERS

- Application. 1. These Rules shall apply and be observed in the Court, in the determination of a pre-election and/or election appeal from the Court below.
- Filing of notice of appeal. 2. An Appellant shall file in the Registry of the Court below, notice and grounds of appeal within fourteen (14) days from the date of the delivery of the ruling or judgment appealed against.
- Record of proceedings. 3. Upon the filing of the Notice of Appeal, an Appellant shall —  
 (a) pay to the Registrar of the Court below, such fees as may be determined, having regard to the bulk of the record of proceedings being compiled;  
 (b) furnish to the Registrar of the Court below as many copies of the record of proceedings as there are Respondents in the case and provide ten (10) extra copies of the record; and  
 (c) pay a fee for service of Court processes on all the Respondents.
- Service and transmission of notice of appeal and record of proceedings. 4.—(1) The Registrar, shall upon the receipt of the Notice of Appeal, serve the Respondent(s) copies of the Notice of Appeal; and  
 (2) The Registrar shall not later than ten (10) days from the receipt of the Notice of Appeal, compile and serve the parties with the Notice of Appeal and the record of proceedings and transmit same to the Court.
- Appellant's brief of argument. 5. An Appellant shall within seven (7) days after the service of the record of proceedings, file ten (10) copies of a brief of argument of the appeal and as many copies as there are Respondents to be served, in the Court.
- Respondent's brief of argument. 6. A Respondent shall within five (5) days of the service of the Appellant's brief, file a brief of argument in the Court.
- Appellant's reply brief. 7. An Appellant may file a reply brief within three (3) days of the service of a Respondent's brief.
- Oral argument. 8.—(1) The Court may allow oral argument at the hearing of the appeal to emphasize and clarify the argument contained in the briefs filed in the Court.  
 (2) Unless otherwise directed, ten (10) minutes may be allowed to each party for argument; and  
 (3) An Appellant shall be entitled to open and close the argument.
- Cross appeal. 9. In the case of a Cross-Appeal, the Cross-Appeal shall be argued together with the appeal as one case within the time allotted for the case, and the Court, having regard to the nature of the appeal may direct either of the parties to open and close the argument.

- 10.—(1) Except otherwise directed by the Court —
- (a) a party's written brief filed in the court shall not exceed forty-five (45) pages; and
  - (b) a reply brief on points of law shall not exceed ten (10) pages.
- (2) A written brief or a reply shall be —
- (a) prepared in 210 mm by 297 mm paper (A4);
  - (b) typed in clear typographic character;
  - (c) in Arial, Times New Roman or Tahoma theme fonts;
  - (d) in the font size of 14 point; and
  - (e) typed with at least 1.5 line spacing.
- (3) A written brief or a reply which does not comply with the provisions of this paragraph shall not be accepted by the registry for filing. Where it is accepted, it shall not be deemed properly filed.
11. The security for costs prescribed by the First Schedule to the Electoral Act for the time being in force shall be deposited with the Court. Page and paper size requirements of written brief.
12. Notwithstanding, Rule 3 (c) of this Order, an Appellant shall deposit at the Court the sum of ₦500,000.00 to make up for the cost of service of notices, registered postings, and other expenditures that may be occasioned by the appeal. Security for costs.
13. An interlocutory appeal shall not operate as a stay of proceedings or form a ground of stay of proceedings before the Court below. Cost of service of Court process.
- Interlocutory appeal.

## ORDER 16 — BRIEF OF ARGUMENT

- Application. **1.** This Order shall apply to all appeals coming from the Court below from which an appeal lies to this Court.
- Filing of appellant's brief. **2.—(1)** The Appellant shall, within forty-five (45) days of the service on him of the Record of Appeal from the Court below, file in the Court a written brief, being a succinct statement of his arguments in the appeal.
- Forms and contents of a brief. **(2)** The brief which may be settled by Counsel, shall contain what are, in the Appellant's view the issues arising in the appeal. If the Appellant is abandoning any point taken in the Court below; this shall be so stated in the brief. Equally, if the Appellant intends to apply in the course of the hearing for leave to introduce a new point not taken in the Court below, this shall be indicated in the brief.
- (3)** If leave to file and argue additional grounds of appeal is to be sought at the hearing of the appeal it may be so indicated in the brief and the proposed additional grounds shall be stated and argued in the brief under the appropriate issue(s) arising in the appeal.
- Provided that any fees payable under Order 5 Rule 1 of these Rules shall be paid to the Registrar of the Court at the time of filing the brief.
- 3.—(1)** At least eleven (11) physical copies of each brief and an electronic copy must be filed at the Court.
- (2)** The brief which may be settled by Counsel, shall contain an address or addresses for service.
- (3)** The arguments in the brief shall also be supported by particulars of the titles, dates and pages of cases reported in the Law Reports or elsewhere including the summary of the decisions in such cases which the parties propose to rely upon. Where it is necessary, reference shall also be made to relevant statutory instruments, law books and other legal journals.
- (4)** The parties shall assume that briefs shall be read and considered in conjunction with the documents admitted in evidence as exhibits during the proceedings in the trial Court and the Court below and wherever necessary, reference shall also be made to all relevant documents or exhibits which they propose to rely upon in their arguments.
- (5)** All briefs shall be concluded with a numbered summary of the points raised and the reasons upon which the argument are founded.
- (6)** Except to such extent as may be necessary for the development of the arguments, briefs need not set out or summarise the judgments of the Court below, nor set out statutory provisions, nor contain an account of the proceedings in the Court below nor of the facts of the case.

(7)—(a) Except where the Court directs otherwise, every brief to be filed in the Court shall not exceed forty-five (45) pages.

(b) The brief shall be legible, well-bound, prepared in 210mm by 297mm paper size (A4) and typed in clear typographic character. The font type shall be in Arial, Times New Roman or Tahoma of 14 font size with at least 1.5 spacing between.

(c) Every brief, whether in physical or electronic form, which does not comply with the page limit and page size requirements of this Order shall not be accepted by the Registry for filing. Where it is accepted it shall not be deemed as properly filed.

4.—(1) The Respondent shall also within thirty (30) days of the service of the brief of the Appellant on him, file the Respondent's brief which shall be

Filing of respondent's brief.

duly endorsed with an address or addresses for service.

Respondent's brief of argument.

(2) The Respondent's brief shall answer all material points of substance contained in the Appellant's brief and contain all points raised therein which the Respondent wishes to concede as well as reasons why the appeal ought to be dismissed. It shall *mutatis mutandis* also conform to Rule 3 (2), (3), (4), (5), (6) and (7) of this Order.

(3) If a Respondent fails to file his brief, he will not be heard in oral argument except by leave of the Court.

Appellant's reply brief.

5.—(1) The Appellant may also, if necessary, within fourteen (14) days of the service on him of the Respondent's brief, file and serve or cause to be served on the Respondent a reply brief which shall deal with all new points arising from the Respondent's brief.

(2) Except where the Court directs otherwise, every Reply brief to be filed in Court shall not exceed fifteen (15) pages and shall conform to Rule 3 (3), (5), (6) and (7) (b) and (c) of this Order.

6. In giving effect to the provisions of these Rules, the period of the vacation which is declared between July and September each year shall not be taken into account for the computation period of filing briefs by either the Appellant or the Respondent in an appeal before the Court.

Joint and several briefs.

7.—(1) All parties whose interests are identical or joint shall file joint briefs. Separate briefs may be filed only by those parties whose interests are separate or are in conflict.

(2) Where there are more than one Appellant and they file more than one brief, it may not be necessary for the Respondent to file more than one brief in respect of his own case and time does not begin to run against him for the purpose of filing his brief until all the briefs filed by the Appellants have been served on the Respondent, unless the time within which the Appellants may file their briefs has expired.

Cross  
appeal.

8.—(1) A Respondent may, without leave, include argument in respect of a cross-appeal in his brief for the main appeal and the cross-appeal.

(2) Within thirty (30) days of service of the Cross-Appellant's brief in the cross-appeal on the Appellant, the Appellant shall file a Cross-Respondent's brief.

(3) The Cross Appellant may, if necessary, within fourteen (14) days of the service on him of the Cross-Respondents' brief file and serve or cause to be served on the Cross-Respondent a reply brief which shall deal with all new points and points of preliminary objection or any challenge to the cross-appeal raised and argued in the Cross-Respondent's brief.

(4) All briefs under this Rule shall conform with Rules 3(2), 6(3), (4), (5), (6) and (7) of this Order.

Consequence  
of  
failure to  
file brief.

9.—(1) Where the Appellant has failed to file a brief within the period prescribed by this Order and other period of time within which to file the Brief, the Court may upon the Registrar's certificate to that effect or upon the application of the Respondent, proceed to dismiss the appeal in chambers without hearing argument.

(2) Where the appellant has filed a Notice of Withdrawal of his appeal, the Court may proceed to dismiss the appeal in chambers without hearing argument notwithstanding that briefs have been filed in the appeal.

10.—(1) As early as possible before the date set down for the hearing of the appeal and in any event, not later than one week before such date, the party who has filed a brief or the Legal Practitioner representing him shall forward to the Registrar in charge of litigation a list of the law reports, text books and other authorities which Counsel intend to cite at the hearing of the appeal.

(2) The provisions of sub-rule (1) of this Rule shall not apply to a party who has included in his brief the list mentioned in the sub-rule, but such a party may, if he so desires, submit a supplementary list within the prescribed time.

11.—(1) Oral argument may, at the discretion of the Court, be allowed at the hearing of the appeal to emphasize and clarify the written argument appearing in the briefs already filed in Court.

(2) When there is a cross-appeal, the appeal and such cross-appeal shall be argued together as one case and within the time allotted for one case and the Court may, having regard to the nature of the appeal, inform the parties which one is to open and close the argument.

(3) Unless otherwise directed, fifteen (15) minutes on each side may be allowed for oral argument.

(4) Save with leave of the Court, no oral argument may be heard in support of any argument not raised in the brief or on behalf of any party for whom no brief has been filed.

(5) When an appeal is called and no party or any Legal Practitioner appearing for him appears to present oral argument, but briefs have been filed by all the parties concerned in the appeal, the appeal will be treated as having been argued and may be considered as such.

(6) When an appeal is called, and it is discovered that a brief has been filed for only one of the parties and neither of the parties concerned nor their Legal Practitioners appear to present oral argument, the appeal shall be regarded as having been argued on that brief.

12. The Court may, where it considers the circumstances of an appeal to be exceptional, or that the hearing of an appeal must be accelerated in the interest of justice, waive compliance with the provisions of this Order in so far as they relate to the preparation and filing of brief of argument, either wholly or in part, or reduce the time limit specified in the Order, to such extent as the Court may deem reasonable in the circumstances of the case.

Power of Court to accelerate hearing in exceptional circumstances.

13. Notwithstanding the provisions of Order 13 Rules 5, 7, and 8 and Order 5 Rule 1 of these Rules, the computation of time to:

Stay of computation of time and exemption of payment of default fees.

(a) file any Court processes within a prescribed period;

(b) do any act provided by this Rules; or

(c) pay default fees for extension of time within which to file a process or do an act;

shall be exempted during the occurrence of any event which disrupts the normal conduct of the business of the Court.

14. A party intending to rely on additional authorities during the hearing of an appeal may file and give notice of such additional authority to the Court and the other parties at least five (5) days before the date of hearing. Where the decision sought to be relied upon was published less than five (5) days before the date of hearing, in which case, reasonable notice of such authority shall be given to the Court and other parties.

Filing of additional authorities.

## ORDER 17 — ELECTRONIC FILING

Electronic filing system of the Court.

1.—(1) Where under these Rules, a party is required to file any document, application or any process, such document, application, or process shall henceforth be filed via the NCMS E-Filing portal, and after a date announced by the Chief Justice pursuant to this rule, no other mode of filing by a party or by a Legal Practitioner shall be valid.

Fees in electronic filing

(2) Where in filing any Court process under these Rules, a party is required to accompany such process with affidavit or any statement on oath, it shall suffice to file a scanned copy via the NCMS E-Filing portal and hand in the original at the Registry of the Court to be kept along with originals of uploaded documentary evidence.

(3) Save as otherwise provided under these Rules or other relevant laws, only documents received through and stored in the NCMS are proper records of the Court, and Justices, parties and all registry staff shall consider and treat them accordingly.

(4) Where a process is filed electronically before midnight, on a public holiday or non-judicial day it shall be deemed to have been filed on the next working day.

2.—(1) The electronic filing system of the Court shall assess the fees payable for every process sought to be filed and upon payment of the relevant fees, the system shall generate a receipt of payment.

(2) A party filing a process or an application for which fees are chargeable under these Rules, shall fully and accurately disclose information and input all the data required for the purpose of assessment. Where failure to do so results in under assessment by the automated system, the party shall be liable upon detection to pay thrice the fee payable.

(3) An electronically filed process shall be deemed as filed upon the payment of the relevant fees.

3.—(1) Where these Rules or Practice Directions require a document to be signed or sealed, it shall suffice where such a document is filed in accordance with the parameters allowed by the NCMS E-Filing portal.

Electronic signature.

(2) An electronic signature shall constitute the parties' signature on every electronically filed process.

4.—(1) The electronic filing system shall run parallel with the existing manual filing procedure in these Rules until such time as the Chief Justice may otherwise direct.

Direction of Chief Justice.

(2) The Chief Justice shall periodically issue Practice Directions to provide for the manner and form of Electronic Filing processes and the administration of the electronic filing system of the Court.



## ORDER 18 — VIRTUAL HEARING

- |  |   |
|--|---|
| 1. Upon application by any of the parties or suo motu, the Court may conduct its proceedings virtually where it deems appropriate.   | Virtual hearing of Court proceedings.       |
| 2. Virtual hearing shall be by means of any audiovisual platform approved by the Court and a link will be provided to enable the public to observe the virtual proceedings.  | Medium and access link for virtual hearing. |
| 3. Where the Court adopts virtual hearing for any proceedings in an appeal, the Registrar shall notify the parties.  | Notification of virtual hearing.            |
| 4. The Justices of the Court and Counsel appearing in the appeal shall be fully robed for the virtual hearing subject to the directions of the Court in exceptional circumstances.   | Dress code.                                 |
| 5. All rules and practices on decorum and etiquette during physical hearing shall be observed by Counsel and parties during virtual hearing.   | Rules of etiquette.                         |
| 6. Cases for virtual hearing shall be stated in the cause list of the Court by the Registrar and shall be posted on the official website and Notice Board (manual or electronic) of the Court; and shall be communicated to the parties either by e-mail or any other electronic means, as the Court may direct. | Publication of cases for virtual hearing.   |
| 7. It shall be the duty of the Court to give directives on the conduct of virtual hearing in any appeal which shall be in accordance with any relevant law, the Rules of Court and any Practice Direction made pursuant to these Rules.  | Directive of court.                         |
| 8. The Chief Justice may periodically issue Practice Directions for the regulation of virtual hearing.   | Practice Direction on virtual hearing.      |

## ORDER 19—ELECTRONIC CASE SCHEDULING AND MANAGEMENT

Implementation  
of  
case  
scheduling  
and  
management.

1. The Court shall implement a suitable electronic case scheduling and management platform that will be functional in the Court for the purpose of efficient and effective management of case-loading and case scheduling.

Review of  
progress of  
case  
scheduling  
and  
management.

2. In the implementation of any case schedule and management platform, the Court may at any time, of its own initiative or on notice to the parties, review the progress of an appeal and give directions to facilitate the efficient and timely determination of such appeal.

Practice  
directions  
on case  
scheduling  
and  
management.

3. The Chief Justice may periodically issue Practice Directions to provide for the manner, form and administration of the case scheduling and management platform of the Court.

## ORDER 20 — JUDGMENT

- |   |  |
|---|--|
| <p>1. The judgment of the Court shall be pronounced in open Court or at a virtual hearing either on the day the suit or appeal was heard or at any subsequent time, prior to which notice shall be given by the Registrar to the parties in the appeal.</p>   | <p>Delivery of judgment.</p>                         |
| <p>2. Whenever a reserved judgment is to be given and the Counsel concerned are duly notified, the presence of such Counsel or their juniors is required in Court when judgment is being delivered. Failure to observe this will be regarded as an act of disrespect to the Court.</p>  | <p>Notice to counsel of reserved judgment.</p>       |
| <p>3.—(1) Every judgment of the Court shall be embodied in an order.<br/>(2) A sealed or certified copy of the order shall be sent by the Registrar to the Court below.<br/>(3) Interlocutory orders shall be prepared in like manner.</p>  | <p>Enrollment of judgment.</p>                       |
| <p>4. The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative and substantive part of it be varied and a different form substituted.</p> | <p>Review of judgment.</p>                           |
| <p>5. Any decision, including judgment, decree or order given by the Court may be enforced by the Court or by any other Court with subordinate jurisdiction which has been seised of the matter.</p>  | <p>Execution of judgment.</p>                        |
| <p>6. When any decision of the Court including judgment, decree or order is to be enforced by any other Court with subordinate jurisdiction, a certificate under the seal of the Court and the hand of the Chief Justice of Nigeria or the Presiding Justice setting forth the decision shall be filed in such other Court, and the latter Court shall enforce such decision in terms of the certificate.</p>   | <p>Execution of judgment by Court below Form 37.</p> |
| <p>7. Where the costs of an appeal are allowed, they may either be fixed by the Court at the time when the judgment is given or may be ordered to be taxed.</p>   | <p>Costs.</p>  |
| <p>8. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the Registrar of the Court below any original depositions, exhibits, information, inquisition, plea or other documents usually kept by the said Registrar, or forming part of the record of the Court below, the Registrar, shall, where practicable, cause the same to be returned to the Registrar of the Court below.</p>                          | <p>Final disposal of exhibits or documents.</p>      |

Interlocutory  
judgment  
not to  
prejudice  
appeal.

9. No interlocutory judgment or order from which there has been no appeal shall operate to bar or prejudice the Court from giving such decision on the appeal as may seem just.

Powers of  
Court to  
give any  
judgment  
or order.

10.—(1) The Court shall have power to give any judgment or make any order that ought to have been made and to make such further order(s) as the case may require including any order as to costs.

(2) The powers contained in sub-rule (1) of this Rule may be exercised by the Court, notwithstanding that the Appellant may have asked that part only of a decision may be reversed or varied, and may also be exercised in favor of all or any of the Respondents or parties, although such Respondents or parties may not have appealed from or complained of the decision.

## ORDER 21 — VACATION

1. The Court shall proceed on an annual vacation for a period not less than eight (8) weeks between July and September of each year, as the Chief Justice may by Notice direct. Annual vacation of the Court.
2. The Court shall not sit during Easter, Islamic holiday or Christmas recess, except where the Chief Justice otherwise directs. Chief Justice directive on Court sitting.
3. The Chief Justice may constitute a panel(s) of the Court to sit during annual vacation to hear and determine any urgent matter. Court sitting during vacation.
4. Except as applicable in Rule 3 above, the time for the filing of brief of argument shall not run during the period of annual vacation. Time to file briefs does not run during annual vacation.

## ORDER 22 — MISCELLANEOUS

Departure  
from the  
Rules.

1. The Court may, in the interest of justice, direct a departure from these Rules.

Waiver of  
non-  
compliance  
with Rules.

2.—(1) The Court may, where it considers it in the interest of justice so to do, waive compliance by the parties with these Rules or any part thereof.

(2) Where there is such waiver of compliance with the Rules, the Court may, in such manner as it thinks appropriate, direct the Plaintiff or Appellant, the Defendant or Respondent, as the case may be, to remedy such non-compliance or may, notwithstanding, order the suit or appeal to proceed or give such directions as it considers necessary in the circumstance.

(3) The Registrar shall forthwith notify the Appellant or the Respondent, as the case may be, of such order or directions given by the Court under this Rule where the Appellant or the Respondent was not present at the time when such order was made or directions were given.

Application  
to strike  
out.

3.—(1) An application to strike out or set aside for non-compliance with these Rules, or any other irregularity arising from the rules of practice and procedure in this Court, any proceedings or any document, judgment or order therein shall only be entertained by the Court if it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

(2) An application under this Rule may be made by motion on notice and the grounds of objection must be stated therein.

(3) Any application under this Rule may be considered and determined by the Court in chambers without oral argument.

Rules of  
Court  
Advisory  
Committee.

4.—(1) There shall be constituted a body to be known as the Rules of Court Advisory Committee comprising of—

(a) Five Justices of the Court, one of whom shall be the Chairman; and

(b) Three members of the inner and outer Bar to be appointed by the Chief Justice.

(2) It shall be the duty of the Committee to advise the Chief Justice, from time to time, in the exercise of the powers conferred upon him by the Constitution or under any law, to make Rules, Regulations or make provisions with respect to practice and procedure in the Court.

(3) Every member of the Committee shall remain a member thereof for such period as the Chief Justice may in his discretion prescribe, either at the time of the appointment of the member or at any time thereafter.

5. The Chief Justice may, at any time, by notice declare a practice of the Court as a Practice Direction, and whenever so declared, such Practice Direction shall be regarded as part of these Rules.

Practice  
Directions.

FIRST SCHEDULE

FORM I

IN THE SUPREME COURT OF NIGERIA

MOTION ON NOTICE

(Order 4 Rule 1)

BETWEEN..... *Appellant*

and

..... *Respondent*

TAKE NOTICE that the Court will be moved on ..... day of ..... 20  
..... at ..... in the forenoon or as soon thereafter as Counsel can be  
heard on behalf of the above named..... for an order that

TAKE FURTHER NOTICE that the grounds of this application are:

DATED this ..... day of ..... 20 .....

.....  
*Applicant or his Legal Practitioner*

Whose address for service is: .....

- \* State whether Appellant or Respondent
- \* State the prayer.
- \* NOTE : an address for service must be given.



FORM 2

IN THE SUPREME COURT OF NIGERIA

NOTICE OF INTENTION NOT TO CONTEST APPLICATION

(Order 4, Rule 12)

Appeal No.....

BETWEEN..... *Appellant*

*and*

..... *Respondent*

Respondent do hereby declare that I do not wish to contest the application of  
the Applicant dated ..... Praying for .....

DATED this ..... day of ....., 20 .....

.....  
*Respondent*

FORM 3

IN THE SUPREME COURT OF NIGERIA  
NOTICE BY RESPONDENT OF INTENTION TO RELY  
UPON PRELIMINARY OBJECTION

(Order 4, Rule 13)

Appeal No.....

BETWEEN..... *Appellant*

*and*

..... *Respondent*

TAKE NOTICE that the Respondent herein named intend, at the hearing of this appeal, to rely upon the following preliminary objection notice whereof is hereby given to you, viz :

AND TAKE NOTICE that the grounds of the said objection are as follows:

- (1)
- (2)
- (3)

DATED this ..... day of ....., 20 .....

.....  
*Respondent*

\* To the above named Appellant

\* To:.....

\* .....

\* .....

FORM 4  
IN THE SUPREME COURT OF NIGERIA  
CERTIFICATE OF SERVICE OF NOTICE OF APPEAL  
(Order 6, Rule 2 (2) (f))

BETWEEN..... *Appellant(s)*  
*and*  
..... *Respondent(s)*

I, the undersigned Registrar of the Court of Appeal DO CERTIFY that notice of appeal in the above-named case was duly served upon ..... the Respondent herein.

DATED this..... day of ....., 20 .....

.....  
*Registrar of Court below*

FORM 5

IN THE SUPREME COURT OF NIGERIA  
CERTIFICATE OF REGISTRAR THAT CONDITIONS OF  
APPEAL HAVE BEEN FULFILLED

(Order 6, Rule 2 (2) (g))

BETWEEN..... *Appellant*  
*and*  
..... *Respondent*

I do hereby certify that the above-named Appellant has duly and punctually complied with the conditions of appeal imposed on him in the above-named case.

DATED this ..... day of ..... 20 .....

.....  
*Registrar of Court below*

THE REGISTRAR,  
SUPREME COURT OF NIGERIA

FORM 6

IN THE SUPREME COURT OF NIGERIA  
BOND FOR COSTS ON APPEAL.

(Order 6, Rule 3)

KNOW ALL MEN, by these presents, that we .....  
of ..... and .....  
.....of .....  
and .....of ..... are jointly  
and severally held and firmly bound to .....  
of ..... in the sum of .....  
Naira of lawful money to be paid to the said .....  
his executors, administrators or assigns, for which payment will and truly be  
made, we bind ourselves, and each of us for himself, in the whole our and  
every of our heirs, executors, and administrators, firmly by these presents.

SEALED with our seals.

DATED the ..... day of ..... in the year of our Lord, 20.....

WHEREAS an appeal is now pending in the Court of Appeal at wherein the  
above-bounden ..... is Appellant,  
and the said ..... is Respondent;

AND WHEREAS a judgment was given by the court therein, on the .....  
day of ..... for the said ..... and  
the said ..... has filed notice of appeal from the said judgment;

AND WHEREAS it is by law provided that the party appealing shall give security  
to the satisfaction of the Registrar of the court below for the due prosecution  
of the appeal and for the payment of any costs which may be ordered to be  
paid by the appellant.

AND WHEREAS the above-named .....  
and ..... at the request of the said .....  
have agreed to enter into this obligation for the purpose aforesaid:

Now the condition of this obligation is such, that if the said .....  
shall duly prosecute the appeal and if the above-burden ..... and  
..... and of either of them pay any cost may be ordered to be paid on  
the appellant this obligation shall be void otherwise remain in full force.

Signed, sealed and delivered in the presence of .....

FORM 7

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF PARTIES OF DISPATCH OF RECORD

(Order 6, Rule 4 (2))

BETWEEN..... *Appellant*

*and*

..... *Respondent*

TAKE NOTICE that the record in the above-named appeal has this day been forwarded to the Registrar of the Supreme Court of Nigeria.

DATED this ..... day of ..... 20 .....

.....  
*Registrar of Court below*



FORM 9

IN THE SUPREME COURT OF NIGERIA

CIVIL SUMMONS

(Order 8, Rule 5)

Suit No. ....

BETWEEN ..... *Plaintiff*

*and*

..... *Defendant*

To: .....  
of .....

You are hereby commanded in the name of the president to enter appearance to an action at the Suit of ..... within twenty-one days after the service of this Writ on you, inclusive of the day of such service, and take notice that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence.

The Plaintiff's claim is for, etc. ....

.....  
.....

DATED this ..... day of ..... 20.....

.....  
*Registrar of the Court*



FORM 10

IN THE SUPREME COURT OF NIGERIA  
ORIGINATING SUMMONS FOR A DECLARATORY JUDGMENT  
(Order 8, Rule 6)

Suit No. ....

BETWEEN ..... Plaintiff  
and  
..... Defendant

Let ..... of ..... within  
..... days after the service of this Summons on  
him, inclusive of the day of such service cause an appearance to be entered  
for him on this summons upon the application of .....  
with claims to be for the determination of the following questions\*

- ++ (1)
- (2)
- (3)

DATED this ..... day of ..... 20.....

This summons was taken out by ..... whose address  
for service is .....

Note : An address for service must be given.

\*State nature of interest.

++Set out questions for determination.

FORM 11

IN THE SUPREME COURT OF NIGERIA

NOTICE OF ORIGINATING MOTION

(Order 8, Rule 8)

BETWEEN..... *Plaintiff*

*and*

..... *Defendant*

TAKE NOTICE that the Supreme Court of Nigeria will be moved on .....  
day of ..... 20 ..... for the following relief namely:

And further notice that the grounds of this application are:

.....

DATED this ..... day of ..... 20 .....

Plaintiff/Applicant or his legal practitioner  
Whose address for service is

.....  
.....

To:  
The Registrar  
Supreme Court of Nigeria  
And\*

\* Insert name of Respondent.

FORM 12

IN THE SUPREME COURT OF NIGERIA  
MEMORANDUM OF ENTRY OF APPEARANCE  
(Order 8, Rule 9)

Suit No. ....

BETWEEN ..... Plaintiff  
and

..... Defendant

Enter an appearance for.....  
.....  
in this action.

DATED this ..... day of ..... 20.....

.....  
*Defendant or his legal practitioner*

Whose address for service is .....

*Note.* — A Memorandum of Appearance shall not be received unless it contains an address for service.

FORM 13  
IN THE SUPREME COURT OF NIGERIA  
NOTICE OF APPEARANCE  
(Order 8, Rule 10)

No. .... Suit No. ....

BETWEEN ..... Plaintiff

and

..... Defendant

TO THE PLAINTIFF OR HIS LEGAL PRACTITIONER

TAKE NOTICE that an appearance has been entered in this action for the defendant.

DATED this ..... day of ..... 20.....

.....  
*Defendant or his Legal Practitioner*

Whose address for service is .....

*Note.*— The Plaintiff is required to take out a summons for directions within fourteen days after the date of entry of appearance, inclusive of the day of such entry.

FORM 14

IN THE SUPREME COURT OF NIGERIA

MOTION ON NOTICE

(Order 8, Rule 14)

No ..... Suit No.....

BETWEEN..... *Appellant*

*and*

..... *Respondent*

TAKE NOTICE that the Court will be moved on .....  
at ..... in the forenoon or as soon thereafter as Counsel  
can be heard on behalf of the abovenamed ..... for an order  
that .....

DATED this ..... day of ..... 20.....

.....  
*Applicant or his Legal Practitioner*

Whose address for service is .....

*Note.* — An address for service must be given.

FORM 15

IN THE SUPREME COURT OF NIGERIA  
SUMMONS FOR DIRECTION  
(Order 8, Rule 19)

No ..... Suit No.....

BETWEEN..... *Plaintiff*

*and*

..... *Defendant*

TO THE DEFENDANT OR HIS LEGAL PRACTITIONER

Let all parties attend ..... at the Supreme Court of Nigeria  
on the ..... day of ..... 20..... at  
..... o'clock in the forenoon on the hearing of an application for  
directions in this action that:

- \*1. ....
- \*2. ....
- \*3. ....

DATED this ..... day of ..... 20.....

This summons was taken out by .....

\* Set out directions requested.

FORM 16

IN THE SUPREME COURT OF NIGERIA  
ORDER ON SUMMONS FOR DIRECTIONS  
(Order 8, Rule 19)

No ..... Suit No.....

BETWEEN..... *Plaintiff*

*and*

..... *Defendant*

Upon hearing ..... and upon reading  
the affidavits of .....herein;

It is ordered that .....

And it is recorded that the .....refuses to admit,  
for the purposes of this action, the truth of the statement in.....

DATED this ..... day of ..... 20.....

.....  
*Chief Justice / Justice of the Supreme Court*

FORM 17

IN THE SUPREME COURT OF NIGERIA

CASE STATED

(Order 9, Rule 1)

Suit No.....

BETWEEN..... Plaintiff

and

..... Defendant

1. The following facts\* have been agreed between the parties, that is to say :

- \*(a)
- (b)
- (c)

2. The following documents \*have been agreed between the parties, that is to say —

- \*(a)
- (b)
- (c)

3. The following questions of the law arising in these proceedings are referred for the opinion of the Court, that is to say:

- \*\* (a)
- (b)
- (c)

DATED this ..... day of ..... 20.....

.....  
Plaintiff or his legal practitioner

.....  
Defendant or his legal practitioner

\* Set out the agreed facts.

\* Set out the agreed documents.

\*\* Set out the questions of law on which the opinion of the Court is required



FORM 18

IN THE SUPREME COURT OF NIGERIA  
REFERENCE AS TO CONSTITUTION DISPUTED FACTS  
(Order 10, Rule 1)

Appeal No.....

BETWEEN ..... Plaintiff/Complainant  
and  
..... Defendant

CASE STATED

This is —

(Here state the nature of the proceeding)

The findings of fact as determined or accepted by the Court of Appeal and which are necessary and relevant to explain the questions which are hereby referred for the decision of the Supreme Court are as follows:

*(Here state the findings of fact as determined or accepted by the Court of Appeal)*

The facts herein stated are not accepted by the Plaintiff/Complainant/Defendant in that :

*(Here state the contention of the party who disputes the findings of fact of the Court of Appeal)*

At the hearing of the appeal, it was argued on behalf of the ..... that:

*(Here state the contentions which or the reply to which raise the issue of the interpretation or application of the Constitution)*

It was argued in reply on behalf of the..... that:

*(Here state the reply made on behalf of the other party)*

In the premises, the following question as to the interpretation or application of the Constitution have arisen in these proceedings, namely:

*(Here state the questions referred)*

The above stated questions of law are hereby referred for the decision of the Supreme Court.

DATED this ..... day of..... 20.....

.....  
*President/Justice of the Court of Appeal*

## FORM 19

IN THE SUPREME COURT OF NIGERIA  
 REFERENCES AS TO CONSTITUTION FACTS NOT DISPUTED  
 (Order 10, Rule 1)

Appeal No.....

BETWEEN.....*Plaintiff/Complainant*  
*and*  
 ..... *Defendant*

## CASE STATED

This is —

*(Here state the nature of the proceeding)*

The following facts which are necessary and relevant to explain the questions which are hereby referred for the decision of the Supreme Court are not disputed by the parties:

*(Here state the facts as admitted or accepted by the parties before the Court of Appeal)*

At the hearing of the appeal, it was argued on behalf of the .....that:

*(Here state the contentions which or the reply to which raise the issue of the interpretation or application of the Constitution)*

It was argued in reply on behalf of the ..... that:

*(Here state the reply made on behalf of the other party)*

In the premises, the following questions as to the interpretation or application of the Constitution have arisen in these proceedings, namely:

*(Here state the questions referred)*

The above stated questions of law are hereby referred for the decision of the Supreme Court.

DATED this ..... day of..... 20.....

.....  
*President/Justice of the Court of Appeal*

FORM 20

IN THE SUPREME COURT OF NIGERIA  
REFERENCE AS TO CONSTITUTION VALIDITY OF A LAW  
(Order 10, Rule 1)

Appeal No.....

BETWEEN..... *Plaintiff/*  
*Complainant*  
*and*  
..... *Defendant*

CASE STATED

This is—

*(Here state the nature of the proceedings)*

At the hearing of the appeal, it was argued on behalf of the ..... that:  
*(Here state the contentions which or the reply to which raise the issue of the interpretation or application of the Constitution)*

It was argued in reply made on behalf of the ..... that:  
*(Here state the reply made on behalf of the other party)*

The Court of Appeal is satisfied that a decision of the rival contentions of the parties necessitates a determination of the validity of the following law, that is to say:

*(Here state the enactment or statutory instrument or other law, the validity of which it is necessary to decide)*

In the premises, the following questions as to the interpretation or application of the Constitution have arisen in these proceedings, namely:

*(Here state the questions referred)*

The above stated questions of law are hereby referred for the decision of the Supreme Court.

DATED this ..... day of....., 20 .....

.....  
*President/Justice of the Court of Appeal*

FORM 21

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF WITHDRAWAL OF APPEAL

(Order 11, Rule 14)

Appeal No.....

BETWEEN..... *Appellant(s)*

and

..... *Respondent(s)*

TAKE NOTICE that the Appellant(s) herein intend(s) and both hereby wholly withdraw(s) his/ their appeal against (all) the Respondent(s) in the above-mentioned appeal.

DATED this ..... day of ....., 20 .....

.....  
*Appellant(s)*

THE REGISTRAR,  
SUPREME COURT OF NIGERIA  
AND to

FORM 22

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF WITHDRAWAL OF APPEAL BY AGREEMENT  
(Order 11, Rule 14)

BETWEEN ..... *Appellant*

*and*

..... *Respondent*

TAKE NOTICE that the above appeal is withdrawn with the consent of all parties thereto.

DATED this ..... day of ..... 20 .....

.....  
*Appellant or his Legal Practitioner*

.....  
*Respondent or his Legal Practitioner*

FORM 23

IN THE SUPREME COURT OF NIGERIA  
CERTIFICATE AS TO NON-COMPLIANCE WITH  
CONDITIONS IMPOSED UPON WOULD-BE APPELLANT

(Order 11, Rule 17)

Pursuant to Order 7 rule 5 of the Supreme Court Rules, I hereby certify that the Appellant(s) in the above named case have/has complied with none of the requirements of Order 11, Rules 8, 14, 15 and 16.

DATED at ..... this .....day of ....., 20 .....

.....  
*Registrar of the Court below*

FORM 24

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPEAL

(Order 13, Rule 3 (1))

Appeal No.....

BETWEEN ..... Complainant  
and  
..... Defendant

TAKE NOTICE that the Complainant/Defendant\* being a party to the decision more particularly stated in paragraph 2 of this Notice of Appeal contained in the judgment of the Court of Appeal dated the ..... day of ..... 20 ..... doth hereby appeal to the Supreme Court upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

AND FURTHER TAKE NOTICE that this Notice of Appeal should be served on the Attorney-General of the Federation/Attorney-General of ..... State\*.

+2. Decision complained of:

3. Grounds of Appeal:

- (1)
- (2)
- (3), etc

4. Relief sought from the Supreme Court:

5.\* The defendant is in custody and he wishes/does not wish\* to be present at the hearing of the appeal.

DATED this ..... day of ..... 20 .....

.....  
Complainant/Defendant\* (or his legal practitioner  
whose address for service is:  
.....

Note.- An address for service must be given.

Strike out words inapplicable.

+ State whether appealing against conviction or sentence or some other order.

FORM 25

IN THE SUPREME COURT OF NIGERIA

NOTIFICATION BY REGISTRAR OF THE COURT OF APPEAL OF RESULT OF APPLICATION FOR LEAVE TO APPEAL

(Order 13, Rule 3(2))

Appeal No.....

BETWEEN ..... Complainant

and

..... Defendant

TO THE REGISTRAR OF THE SUPREME COURT OF NIGERIA

I hereby give you notice that on the ..... day of ..... 20 ..... the Court of Appeal at ..... granted/refused an application for leave to appeal against conviction/sentence in the case of which particulars are set below

DATED this ..... day of ..... 20 .....

PARTICULARS OF TRIAL AND CONVICTION

- 1. No. Of Case .....
- 2. Court of trial .....
- 3. Name of accused .....
- 4. Result of trial .....

Note.- The Registrar of the Court of Appeal should forward with this notice the application for leave to appeal.

DATED this ..... day of ..... 20 .....

.....  
*Registrar of Court below*



## FORM 26

## IN THE SUPREME COURT OF NIGERIA

## RECOGNIZANCE OF BAIL

(Order 13, Rule 7(3))

Appeal No.....

BETWEEN ..... *Complainant*  
*and*  
 ..... *Defendant*

BE IT REMEMBERED THAT WHEREAS ..... was  
 Convicted of ..... on the ..... day of  
 ..... 20 ..... and was thereupon sentenced  
 to ..... and now is in lawful custody in the correctional  
 service at .....

AND WHEREAS his appeal to the Court of Appeal has been dismissed and  
 he has duly appealed to the Court and has applied for bail pending the  
 determination of his appeal, and has been granted bail on entering into his own  
 Recognisances in the sum of ₦..... (With sureties each in the sum of  
 ₦..... ) the said ..... personally commeth before me  
 the undersigned, being the ..... and acknowledges himself  
 to owe to the President the said sum of ₦ ..... good and lawful money,  
 to be made and levied on his goods and chattels, lands and tenements to the  
 use of the President, his heirs and successors, if he the said .....  
 fails in the conditions so endorsed.

TAKEN AND ACKNOWLEDGED this ..... day of .....  
 20..... at ..... before me.

(State Office)

## CONDITION

The condition of the within written Recognisance is such that if the said  
 ..... shall personally appear and surrender himself at the  
 final determination thereof and then and there abide by the judgment of the  
 said Court and not depart or be absent from such Court at any such hearing  
 without the leave of the said Court, and in the meantime not depart from his  
 usual place of abode without the leave of the Court, then this Recognisance  
 shall be void, otherwise of full force and effect.

The following to be filled up by the Appellant and signed by him. When released  
 on bail my address for service, to which any Notices, etc. are to be addressed,  
 will be as follows :

.....  
*Signature of Appellant*

FORM 27

IN THE SUPREME COURT OF NIGERIA  
RECOGNIZANCE OF DEFENDANT'S SURETIES  
(Order 13, Rule 7(3))

Appeal No.....

BETWEEN ..... Complainant  
and  
..... Defendant

BE IT REMEMBERED that on this..... day of.....  
20 ..... of ..... and ..... of ..... came before  
me the undersigned being the ..... and  
(Staff Office)

severally acknowledged themselves to owe to the President the several sums following, that is to say, the said ..... the sum of N..... and the said ..... the sum of N..... of good and lawful money, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of the President, his heirs and successors, if ..... now in lawful custody in the correctional service at ..... fails in the condition hereon endorsed.

TAKEN AND ACKNOWLEDGED before me the undersigned, the day and year first above-mentioned.

.....  
Magistrate/Registrar

CONDITION

The condition of the within written Recognizance is such that whereas the said ..... having been convicted of ..... And now in such lawful custody as beforementioned (under a sentence of ..... for such offence), has duly appealed to the Court against his said conviction (and sentence), and having applied to the said Court for bail, pending the determination of his said appeal, has been granted bail on his entering into recognition service in the sum of N ..... with sureties such in the sum of N ..... if the said ..... shall personally appear and surrender himself at and before the said Court and at the final determination thereof, and then and there abide by the judgment of the said Court, and not depart or be absent from the said Court at any such hearing without the leave of the Court and in the meantime not depart from his usual place of abode without the leave of the Court, then this Recognizance shall be void, otherwise of full force and effect.

FORM 28

IN THE SUPREME COURT OF NIGERIA  
WARRANT FOR ARREST OF DEFENDANT ON BAIL.

(Order 13, Rule 7(5) and (7))

Appeal No.....

BETWEEN ..... Complainant  
and  
..... Defendant

TO THE CONSTABLE OF THE POLICE FORCE (OR COURT  
MESSENGERS AS THE CASE MAY BE), AND TO THE

.....  
(State Office)

..... of the prison at .....

WHEREAS ..... a defendant in the Court  
has been released on bail, and it has now been ordered by the Court that a  
warrant be issued for the apprehension of the said .....

These are therefore to command you the said Constables (or Court Messengers  
as the case may be) forthwith to apprehend the said  
..... and bring him to the .....  
of the said Correctional Service and there delivered him with this Warrant into  
the custody of said ..... you the said.....

(State Office)

..... are hereby required to receive the said  
..... into your custody in the said Correctional Service  
and there safely to keep him until further order of the Court.

DATED this ..... day of ..... 20 .....

.....  
Chief Justice/Justice Supreme Court

FORM 29

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF WITHDRAWAL OF APPEAL  
(Order 13, Rule 12(2))

Appeal No.....

BETWEEN ..... Complainant  
and  
..... Defendant

TO THE ATTORNEY-GENERAL OF\* ..... STATE of

.....  
This is to give you notice that I have this day received from the above named  
..... a notice of abandonment of all  
proceedings in regard to his appeal to the Court. The said notice is dated  
..... day of ..... 20 .....

DATED this ..... day of ..... 20 .....

.....  
*Registrar of the Court*

\*Send copies addressed to—

- (a) The Director-General to the appropriate Ministry (if a capital case)
- (b) The Attorney-General or other respondent.
- (c) The Correctional Service authority.
- (d) The Registry of the Court below.

FORM 30  
IN THE SUPREME COURT OF NIGERIA  
ORDER TO WITNESS TO ATTEND COURT FOR  
EXAMINATION

(Order 13, Rule 13 (1))

Appcal No.....

BETWEEN ..... *Complainant*  
*and*  
..... *Defendant*

To .....  
*(Name of witness)*

of .....  
*(Address)*

WHEREAS on good cause shown to the Court you have been ordered to attend and be examined as a witness before such Court upon the appeal of the above-named.

This is to give you notice to attend before the Court at ..... on ..... the ..... day of ..... 20 ..... at ..... o'clock in the ..... noon. You are also required to have with you at the said time and place any books, papers, or other things relating to the said appeal which you may have had notices so as to produce.

.....  
*Registrar of the Court*

DATED this ..... day of ..... 20 .....

FORM 31

IN THE SUPREME COURT OF NIGERIA  
APPELLANT'S APPLICATION FOR FURTHER WITNESS  
(Order 13, Rule 13(2))

Appeal No.....

BETWEEN ..... *Complainant*  
*and*  
..... *Defendant*

I, ..... having appealed to the Court,  
hereby request to take notice that I desire that the said Court shall order the  
witnesses hereinafter specified to attend the Court and be examined on my  
behalf.

.....  
*Signature or Mark of appellant*

Signature and Address of Witness .....

Attesting Mark .....

DATED this ..... day of ..... 20 .....

You are required to fill up the following and sign the same.

1. Name and address of witness .....
2. Whether such witness have been examined at trial .....
3. If not, state the reason why they were not so examined .....
4. On what matters do you wish them to be examined on the appeal.....

.....  
*State shortly the evidence you think they can give.*

FORM 32

IN THE SUPREME COURT OF NIGERIA  
NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER  
(Order 13, Rule 13 (5))

Appeal No.....

BETWEEN ..... Complainant

and

..... Defendant

to .....  
(Name of witness)

of .....  
(Address)

WHEREAS on good cause shown to the Court you have been ordered to be examined as a witness upon the appeal the abovenamed, and your deposition to be taken for the use of the said Court.

This is to give you notice to attend at .....

(Specify day of examination)

on the ..... day of ..... 20 ..... before  
..... at ..... o'clock in the ..... noon.  
(Fill in examiner's name)

You are also required to have with you at the time and place any books, papers or other things under your control or in the possession in any matter relating to the said appeal of which you have had notices so to produce.

.....  
Registrar of Court below

DATED this ..... day of ..... 20 .....

FORM 33

IN THE SUPREME COURT OF NIGERIA  
CAPTION FOR DEPOSITION OF WITNESS EXAMINED  
BEFORE EXAMINER  
(Order 13, Rule 13 (7))

Appeal No.....

BETWEEN ..... Complainant  
and

..... Defendant

The deposition (on oath) taken before me the undersigned, being an examiner duly appointed by the Court in that behalf of.....of

(Name of witness) (Address of witness)

and ..... witness, examined before me under an order of the said Court dated ..... day of ..... 20 ..... in the presence of the said ..... Defendant (or of his Legal Practitioner) and the respondent at ..... on the ..... day of ..... 20 ..... which said Defendant (or his Legal Practitioner) and the Complainant had full opportunity of asking questions of the witness, to whom the deposition following were read by me before being signed by them the said witness respectively.

The deposition of ..... of ..... who (upon oath duly administered by me) said as follows:

DATED this ..... day of ..... 20 .....

.....  
Examiner



FORM 34

IN THE SUPREME COURT OF NIGERIA  
NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION  
(Order 13, Rule 15 (1))

Appeal No. ....

BETWEEN ..... *Complainant*  
*and*  
..... *Defendant*

TO THE ABOVE-NAMED DEFENDANT

This is to give you notice that the Court has considered the matter of your application for :

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which you may give notice of appeal or of application for leave to appeal;
- (c) permission to be present during the proceedings in your appeal;
- (d) Admission to bail;
- (e) Leave to withdraw abandonment of appeal;

and has finally determined the same and has this day given judgment to the effect following:

DATED this ..... day of ..... 20 .....

.....  
*Registrar of the Court*

FORM 35

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF AUTHORITIES OF RESULTS OF APPLICATION  
(Order 13, Rule 15 (2))

THE STATE .....  
TO THE DIRECTOR OF PUBLIC PROSECUTIONS OF .....  
TO .....

This is to give notice that the above-mentioned having applied for:

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which he may give notice of appeal or of an application for leave to appeal;
- (c) permission to be present during the proceedings in his appeal;
- (d) admission to bail;
- (e) leave to withdraw abandonment of appeal; the Court has this day finally determined his said applications and has given judgment to the effect following:

DATED this ..... day of ..... 20 .....

.....  
*Registrar of the Court*

\* Send Copies addressed to:

- (a) The Director of Public Prosecutions or other respondent;
- (b) The Correctional Service authority.
- (c) The Registrar of the court below.

+ Here set out the decision of the Court.

FORM 36

IN THE SUPREME COURT OF NIGERIA  
NOTICE OF AUTHORITIES OF RESULTS OF APPEAL

(Order 13, Rule 16)

THE STATE v.....  
TO THE REGISTRAR OF THE COURT OF APPEAL .....  
TO .....

This is to give notice that the above-mentioned having appealed against his conviction of the offence of ..... before the ..... Court, and or the sentence of ..... passed upon him for the offence of ..... by the ..... Court, the Court has finally determined the said appeal, and has this day given judgment therein to the effect following:

DATED this ..... day of ..... 20 .....

*Signed* .....  
*Registrar of the Court*

\* Send Copies addressed to:

- (a) The Director-General to the appropriate Ministry (if a Capital case).
- (b) The appropriate Director of Public Prosecutions or other respondent.
- (c) The Correctional Service Authority.

+ Here set out the decision of the Court.

B 202

Supreme Court Rules, 2024

FORM 37

IN THE SUPREME COURT OF NIGERIA  
CERTIFICATE OF THE ORDER OF THE COURT  
(Order 20, Rule 6)

Suit No.....

BETWEEN ..... *Appellant*  
*and*

..... *Respondent*

I HEREBY CERTIFY that on the ..... day of ..... 20 .....

The Supreme Court made the following Order:

Given under my hand and the seal of the Supreme Court this ..... day  
of ..... 20 .....

.....  
*Chief Justice/Justice, Supreme Court*

## SECOND SCHEDULE

## FEES IN CIVIL MATTERS

(ORDER 5, RULES 1 AND 2)

**A. Original Jurisdiction**

S/N.		Fees	
		N	K
1.	For an account to be taken and payment of the sum found due for possession of property as for the sum claimed in lieu of the property	50,000.00	
2.	Any other relief not specially provided for	50,000.00	
3.	On the filing of any other document with the registrar	10,000.00	
4.	On the appointment and swearing of Special Commissioners	5,000.00	

**B. Appellate Jurisdiction**

S/N.		Fees	
		N	K
1.	On filing Notice of Appeal against and interlocutory order or decision	20,000.00	
2.	On filing motion for leave to appeal	15,000.00	
3.	On filing Notice of Appeal where leave is granted	20,000.00	
4.	On filing any motion not otherwise provided for	15,000.00	
5.	On filing motion for stay of execution (if application is made by separate motion)	15,000.00	
6.	On filing amended or additional grounds of appeal: * If filed at least three weeks before the date fixed for the commencement of the sitting for which the appeal is set down. * If filed less than three weeks but at least two clear days before such date * If filed later, but before the hearing of the appeal	5,000.00 7,000.00 9,000.00	
7.	On filing of brief by either the Appellant or the Respondent: * Amended brief or Appellant's reply brief * Cross Appellant/Cross Respondent brief of Argument or joint Appellant's brief * Written address/Reply address * Argument/Submission in support for motion for injunction	22,000.00 12,000.00 12,000.00 7,000.00	
8.	For any addition to any Brief already filed	10,000.00	
9.	On amending or addition to grounds of appeal by leave or direction of the Court at the hearing	12,000.00	

10.	Hearing fee payable in advance	15,000.00
11.	On filing motion to restore appeal dismissed or struck out	5,000.00
12.	On filing motion to set aside re-hear appeal	25,000.00
13.	On every certificate of the order of the Supreme Court (made on the final determination of appeal)	7,000.00
14.	For failure to file Brief within the prescribed period, for each additional day thereof	5,000.00
15.	Address for service	3,000.00
16.	Notice of intention not to contest	7,000.00
17.	Notice of further ground for motion	7,000.00
18.	Notice of additional authority	3,000.00
19.	Notice of withdrawal or discontinuance	3,000.00
20.	Notice of death or substitution	3,000.00
21.	Notice of change of counsel	3,000.00
22.	Terms of settlement	3,000.00

## C. General

S/N.		Fees N : K
1.	For swearing and affidavit or making a declaration, per deponent	2,000.00
2.	For marking any paper annexed to an affidavit or declaration	2,000.00
3.	On filing an affidavit, counter affidavit and further affidavit	2,000.00
4.	On filing a security bond	—
5.	On filing any other document or exhibit	2,000.00
6.	Memorandum of Appearance	2,000.00
7.	On justification of sureties: for each surety	2,000.00
8.	For the drawing up of any order or judgment	5,000.00
9.	For every subpoena	2,000.00
10.	On warrant for prisoners to give evidence	2,000.00
11.	On inspection of any document or judgment	2,000.00
12.	For searching the archives: for each period of six months or part thereof	2,000.00
13.	For preparing a copy where authorised	15,000.00

14.	On lodging a bill of costs for taxation including taxation of the first twenty pages	2,000.00
15.	For every ten pages or part thereof after the first twenty	2,000.00
16.	For every record of proceedings of the Court	20,000.00
17.	For CTC of the judgment of this Court per page	500.00
18.	For each volume of Record from the Court	50,000.00

2. The fees for the service of any document or process shall be that charged for such service by the High Court having jurisdiction in the place where service is to be effected.

3. The allowances payable to a witness shall be those payable to witnesses in the High Court having jurisdiction in the place where the evidence of such witnesses is taken.

4. The fees for the services of a special interpreter of a language not in common use shall be that charged for such services by the High Court having jurisdiction in the place where such services are rendered.

MADE at Abuja this 1st day of August, 2024.

HON. JUSTICE OLUKAYODE ARIWOOLA, GCON  
*Chief Justice of Nigeria*



