

L.N. 96 of 1961

THE FEDERAL SUPREME COURT RULES

(Section 113 of the Constitution of the Federation of Nigeria)

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Federal Supreme Court Rules

ORDER I-

GENERAL

1. These Rules may be cited as the Federal Supreme Court Rules, 1961, and shall come into operation on the 1st day of September, 1961. Citation and commencement.

2. (1) In these Rules, unless it is otherwise expressly provided or required by the context : Interpretation.

“appeal” includes an application for leave to appeal ;

“appellant” means a party appealing from a judgment or applying for leave in that behalf and includes his legal representative ;

“Chief Justice” means the Chief Justice of the Federation ;

“Chief Registrar” means the Chief Registrar of the Court ;

“the Court” means the Federal Supreme Court of Nigeria ;

“Court below” means the court or tribunal from which the appeal is brought ;

“Judge” means a judge of the Court ;

“High Court” means a High Court established for a Region or for Lagos by Constitution of the Region or the Constitution of the Federation, as the case may be ;

“legal representative” means a person admitted to practise in the Court who has been retained by or assigned to a party to represent him in the proceedings before the Court ;

“the Ordinance” means the Federal Supreme Court Ordinance, 1960 ; No. 12 of 1960.

“record” means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court on the hearing of the appeal ;

“Registrar of the Court below” includes the Chief Registrar and any Registrar or Deputy Registrar of the Court below, and any officer of the Court below exercising functions analogous to those of the Chief Registrar of a High Court :

“respondent” in a civil appeal means any party (other than the appellant) directly affected by the appeal, and in a criminal appeal means the person who undertakes the defence of the judgment appealed against ;

“Rules” means these Rules or any amendment thereto or any other additional Rules made under the Constitution Order, and includes the Forms appended to these Rules.

(2) These Rules shall apply in relation to Lagos and the Southern Cameroons as if they were Regions.

3. (1) Any reference in these Rules to an address for service means an address within the jurisdiction where notices, pleadings, orders, summonses, warrants and other documents, proceedings, and written communications, if not required to be served personally, may be left, or to which they may be sent. Service.

(2) Where under these Rules any person has given an address for service, any notice or other written communication which is not required to be served personally shall be sufficiently served upon him if it is left at that address or sent by registered post to that address, and in any case where the date of service by post is material section 55 of the Interpretation Ordinance shall apply.

(3) Where under these rules any notice or other application to the Court, or to the Court below, is required to have an address for service endorsed on it, it shall not be deemed to have been properly filed unless such an address is endorsed on it.

(4) Any person desiring to change his address for service shall notify the Registrar, who shall thereupon communicate the new address for service to anyone to whom he may have communicated the former address.

(5) Where any person has given the address of a legal practitioner as his address for service and the legal practitioner is not, or has ceased to be, instructed by him for the purpose of the proceedings concerned, it shall be the duty of the legal practitioner to inform the Registrar as soon as may be that he is not authorised to accept service on behalf of the client, and if he omits to do so he may be ordered to pay any costs occasioned thereby.

(6) Except as may be otherwise provided in these Rules or in any other written law, no notice or other written communication in proceedings in the original or appellate jurisdiction of the Court, need be served personally except—

(a) in proceedings in the original jurisdiction of the Court, the writ of summons or other document issued by the Court for the institution of the proceedings; and

(b) in proceedings in the appellate jurisdiction of the Court, the notice of appeal: Provided that if the Court is satisfied that the notice of appeal has in fact been communicated to the respondent no objection to the hearing of the appeal shall lie on the ground that the notice of appeal was not served personally.

(7) Where a Minister, or the Attorney-General, or the Director of Public Prosecutions or any other public officer of the Federation or of a Region is a party *ex officio* or as representing the Crown in any proceedings in the Court, whether civil or criminal, any notice or other document may be served on him by leaving it at or by sending it by registered post to his chambers or office and service in this manner shall be as effective as if it were personal service.

(8) Where any document is required by these Rules to be served personally, it shall be sufficiently served if it is served in the manner prescribed by law for the personal service of a writ of summons issued by the High Court having jurisdiction in the Region in which service is to be effected, and if it appears to the Court that for any reason personal service cannot be conveniently effected, the Court shall have the same power as that High Court to direct that service be effected in some other way.

(9) Where any person out of the jurisdiction is a necessary or proper party to an action commenced in the original jurisdiction of the Court and properly brought against some other person duly served within the jurisdiction, the Court may allow service of a summons out of the jurisdiction.

(10) Every application for an order for leave to serve a summons on a defendant out of the jurisdiction shall be supported by evidence by affidavit or otherwise showing in what place or country such defendant is or probably may be found, and the grounds upon which the application is made.

(11) Any order giving leave to effect service out of the jurisdiction shall prescribe the mode of service, and shall limit a time after such service within which such defendant is to enter an appearance, such time to depend on the place or country where or within which the summons is to be served, and the Court may receive an affidavit or statutory declaration of such service having been effected as *prima facie* evidence thereof.

4. The procedure and practice of the Court shall be as prescribed by these Rules notwithstanding any written law or rule of practice to the contrary obtaining in any of the Regions.

Conflict
with
Regional
Laws.

5. The Court may enlarge the time provided by these Rules for the doing of anything to which these Rules apply, or may direct a departure from these Rules in any other way when this is required in the interest of justice.

Enlarge-
ment of time
and de-
parture
from Rules.

6. The fees set out in the Third Schedule shall be payable in respect of the matters to which they relate.

Fees.

7. (1) The Registry of the Court is situate at Lagos and, except when otherwise expressly provided, all documents and proceedings shall be filed in this Registry, provided that whilst the Court is sitting in any place other than Lagos any documents or proceedings in connection with any matter to be dealt with at such Sessions may be filed with the Registrar of the Court at such place.

Registry.

(2) A document may be filed in the Registry of the Court either by being delivered there by the party or his legal representative or agent in person or by being sent there by registered post.

8. The Registry of the Court shall, subject to the directions of the Chief Justice, be open to the public on every day in the year from eight o'clock in the forenoon to one o'clock in the afternoon, except:

Hours of
opening to
public.

(a) on Sundays or on any day kept in Lagos as a public holiday by virtue of the Public Holidays Ordinance (Cap. 166); or

(b) on Saturdays when the Registry shall be open to the public from eight o'clock to eleven o'clock in the forenoon.

9. Sessions of the Court shall be convened and constituted and the time, venue and forum for all sessions and for hearing interlocutory applications shall be settled in accordance with directions to be given by the Chief Justice.

Sessions.

10. (1) The sittings of the Court and the matters to be disposed of at such sittings shall be advertised and notified in such manner as the Chief Justice may direct:

Notification
of Sittings.

Provided that the Court may in its discretion hear any appeal and deal with any other matter whether or not the same has been advertised.

(2) This Rule shall not apply to the hearing of any matter by a single Judge.

11. The Court may at any time on application or of its own accord adjourn any proceedings pending before it from time to time and from place to place.

Adjourn-
ment.

Chief Registrar.

12. The Chief Registrar shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these Rules.

Other Registrars.

13. The Chief Justice may assign, and the Chief Registrar may, with the approval of the Chief Justice, delegate to any Registrar of the Court any functions required by these Rules to be exercised by the Chief Registrar.

Seal of the Court.

14. (1) Subject to the provisions of this Rule, the Seal of the Court and any duplicate thereof shall be kept in the custody of the Chief Registrar, and except as the Chief Justice may otherwise direct shall not be affixed to any writ, rule, order or other process or to any document without the express authority of the Chief Registrar.

(2) If at any time or session of the Court is held outside Lagos, a duplicate of the Seal of the Court may, on the instructions of the Chief Justice be entrusted to and kept in the custody of a Registrar of the Court for the purposes of that session and may be used for such purposes in accordance with any directions given by the Chief Justice or by the Judge presiding at that session.

Powers of Chief Registrar.

15. The Chief Registrar shall have the same jurisdiction, powers and duties as the Masters of the Supreme Court, Clerks of Criminal Courts, Registrars and the like officers of the Supreme Court of Judicature and the Court of Criminal Appeal in England, in addition to such other jurisdiction, powers and duties as are given him by these Rules or such further powers and duties as the Chief Justice may direct.

Books to be kept by Registrar.

16. (1) The Registrar shall keep :

- (a) a Criminal Appeal Book ;
- (b) a Civil Appeal Book ; and
- (c) a Civil Record Book :

each of which shall contain an index in alphabetical order.

(2) The following particulars shall be entered in the Criminal Appeal Book, and the Civil Appeal Book :

- (a) the number of the appeal ;
- (b) the names of the appellant and respondent ;
- (c) the Court from which the appeal is brought ;
- (d) the date and place of hearing of the appeal ;
- (e) the names of counsel ;
- (f) the subject matter of the appeal ;
- (g) the judgment of the Court ;
- (h) any subsequent proceedings and remarks.

(3) The following particulars shall be entered in the Civil Record Book :

- (a) the number of the application ;
- (b) the names of the parties ;
- (c) the date and place of hearing of the case ;
- (d) the names of counsel ;
- (e) the subject matter of the application ;
- (f) the judgment of the Court ;
- (g) any subsequent proceedings and remarks,

17. As soon as notice of appeal is delivered or an application for the exercise by the Court of its original jurisdiction is made to the Court or a Judge the Registrar shall prepare a cover in which pleadings or documents relating to the appeal or case shall be filed and on the front page thereof shall be recorded particulars of such pleadings or documents and the dates on which they are received.

Covers.

18. Any person aggrieved by anything done or ordered to be done by the Registrar other than anything ordered or done by the direction of the Chief Justice, may apply to a Judge to have the act, order or ruling complained of set aside or varied and the Judge may give such directions or make such order thereon as he thinks fit. Such application shall be made by notice of motion supported by affidavits setting out the complaint and the relief sought.

Setting aside or varying order of Registrar.

19. The forms set out in the First and Second Schedules to these Rules, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable.

Forms.

20. Rules 3 and 5 of the Federal Supreme Court Rules, 1956, are hereby revoked.

Revocations
L.N. 1 of
1956.

Original Jurisdiction

ORDER II

PROCEEDINGS IN THE ORIGINAL JURISDICTION OF THE COURT

1. In the exercise of the original jurisdiction of the Court, including its jurisdiction as a Colonial Court of Admiralty, where no provision exists in these Rules, the practice and procedure of the Court shall be conducted in substantial conformity with the practice and procedure for the time being observed in England in the High Court of Justice.

Procedure not provided for.

2. In all proceedings in which the Federation or any Region sues or is sued, the Attorney-General of the Federation or the Attorney-General of the Region concerned shall be made the nominal party.

Proceedings by or against a Government.

3. Except where otherwise expressly provided, all proceedings for the exercise by the Court of its original jurisdiction shall be commenced by application to the Court filed in accordance with Rule 7 of Order I of these Rules.

Commencement of Proceedings.

4. There shall be endorsed on every summons issued under Order III or Order V of these Rules a notice requiring the defendant to enter an appearance within thirty days after the summons has been served.

Endorsement of summons.

5. (1) A defendant shall enter appearance by filing in the Registry :

Mode of entering appearance.
Civil Form 3.

(a) a memorandum in writing dated on the day of its delivery, containing the name of the defendant's legal representative or stating that the defendant defends in person; and

(b) a duplicate of the memorandum of appearance.

(2) The Registrar shall seal the duplicate memorandum of appearance with a seal bearing the words "Appearance entered", and showing the date on which it is sealed, and then return it to the person entering the appearance.

(3) The duplicate memorandum of appearance so sealed shall be a certificate that the appearance was entered on the day indicated by the seal.

Notice of
entry to
Plaintiff,
Civil
Form 4.

6. A defendant shall, on the day on which he entered an appearance, give or send written notice of his having entered an appearance to the Plaintiff's legal representative or, if the Plaintiff sues in person, to the Plaintiff himself.

Address for
Service.

7. Every application for the exercise by the Court of its original jurisdiction, and every memorandum of appearance shall contain a proper address for service to the satisfaction of the Registrar and shall not be received unless it conforms to this Rule.

Procedure
in inter-
locutory
applica-
tions.
Civil
Form 5.

8. An application for an interlocutory order shall be by motion entitled in the proceeding in which it is made and shall be supported by an affidavit or affidavits of the facts on which the applicant will rely.

Motion to
be on
Notice.

9. No motion shall be made without previous notice to the parties affected thereby, but the Court, if satisfied that the delay caused by proceeding in the ordinary way would or might entail irreparable mischief, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside.

Length of
Notice.

10. Unless the Court give special leave to the contrary, there must be at least three clear days between the service of a notice of motion and the day named in the notice for hearing the motion.

Motions
may be
dismissed or
adjourned
where
necessary
notice not
given.

11. If on the hearing of a motion the Court shall be of the opinion that any person to whom notice has not been given, ought to have or to have had such notice, the Court may either dismiss or adjourn the hearing thereof, in order that such notice may be given, upon such terms, if any, as the Court may think fit to impose.

ORDER III

PROCEEDINGS COMMENCED BY STATEMENT OF CLAIMS

Procedure
when a
final order
is sought.
Civil
Form 1.

1. In any cause other than one commenced under Order V of these Rules, the application to the Court shall be made by the filing of a Statement of Claim in accordance with Rule 7 of Order I of these Rules.

Issue of
Summons.
Civil
Form 2.

2. When a statement of claim has been filed a summons shall be issued to the defendant to appear and answer the claim.

3. Every summons shall be signed by the Registrar and sealed with the Seal of the Court and shall be accompanied by a copy of the statement of claim.

Form of
Summons.

4. The plaintiff shall, within fourteen days after the defendant has entered an appearance, take out a summons for directions returnable before a Judge in Chambers, and the Judge shall, on the hearing of the summons, give such directions with respect to proceedings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matters as he may think expedient.

Summons
for
directions.
Civil Forms
6 and 7.

ORDER IV

STATED CASES

1. The parties to a proceeding commenced under Order III of these Rules may at any stage concur in stating the questions of law arising in the proceeding in the form of a stated case for the opinion of the Court.

Stating
questions
of Law.
Civil
Form 8.

2. The stated case shall be divided into paragraphs numbered consecutively and shall concisely state such facts and documents as are necessary to enable the Court to decide the questions raised by the stated case.

Contents of
case stated.

3. Upon the argument of the case the Court and the parties may refer to the whole contents of the documents stated.

Reference
to docu-
ments.

4. The Court may draw from the facts and documents stated any inference, whether of fact or law, which might have been drawn from them if proved at a trial.

Inferences
from facts
and docu-
ments.

5. No facts or documents other than those stated in the case shall be referred to upon the argument save with the consent of all parties.

Argument
confined to
facts in
case.

6. A stated case concurred in by the parties to a proceeding shall be signed by the several parties or their legal representatives and filed with the Registrar.

Signing and
filing of
case stated.

7. The parties to a stated case may, if they think fit, enter into an agreement in writing that, upon the determination by the Court of the question or questions of law raised in the stated case, judgment shall be entered by the Court to any effect within its jurisdiction and with or without costs, and such agreement shall be filed with the Registrar.

Written
Agreement
of Parties.

8. Likewise the parties may, in the presence of the Court, either themselves or by their legal representatives, verbally make an agreement, as to the judgment to be entered upon the determination by the Court of the questions of law raised in the stated case.

Oral Agree-
ment before
Court.

9. Where no such agreement is made, the proceedings in the cause shall be resumed, but the questions of law decided in the stated case shall not be reopened in the Court and the application shall proceed to its final determination upon the decision upon the law recorded after the hearing of the stated case.

Procedure
in absence
of agree-
ment.

ORDER V

DECLARATORY JUDGMENTS

Declaratory judgments may be sought.

1. No action or proceeding shall be open to objection, on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether any consequential relief is or could be claimed or not.

Construction of statutes on originating summons.

2. Any person claiming any legal or equitable right in a case where the determination of the question whether he is entitled to the right depends on the construction of any Order of the Queen in Council, Royal Charter, or Royal Letters Patent, or of any Act of the Imperial Parliament extending expressly or by implication to Nigeria, or of any written law as defined in section 3 of the Interpretation Ordinance, may apply for the issue of an originating summons for the determination of such question of construction and for a declaration as to the right claimed.

Construction of other instruments.

3. Any person claiming to be interested under a deed or other written instrument, may apply for the issue of an originating summons for the determination of any question of construction arising under the instrument and for a declaration of the rights of the person interested.

Service.

4. The Court may direct such persons to be served with the summons as it may think fit.

Method of application. Civil Form 9.

5. The application shall be made in Civil Form 9 in the First Schedule to these Rules and shall be supported by such evidence as the Court may require.

Originating summons not sole means of obtaining declaratory judgment.

6. Rules 2 and 3 of this Order shall not affect the right of any person seeking a declaratory judgment to institute proceedings by filing a statement of claim under Order III and on an application by originating summons the Court shall not be bound to determine any such question of construction if in the opinion of the Court it ought not to be determined on originating summons.

ORDER VI

REFERENCES AS TO CONSTITUTION ORDER AND
RESERVED POINTS OF LAW

Stating a case.

1. When a High Court refers any question as to the interpretation of the Constitution of the Federation or the Constitution of a Region to the Court under section 108 of the Constitution of the Federation, or reserves any question of law for the consideration of the Court in accordance with any written law, the High Court referring or reserving the question of law, as the case may be, shall state a case in Civil Form 10 or 11 in the First Schedule to these Rules, whichever may be appropriate, and the Registrar of the High Court shall forward five copies direct to the Registrar.

Civil Forms 10 and 11.

Signature of case, stated.

2. (1) When the lower court making an application consists of two or more persons, the case may be stated on behalf of the lower court by any two or more of those persons.

(2) Where a question is referred or reserved by a High Court the case shall be stated by the judge or judges referring or reserving the question.

3. A case stated under this Order shall be divided into paragraphs, which, as near as may be, shall be confined to distinct portions of the subject and every paragraph shall be numbered consecutively. It shall state such of the findings of fact as are necessary to explain the question on which the decision of the Court is sought but except where, in a criminal matter, the question is whether there is any evidence to support any decision, or whether the evidence for the prosecution disclosed a case for the defendant to answer, it shall not contain a statement of the evidence. It shall also state the contentions of the parties, the opinion or decision (if any) of the court stating the case and the questions of law for the determination of the Court. In cases to which s.243A of the Criminal Procedure Ordinance applies, the case shall state whether the trial has been adjourned or the verdict has been postponed or sentence has been respited and whether the person accused or convicted has been committed to prison or admitted to bail.

Form of
case stated.

4. (1) Subject to the provisions of this Rule, the following persons shall be entitled as of right to appear in person or by a legal practitioner at the hearing of any case stated under this Rule :

Right of
audience.

(a) the parties to the proceedings in which the question of law arose ; and

(b) in any case stated involving a substantial question of law as to the validity of any law enacted by the Federal Legislature, the Attorney-General of the Federation.

(2) The following persons may, by leave of the Court, appear in person or by a legal practitioner at the hearing of any case stated on the reference to the Court of any question as to the interpretation of the Constitution Order :

(a) Where he is not entitled to appear as of right under paragraph (1)

(b) of this Rule, the Attorney-General of the Federation ; and

(b) the Attorney-General of any Region :

Provided that where at the trial of a case stated in a criminal matter by any court established for a Region, including the High Court of the Region, the Director of Public Prosecutions of the Region, or a legal practitioner on his behalf, appears, the Court may decline to allow both him and the Attorney-General of the Region to address the Court and may put them to their option which shall do so.

(3) The Registrar shall forward to the Attorney-General of the Federation a copy of any case stated to which paragraph (1) (b) of this Rule applies. Any other person who is entitled as of right to appear, and any persons who may appear by leave of the Court, may obtain a copy of the case stated from the Registrar of the High Court on payment of such fee as may be prescribed.

ORDER VII

CIVIL APPEALS

1. This order shall apply to appeals to the Court from any court or tribunal acting either in its original or its appellate jurisdiction in civil cases, and to matters related thereto.

Applica-
tion.

2. (1) All appeals shall be by way of rehearing and shall be brought by notice (hereinafter called "the notice of appeal") to be filed in the Registry of the Court below which shall set forth the grounds of appeal, shall state whether the whole or part only of the decision of the Court below is complained of (in the latter case specifying such part) and shall state also the exact nature of the relief sought and the names and addresses of all parties directly affected by the appeal, and shall be accompanied by a sufficient number of copies for service on all such parties. It shall also have endorsed on it an address for service.

Notice and
grounds of
appeal.
Civil
Form 12.

(2) If the grounds of appeal allege misdirection or error in law the particulars and the nature of the misdirection or error shall be clearly stated.

(3) The notice of appeal shall set forth concisely and under distinct heads the grounds upon which the appellant intends to rely at the hearing of the appeal without any argument or narrative and shall be numbered consecutively.

(4) No ground which is vague or general in terms or which discloses no reasonable ground of appeal shall be permitted, save the general ground that the judgment is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this rule may be struck out by the Court of its own motion or on application by the respondent.

(5) The appellant shall not without the leave of the Court urge or be heard in support of any ground of appeal not mentioned in the notice of appeal, but the Court may in its discretion allow the appellant to amend the grounds of appeal upon payment of the fees prescribed for making such amendment and upon such terms as the Court may deem just.

(6) Notwithstanding the foregoing provisions the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant :

Provided that the Court shall not if it allows the appeal rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the case on that ground.

3. (1) Where an appeal lies only by leave of the Court or of the Court below any application to the Court for such leave shall be made *ex parte* by notice of motion.

(2) If leave to appeal is granted by the Court or by the Court below the appellant shall file a notice of appeal.

4. (1) An appeal shall be deemed to have been brought when the notice of appeal has been filed in the Registry of the Court below.

(2) Every application for an enlargement of time in which to appeal shall be supported by an affidavit setting forth good and substantial reasons for the failure to appeal within the prescribed period, and by grounds of appeal which *prima facie* show good cause why the appeal should be heard. When time is so enlarged a copy of the order granting such enlargement shall be annexed to the notice of appeal.

5. (1) The Registrar of the Court below shall, after the notice of appeal has been filed, cause to be served a true copy thereof upon each of the parties mentioned in the notice of appeal. It shall not be necessary to serve any party not directly affected :

Provided that the Court may, of its own motion, or on the application of any person claiming to be affected, direct notice to be served on all or any parties to the action or other proceeding or upon any person not a party and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may be just and make such order as might have been made if the persons served with such notice had been originally parties to the appeal.

(2) Notwithstanding anything in Rule 3 (6) (b) of Order I, where in any proceeding in the Court below a party has given an address for service, notice of appeal from any decision made under such proceeding may be served on such party at such address for service, notwithstanding that the address may be that of a legal representative who has not been retained for the purpose of an appeal, and notice of any application preparatory or incidental to any such appeal may be served in like manner at any time before the date on which the respondent gives notice of his address for service in accordance with the immediately following rule.

Applica-
tion for
leave to
appeal.
Civil
Form 13.

Time.

Notice of
appeal. On
whom
served.

6. (1) Every person who by virtue of service on him of a notice of appeal becomes a respondent to any appeal or intended appeal shall within thirty days after service on him of the notice of appeal file in duplicate with the Registrar of the Court below notice of a full and sufficient address for service in such number of copies as the said Registrar shall require. The Registrar of the Court below shall forthwith send a copy of the notice of address to the Registrar and shall cause a copy thereof to be served on the appellant.

Addresses
for
service.

(2) Such notice may be signed by the respondent or his legal representative.

(3) If any respondent fails or omits to file such notice of address for service it shall not be necessary to serve on him any other proceedings in the appeal or any notice of hearing thereof.

(4) Any party to an appeal or intended appeal may change his address for service at any time by filing and serving on all other parties to the appeal or intended appeal notice of such change.

(5) An address for service given for the purpose of any appeal shall be effective for the purposes of any application for leave to appeal to Her Majesty in Council from any decision given in that appeal and of any application or matter in connection with such application for leave to appeal as aforesaid.

7. (1) The Registrar of the Court below shall after the expiration of the time prescribed for filing notice of address for service summon the parties before him to :—

Registrar's
summons.
Civil
Form 14.

(a) settle the documents to be included in the record of appeal ;

(b) fix the amount to be deposited by the appellant to cover the estimated cost of making up and forwarding the record of appeal ;

(c) fix the amount to be deposited by the appellant or secured by bond for the due prosecution of the appeal and the payment of any costs.

(2) The said Registrar shall, whether any of the parties attend or not provided that notice has been duly served on those parties who filed an address for service, proceed to settle and determine those matters in accordance with the provisions of Rules 8, 9 and 10 of this Order.

8. (1) The Record of appeal shall contain the following documents in the order set out :—

Record of
Appeal.

(a) the index ;

(b) a statement by the Registrar of the Court below giving brief particulars of the case and including a schedule of the fees paid ;

(c) copies of the documents settled by the Registrar of the Court below for inclusion in the Record of Appeal in accordance with Rule 7 of this Order ;

(d) a copy of the notice of appeal and other relevant documents filed in connection with the appeal.

(2) The Registrar of the Court below, as well as the parties, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the record as far as practicable, taking special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents ; but the documents omitted to be copied shall be enumerated in a list at the end of the Record. Where

part or parts only of any lengthy document are directly relevant to the subject matter of the appeal, it shall be permissible to omit to copy such parts of the document as are neither directly relevant to the subject matter of the appeal nor necessary for the proper understanding of the part or parts that are so relevant.

(3) If the Registrar of the Court below or any party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the document shall be included and the record shall, with a view to the subsequent adjustment of the costs of and incidental to the inclusion of such document, indicate in the index of papers or otherwise the fact that, and the party by whom the inclusion of the document was objected.

(4) It shall not be necessary for copies of individual documents to be separately certified but the Registrar of the Court below shall certify as correct each copy of the Record transmitted by him in accordance with these Rules.

Cost of
Record.

9. The appellant shall within such time as the Registrar of the Court below directs deposit with him a sum fixed to cover the estimated expense of making up and forwarding the record of appeal calculated at the full cost of one copy for the appellant and one-fifth cost for each of the five copies for the use of the Court.

Security for
costs.
Civil
Form 15.

10. The appellant shall within such time as the Registrar of the Court below directs deposit such sum as shall be determined by such Registrar or give security therefor by bond with one or more sureties to his satisfaction as such Registrar may direct for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant.

Provided that no deposit or security shall be required where the deposit would be payable by the Crown or a Government department.

Additional
security for
costs.

11. The Court may, where necessary, require security for costs or for performance of the orders to be made on appeal, in addition to the sum determined under Rule 10 of this Order.

Trans-
mission of
record.
Civil Forms
16 and 17.

12. (1) The Registrar of the Court below shall transmit the record when ready together with :—

(a) a certificate of service of the notice of appeal ;

(b) a certificate that the conditions imposed under Rules 9 and 10 of this Order have been fulfilled ;

(c) five copies of the record for the use of the Judges ;

(d) the docket or file of the case in the Court below containing all papers or documents filed by the parties in connection therewith, to the Registrar of the Court.

Civil
Form 18.

(2) The Registrar of the Court below shall also cause to be served on all parties mentioned in the notice of appeal *who have filed an address for service* a notice that the record has been forwarded to the Registrar of the Court who shall in due course enter the appeal in the cause list.

13. (1) It shall not be necessary for the respondent to give notice of motion by way of cross-appeal; but if a respondent intends upon the hearing of the appeal to contend that the decision of the Court below should be varied, or that it should be affirmed on grounds other than those relied on by that Court he shall within one month after service upon him of the notice of appeal cause written notice of such intention to be given to every party who may be affected by such contention, whether or not such party has filed an address for service. In such notice the respondent shall clearly state the grounds on which he intends to rely and within the same period he shall file with the Registrar of the Court below six copies of such notice of which one shall be included in the record, and the other five copies provided for the use of the Judges.

Cross-appeal
Notice by
respondent
of con-
tention that
judgment
should be
varied or
should be
affirmed on
other
grounds.
Civil Forms
19 and 20.

(2) Omission to give such notice shall not diminish any powers of the Court but may in the discretion of the Court be a ground for postponement or adjournment of the appeal upon such terms as to costs or otherwise as may be just.

14. (1) A respondent intending to rely upon a preliminary objection to the hearing of the appeal shall give the appellant three clear days notice thereof before the hearing, setting out the grounds of objection, and shall file such notice together with six copies thereof with the Registrar within the same time.

Notice of
prelimi-
nary
objection to
be filed.
Civil
Form 21.

(2) No objection shall be taken to the hearing of an appeal on the ground that the amount fixed by the Registrar of the Court below under Rule 7 (1) of this Order were incorrectly assessed.

(3) If the respondent fails to comply with this rule the Court may refuse to entertain the objection or may adjourn the hearing thereof at the cost of the respondent or may make such other order as it thinks fit.

15. (1) An appellant may at any time before the appeal is called on for hearing serve on the parties to the appeal and file a notice with the Registrar to the effect that he does not intend further to prosecute the appeal.

Withdrawal
of appeal.
Civil
Form 22.
Civil
Form 23.

(2) If all parties to the appeal consent to the withdrawal of the appeal without order of the Court, the appellant may file in the Registry the document or documents signifying such consent and signed by the parties or by their legal representatives and the appeal shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar. In such event any sum lodged in Court as security for the costs of the appeal shall be paid out to the appellant.

(3) The withdrawal of an appeal with the consent of the parties under paragraph (2) of this Rule shall be a bar to further proceedings on any application made by the respondent under Rule 13 of this Order.

(4) If all the parties do not consent to the withdrawal of the appeal as aforesaid, the appeal shall remain on the list, and shall come on for the hearing of any issue as to costs or otherwise remaining outstanding between the parties, including any application made by the respondent under Rule 13 of this Order, and for the making of an order as to the disposal of any sum lodged in Court as security for the costs of appeal.

(5) An appeal which has been withdrawn under this Rule, whether with or without an order of the Court, shall be deemed to have been dismissed.

Appeal by
respondent
where
appeal
withdrawn.

16. Where an appeal is withdrawn under the preceding rule any respondent who has not given a notice under Rule 13 of this Order may give notice of appeal and proceed therewith in the manner prescribed by the foregoing rules; and in such case the times limited for giving notice of appeal, for depositing the sum estimated to cover the cost of the record and for furnishing the security for costs may, on application to the Court, be extended so far as is reasonably necessary in all the circumstances of the case.

Non-com-
pliance
with con-
ditions of
appeal.

17. (1) If the appellant has complied with none of the requirements of Rules 9 and 10 of this Order, the Registrar of the Court below shall certify such fact to Federal Supreme Court, which shall thereupon order that the appeal be dismissed either with or without costs, and shall cause the appellant and the respondent to be notified of the terms of its order.

Civil
Form 24.

(2) Where an appeal has been dismissed under paragraph (1) of this Rule, a respondent who has given notice under Rule 13 of this Order may give notice of appeal and the provisions of Rule 16 of this Order shall apply as if the appeal were brought under that Rule.

(3) If the respondent alleges that the appellant has failed to comply with a part of the requirements of Rules 2, 9 or 10 of this Order, the Court, if satisfied that the appellant has so failed, may dismiss the appeal for want of due prosecution or make such other order as the justice of the case may require.

(4) An appellant whose appeal has been dismissed under this rule may apply by notice of motion that his appeal be restored. Any such application may be made to the Court and the Court may in its discretion for good and sufficient cause order that such appeal be restored upon such terms as it may think fit.

Exhibits.

18. (1) Subject as hereinafter provided, each party shall, immediately after an appeal becomes pending before the Court, deliver to the Court below all documents (being exhibits in the case or which were tendered as exhibits and rejected) which are in his custody or were produced or put in by him at the trial.

(2) Subject as hereinafter provided, each party to an appeal shall be prepared to produce at the hearing of the appeal all exhibits, other than documents, which are in his custody or were produced or put in by him at the trial.

(3) In case any party finds it difficult to comply with the previous provisions of this rule owing to the nature of the documents or other exhibit or owing to its being in possession of a third party or for any other reason, he may apply to the Registrar of the Court below for directions.

(4) The Registrar of the Court below may, either of his own motion or upon application, give any directions he sees fit, whether dispensing with the provisions of this rule or modifying its application in any way or for securing compliance with it.

(5) All original documents delivered to the Court below under this rule shall remain in the custody of the Court below until the record of appeal has been prepared, and shall then be forwarded with the record to the Registrar and shall remain in the custody of the Court until the determination of the appeal:

Provided that the Court or Registrar may allow the return of any document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

19. After an appeal has been entered and until it has been finally disposed of, the Court shall be seized of the whole of the proceedings as between the parties thereto, and except as may be otherwise provided in this Order, every application therein shall be made to the Court and not to the Court below, but any application may be filed in the Court below for transmission to the Court.

Control of proceedings during pendency of appeal.

20. At any time before hearing of the appeal any party to the appeal may file a declaration in writing that he does not wish to be present in person or by a legal representative on the hearing of the appeal together with four copies of such arguments as he desires to submit to the Court and serve a copy of such declaration and arguments upon every other party who has filed an address for service and thereupon the appeal shall be dealt with as if the party had appeared.

Submission by party not appearing. Civil Form 25.

21. (1) If the appellant fails to appear when his appeal is called on for hearing and has not taken action under Rule 20 of this Order, the appeal may be struck out or dismissed with or without costs.

Non-appearance of appellant.

(2) When an appeal has been struck out owing to the non-appearance of the appellant the Court may, if it thinks fit, and on such terms as to costs or otherwise as it may deem just, direct the appeal to be re-entered for hearing.

22. If the respondent fails to appear when the appeal is called on for hearing and has not taken action under Rule 20 of this Order, the Court may proceed to hear the appeal *ex parte*.

Non-appearance of respondent.

23. (1) Where an appeal has been heard *ex parte* under Rule 22 and any judgment has been given therein adverse to the respondent, he may apply to the Court to set aside such judgment and to re-hear the appeal.

Application to set aside *ex parte* judgment.

(2) No application to set aside and re-hear under this rule shall be made after the expiration of twenty-one days from the date of the judgment sought to be set aside :

Provided that a respondent who has failed within the period of twenty-one days to make application under this rule may nevertheless at any time within a further period of three months thereafter apply to the Court on notice to the appellant to set aside such judgment, and the Court if satisfied that good and sufficient cause has been shown for the application being out of time, may grant the application and make such order in relation thereto or as to costs as it may deem fit in the circumstances.

(3) Any such application shall be by motion accompanied by an affidavit setting forth the reasons and grounds for the application and the Court may thereupon in its discretion set aside the judgment and order that the appeal be re-heard at such time and upon such conditions as to costs or otherwise as it may think fit.

24. It is not open as of right to any party to an appeal to adduce new evidence in support of his original case ; but, for the furtherance of justice, the Court may, where it thinks fit, allow or require any new evidence to be adduced, such evidence to be either by oral examination in Court, by affidavit or by deposition taken before an examiner or commissioner as the Court may direct. A party may by leave of the Court allege any facts essential to the issue that have come to his knowledge after the decision of the Court below and adduce evidence in support of such allegations.

New evidence on appeal.

Interlocutory judgment not to prejudice appeal.

25. No interlocutory judgment or order from which there has been no appeal shall operate so as to bar or prejudice the Court from giving such decision upon the appeal as may seem just.

Power of Court to give any judgment and make any order.

26. The Court shall have power to give any judgment or make any order that ought to have been made, and to make such further or other order as the case may require including any order as to costs. These powers may be exercised by the Court, notwithstanding that the appellant may have asked that part only of a decision may be reversed or varied, and may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision.

Judgment.

27. (1) The judgment of the Court shall be pronounced in open Court, either on the hearing of the appeal or at any subsequent time of which notice shall be given by the Registrar to the parties to the appeal.

(2) A certified copy of the judgment shall be sent by the Registrar to the Court below.

Order.

28. (1) Every judgment of the Court shall be embodied in an order.

(2) A sealed or certified copy of the order shall be sent by the Registrar to the Court below.

(3) Interlocutory orders shall be prepared in like manner.

Review of judgment.

29. The Court shall not review any judgment once given and delivered by it save and except in accordance with the practice of the Court of Appeal in England.

Enforcement of judgments.

30. Any judgment given by the Court may be enforced by the Court or by the Court below or by any other Court which has been seized of the matter, as the Court may direct.

Execution of Judgment by Court below. Civil Form 26.

31. When the Court directs any judgment to be enforced by another Court, a certificate under the seal of the Court and the hand of the presiding Judge setting forth the judgment shall be transmitted by the Registrar to such other Court, and the latter shall enforce such judgment in terms of the certificate.

Costs.

32. Where the costs of an appeal are allowed they may either be fixed by the Court at the time when the judgment is given or may be ordered to be taxed.

Fees.

33. (1) Save as hereinafter provided, the fees prescribed in the Third Schedule shall be charged in respect of the matters to which they are respectively assigned, and shall be paid to the Registrar of the Court below as the case may be.

(2) No fee shall be payable in respect of any matter where such fee would be payable by the Crown or any Government Department :

Provided that when any person is ordered to pay the costs of the Crown or any Government Department in any case, all fees which would have been payable but for the provisions of this paragraph shall be taken as having been paid and shall be recoverable from such person.

(3) The Court below or the Court may, on account of the poverty of any party (although such party may not have been formally permitted to proceed as a poor person under Rule 36 of this Order) or for other sufficient reason dispense, if it sees fit, with payment of any fees, if the circumstances of the case require.

Provided that if such party succeeds in any appeal which results in an order for payment to him of any costs, the Court may order that such fees shall be a first charge on any moneys recovered or to be recovered under such order.

34. (1) Any party may apply to the Court for leave to prosecute or defend an appeal as a poor person. Such application shall be by notice of motion, supported by affidavit, and shall be served on the other parties to the proceedings. No fee shall be payable on filing any such application.

Proceedings
by poor
persons.

(2) No party shall be permitted to proceed as a poor person unless he satisfies the Court that he has a reasonable probability of success.

(3) A person permitted to proceed as a poor person shall not be liable to pay any of the Court fees prescribed by these Rules nor shall he be required to make the deposit or to give the security prescribed by Rules 9 and 10 of this Order.

(4) The Court may for good cause shown review, rescind or vary an order permitting any person to proceed as a poor person.

35. (1) Leave to proceed as a poor person shall not exempt such person from liability to an order for costs in favour of his opponent.

Costs in
proceedings
by poor
persons.

(2) If a poor person is not awarded costs in the proceedings, no fees shall be taken from him by a legal representative assigned to him.

(3) If a poor person is awarded costs against his opponent he shall be entitled to include and receive in such costs the fees of any legal representative assigned to him and all other fees and costs remitted by his admission to proceed as a poor person.

36. Where no other provision is made by these Rules the procedure and practice for the time being in force in the Court of Appeal in England shall apply in so far as it is not inconsistent with these Rules, and the forms in use therein may be used with such adaptations as are necessary.

Matters not
expressly
provided for.

37. Whenever an application may be made either to the Court below or to the Court, it shall be made in the first instance to the Court below but, if the Court below refuses the application, the applicant shall be entitled to have the application determined by the Court.

Court to
which
application
should be
made.

ORDER VIII

CRIMINAL APPEALS

Appeals from High Courts in their Original Jurisdiction or in their Appellate Jurisdiction in Criminal Cases

1. This order shall apply to appeals to the Court from any court or tribunal acting either in its original or in its appellate jurisdiction in criminal cases, other than a court-martial, and to matters related thereto.

Applica-
tion.

Applications not specially provided for.

Obligation on appellant to fill up forms of appeal notices and answer questions thereon.

Notices of Appeal.

How notices, etc., may be given or sent.

Where appellant unable to write.

Where question of sanity involved.

Notice, etc., on behalf of corporations.

Application for extension of time Criminal Form 7.

2. Except where otherwise provided in these Rules any application to the Court may be made by the appellant or respondent or by a legal representative on his behalf orally or in writing, but in regard to such applications if the appellant is unrepresented and in custody and is not entitled or has not obtained leave to be present before the Court, he shall make any such application by forwarding the same in writing to the Registrar who shall take the appropriate steps to obtain the decision of the Court thereon.

3. (1) A person desiring to appeal to the Court against any judgment, sentence or order of the Court below, whether in the exercise of its original or of its appellate jurisdiction, shall commence his appeal by sending to the Registrar of the Court below a notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notices respectively set forth as Forms 1, 2, 3, 4, 5 or 7 in the Second Schedule to these Rules.

(2) A person sending any notice or notices under this Rule shall answer the questions and comply with the requirements set forth thereon.

4. (1) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given shall be signed by the appellant himself, except under the provision of paragraphs (4) and (5) of this Rule.

Any other notice required or authorised to be given shall be in writing and signed by the person giving the same or by his legal representative. All notices required or authorised to be given shall be addressed to the Registrar of the Court below to be forwarded by him to the Registrar.

(2) Any notice or other document which is required or authorised to be given or sent shall be deemed to be duly given or sent if forwarded by registered post addressed to the person to whom such notice or other document is so required or authorised to be given or sent.

(3) Where an appellant or any other person authorised or required to give or send any notice of appeal or notice of any application is unable to write, he may affix his mark thereto in the presence of a witness who shall attest the same, and thereupon such notice shall be deemed to be duly signed by such appellant.

(4) Where, on the trial of a person entitled to appeal it has been contended that he was not responsible according to law for his actions on the ground that he was insane at the time the act was done or the omission made by him, or that at the time of the trial he was of unsound mind and consequently incapable of making his defence, any notice required to be given and signed by the appellant himself may be given and signed by his legal representative.

(5) In the case of a body corporate where any notice or other document is required to be signed by the appellant himself, it shall be sufficient compliance therewith if such notice or other document is signed by the secretary, clerk, manager or legal representative of such body corporate.

5. An application to the Court for an extension of time within which notices may be given shall be in Form 7 in the Second Schedule to these Rules. Every person making an application for such extension of time shall send to the Registrar of the Court below, together with the proper form of such application, a form duly filled up, of notice of appeal, or of notice of application for leave to appeal, appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

6. (1) Where the Court or the High Court has on a notice of application for leave to appeal duly sent and in the form provided under these Rules, given an appellant leave to appeal, it shall not be necessary for such appellant to give any notice of appeal but the notice of application for leave to appeal shall in such case be deemed to be a notice of appeal.

Notice of application for leave to appeal.

(2) Where an application for leave to appeal has been made to the High Court, the Registrar of that Court shall send to the Registrar of the Court notification of the result of the application in Form 6 in the Second Schedule to these rules together with the original of the application for leave to appeal and the case shall thereafter be dealt with as if leave to appeal had been granted by the Court.

Criminal Form 6.

7. (1) Where a single judge deals with any preliminary application, the Registrar shall inform the applicant of the result of his application. In the event of such judge refusing the application, the Registrar, on notifying such refusal to the applicant, shall forward to him Form 8 in the Second Schedule hereto, which Form the applicant is hereby required to fill up and forthwith return to the Registrar. If the applicant does not desire to have his said application determined by the Court or does not within thirty days of being notified of such refusal return Form 9 duly completed by him, the refusal of his application shall be final.

Dealing with applications for leave to appeal and other preliminary applications. Criminal Forms 8 and 9.

(2) The answers to the questions on Forms 1, 2, 3 and 4 shall be deemed to be applications to the Court in such matters.

(3) For the purpose of constituting the Court the judge who has refused any such application may sit as a member of the Court and take part in determining such application.

(4) A judge hearing a preliminary application may sit and act wherever convenient.

8. (1) When

(a) the Registrar of the Court below has received a notice of appeal or a notice of application to the Court for leave to appeal or for extension of the time within which such notice shall be given; or

Forwarding of proceedings of Court below to Registrar.

(b) the Court below has granted leave to appeal,

the Registrar of the Court below shall prepare the record of appeal in the manner hereinafter prescribed and forward to the Registrar five copies thereof. He shall also forward the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other documents usually kept by him, or forming part of the record of the Court below, together with the originals of any recognisances entered into or any other documents filed in connection with the appeal or application.

(2) Subject to the provisions of Rule 9 of this Order, the Registrar of the Court below shall forward to the appellant and to the Director of Public Prosecutions of the Region from which the appeal emanates a copy each of the record:

Provided that if the appellant is not in custody a copy of the record shall only be supplied to him on request.

(3) The Court or Registrar may allow the return of any document to any party pending the hearing of the appeal and subject to such conditions as it or he may impose.

Fees.

9. (1) The fees set out in the Third Schedule shall be taken and paid upon every appeal under this Order.

(2) The Court or the Court below may waive in whole or in part the payment of any fees or the making of any deposit.

(3) This rule shall not apply to appeals in capital cases or where an appellant is granted legal aid.

Record in
Criminal
Appeals
from Court
below in its
original
jurisdiction.

10. (1) The record of appeal in appeals or applications relating to appeals from a Court below acting in its original jurisdiction in criminal cases shall contain legible typed copies of the following items arranged in this order :—

(a) the index ;

(b) the charge or information ;

(c) the Judge's notes of the evidence and minutes of the proceedings provided that if a shorthand note of the hearing has been taken, a copy of the transcript thereof may be included, either in addition to or substitution of the Judge's notes, as he may direct ;

(d) the charge to the Jury or the summing up to the assessors when a record thereof has been made, or if no such record has been made, a statement given to the best of the Judge's recollection the substance of the direction or summing up ;

(e) the judgment or any additional ground or explanation thereof ;

(f) the proceedings on or after sentence in so far as not included in the notes of the hearing or minutes of proceedings ;

(g) all documentary exhibits put in at the trial including depositions read in consequence of the absence of a witness :

Provided that in the case of books of accounts or other documents of great length, extracts of the relevant portions thereof only shall be included ;

(h) the notice of appeal or notice of application for leave to appeal, or notice of application for extension of time in which such notice shall be given ;

(2) It shall not be necessary for the record of appeal to contain copies of any recognisances entered into or documents filed in connection with the appeal or application other than those set out in paragraph (1) of this rule unless the Court or a Judge of the Court below shall otherwise direct.

Appeals in
criminal
matters
from High
Court in
its appellate
jurisdiction.

11. (1) The record of appeal in appeals or applications relating to appeals from a High Court acting in its appellate jurisdiction in criminal matters shall contain legible typed copies of the following items arranged in this order :—

(a) the index which shall include the particulars of the record of proceedings from the lower Court ;

(b) the record of proceedings from the Lower Court as submitted to the High Court ;

(c) the notice of appeal and all other relevant documents filed in connection with the appeal in the High Court ;

(d) the notes of the Judge or Judges on the hearing of the appeal and minutes of the proceedings ;

(e) the judgment of the High Court ;

(f) the notice of appeal to the Court or notice of application for leave to appeal to the Court, or notice of application to the Court for extension of time in which such notice shall be given ;

(g) where leave to appeal has been granted by the High Court, a copy of the order granting leave.

(2) It shall not be necessary for the record of appeal to contain copies of any recognisances entered into for the purposes of the appeal to the High Court or of the appeal or application to the Court, unless the Court or a Judge of the High Court shall otherwise direct.

(3) In this rule "lower court" includes the court of trial and any court, other than the High Court, which may have heard the matter on appeal.

12. (1) Where any trial is had with a jury or assessors and, by direction of the trial Judge a record is made by some mechanical or electrical device or any summing up or direction of the Judge, such record shall be accepted by the Court as accurate unless the Court has reason to doubt its accuracy.

Records of
summing
up.

(2) Where in such a trial a record of any summing up or direction is otherwise made, by direction of the trial Judge, either in longhand or shorthand, such record shall be accepted by the Court as accurate subject to any corrections or additions which the trial Judge may certify ought to be made in order to render the record accurate.

(3) Where in such a trial the trial Judge does not give any directions for recording any summing up or direction given by him, his statement shall be accepted as accurate unless the Court sees reason to the contrary.

13. (1) The Registrar shall, if in relation to any appeal the Court directs him so to do, request the trial Judge to furnish him with a report in writing giving his opinion upon the case generally or upon any point arising upon the case of the appellant, and the trial Judge shall furnish the same to the Registrar.

Report of
Judge of
Court of
Trial.

(2) The report of the Judge shall be made to the Court and, the Registrar shall on request, furnish a copy thereof to the appellant and respondent.

14. When the Registrar requests the trial Judge to furnish a report under these Rules, he shall send to such a Judge a copy of the notice of appeal or notice of application for leave to appeal or any other document or information which he shall consider material, or which the Court at any time shall direct him to send or with which such Judge may request to be furnished by the Registrar to enable such Judge to deal in his report with the appellant's case generally or with any point arising thereon.

Furnishing
Judge of
Court of
Trial with
materials
for report.

15. (1) Where the Court or the Court below admits an appellant to bail pending the determination of his appeal on an application by him duly made, such Court shall specify the amounts in which the appellant and his surety or sureties (unless such Court directs that no surety is required) shall be bound by recognisance, and shall direct, if it thinks fit so to do, before whom the recognisances of the appellant and his surety or sureties (if any) may be taken.

Bail.

(2) In the event of such Court not making any special order or giving any special directions under this Rule, the recognisances of the appellant and of his surety or sureties (if any) may be taken before a magistrate.

(3) The recognisances provided for in this Rule shall be in Forms 10 and 11 in the Second Schedule to these Rules.

Forms
10 and 11.

(4) The Registrar of the Court below shall forward the recognisances of the appellant and his surety or sureties to the Registrar.

Form 12.

(5) An appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal and at the final determination thereof. The Court may, in the event of such appellant not being present at any hearing of his appeal, if it thinks right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same and may issue a warrant for the apprehension of the appellant in Form 12 in the Second Schedule of these Rules :

Provided that the Court may consider the appeal in his absence, or make such other order as it thinks fit.

(6) When an appellant is present before the Court, the Court may, on an application made by any person or, if it thinks right so to do, without any application, make an order admitting the appellant to bail, or revoke or vary any such order previously made, or enlarge from time to time the recognisances of the appellant or of his sureties or substitute any other surety for a surety previously bound as it thinks right.

Form 12.

(7) At any time after an appellant has been released on bail, the Court or where the appellant was released on bail by the Court below, that Court may, if satisfied that it is in the interest of justice so to do, revoke the order admitting to bail, and issue a warrant in Form 12 in the Second Schedule of these Rules.

Fines.

16. (1) Where a person has, on his conviction, been sentenced to payment of a fine, and in default of payment to imprisonment, and such person remains in custody in default of payment of the fine, he shall be deemed, for purposes of appeal, to be a person sentenced to imprisonment.

(2) An appellant who has been sentenced to the payment of a fine, and has paid the same or part thereof in accordance with such sentence, shall, in the event of his appeal being successful, be entitled, subject to any order of the Court, to the return of the sum or any part thereof so paid by him.

Varying
order of
restitution
of property.

17. Where, upon the trial of a person entitled to appeal against his conviction, an order of restitution of any property to any person has been made by the Judge of the Court, the person in whose favour or against whom the order of restitution has been made, and, with the leave of the Court, any other person, shall, on the final hearing by the Court of an appeal against his conviction on which such order of restitution was made, be entitled to be heard by the Court before any order annulling or varying such order of restitution is made.

Non-
suspension
of Orders
of Restitu-
tion.

18. Where the Judge of the Court below is of opinion that the title to any property the subject of an order of restitution made on a conviction of a person before him is not in dispute, he, if he shall be of opinion that such property or a sample or portion or facsimile representation thereof is reasonably necessary to be produced for use at the hearing of any appeal, shall give such direction to or impose such terms upon the person in whose favour the order of restitution is made, as he shall think right in order to secure the production of such sample, portion or facsimile representation for use at the hearing of any such appeal.

19. The Registrar of the Court below shall not issue, under any law authorising him so to do, a certificate of conviction of any person convicted in the Court below if notice of appeal or notice of application for leave to appeal is given, until the determination or abandonment thereof.

Restrictions on issue of certificate of conviction.

20. (1) An appellant at any time after he has duly served notice of appeal or of application for leave to appeal, or of application for extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof in Form 13 in the Second Schedule to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court.

Abandonment of appeal.

Form 13.

(2) Upon receipt of a notice of abandonment duly completed and signed or marked by the appellant or the party authorised to sign notices under Rule 4 of this Order, the Registrar shall give notices thereof in Form 14 in the Schedule to the respondent, the Prison authority and the Registrar of the Court below, and in the case of an appeal against a conviction involving a sentence of death, shall in like manner give notice to the Permanent Secretary to the appropriate Federal or Regional Ministry, for the information of the Minister responsible for advising the Governor-General or Governor (as the case may be) on the exercise of the prerogative of mercy, and the Registrar shall also return to the Registrar of the Court below any original documents and exhibits received from him.

Form 14.

21. An appellant (other than one convicted of an offence involving sentence of death) who has abandoned his appeal may, in special cases, with the leave of the Court, withdraw his notice of abandonment by filling up Form 15 in the Second Schedule together with Form 7 (Notice of Application for extension of time within which to appeal) and sending them to the Registrar.

Notice of abandonment of appeal may be withdrawn. Criminal Form 15.

22. (1) Where the Court has ordered any witness to attend and be examined before the Court an order in Form 16 in the Second Schedule shall be served upon such witness specifying the time and place at which to attend for such purpose.

Attendance of witness before the Court. Criminal Form 16.

(2) Such order may be made on the application at any time of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made by him in Form 17 in the Second Schedule.

Application to court to hear witnesses. Criminal Form 17.

(3) Where the Court orders the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the person appointed as examiner to take and the place of taking such examination and the witness or witnesses to be examined thereat.

Order appointing examiner.

(4) The Registrar shall furnish to the person appointed to take such examination any documents or exhibits and any other material relating to the said appeal as and when requested to do so. Such documents and exhibits and other material shall after the examination has been concluded be returned by the examiner, together with any depositions taken by him under this Rule to the Registrar.

Furnishing examiner with exhibits, etc., necessary for examination.

Notification
of date of
examination.

Form 18.

Evidence to
be taken on
Oath.

Deposition
of witness
how to
take.
Criminal
Form 19.

Expenses of
witnesses
before
examiner.

Presence of
parties at
examination
of witnesses.

Proceedings
on refer-
ence.

Notification
of final
determina-
tion of
appeals.

Notification
of appeal in
capital
cases.

Notification
of result of
appeal.

(5) When the examiner has appointed the day and time for the examination he shall request the Registrar to give notice thereof to the appellant and the respondent and their legal representatives, if any, and when the appellant is in prison, to the Prison authority. The Registrar shall cause to be served on every witness to be examined a notice in Form 18 in the Second Schedule.

(6) Every witness examined before an examiner under this Rule shall give his evidence upon oath or affirmation to be administered by such examiner, except where any such witness if giving evidence as a witness at a trial on information need not be sworn.

(7) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered shall be taken in private. The Caption in Form 19 in the Second Schedule shall be attached to any such deposition.

(8) Where any witness shall receive an order or notice to attend before the Court or an examiner, the Registrar may, if it appears to him necessary so to do, pay to such witness a reasonable sum for his expenses.

(9) The appellant and respondent, or their legal representatives, shall, unless the Court otherwise directs, be entitled to be present at and take part in any examination of any witness to which this Rule relates.

23. When an order of reference is made by the Court to a special commissioner, the question to be referred, and the person to whom as special commissioner the same shall be referred, shall be specified in such order. The Court may in such order or by giving directions as and when they from time to time shall think right, specify whether the appellant or respondent or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered, and specify any and what powers of the Court may be delegated to such special commissioner, and may require him from time to time to make interim reports to the Court upon the question referred to him, and may, if the appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directions to the Prison authority accordingly, and may give directions to the Registrar that copies of any report made by such special commissioner shall be furnished to the appellant and respondent.

24. (1) On the final determination of any appeal or of any application to the Court, the Registrar shall give to the appellant, if he be in custody and has not been present at such final determination, and to the respondent and the Prison authority, notice of such determination in Forms 20, 21, 22 or 23 in the Second Schedule, as the case may be.

(2) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving notice of appeal, send copies thereof to the Permanent Secretary to the appropriate Federal or Regional Ministry, for the information of the Minister responsible for advising the Governor-General or the Governor (as the case may be) on the exercise of the prerogative of mercy, to the respondent and to the Prison authority.

25. (1) The Registrar at the final determination of an appeal shall notify in such manner as he thinks most convenient to the Registrar of the Court below the decision of the Court in relation thereto, and also any orders or directions made or given by the Court in relation to such appeal or any matter connected therewith.

(2) The Registrar of the Court below shall on receiving the notification referred to in this Rule, enter the particulars thereof on the records of such Court.

26. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the Registrar of the Court below any original depositions, exhibits, information, inquisition, plea, or other documents usually kept by the said Registrar, or forming part of the record of the Court below, the Registrar shall, where practicable, cause the same to be returned to the Registrar of the Court below.

Return of
original
depositions,
etc.

27. Any order given or made by the Court may be enforced by the Court or by the Court below as may be most expedient.

Enforce-
ment of
orders.

ORDER IX

MISCELLANEOUS

28. Non-compliance on the part of an appellant with these Rules or with any Rule of practice for the time being in force shall not prevent the further prosecution of his appeal if the Court consider that such non-compliance was not wilful, and that it is in the interests of justice that non-compliance be waived. The Court may in such manner as they think right, direct the appellant to remedy such non-compliance, and thereupon the appeal shall proceed. The Registrar shall forthwith notify the appellant of any directions given by the Court under this Rule, where the appellant was not present at the time when such directions were given.

Waiver of
non-com-
pliance
with rules.

FIRST SCHEDULE

CIVIL FORM 1

IN THE FEDERAL SUPREME COURT

STATEMENT OF CLAIM

(Order III, Rule 1)

Between.....Plaintiff
and

Defendant

The plaintiff, etc.
(set out the nature of the claim)

The plaintiff claims.....
(set out the relief sought)

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

Attorney-General of.....
or other plaintiff
whose address for
service is.....

Note.—An address for service must be given.

CIVIL FORM 2
IN THE FEDERAL SUPREME COURT
CIVIL SUMMONS
(Order III, Rule 2)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

To

of

You are hereby commanded in Her Majesty's name to enter an appearance to an action at the suit of within thirty days after the service of this Writ on you, inclusive of the day of such service ; and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

The plaintiff's claim is for, etc.....

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

.....
Registrar of the Court

CIVIL FORM 3
IN THE FEDERAL SUPREME COURT
MEMORANDUM OF ENTRY OF APPEARANCE
(Order II, Rule 5)

No.

Suit No.

Between.....Plaintiff

and

.....Defendant

Enter an appearance for.....in this action.

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

.....
Defendant or his legal representative,
whose address for service

is.....

Note.—A Memorandum of Appearance shall not be received unless it contains an address for service.

CIVIL FORM 4
IN THE FEDERAL SUPREME COURT
NOTICE OF APPEARANCE
(Order II, Rule 6)

No. _____ Suit No. _____
Between _____ Plaintiff
and _____ Defendant

TO THE PLAINTIFF OR HIS LEGAL REPRESENTATIVE

Take Notice that an appearance has been entered in this action for the defendant.

DATED this _____ day of _____ 19 _____

Defendant or his legal representative,
whose address for service

is _____

Note.—The plaintiff is required to take out a summons for directions within fourteen days after the date of entry of appearance, inclusive of the day of such entry.

CIVIL FORM 5
IN THE FEDERAL SUPREME COURT
NOTICE OF MOTION
(Order II, Rule 8)

Between _____ Appellant/
and _____ Respondent/

TAKE NOTICE that the Court will be moved on _____
at _____ in the forenoon or
as soon thereafter as Counsel can be heard on behalf of the above-named _____
for an order that _____

DATED this _____ day of _____ 19 _____

Applicant or his legal representative,
whose address for service

is _____

Note.—An address for service must be given.

CIVIL FORM 6

IN THE FEDERAL SUPREME COURT
SUMMONS FOR DIRECTIONS

(Order III, Rule 4)

No.

Suit No.

Between Plaintiff

and

..... Defendant

TO THE DEFENDANT OR HIS LEGAL REPRESENTATIVE

Let all parties attend at

the Federal Supreme Court on the day of 19....

at o'clock in the forenoon on the hearing of an application for directions
in this action that

*1.

*2.

*3.

DATED this day of 19....

This summons was taken out by

of

CIVIL FORM 7
IN THE FEDERAL SUPREME COURT
ORDER ON SUMMONS FOR DIRECTIONS
(Order III, Rule 4)

No.

Suit No.

Between Plaintiff
and

..... Defendant

Upon hearing
and upon reading the affidavits of filed
herein ;

It is ordered that

And it is recorded that the refuses
to admit, for the purposes of this action, the truth of the statement in

DATED this day of 19.....

.....
Judge

CIVIL FORM 8
IN THE FEDERAL SUPREME COURT
STATED CASE
(Order IV, Rule 1)

No.

Suit No.

Between Plaintiff
and

..... Defendant

1. The following facts have been agreed between the parties, that is to say—

*(a)

(b)

(c)

2. The following documents have been agreed between the parties that is to say—

†(a)

(b)

(c)

3. The following questions of law arising in these proceedings are referred for the opinion of the Court, that is to say—

‡(a)

(b)

(c)

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

.....
Plaintiff or his legal representative

.....
Defendant or his legal representative

* Set out the agreed facts.

† Set out the agreed documents.

‡ Set out the question or questions of law on which the opinion of Court is required.

CIVIL FORM 9

IN THE FEDERAL SUPREME COURT

ORIGINATING SUMMONS FOR A DECLARATORY JUDGMENT

(Order V, Rule 5)

Between.....*Plaintiff*

and

.....*Defendant*

Let.....of.....

within.....days after the service of this summons on him,
inclusive of the day of such service, cause an appearance to be entered for him on this summons

upon the application of.....

with claims to be for the determination of the following questions* :—

†(1)

(2)

(3)

DATED this.....day of19.....

This summons was taken out by.....

whose address for service is.....

Note.—An address for service must be given.

* State nature of interest.

† Set out questions for determination.

CIVIL FORM 10

IN THE FEDERAL SUPREME COURT REFERENCE AS TO CONSTITUTION (Order VI, Rule 1)

Between Plaintiff

and

..... Defendant

This is an action¹.....

The plaintiff alleged².....

The defendant answered³.....

The plaintiff replied⁴.....

After hearing the parties and evidence adduced on each side the Court found that the following matters were established as facts :—

First that⁵

The following question as to the interpretation of the Constitution arose in these proceedings, namely⁶

The above stated question of law is referred for the decision of the Federal Supreme Court.

DATED at this day of 19.....

Judge

¹ State nature of action.

² State as concisely as possible the substantive averments of the plaintiff but not any part of the evidence.

³ State in like manner the defendant's answer and also any further allegation or counter claim made by the defendant.

⁴ State reply, if any.

⁵ State the facts found.

⁶ Here state question of law.

CIVIL FORM 11
IN THE FEDERAL SUPREME COURT
RESERVED POINT OF LAW
(Order VI, Rule 1)

Between *Plaintiff*
and
..... *Defendant*

This is an action¹

The plaintiff alleged²

The defendant answered³

The plaintiff replied⁴

After hearing the parties and evidence adduced on each side the Court found that the following matters were established as facts :—

First that⁵

The following questions of law are reserved for the decision of the Federal Supreme Court :—

First whether⁶

DATED at this day of 19.....

Judge

¹ State nature of action.

² State as concisely as possible the substantive averments of the plaintiff but not any part of the evidence. State in like manner the defendant's answer and also any further allegation or counter claim made by the defendant.

State reply, if any.

State the facts found.

⁶ State questions of law on which a decision is required.

CIVIL FORM 12

IN THE FEDERAL SUPREME COURT

NOTICE OF APPEAL

(Order VII, Rule 2)

Between Plaintiff
and

..... Defendant

TAKE NOTICE that the plaintiff/defendant being dissatisfied with the decision/that part of the decision more particularly stated in paragraph 2* of the court contained in the judgment/order* of dated

the day of 19..... doth hereby appeal to the Federal Supreme Court upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

And the Appellant further states that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

2. Part of decision of the lower Court complained of.†

3. Grounds of Appeal:

(1)

(2)

(3), etc.

4. Relief sought from the Federal Supreme Court

5. Persons directly affected by the appeal:

Name

Address

(1)

(2)

(3), etc.

DATED this day of 19.....

.....
Appellant,
whose address for service is
.....

* Strike out words inapplicable

† If appealing against the whole decision insert "whole decision".

Note.—An address for service must be given.

CIVIL FORM 13

IN THE FEDERAL SUPREME COURT

NOTICE OF MOTION FOR LEAVE TO APPEAL

(Order VII, Rule 3)

Between.....Plaintiff
and

.....Defendant

TAKE NOTICE that the Federal Supreme Court/High Court will be moved on the.....

day of19.....at

o'clock in the forenoon or as soon thereafter as counsel can be heard on the hearing of an appli-

cation for leave to appeal against the decision of the

Courtgiven on the

day of19.....

AND further take notice that the grounds of this application are :—

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

Applicant or his legal representative
whose address for service is

To :

THE REGISTRAR,
FEDERAL SUPREME COURT/HIGH COURT

And*.....

* Insert name of respondent.

Note.—An address for service must be given.

CIVIL FORM 14
IN THE FEDERAL SUPREME COURT
SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD
(Order VII, Rule 7)

Between..... *Appellant*
and

..... *Respondent*

TAKE NOTICE that all parties concerned are required to attend before me at the Court Office at

on..... the..... day

of, 19....., at the hour of..... in

the..... noon to proceed with settling of the record of appeal
herein.

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

.....
Registrar

CIVIL FORM 15
IN THE FEDERAL SUPREME COURT
BOND FOR COSTS ON APPEAL
(Order VII, Rule 10)

KNOW ALL MEN, by these presents, that we.....

Bond for
costs on
Appeal.

..... of

and..... of

and..... of

are jointly and severally held and firmly bound to.....

of..... in the sum of..... pounds

of lawful money to be paid to the said..... his
executors, administrators or assigns, for which payment well and truly to be made, we bind
ourselves, and each of us for himself, in the whole our and every of our heirs, executors and
administrators, firmly by these presents.

SEALED with our seals.

DATED the..... day of....., in the year
of our Lord, 19.....

WHEREAS a suit is now depending in the Court at.....
wherein the above-bounden.....
is Plaintiff and the said.....
is Defendant ;

AND WHEREAS a judgment was given by the Court therein, on the.....
day of..... for the said.....
and the said..... has
filed Notice of Appeal from the said judgment ;

AND WHEREAS it is by law provided that the party appealing shall give security to the satisfaction of the Registrar of the Court below for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the appellant.

AND WHEREAS the above-named.....
and....., at the request of the
said..... have agreed to enter into
this obligation for the purposes aforesaid :

Now the condition of this obligation is such, that if the said.....
shall duly prosecute the appeal and if the above-bounden.....

..... and.....
any or either of them shall pay any costs which may be ordered to be paid by the appellant this
obligation shall be void, otherwise remain in full force.

Signed, sealed and delivered

(L.S.)

in the presence of

(L.S.)

(L.S.)

CIVIL FORM 16

IN THE FEDERAL SUPREME COURT

CERTIFICATE OF SERVICE OF NOTICE OF APPEAL

(Order VII, Rule 12) (1) (a)

Between..... Appellant(s)

and

..... Respondent(s)

I, the undersigned Registrar of the
 Court DO CERTIFY that notice of appeal in the above-named case was duly served upon
 the Respondent herein.

DATED at this day of 19

.....
Registrar

CIVIL FORM 17

IN THE FEDERAL SUPREME COURT

**CERTIFICATE OF REGISTRAR THAT CONDITIONS OF APPEAL
 HAVE BEEN FULFILLED**

(Order VII Rule 12 (1) (b))

Between *Appellant*
and

..... *Respondent*

I do hereby certify that the above-named Appellant has duly and punctually complied with
 the conditions of appeal imposed on him in the above-named case.

DATED this day of 19

.....
Registrar

THE REGISTRAR,
 FEDERAL SUPREME COURT

CIVIL FORM 18

IN THE FEDERAL SUPREME COURT

NOTICE TO PARTIES OF DISPATCH OF RECORD

(Order VII, Rule 12(2))

Between *Appellant*
and

..... *Respondent*

TAKE NOTICE that the record in the above-named appeal has this day been forwarded to the
 Registrar of the Federal Supreme Court.

.....
Registrar

To

CIVIL FORM 19
IN THE FEDERAL SUPREME COURT
NOTICE BY RESPONDENT OF INTENTION TO CONTEND THAT
DECISION OF COURT BELOW BE VARIED

(Order VII, Rule 13)

Between..... *Appellant*
and

..... *Respondent*

TAKE NOTICE that upon the hearing of the above appeal the Respondent herein intends to contend that the decision of the Court below dated the.....

day of.....19....., shall be varied as follows* :—

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows :—

- 1.
- 2.
3. etc.

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

.....
Respondent

* State the variation which will be asked for.

CIVIL FORM 20
IN THE FEDERAL SUPREME COURT
NOTICE OF INTENTION TO CONTEND THAT JUDGMENT SHOULD BE
AFFIRMED ON GROUNDS OTHER THAN THOSE RELIED ON
BY THE COURT BELOW

(Order VII, Rule 13)

Between..... *Appellant*
and

..... *Respondent*

TAKE NOTICE that upon the hearing of the above appeal the Respondent intends to contend that the decision of the Court below dated the.....day of.....

19....., shall be affirmed on grounds other than those relied on by the Court below.

AND TAKE NOTICE that the grounds on which the Respondent intends to rely are as follows :—

- 1.
- 2.
3. etc

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

.....
Respondent

CIVIL FORM 21

IN THE FEDERAL SUPREME COURT

NOTICE BY RESPONDENT OF INTENTION TO RELY UPON
PRELIMINARY OBJECTION

(Order VII, Rule 14)

Appeal No.19.....

Between.....*Appellant*

and

.....*Respondent*

TAKE NOTICE that the Respondent herein named intends, at the hearing of this appeal, to rely upon the following preliminary objection notice whereof is hereby given to you, viz :—

AND TAKE NOTICE that the grounds of the said objection are as follows :—

- 1.
- 2.
3. etc.

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

.....
Plaintiff/Defendant-Respondent

To the above-named Plaintiff-Defendant-Appellant or his legal representative.

CIVIL FORM 22
IN THE FEDERAL SUPREME COURT
NOTICE OF WITHDRAWAL OF APPEAL
(Order VII, Rule 15)

Appeal No. 19.....

Between Appellant(s)
and

..... Respondent(s)

TAKE NOTICE that the Appellant(s) herein intend(s) and doth hereby wholly withdraw(s) his/their appeal against (all) the Respondent(s) in the above-mentioned appeal.

DATED at this day of 19.....

.....
Appellant(s)

THE REGISTRAR,
FEDERAL SUPREME COURT

And to

CIVIL FORM 23
IN THE FEDERAL SUPREME COURT
NOTICE OF WITHDRAWAL OF APPEAL BY AGREEMENT
(Order VII, Rule 15)

Between Appellant
and

..... Respondent

TAKE NOTICE that the above appeal is withdrawn with the consent of all parties thereto.

DATED this day of 19.....

.....
Appellant or his legal representative

.....
Respondent or his legal representative

CIVIL FORM 24

IN THE FEDERAL SUPREME COURT

CERTIFICATE AS TO NON-COMPLIANCE WITH CONDITIONS IMPOSED UPON
A WOULD-BE APPELLANT

(Order VII, Rule 17)

Between Plaintiff(s)/Appellant(s)
and

..... Defendant(s)/Respondent(s)

Pursuant to Order VII rule 17 of the Federal Supreme Court Rules I hereby certify that the Appellant(s) in the above-named cause have/has complied with none of the requirements of Order VII, rules 9 and 10.

DATED at the day of 19.....

.....
Registrar

..... Court

CIVIL FORM 25

IN THE FEDERAL SUPREME COURT

FORM OF DECLARATION THAT A PARTY DOES NOT WISH TO BE PRESENT
OR REPRESENTED AT HEARING OF APPEAL

(Order VII, Rule 20)

Appeal No.

Between Appellant
and

..... Respondent

I, Appellant/Respondent do hereby declare that I do not wish to be present in person or by counsel on the hearing of the above-mentioned appeal, but desire to submit the following arguments for the consideration of the Court :—

DATED this day of 19.....

.....
Appellant/Respondent

CIVIL FORM 26

IN THE FEDERAL SUPREME COURT

CERTIFICATE OF THE ORDER OF THE COURT

(Order VII, Rule 31)

APPEAL from the.....

of the.....

dated the..... day of..... 19.....

Motion

Appeal No.

Appellant

v.

Respondent

*.....

This appeal coming on for hearing on the.....

day of..... 19..... before.....

in the presence of.....

for the Appellant, and.....
for the Respondent.

I HEREBY CERTIFY that an Order was made as follows :—

GIVEN under my hand and the Seal of the Court this.....

day of..... 19.....

Registrar of the Court

* Insert "Presiding Judge".

SECOND SCHEDULE

CRIMINAL FORM 1

IN THE FEDERAL SUPREME COURT

NOTICE OF APPEAL FROM DECISION OF A COURT SITTING AS A
COURT OF FIRST INSTANCE

(Order VIII, Rule 3)

Regina v.....

To THE REGISTRAR OF THE.....

I,.....having

been convicted of the offence of¹.....(1) State the
offence, e.g.,
murder.

.....and.....

being now a prisoner in prison at.....

or whose address for service is*.....

(2) Where
appellant for
any reason
not in cus-
tody, set
out address
for service.do hereby give notice of appeal against my conviction (particulars of which herein-
after appear) to the Court on the following grounds* :—(3) state as
clearly as you
are able the
grounds on
which you
desire to
appeal.

(Signed or mark).....

*Appellant**Signature and address of witness
attesting mark*

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

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial.....
2. In what Court tried.....
3. Sentence.....
4. Whether questions of law now raised were raised at the trial.....

Fill in all
these
particulars.

You are required to answer the following question :—

Do you desire to be present on the hearing of your appeal by the Court ?

If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present.

N.B.—The Court will, if you desire it, consider your case and argument if put into writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing, submit as fully as you think right your case and argument in support of your appeal.

Note.—This form should only be used where there is a right of appeal without leave, that is to say, in an appeal from a conviction for murder by the High Court or in any other appeal in which an appeal as of right lies by virtue of the Constitution or an express provision of law.

CRIMINAL FORM 2

IN THE FEDERAL SUPREME COURT

NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM DECISION OF A COURT SITTING AS A COURT OF FIRST INSTANCE

(Order VIII, Rule 3)

REGINA v.....

To THE REGISTRAR OF THE.....

I, having

(1) State the offence, e.g., larceny, forgery, etc.

(2) Where applicant for any reason not in custody set out address for service.

(3) If the appellant wishes to appeal against conviction only he

should strike out the word "sentence".

If he wishes to appeal against sentence only he

should strike out the word "conviction".

If he wishes to appeal against conviction and sentence he should leave in both words.

been convicted of the offence of¹.....

and now being a prisoner in prison at.....

(or whose address for service is².....)

and being desirous of appealing against my conviction/sentence³, DO HEREBY GIVE NOTICE that I hereby apply for leave to appeal on the following grounds :—

Signed or mark.....
Applicant

Signature and address of }
 witness attesting mark }

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

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial.....

2. In what Court tried.....

3. Sentence.....

1. If you desire to be present when the Court considers your present application for leave to appeal, state :—

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present thereat.

2. The Court will, if you desire it, consider your case and argument if put in writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal.

State if you desire to be present at the final hearing of your appeal.....

Fill in
these par-
ticulars.

(4) State as
clearly and
concisely as
possible the
grounds on
which you
desire to
appeal
against your
conviction.

Note.—This form, suitably adapted, may also be used where the application for leave to appeal is made to the High Court.

CRIMINAL FORM 3

IN THE FEDERAL SUPREME COURT

NOTICE OF APPEAL FROM DECISION OF A COURT IN ITS
APPELLATE JURISDICTION

(Order VIII, Rule 3)

v.

To THE REGISTRAR OF THE.....

I,..... having

(1) State the
offence, e.g.,
larceny,
forgery, etc.been convicted of the offence of¹.....
now being prisoner in prison at.....(2) Where
applicant for
any reason
not in cus-
tody set out
address for
service.(or whose address for service is².....)Do HEREBY GIVE NOTICE of appeal against the decision of the High Court
of.....(3) Set forth
the grounds
on which
you desire to
appeal and
specify the
extent, if
any, to which
the appeal
Court varied
the decision
of the Court
of trial. It
should also
be stated
whether
the appeal is
against con-
viction only
or against
sentence
only, or
against both
sentence and
conviction.on the following grounds³:—

Signed or mark.....

Appellant

Signature and address of
witness attesting mark }

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

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial and sentence.....
2. In what Court tried.....
3. In what Court appeal heard.....
4. Sentence.....

Fill in all
these parti-
culars.

(1) If you desire to be present when the Court considers your application for leave to appeal, state

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present thereat.

(2) The Court will, if you desire it, consider your case and argument if put into writing by you or on your behalf instead of your case and argument being presented orally. If you desire to present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal.

State if you desire to be present at the final hearing of your appeal.....

Note.—This form should only be used when there is a right of appeal without leave by virtue of the Constitution on an express provision of law.

CRIMINAL FORM 4

IN THE FEDERAL SUPREME COURT

NOTICE OF APPLICATION FOR LEAVE TO APPEAL FROM DECISION
OF A COURT IN ITS APPELLATE JURISDICTION

(Order VIII, Rule 3)

.....v.....
 To THE REGISTRAR OF THE.....

I, having

(1) State the
 offence, e.g.,
 larceny,
 forgery, etc.

been convicted of the offence of¹..... and

now being prisoner in prison at.....

(2) Where
 applicant for
 any reason
 not in
 custody set
 out address
 for service.

(or whose address for service is².....)

DO HEREBY GIVE NOTICE THAT I hereby apply for leave to appeal against the decision

(3) Set forth
 the grounds
 on which you
 desire to
 appeal and
 specify the
 extent, if
 any, to
 which the
 Appeal Court
 varied the
 decision of
 the Court of
 trial. It
 should also
 be stated
 whether the
 appeal is
 against con-
 viction only
 or against
 sentence
 only, or
 against both
 sentence and
 conviction.

of the High Court on the following grounds³ :—

Signed or mark.....

Applicant

Signature and Address of }
 Witness attesting mark }

DATED this day of 19.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial and sentence.....
2. In what Court tried.....
3. In what Court appeal heard.....
4. Sentence.....

Fill in all
 these parti-
 culars.

(1) If you desire to be present when the Court considers your application for leave to appeal, state

(a) whether or not you are legally represented, and

(b) the grounds on which you submit that the Court should give you leave to be present thereat.

(2) The Court will, if you desire it, consider your case and argument if put into writing by you or on your behalf instead of your case and argument being presented orally. If you desire to present your case and argument in writing submit as fully as you think right your case and argument in support of your appeal.

State if you desire to be present at the final hearing of your appeal.....

Note.—This form, suitably adapted may also be used when the application for leave to appeal is made to the High Court.

CRIMINAL FORM 5

IN THE FEDERAL SUPREME COURT

NOTICE OF APPEAL (OR APPLICATION FOR LEAVE TO APPEAL)
BY PROSECUTOR

(Order VIII, Rule 3)

..... v.
 To THE REGISTRAR OF

I, of
 the prosecutor in the above case and being desirous of appealing against the decision under
 section* of

Do HEREBY GIVE NOTICE OF APPEAL (or application for leave to appeal) on the following
 grounds :—

.....
Prosecutor

DATED this day of 19.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of trial
2. In what Court tried
3. Nature of conviction
4. Sentence

Note.—This form, suitably adapted, may also be used when an application for leave to appeal
 is made to the High Court.

CRIMINAL FORM 6

IN THE FEDERAL SUPREME COURT

NOTIFICATION BY REGISTRAR OF HIGH COURT OF RESULT OF
APPLICATION FOR LEAVE TO APPEAL

(Order VIII, Rule 6)

REGINA v.

TO THE REGISTRAR OF THE FEDERAL SUPREME COURT

I hereby give you notice that on the day
of 19..... the High Court of
at granted/refused an application for leave to appeal
against conviction/sentence in the case of which particulars are set out below.

DATED this day of 19.....

Registrar of

PARTICULARS OF TRIAL AND CONVICTION

1. No. of case
2. Court of trial
3. Name of accused
4. Result of trial

NOTE. —The Registrar of the High Court should forward with this notice the application for
leave to appeal.

CRIMINAL FORM 7

IN THE FEDERAL SUPREME COURT

NOTICE OF APPLICATION FOR EXTENSION OF THE TIME WITHIN WHICH
TO APPEAL

(Order VIII, Rule 5)

REGINA v.

TO THE REGISTRAR OF THE

I, having been convicted of the offence of
..... in the court,

held at on the day
 of 19....., and being now a prisoner in prison
 at

(or whose address for service is^a)
 give you notice that I hereby apply to the Court for an extension of time within which I may
 give Notice of Appeal (or Notice of Application for leave to Appeal) on the grounds^b following:—

(Signed or Mark)

Applicant

*Signature and Address
 of Witness attesting Mark* }

DATED this day of, 19.....

You are required to send to the Registrar of the Court, duly filled up Form 1, Form 2,
 Form 3 or Form 4, whichever is appropriate.

- 1 State the offence, *e.g.*, larceny, forgery, etc.
- 2 Where applicant for any reason not in custody set out address for service.
- 3 Set out clearly and concisely the reasons for the delay in giving such notice and the grounds on
 which you submit the Court should extend the time.

CRIMINAL FORM 8

IN THE FEDERAL SUPREME COURT

NOTIFICATION TO APPELLANT OF A SINGLE JUDGE'S DECISION

(Order VIII, Rule 7)

REGINA *v.*

I hereby give you notice that a Judge of the Federal Supreme Court having considered your
 application(s) for—

- (a) Leave to appeal;
- (b) For extension of time within which notice of appeal or of application for leave to
 appeal may be given;
- (c) Permission to be present during the hearing of any proceedings in your appeal;
- (d) Admission to bail;
- (e) Leave to withdraw abandonment of appeal;

has refused the application(s) marked (and has granted
 your application(s) marked)

If you desire to have the above-mentioned application(s), which have been refused, deter-
 mined by the full Court, you are required to fill up the enclosed form and return it to me forth-
 with.

DATED this day of, 19.....

Signed

Registrar of the Court

To the above-named.

CRIMINAL FORM 9

IN THE FEDERAL SUPREME COURT

NOTICE OF APPEAL BY APPELLANT FROM REFUSAL OF A SINGLE JUDGE

(Order VIII, Rule 7)

REGINA v. _____

To THE REGISTRAR OF THE FEDERAL SUPREME COURT

I, _____ having
received your notification that my application(s) for—

- (a) Leave to appeal ;
 - (b) For extension of the time within which notice of appeal or application for leave to appeal may be given ;
 - (c) Permission to me to be present during the hearing of any proceedings in my appeal ;
 - (d) Admission to bail ;
 - (e) Leave to withdraw abandonment of appeal ;
- have been refused ;

DO HEREBY GIVE YOU NOTICE that I desire that the said application(s) shall be considered and determined (and that as I am not legally represented I desire to be present at the determination of my said application(s)*)

Signed or Mark _____
Appellant

Signature and Address } _____
of Witness attesting Mark } _____

DATED this _____ day of _____ 19 _____

If you desire to state any reasons in addition to those set out by you in your original notice upon which you submit that the full Court should grant your said application(s), you may do so in the space below.

* Strike out if you do not desire to be present.

CRIMINAL FORM 10

IN THE FEDERAL SUPREME COURT

RECOGNIZANCE OF BAIL OF APPELLANT

(Order VIII, Rule 15)

Regina v. _____

BE IT REMEMBERED THAT WHEREAS _____

was convicted of _____ on the
_____ day of _____, 19 _____ and was thereupon
sentenced to _____),
and now is in lawful custody in prison at _____

and has duly appealed against his conviction (and sentence) to the Court and has applied for bail pending the determination of his appeal, and has been granted bail on entering into his own Recognizances in the sum of £_____ (with sureties each in the sum of £_____), the said _____ personally cometh before me the undersigned, being the _____

(State office)

and acknowledges himself to owe to Our Sovereign Lady the Queen the said sum of £_____ of good and lawful money, to be made and levied of his goods and chattels, lands and tenements to the use of Our Sovereign Lady the Queen, Her heirs and successors, if he the said _____

fail in the condition endorsed.

TAKEN AND ACKNOWLEDGED this _____ day of _____ 19____ at _____, before me.
(State office)

CONDITION

The condition of the within written Recognizance is such that if the said _____ shall personally appear and surrender himself at and before the Court at each and every hearing of his appeal to such Court and at the final determination thereof and then and there abide by the judgment of the said Court and not depart or be absent from such Court at any such hearing without the leave of the said Court, and in the meantime not depart from his usual place of abode without the leave of the Court, then this Recognizance shall be void, otherwise of full force and effect.

The following to be filled up by the Appellant and signed by him :—

When released on bail my address for service, to which any Notices, etc., are to be addressed, will be as follows :—

Signed _____
Appellant

CRIMINAL FORM 11

IN THE FEDERAL SUPREME COURT

RECOGNIZANCE OF APPELLANT'S SURETIES

(Order VIII, Rule 15)

Regina v. _____

BE IT REMEMBERED that on this _____ day of _____, 19____ of _____

_____ and _____ of _____ came before me the undersigned being the _____ and _____

(State office)

severally acknowledged themselves to owe to Our Sovereign Lady the Queen the several sums following, that is to say, the said _____

the sum of £_____ and the said _____ the sum of £_____ of good and lawful money, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of Our Sovereign

Lady, the Queen, Her heirs and successors, if _____
 _____ now in lawful custody in prison at _____
 _____ fail in the condition hereon
 endorsed.

TAKEN AND ACKNOWLEDGED before me the undersigned, the day and year first above-mentioned.

Magistrate/Registrar

CONDITION

The condition of the within written Recognizance is such that whereas the said having been convicted of _____ and now in such lawful custody as before mentioned (under a sentence of _____ for such offence), has duly appealed to the Court against his said conviction (and sentence), and having applied to the said Court for bail, pending the determination of his said appeal, has been granted bail on his entering into recognizances in the sum of £ _____ with sureties each in the sum of £ _____ if the said _____ shall personally appear and surrender himself at and before the said Court and at the final determination thereof, and then and there abide by the judgment of the said Court, and not depart or be absent from the said Court at any such hearing without the leave of the Court, and in the meantime not depart from his usual place of abode without the leave of the Court, then this recognizance shall be void, otherwise of full force and effect.

CRIMINAL FORM 12

IN THE FEDERAL SUPREME COURT

WARRANT FOR ARREST OF APPELLANT ON BAIL

(Order VIII, Rule 15)

Regina v. _____

TO THE CONSTABLES OF THE POLICE FORCE (OR COURT MESSENGERS OR AS THE CASE MAY BE),
 AND TO THE _____

(State office)

of the Prison at _____

WHEREAS _____, an Appellant in the Court has been released on bail, and it has now been ordered by the said Court that a Warrant be issued for the apprehension of the said _____

These are therefore to command you the said Constables (or Court Messengers or as the case may be) forthwith to apprehend the said _____

and to bring him to the _____ of the said prison and there deliver him with this warrant into the custody of the said _____

(State office)

and you the said _____ are hereby required to receive the said _____ into your custody in the said prison and there safely to keep him until further order of the said Court.

Presiding Judge

DATED this _____ day of _____, 19 _____

CRIMINAL FORM 13

IN THE FEDERAL SUPREME COURT

NOTICE OF ABANDONMENT OF APPEAL

(Order VIII, Rule 20)

Regina v.

I, having
 been convicted of in
 the Court at
 and having been desirous of appealing to the Court against my said conviction (or the sentence
 of passed upon me on my said conviction) do hereby
 give you notice that I do not intend further to prosecute my appeal, but that I hereby abandon
 all further proceedings in regard thereto as from the date hereof.

Signed or Mark
 Applicant

Signature and address of }
 Witness attesting Mark }

DATED this day of, 19.....

TO THE REGISTRAR OF THE FEDERAL SUPREME COURT.

CRIMINAL FORM 14

IN THE FEDERAL SUPREME COURT

NOTIFICATION OF ABANDONMENT OF APPEAL

(Order VIII, Rule 20)

Regina v.

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OF *
 To

This is to give you notice that I have this day received from the above-named
 a notice of abandonment of
 all proceedings in regard to his appeal to the Court. The said notice is dated
 day of, 19.....

By rule 20 of the Rules of the Federal Supreme Court Rules, 1961, upon the notice of abandon-
 ment being given the appeal shall be deemed to have been dismissed by the Court.

DATED this day of, 19.....

.....
 Registrar of the Court

* Send copies addressed to:—

- (a) The Permanent Secretary to the appropriate Ministry (if a capital case).
- (b) The Director of Public Prosecutions or other respondent.
- (c) The Prison authority and
- (d) The Registrar of the Court below.

CRIMINAL FORM 15

IN THE FEDERAL SUPREME COURT

NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW AN
ABANDONMENT OF APPEAL

(Order VIII, Rule 21)

To THE REGISTRAR, Federal Supreme Court

I, _____
 having been convicted of the offence of ¹ _____
 and now being a prisoner in prison at _____
 (or) whose address for service is _____ and
 having duly sent a notice that I desired to appeal to the Federal Supreme Court,
 and having abandoned my appeal:

Give you Notice, that I hereby apply to the Federal Supreme Court for leave to
 withdraw my Notice of Abandonment, in the special circumstances following² :—

Signed or Mark _____
Applicant

Signature and address of } _____
 Witness attesting Mark } _____

DATED this _____ day of _____, 19 _____

Note.—Form 7 must be filled up and sent with this Notice to the Registrar.

(1) Here
state the
offence, e.g.,
larceny,
forgery, etc.

(2) Set out
as clearly and
concisely as
possible the
special
reasons for
giving such
notice, and
the grounds
on which
you submit
the Court
should allow
you to with-
draw the
abandon-
ment.

CRIMINAL FORM 16

IN THE FEDERAL SUPREME COURT

ORDER TO WITNESS TO ATTEND COURT FOR EXAMINATION

(Order VIII, Rule 22 (1))

Regina v. _____

To _____
 (Name of witness)

of _____
 (Address)

WHEREAS on good cause shown to the Court you have been ordered to attend and be examined
 as a witness before such Court upon the appeal of the above-named.

This is to give you notice to attend before the said Court at _____
 on _____ the _____

day of _____, 19 _____, at _____ o'clock in the _____ noon.

You are also required to have with you at the said time and place any books, papers or other
 things relating to the said appeal which you may have had notices so as to produce.

Registrar of the Court

DATED the _____ day of _____ 19 _____

CRIMINAL FORM 17
IN THE FEDERAL SUPREME COURT
APPELLANT'S APPLICATION FOR FURTHER WITNESSES
(Order VIII, Rule 22 (2))

Regina v.

I, having
 appealed to the Court, hereby request you to take notice that I desire that the said Court
 shall order the witnesses hereinafter specified to attend the Court and be examined on my
 behalf.

Signed or Mark
Appellant

Signature and address }
 of Witness attesting Mark }

DATED this day of, 19.....

You are required to fill up the following and sign the same.

1. Names and addresses of witnesses.....
2. Whether such witnesses have been examined at trial.....
3. If not, state the reason why they were not so examined.....

4. On what matters do you wish them to be examined on the appeal ?.....
 State shortly the evidence you think they can give.

CRIMINAL FORM 18
IN THE FEDERAL SUPREME COURT
NOTICE TO WITNESS TO ATTEND BEFORE AN EXAMINER
(Order VIII, Rule 22 (5))

Regina v.

To
(Name of witness)
 of
(Address of witness)

WHEREAS on good cause shown to the Court you have been ordered to be examined as a
 witness upon the appeal of the above-named, and your deposition to be taken for the use of
 the said Court.

This is to give you notice to attend at
(Specify place of examination)

on the day of, 19.....,
 before at o'clock in the
(Fill in examiner's name)
 noon.

You are also required to have with you at the said time and place any books, papers or other
 things under your control or in your possession in any manner relating to the said appeal of
 which you have had notice so to produce.

Registrar of the Court

DATED the day of, 19.....

CRIMINAL FORM 19

IN THE FEDERAL SUPREME COURT

CAPTION FOR DEPOSITION OF WITNESS EXAMINED BEFORE
EXAMINER

(Order VIII, Rule 22 (7))

Regina v.

The deposition (on oath) taken before me the undersigned, being an examiner duly appointed by the Court in that behalf of.....

(Name of witness)

of..... and.....

(Address of witness)

(Name of witness)

of..... witness, examined before me under an order

(Address of witness)

of the said Court dated..... day of..... 19....., in the presence of the said..... Appellant (or of his professional representative) and the Respondent at.....

..... on the..... day of....., 19....., which said Appellant (or his professional representative) and Respondent had full opportunity of asking questions of the said witnesses, to whom the depositions following were read by me before being signed by them the said witnesses respectively.

The deposition of..... of..... who (upon oath duly administered by me) said as follows :—

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

Examiner

CRIMINAL FORM 20

IN THE FEDERAL SUPREME COURT

NOTIFICATION TO APPELLANT OF RESULT OF APPLICATION

(Order VIII, Rule 24 (1))

Regina v.

TO THE ABOVE-NAMED APPELLANT.

This is to give you notice that the Court have considered the matter of your application for :—

(a) leave to appeal to the said Court ;

(b) leave to extend the time within which you may give notice of appeal or of application for leave to appeal ;

(c) permission to be present during the proceedings in your appeal ;

(d) admission to bail ;

(e) leave to withdraw abandonment of appeal ;

and have finally determined the same and have this day given judgment to the effect following :—

Registrar of the Court

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

CRIMINAL FORM 21
IN THE FEDERAL SUPREME COURT
NOTICE TO AUTHORITIES OF RESULT OF APPLICATION
(Order VIII, Rule 24 (1))

Regina v.

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OF.....*

To.....

This is to give you notice that the above-mentioned having applied for—

- (a) leave to appeal to the said Court ;
- (b) leave to extend the time within which he may give notice of appeal or of an application for leave to appeal ;
- (c) permission to be present during the proceedings in his appeal ;
- (d) admission to bail ;
- (e) leave to withdraw abandonment of appeal ;

the Court have this day finally determined his said applications and have given judgment to the effect following† :—

.....
Registrar of the Court

DATED this day of, 19.....

* Send copies addressed to :

- (a) The Director of Public Prosecutions or other respondent.
- (b) The Prison authority and
- (c) The Registrar of the Court below.

† Here set out the decision of the Court.

CRIMINAL FORM 22
IN THE FEDERAL SUPREME COURT
NOTIFICATION TO APPELLANT OF THE RESULT OF HIS APPEAL
(Order VIII, Rule 24 (1))

Regina v.

TO THE ABOVE-NAMED APPELLANT.

This is to give you notice that the Court having considered the matter of your appeal have finally determined the same and have this day given judgment to the effect following :—

.....
Registrar of the Court

DATED this day of, 19.....

CRIMINAL FORM 23
IN THE FEDERAL SUPREME COURT
NOTICE TO AUTHORITIES OF RESULT OF APPEAL
(Order VIII, Rules 24 and 25)

Regina v.

To THE DIRECTOR OF PUBLIC PROSECUTIONS OF.....*

To.....

This is to give you notice that the above-named having appealed against his conviction of the offence of..... before the.....Court, and or the sentence of.....passed upon him for the offence of.....by the.....Court, the Court have finally determined the said appeal, and have this day given judgment therein to the effect following†:—

Signed.....
Registrar of the Court

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

* Send copies addressed to:

- (a) The Permanent Secretary to the appropriate Ministry (if a capital case).
- (b) The appropriate Director of Public Prosecutions or other respondent.
- (c) The Prison authority and
- (d) The Registrar of the Court below.

† Here set out the decision of the Court.

THIRD SCHEDULE

FEES IN CIVIL MATTERS

(Order I, Rule 6)

	£	s	d
A. Original Jurisdiction			
(i) In proceedings between the Federation and a Region or between Regions	No fees		
	charged		
(ii) In proceedings in Admiralty jurisdiction :—			
on application under Order II, Rule 3.			
For the recovery of a specified sum :—			
(a) Not exceeding £100	4	0	0
(b) Exceeding £100 : per £50 or part thereof	2	0	0
(c) Maximum fee	40	0	0
For an account to be taken and payment of the sum found due	10	0	0
For possession of property, as for the sum claimed in lieu of the property			
On application for warrant to detain a ship	5	0	0
Any other relief or assistance not specially provided for	10	0	0
On the filing of any other document with the Registrar	2	0	0
On the appointment and swearing of appraisers	1	0	0
On the delivery of a ship or goods to a purchaser	2	0	0
On the sale of a ship or goods :—			
for every £100 or fraction of £100 of the price	1	0	0
For attending the discharge of a cargo or the removal of a ship or goods	2	0	0
And if the discharge or removal occupies more than one day for each additional day, a further fee of	2	0	0
In addition to the above fees, the following fees are also payable :—			
(a) where a ship or cargo is in the custody of the Marshal, the reasonable expenses of a ship keeper per day.			
(b) where the Marshal (or his deputy) is required for the purpose of discharging his duty to travel, his reasonable expenses for travelling and subsistence.			
B. Appellate Jurisdiction			
On filing Notice of Appeal against a final judgment or decision	7	10	0
On Respondent's Notice of intention to contend that decision of Court below be varied	7	10	0
On filing Notice of Appeal against an interlocutory order or decision	3	0	0
On filing motion for leave to appeal	7	10	0
On filing Notice of Appeal where leave granted	1	10	0
On filing motion for extension of time :—			
if the time has not yet expired	3	15	0
if the time has already expired	15	0	0
On filing any motion not otherwise provided for	3	0	0
On filing motion for stay of execution (if application is made by separate motion)	3	0	0
On filing amended or additional grounds of appeal :			
if filed at least three weeks before the date fixed for the commencement of the sitting for which the appeal is set down	1	10	0
if filed less than three weeks but at least two clear days before such date	4	10	0
if filed later, but before the hearing of the appeal	9	0	0
On amending or adding to grounds of appeal by leave or direction of the Court at the hearing	15	0	0
Hearing fee payable in advance	6	0	0
On filing motion to restore appeal dismissed under Order VII, rule 17	15	0	0
On filing motion to restore appeal struck out under Order VII, rule 21	7	10	0
On filing motion to set aside and re-hear appeal determined <i>ex parte</i>	15	0	0
On filing motion to set aside Taxing Officer's decision or order	1	10	0

On every certificate of the order of the Court of Appeal (made on the final determination of appeals under Order VII, rule 31) £ s d
3 0 0

C. General

1. For swearing an affidavit or making a declaration, per deponent	0	6	0
For marking any paper annexed to an affidavit or declaration	0	1	6
On filing an affidavit	0	3	9
On filing a security bond	1	0	0
On filing any other document or exhibit	0	3	9
On justification of sureties : for each surety	0	4	6
For the drawing up of any order or judgment	2	0	0
For every subpoena	0	3	9
On warrant for prisoner to give evidence	0	7	6
On inspection of any document or judgment	0	1	6
For searching the archives : for each period of six months or part thereof	0	3	9
For preparing a copy where authorised : per folio of 72 words	0	0	7
On lodging a bill of costs for taxation including taxation for the first twenty folios	1	10	0
For every ten folios or part thereof after the first twenty	0	15	0
On filing motion for leave to appeal to Privy Council	15	0	0
On every bond where the appeal is to Privy Council	3	0	0
On making and drawing up Order for leave to appeal to Privy Council	3	0	0

2. The fee for the service of any document or process shall be that charged for such service by the High Court having jurisdiction in the place where service is to be effected.

3. The allowances payable to witnesses shall be those payable to witnesses in the High Court having jurisdiction in the place where the evidence of such witnesses is taken.

4. The fee for the services of a special interpreter of a language not in common use shall be that charged for such services by the High Court having jurisdiction in the place where such services are rendered.

5. The following fees in connection with appeals are assessable in accordance with the rules in force in the Court below, and are not prescribed by these Rules :—

(a) fees for any application made to and determinable by the Court below ;

(b) fees for the settling and preparation of the record of appeal, for the lodging of a bond to secure the costs of an appeal, and for the Registrar's certificate that the conditions of appeal have been fulfilled.

MADE by the Federal Supreme Court on the 31st day of May, 1961.

A. ADE. ADEMOLA,
Chief Justice of the Federation