



FEDERAL HIGH COURT PRACTICE DIRECTIONS

AMENDMENT TO ORDER 48 RULE 4 FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2009 - PENALTY FOR NON-COMPLIANCE

In exercise of the powers conferred on me by section 254 of the Constitution of Federal Republic of Nigeria 1999 and all other powers enabling me in that behalf, I Ibrahim Ndahi Auta (OFR) Chief Judge, Federal High Court, hereby make the following practice Directions amending Order 48 Rule 4 of the Federal High Court (Civil Procedure) Rule 2009.

AMENDMENT:

ORDER 48 (4) shall read:-

- (4) The Judge may, as often as he deems fit and either before or after the expiration of the time appointed by these Rules or by any Judgment or Order of the Court Extend or adjourn the time for doing any act or taking any proceedings.

PROVIDED that any party who defaults in performing an act within the time authorized by the judge or under these Rules shall pay to the court, an additional fee of **₦1,000.00** (One thousand Naira) for each day of such default at the time of compliance.

There shall be no waivers. All defaulting parties must pay penalty fee as prescribed.

DATED ABUJA 3RD JUNE, 2013.

EXPLANATORY NOTE

This amendment intends to ensure that cases are not unduly delayed by filing of document outside the time allowed by the Rules, and to address Counsel/Litigants induced delays.

**HON. JUSTICE I.N. AUTA (OFR)
CHIEF JUDGE
FEDERAL HIGH COURT**

PRACTICE DIRECTIONS

CRIMINAL TRIALS RELATING TO OFFENCES, OF TERRORISM, KIDNAPPING, TRAFFICKING IN PERSONS, RAPE, CORRUPTION AND MONEY LAUNDERING CASES, SAVE TO THE EXTENT AND AS MAY BE ORDERED BY THE HONOURABLE CHIEF JUDGE.

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AS AMENDED.

SECTION 254 AND ORDER 1 RULE 4; ORDER 57 RULE 3 FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2009.

In exercise of the powers conferred on me by section 254 of the Constitution of the Federal Republic of Nigeria 1999 and all other powers enable me in that behalf, I, Ibrahim Ndahi Auta (OFR) Chief Judge, Federal High Court, hereby make the following practice Directions for the Federal High Court.

30TH DAY OF APRIL, 2013.

COMMENCEMENT

The Directive contained herein shall take effect from the 3rd Day of June, 2013.

EXPLANATORY NOTE

This Practice Direction is intended to fast track the criminal trials in the Court and to ensure that delays in criminal trials are largely eliminated.

**HON. JUSTICE I.N. AUTA (OFR)
CHIEF JUDGE
FEDERAL HIGH COURT**

FEDERAL HIGH COURT (CRIMINAL) PRACTICE DIRECTION 2013,G L

1. APPLICABILITY

- a. The purpose of this practice Direction is to establish, a system of case management that will provide for the fair and impartial administration of criminal cases and the rules made under this practice direction shall be construed and applied to eliminate unnecessary delay and expense for the parties involved in the Court justice system.
- b. The rules made under this practice Direction shall apply *mutatis mutandis* to criminal cases and to the extent possible:
 - i. Ensure that at trials the parties focus on matters which are genuinely in issue;
 - ii. Minimize the time spent at trials dealing with interlocutory matters
 - iii. Ensure that possibilities of settlement is explored before the parties go into hearing.
 - iv. Ensure that hearings are not stalled by unpreparedness of Court or the parties and that the case is fully ready for trial before hearing dates are agreed;
 - v. Minimize undue adjournments and delays.

3. FILING CHARGE

- a. The complaint shall not file a charge unless it is accompanied by an affidavit stating that all investigations into the matter had been concluded and in the opinion of the prosecutor, a prima facie case exists against the accused person.
- b. On the date of 1st arraignment, the prosecutor must produce the accused person in Court.

- c. Where there is a preliminary objection challenging the jurisdiction of the Court to hear a case before it, the Court shall ensure that the ruling is delivered within 14 days.
- d. No party may serve a notice of an application on another party on the date scheduled for hearing.
- e. In furtherance of the need to ensure speedy dispensation of justice, electronic mail in order to inform counsel of urgent Court and case events. Hence, Counsel is expected to furnish the court Registrar with primary and secondary phone numbers and email address.

PROVIDED that these notices should be given at least forty eight (48) Hours before the scheduled Court date.

4. DUTIES OF THE PROSECUTION

- i. To serve copies of the statement of evidence and documentary exhibits upon the Defence 7 days before the arraignment hearing.
- ii. To provide a written case summary on the evidence and documentary exhibits upon the Defence 7 days before the arraignment hearing.
- iii. To specify what further evidence is to come, and how long that evidence will take to be served on the Court and the defence.

5. DUTIES OF THE DEFENCE

- i. Specify in writing, the defence being raised.
- ii. Specify in writing those aspects of the prosecution case which are agreed.
- iii. Specify in writing those aspect of the prosecution case which is in dispute.
- iv. Specify in writing which witnesses are required for cross examination, and why.

6. HEARING

- a. The hearing of cases shall schedule on a day to day basis as far as the schedule of the Court may permit, priority given to all cases prosecuted by the EFCC, ICPC, SS or cases initiated under any law dealing with terrorism, kidnapping, rape, corruption,

trafficking in persons and money laundering cases. Court shall continue to accord priority to these cases until Judgment is delivered and all witness must be present in Court on all such days until their evidence is heard.

- b. The court and the parties must prevent unwarranted and unnecessary delays and accordingly, not more than two adjournments shall be granted to any party on an action covered by the provisions of this practice Direction.

PROVIDED that no application for adjournment shall be entertained on a day fixed for hearing.

- c. Where a party seeks to change their counsel during the lifespan of a case, not more than two adjournments shall be granted to him to so do;
- d. Where expedient and in furtherance of the objectives of this Practice Direction, the Court may schedule the time and date of hearing to fall on such days and at such times as may be convenient;
- e. Counsel shall ensure that they are present in Court and ready to proceed with their case at all times. In the event that this proves to be impracticable by reason of ill-health or any other unavoidable incidences, such Counsel shall ensure that a Counsel of requisite professional experience and knowledge of the issues before the Court (as is required to diligently prosecute or defend the), is present in court and ready to proceed with the case in his or her stead;
- f. In criminal trials, the prosecution has a duty to ensure that the accused person is present in Court at all hearings.

7. PROCEEDING OD THE COURT

ATTITUDE OF COUNSEL AND THE COURT

- a. Judges must ensure that Counsel conduct the business of the Court with proper professional decorum and stringently avoid any act which is either an abuse of the justice system or is aimed at truncating the court of justice; Counsel who may wish to make a petition against a judge must first inform the Chief Judge, in writing, of the allegation against the Judge concerned. In investigating a petition made against a Judge, the Judge must

also work to ensure that petitions do not create a de facto stay of proceedings;

- b. So far as is reasonable practicable, the Court must endeavor to conduct all its proceedings regularly and punctually and discourage adjournments made on trivial grounds by counsel.

8. COURT DIRECTIONS

- i. Fixing the date for trial, including a time estimate agreed by the parties. In the absence of any agreement, the Judge will make his/her own assessment of the time estimate based upon information already provided by the parties.
- ii. Fixing any future interim date to ensure that the parties are complying with Court-ordered directions.
- iii. Requiring the parties to specify what points of admissibility or other issues are to be taken a trial. If either issue, the raise objection on a point of admissibility or other issue, the objection must be in writing and must set out a summary of the augment relied upon ("Skeleton Argument"). The Judge will consider any objection before the start of the trial, they must give reasons why such points of objection cannot be resolved by the trial Judge before the start of the trial.
- iv. Directing the parties that the Court will sit on consecutive working days until the close of case or verdict.

9. COMMENCEMENT

The directive herein contained shall take effect from the 3rd June, 2013.

HON. JUSTICE I.N. AUTA (OFR)
CHIEF JUDGE, FEDERAL HIGH COURT