

L.N. 32 of 1979

**EDUCATIONAL CORRESPONDENCE COLLEGES
(REGISTRATION, ETC.) DECREE 1977
(1977 No. 11)**

**Educational Correspondence Colleges
(Registration, Etc.) Decree (Appointed Day) Order 1979**

In exercise of the powers conferred by section 13 of the Educational Correspondence Colleges (Registration, Etc.) Decree 1977, and of all other powers enabling me in that behalf, I, Garrick Barilee Leton, Federal Commissioner for Education, hereby make the following Order :—

1. The day appointed for the coming into force of Educational Correspondence Colleges (Registration, Etc.) Decree 1977 is 1st July 1979.

Appointed
day for 1977
No. 11.

2. This Order may be cited as the Educational Correspondence Colleges (Registration, Etc.) Decree (Appointed Day) Order 1979.

Citation.

MADE at Lagos this 29th day of June 1979.

G. B. LETON,
Federal Commissioner for Education

NATIONAL INDUSTRIAL COURT RULES

ARRANGEMENT OF RULES

Rules

1. Citation and commencement.
2. Interpretation.
3. Application.
4. Enlargement of time and departure from Rules.
5. Registry.
6. Hours of opening to public.
7. Sessions.
8. Notification of sittings.
9. Adjournments.
10. Chief Registrar.
11. Seal of the Court.
12. Powers of Chief Registrar.
13. Commencement of proceedings in cases of first instance, etc.
14. Joinder of parties.
15. Interlocutory applications.
16. Directions.
17. Interim orders.
18. Attendance of witnesses and production of documents.
19. Oaths.
20. Oral hearings.
21. Discontinuance of cases.
22. Default by parties.
23. Conciliation.
24. Judgments of the Court.
25. Order and enforcement of Judgments.
26. Review of Court's decision and corrections of errors.
27. Costs.
28. Service of documents.
29. Rules of evidence.
30. Supplementary.
31. Fees.

SCHEDULE—Fees chargeable by the National Industrial Court.

L. N. 33 of 1979

THE TRADE DISPUTES DECREE 1976
(1976 No. 7)THE NATIONAL INDUSTRIAL COURT
RULES 1979*Commencement : 1st March 1978*

In exercise of the powers conferred by section 27 (1) of the Trade Disputes Decree 1976, and of all other powers enabling me in that behalf, I, Darnley Alexander, the Chief Justice of Nigeria, hereby make the following Rules :—

1. These Rules may be cited as the National Industrial Court Rules 1979 and shall be deemed to have come into operation on the 1st day of March 1978.

Citation and
commence-
ment.

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

Interpreta-
tion.
1976 No. 7.

“the Decree” means the Trade Disputes Decree 1976 ;

“the Court” means the National Industrial Court established under the Decree and constituted under section 14 (2) thereof ;

“the Chief Registrar” includes the Deputy Chief Registrar, Registrar and any officer of the Court exercising the functions of the Chief Registrar.

“the Commissioner” means the Federal Commissioner charged with the responsibility for matters relating to the welfare of labour ;

“the Panel” means the Industrial Arbitration Panel established under the Decree ;

“the President” means the President of the National Industrial Court.

3. The practice and procedure of the Court shall be as prescribed by these Rules.

Application.

4. Failure to comply with any requirements of these Rules shall not invalidate any proceedings unless the Court otherwise directs and the Court 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.

5.—(1) The Registry of the Court is situated at Lagos and except when otherwise expressly provided, all documents and proceedings shall be filed in the 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.

Registry.

(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 or by being sent there by registered post.

Hours of opening to public.

6. The Registry of the Court shall, subject to the direction of the President, be open to the public on every day in the year from nine o'clock in the forenoon to two o'clock in the afternoon, except on Saturdays, Sundays or any day declared as a public holiday by the Federal Military Government.

Sessions.

7. Sessions of the Court shall be convened and constituted and the time, venue and forums for all sessions shall be settled in accordance with directions to be given by the President.

Notification of sittings.

8. The sittings of the Court and the matters to be disposed of at such sittings shall be notified in such manner as the President may direct.

Adjournments.

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

Chief Registrar.

10. 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.

Seal of the Court.

11. Subject to the provisions of these Rules, the Seal of the Court and any duplicate thereof shall be kept in the custody of the Chief Registrar and shall not be affixed to any order or other process or to any document without the express authority of the President.

Powers of Chief Registrar.

12.—(1) The Chief Registrar shall have such powers and duties as are given him by these Rules or such further powers and duties as the President may from time to time direct.

(2) The Chief Registrar may with the approval of the President delegate to any Registrar of the Court any functions required by these Rules to be exercised by the Chief Registrar.

Commencement of proceedings in cases of first instance, etc.

13.—(1) A trade dispute to which section 12 of the Decree applies shall be commenced by reference from the Commissioner.

(2) Within fourteen days of the receipt of the reference, the Chief Registrar shall, on the direction of the President, notify the parties of the date of appearance before the Court.

(3) Upon appearance of the parties before the Court in accordance with the preceding rule, the Court may give directions stipulating the time within which the parties shall file their memoranda and other documents upon which they intend to rely for the prosecution or defence of their claim.

14. The Court may on the application of any party to the proceedings or of its own motion direct that any person or body not already a party to the proceedings be joined as a party or that any party to the proceedings shall cease to be a party and in either case may give such consequential directions as it considers necessary.

Joinder of parties.

15.—(1) Without prejudice to rule 17 of these Rules, an interlocutory application may be made by giving notice in writing to the Court, specifying the direction or order sought.

Interlocutory applications.

(2) On receipt of a notice under paragraph (1) of this rule, the Chief Registrar shall cause to be served on every other party to the proceedings who appears to him to be concerned in the matter to which the notice relates, and shall notify the applicant and every such party of the arrangements made by the Court for disposing of the application.

(3) Every interlocutory application shall be considered by the President who may—

(a) dispose of it himself ; or

(b) refer it to the court as constituted under section 14(3) of the Decree.

(4) For the hearing of any interlocutory application the Court may sit either in private or in open court.

(5) An application for an interlocutory order shall be by motion by any party entitled in the proceedings in which it is made and shall be supported by an affidavit or affidavits of the facts on which the applicant will rely.

(6) 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.

16. Where it appears to the Court that the future conduct of any proceedings would thereby be facilitated, the Court may either of its own motion or on application at any stage of the proceedings appoint a date for the giving of directions as to their future conduct.

Directions.

Interim
orders.

17.—(1) Subject to paragraph (2) of this rule, the Court may, on the application of any party, make as an interim order, any order which it is empowered to make under the Decree.

(2) Before making an interim order under paragraph (1) of this rule, the Court shall take all reasonable steps to ensure that notice, whether or not in writing, of the application for the interim order has been given to the person against whom it is sought and that he is given an opportunity of making representations to the Court in regard to it.

Attendance
of witnesses
and produc-
tion of
documents.

18. The Court may of its own motion or on the application of any party order any person to attend before the Court as a witness or to produce any document.

Oaths.

19. The Court may of its own motion require any evidence to be given on oath.

Oral
hearings.

20.—(1) Subject to paragraph (2) of this rule, an oral hearing at which any proceedings before the Court are finally disposed of shall take place in public.

(2) The Court may sit in private to hear evidence which in the opinion of the Court—

(a) relates to matters of such a nature that it would be against the interest of national security to allow the evidence to be given in public ; or

(b) is likely to consist wholly or in part of information which—

(i) the person giving the evidence could not disclose without contravening a prohibition imposed by or under an enactment ; or

(ii) has been communicated to that person in confidence or which he has otherwise obtained in consequence of the confidence reposed in him by another person ; or

(iii) relates specifically to an individual, unless he has consented to its being disclosed ; or

(iv) would, by its disclosure be seriously prejudicial to the national interest (though not against national security), or to the interest of an undertaking of the person giving the evidence for reasons other than its effect on collective bargaining; or

(v) has been obtained by the person giving the evidence for the purpose of bringing, prosecuting or defending any legal proceedings.

21. If before the date fixed for hearing or judgment, any party to the proceedings desires to discontinue his claim or to withdraw any part of his claim, he shall give notice in writing of discontinuance or withdrawal to the Court and to the other party. The Court shall upon the discontinuance or withdrawal make such order or orders as may seem just.

Discontin-
uance of
cases.

22.—(1) If any party to the proceedings has been duly served with notice to appear or he is to the satisfaction of the Court aware of the adjourned date and without reasonable excuse fails to appear, the Court may consider and deal with the matter referred to it in the absence of such party.

Default by
parties.

(2) If any party to the proceedings fails to comply with an order or direction of the Court, the Court may order that he be debarred from taking any further part in those proceedings until he has complied with such direction or order or may make such other order as the Court thinks just.

23. The Court may encourage parties to the proceedings in respect of cases coming before it in the first instance to reach mutual settlement between themselves. Upon such mutual settlement, if any, the Court shall make such order or orders as seem just.

Conciliation.

24. The Court shall deliver its judgment in writing.

Judgments
of the Court.

25.—(1) Every judgment of the Court shall be embodied in an order drawn up by the Chief Registrar and a copy sealed with the seal of the Court shall be delivered by the Chief Registrar to every party to the proceedings to which it relates.

Order and
enforcement
of Judg-
ments.

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

(3) Any judgment given by the Court may be enforced by the Court as it may direct.

Review of
court's
decision and
correction of
errors.

26.—(1) The Court may, either of its own motion or on application by any of the parties to the proceedings, review any order made by it and may, on such a review, revoke or vary that order on the grounds that—

(a) the order was wrongly made as the result of an error on the part of the Court staff ;

(b) a party did not receive proper notice of the proceedings leading to the order ;

(c) the order was made in the absence of a party entitled to be heard ;

(d) new evidence has become available since the making of the order ; or

(e) the interest of justice requires such review.

(2) An application under paragraph (1) above shall be made within 14 days of the date of the order.

(3) A clerical mistake or error in any order arising from an accidental slip or omission may at any time be corrected by or on the authority of the Court.

Costs.

27.—(1) Where it appears to the Court that any person has been guilty of unreasonable delay, or of taking improper, vexatious or unnecessary steps in any proceedings, or of other unreasonable conduct, the Court may make an order for costs or expenses against him.

(2) Where an order is made under paragraph (1) of this rule the Court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs or expenses, or such proportion of the costs or expenses as may be just, and in the last mentioned case may itself assess the sum to be paid or may direct that it be assessed by the Chief Registrar.

Service of
documents.

28.—(1) Any notice or other document required or authorised by these Rules to be served on, or delivered to, any person may be sent to him by registered post or left at his address for service or, where no address for service has been given, at his registered office, principal place of business or last known address, and any notice or other document required or authorised to be served on, or delivered to, the court may be sent by registered post or delivered to the Chief Registrar.

(2) A document served by post shall be assumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The Court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

29. The Court may inform itself on any matter relating to the rules of evidence but shall not be bound by them.

Rules of evidence.

30. These Rules shall be read in conjunction with section 26 of the Decree.

Supplementary.

31. The fees chargeable by the Court shall be as prescribed in the Schedule to these Rules.

Fees.

SCHEDULE

(Rule 31)

FEES CHARGEABLE BY THE NATIONAL INDUSTRIAL COURT

Applications, Affidavits, Judgments and Orders

	₦	k
1. On filing an application	3	00
2. On filing an affidavit	0	75
3. On filing any other paper	0	75
4. For the drawing up of any order or judgment	4	50

Miscellaneous

	₦	k
5. For preparing a copy where authorised : per folio of 72 words or part thereof	0	20
6. For every subpoena	1	00
7. For marking any paper annexed to an affidavit or declaration	0	50
8. For certifying a copy as a true copy : per folio of 72 words or part thereof	0	20
9. For the service of any document or process : the following distance rate :		
(a) If within two kilometres from the Court	0	50
(b) If beyond two kilometres but not beyond eight kilometres		
(i) for the first two kilometres	0	50
(ii) for every subsequent two kilometres or part thereof (one way)	0	25
(c) If beyond eight kilometres : per day or part thereof of the time needed for travelling	1	50

MADE at Lagos this 10th day of August 1979.

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