

Supplement to Official Gazette Extraordinary No. 35, Vol. 64, 1st August,
1977—Part B

L.N. 48 of 1977

THE SUPREME COURT RULES

(SECTION 121 OF THE CONSTITUTION OF THE
FEDERATION OF NIGERIA)

CONTENTS

ORDER 1

General

Rule

1. Citation and Commencement
2. Interpretation
3. Service
4. Conflict with State Laws
5. Enlargement of time and departure from Rules
6. Fees
7. Registry
8. Hours of opening to public
9. Sessions
10. Notification of Sittings
11. Adjournment
12. Chief Registrar
13. Other Registrars
14. Seal of the Court
15. Powers of Chief Registrar
16. Books to be kept by Registrar
17. Files for documents
18. Setting aside or varying order of Registrar
19. Forms

ORIGINAL JURISDICTION

ORDER 2

PROCEEDINGS IN THE ORIGINAL JURISDICTION OF THE COURT

1. Procedure not provided for
2. Commencement of Proceedings
3. Endorsement of Summons
4. Mode of entering appearance

Rule

5. Notice of entry to Plaintiff
6. Address for Service
7. Procedure in Interlocutory Applications
8. Motion to be on Notice
9. Length of Notice
10. Motions may be dismissed or adjourned where necessary notice not given

ORDER 3

PROCEEDINGS COMMENCED BY STATEMENT OF CLAIM

1. Procedure when a final order is sought
2. Issue of Summons
3. Form of Summons
4. Summons for Directions

ORDER 4

STATED CASES

1. Stating questions of Law
2. Contents of case stated
3. Reference to Documents
4. Inferences from Facts and Documents
5. Argument confined to facts in case
6. Signing and filing of case stated
7. Written Agreement of Parties
8. Oral Agreement before Court
9. Procedure in absence of Agreement

ORDER 5

DECLARATORY JUDGMENTS

1. Declaratory Judgments may be sought
2. Construction of statutes on originating summons
3. Construction of other instruments
4. Service
5. Method of application
6. Originating summons not sole means of obtaining declaratory judgment

ORDER 6

Rule

REFERENCES AS TO CONSTITUTION AND RESERVED POINTS OF LAW

1. Stating a case
2. Signature of case stated
3. Form of case stated
4. Right of audience

APPELLATE JURISDICTION

ORDER 7

CIVIL APPEALS

1. Application
2. Notice and grounds of appeal
3. Applications to Court
4. When appeal is deemed to be brought; enlargement of time
5. Notice of appeal. On whom served
6. Addresses for Service
7. Registrar's summons
8. Record of Appeal
9. Cost of Record
10. Security for costs
11. Additional Security for costs
12. Transmission of record
13. Respondent's notice of contention that judgment should be varied or affirmed on other grounds
14. Notice of preliminary objection to be filed
15. Amendment of notice of appeal or respondent's notice
16. Directions of the Court as to service of notice of appeal or respondent's notice
17. Withdrawal of appeal
18. Appeal by respondent after appellant's appeal is withdrawn
19. Non-compliance with conditions of appeal
20. Exhibits
21. Control of proceedings during pendency of appeal
22. Submission by party not appearing
23. Non-appearance of appellant
24. Non-appearance of respondent
25. Application to set aside *ex parte* judgment
26. General Powers of the Court
27. Powers of the Court as to new trial
28. Judgment

Rule

- 29. Order
- 30. Review of Judgment
- 31. Enforcement of Judgments
- 32. Execution of Judgment by court below
- 33. Costs
- 34. Fees
- 35. Proceedings by poor persons
- 36. Costs in proceedings by poor persons

ORDER 8

CRIMINAL APPEALS

- 1. Appeals to which Order applies
- 2. Applications not specially provided for
- 3. Appellant to file notice of appeal or notice of application for leave to appeal or notice of application for extension of time
- 4 (1) Notices of Appeal, who should sign
- 4 (2) How notices, etc. may be given or sent
- 4 (3) Where appellant unable to write
- 4 (4) Where question of sanity involved
- 4 (5) Notice, etc. on behalf of Corporations
- 5. Application for extension of time
- 6. Notice of application for leave to appeal
- 7. Dealing with applications for leave to appeal and other preliminary applications
- 8. Forwarding of proceedings of court below to Registrar
- 9. Fees
- 10. Record in criminal appeals from the court below in its original jurisdiction
- 11. Appeals in criminal matters from the court below in its appellate jurisdiction
- 12. Report of Judge of Court of Trial
- 13. Furnishing Judge of Court of Trial with materials for report
- 14. Bail
- 15. Fines
- 16. Varying order of restitution of property
- 17. Non-suspension of Orders of Restitution
- 18. Restrictions on issue of certificate of conviction
- 19. Abandonment of appeal

Rule

- 20. Notice of abandonment of appeal may be withdrawn
- 21 (1) Attendance of witness before the Court
- 21 (2) Application to Court to hear witnesses
- 21 (3) Order appointing examiner
- 21 (4) Furnishing examiner with exhibits, etc. for examination
- 21 (5) Notification of date of examination
- 21 (6) Evidence to be taken on oath
- 21 (7) Deposition of witness, how to take
- 21 (8) Expenses of witnesses before examiner
- 21 (9) Presence of parties at examination of witnesses
- 22. Proceedings on reference
- 23 (1) Notification of final determination of appeals
- 23 (2) Notification of appeal in capital cases
- 24. Notification of result of appeal
- 25. Return of original depositions, etc.
- 26. Enforcement of orders

ORDER 9

FILING OF BRIEFS OF ARGUMENT

- 1. Application for leave to appeal
- 2. Preparation of record of appeal
- 3. Preparation and filing of Briefs of Argument.
- 4. Separate Cases
- 5. List of Law Reports, etc. to be forwarded to Registrar
- 6. Oral Argument
- 7. Consequences of failure to file Briefs

ORDER 10

Miscellaneous

Waiver of non-compliance with Rules

FIRST SCHEDULE

CIVIL FORMS

Form

1. Statement of claim
2. Civil summons
3. Memorandum of entry of appearance
4. Notice of acceptance
5. Notice of motion
6. Summons for directions
7. Order on summons for directions
8. Stated case
9. Originating summons for a Declaratory Judgment
10. References as to the Constitution
11. Reserved point of law
12. Notice of appeal
13. Notice of motion for leave to appeal
14. Summons to parties by Registrar to settle record
15. Bond for costs on appeal
16. Certificate of service of notice of appeal
17. Certificate of Registrar that conditions of appeal have been fulfilled
18. Notice to parties of dispatch of a record
19. Notice by respondent of intention to contend that decision of court below should be varied
20. Notice of intention to contend^{as?} that judgment should be upheld on grounds other than those relied on by the court below
21. Notice of intention to rely upon a preliminary objection
22. Notice of withdrawal of appeal
23. Notice of withdrawal of appeal by agreement
24. Certificate of non-compliance with conditions of appeal
25. Form of declaration that a party does not wish to be present or represented at the hearing
26. Certificate of the Order of the Court

SECOND SCHEDULE

CRIMINAL FORMS

Form

1. Notice of appeal from decision of a Court sitting as a Court of first instance
2. Notice of application for leave to appeal from decision of a Court sitting as a Court of first instance
3. Notice of appeal from decision of a Court sitting in its appellate jurisdiction
4. Notice of application for leave to appeal from decision of a Court sitting in its appellate jurisdiction
5. Notice of appeal (or application for leave to appeal) by prosecutor
6. Notification by Registrar of High Court or Federal Court of Appeal of result of application for leave to appeal
7. Notice of application for extension of time within which to appeal
8. Notification to appellant of a single Justice's decision
9. Notice of Appeal by appellant from refusal of a single Justice
10. Recognizance of bail of appellant
11. Recognizance of appellant's sureties
12. Warrant for arrest of appellant on bail
13. Notice of abandonment of appeal
14. Notification of abandonment of appeal
15. Notice of application for leave to withdraw an abandonment of appeal
16. Order to witness to attend Court for examination
17. Appellant's application for further witnesses
18. Notice to witness to attend before an examiner
19. Caption for deposition of witness examined before an examiner
20. Notification to appellant of result of application
21. Notice to authorities of result of application
22. Notification to appellant of the result of his appeal
23. Notice to authorities of result of appeal

THIRD SCHEDULE

FEES

THE CONSTITUTION OF THE FEDERATION

(No. 20 OF 1963)

THE SUPREME COURT RULES, 1977

In exercise of the powers conferred by section 121 (2) of the Constitution of the Federation, the Supreme Court of Nigeria hereby makes the following rules :—

ORDER 1.

ORDER. 1

*General*Citation and
Commence-
ment.

1. These Rules may be cited as the Supreme Court Rules, 1977, and shall come into force on 1st September, 1977, save that the current Rules shall continue to operate in regard to appeals already pending in the Court.

Interpreta-
tion.

2. In these Rules, unless it is otherwise expressly provided or required by the context :

“appeal” includes an application for leave to appeal ;

“appellant” means a party appealing from a decision or applying for leave in that behalf and includes his legal representative ;

“Chief Justice” means the Chief Justice of Nigeria ;

“the Court” means the Supreme Court of Nigeria ;

“court below” means the court or tribunal from which the appeal is brought ;

“Court of Appeal” means the Federal Court of Appeal established by the Constitution of the Federation ;

“Judge” means a Justice of the Court ;

“High Court” means a High Court established for a State by the Constitution of the State ;

"legal representative" means a person admitted to practise in the Court who has been retained by or assigned to a party to represent him in the proceedings before the Court ;

ORDER I.

"the Act" means the Supreme Court Act, 1960 ;

No. 12 of
1960.

"record" means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court on the hearing of the appeal ;

"Registrar of the court below" includes the Chief Registrar and any Registrar or Deputy Registrar of the court below, and any officer of the court below exercising functions analogous to those of the Chief Registrar of the Federal Court of Appeal or of the Federal Revenue Court or of a High Court ;

"respondent" in a civil appeal means any party (other than the appellant) directly affected by the appeal, and in a criminal appeal means the person who undertakes the defence of the judgment appealed against ;

"Rules" means these Rules or any amendment thereto or any other additional Rules made under the Constitution of the Federation, and includes the Forms appended to these Rules.

3.—(1) Any reference in these Rules to an address for service means an address within Nigeria where notices, pleadings, orders, summonses, warrants and other documents, proceedings, and written communications, if not required to be served personally, may be left, or to which they may be sent.

Service.

(2) Where under these Rules any person has given an address for service, any notice or other written communication which is not required to be served personally shall be sufficiently served upon him if it is left at that address or sent by registered post to that address, and in any case where the date of service by post is material section 25 of the Interpretation Act, 1964 shall apply.

ORDER I.

(3) Where under these Rules any notice or other application to the Court, or to the court below, is required to have an address for service endorsed on it, it shall not be deemed to have been properly filed unless such an address is endorsed on it.

(4) Any person desiring to change his address for service shall notify the Registrar, who shall thereupon communicate the new address for service to anyone to whom he may have communicated the former address.

(5) Where any person has given the address of a legal practitioner as his address for service and the legal practitioner is not or has ceased to be instructed by him for the purpose of the proceedings concerned, it shall be the duty of the legal practitioner to inform the Registrar as soon as may be that he is not or no longer authorised to accept service on behalf of such person, and if he omits to do so he may be ordered to pay any costs occasioned thereby.

(6) Except as may be otherwise provided in these Rules or in any other written law, no notice or other written communication in proceedings in the original or appellate jurisdiction of the Court, need be served personally except—

(a) in proceedings in the original jurisdiction of the Court, the writ of summons or other document 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 communicated to the respondent no objection to the hearing of the appeal shall lie on the ground that the notice of appeal was not served personally.

(7) Where a Minister, or Commissioner or the Attorney-General, or the Director of Public Prosecutions or any other public officer of the Federation or of a State is a party *ex officio* or as representing the Federal Government or a State Government as the case may be 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 to his chambers or office and service in this manner shall be as effective as if it were personal service.

(8) 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 High Court having jurisdiction in the State in which service is to be effected, 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 that High Court to direct that service be effected in some other way.

ORDER 1.

(9) Where any person out of the jurisdiction is a necessary or proper party to an action commenced in the original jurisdiction of the Court and properly brought against some other person duly served within the jurisdiction, the Court may allow service of a summons out of the jurisdiction.

(10) Every application for an order for leave to serve a summons on a defendant out of the jurisdiction shall be supported by evidence by affidavit or otherwise showing in what place or country such defendant is or probably may be found, and the grounds upon which the application is made.

(11) Any order giving leave to effect service out of the jurisdiction shall prescribe the mode of service, and shall limit a time after such service within which such defendant is to enter an appearance, such time to depend on the place or country where or within which the summons is to be served, and the Court may receive an affidavit or statutory declaration of such service having been effected as prima facie evidence thereof.

4. The practice and procedure of the Court shall be as prescribed by these Rules notwithstanding any written law or rule of practice to the contrary obtaining in any of the States.

Conflict
with State
Laws.

5. The Court may enlarge the time provided by these Rules for the doing of anything to which these Rules apply, or may direct a departure from these Rules in any other way when this is required in the interest of justice.

Enlargement
of time and
departure
from Rules.

6. The fees set out in the Third Schedule shall be payable in respect of the matters to which they relate.

Fees.

ORDER I.
Registry.

7.—(1) The Registry of the Court is situate at Lagos and, except when otherwise expressly provided, all documents and proceedings shall be filed in this Registry, provided that whilst the Court is sitting in any place other than Lagos any documents or proceedings in connection with any matter to be dealt with at such sessions may be filed with the Registrar of the Court at such place.

(2) A document may be filed in the Registry of the Court either by being delivered there by the party or his legal representative or agent in person or by being sent there by registered post.

Hours of
opening to
public.

8. The Registry of the Court shall, subject to the directions of the Chief Justice, be open to the public on every day in the year from eight o'clock in the forenoon to one o'clock in the afternoon, except :

(a) on Sundays or on any day declared in Lagos as a public holiday by virtue of the Public Holiday Act (Cap. 166) ; or

(b) on Saturdays when the Registry shall be open to the public from eight o'clock to eleven o'clock in the forenoon.

Sessions.

9. 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.

Notification
of Sittings.

10.—(1) The sittings of the Court and the matters to be disposed of at such sittings shall be advertised and notified in such manner as the Chief Justice may direct :

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

(2) This Rule shall not apply to the hearing of any matter by a single Judge.

Adjourn-
ment.

11. The Court may at any time on application or of its own accord adjourn any proceedings pending before it from time to time and from place to place.

Chief
Registrar.

12. The Chief Registrar shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these Rules.

13. 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 functions required by these Rules to be exercised by the Chief Registrar.

ORDER I.
Other
Registrars.

14.—(1) Subject to the provisions of this Rule, the Seal of the Court and any duplicate thereof shall be kept in the custody of the Chief Registrar, and except as the Chief Justice may otherwise direct shall not be affixed to any writ, rule, order or other process or to any document without the express authority of the Chief Registrar.

Seal of the
Court

(2) If at any time a session of the Court is held outside Lagos, a duplicate of the Seal of the Court may, on the instructions of the Chief Justice, be entrusted to and kept in the custody of a Registrar of the Court for the purpose of that session and may be used for such purposes in accordance with any directions given by the Chief Justice or by the Judge presiding at that session.

15. Except as may be otherwise provided in the Constitution of the Federation, or in any other enactment, the Chief Registrar shall have such jurisdiction powers and duties as are given him by these Rules or such further powers and duties as the Chief Justice may direct.

Powers of
Chief
Registrar.

16.—(1) The Registrar shall keep :

Books to be
kept by
Registrar.

- (a) a Criminal Appeal Book ;
- (b) a Civil Appeal Book ; and
- (c) a Civil Record Book ;

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 ;
- (b) the names of the appellant and respondent ;
- (c) the court from which the appeal is brought ;
- (d) the date and place of hearing of the appeal ;
- (e) the names of counsel ;
- (f) the subject matter of the appeal ;
- (g) the judgment of the Court ;
- (h) any subsequent proceedings and remarks.

ORDER 1.

(3) The following particulars shall be entered in the Civil Record Book :

- (a) the number of the application ;
- (b) the names of the 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 ;
- (g) any subsequent proceedings and remarks.

Files for documents.

17. As soon as notice of appeal is delivered or an application for the exercise by the Court of its original jurisdiction is made to the Court or a Judge, the Registrar shall prepare a file in which pleadings or documents relating to the appeal or case shall be filed and on the front page thereof shall be recorded particulars of such pleadings or documents and the dates on which they are received.

Setting aside or varying order of Registrar.

18. Any person aggrieved by anything done or ordered to be done by the Registrar other than anything ordered or done by the direction of the Chief Justice, may apply to a Judge to have the act, order or ruling complained of set aside or varied and the Judge may give such directions or make such order thereon as he thinks fit. Such application shall be made by notice of motion supported by affidavits setting out the complaint and the relief sought.

Forms.

19. The forms set out in the First and Second Schedules to these Rules, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable.

ORIGINAL JURISDICTION

ORDER 2.

ORDER 2

Proceedings in the Original Jurisdiction of the Court

Procedure not provided for.

1. 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 appropriate High Court.

2. 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 7 of Order 1 of these Rules.

ORDER 2.
Commence-
ment of
Proceedings.

3. There shall be endorsed on every summons issued under Order 3 or Order 5 of these Rules a notice requiring the defendant to enter an appearance within thirty days after the summons has been served.

Endorse-
ment of
summons.

4.—(1) A defendant shall 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 of the defendant's legal representative or stating that the defendant defends in person ; and

Civil
Form 3.

(b) a duplicate of the memorandum of appearance.

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

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

5. A defendant shall, on the day on which he entered an appearance, give or send written notice of his having entered an appearance to the plaintiff's legal representative or, if the plaintiff sues in person, to the plaintiff himself.

Notice of
entry to
plaintiff.

Civil
Form 4.

6. 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 this Rule.

Address for
Service.

7. An application for an interlocutory order shall be by motion entitled in the proceeding in which it is made and shall be supported by an affidavit or affidavits of the facts on which the applicant will rely.

Procedure
in inter-
locutory
applications.

Civil Form 5.

ORDER 2.
Motion to be
on Notice.

8. No motion shall be made without previous notice to the parties affected thereby, but the Court, if satisfied that the delay caused by proceeding in the ordinary way would or might entail irreparable mischief, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move within fifteen days of the service of the order upon him to set it aside.

Length of
Notice.

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

Motions
may be
dismissed
or
adjourned
where
necessary
notice
not given.

10. If on the hearing of a motion the Court shall be 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 either dismiss 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.

ORDER 3.

ORDER 3

Proceedings commenced by Statement of Claim

Procedure
when a
final order
is sought.

1. In any cause other than one commenced under Order 5 of these Rules, the application to the Court shall be made by the filing of a statement of claim in accordance with rule 7 of Order 1 of these Rules.

Civil
Form 1.

Issue of
Summons.

2. When a statement of claim has been filed a summons shall be issued to the defendant to appear and answer the claim.

Civil
Form 2.

Form of
Summons.

3. 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.

Summons
for
directions.
Civil Forms
6 and 7.

4. The plaintiff shall, within fourteen days after the defendant has entered an appearance, take out a summons for directions returnable before a Judge in Chambers, and the Judge 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 he may think expedient.

ORDER 4

ORDER 4.

Stated Cases

1. The parties to a proceeding commenced under Order 3 of these Rules may at any stage concur in stating the question of law arising in the proceeding in the form of a stated case for the opinion of the Court.

Stating questions of law. Civil Form 8.

2. The stated case 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 stated case.

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.

Inferences 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.

6. A stated case concurred in by the parties to a proceeding shall be signed by the several parties or their legal representatives and filed with the Registrar.

Signing and filing of case stated.

7. The parties to a stated case 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 stated case, 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 their legal representatives, verbally make an agreement, as to the judgment to be entered upon the determination by the Court of the questions of law raised in the stated case.

Oral agreement before Court.

ORDER 4.

Procedure
in absence
of agree-
ment.

9. Where no such agreement is made, the proceedings in the cause shall be resumed, but the questions of law decided in the stated case shall not be reopened in the Court and the application shall proceed to its final determination upon the decision upon the law recorded after the hearing of the stated case.

ORDER 5.

ORDER 5

Declaratory Judgments

Declaratory
judgments
may be
sought.

1. 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.

Construc-
tion of
statutes on
originating
summons.

2. Any person claiming any legal or equitable right in a case where the determination of the question whether he is entitled to the right depends on the construction of the Constitution of the Federation or of a State may apply for the issue of an originating summons for the determination of such question of construction and for a declaration as to the right claimed.

Construc-
tion of
other instru-
ments.

3. Any person claiming to be interested under deed or other written instrument, may apply for the issue 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.

Service.

4. The Court may direct such persons to be served with a copy or copies of the summons as it may think fit.

Method of
application.
Civil
Form 9.

5. The application shall be made in Civil Form 9 in the First Schedule to these Rules and shall be supported by such evidence as the Court may require.

Originating
summons
not sole
means of
obtaining
declaratory
judgment.

6. Rules 2 and 3 of this Order shall not affect the right of any person seeking a declaratory judgment to institute proceedings by filing a statement of claim under Order 3 and on an application by originating summons the Court shall not be bound to determine any such question of construction if in the opinion of the Court it ought not to be determined on originating summons.

ORDER 6

ORDER 6.

References as to Constitution and Reserved Points of Law

1. When a lower court refers any question as to the interpretation of the Constitution of the Federation or the Constitution of a State to the Court under section 115 of the Constitution of the Federation, or reserves any question of law for the consideration of the Court in accordance with any written Law, the lower court referring or reserving the question of law, as the case may be, shall state a case in Civil Form 10 or 11 in the First Schedule to these Rules, whichever may be appropriate, and the Registrar of the lower court shall forward ten copies direct to the Registrar.

Stating a case.

Civil Forms 10 and 11.

2.—(1) When the lower court making an application consists of three or more judges, the case shall be stated on behalf of the lower court by a majority of those judges.

Signature of case stated.

(2) Where a question is referred or reserved by the lower court the question shall be signed by all or by a majority of the judges of the court referring or reserving the question.

3. A case stated under this Order 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. It shall state such of the findings of fact as are necessary to explain the question on which the decision of the Court is sought but except where, in a criminal matter, the question is whether there is any evidence to support any decision, or whether the evidence for the prosecution disclosed a case for the defendant to answer, it shall not contain a statement of the evidence. It shall also state the contentions of the parties, the opinion or decision (if any) of the court stating the case and the questions of law for the determination of the Court. In cases to which s.243A of the Criminal Procedure Act (or similar provision in any State law) applies, the case shall state whether the hearing has been adjourned or the verdict has been postponed or sentence has been respited and whether the person accused or convicted has been committed to prison or admitted to bail.

Form of case stated.

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 any case stated under this Order :

Right of audience.

ORDER 6.

(a) the parties to the proceedings in which the question of law arose ; and

(b) in any case stated involving a substantial question of law as to the validity of any law enacted by the Federal Legislature, the Attorney-General of the Federation.

(2) The following persons may, by leave of the Court, appear in person or by a legal practitioner at the hearing of any case stated on the reference to the Court of any question as to the interpretation of the Constitution of the Federation or the Constitution of a State, as the case may be :

(a) where he is not entitled to appear as of right under paragraph (1) (b) of this rule, the Attorney-General of the Federation ; and

(b) the Attorney-General of any State.

(3) The Registrar shall forward to the Attorney-General of the Federation a copy of any case stated to which paragraph (1) (b) of this rule applies. Any other person who is entitled as of right to appear, and any persons who may appear by leave of the Court, may obtain a copy of the case stated from the Registrar of the lower court on payment of such fee as may be prescribed.

APPELLATE JURISDICTION

ORDER 7.

ORDER 7

Civil Appeals

Application.

1. This Order shall apply to appeals to the Court from any court or tribunal acting either in its original or its appellate jurisdiction in civil cases, and to matters related thereto.

2.—(1) All appeals shall be by way of rehearing and 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, shall state 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 and addresses of all parties directly affected by the appeal, and shall be accompanied by a sufficient number of copies for service on all such parties. It shall also have endorsed on it an address for service.

(2) If the grounds of appeal allege misdirection or error in law the particulars and the nature of the misdirection or error shall be clearly stated. ORDER 7.

(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) No ground which is vague or general in terms or which discloses no reasonable ground of appeal shall be permitted, save the general ground that the judgment is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this rule may be struck out by the Court of its own motion or on application by the respondent.

(5) 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 grounds of appeal upon payment of the fees prescribed for making such amendment and upon such terms as the Court may deem just.

(6) 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.

(7) The Court shall have the power to strike out a notice of appeal when an appeal is not competent.

3.—(1) Every application to the Court shall be by notice of motion supported by affidavit. It shall state the rule under which it is brought and the ground for the relief sought.

Applica-
tions to
Court.

(2) Any application to the Court for leave to appeal (other than an application made after the expiration of the time for appealing) shall be by notice of motion which shall be served on the party or parties affected.

Civil
Form 13.

(3) Where an application has been refused by the court below, an application for a similar purpose may be made to the Court within fifteen days after the date of the refusal.

ORDER 7.

(4) Wherever under these 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 special circumstances which make it impossible or impracticable to apply to the court below.

(5) If leave to appeal is granted by the Court or by the court below the appellant shall file a notice of appeal.

When
appeal
is deemed
to be
brought.

4.—(1) An appeal shall be deemed to have been brought when the notice of appeal has been filed in the Registry of the court below.

Enlarge-
ment of
time.

(2) Every application for an enlargement of time in which to appeal shall be supported by an affidavit setting forth good and substantial reasons for the failure to appeal within the prescribed period, and by grounds of appeal which *prima facie* show good cause why the appeal should be heard. When time is so enlarged a copy of the order granting such enlargement shall be annexed to the notice of appeal.

Notice of
appeal.
On whom
served.

5.—(1) The Registrar of the court below shall, after the notice of appeal has been filed, cause to be served a true copy thereof upon each of the parties mentioned in the notice of appeal. It shall not be necessary to serve any party not directly affected.

(2) Notwithstanding anything in Rule 3 (6) (b) of Order 1, where in any proceeding in the court below a party has given an address for service, notice of appeal from any decision made under such proceeding may be served on such party at such address for service, notwithstanding that the address may be that of a legal representative who has not been retained for the purpose of an appeal, and notice of any application preparatory or incidental to any such appeal may be served in like manner at any time before the date on which the respondent gives notice of his address for service in accordance with the immediately following rule.

Addresses
for service.

6.—(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 thirty days after service on him of the notice of appeal file in duplicate 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. 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.

(2) Such notice may be signed by the respondent or his legal representative.

ORDER 7.

(3) If any respondent fails or omits to file such notice of address for service it shall not be necessary to serve on him any other proceedings in the appeal or any notice of hearing thereof.

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

7.—(1) The Registrar of the court below shall after the expiration of the time prescribed for filing notice of address for service summon the parties before him to :—

Registrar's
summons.
Civil
Form 14.

(a) settle the documents to be included in the record of appeal ;

(b) fix the amount to be deposited by the appellant to cover the estimated cost of making up and forwarding the record of appeal ;

(c) fix the amount to be deposited by the appellant or secured by bond for the due prosecution of the appeal and the payment of any costs.

(2) The said Registrar shall, whether any of the parties attend or not provided that notice has been duly served on those parties who filed an address for service, proceed to settle and determine those matters in accordance with the provisions of Rules 8, 9 and 10 of this Order.

8.—(1) The Record of Appeal shall contain the following documents in the order set out :—

Record of
Appeal.

(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 ;

(c) copies of the documents settled by the Registrar of the court below for inclusion in the Record of Appeal in accordance with Rule 7 of this Order ;

(d) a copy of the notice of appeal and other relevant documents filed in connection with the appeal.

ORDER 7.

(2) The Registrar of the court below, as well as the parties, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the record as far as practicable, taking special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents ; but the documents omitted to be copied shall be enumerated in a list at the end of the Record. Where part or parts only of any lengthy document are directly relevant to the subject matter of the appeal, it shall be permissible to omit to copy such parts of the document as are neither directly relevant to the subject matter of the appeal nor necessary for the proper understanding of the part or parts that are so relevant.

(3) If the Registrar of the court below or any party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the document shall be included and the record shall, with a view to the subsequent adjustment of the costs of and incidental to the inclusion of such document, indicate in the index of papers or otherwise the fact that, and the party by whom, the inclusion of the document was objected to.

(4) 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.

9. 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 copies for the use of the Court.

10. The appellant shall within such time as the Registrar of the court below directs deposit such sum as shall be determined by such Registrar or give security therefor by bond with one or more sureties to his satisfaction as such Registrar may direct for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant.

Cost of
Record.

Security
for costs.
Civil
Form 15.

Provided that no deposit or security shall be required where the deposit would be payable by the Government of the Federation or of a State, or by any Government department.

ORDER-7.

11. 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 Rule 10 of this Order.

Additional security for costs.

12.—(1) The Registrar of the court below shall transmit the record when ready together with :—

Transmission of record. Civil Forms 16 and 17.

(a) a certificate of service of the notice of appeal ;

(b) a certificate that the conditions imposed under Rules 9 and 10 of this Order have been fulfilled ;

(c) ten copies of the record for the use of the Judges ;

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

(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.

Civil Form 18.

13.—(1) A respondent who, not having appealed from the decision of the court below, desires to contend on the appeal that the decision of that court should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must give notice to that effect, specifying the grounds of that contention and the precise form of the order which he proposes to ask the Court to make, or to make in that event, as the case may be.

Respondent's notice of contention that judgment should be varied or affirmed on other grounds. Civil Forms 19 and 20.

(2) A respondent who desires to contend on the appeal that the decision of the court below should be affirmed on grounds other than those relied upon by that court must give notice to that effect specifying the grounds of that contention.

(3) Except with the leave of the Court, a respondent shall not be entitled on the hearing of the appeal to contend that the decision of the court below should be varied upon grounds not specified in a notice given under this rule, to apply for any relief not so specified or to support the decision of the court below upon any grounds not relied upon by that court or specified in such a notice.

ORDER 7.

(4) Any notice given by a respondent under this rule (in this Order referred to as a "respondent's notice") must be served on the appellant, and on all parties to the proceedings in the court below who are directly affected by the contentions of the respondent, and must be served—

(a) in the case of an appeal against an interlocutory order, within 15 days, and

(b) in any other case, within one month, after the service of the notice of appeal on the respondent.

(5) A party by whom a respondent's notice is given shall file with the Registrar of the court below ten copies of such notice of which one shall be included in the record, and the other copies provided for the use of the Judges.

(6) Omission to give such notice shall not diminish any powers of the Court but may in the discretion of the Court be a ground for postponement or adjournment of the appeal upon such terms as to costs or otherwise as may be just.

Notice of preliminary objection to be filed. Civil Form 21.

14.—(1) A respondent intending to rely upon a preliminary objection to the hearing of the appeal shall give the appellant three clear days notice thereof before the hearing, setting out the grounds of objection, and shall file such notice together with ten copies thereof with the Registrar within the same time.

(2) No objection shall be taken to the hearing of an appeal on the ground that the amounts fixed by the Registrar of the court below under Rule 7 (1) of this Order were incorrectly assessed.

(3) If 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 as it thinks fit.

Amendment of notice of appeal or respondent's notice.

15. A notice of appeal or respondent's notice may be amended by or with the leave of the Court, at any time.

Directions of the Court as to service of notice of appeal or respondent's notice.

16.—(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 party to those proceedings.

(2) In any case in which the Court directs that the notice of appeal shall be served on any party or person, the Court may also direct that any respondent's notice shall be served on him. ORDER 7.

(3) 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 order on the appeal as might have been given or made if the persons served in pursuance of the direction had originally been parties.

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

Withdrawal
of appeal.
Civil
Form 22.
Civil
Form 23.

(2) If all parties to the appeal consent to the withdrawal of the appeal without 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 representatives and the appeal shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar. In such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant.

(3) The withdrawal of an appeal with the consent of the parties under paragraph (2) of this Rule shall be a bar to further proceedings on any application made by the respondent under Rule 13 of this Order.

(4) 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 on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, including any application made by the respondent under Rule 13 of this Order, and for the making of an order as to the disposal of any sum lodged in Court as security for the costs of appeal.

(5) An appeal which has been withdrawn under this Rule, whether with or without an order of the Court, shall be deemed to have been dismissed.

ORDER 7.
Appeal by
respondent
after
appellant's
appeal is
withdrawn.

18. Where an appeal is withdrawn under the preceding rule any respondent who has not given a notice under Rule 13 of this Order may give notice of appeal and proceed therewith in the manner prescribed by the foregoing rules, and in such case the times limited for giving notice of appeal, for depositing the sum estimated to cover the cost of the record and for furnishing the security for costs may, on application to the Court, be extended so far as is reasonably necessary in all the circumstances of the case.

Non-
compliance
with condi-
tions of
appeal.
Civil
Form 24.

19.—(1) If the appellant has complied with none of the requirements of Rules 9 and 10 of this Order, the Registrar of the court below shall certify such fact to the Court, which shall thereupon order that the appeal be dismissed either with or without costs, and shall cause the appellant and the respondent to be notified of the terms on its order.

(2) Where an appeal has been dismissed under paragraph (1) of this Rule, a respondent who has given notice under Rule 13 of this Order may give notice of appeal and the provisions of Rule 18 of this Order shall apply as if the appeal were brought under that Rule.

(3) If the respondent alleges that the appellant has failed to comply with a part of the requirements of Rules 2, 9 or 10 of this Order, the Court, if satisfied that the appellant has so failed, may dismiss the appeal for want of due prosecution or make such other order as the justice of the case may require.

(4) An appellant whose appeal has been dismissed under this rule may apply by notice of motion that his appeal be restored. Any such application may be made to the Court and the Court may in its discretion for good and sufficient cause order that such appeal be restored upon such terms as it may think fit.

Exhibits.

20.—(1) Subject as hereinafter provided, each party shall, immediately after an appeal becomes pending before the Court, deliver to the court below all documents (being exhibits in the case or which were tendered as exhibits and rejected) which are in his custody or were produced or put in by him at the trial.

(2) Subject as hereinafter provided, each party to an appeal 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.

(3) In case any party finds it difficult to comply with the previous provisions of this rule owing to the nature of documents or other exhibit or owing to its being in possession of a third party or for any other reason, he may apply to the Registrar of the court for directions.

ORDER 7.

(4) The Registrar of the court below may, either of his own motion or upon application, give any directions he sees fit, whether dispensing with the provisions of this rule or modifying its application in any way or for securing compliance with it.

(5) All original documents delivered to the court below under this rule shall remain in the custody of the court below until the record of appeal has been prepared, and shall then be forwarded with the record to the Registrar and 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 document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

21. 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, but any application may be filed in the court below for transmission to the Court.

Control of proceedings during pendency of appeal.

22. At any time before hearing of the appeal any party to the appeal may file a declaration in writing that he does not wish to be present in person or by a legal representative on the hearing of the appeal. He shall serve a copy of such declaration upon every other party who has filed an address for service and thereupon the appeal shall be dealt with as if the party had appeared.

Declaration by party not appearing.

Civil Form 25.

23.—(1) Subject to the provisions of Order 9 Rule 6 (6) of these Rules, if the appellant fails to appear when his appeal is called on for hearing and has not taken action under Rule 22 of this Order, the appeal may be dismissed with or without costs.

Non-appearance of appellant.

ORDER 7.

(2) When an appeal has been dismissed owing to the non-appearance of the appellant the Court may, if it thinks fit, and on such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing.

Non-
appearance
of
respondent.

24. If the respondent fails to appear when the appeal is called on for hearing and has not taken action under Rule 22 of this Order, the Court may proceed to hear the appeal *ex parte*.

Application
to set
aside *ex*
parte judg-
ment.

25.—(1) Where an appeal has been heard *ex parte* under Rule 24 and any judgment has been given therein adverse to the respondent, he may apply to the Court to set aside such judgment and to re-hear the appeal.

(2) No application to set aside and re-hear under this rule shall be made after the expiration of twenty-one days from the date of the judgment sought to be set aside :

Provided that a respondent who has failed within the period of twenty-one days to make application under this rule may nevertheless at any time within a further period of three months thereafter apply to the Court on notice to the appellant to set aside such judgment, and the Court if satisfied that good and sufficient cause has been shown for the application being out of time, may grant the application and make such order in relation thereto or as to costs as it may deem fit in the circumstances.

(3) Any such application shall be by motion accompanied by an affidavit setting forth the reasons and grounds for the application and the Court may thereupon in its discretion set aside the judgment and order that the appeal be re-heard at such time and upon such conditions as to costs or otherwise as it may think fit.

General
powers of
the Court.

26.—(1) In relation to an appeal the Court shall have all the powers and duties as to amendment and otherwise of the High Court including without prejudice to the generality of the foregoing words, the powers of the High Court to refer any question or issue of fact arising on the appeal for trial before, or inquiry and report by, an official or special referee.

In relation to a reference made to an official or special referee, anything which can be required or authorised to be done by, to or before the High Court shall be done, to or before the Court.

(2) A single judge may sit in Chambers.

ORDER 7.

(3) 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.

(4) 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 as the case may require, including any order as to costs.

(5) The powers of the Court under the foregoing provisions of this rule may be exercised notwithstanding that no notice of appeal or respondent's notice has been given in respect of any particular part of the decision of the court below or by any particular party to the proceedings in that court, or that any ground for allowing the appeal or for 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 merits of the real question in controversy between the parties.

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

(7) 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.

(8) The Court shall have power 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.

(9) 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 :

ORDER 7.

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.

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

Powers of
the Court
as to new
trial.

27.—(1) On the hearing of any appeal the Court may, if it thinks 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.

(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 paragraph (2) affects part only of the matter in controversy, or one or some only of the parties, the Court may order a new trial as to that 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 sufficiently stamped or does not require to be stamped.

28.—(1) The judgment of the Court shall be pronounced in open Court, either on the hearing of the appeal or at any subsequent time of which notice shall be given by the Registrar to the parties to the appeal.

ORDER 7.
Judgment.

(2) Whenever a reserved judgment is to be given and the counsel concerned are duly notified in that behalf, the presence of such counsel or of 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.*

(3) A certified copy of the judgment shall be sent by the Registrar to the court below.

29.—(1) Every judgment of the Court shall be embodied in an order.

Order.

(2) A sealed or certified copy of the order shall be sent by the Registrar to the court below.

(3) Interlocutory orders shall be prepared in like manner.

30. 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.

Review of
judgment.

31. Any judgment given by the Court may be enforced by the Court or by the court below or by any other court which has been seised of the matter, as the Court may direct.

Enforce-
ment of
Judgments.

32. When the Court directs any judgment to be enforced by another court, a certificate under the seal of the Court and the hand of the presiding Judge setting forth the judgment shall be transmitted by the Registrar to such other court, and the latter shall enforce such judgment in terms of the certificate.

Execution
of judgment
by court
below.
Civil
Form 26.

33. 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.

Costs.

34.—(1) Save as hereinafter provided, the fees prescribed in the Third Schedule hereto shall be charged in respect of the matters to which they are respectively assigned and shall be paid to the Registrar of the court below or of the Court as the case may be.

Fees.

ORDER 7.

(2) No fee shall be payable in respect of any matter where such fee would be payable by the Government of the Federation or of a State, or any Government Department :

Provided that when any person is ordered to pay the costs of the Government of the Federation or of a State or of any Government Department in any case, all fees which would have been payable but for the provisions of this paragraph shall be taken as having been paid and shall be recoverable from such person.

(3) The court below or 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 Rule 35 of this Order) or for other sufficient reason, dispense, if it sees fit, with payment of any fees, if the circumstances of the case 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 moneys recovered or to be recovered under such order.

Proceedings
by poor
persons.

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

(2) No party shall be permitted to proceed as a poor person unless he satisfies 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 the deposit or to give the security prescribed by Rules 9 and 10 of this Order.

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

Costs in
proceedings
by poor
persons.

36.—(1) Leave to proceed as a poor person shall not exempt such person from liability to an order for costs in favour of his opponent.

(2) If a poor person is not awarded costs in the proceedings, no fees shall be taken from him by a legal representative 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 representative assigned to him and all other fees and costs remitted by his admission to proceed as a poor person.

ORDER 7.

ORDER 8

ORDER 8.

CRIMINAL APPEALS

1. This order shall apply to appeals to the Court from any court or tribunal acting either in its original or in its appellate jurisdiction in criminal cases, other than a court-martial, and to matters related thereto.

Appeals to which Order applies.

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 representative 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 the same in writing to the Registrar who shall take the appropriate steps to obtain the decision of the Court thereon.

Applications not specially provided for.

3.—(1) A person desiring to appeal to the Court against any judgment, sentence or order of the court below, whether in the exercise of its original or of its appellate jurisdiction, shall commence his appeal by sending to the Registrar of the court below a notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notices respectively set forth as Forms 1, 2, 3, 4, 5 or 7 in the Second Schedule to these Rules.

Appellant to file notice of appeal or notice of application for leave to appeal or notice of application for extension of time.

(2) A person sending any notice or notices under this Rule shall answer the questions and comply with the requirements set forth thereon.

4.—(1) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given shall be signed by the appellant himself, except under the provision of paragraphs (4) and (5) of this Rule.

Notices of Appeal, etc.; who should sign.

ORDER 8.

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 representative. All notices required or authorised to be given shall be addressed to the Registrar of the court below to be forwarded by him to the Registrar.

How
notices,
etc. may
be given
or sent.

(2) 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 forwarded by registered post addressed to the person to whom such notice or other document is so required or authorised to be given or sent.

Where
appellant
unable to
write.

(3) 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.

Where
question
of sanity
involved.

(4) Where, on the trial of a person entitled to appeal it has been contended that he was not responsible according to law for his actions 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 representative.

Notice,
etc. on
behalf of
corporations.

(5) In the case of a body corporate where any notice or other document is required to be signed by the appellant himself, it shall be sufficient compliance therewith if such notice or other document is signed by the secretary, clerk, manager or legal representative of such body corporate.

Application
for
extension
of time.
Criminal
Form 7.

5. An application to the Court for an extension of time within which notices may be given shall be in Form 7 in the Second Schedule to these Rules. Every person making an application for such extension of time shall send to the Registrar of the court below, together with the proper form of such application, a form duly filled up, of notice of appeal, or of notice of application for leave to appeal, appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

Notice of
application
for leave
to appeal.

6.—(1) Where the Court or the court below has on a notice of application for leave to appeal duly sent and in the form provided under these Rules, given an appellant leave to appeal,

it shall not be necessary for such appellant to give any notice of appeal but the notice of application for leave to appeal shall in such case be deemed to be a notice of appeal.

ORDER 8.

(2) Where an application for leave to appeal has been made to the court below, the Registrar of that court shall send to the Registrar of the Court notification of the result of the application in Form 6 in the Second Schedule to these Rules together with the original of the application for leave to appeal and the case shall thereafter be dealt with as if leave to appeal had been granted by the Court.

Criminal form 6.

7.—(1) Where a single Judge deals with any preliminary application, the Registrar shall inform the applicant on Form 8 in the Second Schedule hereto of the result of his application. In the event of such judge refusing the application, the Registrar, on notifying such refusal to the applicant, shall forward to him Form 9 in the said Schedule, which Form the applicant shall complete forthwith and return to the Registrar. If the applicant does not desire to have his said application determined by the Court or does not within thirty days of being notified of such refusal return Form 9 duly completed by him, the refusal of his application shall be final.

Dealing with applications for leave to appeal and other preliminary applications. Criminal Forms 8 and 9.

(2) The answers to the questions on Forms 1, 2, 3 and 4 shall be deemed to be applications to the Court in such matters.

(3) For the purpose of constituting the Court the Judge who has refused any such application may sit as a member of the Court and take part in determining such application.

(4) A Judge hearing a preliminary application may sit and act wherever convenient.

8.—(1) When—

(a) the Registrar of the court below has received a notice of appeal or a notice of application to the Court for leave to appeal or for extension of the time within which such notice shall be given, or

Forwarding of proceedings of court below to Registrar.

(b) the court below has granted leave to appeal, the Registrar of the court below shall prepare the record of appeal in the manner hereinafter prescribed and forward to the Registrar ten copies thereof. He shall also forward the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other

ORDER 8.

documents usually kept by him, or forming part of the record of the court below, together with the originals of any recognisances entered into or any other documents filed in connection with the appeal or application.

(2) Subject to the provisions of Rule 9 of this Order, the Registrar of the court below shall forward to the appellant and to the Director of Public Prosecutions of the State from which the appeal emanates a copy each of the record:

Provided that if the appellant is not in custody a copy of the record shall only be supplied to him on request.

(3) The Court or Registrar may allow the return of any document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

Fees.

9.—(1) The fees set out in the Third Schedule shall be taken and paid upon every appeal under this Order.

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

(3) This rule shall not apply to appeals in capital cases or where an appellant is granted legal aid.

Waiver of fees in capital cases or where appellant is granted legal aid.

Record in Criminal Appeals from court below in its original jurisdiction.

10.—(1) The Record of Appeal in appeals or applications relating to appeals from the court below acting in its original jurisdiction in criminal cases shall contain legible typed or printed copies of the following items arranged in this order :—

(a) the index ;

(b) the charge or information ;

(c) the judge's notes of the evidence and minutes of the proceedings provided that if a shorthand note of the hearing has been taken, a copy of the transcript thereof may be included, either in addition to or substitution of the judge's notes, as he may direct ;

(d) the judgment or any additional ground of explanation thereof ;

(e) the proceedings on or after sentence in so far as not included in the notes of the hearing or minutes of proceedings ;

(f) all documentary exhibits put in at the trial including depositions read in consequence of the absence of a witness :

ORDER 8.

Provided that in the case of books of accounts or other documents of great length, extracts of the relevant portions thereof only shall be included ;

(g) the notice of appeal or notice of application for leave to appeal, or notice of application for extension of time in which such notice shall be given.

(2) It shall not be necessary for the Record of Appeal to contain copies of any recognisances entered into or documents filed in connection with the appeal or application other than those set out in paragraph (1) of this rule unless the Court or a judge of the court below shall otherwise direct.

II.—(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 :—

Appeals in criminal matters from the court below in its appellate jurisdiction.

(a) the index which shall include the particulars of the record of proceedings from the lower court ;

(b) the record of proceedings from the lower 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 judge or 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 ;

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

(2) It shall not be necessary for the record of appeal to contain copies of any recognisances entered into for the purposes of the appeal to the court below or of the appeal or application to the Court, unless the Court or a Judge of the court below shall otherwise direct.

ORDER 8.

(3) In this rule "lower court" includes the court of trial and any court, other than the court below which may have heard the matter on appeal.

Report of
Judge of
Court of
Trial.

12.—(1) The Registrar shall, if in relation to any appeal the Court directs him so to do, request the trial judge to furnish him with a report in writing giving his opinion upon the case generally or upon any point arising upon the case of the appellant, and the trial judge shall furnish the same to the Registrar.

(2) The report of the judge shall be made to the Court and, the Registrar shall on request, furnish a copy thereof to the appellant and respondent.

Furnishing
Judge of
Court of
Trial with
materials
for report.

13. When the Registrar requests the trial judge to furnish a report under these Rules, he shall send to such a judge a copy of the notice of appeal or notice of application for leave to appeal or any other document or information which he shall consider material, or which the Court at any time shall direct him to send or with which such judge may request to be furnished by the Registrar to enable such judge to deal in his report with the appellant's case generally or with any point arising thereon.

Bail.

14.—(1) Where the Court or the court below admits an appellant to bail pending the determination of his appeal on an application by him duly made, such Court shall specify the amounts in which the appellant and his surety or sureties (unless such Court directs that no surety is required) shall be bound by recognisance, and shall direct, if it thinks fit so to do, before whom the recognisances of the appellant and his surety or sureties (if any) may be taken.

(2) In the event of such Court not making any special order or giving any special directions under this Rule, the recognisances of the appellant and of his surety or sureties (if any) may be taken before the Registrar.

(3) The recognisances provided for in this Rule shall be in Forms 10 and 11 in the Second Schedule to these Rules.

(4) The Registrar of the court below shall forward the recognisances of the appellant and his surety or sureties to the Registrar.

(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. The Court may, in the

Forms 10
and 11.

event of such appellant not being present at any hearing of his appeal, if it thinks 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 Form 12 in the Second Schedule of these Rules ;

ORDER 8.

Form 12.

Provided that the Court may consider the appeal in his absence, or make such other order as it thinks fit.

(6) When an appellant is present before the Court, the Court may, on an application made by any person or, if it thinks 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 enlarge from time to time the recognisances of the appellant or of his sureties or substitute any other surety for a surety previously bound as it thinks right.

(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 to bail, and issue a warrant in Form 12 in the Second Schedule of these Rules.

Form 12.

15.—(1) Where a person has, on his conviction, been sentenced to payment of a fine, and 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.

16. Where, upon the trial of a person entitled to appeal against his conviction, an order of restitution of any property to any person has been made by a judge of the court, 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.

Varying
order of
restitution
of property.

ORDER 8.
Non-
suspension
of order
of resti-
tution.

17. Where the judge of the court below is of opinion that the title to any property the subject of an order of restitution made on a conviction of a person before him is not in dispute, he, if he shall be of opinion that such property or a sample or portion or facsimile representation 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 he shall think right in order to secure the production of such sample, portion or facsimile representation for use at the hearing of any such appeal.

Restrictions
on issue of
certificate
of
conviction.

18. The Registrar of the court below 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.

Abandon-
ment of
appeal.

19.—(1) An appellant at any time after he has duly served notice of appeal or of application for leave to appeal, or of application for extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof in Form 13 in the Second Schedule to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court.

Form 13.

(2) Upon receipt of a notice of abandonment duly completed and signed or marked by the appellant or the party authorised to sign notices under Rule 4 of this Order, the Registrar shall give notices thereof in Form 14 in the Second Schedule to the respondent, the Prison authority 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 Permanent Secretary to the appropriate Federal or State Ministry, for the information of the authority responsible for advising the Head of the Federal Military Government or Governor (as the case may be) on the 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 14.

Notice of
abandon-
ment of
appeal
may be
withdrawn.
Criminal
Form 15.

20. An appellant (other than one convicted of an offence involving sentence of death) who has abandoned his appeal may, in special cases, with the leave of the Court, withdraw his notice of abandonment by duly completing Form 15 in the Second Schedule together with Form 7 (Notice of Application for extension of time within which to appeal) and sending them to the Registrar.

21.—(1) Where the Court has ordered any witness to attend and be examined before the Court an order in Form 16 in the Second Schedule hereto shall be served upon such witness specifying the time and place at which to attend for such purpose.

ORDER 8.
Attendance
of witness
before
the Court.
Criminal
Form 16.

(2) Such order may be made on the application at any time of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made by him in Form 17 in the Second Schedule.

Application
to Court
to hear
witnesses.
Criminal
Form 17.

(3) Where the Court orders the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the person appointed as examiner to take and the place of taking such examination and the witness or witnesses to be examined thereat.

Order
appointing
examiner.

(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 material shall after examination has been concluded be returned by the examiner, together with any deposition taken by him under this Rule to the Registrar.

Furnishing
examiner
with
exhibits,
etc. for
examina-
tion.

(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 representatives, if any, and when the appellant is in prison, to the Prison authority. The Registrar shall cause to be served on every witness to be examined a notice in Form 18 in the Second Schedule.

Notification
of date of
examination.

Form 18.

(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 need not be sworn.

Evidence
to be taken
on Oath.

(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 Form 19 in the Second Schedule shall be attached to any such deposition.

Deposition
of witness
how to take.
Criminal
Form 19.

(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.

Expenses of
witnesses
before
examiner.

ORDER 8.

Presence of
parties at
examination
of
witnesses.

(9) The appellant and respondent, or their legal representatives, 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.

Proceedings
on
reference.

22. 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 shall be referred, shall be specified in such order. The Court may in such order or by giving directions as and when they from time to time shall think right, 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 Prison authority 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.

Notification
of final
determina-
tion of
appeals.

23.—(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 Prison authority, notice of such determination in Forms 20, 21, 22 or 23 in the Second Schedule, as the case may be.

Notification
of appeal in
capital
cases.

(2) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving notice of appeal, send copies thereof to the Permanent Secretary to the appropriate Federal or State Ministry, for the information of the authority responsible for advising the Head of the Federal Military Government or the Governor (as the case may be) on the exercise of the prerogative of mercy, to the respondent and to the Prison authority.

Notification
of result
of appeal.

24.—(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 of the Court

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.

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

25. 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, etc.

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

Enforcement of orders.

ORDER 9

ORDER 9.

Filing of Briefs of Argument

1.—(1) This Order shall apply to all matters whether civil or criminal in respect of which jurisdiction is conferred upon the Court.

(2) An application for leave to appeal, apart from the affidavit in support, shall contain the following :—

Application for leave to appeal.

(a) A reference to the judgment delivered in the court below and in respect of which leave to appeal is sought. A certified copy of the judgment shall be attached as provided for in paragraph (3) of this rule ;

(b) a statement of the questions which the applicant would like the Court to consider, expressed in the terms and circumstances of the case but without unnecessary detail. The statement will be deemed to include every subsidiary question comprised therein. Only the questions set forth in the application or comprised therein will be considered by the Court ;

ORDER 9.

(c) the Constitutional provisions, enactments, or subsidiary legislation, if any, which are relevant to the application ;

(d) a concise statement of the case containing the facts material to the consideration of the questions presented ; and

(e) a direct and concise argument amplifying the reasons relied upon.

(3) There shall be attached to the application a certified copy of the judgment complained of.

(4) All arguments in support of the application shall be set out in the application as provided for in paragraph 2 (e) of this rule.

(5) Failure on the part of an applicant for leave to present with accuracy, brevity, and precision whatever is essential to the clear and adequate understanding of the questions which require consideration shall be a sufficient reason for refusing the application.

(6) An application for leave to appeal may be considered and refused by the Court on the written argument submitted by the applicant in support. The application may also be granted or refused after hearing oral argument.

(7) The Court, in the interest of justice, may adjourn the application so as to enable the party or parties affected to file their own Brief in reply.

2. Where leave has been granted, the record of appeal, whether civil or criminal, shall be compiled in accordance with the appropriate provisions of these Rules.

3.—(1) The appellant shall within eight weeks of the receipt of the Record of Appeal referred to in Order 7 rule 8 and Order 8 rules 10 and 11 respectively file in the Court and serve on the respondent a written Brief being a succinct statement of his argument in the appeal. 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 should be so stated in the Brief. Equally, if he intends to apply in the course of the hearing for leave to introduce a new point not taken in the court below, this should be indicated in his Brief.

Preparation
of Record of
Appeal.

Preparation
and filing of
Briefs of
Argument.

(2) The respondent shall file in the Court and serve on the appellant his own Brief within six weeks after service on him of the Brief of the appellant.

ORDER 9.

(3) The appellant may also file in the Court and serve on the respondent a Reply Brief within twenty-one days after service of the Brief of the respondent on him but, except for good and sufficient cause shown, a Reply Brief shall be filed and served at least three days before the date set down for the hearing of the appeal.

Reply Bries.

(4) If the parties intend to invite the Court to depart from one of its own decisions, this shall be clearly stated in a separate paragraph of the Brief, to which special attention shall be drawn. The intention shall also be restated as one of the reasons.

(5) Except to such extent as may be necessary to the development of the argument, Briefs need not set out or summarize the judgments of the lower courts, nor set out statutory provisions, nor contain an account of the proceedings below or of the facts of the case.

(6) (a) Ten copies of each Brief must be filed in the Court.

(b) All Briefs shall be concluded with a numbered summary of the reasons upon which the argument is founded.

(c) Wherever possible or necessary, the reasons should 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. If necessary, reference should also be made to relevant statutory provisions, including the provisions of statutory instruments.

(d) The parties shall assume that Briefs will be read and considered in conjunction with the documents admitted in evidence as exhibits during the proceedings in the court below, and wherever necessary, reference should also be made to all relevant documents or exhibits on which they propose to rely in the argument.

4.—(1) For the purpose of preparing a Brief, all the appellants, if they are more than one, shall file a joint Brief and all the respondents shall similarly file a joint Brief unless it can be shown that the interests of one or more of the respondents are distinct from those of the remainder. In that case, separate Briefs containing different arguments may be filed by the respondent or respondents concerned.

Separate Cases.

ORDER 9.

(2) Parties whose interests in the appeal are passive (e.g. stakeholders, trustees, executors, etc.) are not required to file a separate Brief. They should ensure that their position is explained in one of the Briefs filed.

Cross-appeals.

(3) Argument in respect of a cross-appeal or in respect of a respondent's notice under rule 13 of Order 7 may be included by any party in their Brief for the original appeal without special application. Such an inclusive Brief shall clearly state that it is filed in respect of both the original appeal and cross-appeal or respondent's notice.

List of Law Reports, Text Books, etc. to be forwarded to the Registrar.

5. 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.

Oral Argument.

6.—(1) Oral argument will be allowed at the hearing of the appeal to emphasize and clarify the written argument appearing in the Briefs already filed in Court.

(2) The appellant shall be entitled to open and conclude the argument. But when there is a cross-appeal or a respondent's notice, the appeal and such cross-appeal or respondent's notice shall be argued together with the appeal 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, one hour on each side will be allowed for argument. Any request for additional time shall be made to the Court in writing not later than one month after service of the appellant's Brief on the respondent. The request, a copy of which shall be served on the respondent, shall state clearly and in precise terms the reasons why the argument cannot be presented within the time limit.

(4) Unless additional time has been granted, only one legal practitioner will be heard for each side. By the special permission of the Court, more than one legal practitioner may be heard for each side when there are several parties on the same side. The Court will look on divided arguments with disfavour.

(5) Save with the leave of the Court, no oral argument will be heard on behalf of any party for whom no Brief has been filed.

(6) 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 duly argued and will be considered as such.

ORDER 9.

(7) 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.

7. If an appellant fails to file his Brief within the time provided for in rule 3 above, or within the time as extended by the Court, the respondent may apply to the Court for the appeal to be dismissed for want of prosecution. If the respondent fails to file his Brief, he will not be heard in oral argument except by leave of the Court.

Consequences of failure to Briefs.

ORDER 10

ORDER 10.

Miscellaneous

Non-compliance on the part of an appellant or a respondent with these Rules or with any Rule of practice for the time being in force shall not prevent the further prosecution of the appeal if the Court considers that such non-compliance was not wilful, and that it is in the interests of justice that such non-compliance be waived. The Court may in such manner as they think right, direct the appellant or the respondent as the case may be to remedy such non-compliance, and thereupon the appeal shall proceed. The Registrar shall forthwith notify the appellant or the respondent as the case may be of any directions given by the Court under this rule where the appellant or the respondent was not present at the time when such directions were given.

Waiver of non-compliance with Rules.

FIRST SCHEDULE

CIVIL FORM 1

IN THE SUPREME COURT OF NIGERIA

(STATEMENT OF CLAIM)

(Order 3, Rule 1)

Between.....Plaintiff

and

.....Defendant

The plaintiff, etc.,.....
(set out the nature of the claim).....
.....
.....The plaintiff claims.....
(set out the relief sought).....
.....
.....
.....

DATED this.....day of.....,19.....

.....
Attorney-General of
or other Plaintiff
whose address for service

is.....

Note.—An address for service must be given.

CIVIL FORM 2

IN THE SUPREME COURT OF NIGERIA

CIVIL SUMMONS

(Order 3, Rule 2)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

To.....

of.....

You are hereby commanded in His Excellency's name to enter an appearance to an action at the suit of.....

.....
within thirty 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....., 19...

.....
Registrar of the Court

CIVIL FORM 3
IN THE SUPREME COURT OF NIGERIA
MEMORANDUM OF ENTRY OF APPEARANCE
(Order 2, Rule 4)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

Enter an appearance for.....

.....

.....in this action.

DATED this.....day of....., 19.....

.....
Defendant or his legal representative
whose address for service

is.....

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

CIVIL FORM 4
IN THE SUPREME COURT OF NIGERIA
NOTICE OF APPEARANCE
(Order 2, Rule 5)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

TO THE PLAINTIFF OR HIS LEGAL REPRESENTATIVE

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

DATED this.....day of.....19.....

.....
Defendant or his legal representative
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.

CIVIL FORM 5

IN THE SUPREME COURT OF NIGERIA

NOTICE OF MOTION

(Order 2, Rule 7)

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 above-named

for an order that.....

DATED this.....day of.....19.....

.....
Applicant or his legal representative
whose address for service

is.....

Note.—An address for service must be given.

CIVIL FORM 6
IN THE SUPREME COURT OF NIGERIA
SUMMONS FOR DIRECTIONS
(Order 3, Rule 4)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

TO THE DEFENDANT OR HIS LEGAL REPRESENTATIVE

Let all parties attend..... at the
Supreme Court of Nigeria on the.....
day of..... 19..... 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..... 19.....

This summons was taken out by.....
of.....

* Set out directions requested.

CIVIL FORM 7
IN THE SUPREME COURT OF NIGERIA
(ORDER ON SUMMONS FOR DIRECTIONS)
(Order 3, Rule 4)

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.....19.....

.....
Justice of the Supreme Court

CIVIL FORM 8

IN THE SUPREME COURT OF NIGERIA

STATED CASE

(Order 4, Rule 1)

No

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 law arising in these proceedings are referred for the opinion of the Court, that is to say—

†(a)

(b)

(c)

DATED this.....day of.....19.....

.....
Plaintiff or his legal representative

.....
Defendant or his legal representative

* Set out the agreed facts.

† Set out the agreed documents.

‡ Set out the questions of law on which the opinion of Court is required.

CIVIL FORM 9

IN THE SUPREME COURT OF NIGERIA

ORIGINATING SUMMONS FOR A DECLARATORY JUDGMENT

(Order 5, Rule 5)

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.....19.....

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.

CIVIL FORM 10

IN THE SUPREME COURT OF NIGERIA
REFERENCE AS TO CONSTITUTION

(Order 6, Rule 1)

Between.....Plaintiff

and

.....Defendant

This is an action¹.....

The plaintiff alleged².....

The defendant answered³.....

The plaintiff replied⁴.....

After hearing the parties and evidence adduced on each side the court found that the following matters were established as facts :—

First that⁵.....

The following questions as to the interpretation of the Constitution arose in these proceedings, namely⁶.....

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

DATED at.....this.....day of....., 19.....

Justice of the Federal Court of Appeal

¹ State nature of action.

² State as concisely as possible the substantive averments of the plaintiff but not any part of the evidence.

³ State in like manner the defendant's answer and also any further allegation of counter claim made by the defendant.

⁴ State reply, if any.

⁵ State the facts found.

⁶ Here state questions of law.

CIVIL FORM 11

IN THE SUPREME COURT OF NIGERIA
(RESERVED POINT OF LAW)
(Order 6, Rule 1)

Between.....Plaintiff

and

.....Defendant

This is an action¹.....

The plaintiff alleged².....

The defendant answered³.....

The plaintiff replied⁴.....

After hearing the parties and evidence adduced on each side the court found that the following matters were established as facts :—

First that⁵.....

The following questions of law are reserved for the decision of the Supreme Court of Nigeria :—

First whether⁶.....

DATED at.....this.....day of....., 19.....

Justice of the Federal Court of Appeal

¹ State nature of action.

² State as concisely as possible the substantive averments of the plaintiff but not any part of the evidence.

³ State in like manner the defendant's answer and also any further allegation of counter-claim made by the defendant.

⁴ State reply, if any.

⁵ State the facts found.

⁶ State questions of law on which a decision is required.

CIVIL FORM 12
IN THE SUPREME COURT OF NIGERIA
NOTICE OF APPEAL
(Order 7, Rule 2)

Between.....Plaintiff

and

.....Defendant

TAKE NOTICE that the plaintiff/defendant being dissatisfied with the decision/that part of the decision more particularly stated in paragraph 2* of the.....court contained in the judgment/order* of.....dated the.....day of....., 19..... 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 the Appellant further states that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

2. Part of decision of the lower court complained of.†

3. Grounds of Appeal :

(1)

(2)

(3) , etc.

4. Relief sought from the Supreme Court of Nigeria.

5. Persons directly affected by the appeal :

Name

Address

(1)

(2)

(3) , etc.

DATED this.....day of....., 19.....

.....
Appellant, whose address for service
is.....

Note.—An address for service must be given.

* Strike out words inapplicable.

† If appealing against the whole decision insert "whole decision".

CIVIL FORM 13

IN THE SUPREME COURT OF NIGERIA

NOTICE OF MOTION FOR LEAVE TO APPEAL

(Order 7, Rule 3)

Between.....*Plaintiff**and*.....*Defendant*

TAKE NOTICE that the Supreme Court/High Court will be moved on the
day of....., 19.....at.....
o'clock in the forenoon or as soon thereafter as counsel can be heard on
 the hearing of an application for leave to appeal against the decision of the.....
Court.....given on the.....day of
19.....

AND further take notice that the grounds of this application are :—

DATED this.....day of....., 19.....

.....
Applicant or his legal representative
whose address for service

is.....

To :

THE REGISTRAR,

SUPREME COURT OF NIGERIA/HIGH COURT

And*.....

Note.— An address for service must be given.

* Insert name of respondent.

CIVIL FORM 14

IN THE SUPREME COURT OF NIGERIA

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD

(Order 7, Rule 7)

Between.....*Appellant**and*.....*Respondent*

TAKE NOTICE that all parties concerned are required to attend before me at the court office at.....on.....the.....day.....of....., 19....., at the hour of.....in the.....noon to proceed with settling of the record of appeal herein.

DATED this.....day of....., 19....

.....
Registrar of court below

CIVIL FORM 15

IN THE SUPREME COURT OF NIGERIA
BOND FOR COSTS ON APPEAL
(Order 7, Rule 10)

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 well and truly to 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, 19.....

WHEREAS a suit is now depending in the court at.....
wherein the above-bounden.....

is Plaintiff and the said.....
is Defendant ;

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-bounden
and.....
 any or either of them shall pay any costs which may be ordered to be paid
 by the appellant this obligation shall be void, otherwise remain in full force

Signed, sealed and delivered

(L.S.)

(L.S.)

in the presence of

(L.S.)

CIVIL FORM 16

IN THE SUPREME COURT OF NIGERIA

CERTIFICATE OF SERVICE OF NOTICE OF APPEAL

(Order 7, Rule 12 (1) (a))

Between.....*Appellant(s)*

and

.....*Respondent(s)*

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

.....
 the Respondent herein.

DATED at.....this.....day of....., 19.....

.....
Registrar of court below

CIVIL FORM 17

IN THE SUPREME COURT OF NIGERIA

CERTIFICATE OF REGISTRAR THAT CONDITIONS OF
APPEAL HAVE BEEN FULFILLED

(Order 7, Rule 12 (1) (b))

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.....19.....

.....
Registrar of court below

THE REGISTRAR,
SUPREME COURT OF NIGERIA.

CIVIL FORM 18

IN THE SUPREME COURT OF NIGERIA

NOTICE TO PARTIES OF DISPATCH OF RECORD

(Order 7, Rule 12 (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.

.....
Registrar of court below

To

CIVIL FORM 19

IN THE SUPREME COURT OF NIGERIA

NOTICE BY RESPONDENT OF INTENTION TO CONTEND
THAT DECISION OF COURT BELOW BE VARIED

(Order 7, Rule 13)

Between.....Appellant

-and

.....Respondent

TAKE NOTICE that upon the hearing of the above appeal the Respondent herein intends to contend that the decision of the court below dated theday of....., 19....., shall be varied as follows* :—

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows :—

- 1.
- 2.
3. etc.

DATED this.....day of....., 19....

.....
Respondent

* State the variation which will be asked for.

CIVIL FORM 20

IN THE SUPREME COURT OF NIGERIA

NOTICE OF INTENTION TO CONTEND THAT JUDGMENT
SHOULD BE AFFIRMED ON GROUNDS OTHER THAN
THOSE RELIED ON BY THE COURT BELOW

(Order 7, Rule 13)

Between.....Appellant

and

.....Respondent

TAKE NOTICE that upon the hearing of the above appeal the Respondent intends to contend that the decision of the court below dated the..... day of....., 19....., shall be affirmed on grounds other than those relied on by the court below.

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows :—

- 1.
- 2.
3. etc.

DATED this.....day of....., 19.....

.....
Respondent

CIVIL FORM 21

IN THE SUPREME COURT OF NIGERIA

NOTICE BY RESPONDENT OF INTENTION TO RELY
UPON PRELIMINARY OBJECTION

(Order 7, Rule 14)

Appeal No., 19....

Between.....*Appellant*

and

.....*Respondent*

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

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

- 1.
- 2.
3. etc.

DATED this.....day of....., 19.....

.....
Plaintiff/Defendant-Respondent

To the above-named Plaintiff/Defendant-Appellant or his legal representative.

CIVIL FORM 22
IN THE SUPREME COURT OF NIGERIA
NOTICE OF WITHDRAWAL OF APPEAL
(Order 7, Rule 17)

Appeal No.19.....

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 at..... this.....day of.....19.....

.....
Appellant(s)

THE REGISTRAR,
SUPREME COURT OF NIGERIA.

And to

CIVIL FORM 23
IN THE SUPREME COURT OF NIGERIA
NOTICE OF WITHDRAWAL OF APPEAL BY AGREEMENT
(Order 7, Rule 17)

Between..... Appellant

and

..... Respondent

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

DATED this.....day of.....19.....

.....
Appellant or his legal representative

.....
Respondent or his legal representative

CIVIL FORM 24

IN THE SUPREME COURT OF NIGERIA

CERTIFICATE AS TO NON-COMPLIANCE WITH CONDITIONS
IMPOSED UPON A WOULD-BE APPELLANT

(Order 7, Rule 19)

Between.....Plaintiff(s)/Appellant(s)

and

.....Defendant(s)/Respondent(s)

Pursuant to Order 7 rule 19 of the Supreme Court of Nigeria Rules,
I hereby certify that the Appellant(s) in the above-named cause have/has
complied with none of the requirements of Order 7, rules 9 and 10.

DATED at..... this.....day of.....19.....

.....
Registrar of the court below

.....Court

CIVIL FORM 25

IN THE SUPREME COURT OF NIGERIA

FORM OF DECLARATION THAT A PARTY DOES NOT
WISH TO BE PRESENT OR REPRESENTED AT HEARING
OF APPEAL

(Order 7, Rule 22)

Appeal No.

Between.....Appellant

and

.....Respondent

I,Appellant/Respondent do hereby declare
that I do not wish to be present in person or by counsel on the hearing of the
above-mentioned appeal, but desire to submit the following arguments for
the consideration of the Court :—

DATED this.....day of....., 19.....

.....
Appellant/Respondent

CIVIL FORM 26

IN THE SUPREME COURT OF NIGERIA

CERTIFICATE OF THE ORDER OF THE COURT

(Order 7, Rule 32)

APPEAL from the.....
 of the.....
 dated the.....day of....., 19.....
 Motion
 Appeal No.
 Appellant

v.

..... Respondent
 *

This appeal coming on for hearing on the.....day of.....
, 19..... before.....
 in the presence of.....
 for the Appellant, and.....
 for the Respondent.

I HEREBY CERTIFY that an Order was made as follows :—

GIVEN under my hand and the Seal of the Court this.....
 day of.....19.....

.....
Presiding Justice

SECOND SCHEDULE
CRIMINAL FORM 1

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPEAL FROM DECISION OF A COURT
SITTING AS A COURT OF FIRST INSTANCE

(Order 8, Rule 3)

THE STATE *v.*
To THE REGISTRAR OF THE.....

I,having
been convicted of the offence of¹.....
.....and.....

(1) State the
offence, e.g.
murder.

being now a prisoner in prison at.....
or whose address for service is².....

(2) Where
appellant for
any reason
not in cus-
tody, set out
address for
service.

do hereby give notice of appeal against my conviction (particulars of which
hereinafter appear) to the Court on the following grounds³ :—

(3) State as
clearly as
you are able
the grounds
on which
you desire
to appeal.

.....
Signature or Mark of Appellant

.....
*Signature and address of Witness
attesting Mark*

DATED this.....day of....., 19.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial.....
2. In what court tried.....
3. Sentence.....
4. Whether questions of law now raised were raised at the trial.....

Fill in all
these parti-
culars.

You are required to answer the following question :—

Do you desire to be present on the hearing of your appeal by the Court ?
If you do so desire, state the reasons upon which you submit the said
Court should give you leave to be present.

N.B.—The Court will consider your case and argument if put into writing
by you or on your behalf. If you present your case and argument in writing,
submit as fully as you think right your case and argument in support of your
appeal [Order 9].

Note.—This form should only be used where there is a right of appeal
without leave, that is to say, in an appeal from a conviction for murder by the
High Court or in any other appeal in which an appeal as of right lies by
virtue of the Constitution or an express provision of law.

CRIMINAL FORM 2

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM
DECISION OF A COURT SITTING AS A COURT OF
FIRST INSTANCE

(Order 8, Rule 3)

THE STATE *v.*

To THE REGISTRAR OF THE.....

I,having

been convicted of the offence of¹

and now being a prisoner in prison at.....

(or whose address for service is²and being desirous of appealing against my conviction/sentence³, DO HEREBY
GIVE NOTICE that I hereby apply for leave to appeal on the following grounds⁴:-

(1) State the offence, e.g. larceny, forgery, etc.

(2) Where applicant for any reason not in custody set out address for service.

(3) If the appellant wishes to appeal against conviction only he should strike out the word "sentence". If he wishes to appeal against sentence only he should strike out the word "conviction". If he wishes to appeal against conviction and sentence he should leave in both words.

(4) State as clearly and concisely as possible the grounds on which you desire to appeal against your conviction.

.....
*Signature or Mark of Applicant**Signature and address of* }*Witness attesting Mark* }

DATED this.....day of....., 19.....

PARTICULARS OF TRIAL AND CONVICTION

Fill in these particulars.

1. Date of trial.....

2. In what court tried.....

3. Sentence.....

1. If you desire to be present when the Court considers your present application for leave to appeal, state :—

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present thereat.

2. The Court will consider your case and argument if put in writing by you or on your behalf. If you present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal. [Order 9].

State if you desire to be present at the final hearing of your appeal.....

Note.—This form, suitably adapted, may also be used where the application for leave to appeal is made to the Federal Court of Appeal.

CRIMINAL FORM 3

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPEAL FROM DECISION OF A COURT
IN ITS APPELLATE JURISDICTION

(Order 8, Rule 3)

v.

To THE REGISTRAR OF THE.....

I,having

been convicted of the offence of¹

now being a prisoner in prison at.....

(or whose address for service is²

(1) State the offence, e.g. larceny, forgery, etc.

(2) Where appellant for any reason not in custody set out address for service.

DO HEREBY GIVE NOTICE of appeal against the decision of the Federal Court of

(3) Set forth the grounds on which you desire to appeal and specify the extent, if any, to which the appeal court varied the decision of the court of trial. It should also be stated whether the appeal is against conviction only or against sentence only, or against both sentence and conviction.

Appeal.....on the following grounds³—

.....
Signature or Mark of Appellant

Signature and address of }

Witness attesting Mark }

DATED this.....day of....., 19.....

PARTICULARS OF TRIAL AND CONVICTION

Fill in all these particulars.

1. Date of trial and sentence.....

2. In what court tried.....

3. In what court appeal heard.....

4. Sentence.....

(1) If you desire to be present when the Court considers your appeal, state

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present there.

(2) The Court will consider your case and argument if put into writing by you or on your behalf. If you present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal. [Order 9].

State if you desire to be present at the final hearing of your appeal.....

Note.—This form should only be used when there is a right of appeal without leave by virtue of the Constitution or an express provision of law.

CRIMINAL FORM 4

IN THE SUPREME COURT OF NIGERIA
NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM
DECISION OF A COURT IN ITS APPELLATE JURISDICTION

(Order 8, Rule 3)

..... v.

To THE REGISTRAR OF THE.....

I,having
been convicted of the offence of¹.....and
now being prisoner in prison at.....
(or whose address for service is².....
.....)

(1) State the offence, e.g. larceny, forgery, etc.

(2) Where applicant for any reason not in custody set out address for service.

DO HEREBY GIVE NOTICE THAT I hereby apply for leave to appeal against the decision of the Federal Court of Appeal on the following grounds³ :—

(3) Set forth the grounds on which you desire to appeal and specify the extent, if any, to which the court varied the decision of the court of trial. It should also be stated whether the appeal is against conviction only or against sentence only, or against both sentence and conviction.

.....
Signature or Mark of Applicant

Signature and address of }

Witness attesting Mark }

DATED this.....day of.....19.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial and sentence.....
2. In what court tried.....
3. In what court appeal heard.....
4. Sentence.....

Fill in all these particulars.

(1) If you desire to be present when the Court considers your application for leave to appeal, state

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present thereat.

(2) The Court will consider your case and argument if put into writing by you or on your behalf. If you present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal. [Order 9].

State if you desire to be present at the final hearing of your appeal.....

Note.—This form, suitably adopted, may also be used when the application for leave to appeal is made to the Federal Court of Appeal.

CRIMINAL FORM 5

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPEAL (ON APPLICATION FOR LEAVE TO APPEAL BY PROSECUTOR)

(Order 8, Rule 3)

..... v.
To THE REGISTRAR OF.....

I, of.....

the prosecutor in the above case and being desirous of appealing against the decision under section*..... of.....

DO HEREBY GIVE NOTICE OF APPEAL (or application for leave to appeal) on the following grounds :—

.....
Prosecutor

DATED this..... day of..... 19.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial.....

2. In what court tried.....

3. Nature of conviction.....

4. Sentence.....

Note.—This form, suitably adopted, may also be used when an application for leave to appeal is made to the Federal Court of Appeal.

CRIMINAL FORM 6

IN THE SUPREME COURT OF NIGERIA

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

(Order 8, Rule 6)

THE STATE *v.*

To THE REGISTRAR OF THE SUPREME COURT OF NIGERIA

I hereby give you notice that on the.....day
of.....19.....the Federal 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....., 19.....

Registrar of.....

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 Federal Court of Appeal should forward with
this notice the application for leave to appeal.

CRIMINAL FORM 7

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPLICATION FOR EXTENSION OF THE TIME
WITHIN WHICH TO APPEAL

(Order 8, Rule 5)

THE STATE *v.*

To THE REGISTRAR OF THE.....

I,having been convicted of the
offence of¹.....in the
.....court,
held at.....on the.....day

of.....19....., and being now a prisoner in prison at.....
 (or whose address for service is².....)
 give you notice that I hereby apply to the Court for an extension of time within which I may give Notice of Appeal (or Notice of Application for leave to Appeal) on the grounds³ following :—

.....
Signature or Mark of Applicant

Signature and address of }

Witness attesting Mark }

DATED this.....day of....., 19.....

You are required to send to the Registrar of the Court, duly filled up Form 1, Form 2, Form 3 or Form 4, whichever is appropriate.

¹ State the offence, e.g. larceny, forgery, etc.

² Where applicant for any reason not in custody set out address for service.

³ Set out clearly and concisely the reasons for the delay in giving such notice and the grounds on which you submit the Court should extend the time.

CRIMINAL FORM 8

IN THE SUPREME COURT OF NIGERIA

NOTIFICATION TO APPELLANT OF A SINGLE JUSTICE'S DECISION

(Order 8, Rule 7)

THE STATE *v.*

I hereby give you notice that a Justice of the Supreme Court having considered your application(s) for :

- (a) Leave to appeal ;
- (b) For extension of time within which notice of appeal or of application for leave to appeal may be given ;
- (c) Permission to be present during the hearing of any proceedings in your appeal ;
- (d) Admission to bail ;
- (e) Leave to withdraw abandonment of appeal ;

has refused the application(s) marked.....(and has granted your application(s) marked.....).

If you desire to have the above-mentioned application(s), which have been refused, determined by the full Court, you are required to fill up the enclosed form (Form 9) and return it to me forthwith.

DATED this.....day of....., 19.....

Signed.....

Registrar of the Court

To the above-named

CRIMINAL FORM 9

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPEAL BY APPELLANT FROM REFUSAL OF
A SINGLE JUSTICE
(Order 8, Rule 7)

THE STATE v.

To THE REGISTRAR OF THE SUPREME COURT OF NIGERIA

I,having
received your notification that my application(s) for—

(a) Leave to appeal ;

(b) For extension of the time within which notice of appeal or application
for leave to appeal may be given ;

(c) Permission to me to be present during the hearing of any proceedings
in my appeal ;

(d) Admission to bail ;

(e) Leave to withdraw abandonment of appeal ;

have been refused by a single Justice of the Supreme Court—Do **HEREBY**
GIVE YOU NOTICE that I desire that the said application(s) shall be considered
and determined by the Full Court (and that as I am not legally represented
I desire to be present at the determination of my said application(s))*

.....
Signature or Mark of Appellant

Signature and address of }

Witness attesting Mark }

DATED this.....day of....., 19.....

If you desire to state any reasons in addition to those set out by you in
your original notice upon which you submit that the Full Court should
grant your said application(s), you may do so in the space below.

* Strike out if you do not desire to be present.

CRIMINAL FORM 10

IN THE SUPREME COURT OF NIGERIA
 RECOGNIZANCE OF BAIL OF APPELLANT
 (Order 8, Rule 14)

THE STATE v.

BE IT REMEMBERED THAT WHEREAS.....

was convicted of.....on the

.....day of....., 19..... and was thereupon sentenced

to.....and now is in lawful custody

in prison at.....and has duly
 appealed against his conviction (and sentence) to the Court and has applied
 for bail pending the determination of his appeal, and has been granted bail

on entering into his own Recognizances in the sum of ₦.....

(with sureties each in the sum of ₦.....), the said.....

personally cometh before me the undersigned, being the.....

.....and acknowledges himself

(State office)

to owe to the Head of the Federal Military Government the said sum of
 ₦.....of good and lawful money, to be made and levied
 of his goods and chattels, lands and tenements to the use of the Head of the
 Federal Military Government, His heirs and successors, if he the said

.....fail in the condition endorsed.

TAKEN AND ACKNOWLEDGED this.....day of....., 19...

at....., before me.

(State office)

CONDITION -

The condition of the within written Recognizance is such that if the said
shall personally appear and
 surrender himself at and before the Court at each and every hearing of his
 appeal to such 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 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 Recognizance 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

CRIMINAL FORM 11.

IN THE SUPREME COURT OF NIGERIA

RECOGNIZANCE OF APPELLANT'S SURETIES

(Order 8, Rule 14)

THE STATE v.

BE IT REMEMBERED that on this.....day of....., 19.....

.....of

.....and

.....of

.....came before me

the undersigned being the.....and

(State office)

severally acknowledged themselves to owe to the Head of the Federal Military Government the several sums following, that is to say, the said.....

.....the sum of ₦.....and the said.....

.....the sum of ₦.....of good and lawful money, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of the Head of the Federal Military Government, His heirs and successors, if.....

.....now in lawful custody in prison

at.....fail 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 before-mentioned (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 recognizances in the sum of ₦.....

with sureties each in the sum of ₦.....

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.

CRIMINAL FORM 12

IN THE SUPREME COURT OF NIGERIA

WARRANT FOR ARREST OF APPELLANT ON BAIL

(Order 8, Rule 14)

THE STATE *v.*

TO THE CONSTABLES OF THE POLICE FORCE (OR COURT MESSENGERS OR AS THE CASE MAY BE), AND TO THE.....
(State Office)

of the Prison at.....

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

These are therefore to command you the said Constables (or Court Messengers or as the case may be) forthwith to apprehend the said.....
.....and bring him to the.....of the said prison and there deliver him with this warrant into the custody of said.....and you the
(State Office)

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

.....
Presiding Justice

DATED this.....day of....., 19.....

CRIMINAL FORM 13

IN THE SUPREME COURT OF NIGERIA

NOTICE OF ABANDONMENT OF APPEAL

(Order 8, Rule 19)

THE STATE v.

I,having been convicted of

..... in the.....

Court at.....and having been desirous
of appealing to the Court against my said conviction (or the sentence of

.....passed upon me
on my said conviction) do hereby give you notice that I do not intend further
to prosecute my appeal, but that I hereby abandon all further proceedings
in regard thereto as from the date hereof.

.....
Signature or Mark of Appellant

Signature and address of }

Witness attesting Mark }

DATED this.....day of.....,19.....

TO THE REGISTRAR OF THE SUPREME COURT OF NIGERIA

CRIMINAL FORM 14

IN THE SUPREME COURT OF NIGERIA

NOTIFICATION OF ABANDONMENT OF APPEAL

(Order 8, Rule 19)

THE STATE v.

TO THE DIRECTOR OF PUBLIC PROSECUTION OF*.....

TO.....

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....., 19....

By rule 19 of the Supreme Court Rules, 1977, upon the notice of abandonment being given the appeal shall be deemed to have been dismissed by the Court.

DATED this.....day of....., 19.....

.....
Registrar of the Court

* Send copies addressed to :—

- (a) The Permanent Secretary to the appropriate Ministry (if a capital case).
- (b) The Director of Public Prosecutions or other respondent.
- (c) The Prison authority and
- (d) The Registry of the court below.

CRIMINAL FORM 15

IN THE SUPREME COURT OF NIGERIA

NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW AN ABANDONMENT OF APPEAL

(Order 8, Rule 20)

TO THE REGISTRAR, SUPREME COURT OF NIGERIA

(1) Here state the offence, e.g. larceny, forgery, etc.

I,

having been convicted of the offence of¹.....

.....and now being a prisoner in prison

at.....(or) whose address for service

is.....

and having duly sent a notice that I desired to appeal to the Supreme Court of Nigeria, and having abandoned my appeal ;

Give you Notice, that I hereby apply to the Supreme Court of Nigeria for leave to withdraw my Notice of Abandonment, in the special circumstances following²:—

(2) Set out as clearly and concisely as possible the special reasons for giving such notice and the grounds on which you submit the Court should allow you to withdraw the abandonment.

.....
Signature or Mark of Applicant

Signature and address of }

Witness attesting Mark }

DATED this.....day of....., 19.....

Note : Form 7—Notice of Application for extension³ of time—must be filled up and sent with this Notice to the Registrar.

CRIMINAL FORM 16

IN THE SUPREME COURT OF NIGERIA

ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION

(Order 8, Rule 21 (1))

THE STATE v.

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 said Court at.....

on.....the.....day

of....., 19....., 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 the.....day of....., 19.....

CRIMINAL FORM 17

IN THE SUPREME COURT OF NIGERIA

APPELLANT'S APPLICATION FOR FURTHER WITNESSES

(Order 8, Rule 21 (2))

THE STATE v.

I,.....
having appealed to the Court, hereby request you 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....., 19. .

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

1. Name and addresses of witnesses.....
2. Whether such witnesses 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.

CRIMINAL FORM 18
IN THE SUPREME COURT OF NIGERIA

NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER
(Order 8, Rule 21 (5))

THE STATE v.

To.....
(Name of witness)

of.....
(Address of witness)

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

This is to give you notice to attend at.....
(Specify place of examination)

on the.....day of....., 19.....
before.....at.....o'clock in the
(Fill in examiner's name)

.....noon.

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

Registrar of the Court

DATED the.....day of....., 19.....

CRIMINAL FORM 19

IN THE SUPREME COURT OF NIGERIA

CAPTION FOR DEPOSITION OF WITNESS EXAMINED
BEFORE EXAMINER

(Order 8, Rule 21 (7))

THE STATE v.

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

of.....and.....
(Address of witness) (Name of witness)

of.....witness, examined before me under an
(Address of witness)
order of the said Court dated.....day of....., 19....

in the presence of the said.....Appellant

(or of his professional representative) and the Respondent at.....

.....on the.....day of....., 19....,
which said Appellant (or his professional representative) and Respondent
had full opportunity of asking questions of the said witnesses, to whom the
depositions following were read by me before being signed by them the said
witnesses respectively.

The deposition of.....

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

DATED this.....day of....., 19....

.....
Examiner

CRIMINAL FORM 20

IN THE SUPREME COURT OF NIGERIA

NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION

(Order 8, Rule 23 (1))

THE STATE v.

TO THE ABOVE-NAMED APPELLANT.

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....., 19.....

.....
Registrar of the Court

CRIMINAL FORM 21

IN THE SUPREME COURT OF NIGERIA

NOTICE TO AUTHORITIES OF RESULT OF APPLICATION

(Order 8, Rule 23 (1))

THE STATE v.

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OF.....*

To.....

This is to give you 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....., 19.....

.....
Registrar of the Court

* Send copies addressed to :

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

† Here set out the decision of the Court.

CRIMINAL FORM 22

IN THE SUPREME COURT OF NIGERIA

NOTIFICATION TO APPELLANT OF THE RESULT OF HIS
APPEAL
(Order 8, Rule 23 (1))

THE STATE v.

TO THE ABOVE-NAMED APPELLANT

This is to give you notice that the Court having considered the matter of your appeal has finally determined the same and has this day given judgment to the effect following :—

DATED this day of, 19.....

.....
Registrar of the Court

CRIMINAL FORM 23

IN THE SUPREME COURT OF NIGERIA

NOTICE TO AUTHORITIES OF RESULT OF APPEAL
(Order 8, Rules 23 and 24)

THE STATE v.

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OF.....*

To.....

This is to give you notice that the above-named 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, 19.....

Signed.....
Registrar of the Court

* Send copies addressed to :

- (a) The Permanent Secretary to the appropriate Ministry (if a capital case).
- (b) The appropriate Director of Public Prosecutions or other respondent.
- (c) The Prison authority and
- (d) The Registrar of the court below.

† Here set out the decision of the Court.

THIRD SCHEDULE

FEES IN CIVIL AND CRIMINAL MATTERS

(Order I, Rule 6)

A. Original Jurisdiction

N : k

- (i) In proceedings between the Federation and a State or between States No fees charged

- (ii) In all other proceedings for the exercise by the Court of its original jurisdiction :

On application under Order 2, rule 2, for the recovery of a specified sum :—

- (a) Not exceeding ₦200 8 00
 (b) Exceeding ₦200 : per ₦100 or part thereof 4 00
 (c) Maximum fee 80 00

For an account to be taken and payment of the sum found due .. 20 00

For possession of property, as for the sum claimed in lieu of the property

On application for warrant to detain a ship 10 00

Any other relief or assistance not specially provided for 20 00

On the filing of any other document with the Registrar 4 00

On the appointment and swearing of appraisers 2 00

On the delivery of goods to a purchaser 4 00

On the sale of goods :—

For every ₦200 or fraction of ₦200 of the price 2 00

For attending the removal of goods 4 00

And if the removal occupies more than one day for each additional day, a further fee of 4 00

B. Appellate Jurisdiction

On filing Notice of Appeal against a final judgment or decision .. 15 00

On Respondent's Notice of intention to contend that decision of court below be varied 15 00

On filing Notice of Appeal against an interlocutory order or decision 6 00

On filing motion for leave to appeal 15 00

On filing Notice of Appeal where leave granted 3 00

On filing motion for extension of time :—

if the time has not yet expired 7 50

if the time has already expired 30 00

On filing any motion not otherwise provided for 6 00

On filing motion for stay of execution (if application is made by separate motion) 6 00

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 .. 3 00

if filed less than three weeks but at least two clear days before such date	N k
if filed later, but before the hearing of the appeal	9 00
On amending or adding to grounds of appeal by leave or direction of the Court at the hearing	18 00
Hearing fee payable in advance	30 00
On filing motion to restore appeal dismissed under Order 7 rule 19	12 00
On filing motion to restore appeal struck out under Order 7, rule 23	30 00
On filing motion to set aside and re-hear appeal determined <i>ex parte</i>	15 00
On filing motion to set aside Taxing Officer's decision or order	30 00
On every certificate of the order of the Supreme Court (made, on the final determination of appeals under Order 7, rule 32)	3 00
	6 00

C. General

1. For swearing an affidavit or making a declaration, per deponent	0 60
For marking any paper annexed to an affidavit or declaration	0 15
On filing an affidavit	0 38
On filing a security bond	2 00
On filing any other document or exhibit	0 38
On justification of sureties : for each surety	0 45
For the drawing up of any order or judgment	4 00
For every subpoena	0 38
On warrant for prisoner to give evidence	0 75
On inspection of any document or judgment	0 15
For searching the archives : for each period of six months or part thereof	0 38
For preparing a copy where authorised : per folio of 72 words	0 06
On lodging a bill of costs for taxation including taxation for the first twenty folios	3 00
For every ten folios or part thereof after the first twenty	1 50

2. The fee 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 witnesses 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 fee 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.

5. The following fees in connection with appeals are assessable in accordance with the rules in force in the court below, and are not prescribed by these Rules :—

(a) fees for any application made to and determinable by the court below ;

(b) fees for the settling and preparation of the record of appeal, for the lodging of a bond to secure the costs of an appeal, and for the Registrar's certificate that the conditions of appeal have been fulfilled.

MADE by the Supreme Court of Nigeria on the 18th day of July 1977.

D. A. R. ALEXANDER,
Chief Justice of Nigeria

UDO UDOMA,
Justice of the Supreme Court

A. FATAYI-WILLIAMS,
Justice of the Supreme Court

G. S. SOWEMIMO,
Justice of the Supreme Court

A. G. IRIKEFE,
Justice of the Supreme Court

M. BELLO,
Justice of the Supreme Court

C. IDIGBE,
Justice of the Supreme Court

A. O. OBASEKI,
Justice of the Supreme Court

L.N. 49 of 1977

TRADE DISPUTES DECREE 1976
(1976 No. 7)

Trade Dispute (The Nigerian Textile Mills Ltd. and Ikeja Textile Workers' Union) Confirmation of Award Notice 1977

Pursuant to the provisions of section 9 (3) of the Trade Disputes Decree of 1976, the Industrial Arbitration Panel Award made on 16th December 1976 and set out in the Schedule hereto, has been confirmed by me, the Federal Commissioner for Labour, and shall have effect as so confirmed in accordance with that provision.

SCHEDULE

<i>Name of Arbitration Tribunal, etc.</i>	<i>Term of Award</i>
The Nigerian Textile Mills Ltd. and Ikeja Textile Workers' Union	<p>"The Tribunal makes award as follows :—</p> <p>(1) There shall be a Canteen Management Committee composed of :—</p> <p>(i) 4 Management Representatives including the Personnel Manager who shall be the Chairman of the Committee ;</p> <p>(ii) 5 Workers' Representatives ;</p> <p>(iii) 4 Senior Staff Representatives ; and</p> <p>(iv) 1 Ex-Officio member—the Catering Officer.</p> <p>Provided that these numbers may, by agreement of all the parties represented, be altered from time to time.</p> <p>(2) The functions of the Committee shall be—Generally, to run the affairs of the canteen as a viable concern but so that "staffing" and "finance" remain Management functions.</p> <p>(3) The canteen shall at all times be sufficiently staffed and financed by the Company.</p> <p>(4) The Company shall provide all necessary amenities."</p>

DATED at Lagos this 7th day of July 1977.

MAJOR-GENERAL H. E. O. ADEFOPE,
Federal Commissioner for Labour

EXPLANATORY NOTE

*(This note does not form part of the above Notice
but is intended to explain its effects)*

The Notice confirms the award by the Industrial Arbitration Panel in respect of the trade dispute which arose between the Nigerian Textile Mills Ltd. and Ikeja Textile Workers' Union.