

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

FEDERAL SUPREME COURT (MISCELLANEOUS  
PROVISIONS)

EXPLANATORY MEMORANDUM

The object of this Bill is twofold. In the first place it will allow admission to bail in cases of appeal from Regional High Courts while the case is being heard in the Federal Supreme Court or while a question of law is reserved for hearing in that Court; and in the second place it will restore a right of appeal to the Federal Supreme Court from interlocutory orders or decisions made or given in the High Court of Lagos.

*Clauses 3 and 4 seek to effect the two objects.*

T. O. ELIAS,  
*Attorney-General of the Federation  
and Minister of Justice*

FEDERAL SUPREME COURT (MISCELLANEOUS  
PROVISIONS)

ARRANGEMENT OF CLAUSES

*Clause*

1. Short title, etc.
2. Interpretation.
3. Preservation of right of certain courts to admit to bail.
4. Appeals from interlocutory orders, etc., in special cases.

## A BILL

FOR

AN ACT TO MAKE PROVISION FOR THE RESTORATION OF THE RIGHT TO  
ADMISSION TO BAIL IN CERTAIN CASES AND OF THE RIGHT OF APPEAL  
FROM INTERLOCUTORY ORDERS AND DECISIONS IN SPECIAL CASES  
IN THE FEDERAL TERRITORY

[ ] Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria  
in this present Parliament assembled and by the authority of the same  
as follows :—

1. (1) This Act may be cited as the Federal Supreme Court  
5 (Miscellaneous Provisions) Act, 1961.

Short title,  
etc.

(2) The Act shall apply to the Federal territory.

2. In this Act,—

Interpreta-  
tion.  
Cap. 229 of  
1948 Edin.  
as replaced  
by Cap. 67  
of 1958 Edin.  
No. 12 of  
1960.

“the First Ordinance” means the repealed Federal Supreme  
Court (Appeals) Ordinance ;

10 “the Second Ordinance” means the Federal Supreme Court  
Ordinance, 1960.

Preservation  
of right of  
certain  
courts to  
admit to  
bail.

3. For the removal of doubts it is declared that the repeal of the First Ordinance by the Second Ordinance shall, in relation to subsections (2) and (4) of section 23 of the First Ordinance (which provided for the admission to bail pending the determination in certain cases of appeals or reserved questions of law) and from the date of the coming into operation of the Second Ordinance have effect in the Federal territory only; and to the extent necessary to confirm the regional application of subsections (2) and (4) of section 23 of the First Ordinance, section 38 of the Second Ordinance (which provides for the repeal of the First Ordinance) shall be construed accordingly.

Appeals  
from  
interlocu-  
tory orders,  
etc. in  
special  
cases.  
L.N. 22 of  
1960.

4. WHEREAS by the Adaptation of Laws (Miscellaneous Provisions) Order, 1960 (in this section called the Order), section 6 of the First Ordinance (in the Order referred to as section 3) was inadvertently fully repealed, it having been the true intent and purpose of the Order to preserve as far as possible the right of appeal to the then Court of Appeal in special cases arising out of interlocutory orders and decisions of a High Court in the exercise of its original jurisdiction :

AND WHEREAS the First Ordinance having been duly repealed by the Second Ordinance and by reason of the operation of the Constitution of the Federation it being no longer possible to reinstate the restricted right of appeal in the special cases aforesaid, it is expedient and necessary to make other provision for such appeals :

BE IT THEREFORE ENACTED that section 21 of the Second Ordinance in its application to the Federal territory is hereby amended by renumbering the section as subsection (1) and by adding new subsections (2) and (3) as follows,—

“(2) Where in the exercise by the High Court of Lagos of its original jurisdiction an interlocutory order or decision is made in the course of any suit or matter an appeal shall, by leave of that Court or of the Supreme Court as the case may be, lie to the Supreme Court ; but no appeal shall lie from any order made *ex parte*, or by consent of the parties, or relating only to costs.

(3) Nothing in subsection (2) of this section shall be construed so as to authorise an application to the Supreme Court in the first instance for leave to appeal from an interlocutory order or decision made in the course of any suit or matter brought in the High Court.”

(Bills 764)