

Supplement to Official Gazette Extraordinary No. 42, Vol. 70, 19th August,
1983—Part B

S.I. 40 of 1983

THE CONSTITUTION OF FEDERAL REPUBLIC OF NIGERIA, 1979

(SECTION 227)

FEDERAL COURT OF APPEAL ACT 1976

(SECTION 8 (2))

THE ELECTORAL ACT, 1982

(SECTIONS 130 AND 133)

Practice Direction, No. 1 of 1983

In exercise of the powers conferred by section 227 of the Constitution of the Federal Republic of Nigeria, 1979, section 8 (2) of the Federal Court of Appeal Act, 1976, and section 133 of the Electoral Act, 1982, I, Mamman Nasir, President of the Federal Court of Appeal, give the following Practice Direction :—

For the purpose of appeals coming to the Federal Court of Appeal under Section 130 of the Electoral Act, 1982, this Practice Direction shall be observed by all parties.—

1. The appellant shall file with his notice and grounds of appeal in the Court and serve on the respondent a written Brief, being a succinct statement of his argument in the appeal, and the record of proceedings in the lower court.

2. At the filing of all the appeal papers, the Registrar of the Court shall give to the appellant the date for the hearing of his appeal. Notice of such date shall be served on every respondent along with the appeal papers.

3.—(a) The Brief, which may be settled by counsel, shall contain what are, in the appellant's view, the issues arising in the appeal.

(b) All Briefs shall be concluded with a numbered summary of the reasons upon which the argument is founded.

(c) Wherever possible or necessary, the reasons should also be supported by particulars of the titles, dates and pages of cases reported in the Law Reports or elsewhere including the summary of the decisions in such cases, which the parties propose to rely upon. If necessary, reference should also be made to relevant statutory instruments, law books and other legal journals.

(d) The parties shall assume that Briefs will be read and considered in conjunction with the documents admitted in evidence as exhibits during the proceedings in the court below, and wherever necessary, reference should also be made to all relevant documents or exhibits on which they propose to rely in argument.

4. The respondent shall file in the Court and serve on the appellant his own Brief within 2 days after service in accordance with paragraph 8 hereafter.

5. Twenty copies of all documents in respect of the appeal must be filed in the Court.

6. As early as possible before the date set down for the hearing of the appeal, the party who has filed a Brief or the legal practitioner representing him shall forward to the Registrar in charge of Litigation a list of the law reports, text-books, and other authorities which counsel intend to cite at the hearing of the appeal.

7.—(a) Oral argument will be allowed at the hearing of the appeal to emphasize and clarify the written argument appearing in the Briefs already filed in Court.

(b) The appellant shall be entitled to open and conclude the argument. But when there is a cross-appeal or a respondent's notice, the appeal and such cross-appeal or respondent's notice shall be argued together with the appeal as one case and within the time allotted for one case, and the Court may, having regard to the nature of the appeal, inform the parties which one is to open and close the argument.

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

(d) Save with the leave of the Court, no oral argument will be heard on behalf of any party for whom no Brief has been filed.

(e) When an appeal is called and no party or any legal practitioner appearing for him appears to present oral argument, but Briefs have been filed by all the parties concerned in the appeal, the appeal will be treated as having been duly argued and will be considered as such.

8. All notices and other processes required to be served for the appeal shall be sufficiently served if delivered in the respective offices of the political parties in the State to which the parties belong and at the office of the Federal Electoral Commission in the State.

DATED at Lagos on this 18th day of August 1983.

MAMMAN NASIR,
President