

L.N. 245 of 1959

**THE INDUSTRIAL DEVELOPMENT (INCOME TAX RELIEF)
ORDINANCE, 1958 (No. 8 of 1958)**

**The Industrial Development (Income Tax Relief) (Pulp, Paper and
Paper-Board Articles) Order, 1959**

Commencement: 19th November, 1959.

WHEREAS representations have been received pursuant to subsection (1) of section 3 of the Industrial Development (Income Tax Relief) Ordinance, 1958, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products:

AND WHEREAS all necessary steps have been taken, pursuant to subsections (1) and (2) of section 3 of the said Ordinance, prior to the making of this Order:

NOW THEREFORE, in exercise of the powers conferred by subsection (2) of section 3 of the Industrial Development (Income Tax Relief) Ordinance, 1958, the Governor-General, after consultation with the Council of Ministers, has made the following Order:

1. This Order may be cited as the Industrial Development (Income Tax Relief) (Pulp, Paper and Paper-board Articles) Order, 1959, and shall be of Federal application.

Citation and
application.

2. It is hereby declared that—

Declaration.

(a) the industry set out in the schedule hereto shall be a pioneer industry; and

(b) the products set out in the schedule hereto shall be pioneer products of the industry.

SCHEDULE

Industry

Products

Manufacture of articles of pulp, paper and paper-board

Articles manufactured from pulp, paper and paper-board.

MAURICE JENKINS,
*Acting Deputy Secretary
to the Council of Ministers*

Lagos, 31st October, 1959.

I.2367/44

L.N. 246 of 1959

INDUSTRIAL DEVELOPMENT (IMPORT DUTIES RELIEF) ORDINANCE, 1957 (No. 27 of 1957)

Industrial Development (Import Duties Relief) (Amendment) Regulations, 1959

Commencement : 19th November, 1959

In exercise of the powers conferred by section 16 of the Industrial Development (Import Duties Relief) Ordinance, 1957, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

Citation and
application.

1. These regulations may be cited as the Industrial Development (Import Duties Relief) (Amendment) Regulations, 1959, and shall be of Federal application.

Amendment
of L.N. 155
of 1957.

2. The Industrial Development (Import Duties Relief) Regulations, 1957, are amended by the deletion of sub-paragraph (c) of paragraph (1) of regulation 7 and the substitution therefor of the following sub-paragraph—

“(c) the amount of relief to be given in respect of each kind of imported material; this amount shall be expressed either—

(i) as a proportion of the rate of current import duty, or

(ii) as a sum of money to be repaid per unit of the material to be imported, or goods to be manufactured

and may be expressed to be subject to any specified maximum total sum or sums of relief payments in any period or periods;”.

DATED this 2nd day of November, 1959.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers.

EXPLANATORY NOTE

These regulations amend the Industrial Development (Import Duties Relief) Regulations, 1957, to enable rates of relief from import duty to be authorised subject to a maximum total of relief payments.

L2102

FEDERAL LEGISLATIVE HOUSES (DISPUTED SEATS) REGULATIONS, 1959

ARRANGEMENT OF REGULATIONS

1. Citation and application.
2. Interpretation.
3. Method of questioning elections.
4. Who may present petition.
5. Time for presentation.
6. Grounds for petition.
7. Substantial compliance.
8. Decision as to vacancy in Senate or House of Representatives.
9. Time for appeal.
10. Priority in respect of appeals.
11. Effect on election return of notice of appeal.
12. Application to court.
13. Presentation of petition.
14. Contents of petition.
15. Further particulars.
16. Security.
17. Recognizance.
18. Objection to security.
19. Form of order.
20. Issue of petition.
21. Variation of security.
22. Address for service.
23. Action by Registrar.
24. Service.
25. Entry of appearance.
26. Default of appearance.
27. Notice of appearance.
28. Filing of reply.
29. Notice of reply.
30. Amendment of petition.
31. List of objections to votes.
32. List of objections to election.
33. Further particulars or directions.
34. Open court.
35. Time and place of hearing.
36. Notice of trial.
37. Publication, good notice.
38. Postponement of hearing.
39. Arrival of judge.

40. Continuance day to day.
41. Adjournment.
42. Powers of judge.
43. Effect of determination.
44. Withdrawal or abatement of petition.
45. Affidavits in support.
46. Motion for leave to withdraw.
47. Withdrawal may be opposed.
48. Abatement on death.
49. Notice of no opposition to withdrawal.
50. Default in reply.
51. Countermand of notice of trial.
52. Discretion of court if no reply.
53. Information as to seat becoming vacant.
54. Fees.
55. Allocation of costs.
56. Return of security.
57. Payment of costs out of security.
58. Calling of witnesses.
59. Privilege.
60. Evidence by respondent.
61. Enlargement and abridgment of time.
62. Service of notice.
63. Number of respondents.
64. Multiple petitions.
65. Conduct of Returning Officer.
66. Attorney-General may intervene.
67. Duplicate documents.
68. Non-compliance with rules, etc.
69. Application of rules of court.
70. Revocation. L.N. 117 of 1958.

SCHEDULE

- Form 1.—Receipt of Petition.
- Form 2.—Petition.
- Form 3.—Recognizance.
- Form 4.—Notice of Deposit.
- Form 5.—Affidavit of Sufficiency.
- Form 6.—Notice of Presentation of Petition.
- Form 7.—Notice of Trial.
- Form 8.—Notice of Motion to Withdraw Petition.

L.N. 247 of 1959

NIGERIA (CONSTITUTION) ORDERS IN COUNCIL, 1954 TO 1959

Federal Legislative Houses (Disputed Seats) Regulations, 1959

Commencement : 19th November, 1959

In exercise of the powers conferred by sections 8 and 16 of the Nigeria (Constitution) Order in Council, 1954, as amended, the Governor-General has made the following regulations—

1. These regulations may be cited as the Federal Legislative Houses (Disputed Seats) Regulations, 1959, and shall be of Federal application.

Citation and application.

2. In these regulations—

Interpretation.

"Attorney-General of the Federation" includes a representative of the Attorney-General of the Federation ;

"court" includes a judge of the High Court ;

"election" means the election in the constituency to which an election petition relates ;

"High Court" and "High Court of the Region" means the High Court of the Region in which the constituency is situated to which an election petition relates, or in which a constituency is situated in respect of which the validity of a seat in the House of Representatives is disputed, and in respect of Lagos and of the Southern Cameroons means the High Court of Lagos and the High Court of the Southern Cameroons respectively ;

"Supreme Court (Civil Procedure) Rules" includes any rules of court in substitution for those rules in force in the High Court of the Region, and references to orders and to rules contained therein shall be construed as references to the appropriate portions of the rules of court in force in the High Court which replace such orders and rules.

Vol. X,
p. 21.

3. No election and no return to the House of Representatives shall be questioned except by a petition complaining about the election or the return (in these regulations referred to as an election petition) which shall be presented to the High Court of the Region.

Method of questioning elections.

4. An election petition may be presented by one or more of the following persons—

Who may present petition.

(a) a person who voted at the election or who had a right so to vote ; or

(b) a person claiming to have had a right to be elected or to be returned at the election ; or

(c) a person alleging himself to have been a candidate at the election.

5. The petition shall be presented within one month after the date on which the election is held.

Time for presentation.

6. (1) An election may be questioned on the following grounds—

Grounds for petition.

(a) that a person whose election is questioned was, at the time of the election, not qualified or was disqualified from being elected as a member of the House of Representatives ;

(b) that the election was invalidated by corrupt practices or (subject to the provisions of regulation 7) non-compliance with the Elections (House of Representatives) Regulations, 1958 ;

L.N. 117 of 1958.

(c) that the respondent was, at the time of the election, not duly elected by a majority of lawful votes at the election ;

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) An act or omission which is contrary to an instruction or direction of the Federal Electoral Commission or of any officer appointed for the purpose of the election, but which is not contrary to the regulations referred to in paragraph (1) (b) of this regulation, shall not of itself be grounds upon which an election may be questioned.

Substantial compliance.

7. (1) An election shall not be invalidated by reason of non-compliance with the Elections (House of Representatives) Regulations, 1953, if it appears to the court having cognizance of the question that the election was conducted substantially in accordance with those regulations, and that the non-compliance did not affect the result of the election.

(2) An election shall not be questioned by reason of a defect in the title or want of a title of the person conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to conduct an election.

Decision as to vacancy in Senate or House of Representatives.

8. (1) Any question as to whether any person has become a member of the Senate or as to whether the seat of any member of the Senate or of the House of Representatives has become vacant shall be referred to and decided by the High Court in accordance with the procedure prescribed for the trial of an election petition.

(2) Proceedings under this regulation may be instituted by any person qualifying as an elector in the constituency which the elected member represents.

(3) The court shall certify its decision in writing to the Federal Electoral Commission.

Time for appeal.

9. Notwithstanding any provisions permitting any other period of notice, notice of appeal to the Federal Supreme Court from a decision on an election petition or from a decision under regulation 8 shall be given within one month of the decision in question.

Priority in respect of appeals.

10. Appeals from decisions on election petitions and from decisions under regulation 8 shall, in respect of hearing by the Federal Supreme Court, enjoy precedence over all civil proceedings other than those which are part heard.

Effect on election return of notice of appeal.

11. (1) If the High Court shall have determined that a candidate returned as elected was not duly elected, then any candidate declared by the court as elected shall from the time of the decision of the High Court be deemed to be duly elected until any determination of the Federal Supreme Court to the contrary.

(2) If the High Court shall have determined that a candidate returned as elected was not duly elected and that the election was void then if notice of appeal from such determination shall have been given within one month the candidate returned as elected shall, notwithstanding the decision of the court, be deemed to have been duly elected for the period until the determination of the Federal Supreme Court be given on such appeal or the appeal shall be abandoned.

Application
to court.

12. (1) Before presenting an election petition the intending petitioner shall apply to the court, by motion *ex parte* accompanied by a copy of the intended petition, for an order as to the amount of the security to be given by him, and as to the manner in which it is to be given, and; if he is for any sufficient reason (which reason shall be stated in an affidavit filed with the motion) unable to give the security at the time of presenting the petition, as to the time at or within which it is to be given.

(2) The application shall, in respect of the right to priority of hearing by the court, enjoy precedence over all other proceedings, whether civil or criminal, and whether part heard or not.

(3) Upon the hearing of the application the court, with or without requiring the intending petitioner to give further particulars or produce evidence, shall make an order fixing the amount of the security (which shall not exceed the sum of £100) and stating whether the security is to be given by depositing the amount in court or by recognizance for that amount, or partly by deposit and partly by recognizance, and may make an order stating the time at or within which the security is to be given.

13. (1) The presentation of an election petition shall be made by the petitioner (or petitioners if more than one) leaving it in person, or by the hand of the solicitor (if any) named at the foot of the petition, with the Registrar, and the Registrar shall (if so required) give a receipt which may be in form 1 in the Schedule. With the petition there shall also be left a copy thereof for each respondent and seven other copies thereof.

Presentation
of petition.Schedule,
form 1.

(2) The petition shall be substantially the same in form and content as the copy of the intended petition accompanying the application made under regulation 12, and if not, it shall not be received unless the court otherwise orders.

(3) The Registrar shall compare each copy (save three) left in accordance with paragraph (1) with the original petition and shall certify it as a true copy thereof upon being satisfied by such comparison that it is a true copy thereof.

(4) The petitioner or solicitor shall, at the time of presenting the petition, pay the fees for the service and publication thereof, and for certifying the copies. He shall also deposit in court, pending the direction of the court under paragraph (1) (d) of regulation 23, an amount sufficient to defray the expenses of publishing the petition in a local newspaper. In default of such payment and deposit the petition shall not be received unless the court otherwise orders.

14. (1) An election petition shall contain the following statements—

Contents of
petition.

(a) it shall specify the right of the petitioner to present the petition;

(b) it shall state the holding and result of the election and shall briefly state the facts and grounds relied upon to sustain the prayer of the petition.

(2) The petition shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively; and no costs shall be allowed of drawing up or copying any petition not substantially in compliance with this provision, unless the court otherwise orders.

(3) The petition shall conclude with a prayer, as for instance, that some specified person may be declared duly returned or elected, or that the election may be declared void (as the case may be), and shall be signed by the petitioner (or all the petitioners if more than one), or by the solicitor (if any) named at the foot of the petition.

(4) At the foot of the petition there shall be stated an address for service within three miles of a post office in the area of jurisdiction of the court, and

the name of its occupier, at which address documents intended for the petitioner may be left. If an address for service and its occupier are not stated, the petition shall not be filed unless the court otherwise orders.

(5) At the foot of the petition there shall be added a note signed by the petitioner, giving the name of his solicitor, if any, or stating that he acts for himself, as the case may be.

(6) The form set out in form 2 in the Schedule, or one to the like effect, shall be sufficient.

Schedule,
form 2.

Further
particulars

15. Evidence need not be stated in the petition, but the court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in a civil action in the High Court, and upon such terms as to costs and otherwise as may be ordered.

Security.

16. (1) At the time of presenting the petition, or at or within such other time, if any, as may be ordered by the court upon the application under regulation 12, the petitioner shall give security for such amount as has been fixed by order made under regulation 12, either by depositing the amount in court or by recognizance for that amount, or partly by deposit and partly by recognizance, according to the terms of the order.

(2) Security for the said amount shall, unless the court otherwise orders, be sufficient even where two or more petitioners join in the petition.

Recogni-
zance.

17. (1) The recognizance may be entered into by any number of sureties not exceeding four, none of whom shall be the petitioner or any one of the petitioners.

(2) The recognizance may be acknowledged before the court or the Registrar or a magistrate, and there may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more, as may be convenient.

(3) The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as shall enable him to be found or ascertained, and may be in form 3 in the Schedule.

(4) At the time of presenting any recognizance there shall be left for each respondent a copy thereof and a copy of every affidavit of sufficiency of a surety which it is desired to file for the purposes of paragraph (3) of regulation 19, and the Registrar shall compare each such copy with the original and shall certify it as a true copy of the original upon being satisfied by such comparison that it is a true copy thereof. The fees for certifying each copy and for service shall be paid by the petitioner at the time of presenting or leaving the original.

(5) In addition to the copies mentioned in paragraph (4), at the time of presenting any recognizance there shall be left three other copies thereof and of every affidavit of sufficiency of a surety.

(6) The certified copy of the recognizance, and of any affidavit of sufficiency of a surety which has been filed for the purposes of paragraph (3) of regulation 19, or a notice in form 4 of the making and amount of any deposit, or both such certified copy or copies and notice, as the case may be, shall be served on or furnished to the respondent at the petitioner's expense, and the original recognizance and affidavit shall be open to inspection by the respondent at the Registry on payment of the appropriate fees.

18. (1) The respondent, within six days after being served or furnished with the documents mentioned in paragraph (6) of regulation 17 may object to the security by motion on notice to the petitioner, and the motion shall, unless the court otherwise orders, be set down for hearing on the first available day.

Schedule,
form 3.

Schedule,
form 4.

Objection
to security.

(2) An objection to the security shall state the grounds thereof, as that the security is insufficient because the amount is inadequate, or because the sureties to a recognizance, or any and which of them, are insufficient, or because a surety is dead, or cannot be found, or that a recognizance is invalid as not having been duly acknowledged by some person named therein, or is otherwise invalid.

(3) On the day of the hearing of the motion the petitioner shall have any surety objected to, if alive, present in court for examination if required. The hearing and decision may be either on affidavit or personal examination of witnesses or both, as the court may think fit.

19. (1) The court by order made on the motion may allow or disallow the objection, but so that the security ordered shall not exceed the sum of £100.

Form of
order.

(2) If the court by order made on the motion allows the objection and declares the security insufficient, or a recognizance invalid, the court shall in such order state in what amount the security will be sufficient and shall direct in what manner and within what time the objection is to be removed; and in the event of the petitioner failing to remove the objection in accordance with the terms of the order no further proceedings shall be heard on the petition unless the court otherwise orders.

(3) The order made on the motion shall state by whom the cost of deciding the objection shall be paid, and in default of its so stating such costs shall form part of the general costs of the petition subject to this qualification, namely that where the petitioner failed to file an affidavit of sufficiency of any surety in form 5 in the Schedule at the time of presenting any recognizance, the petitioner shall be liable for such costs.

Schedule,
form 5.

20. On the expiration of the time limited for objecting to the security, or, after objection made, on the objection being disallowed or removed whichever last happens, the petition shall be at issue.

Issue of
petition.

21. (1) The respondent may, at any time after the expiry of the time for objecting to the security or after the objection, if any, to the security has been removed, whichever be later, apply to the court by motion upon notice to the petitioner for an order to vary the security or for further or better security.

Variation of
security.

(2) On the day of the hearing of the motion the petitioner shall have any surety objected to, if alive, present in court for examination if required. The hearing and decision may be either on affidavit or personal examination of witnesses or both, as the court may think fit.

(3) Upon being satisfied of the existence of any facts or circumstances which have come to the notice of the respondent after the expiry of the time for objecting to the security and which render the security insufficient, the court may make an order stating in what amount the security will be sufficient and directing in what manner and within what time the security is to be varied or further or better security is to be given, as the case may be; and the court may order that in the event of the petitioner failing to vary the security or give further or better security, as the case may be, in accordance with the court's direction, no further proceedings shall be heard on the petition.

(4) The order made on the motion shall state by whom the costs of the motion shall be paid, and in default of its so stating such costs shall form part of the general costs of the petition.

22. For the purpose of service of the petition on the respondent, the petitioner shall furnish the Registrar with the address of the respondent's abode or the address of a place where personal service can be effected on the respondent.

Address for
service.

Action by
Registrar.

Schedule,
form 6.

23. (1) Upon the presentation of an election petition and payment of the requisite fees the Registrar shall forthwith—

(a) cause notice, in form 6 in the Schedule, of the presentation of the petition, and a certified copy of the petition to be served on the respondent;

(b) post up on the court notice board a certified copy of the petition;

(c) send a certified copy by registered post or messenger to the person or authority to whom it is required by law that the determination of the petition shall be certified; and

(d) where the court so directs, cause a certified copy to be published in the Gazette or in a local newspaper, or in both.

(2) In the notice of presentation of the petition the Registrar shall state a time, not being less than five days or more than fifteen days after the date of service of the notice, within which the respondent is to enter an appearance. In fixing such time the Registrar shall have regard to the necessity for securing a speedy trial of this petition, and to the distance from the Registry of the address furnished under regulation 22.

Service.

24. (1) Subject to paragraphs (2) and (3) of this regulation, service on the respondent of the documents mentioned in paragraph (1) (a) of regulation 23, and of any other documents required to be served on him before he has entered an appearance, shall be personal.

(2) Where the petitioner has furnished under regulation 22 the address of a place where personal service can be effected on the respondent, and the respondent cannot be found at that place, the court, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect personal service, may order that service of any document mentioned in paragraph (1) of this rule be effected in any of the ways mentioned in rule 5 of Order IX of the Supreme Court (Civil Procedure) Rules, and such service shall be deemed to be equivalent to personal service.

(3) The proceedings under the petition shall not be vitiated notwithstanding the fact that the respondent may not have been served personally or that any document of which substituted service has been effected pursuant to an order made under paragraph (2) of this regulation, did not reach the respondent's hands; and in any such circumstances as aforesaid the proceedings may be had and continued as if the respondent had been served personally with such document and shall be valid and effective for all purposes.

Entry of
appearance.

25. (1) Where the respondent intends to oppose the petition, he shall, within such time after being served or deemed to be served with the petition as is stated in the notice of presentation of the petition, or, where an order has been made under paragraph (2) of regulation 24, within such other time (if any) as may be stated in that order, enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the petition and giving the name and address of his solicitor, if any, or stating that he acts for himself, as the case may be, and in either case giving an address for service within three miles of a post office in the area of jurisdiction of the court and the name of its occupier, at which documents intended for the respondent may be left. If an address for service and its occupier are not stated, the memorandum shall not be filed unless the court otherwise orders.

(2) The memorandum of appearance shall be signed by the respondent, but may be filed by his solicitor, if any.

(3) At the time of filing the memorandum of appearance the respondent or his solicitor shall leave a duplicate thereof for each other party to the petition and three other duplicates thereof and pay the fees for service, and in default of such duplicates being left and such fees being paid at that time, the memorandum shall not be filed unless the court otherwise orders.

26. If the respondent does not enter an appearance as aforesaid, any document intended for the respondent may be posted upon the court notice board and such posting shall be sufficient notice thereof.

Default of appearance.

27. The Registrar shall cause a duplicate of the memorandum of appearance to be served upon, or notice thereof to be given to, the other parties to the petition.

Notice of appearance.

28. (1) The respondent shall within six days of entering an appearance file in the Registry his reply specifying therein which of the facts and grounds alleged in the petition he admits or denies and setting out any facts and grounds on which he relies in opposition.

Filing of reply.

(2) Where the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to prove that the election of such person was undue, the respondent in his reply shall state that intention and set out the facts and grounds on which he relies in support thereof.

(3) The reply may be signed and filed by the respondent's solicitor, if any.

(4) At the time of filing the reply the respondent or his solicitor shall leave a duplicate thereof for each party to the petition and three other duplicates thereof and pay the fees for service; and in default of such duplicates being left and such fees being paid at that time, the reply shall not be filed unless the court otherwise orders.

29. The Registrar shall cause a duplicate of the reply to be served on each other party to the petition.

Notice of reply.

30. (1) In relation to an election petition the provisions of rules 4 and 5 of Order III of the Supreme Court (Civil Procedure) Rules shall apply as if for the words "particulars of claim" and "the particulars" in those rules respectively there were substituted the words "the petition" and for the word "defendant" in rule 4 there were substituted the word "respondent", and the provisions of Order XXXIII of the said Rules shall apply as if for the words "any proceeding" in that Order there were substituted the words "the petition or the reply, if any": Provided that—

Amendment of petition.

(a) after the expiry of the time limited by regulation 5 for presenting the petition no amendment shall be made introducing any fresh prayer in the petition, or effecting any alteration of substance in the prayer, or (saving anything which may be done under the provisions of the succeeding paragraph of this rule) effecting any substantial alteration in or addition to the statement of facts and grounds relied upon to sustain the prayer; and

(b) after the expiry of the time limited by regulation 28 for filing the reply no amendment shall be made thereto alleging that the election of the person, if any, for whom the seat or office is claimed in the petition was undue, or (saving anything which may be done under the provisions of paragraph (2) of this regulation) effecting any substantial alteration in or addition to the admissions or the denials contained or the facts and grounds set out in the reply.

(2) The court in the trial and determination of the petition shall not be obliged to confine its inquiry or findings to the issues raised by the petition and the reply, if any, and may, with or without ordering or allowing the amendment of any statement of the facts and grounds relied upon in support of the petition or the amendment of any admission or denial contained, or facts or grounds set out, in the reply (but subject always and having due regard to the time limited by regulation 5 for presenting an election petition), inquire into any other issue otherwise raised or apparent or any matter otherwise appearing, as to the court may seem necessary for the purposes of the full and proper determination of the petition.

List of
objections
to votes.

31. (1) When a petitioner claims the seat or office for an unsuccessful candidate, alleging that he had a majority of lawful votes, any party complaining of and any party defending the election or return shall, within six days after the filing of the reply, or, where no appearance is entered, not less than six days before the day fixed for trial, file in the Registry a list of the votes intended to be objected to by him and of the heads of objection to each such vote, and no evidence shall be given against the validity of any vote or upon any head of objection not specified in the list except by leave of the court upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(2) The party delivering the list shall at the same time deliver a duplicate for each other party to the petition and three other duplicates and pay the appropriate fees for service, and in default of such delivery and payment the list shall not be filed unless the court otherwise orders.

(3) The Registrar shall cause a duplicate of the list to be served on every other party forthwith.

List of
objections to
elections.

32. (1) When the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to give evidence to prove that the election of such person was undue, the respondent shall, within six days after the filing of the reply, file in the Registry a list of the objections to the election upon which he intends to rely, and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the court upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(2) Paragraphs (2) and (3) of regulation 31 shall apply to the list mentioned in paragraph (1) of this regulation.

Further
particulars or
directions.

33. (1) If any party to the petition wishes to have further particulars or any other directions of the court, he may, at any time after the entry of appearance, but not later than ten days after the filing of the reply, apply to the court specifying in his notice of motion the directions for which he prays, and the motion shall, unless the court otherwise orders, be set down for hearing on the first available day.

(2) The party so applying shall give notice of his motion to the other parties, and where he relies on any facts which are not apparent on the face of the documents already filed he shall support his motion by affidavit.

(3) If a party does not so apply, he shall be taken to require no further particulars or other directions; and such party shall be debarred from so applying after the lapse of the period laid down in paragraph (1) except with the leave of the court, which may be sought by motion supported by affidavit after notice to the other parties, and which may be given in a proper case on such terms as to costs and otherwise as may seem fit.

Open court.

34. Every election petition shall be tried in open court.

Time and
place of
hearing.

35. (1) Subject to the provisions of paragraph (2), the time and place of the trial of an election petition shall be fixed by the court, due regard being had to the precedence by law given to the petition over other civil proceedings, and notice of the time and place of the trial (which may be in form 7 in the Schedule) shall be given by the Registrar at least fourteen days before the day fixed for the trial as follows—

(a) by posting, or causing to be posted, such notice on the court notice board;

(b) by sending a copy of such notice by registered post or messenger to the petitioner's address for service;

(c) by sending likewise a similar copy to the respondent's address for service, if any;

Schedule,
form 7.

(d) by sending likewise a similar copy to the Federal Electoral Commission.

(2) (a) If the election was held in a place ordinarily visited for sittings of the court or a magistrate's court (in this rule referred to as a place of sessions), then the place of trial of the petition shall be the place where the election was held.

(b) If the election was not held in a place of sessions, then the place of trial shall be a place of sessions within the electoral district, if any and if there are more than one place of sessions within the electoral district, shall be the one nearest to, or most conveniently accessible from, the place where the election was held.

(c) If there is in the electoral district no place of sessions, then the place of trial shall be the place of sessions outside the electoral district nearest to, or most accessible from, the place where the election was held.

(3) Election petitions shall, in respect of the right of hearing by the court, enjoy precedence over all civil proceedings other than those which are part heard.

36. The Federal Electoral Commission shall publish the notice of trial by causing the copy to be affixed to the place which was appointed for the delivery of nomination papers or the making of nominations orally prior to the election or to some conspicuous place within the electoral district, but failure to do so or any miscarriage relating to such copy shall not affect the proceedings in any manner whatsoever.

Notice of trial.

37. The posting of the notice of trial on the court notice board shall be deemed and taken to be good notice; and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies of the notice sent pursuant to regulation 35.

Publication, good notice.

38. (1) The court may from time to time by order made on the motion of a party supported by affidavit after notice to the other parties, or by notice in such form as the court may direct, postpone the beginning of the trial to such day as the court may name, due regard being had to the precedence by law given to the petition over other civil proceedings.

Postponement of hearing.

(2) A copy of any such order or notice shall be sent by the Registrar by registered post or messenger to the Federal Electoral Commission, who shall publish the same in the manner provided in regulation 36 for publishing the notice of trial; but failure on the part of the Federal Electoral Commission to publish the copy shall not affect the proceedings in any manner whatsoever.

(3) The Registrar shall post or cause to be posted on the court notice board a copy of any such order or notice.

(4) In the case of a notice of postponement directed by the court of its own motion, a copy thereof shall be sent by the Registrar by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondent.

(5) The provisions of regulation 37 shall apply to any such order or notice of postponement as they do to the notice of trial.

39. In the event of the judge not having arrived at the time appointed for the trial, or to which the trial is postponed, the trial shall *ipso facto* stand adjourned to the following day and so from day to day.

Arrival of judge.

40. No formal adjournment of the court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned and may be continued from day to day until the inquiry is concluded; and in the event of the judge who begins the trial being disabled by illness or otherwise, it may be recommended and concluded by another judge.

Continuance day to day.

Adjournment.

41. After the trial has begun, if the inquiry cannot be continued on the ensuing day (or, if such day is a Sunday or a public holiday, on the day following the same), the trial shall not be adjourned *sine die* but to a definite day to be announced before the rising of the court, and notice of the day to which the trial is adjourned shall forthwith be posted by the Registrar on the court notice board.

Powers of judge.

42. (1) All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before a judge, who shall have the same control over the proceedings as a judge in the ordinary proceedings of the High Court.

(2) After the inquiry is concluded, if the judge before whom it was made has prepared his judgment but is unable to deliver it through illness or otherwise, his judgment may be delivered by another judge, and the judgment so delivered shall be the judgment of the court; and the last-mentioned judge shall certify the determination of the petition to the Federal Electoral Commission.

Effect of determination.

43. (1) At the conclusion of the trial, the court shall determine whether a person whose election or return is complained of or any other person, and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Federal Electoral Commission. Upon such certification being given the election shall be confirmed, or (subject to the provisions of regulation 11 in the event of an appeal) a new election shall be held in accordance with such certification (or in accordance with the finding upon the determination of such appeal).

(2) Where a new election is to be held under the provisions of this paragraph, the Federal Electoral Commission shall appoint a date for such election.

Withdrawal or abatement of petition.

44. (1) An election petition shall not be withdrawn without the leave of the court.

(2) Where there are more petitioners than one, no application for leave to withdraw the petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw a petition shall be made by motion after notice to the respondent and the Attorney-General of the Federation.

(4) The notice of motion shall state the ground on which the application is intended to be supported and shall be signed by the petitioner or petitioners or his or their solicitor in the presence of the Registrar. Such notice may be in form 8 in the Schedule or to the like effect.

Schedule, form 8.

(5) At the time of filing such notice the petitioner or petitioners shall leave a duplicate for each respondent and two duplicates for the Attorney-General of the Federation. They shall also file the affidavits required under regulation 45 and leave duplicates thereof for each respondent and two duplicates for the Attorney-General, and they shall at the same time pay the requisite fees for service and for the making of a copy of the proceedings for the use of the Attorney-General.

Affidavits in support.

45. (1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all parties to the petition and their solicitor, and by the election agents (if any) of all of the said parties who were candidates at the election, but the court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

46. (1) The time for hearing the motion for leave to withdraw the petition shall be fixed by the court, due regard being had to the need of giving the Attorney-General of the Federation an opportunity to intervene in the petition.

Motion for leave to withdraw.

(2) The Registrar shall give notice of the day fixed for the hearing of the motion to the Attorney-General of the Federation and the respondents and post or cause to be posted on the court notice board a copy of the notice of motion with a note stating the time fixed for the hearing.

(3) When the notice of motion is filed, the Registrar shall with the least possible delay cause a copy of the proceedings to be prepared and send by messenger or registered post a certified copy thereof to the Attorney-General of the Federation not less than fourteen days before the day appointed for the hearing.

47. (1) On the hearing of the application for leave to withdraw the petition the Attorney-General of the Federation or his representative may appear and may oppose the withdrawal of the petition.

Withdrawal may be opposed.

(2) If the petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

48. (1) If a sole petitioner or the survivor of several petitioners dies, then, subject to the succeeding provisions of this rule, no further proceedings shall be had upon the petition.

Abatement on death.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) Where notice, with a duplicate for each other party, supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners is given to the Registrar, he shall submit the same to the court, and if the court so directs, the Registrar shall give notice thereof to the other parties and the Attorney-General of the Federation and post or cause to be posted notice thereof on the court notice board and cause notice thereof to be published in the electoral district or in the *Official Gazette*, or in both, in such form as the court may direct.

49. (1) If before the trial of a petition, the respondent gives notice to the court in writing signed by him or his solicitor before the Registrar that he does not intend to oppose the petition, the Registrar shall give notice thereof to the other parties and the Attorney-General of the Federation, and post or cause to be posted a notice thereof on the court notice board.

Notice of no opposition to withdrawal.

(2) The respondent shall file the notice with a duplicate for each other party and two duplicates for the Attorney-General of the Federation not less than six days before the day appointed for trial.

(3) A respondent who has given notice of his intention not to oppose the petition shall not appear or act as a party against the petition in any proceedings upon it, but the giving of such notice shall not of itself cause him to cease to be a respondent.

(4) The Registrar shall with the least possible delay send by messenger or registered post a certified copy of the proceedings to the Attorney-General of the Federation.

(5) The Attorney-General of the Federation may, within twenty-one days of the sending of such copy, apply to be substituted or added as a respondent, and may be substituted or added as such by order of the court.

Default in
reply.

50. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the court may have allowed, the Registrar shall notify the Attorney-General of the Federation; and the provisions of paragraphs (4) and (5) of regulation 49 shall apply as if they were part of this regulation.

Counter-
mand of
notice of
trial.

51. After receiving notice of the petitioner's intention to apply for leave to withdraw the petition or of the death of the sole petitioner or the survivor of several petitioners, or of the respondent's intention not to oppose the petition, or information of the occurrence of any of the events mentioned in paragraph (1) of regulation 53, if such notice or information be received after notice of trial has been given and before the trial has begun, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Discretion of
court if no
reply.

52. Where the respondent has not entered an appearance, or has not filed his reply, within the prescribed time or within such time as the court may have allowed, or has given notice that he does not intend to oppose the petition, then if—

(a) there remains no more than one other candidate in the election who was not returned; and,

(b) the petition contains no prayer for a determination that the election was void; and,

(c) there are no facts or grounds stated in the petition or in the reply, if any, or stated in any further particulars filed in the proceedings, or otherwise appearing, upon proof of which it ought to be determined that the election was void; and,

(d) where the petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned, the respondent has not filed a list of votes under the provisions of regulation 32,

the court, after the Attorney-General of the Federation or his representative has been afforded an opportunity of being heard, may if it thinks fit determine the proceedings upon the petition without hearing evidence or further evidence, and in any other case the proceedings shall, after the Attorney-General of the Federation or his representative has been afforded an opportunity of being heard, be continued and determined upon such evidence and otherwise as to the court may seem necessary for the full and proper determination of the petition.

Information
as to seat
becoming
vacant.

53. (1) Where the court is informed of the occurrence of any event whereby, if the determination of the petition were that the respondent was duly elected or returned, the respondent's seat or office would become vacant, the court may fix a day for inquiry, and where the court is satisfied that any such event has occurred, the Attorney-General of the Federation may, within fourteen days of the conclusion of the inquiry, apply to be substituted or added as a respondent, and may be substituted or added as such by order of the court.

(2) The Registrar shall give, in such form as the court may direct, notice of the information received and the day fixed for the inquiry to the parties and the Attorney-General of the Federation, post or cause to be posted a similar notice to the Returning Officer for publication in the electoral district, and, where the court so directs, cause a similar notice to be published in the *Official Gazette*.

(3) Where upon the inquiry the court is satisfied of the occurrence of any event whereby the seat or office of the respondent would become vacant as aforesaid, the provisions of regulation 52 shall apply as if the respondent had not entered an appearance or had not entered a defence or had given notice that he did not intend to oppose the petition.

54. (1) The fee payable on the presentation of an election petition shall be twenty-five pounds.

Fees.

(2) A hearing fee shall be payable for the trial at the rate of one pound per day of the trial but not exceeding seven pounds in all: Provided that the court may direct a lower fee to be charged for any day of the trial.

(3) For the purposes of this rule the petitioner shall make a deposit of seven pounds at the time of presenting his petition.

(4) Subject to the above provisions, the fees payable in connection with an election petition shall be at the rates prescribed for civil proceedings in the High Court.

(5) No fees shall be payable by the Attorney-General of the Federation or his representative.

(6) No fees shall be payable for the summoning of witnesses summoned by the Court on its own motion. Any charges payable for the service of subpoenas on any such witnesses may be paid by the Registrar in the same way as a crown witness's expenses.

55. (1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or the respondent and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Allocation of costs.

(2) Where the court declares an election to be void, the court may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of any officer responsible for the conduct of the election in the performance of his duties imposed by these proposals, order that the whole or any part of the costs awarded to the successful petitioner be paid by such officer.

56. Money deposited as security shall, when no longer needed as security for costs, charges and expenses, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the court, which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the court may require.

Return of security.

Payment of
costs out of
security.

57. (1) The court may on application made by a person to whom any costs, charges or expenses are payable order the same to be paid out of any deposit made to secure the same after notice to the party by or on whose behalf the deposit was made requiring him to file a statement within a specified time whether he resists the application and the grounds of his opposition.

(2) The court may on application by a person to whom any costs, charges or expenses are payable order the same to be paid by any surety who gave a recognizance to secure the same after notice to the surety and to the party for whom the surety gave the recognizance, requiring such surety and party to file a statement within a specified time whether he resists the application and the grounds of his opposition.

(3) In the event of any dispute arising on any such application, the court shall afford every person affected thereby an opportunity of being heard and make such order thereon as may seem fit. A person shall be deemed to have been afforded such opportunity if notice of the time appointed for the inquiry into the dispute was given to him, though such person may not have been present at the making of the inquiry.

(4) Any notice to be given to a person under this rule may be given by the Registrar handing him the notice or sending it to him by registered letter—

(a) at the address for service in the case of a party;

(b) at the address of the surety's abode as given in the recognizance, in the case of a surety; and

(c) in the case of the applicant for payment, at the address given in his application: but these provisions shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorized by the court.

(5) Execution may be levied under any order for payment made by the court under this regulation in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

Calling of
witnesses.

58. (1) On the trial of an election petition the court may summon any person as a witness who appears to the court to have been concerned in the election. The court may examine any witness so summoned or any person in court although such witness or person is not called and examined by any party to the petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent. And the expenses of any witness called by the court of its own motion shall, unless the court otherwise orders, be deemed to be costs of the petition. Such expenses may, if the court so directs, be paid in the first instance by the Registrar in the same way as a crown witness's expenses and be recovered in such manner as the court may direct.

(2) Where the court under this rule summons any person as a witness, the provisions of rule 3 of Order XII of the Supreme Court (Civil Procedure) Rules shall apply as if they were part of this regulation.

(3) In making and carrying into effect any order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given, and in the examination of any witness who produces or will produce any such documents, the court shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the court to be invalid.

59. (1) A person called as a witness in any proceedings in the High Court under these regulations shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege: Provided that—

Privilege.

(a) a witness who answers truly all questions which he is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding judge stating that such witness has so answered; and

(b) an answer by a person to a question before the court shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings civil or criminal in evidence against him.

(2) When a person has received a certificate of indemnity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of these regulations committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall, on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs as he may have been put to in the proceedings.

60. On the trial of a petition complaining of an undue return and claiming the seat for some person, the respondent, subject to the provisions of regulation 32 and paragraph (2) of regulation 28, may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Evidence by respondent.

61. (1) The court shall have power (subject to the provisions of regulation 9) to enlarge or abridge the times appointed by these regulations or the rules of court mentioned in regulation 69, or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed: Provided that when the time for delivering any pleading or document or filing any affidavit, answer or document, or doing any act is or has been fixed or limited by any of the rules aforesaid or by any direction or order of the court, the costs of any application to extend such time and of any order made thereon shall be borne by the party making such application unless the court shall otherwise order.

Enlargement and abridgment of time.

(2) Every application for enlargement or abridgment of time shall be supported by affidavit.

(3) An application for abridgment of time may be made *ex parte*, but the court may require notice thereof to be given to the other party.

(4) An application for enlargement of time shall be made by motion after notice to the other party but the court may, for good cause shown, by affidavit or otherwise, dispense with such notice.

(5) A copy of any order made for enlargement or abridgment of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

62. (1) Where any summons, notice, or document, other than a notice or document mentioned in regulation 24 (1), is required to be served on any person for any purpose connected with an election petition, the same may be served either by delivering it to such person or by leaving it at his last known place of abode in the electoral district with any person there found who is a resident thereof and appears to be twenty-one years of age or more,

Service of notice.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with any document intended for him, such document is served—

(a) on the person appearing on the paper last filed on his behalf as his solicitor wherever such person may be found or, if such person is not found at his office, on the clerk there found apparently in charge; or

(b) on the person named as occupier of his address for service wherever such person may be found or, if such person is not found at such address, on—

(i) the person there found apparently in charge, if such address is a place of business; or

(ii) any person, other than a domestic servant, there found who is a resident thereof and appears to be twenty-one years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Registrar and to each other party; but until such notice is received by the Registrar, his old address for service shall continue to be his address for service.

(4) Where service in one of the foregoing modes has proved impracticable, the court, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect service, may order that service be effected in any of the ways mentioned in rule 5 of Order IX of the Supreme Court (Civil Procedure) Rules, which service shall be sufficient, or may dispense with service or notice, as the court may think fit.

Number of
respondents.

63. Two or more candidates may be made respondents to the same petition and their case may for the sake of convenience be tried at the same time, but for all purposes (including the taking of security) such petition shall be deemed to be a separate petition against each respondent.

Multiple
petitions.

64. Where more petitions than one are presented in relation to the same election or return, all such petitions shall be bracketted together and be dealt with as one petition unless the court shall otherwise direct.

Conduct of
Returning
Officer.

65. Where an election petition complains of the conduct of a Returning Officer, he shall for all purposes be deemed to be a respondent, but a Returning Officer shall not be at liberty to give notice that he does not intend to oppose the petition except with the written consent of the Attorney-General of the Federation, and if such consent is withheld the Government of the Federation shall indemnify the Returning Officer against any award of costs made against him by the court upon the hearing of such petition.

Attorney-
General may
intervene.

66. In addition to the right to intervene in certain proceedings conferred by previous rules, the Attorney-General of the Federation may attend the trial of a petition and with the leave of the court take part therein to assist the court to the same extent as the Director of Public Prosecutions may do in England on the trial of a parliamentary election petition.

Duplicate
documents.

67. In the absence of express provision for the furnishing of copies or duplicates of documents filed or used in connection with any step taken in the proceedings, the party taking such step shall, unless the Registrar otherwise directs, leave with the Registrar a duplicate of every such document for each other party and three other duplicates.

68. (1) Non-compliance with any of these regulations, or with any rule of practice for the time being in force, shall not render any proceedings void unless the court shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the court shall think fit.

Non-compliance with rules, etc.

(2) No application to set aside any proceeding for irregularity shall be allowed unless made within reasonable time, nor if the party applying has taken any fresh step after knowledge of the irregularity.

(3) Where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the notice of motion.

(4) No objection shall be made that a certified copy has been used instead of a duplicate or a duplicate instead of a certified copy.

(5) An election petition shall not be defeated by any objection merely as to form.

69. (1) Subject to the express provisions of these regulations, the practice and procedure of the court in relation to an election petition shall be assimilated as nearly as may be to the practice and procedure of the High Court in the exercise of its civil jurisdiction, and the Supreme Court (Civil Procedure) Rules, shall apply with such modifications as may be necessary to render them conveniently applicable, as if the petitioner and the respondent were respectively the plaintiff and the defendant in a civil action.

Application of rules of court.

(2) Subject to the provisions of regulation 9 of these regulations, any appeal to the Federal Supreme Court shall be determined in accordance with the practice and procedure relating to appeals in civil cases in that Court.

70. Regulations 121 to 136 of the Elections (House of Representatives) Regulations, 1958, are revoked.

Revocation of L. N. 117 of 1958.

SCHEDULE

FORM 1

reg. 13 (1)

RECEIPT OF PETITION

Received on the.....day of....., 19....., at the office of the Registrar, the High Court....., a petition touching the election of E.F. a member of the.....House of Representatives for the.....Electoral District purporting to be signed by.....(insert name of petitioner).

Registrar

FORM 2

reg. 14 (6)

PETITION

IN THE HIGH COURT OF.....

The election to the House of Representatives for.....

(state the place) held on the.....day of.....

19.....

Between { A.B.
C.D. } Petitioner(s)
and
{ E.F.
G.H. } Respondent(s)

The Petition of A.B. of (or of A.B., of and C.D., of or as the case may be) whose names are subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned or elected at the above election, or was a candidate at the above election; and your petitioner C.D. (here state in the manner the right of each petitioner)

2. And your petitioner(s) state(s) that the election was held on the day of 19, when A.B., C.D., (and) E.F. (and G.H.) were candidates, and the returning officer has returned E.F. and (G.H.) as being duly elected.

3. And your petitioners say that (here state the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) (or duly elected or returned), (and that the (or his) election was void) (or that the said A.B. (and C.D.) (was (were) duly elected and) ought to have been returned, or as the case may be).

(Signed) { A.B.
C.D. }

Address for Service (within three miles of a post office within the area of jurisdiction of the High Court for the

Region)

Occupier

The name of my (or our) advocate is.....

or

I (or we) am (or are) acting for myself (or ourselves)

(Signed) {

A.B.

C.D.

SIGNED before me this..... day of....., 19.....

Registrar

FORM 3

reg. 17 (3)

RECOGNIZANCE

Be it remembered that on the..... day of....., 19....., before me (name and description) came J.K., of (place of abode and description as prescribed in Rule 9 (3)) and acknowledged himself (or severally acknowledged themselves) to owe to the Government of the Federation the sum of £..... (or the following sums (that is to say) the said J.K., the sum of £.....; the said L.M., the sum of £.....; the said N.O., the sum of £.....; and the said P.Q., the sum of £.....), to be levied on his (or their respective) goods and chattles, land and tenements,

The condition of this recognizance is that if (here insert the names of all the petitioners and if more than one, add, or any of them) shall well and truly pay all costs, charges, and expenses in respect of the election petition signed by A.B., (or A.B. and C.D., or as the case may be) relating to the Electoral District of..... which shall become payable by the said petitioner (or petitioners or any of them) under the (here set out the title of the enactment which confers the right to present the petition),

to any person or persons, then this recognizance to be void, otherwise to stand in full force.

(Signed) {

signature of
sureties

TAKEN and ACKNOWLEDGED by the above-named (names of sureties) on the..... day of....., 19....., at..... before me,

Judge (or Registrar), High Court, (or Magistrate)

NOTICE OF DEPOSIT

IN THE HIGH COURT OF

The election to the House of Representatives for

(state the place) held on the _____ day of _____

19____

Between { A.B. _____ } Petitioner(s)
 { C.D. _____ }
 and
 { E.F. _____ } Respondent(s)
 { G.H. _____ }

The Petition of A.B. of _____ (or of A.B., of _____

and C.D., of _____ or as the case may be) whose names are subscribed.

TAKE NOTICE that (name) of (address of place of abode) has this day deposited in the High Court of the _____ Region, the sum of £ _____ as security for the payment of all costs, charges and expenses which may become payable by him to any witnesses summoned on his behalf (or on behalf of the above-named petitioner(s)) or to any respondent to the above petition.

DATED the _____ day of _____ 19____

Registrar

AFFIDAVIT OF SUFFICIENCY

IN THE HIGH COURT OF

The election to the House of Representatives for

(state the place) held on the _____ day of _____

19____

Between { A.B. _____ } Petitioner(s)
 { C.D. _____ }
 and
 { E.F. _____ } Respondent(s)
 { G.H. _____ }

The Petition of A.B. of (or of A.B., of
and C.D., of or as the case may be) whose names
are subscribed.

I, J.K., of (as in recognizance) make oath and say that I am seized or
possessed of real (or personal) estate above what will satisfy my debts of the
clear value of £..... Sworn, etc.

FORM 6

reg. 23 (1)

NOTICE OF PRESENTATION OF PETITION

IN THE HIGH COURT OF.....

The election to the House of Representatives for.....

(state the place) held on the..... day of.....

19.....

Between { A.B. } Petitioner(s)
 { C.D. }
 and
 { E.F. } Respondent(s)
 { G.H. }

The Petition of A.B. of..... (or of A.B., of.....

and C.D., of..... or as the case may be) whose names
are subscribed.

TAKE NOTICE that the petition a duplicate whereof is attached hereto has
this day been presented in the Registry at..... of the
High Court of..... in the
Judicial Division and that you are to enter an appearance to the petition in the
said Registry within..... days of the date of service of this
notice on you (or within..... days of the date of posting
hereof, or within..... days of the date when this notice was
left at your address set out below, or as the Court may direct by order under
rule 24 (2)), otherwise proceedings upon the petition may be continued and
determined in default of your appearance, and any document relating to such
proceedings, and intended for you may be posted up on the court notice
board, which shall be sufficient notice thereof.

DATED this..... day of....., 19.....

Registrar

To E.F. of.....

NOTICE OF TRIAL

IN THE HIGH COURT OF

The election to the House of Representatives for

(state the place) held on the day of

19

Between { A.B. } Petitioner(s)
 { C.D. }
 and
 { E.F. } Respondent(s)
 { G.H. }

The Petition of A.B. of { or of A.B., of }
 and C.D., of { or as the case may be } whose names
 are subscribed.

TAKE NOTICE that the above petition will be tried at
 on the day of 19,
 and on such other subsequent days as may be useful.

DATED the day of 19.

Registrar

NOTICE OF MOTION TO WITHDRAW PETITION

IN THE HIGH COURT OF

The election to the House of Representatives for

(state the place) held on the day of

19

Between { A.B. } Petitioner(s)
 { C.D. }
 and
 { E.F. } Respondent(s)
 { G.H. }

The Petition of A.B. of.....(or of A.B., of.....

and C.D., of.....or as the case may be) whose names are subscribed.

(Write out the Notice of Motion in the manner usual in Civil Proceedings and conclude as follows:—)

The petitioner proposes to apply to withdraw his petition on the following grounds:—

(Here state the ground)

(Petitioner (or Solicitor)

Signed before me this.....day of....., 19.....

Registrar

MADE at Lagos this 19th day of November, 1959.

A. F. F. P NEWS

Secretary to the Governor-General

EXPLANATORY NOTE

Rules of court were made in 1951 under the Supreme Court Ordinance in relation to election petitions dealt with by the Supreme Court, as it then existed, under any enactment. Section 16 of the Constitution, as substituted by the most recent amendment Order, enables the Governor-General to make regulations dealing with the validity of existing seats and with disputed elections. These regulations therefore replace the 1951 regulations in respect of elections to the Federal House and Part IX of the Elections (House of Representatives) Regulations, 1958, which amplified the rules of court and was also expressed to deal with disputed seats. In respect of Lagos section 88 (3) of the High Court of Lagos Ordinance, 1955, preserves the 1951 rules for some purposes, such as elections to Lagos Town Council, and the rules may be similarly preserved for some purposes by legislation in Regions.

(N120/5)

GG1602

L.N. 248 of 1959

FIREARMS ORDINANCE, 1958

(No. 7 of 1958)

Firearms (Delegation of Powers of Governor-General)

(No. 3) Notice, 1959

Commencement : 19th November, 1959

In exercise of the powers conferred by section 33 of the Interpretation Ordinance, the Governor-General has delegated the powers specified in the first column of the Schedule hereto to the officers specified in the second column of such Schedule.

SCHEDULE

Powers delegated

To authorise the withdrawal of prohibited firearms and ammunition therefor from registered dealers' armouries under regulation 17 (1) (a) of the Firearms Regulations, 1959.

To authorise the withdrawal of prohibited firearms and ammunition therefor from public armouries under regulation 20 (1) (a) of the Firearms Regulations, 1959.

To whom delegated

The Police Officer in charge of—

Abeokuta Province
 Adamiawa Province
 Bamienda Province
 Bauchi Province
 Benin Province
 Benue Province
 Bornu Province
 Calabar Province
 Colony Province
 Delta Province

Deputy Commissioner of Police, Eastern Region.

The Police Officer in charge of—

Enugu Province
 Ibadan/Oyo Province
 Ijebu-Ode Province
 Ilorin Province
 Kabba Province
 Kaduna Capital Territory Province
 (Police)
 Kano/Katsina Province
 Lagos Police District
 Niger Province
 Deputy Commissioner of Police, Northern Region.

The Police Officer in charge of—

Ogoja Province
 Ondo Province
 Onitsha Province
 Owerri Province
 Plateau Province
 Rivers Province
 Sokoto Province
 Southern Cameroons
 Victoria/Kumba Province

Deputy Commissioner of Police, Western Region.

The Police Officer in charge of Zaria Province.

By His Excellency's Command,

A. F. F. P. NEWNS,
Secretary to the Governor-General

Lagos, 11th November, 1959.

NP/91/S. 1/Vol. II