

# **SUPREME COURT**

## **PRACTICE DIRECTIONS**

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# Federal Republic of Nigeria Official Gazette

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The following is published as Supplement to this *Gazette* :

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S. I. 5 of 2008

## SUPREME COURT RULES, 1985 (AS AMENDED)

## PRACTICE DIRECTION

## ORDER 10 RULE 2

In the exercise of the powers conferred upon me by section 236 of the Constitution of the Federal Republic of Nigeria and Rule 2 of the Order 10 of the Supreme Court Rules, 1985 (as amended), and in accordance with the provisions of Order 8 Rule 19 of the said Rules and by virtue of all the powers enabling me in that behalf, the following Notice is hereby issued as a Practice Direction of the Supreme Court, 2008.

With effect from Tuesday, 1st April, 2008, the costs to be awarded by the Supreme Court in a civil appeal and an application in a civil appeal are hereby fixed as follows :

- |  |            |
|--|------------|
| (1) Costs to a successful party in a civil appeal.. ..   | N50,000.00 |
| (2) Costs for delaying the hearing of a civil appeal by a party on the day the appeal has been fixed for hearing .. .. . | N30,000.00 |
| (3) Costs in an application in a civil appeal being heard in open Court .. .. .  | N30,000.00 |

The Practice Direction issued on the 18th day of August, 1997 in respect of award of costs by the Supreme Court, is hereby revoked. Revocation.

ISSUED at Abuja this 25th day of February, 2008.

IDRIS LEGBO KUTIGI, GCON  
*Chief Justice of Nigeria*



# Federal Republic of Nigeria Official Gazette

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S. I. No. 33 of 2011

## PRACTICE DIRECTIONS

## ELECTION APPEALS TO THE SUPREME COURT

THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA AS AMENDED  
(SECTIONS 233[2] (E) AND 236) AND  
ORDER 10 RULE 2, SUPREME COURT RULES 1999 (AS AMENDED)

In the exercise of the powers conferred on me by Section 233 (2) (e) and Section 236 of the Constitution of the Federal Republic of Nigeria 1999 as amended ; Order 10 Rule 2, Supreme Court Rules, 1999 (as amended) and by virtue of all other powers enabling me in that behalf, I, DAHIRU MUSDAPHER, GCON, Chief Justice of Nigeria, hereby issue the following Practice Directions for the Supreme Court :

[17th day of October, 2011]

Commence-  
ment.

These Practice Directions shall apply and be observed in the Supreme Court when hearing an Election Appeal from the Court of Appeal.

1. The Appellant shall file in the Registry of the Court of Appeal his notice and grounds of appeal within 14 days from the date of the decision appealed against.

2. At the filing of the notice of appeal, the Appellant shall :

(a) pay to the Registrar of the Court of Appeal such fees as may be determined, having regard to the bulk of the record of proceedings which shall be compiled ;

(b) furnish as many copies as there are Respondents in addition to ten (10) extra copies ; and

(c) pay a fee for service on all Respondents.

3. The Registrar of the Court of Appeal shall immediately upon the receipt of the notice of appeal cause to be served on all the Respondents, copies of the notice of appeal.

4. The Registrar shall within a period of not more than 10 days of the receipt of the notice of appeal, cause to be compiled and served on all the parties, the record of proceedings and transmit same to the Supreme Court.

5. Within a period of 10 days after the service of the record of proceedings, the Appellant shall file in the Supreme Court, his written Brief of Argument in the appeal in 10 copies and sufficient number of copies for service on the Respondent(s).

6. The Respondent shall file in the court his own Brief of Argument within 5 days of the service of the Appellant's Brief.

7. An Appellant may file his Reply Brief within 3 days of the service of the Respondent's Brief.

8.—(a) 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 the Court.

(b) The appellant shall be entitled to open and conclude the argument. Where there is a Cross-Appeal or Respondent's Notice, it shall be argued together with the appeal as one case and within the time allotted for the case, and the Court may, having regard to the nature of the appeal, inform the parties which one to open and close the argument.

(c) Unless otherwise directed, 30 minutes on each side will be allowed for argument.

9.—(a) Except where the Court directs otherwise, every written submission or reply to be filed in the Court shall not exceed forty (40) pages.

(b) The document referred to in the preceding paragraph must be prepared in 210mm by 297mm paper (A4) and typed in clear typographic character. The type set shall be in Arial, Times New Roman or Verdana of 14 point type with at least 1.5 spacing line spacing in-between.

(c) Every document which does not comply with the page limit and paper size requirements of this paragraph shall not be accepted by the Registry for filing.

10. The security for costs prescribed by the First Schedule to the Electoral Act 2010 (as amended) to be deposited with the Supreme Court shall be the sum of Two Hundred and Fifty Thousand naira (₦250,000) only.

11. There shall be a further deposit of the sum of Two Hundred Thousand naira (₦200,000) to make up for the costs of service of notices, registered postings and all other expenditure which may be occasioned by the appeal.

Citation. These Practice Directions may be cited as Supreme Court Election Appeals Practice Directions 2011.

MADE at Abuja this 17th day of October, 2011.

DAHIRU MUSDAPHER, GCON  
*Chief Justice of Nigeria*

*Extraordinary*



# Federal Republic of Nigeria Official Gazette

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S. I. 14 of 2012

**SUPREME COURT RULES, 1999  
(AS AMENDED)**

**PRACTICE DIRECTION ORDER 10 RULE 2**

[1st June, 2012]

Commence-  
ment.

In exercise of the powers conferred upon me by section 236 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Rule 2 of Order 10 of the Supreme Court Rules, 1999 (as amended), and in accordance with the provisions of Order 8 Rule 19 of the said Rules and by virtue of all powers enabling me in that behalf, the following Notice is hereby issued as a Practice Direction of the Supreme Court, 2011.

With effect from 1st June 2012, the costs to be awarded by the Supreme Court of Nigeria in a civil appeal and an application in a civil appeal are hereby fixed at the minimum as follows:

(i) Cost to a successful party in a civil appeal — ₦100,000.00

(ii) Costs for delaying the hearing of a civil appeal by a party on the day the appeal has been fixed for hearing — ₦50,000.00.

(iii) Costs in an application in a civil appeal being heard in Open Court — ₦30,000.00

PROVIDED that in an appropriate case, costs may be ordered to be payable by a legal practitioner personally.

The Practice Direction issued on the 25th day of February, 2008 in respect of costs by the Supreme Court is hereby revoked.

This Practice Direction may be cited as Supreme Court Practice Direction, 2012 issued at Abuja this 1st day of June, 2012.

DAHIRU MUSDAPHER, GCON,  
*Chief Justice of Nigeria.*



**Supreme Court  
(Criminal Appeals)  
Practice Direction, 2013**



# Federal Republic of Nigeria

## Official Gazette

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S. I. 00 of 2013.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999  
(AS AMENDED)

SUPREME COURT RULES, 1999 (AS AMENDED)

SUPREME COURT (CRIMINAL APPEALS)  
PRACTICE DIRECTIONS, 2013

In exercise of the powers conferred on me by section 236 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) ; Order 10 Rule 2 of the Supreme Court Rules, 1999 (as amended) and by virtue of all other powers enabling me in that behalf, I, ALOMA MARIAM MUKHTAR, GCON, CHIEF JUSTICE OF NIGERIA, issue the following Practice Directions of the Supreme Court of Nigeria—

[15th Day of July, 2013]

Commence-  
ment.

1.—(1) The purpose of these Practice Directions are to—

Objective  
and Guiding  
Principle.

(a) establish a specialized system of case management in the Supreme Court of Nigeria, that will provide for the fair, impartial and expeditious administration of Criminal appeals arising out of cases listed in Rule 2 of these Practice Directions ;

(b) create a system for fast tracking the hearing and determination of interlocutory applications and appeals from the decision of the Court of Appeal on interlocutory applications and preliminary objections, and cases pertaining to offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking ;

(c) ensure that in the determination of appeals, the Court will only determine applications which cannot be taken with the substantive appeals ;

(d) ensure that the attitude of each Panel of the Court should be to take all steps, in the determination of appeals, to reduce the delay occasioned by interlocutory appeals as much as is reasonably possible in furtherance of the need to minimize the delay occasioned at the lower Courts by ensuring expeditious disposal of interlocutory appeals ;

(e) reduce the time spent on hearing and determination of interlocutory applications both at the trial Court on appeal and in the process minimize the avenues for parties to make use of interlocutory applications as a means to frustrate or delay the expeditious conduct of cases at the Courts below ;

(f) ensure that the conduct of appeals are not stalled by the unpreparedness of the Court or the parties and that the Appeals are timeously conducted ;

(g) minimize undue adjournments and delays occasioned by counsel ;

(h) reduce the delay in the preparation and delivery of the Court's Rulings and Judgments in the category of cases listed in Rule 2 of these Practice Directions ; and

(i) ensure that where possible, trials are not delayed by the hearing and determination of interlocutory appeals.

(2) The Rules made under these Practice Directions shall be construed and applied to eliminate unnecessary delay in the transmission and conduct of appeals, and reduce the expense and time spent on appeals by all parties involved in the Court justice system.

(3) These Practice Directions shall enable the Chief Justice of Nigeria to fast track the hearing and determination of appeals in respect of cases which fall under the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking.

Applicability.

2.—(1) These Practice Directions shall, save to the extent and as may otherwise be ordered by the Chief Justice of Nigeria, apply to—

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

(b) Interlocutory Applications ; and

(c) appeals challenging the ruling of the Court of Appeal on an interlocutory application heard in that Court in relation to the cases listed in Rule 2 (1) (a) of this Rule.

(2) The Rules made under these Practice Directions shall apply *mutatis mutandis* to all criminal cases, which fall under the category of offences listed in Rule 2 (1) (a) of this Rule as well as all interlocutory appeals and applications in respect of the listed offences.

(3) An appeal shall not be heard in respect of any matter falling under Rule 2 (1) of this Rule, unless—

(a) the appeal involves the interpretation of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) ; and

(i) affects the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering, Human Trafficking and Interlocutory Applications ; and

(ii) challenges the ruling of the Court of Appeal on an interlocutory application heard in that Court, or pertains to any right which is recognized by the Constitution, in respect of the offences earlier mentioned in Rule 2 (1) of this Rule ; or

(b) the Appeal discloses a matter of National Security or Public Policy.

Service of Notices.

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

(2) A Notice of Preliminary Objection in accordance with the Supreme Court of Nigeria Rules, must be served not later than seven days prior to the date scheduled for the hearing of the appeal.

(3) To ensure speedy dispensation of justice, electronic mail, e-mail and other electronic means may be employed by the Court in order to inform counsel of urgent Court and case events; provided that such notification shall be given at least forty-eight hours before the scheduled Court date.

(4) In line with the provisions of Rule 3 (3) of this Rule, parties are expected to furnish the Court Registrar with functional telephone numbers and e-mail addresses of themselves and their counsel.

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

Compilation  
and  
Transmission  
of Records.

(2) In any appeal in respect of matters listed in Rule 4 (1) of this Rule, the Registrar of the Court of Appeal shall not later than fifteen days after filing of a Notice of Appeal, with the assistance of the Appellant, compile and transmit the Record of Appeal to the Court.

(3) Pursuant to Rule 4 (2) of this Rule, the Registrar shall, within seven days summon the parties before him to—

(a) settle the documents to be included in the Record of Appeal ; and

(b) fix the amount to be deposited by the Appellant to cover the estimated cost of compiling and forwarding the Record of Appeal to the Court.

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

(5) The records compiled by the Appellant, pursuant to Rule 4 (4) of this Rule, shall be served on the Respondent or Respondents within fifteen days.

(6) Where the Respondent considers that there are additional records which may be necessary in disposing of the appeal, he shall be at liberty to, within five days of the service on him of the record, in accordance with Rule 4 (5) of this Rule, compile and transmit to the Court such record to be known as the additional Record of Appeal.

5.—(1) A Notice of Appeal may be amended by or with the leave of the Court at any time before judgement, provided that in any application or appeal in respect of—

Amendment  
of Notice of  
Appeal.

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

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

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

Briefs of  
Argument.

6.—(1) The Appellant shall within ten days of the receipt of the Record of Appeal from the Court of Appeal file in the Supreme Court, a written brief of argument, being a succinct statement of his argument in the appeal.

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

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

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

Determination  
of appeals  
and stay of  
execution.

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

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

Appeal  
Certification  
Committee.

8.—(1) The Chief Justice of Nigeria shall, in furtherance of the objectives of these Practice Directions, constitute a Committee of Justices of the Supreme Court, which shall be tasked with the certification of all appeals coming for hearing under these Practice Directions which shall be known as the Appeal Certification Committee.

(2) An Appeal shall not be listed by the Registry unless same has been certified by the Committee.

9. These Practice Directions may be cited as the Supreme Court (Criminal Appeals) Practice Directions, 2013. Citation.

MADE at Abuja this 15th day of July, 2013.

ALOMA MARIAM MUKITTAR, GCON  
*Chief Justice of Nigeria*

#### EXPLANATORY NOTE

*(This Memorandum does not form part of the above Practice Directions but is intended to explain its purport)*

The purpose of this Rule is to establish a specialized system of case management in the Supreme Court of Nigeria, that will provide for the fair, impartial and expeditious administration of Criminal appeals arising out of all Criminal Appeals relating to the offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking as listed in Rule 2 of these Practice Directions.