

FEDERAL REPUBLIC OF NIGERIA

FEDERAL HIGH COURT OF NIGERIA

PRACTICE DIRECTIONS

2020

FOR THE COVID-19 PERIOD



THE FEDERAL HIGH COURT OF NIGERIA

PRACTICE DIRECTIONS 2020

FOR THE COVID -19 PERIOD

1. Whereas by reason of the Corona Virus pandemic (known as COVID-19) there has been global containment measures by Governments of Countries around the World; and the Nigerian Government upon responding to the global pandemic declared lockdown measures which affected the judicial system and services.
2. Whereas the National Judicial Council in order to properly reposition the Courts has issued Guidelines to enable the Judiciary to adapt measures that would ensure effective conduct of Judicial business by Honourable Judges, Court Staff, Counsel, Litigants and members of the public who have need to access the Court.
3. And Whereas it has now become essential to make Practice Directions to provide procedures that would ensure effective provisions of judicial services as provided for by the Federal High Court (Civil Procedure) Rules, 2019 and other existing Rules and Practice Directions for the entrenchment of safety

A handwritten signature in black ink, consisting of a stylized 'A' followed by a flourish.

measures, virtual proceedings and utilization of requisite information technology for expeditious disposition of criminal and civil matters and causes.

Now therefore, I, Honourable Justice John Terhemba Tsoho, the Chief Judge of the Federal High Court pursuant to the Powers conferred on me by the 1999 Constitution (as amended); the Federal High Court Act Cap. F12, Laws of the Federation of Nigeria 2010; the Administration of Criminal Justice Act, 2015; Federal High Court (Civil Procedure) Rules, 2019 and any other enabling legislation, hereby issue the following Practice Directions for the Federal High Court of Nigeria:

PART A

1. APPLICABILITY

These Practice Directions shall, save to the extent or as may otherwise be directed by the Chief Judge, apply to both criminal and civil matters and causes in the Federal High Court.

2. COMPUTATION OF TIME

For the purpose of computation of time for doing any act under the Rules of this Court, the period beginning from Tuesday the 24th day of March, 2020 as directed by the National Judicial Council, through the Honourable, the Chief Justice of Nigeria and Chairman of the National Judicial Council, by letter with Ref. No. NJC/CIR/HOC/11/631 dated 23rd day of March 2020, to the commencement of these Practice Directions, being the

period of the lockdown for reasons of the COVID-19 pandemic shall be excluded.

Provided that any act done within the said period pursuant to the Rules of Court shall remain valid.

PART B

SAFETY MEASURES

- 1(a) Every person wishing to enter the Court premises, without exception, shall be subjected to the temperature monitor reading for the determination of his or her body temperature; and shall also wash and sanitize his or her hands.
- (b) Anyone who refuses to submit himself or herself for the reading of his or her body temperature and also wash and sanitize his or her hands shall be politely refused entry into the court premises and advised to leave the entrance immediately.
- (c) At no time and in no circumstance shall anyone while within the court premises, including inside courtrooms, offices and the chambers of Judicial Officers, not wear facemask.
- (d) Anyone who refuses, neglects or is unwilling to wear facemask at any time while in the court premises shall be politely advised to leave and be escorted outside the premises by security personnel.



- (e) Facemasks must be properly worn by everyone within the court premises to cover their mouths and noses at all times.
- 2(a) Every person within the premises of the court and inside the court room shall observe the requirement of social and physical distancing of not less than 2 meters (6 feet) apart from each other.
- (b) At any given time, there shall not be a congregation of more than ten (10) within the Court premises, except for purposes of court sittings.
- 3(a) There shall not be more than twenty (20) persons inside the court room including the court staff and counsel at court sittings.
- (b) In a representative or class action where there are many litigants, they shall decide amongst themselves who will represent them as there shall not be more than 20 persons, including the court staff and counsel at court sittings.
- (c) Counsel representation in cases with multiple parties shall as much as possible be restricted to one (1) counsel representation per party in the court, and in the case of representation by a Senior Advocate of Nigeria, his appearance shall be limited to being with one other Senior Advocate of Nigeria (where applicable) and/or his junior counsel.

Provided that each party shall be represented in Court by one (1) counsel, subject to a maximum of Twenty (20) persons in the Court room.

PART C

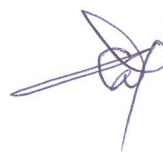
E-FILING

1. Parties shall adopt the e-filing provisions as contained in the Federal High Court (Civil Procedure) Rules.
- 2(a) All e-filed documents shall be in Portable Document Format (PDF) and the e-mail addresses of all the Judicial Divisions shall be provided by the Court.
- (b) Where physical documents are filed alongside the electronic documents, the physical documents shall be kept in isolation for a period of 5 days before processing.
3. Assessed fees may be paid through the appropriate Remita Account.
4. Evidence of such payment shall be forwarded to the designated officer for verification and upon confirmation, the process shall be deemed as filed.

PART D

SERVICE OF PROCESSES

1. Service of court processes may be effected by e-mail, WhatsApp or as may be directed by the Court, and shall be deemed as good service.



2. Service of hearing notices may be effected by e-mail, WhatsApp, text messages or as may be directed by the Court.
3. The print- out of same shall be sufficient proof of service.
4. Time shall run in accordance with the provisions of the Federal High Court (Civil Procedure) Rules, 2019.
5. Where a counsel or party files and or serves an electronic and hard copy of the same process which are different from each other in content, the hard copy version shall take priority.
6. Such act shall be deemed as professional misconduct which attracts sanction.

PART E

PHYSICAL COURT SITTINGS

- 1 (a) The number of cases on the cause list shall not exceed nine (9) per day.
 - (b) For the purpose of case management, Honourable Judges are to allocate time slot to each case in consideration of the number of persons permitted to be present in Court, in order to maintain the limit stated in these Practice Directions.
2. In cases requiring production of persons in Correctional Centers, where practicable, the virtual proceedings method is to be employed as stated in these Practice Directions, and

where physical production of the inmate is inevitable, the Court shall ensure the physical distancing rules.

PART F

VIRTUAL PROCEEDINGS


1. Virtual proceedings is hereby adopted for adjudication in the Federal High Court.
2. Virtual proceedings can be either by Zoom, Skype or any other audio-visual platform approved by the Court.
3. Where parties and counsel agree to virtual proceedings in a case, they shall liaise with the Registrar of the Court to schedule the hearings.
4. Cases for virtual proceedings shall be stated on the Cause List and shall be posted on the Federal High Court website and communicated to counsel and parties, either by e-mail or any other electronic means, as the Court may direct.
5. It shall be the duty of the Court to give directions on the conduct of virtual proceedings.
6. For the purpose of virtual proceedings, the Honourable Judge and counsel shall be properly robed.

A handwritten signature in dark ink, appearing to be a stylized 'A' or similar character, located at the bottom right of the page.

COMMENCEMENT

These Practice Directions shall come into effect on the 18th day of May, 2020.

Dated this18th.....day ofMay.....2020.


Hon. Justice John Terhemba Tsoho, FICMC
The Honourable, The Chief Judge,
Federal High Court.