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**ASSET MANAGEMENT CORPORATION OF NIGERIA**  
**(SPECIAL DEBT RECOVERY PRACTICE DIRECTION)**

**AMCON PRACTICE DIRECTIONS 2013**



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*"Chief Registrar"* means the Chief Registrar of the Federal High Court ;

*"claimant"* means a party who files a claim in the Registry ;

*"claim bundle"* means a claim form frontloaded with necessary accompanying documents and material, like statement of claim, witness list, witness statements, exhibit list, and (copies of) exhibits ;

*"claim form"* means the document by which a claim is started ;

*"contact details"* means a person's name, law firm (if a legal practitioner), physical address, email address and telephone numbers ;

*"Court"* means the Federal High Court, includes a Judge of that Court, and includes a division of that Court ;

*"court document"* means a document issued by the court or filed or generated by the parties relative to proceedings, and includes affidavits, applications, bundles, claim forms, exhibits, judgments, orders, pleadings, summonses, and witness statements ;

*"default judgment"* means judgment without trial when a defendant has failed to file a representation notice or a defence ;

*"defence"* includes defence to counterclaim ;

*"defence bundle"* means a defence frontloaded with necessary accompanying material, like witness list, witness statements, exhibit list, and (copies of) exhibits ;

*"defendant"* means a party against whom a claim is made ;

*"defendant's home court"* means the Judicial division in which the defendant lives or does business, and includes :

(a) (if the defendant is an artificial person) any division where it has a branch or an agent or principal, or conducts some of its business, and

(b) (if the defendant is an individual) any division where he owns property of any type, has a business agent or principal, or conducts some of his business ;

*"document"* includes anything in which information of any description is recorded or stored, including information held in an electronic format ;

*"division"* means Judicial division of the Court ;

*"electronic service"* includes service by fax or email ;

*"frontload"* means to attach to a main court document all the documentary information and material a party needs for any specific proceeding ;

*"holiday"* means a Saturday, Sunday, or public holiday ;

*"it"* (pronoun) includes 'he', 'she', 'him', and 'her' ;

*"its"* (possessive pronoun) includes 'his', 'her', and 'hers' ;

*"payment plan"* means proposals about postponed or instalment payment, and includes a request for time to pay ;

S.I. 1 of 2013

**ASSET MANAGEMENT CORPORATION OF NIGERIA  
(SPECIAL DEBT RECOVERY PRACTICE DIRECTION)**

**AMCON PRACTICE DIRECTIONS 2013**

In exercise of the powers conferred on me by section 254 of the Constitution of the Federal Republic of Nigeria 1999, section 44 of the Federal High Court Act, Sections 53 and 61 of Asset Management Corporation Act 2010, Order 57 rule 3 of the Federal High Court (Civil Procedure) Rules, and all the other powers of my office, I, IBRAHIM NDAHI AUSA OFR, CHIEF JUDGE OF THE FEDERAL HIGH COURT, issue these practice directions :

[1st day of March, 2013]

Commence-  
ment.

**PART I—GENERAL**

**1.1.—(1)** Unless the context dictates otherwise, the following terms have the meanings respectively assigned to them :

Definitions  
and  
Interpreta-  
tion.

“*Act*” means the AMCON Act ;

“*ADR*” means alternative dispute resolution, and includes arbitration ;

“*advance service*” means serving a party with a document before it is filed in court ;

“*AMCON*” means the Asset Management Corporation of Nigeria ;

“*AMCON claim*” means a claim by or against AMCON in connection with its statutory objects, duties, functions, powers, or operations ;

“*AMCON Practice Direction*” means these practice directions ;

“*AMCON Track*” means the category or list of AMCON claims, and includes claims transferred to the AMCON Track ;

“*AMCON Track claim*” means a claim filed in the Court under the AMCON Practice Directions or transferred to the AMCON Track ;

“*AMCON Track court*” means a court presided over by an AMCON Track Judge ;

“*AMCON Track Judge*” means a Judge designated by the Chief Judge to hear AMCON claims exclusively for a specified or indefinite period - there could be several AMCON Track Judges ;

“*AMCON Track Registrar*” means a Registrar designated by the Chief Registrar to administer AMCON claims exclusively for a specified or indefinite period - there could be several AMCON Track Registrars ;

“*application bundle*” means an application frontloaded with all its supportive material, such as affidavit, exhibits, and submissions ;

“*application without notice*” means an application not required to be served on other parties, or an application permitted to be filed without notice to other parties ;

“*assets*” includes funds ;

“*Chief Judge*” means the Chief Judge of the Federal High Court ;



- apply for further and better particulars
- attachment (for contempt)
- certified true copy
- certiorari, order of
- commence
- counter-affidavit
- discovery
- motion *ex parte*
- further and better particulars
- infant
- in open court
- interlocutory
- interrogatory
- leave
- liquidated damages/liquidated demand
- mandamus, order of
- memorandum of appearance
- *mesne* profits
- minor
- motion
- originating motion
- originating process
- pecuniary damages
- *pendente lite*
- plaintiff
- process (in the sense of court document)
- process server
- prohibition, order of
- infant, minor, lunatic, person of unsound mind
- *res* (in the sense of property which is the subject-matter of a case)
- statement of defence
- subpoena
- substituted service
- suit
- *suo motu*
- tax (verb, with reference to costs)
- taxation (of costs)
- taxing officer
- taxation proceedings
- writ of summons
- request further information
- detention (for contempt)
- certified copy
- quashing order
- start
- affidavit in opposition
- disclosure
- application without notice
- further information
- child
- in public
- interim
- request for further information
- permission
- specified amount
- mandatory order
- representation notice
- intermediate profits
- child
- application
- application notice
- claim form
- financial damages
- during litigation
- claimant
- (court) document
- document server
- prohibiting order
- protected party
- property in litigation
- defence
- witness summons
- alternative service
- claim
- of own initiative
- assess
- (detailed) assessment
- costs officer
- assessment proceedings
- claim form

"perishables" includes goods, wares, or merchandise :

- (i) of a perishable nature, or
- (ii) which for any other reason should be sold or dealt with at once ;

"prejudicial operations" means activities or operations that could compromise, frustrate, or inhibit the litigation or the exercise of the Court's jurisdiction, or foist a *fait accompli* on the Court ;

"property" includes money ;

"protected claimant" means a claimant who is a protected party ;

"protected party" includes a child and a person of unsound mind ;

"property in litigation" means property which is the subject matter of a claim or matter ;

"Registry" means a registry of the Federal High Court in any division ;

"Rules" means the Federal High Court (Civil Procedure) Rules ;

"several" means two or more, plural ;

"signature" includes name or initials ;

"specified amount" means specified amount of money, and includes a debt ;

"statutory" includes 'constitutional' ;

"Unspecified amount" means unspecified amount of money.

(2) The Court must administer, apply, construe and interpret these directions purposively and holistically to secure the efficient and speedy determination of every AMCON claim.

(3) The Rules are the default procedural template for proceedings on the AMCON Track ; thus where no provision, or only inadequate provision, is made in this Device, the Rules should guide the Court and parties.

(4) But the Court may accept, adapt, or adopt any statutory procedure that will do substantial justice, bearing in mind the Fundamental Objective (*see* Part 1.2).

(5) When the Court is empowered to exercise any power or discretion or do anything "on just terms", or to stipulate costs or other terms, it is up to the AMCON Track Judge whether to impose any terms or costs.

(6) References to sections of the Act are references to their substantive content ; so if an amendment results in a renumbering, then references are to the sections as renumbered.

(7) The following changes in terminology have been made from earlier litigation lexicon or the Rules :

*Old term*

*New term*

- |  |                                   |
|--|-----------------------------------|
| • action   | • claim                           |
| • application for further and better particulars | • request for further information |

**1.2.—(1)** This AMCON Practice Directions is a set of practice directions with the fundamental objective of enabling this Court to deal with AMCON claims quickly and efficiently.

Fundamental  
Objective.

(2) The AMCON Track Judge must give effect to the fundamental objective at every stage of an AMCON claim, and when exercising any power given by the Act, the Rules or this practice directions, and when applying or interpreting any rule or direction.

(3) The parties and counsel must help the Court to further the fundamental objective.

**1.3.—(1)** All AMCON claims should be brought by this Practice Directions.

Application.

(2) Every form prescribed under this practice direction may be modified or varied to suit the circumstances of the case.

## **PART II—CASE MANAGEMENT**

**2.1.** The AMCON Track Judge must further the fundamental objective by actively managing cases.

Court to  
actively  
manage  
cases.

**2.2.** Active case management includes :

What case  
management  
entails.

(a) encouraging the parties to co-operate with each other in the conduct of the proceedings ;

(b) identifying the issues at an early stage ;

(c) deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others ;

(d) deciding the order in which issues are to be resolved ;

(e) encouraging the parties to use an ADR mechanism when appropriate and facilitating the use of that device ;

(f) helping the parties to settle the whole or part of the case ;

(g) fixing timetables and otherwise controlling the progress of the case ;

(h) considering whether the likely benefits of taking a particular step justifies the cost in taking it ;

(i) dealing with as many aspects of the case as possible on the same occasion even when not scheduled ;

(j) dealing with the case without the parties attending Court when necessary ;

(k) making use of technology ; and

(l) giving directions to ensure that the trial of a case proceeds quickly and efficiently.

**2.3.** Because of 2.2(i), parties or their counsel must attend court everytime the case is scheduled.

Counsel to  
attend court  
regularly.

## B 10

AMCON  
Track Judge  
may exercise  
case-  
management  
powers of  
own  
initiative.

2.4. The AMCON Track Judge may exercise these case-management powers of his own initiative :

- (a) shorten the time for compliance with any rule, practice direction or Court order ;
- (b) bring forward a hearing ;
- (c) require a party to attend Court ;
- (d) direct that part of any proceedings (such as a counterclaim) be dealt with as separate proceedings ;
- (e) stay the whole or part of any proceedings or judgment either generally or until a specified date or event ;
- (f) consolidate proceedings ;
- (g) try several claims on the same occasion ;
- (h) direct a separate trial of any issue ;
- (i) decide the order in which issues are to be tried ;
- (j) exclude an issue from consideration ;
- (k) dismiss or give judgment on a claim after a decision on a preliminary issue ;
- (l) decide or give judgment on the proved part or portion of any case or claim while proceeding with the remainder ;
- (m) at case management conference, consider and treat as many matters as possible, and issue as many orders and directions as appropriate ; and
- (n) take any other step or make any other order to manage the case and further the fundamental objective.

AMCON  
Track Judge  
may impose  
terms.

2.5. In making an order, the AMCON Track Judge may :

- (a) make it subject to conditions, including a condition to pay a sum of money into Court ; and
- (b) Specify the consequence of failure to comply with the order or a condition.

AMCON  
Track Judge  
to curtail  
excesses in  
cross-  
examination.

2.6. The Judge should intervene to curtail abusive, aggressive, digressive, or excessive cross-examination.

AMCON  
Track Judge  
to referee  
dispute.

2.7.—(1) The AMCON Judge may make any order or give any direction of his own initiative in the interests of the quick dispensation of justice and in pursuit of the fundamental objective.

(2) To progress the case, the Judge may convene a case-management conference at any time and may hold several conferences.

## PART III—COURT DOCUMENTS

3.1.—(1) An AMCON claim is started when the claimant files its claim form in the Registry.

How to Start  
an AMCON  
Claim.

(2) The claimant may use a single claim form to start all claims which can be conveniently disposed of in the same proceedings.

(3) The claim form must contain :

- (a) a summary of the claim ;
- (b) the nature of the claim ;
- (c) the relief or remedy sought or required in the claim ; and
- (d) the claimant's or its legal practitioner's contact details in the jurisdiction.

(4) The claim form should be in Form 1A of the Schedule.

(5) In a claim for a specified amount only, the claim form must include :

- (a) the amount claimed ;
- (b) costs ;
- (c) an invitation to the defendant to pay the amount plus costs to the claimant or its legal practitioner ; and
- (d) an assurance that once the defendant pays, proceedings will be stayed.

(6) A claim form in a claim for a specified amount only should be in Form 1B of the Schedule.

(7) If the claimant, in the first instance, wishes an account taken, it should request on the claim form that an account should be taken.

(8) The claimant may frontload its claim form from the outset, but if not it must file relevant supportive material within 10 days of filing the claim form.

(9) Supportive material include :

- (a) statement of claim ;
- (b) *list of witnesses*—full names, occupations, and addresses of the claimant's witnesses ;
- (c) *witness statements*—the direct sworn evidence of the claimant's witnesses, except witnesses on witness summons ;
- (d) *exhibit bundle*—list and copies of exhibits to be relied on or tendered at trial, including documents, maps, plans, photographs, surveys, and models.

(10) The claimant must file a statement of claim, but the other supportive materials may be filed or supplied as the need arises.

(11) The service of a claim form operates as a stay of all prejudicial operations by or on behalf of the defendant and every other person who has notice of the claim.

(12) Every claim form must bear its date of filing.

## B 12

How and  
When to  
Serve  
AMCON  
Track  
Documents.

3.2.—(1) A party who files a court document must serve it within 5 days of its filing.

(2) Electronic service is valid.

(3) A party served by email has the duty to print out the emailed documents.

(4) Advance service is valid and takes effect on the date of service if the document served in advance is :

(a) a replica of the one filed ; and

(b) not a claim form.

(5) The Court may validate alternative service done without permission.

(6) Validated alternative service takes effect from the date service was done, not from the date of validation.

Filing  
defence and  
other  
documents.

3.3.—(1) When a defendant is served with a claim form not frontloaded, it must file its representation notice within 5 days.

(2) When a defendant is served with a claim bundle or supportive material to a claim form, it must file its representation notice and defence bundle within 10 days.

(3) If the defendant has a counterclaim, it must file it along with its defence.

(4) The claimant may file a reply within 5 days of service of the defence bundle.

(5) No pleadings after reply are allowed.

### PART IV—SPECIAL PROCEEDINGS UNDER THE ACT

Application  
before claim.

4.1.—(1) The claimant may file any application before the claim form is filed or served.

(2) Nothing in this direction precludes any party from filing an application at the same time as or after it files or serves its claim form.

Interim  
reliefs *ex*  
*parte*.

4.2. The claimant may apply without notice for interim reliefs as follows :

(i) An interim possession order under Section 49 of the Act ;

(ii) An account-freezing order under Section 50 of the Act or other interim remedy under Part 13 of this practice directions.

### PART V—SPEED AND EFFICIENCY IN COURT PROCEEDINGS

Court to  
proceed day  
by day.

5.1. All proceedings in AMCON claims should be conducted from day to day, every weekday, but the Court may in the interest of justice sit on Saturdays.

No Court  
Vacation on  
AMCON  
Track.

5.2. The annual Court vacation does not apply to the AMCON Track Court and AMCON Track Judges.

**5.3.** The trial and final addresses must be concluded within 3 months from the date the claim is started.

Trial schedule is 3 months.

**5.4.** Judgment shall be given within 21 days or soon as possible after conclusion of addresses pursuant to the objective of quick adjudication of the matter, but in any event shall not exceed 90 days.

Judgment schedule.

**5.5.—(1)** A requirement that a document should be signed is satisfied if the signature is printed by computer or other mechanical means, or the document is otherwise authenticated as proceeding from the person required to sign it.

Electronic signature is allowed.

(2) A document served by electronic means is deemed to have been signed by the person who owns or subscribes to the electronic source account if its signature appears on the document or its cover message as the sender.

(3) Examples of electronic source accounts are email addresses and fax numbers.

#### PART VI—WHERE TO FILE AMCON CLAIMS

**6.1.—(1)** A claimant should file its claim in the AMCON Track of the defendant's home court or the AMCON Track in the home court of one of several defendants.

Claim to be filed in defendant's home court.

(2) If there is no AMCON Track court in the appropriate home court, the claimant should file its claim in the nearest or most convenient AMCON Track court on showing by affidavit that no similar case between the same or substantially the same parties is pending in another division.

**6.2.** Any AMCON Track Judge in whose court a claim is filed may proceed with it even if it should have been filed elsewhere.

Filing in 'wrong' division is valid.

#### PART VII—FORMAL IRREGULARITY

**7.** The AMCON Track Judge should treat formal defects in documents or proceedings as mere irregularities, and may, of his own initiative or on application :

Defects in form.

- (1) allow the defect or deficiency to be swiftly regularised or remedied ;
- (2) impose costs on the responsible party ;
- (3) (rarely) set aside the defective matter, either wholly or in part ;
- (4) allow or direct amendments ; or
- (5) make other orders.

#### PART VIII—SERVICE OF DOCUMENTS

**8.1.** Any of the following persons may serve claim forms :

- (a) the Sheriff ;
- (b) a Deputy Sheriff ;
- (c) a bailiff ;
- (d) a notary ;

Document servers for claim forms.

- (e) a marshal ;
- (f) any officer of the court ;
- (g) an independent or private document server ;
- (h) the claimant ;
- (i) the claimant's legal practitioner ; and
- (j) any legal practitioner authorised by the Chief Registrar or AMCON Track Registrar or engaged by the party whose document is to be served.

**Other Document Servers.**

**8.2.** Service of other court documents may be done by any of the persons listed in 8.1, or any of the following persons :

8.2.1. the party whose document is to be served ;

8.2.2. the legal practitioner for the party whose document is to be served ; or

8.2.3. a clerk, employee, intern, officer or paralegal of the legal practitioner for the party whose document is to be served.

**Designation of document servers.**

**8.3.** Every person named in 8.1 and 8.2 may be described as a document server when engaged accordingly.

**Service other than personal.**

**8.4.** All court documents not expressly required to be served personally are sufficiently served if left with an adult living, working, or doing business at the address supplied as part of the contact details, or sent to that address by courier.

**Alternative service.**

**8.5.—(1)** If timely personal service of a document required to be personally served proves difficult, the AMCON Track Judge may, of his own initiative or on application, allow alternative service.

(2) An application for alternative service may be made orally, but if written, should be supported by an affidavit briefly setting out the factual basis of the application.

(3) Legal argument is unnecessary in applications for alternative service.

**Service on persons with legal disability.**

**8.6.—(1)** If a defendant is under legal disability, service on his guardian is good and sufficient personal service on that defendant.

(2) Direct service on a child over 15 years of age, living independently or doing business is good and sufficient.

(3) The AMCON Track Judge may order that direct service on any protected party is good and sufficient.

**Service on detainees and prisoners.**

**8.7.** When a detainee or prisoner is a party, service on the superintendent or other responsible officer of the facility where that party is held, or on a responsible officer of the agency in charge of that facility, is good and sufficient personal service on the detained party.

**Service on Nigerian corporate bodies.**

**8.8.** Service of claim forms or other court documents requiring personal service on a registered company, corporation or body corporate, may be done in any of the following ways :



(a) according to relevant statute governing service on that kind of organisation ;

(b) by delivery to a director, secretary, trustee or other senior, principal, or responsible officer of the organisation ;

(c) by leaving it with a responsible person at the registered, principal, or advertised office or place of business of the organisation in the jurisdiction ; or

(d) by sending it to that office or place by courier.

**8.9.—(1)** A claim form or other court document requiring personal service may be served on a principal, senior, or responsible officer or representative in the jurisdiction when the claim :

Service on foreign corporations.

(a) is against a foreign corporation or company within the meaning of Section 54 of the Companies and Allied Matters Act 1990 ;

(b) the company or corporation has an office or does business in the jurisdiction ; and

(c) the claim is limited to a cause of action arising in the jurisdiction.

(2) But if a foreign company has complied with the provisions of Chapter 3 of the Companies and Allied Matters Act 1990, personal service should be on one of the persons authorised to accept service on behalf of the company.

**8.10.—(1)** In the scenario set out in paragraph (2), a claim form relating to or arising out of that contract may be served on the agent, but a copy must still be sent to the principal by courier.

Service on local agent of principal outside jurisdiction.

(2) The scenario referred to in paragraph (1) is as follows :

(a) a contract has been entered into in the jurisdiction ;

(b) by or through an agent living or doing business in the jurisdiction ;

(c) on behalf of a principal living or doing business outside the jurisdiction.

**8.11.** If a person to be served, whether alone or in concert with others, resists service or applies or threatens violence to the document server to frustrate service, the document server may simply leave the court document within the reach of the person to be served, and that is good and sufficient service for all purposes.

Violent resistance to service.

**8.12.—(1)** After serving any court document, the document server should promptly either :

Proof of service.

(a) file a certificate of or statement as to service on a true copy of the court document served, indicating the fact, date, place and mode of service ; or

(b) depose to and file an affidavit setting out the fact, date, place and mode of service, and describing the court document served.

(2) The certificate, statement, or affidavit is proof of service as stated in it.

(3) The court may proceed without proof of service if the party to be served, or its counsel, admits service or has a copy of the document, even if service was not done according to these directions or the Rules.

(4) If the party to be served or its counsel attends court in apparent response to the document to be served, and has a copy of that document, proof of service is unnecessary.

Expenses of service.

**8.13.** The party requiring service of a court document bears all costs and expenses of service.

Service register.

**8.14.—(1)** The Registrar must maintain a register of details of service including :

- (a) names of the parties ;
- (b) description of court document ;
- (c) method of service ;
- (d) how the document server ascertained that the right person was served ; and
- (e) (if service was unsuccessful) why service failed.

(2) Every entry in the service register or a certified copy of it is *prima facie* evidence of the matters stated in it.

Agreement about service.

**8.15.** In a claim arising out of contract, service of court documents by a contractually agreed method is good and sufficient.

#### PART IX—REPRESENTATION NOTICE

Contact details.

**9.1.** Every representation notice must contain the contact details of the party or legal practitioner who files it.

Several defendants, one legal practitioner.

**9.2.** If several defendants in the same claim are represented by the same legal practitioner, the names of all those defendants should be included in one representation notice.

Late appearance.

**9.3.** Filing a representation notice after the time allowed in Part 3.3 attracts extra fees of N\$5,000 for each day of default, to be paid to the registry on filing of the tardy notice.

Form of representation notice.

**9.4.** A representation notice should be in Form 2 of the Schedule.

Corporate defendant to be legally represented.

**9.5.** Only a legal practitioner may file a representation notice for corporate defendants.

#### PART X—DEFAULT JUDGMENT

Judgment in default of representation notice.

**10.1.** The claimant may get judgment in default of representation notice only if—

- (a) the defendant has not filed a representation notice or a defence ; and
- (b) the time for filing either has expired.

(Part 3.3 establishes the timetable for filing both court documents)

**10.2. The claimant may get judgment in default of defence only—**

Judgment in default of defence.

(a) if a representation notice has been filed but a defence has not been filed ; and

(b) the time for filing defence has expired.

(Part 3.3 establishes the timetable for filing defence)

**10.3. The claimant cannot get a default judgment if—**

No default judgment if defendant has pending application.

(a) the defendant has a pending application or objection ; or

(b) the defendant has satisfied the whole claim (including any claim for costs) on which the claimant seeks judgment ; or

(c) in a money claim, the defendant has filed or served an admission of liability to pay all of the money claimed, together with a payment plan.

**10.4.—(1)** A claimant may get a default judgment on a claim for money or a claim for delivery of goods against one of several defendants, and proceed with its claim against the other defendants.

Default judgment in claim against several defendants.

(2) When a claimant applies for a default judgment against one of several defendants—

(a) if the claim can be dealt with separately from the claim against the other defendants—

(i) the court may enter a default judgment against that defendant ; and

(ii) the claimant may continue the proceedings against the other defendants ;

(b) if the claim cannot be dealt with separately from the claim against the other defendants—

(i) the court will not enter default judgment against that defendant ; and

(ii) the court must deal with the application at the same time as it disposes of the claim against the other defendants.

**10.5.—(1)** When a claimant applies for a default judgment, the Court will give the judgment the claimant is entitled to on its statement of claim.

Supplementary provisions about default judgment.

(2) Any evidence relied on by the claimant in support of its application need not be served on a party who has failed to file a representation notice.

(3) An application for a default judgment may be made without notice if the defendant has not filed a representation notice.

**10.6. The court must set aside a default judgment if judgment was wrongly entered because—**

When must the Court set aside default judgment ?

(a) in the case of a judgment in default of representation notice, either of the conditions in Part 10.1 was not satisfied ;

(b) in the case of a judgment in default of defence, either of the conditions in 10.2 was not satisfied ; or

(c) the whole claim was satisfied before judgment was entered.

When may  
the Court set  
aside default  
judgment?

**10.7.—(1)** In any other case than under 10.6, the Court may set aside or vary a default judgment if the defendant—

- (a) has a good defence to the claim ; and
- (b) has applied promptly to set aside or vary the judgment.

(2) Whether the defendant has a good defence to the claim must be clear from—

- (a) the written evidence in support of its application to set aside ; and
- (b) the proposed defence filed along with its application.

#### PART XI—SUMMARY JUDGMENT

Scope of this  
Part.

**11.1.** This Part sets out a procedure by which the court may decide a claim or a particular issue without a trial.

Grounds for  
summary  
judgment.

**11.2.—(1)** The Court may give summary judgment against a defendant on the whole of a claim if it considers that the defendant does not have a good defence to the claim.

(2) The Court may give summary judgment against a claimant or a defendant on a particular issue if it considers that :

- (i) the claimant has no real prospect of succeeding on the issue ; or
- (ii) the defendant has no real prospect of successfully defending the issue.

Procedure.

**11.3.—(1)** The Court may permit a claimant to apply for summary judgment before the respondent files a representation notice or a defence.

(2) If a claimant applies for summary judgment before the respondent files a defence, that defendant does not have to file a defence before the hearing.

(3) When a summary judgment hearing is fixed, the respondent (or the parties if the hearing is fixed of the court's own initiative) must be given 5 days' notice of hearing—

- (a) the hearing date ; and
- (b) the issues which it is proposed that the court will decide at the hearing.

Evidence for  
the purposes  
of a  
summary  
judgment  
hearing.

**11.4.—(1)** If the respondent to an application for summary judgment wishes to rely on written evidence at the hearing, it must, at least 2 days before the hearing ;

- (a) file the written evidence ; and
- (b) serve copies on every other party to the application.

(2) If the applicant wishes to rely on written evidence in reply, it must, at least 2 days before the hearing :

- (a) file the written evidence ; and
- (b) serve a copy on the respondent.

(3) When the Court fixes the hearing of its own initiative :

(a) any party who wishes to rely on written evidence at the hearing must, at least 2 days before the hearing ;

(i) file the written evidence ; and

(ii) serve copies on every other party to the proceedings ;

(b) any party who wishes to rely on written evidence at the hearing in reply to any other party's written evidence must, at least 2 days before the hearing—

(i) file the written evidence in reply ; and

(ii) serve copies on every other party to the proceedings.

**11.5.** When the Court determines a summary judgment application it may—

(a) give directions as to the filing and service of a defence ;

(b) give further directions about the management of the case.

Court's powers when it determines a summary judgment application.

**11.6.—(1)** A party may admit the truth of the whole or any part of another party's case.

Admissions to be written.

(2) It may do this by giving notice in writing (such as in a pleading or by letter).

(3) If all the claimant wants is money, the defendant may also—

(a) admit the whole claim for a specified amount ;

(b) admit part of the claim for a specified amount ;

(c) accept liability to pay the whole claim for an unspecified amount ; or

(d) accept liability to pay the claim for an unspecified amount and offer a sum in satisfaction of the claim.

(4) When the defendant admits the claim or part of it or accepts liability, the claimant has a right to enter judgment unless the defendant is a protected party.

**11.7.—(1)** When a party makes a written admission, any other party may apply for judgment on the admission.

Admission by notice in writing – application for judgment.

(2) The Court may give such judgment as the applicant is entitled to on the admission.

**11.8.—(1)** This direction applies when—

(a) the only remedy the claimant seeks is a specified amount ; and

(b) the defendant admits the whole claim.

Admission of whole claim for specified amount.

(2) The defendant may admit the claim by notice in writing.

(3) The claimant may specify in its application for judgment—

Admission  
of part of a  
claim for a  
specified  
amount.

- (a) the date by which the whole judgment debt is to be paid ; or
- (b) the times and rate at which it is to be paid by instalments.
- (4) On receipt of the application for judgment the court will enter judgment.
- (5) Judgment will be for the amount of the claim (less any payments made) and costs—

- (a) to be paid by the date or at the rate specified in the application for judgment ; or
- (b) if none is specified, immediately.

**11.9.—(1)** This direction applies when—

- (a) the only remedy the claimant seeks is a specified amount ; and
- (b) the defendant admits part of the claim.
- (2) The defendant may admit part of the claim by written notice.
- (3) On receipt of the admission, the court will serve a notice on the claimant requiring it to return the notice stating that—
  - (a) it accepts the amount admitted in satisfaction of the claim ;
  - (b) it does not accept the amount admitted by the defendant and wishes the proceedings to continue ; or
  - (c) if the defendant has requested time to pay, it accepts the amount admitted in satisfaction of the claim, but not the defendant's payment plan.
- (4) The claimant must, within 5 days after it is served on it :
  - (a) file the notice ; and
  - (b) serve a copy on the defendant.
- (5) The claimant may specify in its application for judgment—
  - (a) the date by which the whole judgment debt is to be paid ; or
  - (b) the time and rate at which it is to be paid by instalments.
- (6) On receipt of the application for judgment, the court will enter judgment.
- (7) Judgment will be for the amount admitted (less any payments made) and costs :

- (a) to be paid by the date or at the rate specified in the application for judgment ; or
- (b) if none is specified, immediately.

Payment  
plan.

**11.10.—(1)** A defendant who makes an admission under this AMCON Device may request for time to pay.

- (2) A request for time to pay is a proposal about the date of payment or a proposal to pay by instalments at the times and rate specified in the request.

(3) The defendant's payment plan must be served or filed with its admission.

(4) If the claimant accepts the defendant's plan, it may get judgment by filing an application for judgment.

(5) On receipt of the application for judgment, the court will enter judgment accordingly.

**11.11.—**(1) This direction applies when the defendant submits a payment plan.

Determination  
of rate of  
payment.

(2) If the claimant does not accept the defendant's payment plan, it must file a notice in writing.

(3) If the defendant's admission was served direct on the claimant, the claimant must file a copy of the admission and the payment plan with its notice.

(4) When the court receives the claimant's notice, it will enter judgment for the amount admitted (less any payments made) to be paid at the time and rate determined by the court.

**11.12.—**(1) Judgment on admission of whole claim for specified amount should include interest if the claimant's application for judgment includes a calculation of the interest.

Interest.

(2) Otherwise judgment should be for an amount of interest to be decided by the court.

(3) When judgment is entered for an amount of interest decided by the court, the court will give directions for the management of the case.

**11.13.** When admission of facts have been made, whether on the pleadings or otherwise, the AMCON Track Judge may, of his own initiative or on application, at a case management conference or at any other stage of the proceedings, make such order or give such judgment as on the admission a party is entitled to, without waiting for the determination of any other question between the parties.

Judgment or  
order on  
admission of  
facts.

## **PART XII—OFFERS TO SETTLE AND PAYMENT INTO COURT**

**12.1.—**(1) This Part contains directions about—

Scope of this  
Part.

(a) offers to settle ;

(b) the consequences when an offer to settle is made in accordance with this Part ; and

(c) payment into Court.

(2) Nothing in this Part prevents a party making an offer to settle in whatever way it chooses, but if the offer is not made in accordance with 12.2, it will not have the consequences specified in this Part.

**12.2.—**(1) An offer to settle made in accordance with this direction is called a Part 12 offer.

Form and  
content of a  
Part 12 offer.

(2) A Part 12 offer must—

(a) be in writing ;

(b) state that it is intended to have the consequences of this Part ;

(c) specify a period of not less than 10 days within which the defendant will be liable for the claimant's costs in accordance with this Part if the offer is accepted ;

(d) state whether it relates to the whole claim or to part of it or to an issue that arises in it and if so to which part or issue ; and

(e) state whether it takes into account any counterclaim.

(3) An offeror may make a Part 12 offer solely in relation to liability.

(4) A Part 12 offer should be in Form 3 of the Schedule.

Part 12  
offers –  
general  
provisions.

12.3.—(1) A Part 12 offer may be made at any time, including before the claim is filed.

(2) A Part 12 offer which offers to pay or offers to accept a sum of money will be treated as inclusive of all interest until the date the period stated in 12.2(2)(c) expires.

(3) A Part 12 offer has the consequences set out in this Part only in relation to the costs of the proceedings in respect of which it is made, and not in relation to the costs of any appeal from the final decision in those proceedings.

(4) Before expiry of the relevant period, a Part 12 offer may be withdrawn or its terms changed to be less advantageous to the offeree, only if the court gives permission.

(5) After expiry of the relevant period and provided that the offeree has not previously served notice of acceptance, the offeror may withdraw the offer or change its terms to be less advantageous to the offeree without the permission of the court.

(6) The offeror does so by serving written notice of the withdrawal or change of terms on the offeree.

Part 12  
offers –  
defendants'  
offers.

12.4. A Part 12 offer by a defendant to pay a sum of money in settlement of a claim must be an offer to pay a single sum of money.

Time when a  
Part 12 offer  
is made.

12.5.—(1) A Part 12 offer is made when it is served on the offeree.

(2) A change in the terms of a Part 12 offer will be effective when notice of the change is served on the offeree.

Acceptance  
of a Part 12  
offer.

12.6.—(1) A Part 12 offer is accepted by serving written notice of the acceptance on the offeror.

(2) Subject to paragraph (3), a Part 12 offer may be accepted at any time unless the offeror has withdrawn the offer.



(3) But if trial has started, the Court must give permission before a Part 12 offer can be accepted.

**12.7.—**(1) If a Part 12 offer is accepted, the claim will be stayed.

The effect of acceptance of a Part 12 offer.

(2) If acceptance relates to the whole claim the stay will be upon the terms of the offer.

(3) If a Part 12 offer that relates to part only of the claim is accepted the claim will be stayed as to that part upon the terms of the offer.

(4) A stay arising under this direction does not affect the power of the court—

(a) to enforce the terms of a Part 12 offer ;

(b) to deal with any question of costs (including interest on costs) relating to the proceedings.

(5) When a Part 12 offer by a defendant that is or that includes an offer to pay a single sum of money is accepted, that sum must be paid to the offeree within 10 days of the date of acceptance.

(6) If the accepted sum is not paid within 10 days the offeree may enter judgment for the unpaid sum.

(7) If a Part 12 offer (or part of a Part 12 offer) is accepted, and a party alleges that the other party has not honoured the terms of the offer, that party may apply to enforce the terms of the offer without the need for a new claim.

**12.8.—**(1) This direction applies when the claimant wishes to accept a Part 12 offer made by one or more, but not all, of a number of defendants.

Acceptance of a Part 12 offer made by one or more, but not all, defendants.

(2) If the defendants are sued jointly or in the alternative, the claimant may accept the offer if—

(a) it discontinues its claim against those defendants who have not made the offer ; and

(b) those defendants give written consent of the acceptance of the offer.

(3) If the claimant alleges that the defendants have a several liability to it, the claimant may—

(a) accept the offer ; and

(b) continue with its claims against the other defendants if it is entitled to do so.

(4) In all other cases the claimant must apply to the court for an order permitting it to accept the Part 12 offer.

**12.9.—**(1) A Part 12 offer is treated as without prejudice except as to costs.

Restriction on disclosure of a Part 12 offer.

(2) The fact that a Part 12 offer has been made must not be communicated to the AMCON Track Judge until the case has been decided.

(3) Paragraph (2) does not apply if—

(a) the defence of tender before claim has been raised ;

(b) the proceedings have been stayed following acceptance of a Part 12 offer ; or

(c) the offeror and the offeree agree in writing that it should not apply.

Money paid  
into Court  
under a court  
order.

**12.10.** A party who pays money into Court under a court order must—

(a) serve notice of the payment on every other party ; and

(b) in relation to each such notice, file a certificate of service.

Money paid  
into Court  
when  
defendant  
pleads tender  
before claim.

**12.11.—**(1) When a defendant wishes to rely on a defence of tender before claim, it must pay into court the amount it says was tendered.

(2) Until the defendant pays in accordance with this direction, the defence of tender before claim will not avail it.

Payment out  
of money  
paid into  
court.

**12.12.—**(1) Money paid into Court under a court order or in support of a defence of tender before claim may not be paid out without the court's permission except when—

(a) a Part 12 offer is accepted without needing the permission of the court ; and

(b) the defendant agrees that a sum it paid into Court should be used to satisfy the offer (in whole or in part).

#### PART XIII—INTERIM REMEDIES

Orders for  
interim  
remedies.

**13.1.—**(1) The court may grant the following interim remedies—

(a) an interim possession order under section 49 of the Act ;

(b) an account-freezing order under section 50 of the Act ;

(c) an interim injunction ;

(d) an interim declaration ;

(e) an order—

(i) for the detention, custody or preservation of relevant property ;

(ii) for the inspection of relevant property ;

(iii) for the taking of a sample of relevant property ;

(iv) for the carrying out of an experiment on or with relevant property ;

(v) for the sale of perishables ; and

(vi) for the payment of income from relevant property until a claim is decided ;

(f) an order authorising a person to enter any land or building in the possession of a party for the purposes of carrying out the Court's order ;

(g) an order to deliver up goods ;

(h) a *Mareva* or freezing injunction—

(i) restraining a party from removing from the jurisdiction assets located here ; or

(ii) restraining a party from dealing with any assets whether located in the jurisdiction or not ;

(i) an order directing a party to provide information about the location of relevant property or assets or to provide information about relevant property or assets which are or may be the subject of an application for a *Mareva* or freezing injunction ;

(j) an *Anton Piller* or search order requiring a party to admit another party to premises for the purpose of preserving evidence or for other related purposes ;

(k) an order for disclosure of documents or inspection of property before a claim has been made ;

(l) an order for disclosure of documents or inspection of property against a non-party ;

(m) an order for interim payment by a defendant on account of any damages, debt or other sum (except costs) which the court may hold the defendant liable to pay ;

(n) an order for a specified fund to be paid into court or otherwise secured, when there is a dispute over a party's right to the fund ;

(o) an order permitting a party seeking to recover personal property to pay money into court pending the outcome of the proceedings and directing that, if it does so, the property shall be given up to it ;

(p) an order directing a party to prepare and file accounts relating to the dispute ; and

(q) an order directing any account to be taken or inquiry to be made by the court.

(2) In paragraph (1)(c) and (g), 'relevant property' means property (including land) which is the subject of a claim or as to which any question may arise in a claim.

(3) The fact that a particular kind of interim remedy is not listed in paragraph (1) does not affect any power that the court has to grant that remedy.

(4) The court may grant an interim remedy whether or not there is a claim for a final remedy of that kind.

**13.2.—(1)** An order for an interim remedy may be made at any time, including—

(a) before proceedings are started ; and

(b) after judgment is given.

Time when  
an order for  
an interim  
remedy may  
be made.

(2) But a defendant may not apply for any of the orders listed in 13.1(1) before it has filed either a representation notice or a defence.

(3) When it grants an interim remedy before a claim has been started, the Court should give directions requiring a claim to be started.

Undertaking  
as to  
damages.

**13.3.—(1)** An applicant for an interim remedy is deemed to give an undertaking as to damages.

(2) If an interim remedy is given in error because of any misrepresentation by or on behalf of the applicant, the applicant must indemnify the respondent for the damages the respondent has suffered.

Order for  
sale of  
perishables.

**13.4.—(1)** The AMCON Track Judge may, of his own initiative or on application, order the sale of perishables.

(2) The order to sell perishables should name the person or persons authorised to conduct the sale.

(3) The order may also include the manner and terms of the sale.

Detention,  
preservation  
or inspection  
of property  
in litigation.

**13.5.—(1)** An AMCON Track Judge may, of his own initiative or on application, and on just terms, make an order for the detention, preservation, or inspection of a property or thing in litigation, or as to which any question may arise in the claim.

(2) In the exercise of his discretion under paragraph (1), the AMCON Track Judge may :

(a) authorise any persons to enter on or into any land or building in the possession of a party ;

(b) authorise any samples to be taken, or any observation to be made or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

Inspection  
by AMCON  
Track Judge.

**13.6.** The AMCON Track Judge may inspect any property or thing about which any question may arise in proceedings.

Order for  
recovery of  
specific  
property  
subject to  
lien.

**13.7.—(1)** In the scenario set out in paragraph (2), an AMCON Track Judge may order the party seeking recovery of the property to pay into Court the amount in respect of which the lien or security is claimed.

(2) The scenario referred to in paragraph (1) is as follows :

(a) a claim or counterclaim has been filed to recover specific property other than land, and

(b) the party from whom recovery is sought does not dispute title but claims to retain the property by virtue of a lien or otherwise as security for any sum of money.

(3) When the party seeking recovery makes payment into Court following an AMCON Track Judge's order, it must then abide the event of the claim.

(4) The order under paragraph (1) may direct further sums for interest and costs to be paid as well.

(5) The order may also include a direction that on payment into Court, the property claimed should be given up to the party claiming it.

(6) The order may be made at case management conference.

#### PART XIV—APPLICATIONS

**14.1.—**(1) The general rule is that an application must be made to the court where the claim was started.

Where to apply.

(2) If an application is made before the claim is started, it must be made to the court where it is likely that the claim will be started unless there is good reason to apply to a different court.

(3) If an application is made after proceedings to enforce judgment have begun, it must be made to the court dealing with the enforcement of the judgment unless any rule or practice direction provides otherwise.

**14.2.—**(1) The general rule is that a copy of the application must be served on each respondent.

Notice of an application.

(2) An application may be made without notice in accordance with this Device or the Act, or if another statute or practice direction, or a court order permits that.

**14.3.** An application must state—

What an application must include.

(a) what order the applicant seeks ; and

(b) briefly, why it seeks the order.

**14.4.—**(1) The court may deal with an application without a hearing if—

When application may be dealt with without hearing.

(a) the parties agree as to the terms of the order sought ;

(b) the parties agree that the court should dispose of the application without a hearing, or

(c) the court does not consider that a hearing would be appropriate.

(2) If the parties agree as to the terms of the order, they should file a draft of the order, which the court may adapt, adopt, or discard.

**14.5.** If the applicant or any respondent fails to attend the hearing of an application, the court may proceed regardless.

Court may proceed in absence of party.

**14.6.—**(1) An application should be backed with supporting material, as follows :

Supportive material.

(a) if the application is premised on factual bases, an affidavit ; but

(b) if the application is premised on legal grounds, written submissions ; and

(c) if the application is premised on both fact and law, both an affidavit and written submissions.

(2) If the respondent wishes to oppose an application, it must :

(a) if opposing on factual bases, file an affidavit in opposition ; but

(b) if opposing on legal grounds, file written submissions ; and

(c) if opposing on both fact and law, file both an affidavit in opposition and written submissions.

(3) An applicant may file its draft of the order or interim decision it seeks, which the court may adapt, adopt, or discard.

(4) An applicant served with the respondent's written submissions may, within 5 days, file and serve a reply on points of law.

Oral  
Applications.

14.7.—(1) A party may at any time request an indulgence, direction, or order from the AMCON Track Judge, in order to adjust its position in view of a development in the course of the proceedings, or react immediately to another party's step, or for some other reason.

(2) The kind of request envisaged in paragraph (1) is described as a simple application.

(3) A simple application may be made immediately the need for it arises or becomes known to the applicant.

(4) Such simple or on-the-spot applications may be made orally.

(5) An AMCON Track Judge cannot refuse to hear or consider any application merely because it is not written.

(6) Judicial decisions (directions, orders, or rulings) on simple, on-the-spot, or oral applications should be very brief and should be given on the same occasion as the application is made, immediately after all sides have been heard; or adjourned to a maximum of 5 days.

Applications  
without  
notice.

14.8.—(1) A AMCON Track Judge may allow an application to be filed without notice to the other side.

(2) An application permitted to be filed without notice is called an *application without notice*.

(3) The Court must hear every party present in court, even if the proceeding is an application without notice.

(4) If satisfied that the delay caused by proceeding in the ordinary way would entail irreparable or serious mischief, an AMCON Track Judge may make an order *ex parte* on just cause, undertaking, and other terms.

(5) Any party adversely affected by an order *ex parte* may apply to set it aside.

**14.9.** A claimant may file or serve an application along with its claim bundle.

Service of application with claim bundle.

**14.10.** A claimant may serve an application or other court document on a defendant who has been served with a claim form, even if that defendant has not filed or served a representation notice.

Service of application on defendant served with claim form but not appearing.

#### PART XV—ARREST OF ABSCONDING DEFENDANT

**15.1.** If a defendant or would-be defendant is about to leave or remove property from Nigeria, the claimant may, before the claim is filed or later, apply without notice to the AMCON Track Judge for an order for the defendant to show cause why security should not be taken for his appearance to answer and satisfy any judgment that may be passed against him in the claim.

Defendant leaving Nigeria or removing property.

**15.2.—(1)** In the scenario set out in paragraph (2), the AMCON Track Judge may issue a warrant to bring the defendant before him to show why the defendant should not give good and sufficient bail for his appearance.

Warrant to arrest.

(2) The scenario mentioned in paragraph (1) is that the AMCON Track Judge, after necessary investigations, thinks that :

(a) there is probable cause for believing that the defendant is about to leave Nigeria, and

(b) because of that probability, the execution of any judgment made against the defendant may be delayed or frustrated.

(3) Whenever an AMCON Track Judge issues the warrant, the defendant must be brought before the AMCON Track Judge within 5 days of the execution of the warrant.

**15.3.—(1)** If the defendant in 15.2 fails to show cause, the AMCON Track Judge may issue against him either of the orders listed in paragraph (2).

Bail for appearance or satisfaction.

(2) The orders mentioned in paragraph (1) are :

(a) an order for the defendant to give bail for his appearance at any time when called on while the claim is pending and until execution or satisfaction of any judgment that may be passed against him in the claim, or

(b) an order for the defendant to give bail for the satisfaction of any judgment that may be passed against him.

(3) The surety or sureties must undertake that in default of the defendant's appearance or satisfaction, they would pay any sum of money that may be adjudged against the defendant in the claim, with costs.

**15.4.—(1)** Should a defendant offer, in place of bail for his appearance, to deposit a sum of money sufficient to answer the claim against him, with costs of the claim, the Court may accept the deposit.

Deposit instead of bail.

(2) The AMCON Track Judge must direct the deposit to be paid into an interest-yielding account at a bank.

(3) If a defendant offers security other than money in place of bail for his appearance, sufficient to answer the claim against him, the Court may accept that security and make fit and just orders and directions.

Detention in default.

15.5.—(1) If the defendant neither furnishes security nor offers a sufficient deposit, the AMCON Track Judge may order his detention until the decision of the claim, or, if judgment has been given against the defendant, until the execution of the judgment.

(2) But detention under this direction must not exceed 1 month.

(3) The AMCON Track Judge may for reasonable cause and on security and other just terms release the defendant.

#### PART XVI—FORECLOSURE AND REDEMPTION

Claim form for foreclosure and redemption.

16.—(1) An eligible claimant under paragraph (2) may issue a claim form for any of the reliefs stipulated in paragraph (3).

(2) The claimant in paragraph (1) is any of the following :

(a) a mortgagee or mortgagor, whether legal or equitable ;

(b) a person who is entitled to or who has property subject to a legal or equitable charge ;

(c) a person with the right to foreclose or redeem any mortgage, whether legal or equitable.

(3) The claimant may sue for any of the following reliefs :

(a) payment of moneys secured by the mortgage or charge ;

(b) sale ;

(c) foreclosure ;

(d) delivery of possession (whether before or after foreclosure) to the mortgagee or person entitled to the charge, by the mortgagor or person who has the property subject to the charge, or by any other person in or alleged to be in possession of the property ;

(e) redemption ;

(f) re-conveyance ;

(g) delivery of possession by the mortgagee.

#### PART XVII—WRITTEN SUBMISSIONS

Written submissions.

17.—(1) All legal argument before an AMCON Track Judge, whether in support of or opposition to any application or claim, or by way of objection, or as an address or reply, must be reduced to writing, and filed and served on all other parties.



(2) If the argument is in aid of an application notice or preliminary objection, it must be filed and served along with the application or objection.

(3) A party who wishes to oppose an application or objection on legal grounds, whether exclusively or in addition to factual bases, must file written submissions.

(4) This direction does not require any party to file written submissions ; it only says that parties wishing to argue law before the Court must put their arguments in writing ; parties retain the liberty not to proffer any legal argument, for example when dealing with applications of course.

(5) Written submissions speak for themselves. No oral elaboration of written submissions will be allowed, but the AMCON Track Judge may request clarification from a party.

(6) Written submissions, once duly filed and served, are deemed adopted, and the AMCON Track Judge may proceed to decision without further recourse to the parties.

(7) Written submissions should be set out in paragraphs numbered consecutively, and should contain :

- (a) the claim or application on which it is based ;
- (b) a brief statement of the facts with reference to the evidence ;
- (c) issues for determination ;
- (d) the argument on each issue, with the purport of any authorities cited ;
- (e) a summary of the argument ; and
- (f) an alphabetical list of authorities.

## SCHEDULE

## FORMS

AMCON TRACK FORM 1A

GENERAL CLAIM FORM  
IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE [Insert Judicial Division] JUDICIAL DIVISION  
SITTING AT [Insert Court's Location]

Suit No.: [insert suit number]

BETWEEN

[insert claimant's name ; if there are  
several claimants, state their names in a numbered list]

Claimant(s)

AND

[insert defendant's name ; if there are  
several defendants, state their names in a numbered list]

Defendant(s)

## GENERAL CLAIM FORM—PART 3.1(4)

- (1) This Court commands you to file a representation notice in this claim.
- (2) If you fail to file a representation notice, the claimant may proceed with the claim and judgment may be given in your absence.
- (3) The claimant's claim is (for) :

[Claimant to insert claims in sub-numbered paragraphs]

(a) .....

(b) .....

(c) .....

- (4) The claimant issued this claim form himself/by his legal practitioner.
- (5) Claimant's/Legal Practitioner's Contact Details

Name : .....

(Law firm) : .....

Address : .....

Phone numbers : .....

E-mail addresses : .....

---

 Signature of claimant or claimant's legal practitioner

Issued on [registrar or other court officer to insert issue date]

(2) If the argument is in aid of an application notice or preliminary objection, it must be filed and served along with the application or objection.

(3) A party who wishes to oppose an application or objection on legal grounds, whether exclusively or in addition to factual bases, must file written submissions.

(4) This direction does not require any party to file written submissions ; it only says that parties wishing to argue law before the Court must put their arguments in writing ; parties retain the liberty not to proffer any legal argument, for example when dealing with applications of course.

(5) Written submissions speak for themselves. No oral elaboration of written submissions will be allowed, but the AMCON Track Judge may request clarification from a party.

(6) Written submissions, once duly filed and served, are deemed adopted, and the AMCON Track Judge may proceed to decision without further recourse to the parties.

(7) Written submissions should be set out in paragraphs numbered consecutively, and should contain :

- (a) the claim or application on which it is based ;
- (b) a brief statement of the facts with reference to the evidence ;
- (c) issues for determination ;
- (d) the argument on each issue, with the purport of any authorities cited ;
- (e) a summary of the argument ; and
- (f) an alphabetical list of authorities.

## SCHEDULE

## FORMS

## AMCON TRACK FORM 1A

GENERAL CLAIM FORM  
 IN THE FEDERAL HIGH COURT OF NIGERIA  
 IN THE [Insert Judicial Division] JUDICIAL DIVISION  
 SITTING AT [Insert Court's Location]

Suit No.: [insert suit number]

BETWEEN

[insert claimant's name ; if there are  
 several claimants, state their names in a numbered list] Claimant(s)

AND

[insert defendant's name ; if there are  
 several defendants, state their names in a numbered list] Defendant(s)

GENERAL CLAIM FORM—PART 3.1(4)

- (1) This Court commands you to file a representation notice in this claim.
- (2) If you fail to file a representation notice, the claimant may proceed with the claim and judgment may be given in your absence.
- (3) The claimant's claim is (for) :

[Claimant to insert claims in sub-numbered paragraphs]

(a) .....

(b) .....

(c) .....

- (4) The claimant issued this claim form himself/by his legal practitioner.
- (5) Claimant's/Legal Practitioner's Contact Details

Name : .....

(Law firm) : .....

Address : .....

Phone numbers : .....

E-mail addresses : .....

\_\_\_\_\_  
 Signature of claimant or claimant's legal practitioner

Issued on [registrar or other court officer to insert issue date]

**(6) Information About Service**

I, *[insert document server's name]* served this claim form on the *[if there are several defendants, specify which, for example, 2nd]* defendant on *[insert date of service]* by *[explain mode of service]* at *[insert place of service]*

---

*Document Server's Signature*

SPECIAL CLAIM FORM  
IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE *[Insert Judicial Division]* JUDICIAL DIVISION  
SITTING AT *[Insert Court's Location]*

Suit No. : *[insert suit number]*

BETWEEN

*[insert claimant's name ; if there are  
several claimants, state their names in a numbered list]* Claimant(s)

AND

*[insert defendant's name ; if there are  
several defendants, state their names in a numbered list]* Defendant(s)

SPECIAL CLAIM FORM—PART 3.1(4)

- (1) This Court commands you to file a representation notice in this claim.
- (2) If you fail to file a representation notice, the claimant may proceed with his claim and judgment may be given in your absence.
- (3) The claimant's claim is (for):

*[Claimant to insert claims in sub-numbered paragraphs]*

- (a) *[state amount claimed and explain nature of claim, for example debt-summarise transaction]*

(b) Costs

(c) .....

- (4a) You may pay the amount claimed, plus costs, to the claimant or the claimant's legal practitioner.

(4b) If you pay as claimed, proceedings will be stayed.

- (5) The claimant issued this claim form himself/by his legal practitioner.

- (6) Claimant's/Legal Practitioner's Contact Details

Name : .....

(Law firm) : .....

Address : .....

Phone numbers : .....

E-mail addresses : .....

\_\_\_\_\_  
*Signature of claimant or claimant's legal practitioner*

Issued on *[registrar or other court officer to insert issue date]*

## (7) Information About Service

I, *[insert document server's name]* served this claim form on the *[if there are several defendants, specify which, for example, 2nd]* defendant on *[insert date of service]* by *[explain mode of service]* at *[insert place of service]*.

---

*Document Server's Signature*

REPRESENTATION NOTICE  
IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE [Insert Judicial Division] JUDICIAL DIVISION  
SITTING AT [Insert Court's Location]

Suit No. : [insert suit number]

BETWEEN

[insert claimant's name ; if there are  
several claimants, state their names in a numbered list] Claimant(s)

AND

[insert defendant's name ; if there are  
several defendants, state their names in a numbered list] Defendant(s)

REPRESENTATION NOTICE—PART 9.4

1. This representation notice is for :  
[insert defendant's name; if there are several defendants, state their names  
in a numbered list]
2. The [if there are several defendants, specify which, for example, 2nd]  
defendant will be represented by :  
[supply contact details of the defendant's legal practitioner or those of the  
defendant if the defendant will represent himself]

---

Signature of defendant or defendant's legal practitioner

Filed on [registrar or other court officer to insert filing date]



## AMCON TRACK FORM 3

PART 12 OFFER  
IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE [Insert Judicial Division] JUDICIAL DIVISION  
SITTING AT [Insert Court's Location]

Suit No. [insert suit number if claim has been filed]

BETWEEN

[insert claimant's name ; if there are  
several claimants, state their names in a numbered list]

Claimant(s)

AND

[insert defendant's name ; if there are  
several defendants, state their names in a numbered list]

Defendant(s)

PART 12 OFFER—PART 12.2(4)

INTRODUCTION

1. This is an offer to settle under Part 12 and is intended to have the consequences of that Part.
2. If this offer is accepted, the defendant will be liable for the claimant's costs from [insert beginning of period under 12.2(2)(c)] to [insert end of period under 12.2(2)(c)].
3. This offer relates to [the whole claim/OR specify part of claim to which offer relates/OR specify issue to which offer relates].
4. [This offer takes into account the {defendant's} counterclaim].
5. [This offer relates solely to liability- expatiate].

DETAILS OF OFFER

[Insert, in numbered paragraphs if helpful, details of the offer, with dates, rates, and payment plan as appropriate]

---

*Offeror's Signature*

Date :

The directives herein contained shall take effect from the 1st day of March, 2013.

(Signed)

HONOURABLE JUSTICE IBRAHIM NDAHI AUTA, OFR  
*Chief Judge of the Federal High Court*