

Extraordinary



Federal Republic of Nigeria

Official Gazette

No. 94

Lagos - 6th August, 2007

Vol. 94

Government Notice No. 63

The following is published as Supplement to this *Gazette* :

<i>S.I. No.</i>	<i>Short Title</i>	<i>Page</i>
- 35	National Industrial Court Rules 2007	B 375 - 427

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 128/82007/1000(OL 92)

Annual Subscription from 1st January, 2007 is Local : ₦15,000.00 Overseas : ₦21,500.00 [Surface Mail]
₦24,500.00 [Second Class Air Mail]. Present issue ₦500.00 per copy. Subscribers who wish to obtain *Gazette* after
1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.



Federal Republic of Nigeria Official Gazette

Vol. 94

Lagos - 6th August, 2007

No. 04

Government Notice No. 83

The following is published as Supplement to this Gazette.

Short Title

2.1. No.

National Industrial Court Rules 2007

12

Printed and Published by The Federal Government Printer, Lagos, Nigeria.
FGB 15883001 1000 (CL 92)

Annual Subscription from 1st January, 2007 is Local : N15,000.00 Overseas : N21,000.00 (Surface Mail)
N24,000.00 (Second Class Air Mail). Present issue N200.00 per copy. Subscribers who wish to obtain Gazette after
1st January should apply to the Federal Government Printer, Lagos for amended subscriptions.

NATIONAL INDUSTRIAL COURT RULES 2007



ARRANGEMENT OF RULES

ORDER 1

APPLICATION, ETC.

1. Construction of reference to law, rules, etc.
2. The National Industrial Court Rules 2007.
3. Interpretation.

ORDER 2

INSTITUTION AND TRIAL OF SUITS

1. Filing of Originating Process.
2. Where several Defendants or Respondents reside in different Judicial Divisions.
3. Suits commenced in the wrong Judicial Division.
4. Matters to be referred to the President of the Court for assignment.
5. President of the Court may delegate duty to assign.
6. President of the Court to Preside over Certain Matters.

ORDER 3

FORM AND COMMENCEMENT OF ACTION

1. Proceedings by Complaint.
2. Content of Complaint.
3. Amendment of Complaint.
4. Documents to accompany Complaint.
5. Proceedings by way of Appeal.
6. Number of Documents for Service.
7. Effect of failure to comply with the requirements of the Rules.
8. Registrar to indicate time of filing of process and arrange service.
9. Matters transferred from other High Courts to the Court.

ORDER 4

ENDORSEMENT OF CLAIM AND OF ADDRESS

1. Endorsement of Forms.
2. Endorsement to reflect Representative Capacity.
3. Endorsement where Claim is liquidated.
4. Originating Process to indicate Claimant's or Legal Practitioner's Address for Service.
5. Effect of lack of or misleading Address.

ORDER 5

EFFECT OF NON-COMPLIANCE

1. Effect of Non-Compliance.
2. Application to set aside for Irregularity.
3. Departure from Rules in the Interest of Justice.

ORDER 6

FILING AND ISSUE OF ORIGINATING PROCESS

1. Sufficient copies of Originating Process to be left with the Registrar.
2. Registrar's action on the Originating Process duly filed.
3. Registrar to arrange prompt service of Originating Process.
4. Lifespan of an Originating Process.
5. Renewal of Originating Process.
6. Loss of Originating Process.
7. Concurrent Originating Processes.
8. Issuance and Marking of Concurrent Originating Process for service.

ORDER 7

SERVICE OF ORIGINATING PROCESS

1. Manner of service of Originating Process.
2. Service by Sheriff, Deputy Sheriff, Bailiff or Process Server.
3. Service on Person Under Legal Disability.
4. Service on Prisoner or Detainee.
5. Service on Partners.
6. Service on Corporation or Company.
7. Service on Foreign Company doing business in Nigeria.
8. Service on Public Functionaries sued *ex officio*.
9. Service on Local Agent of Principal who is out of Jurisdiction.
10. Service on Person out of Jurisdiction as a Necessary Party.
11. Where violence threatened.
12. Proof of Service.
13. Party to pay for Service.
14. Time and days within which to effect Service.
15. Recording of Service.

ORDER 8

APPEARANCE

1. Need to file Memorandum of Appearance.
2. Effect of failure to enter appearance.
3. Right of Party to change Address.
4. Declaration by Party who does not Intend to Appear.
5. Effect of failure to file Appearance, Defence or Declaration.
6. Time within which Application to set aside may be made.

ORDER 9

DEFENCES

1. Duty of Party served with a Complaint.
2. Duty of Party served with Notice of Appeal and accompanying Documents.

ORDER 10

SUMMARY JUDGMENT

1. Application for Summary Judgment.
2. Number of Copies of Processes to be delivered to the Registrar.
3. Mode of Service of Processes and Documents.
4. What a Party who intends to defend should do upon being served.
5. Duty of Court upon hearing application for Summary Judgment.
6. Duty of Court where there are many Defendants.
7. Party at liberty to expatiate on Written Addresses.

ORDER 11

MOTIONS AND OTHER INTERLOCUTORY APPLICATIONS

1. Application by Notice of Motion.
2. When Notice of Motion should be given.
3. Motion on Arbitral Award.
4. Length of notice between service and Hearing of Motion.
5. Effect of failure to give notice of Motion to Necessary Party.
6. Adjournment of Hearing.
7. Filing and Service of Motions with Originating Process.
8. Power of Court to make an Interlocutory Order.

ORDER 12

ARREST OF ABSCONDING PARTY

1. Party leaving Jurisdiction or removing property.
2. Warrant of Arrest by the Court.
3. Bail in lieu of Appearance or Satisfaction.
4. Deposit in lieu of Bail.
5. Party may be committed to Custody.
6. Payment of expenses for the subsistence of Party in Custody.

ORDER 13

INTERIM ATTACHMENT OF PROPERTY

1. Circumstances warranting application for Interim Attachment of Property.
2. Contents of application for Interim Attachment of Property
3. Order by Court.
4. Where Defendant or Respondent fails to show cause or give security.
5. Rights of Third Parties not to be affected.
6. Removal of attachment where Defendant or Respondent furnishes security.
7. Appropriate Court to take Proceedings.

ORDER 14

INTERLOCUTORY INJUNCTION AND
INTERIM PRESERVATION OF PROPERTY

1. Application for Injunction.
2. Detention, preservation, etc. of Subject Matter of Action.
3. Power of Court to order assessment or valuation.
4. Order for early trial.
5. Recovery of personal property subject to lien, etc.
6. Allowance of income of property *pendente lite*.

ORDER 15

APPLICABLE RULES TO GENERAL PROCEDURAL MATTERS

ORDER 16

APPLICATION FOR ACCOUNT

1. Order for Account.
2. How an Application for Account is to be made.
3. Account may be taken by the Court or a Referee.

ORDER 17

ASSESSOR

1. Responsibility of Assessor sitting in Court.
2. Assessor to take Oath of Secrecy.
3. Assessor not to write Judgment.
4. Assessor to advise on issue for which he or she is an expert.
5. Court not bound to accept Assessor's Opinion or Advice.

ORDER 18

ISSUES, INQUIRIES, ACCOUNTS AND
REFERENCES TO REFEREES OR ARBITRATOR

1. Issues referable to a Referee or Arbitrator.
2. Details to be furnished to Referee or Arbitrator.
3. Limit of Referee or Arbitrator's duty to be specified.
4. General power of the Referee or Arbitrator.
5. Evidence.
6. Report pursuant to reference to be submitted to Court.
7. Court's directions to Referee to take Account.
8. Mode of taking Account.
9. Court may direct further vouching of Account.
10. Surcharge.
11. Numbering of Accounts and Inquiries.
12. Just Allowances to be made while taking Account.
13. Court's duty where there is undue delay in proceedings at references and arbitration.

ORDER 19

PROCEEDING AT TRIAL

1. Non-appearance of both Parties.
2. Non-appearance of the Defendant or Respondent at the Trial.
3. Non-appearance of the Claimant at the Trial.
4. Power of Court to bar disobedient Party.
5. Individual or group of individuals not to appear both as Claimant and Respondent.
6. Application to re-list.
7. Adjournment of Trial.
8. Time taken by Trial to be noted by Registrar.
9. Order of proceedings at Trial.
10. Closure of Case by Parties.
11. Power of Court to call for Evidence.
12. Marking and preservation of Exhibits admitted at Trial.
13. Filing of Written Addresses.
14. Custody of Exhibits after Trial.
15. Party may obtain Office Copy of List of Exhibits.
16. Case may be struck out for lack of diligent prosecution.
17. Discontinuance.
18. Court's power to review earlier order.
19. Court's power to correct clerical errors or slips.

ORDER 20

FILING OF WRITTEN ADDRESSES

1. Application of Order.
2. Content of Written Addresses.
3. Summary and Conclusion of Written of Addresses.
4. Copies of Written Addresses to be filed.
5. Oral Argument.

ORDER 21

JUDGMENT AND ORDERS

1. Judgment to be delivered in open Court and duly entered.
2. Judgment to take effect from date of delivery unless Court otherwise orders.
3. Judgment made pursuant to an Application.
4. Court may direct time for performance and may order payment with interest.
5. Judgment stating when an act to be done to contain a Memorandum to be endorsed thereon by the Registrar.
6. Terms of Settlement to be signed by both Parties and Counsel.
7. Party to give consent to Judgment in open Court if not represented by Counsel.
8. When Orders need not be drawn up.
9. Order to be sealed and signed by the President of the Court or Presiding Judge, etc.

ORDER 22

APPLICATION FOR JUDICIAL REVIEW

1. Cases for application for Judicial Review.
2. Joinder of Claim for relief.
3. Time within which to bring Application.
4. Interlocutory Application during proceedings for Judicial Review.
5. Hearing of Application for Judicial Review.
6. Action taken in obedience to Order of Mandamus not to be questioned.
7. Consolidation of Applications on same Subject Matter.

ORDER 23

I. JURISDICTION OF THE CHIEF REGISTRAR

1. Chief Registrar includes Deputy Chief Registrar.
2. Business to be transmitted by the Chief Registrar.
3. Chief Registrar may refer Matter back to the President.
4. Appeal from the Order of the Chief Registrar.
5. Chief Registrar's Cause List.
6. Party may be represented by Legal Practitioner.
7. Power of Chief Registrar to delegate to Registrars.

II. CHIEF REGISTRAR'S CERTIFICATE

8. Chief Registrar's Certificate.
9. Chief Registrar's Certificate to refer to relevant Judgment or Order.
10. Form of Chief Registrar's Certificate in Cases of Account and Transcripts.
11. When Chief Registrar's Certificate becomes binding.
12. Taxing of Bills of Cost.
13. Certificate may be discharged or varied by the Court.

ORDER 24

COSTS

I. COSTS BETWEEN PARTY AND PARTY

1. Cost fixed at the Court's discretion.
2. Costs follow events.
3. Court may order payment of Costs to be paid from the fund of Subject Matter of Suit.
4. Court to fix amount of cost at time of Judgment.
5. Principle to be followed in fixing Cost.
6. Court may stay proceedings pending payment of Costs by any Party.
7. Court/Taxing Officer to determine Costs of Taxation.
8. Taxing Costs Matters.
9. Fees to be taken into account in Taxation of Costs.
10. Principle of Taxation of bill of Costs.

II. SECURITY FOR COSTS

11. When a Claimant or Defendant may be ordered to give Security for costs.
12. Mode of Security to be determined by Court.

ORDER 25

COMPUTATION OF TIME

1. Computation of Time.
2. Definition of Holiday.
3. Time for Service of Processes.
4. Power of Court to extend time.
5. Party reviving a Matter after a year to give 30 days Notice to the other Party.
6. Application to set aside or remit an Award.

ORDER 26

I. MISCELLANEOUS PROVISIONS

1. Court Sittings and Vacation
2. Court to sit in Public, except for special reasons.
3. Office Hours.
4. Sitting and Vacation Periods.
5. Court may sit during Vacation with consent of all the Parties to take Urgent Matters.
6. Time for Filing and Service of Pleadings to exclude Annual Vacation Period.

II. GENERAL

7. Recovery of Penalties and Costs.
8. Notices.
9. Document for filing to be duly endorsed by Registrar.
10. How Warrants, etc. for execution are to be addressed.
11. Government Department excluded from paying Fees.
12. Regulations.
13. Savings.

ORDER 27

BUSINESS IN CHAMBERS

1. Representation in Chambers.
2. Interlocutory Proceedings may be conducted in Chambers.
3. Proceedings in Chambers to be properly recorded.
4. Orders made in Chambers to be drawn up.
5. Costs of Proceedings in Chambers to be fixed at Court's discretion.
6. Application to set aside or vary Order made in Chambers may be made.

ORDER 28

TRANSFER OF CASES

1. Transfer of Cases to other High Courts.
2. Duty of Registrar.
3. Transfer of Cases from other High Courts.

ORDER 29

COMMITTAL FOR CONTEMPT OF COURT

1. Exercise of the Power of Committal.
2. Application for Committal to be made by Motion.
3. Court may make Order of Committal *suo motu*.
4. Provisions as to Hearing of Committal Application.
5. Saving Provisions for Contempt in the Face of Court.
6. Power to suspend execution of Committal Order.
7. Discharge of the Person Committed.
8. Payment of Fine or giving of Security.
9. Every Writ of Attachment shall be returnable before Court.

ORDER 30

STAY OF EXECUTION AND STAY OF PROCEEDINGS PENDING APPEAL

1. Stay of Execution or Stay of Proceeding pending Appeals.
2. Compilation of Record.
3. Application for Stay once struck out cannot be re-filed.
4. Formal Order to be drawn up.

ORDER 31

FEES AND ALLOWANCES

1. Fees and Allowances.
2. Regulations.

ORDER 32

BUSINESS IN CHAMBERS

Application to set aside or vary Order made in Chambers may be made.
 Costs of Proceedings in Chambers to be fixed in Court's discretion.
 Orders made in Chambers to be drawn up.
 Proceedings in Chambers to be properly recorded.
 Intimate of proceedings may be conducted in Chambers.
 Representation in Chambers.

NATIONAL INDUSTRIAL COURT RULES 2007

In exercise of the powers conferred by section 36 of the National Industrial Court Act, 2006, and all other powers enabling in that behalf, I, BABATUNDE ADENIRAN ADEJUMO, President, National Industrial Court, hereby make the following Rules :

[1st Day of August, 2007]

Commence-
ment.

ORDER I

APPLICATION, ETC.

1.—(1) Any reference herein includes a reference to the thing done before the commencement of these Rules under any corresponding Statute or Rules of Court ceasing to have effect on the commencement of these Rules.

Construction
of reference
to law, rules,
etc.

(.) Except where the context otherwise requires, any reference herein to any enactment shall be construed as a reference to that enactment as subsisting.

(3) These Rules shall apply to all proceedings including part-heard causes and matters in respect of steps to be further taken in such causes and matters for the attainment of a just, efficient and speedy dispensation of justice.

2. The National Industrial Court Rules 1979 is hereby superseded from the date of the Commencement of these Rules.

Cap. 123,
LFN 2004.

3.—(1) These Rules shall be interpreted in accordance with the Interpretation Act.

Interpretation.
(Cap. 192
LFN 1990.)

(2) In these Rules unless the context otherwise requires—

“*The Act*” means the National Industrial Court Act ;

No. 1 of
2006.

“*Appeal*” includes an application for leave to appeal ;

“*Appellant*” means any person who appeals against a decision or an award of a tribunal or any statutory authority and an applicant for leave to appeal ;

“*Cause*” includes any action, suit or other proceedings between a claimant and a defendant, an appellant and a respondent or any applicant and a respondent in any proceedings ;

“*Claimant*” is any person seeking any relief (otherwise than by way of counter-claim as a defendant) against any other person in any proceeding ;

“*Court*” means the National Industrial Court and includes the Judges of the National Industrial Court sitting together or separately ;

“*Court Process or Processes*” include complaint or any other originating process, notice of appeal or other notices, pleadings, orders, motions, summons, warrants and all documents filed or written communication of which service is required ;

"Decision" means any determination of the Court and includes judgment, ruling, decree, order, conviction, sentence or recommendation ;

"Defendant" includes a defendant to a counter claim ;

"Tribunal" means an arbitral tribunal, board of inquiry, Registrar of Trade Unions and such other body or authority dealing with any cause or matter over which the Court has jurisdiction ;

"Originating Process" means a complaint or any other court processes by which a suit is initiated ;

"President of the Court" means the President of the National Industrial Court.

"Registrar" includes the Chief Registrar and all other registrars of the Court ;

"Registry" means the Registry of the National Industrial Court in any Judicial Division of the Court ;

"Respondent" includes a person against whom a claim, an application or an appeal before the Court is pending ;

"Suit" includes an action ;

"Taxing Officer" means the Chief Registrar or such other officer of the Court as the President of the Court may appoint to tax costs.

ORDER 2

INSTITUTION AND TRIAL OF SUITS

Filing of
Originating
Process.

1. Subject to the provisions of the Act on transfer of suits, an originating process in respect of a matter in which the Court has jurisdiction shall be filed in any registry of the Court nearest to where the defendant or respondent resides or has presence or in which the defendant or respondent carries on business.

Where
several
Defendants
or
Respondents
reside in
different
Judicial
Divisions.

2. Where there are several defendants or respondents who reside or carry on business in different Judicial Divisions, the suit may be commenced in any one of those Judicial Divisions subject to any order or direction of the Court as the most convenient arrangement for trial of the suit.

Suits
commenced
in the wrong
Judicial
Division.

3. Where any suit is commenced in the wrong Judicial Division, it may be tried in that Division unless the President of the Court otherwise directs.

Matters to be
referred to
the President
of the Court
for
assignment.

4. Whenever any matter under section 7 (1) (b) ; section 17 (1) and (2) ; section 18 or section 19 (a) and (c) of the Act is filed in any Division of the Court, the Registrar shall refer the matter to the President of the Court for assignment to a Judge of the Court or a panel of Judges as he or she may deem fit.

5. Notwithstanding rule 4 of this Order, the President of the Court may direct a Judge of the Court to assign any case under section 7 (1) (b) ; section 17 (1) and (2) ; section 18 or section 19 (a) and (c) of the Act.

President of the court may delegate duty to assign.

6. In constituting the panel in accordance with rule 4 of this Order, the President of the Court may preside or assign a Judge appointed under section 2 (4) (a) of the Act to preside.

President of the court to preside over certain matters.

ORDER 3

FORM AND COMMENCEMENT OF ACTION

1. Any action for determination by the Court shall be commenced by way of Complaint which shall be filed and sealed. The Complaint shall be in Form 1 with such modifications or variations as circumstances may require.

Proceedings by complaint.

2.—(1) The Complaint shall state specifically the relief or reliefs claimed either singly or in the alternative and it shall not be necessary to ask for general or other relief which may be given as the Court may think just.

Content of complaint.

3. A claimant may alter, modify or extend the claim without any amendment of the endorsement on the Complaint : provided that the claimant may not completely change the cause of action endorsed on the Complaint without amending it.

Amendment of complaint.

4. The Complaint shall be accompanied by :

Document to accompany complaint.

- (i) a statement of facts establishing the cause of action ;
- (ii) copies of every document to be relied on at the trial ;
- (iii) list of witnesses to be called.

5. Where the claimant complains against an award or decision by an arbitral tribunal, board of inquiry, decision of the Registrar of Trade Unions or any other authority in respect of matters within the jurisdiction of the Court, the complaint shall be accompanied by a Record of Appeal, which shall comprise :

Proceedings by way of appeal.

(a) Certified true copies of all the processes exchanged by the parties at, or the representations made to the lower tribunal ;

(b) Certified true copies of the record of proceedings before the lower tribunal (where applicable) ;

(c) Certified true copy of the Award or decision of the lower tribunal ; and

(d) Appellant's Brief of Argument.

6. In each of the above cases, the party filing the Originating Process shall leave at the Registry sufficient number of copies thereof together with all the accompanying documents for service on the Defendant(s) or Respondent(s).

Number of documents for service.

Effect of failure to comply with the requirements of the rules.

Registrar to indicate time of filing of process and arrange service.

Matter transferred from other High Courts.

7. Where a claimant fails to comply with rule 2, 3, 4 or 5 of this Order, as the case may be, his or her originating process shall not be accepted for filing by the Registry.

8.—(1) The Registrar shall indicate the date and time of presentation for filing on every originating process presented and shall arrange for service thereof to be effected on the other parties.

(2) An originating process shall not be altered after it is sealed except upon application to the Court.

9.—(1) Where any matter is transferred to the Court by the Federal High Court, or the High Court of a State or of the Federal Capital Territory pursuant to the provision of sub-section 24 (3) of the Act or similar provision in the statute establishing the said High Court, the case file shall be accepted in the appropriate Registry of the Court and referred to the President of the Court for assignment.

(2) Upon the assignment of such a transferred case, the Registrar shall issue Hearing Notices to all the parties to participate in the proceedings.

ORDER 4

ENDORSEMENT OF CLAIM AND OF ADDRESS

Endorsement of Forms.

1. Every originating process shall be printed on Opaque A4 paper of good quality and shall contain the claim, the relief or remedy sought with the full names and address of the claimant or Appellant.

Endorsement to reflect representative capacity.

2. Where a claimant sues, or a defendant or any of several defendants is sued in a representative capacity, the originating process shall state that capacity.

Endorsement where claim is liquidated.

3. Where the claim is for debt or liquidated demand only, the originating process shall state the amount claimed and shall further state that the defendant may pay the amount with costs to the claimant or the claimant's Legal Practitioner within the time allowed for appearance and that upon such payment the proceedings shall terminate.

Originating process to indicate claimant's or legal practitioner's address for service.

4.—(1) A claimant suing in person shall state on the originating process his or her residential or business address as his or her address for service.

(2) Where a claimant sues through a Legal Practitioner the Legal Practitioner shall state on the originating process the chamber's address as the address for service.

(3) An originating process shall be signed by the claimant or his or her Legal Practitioner where the claimant sues through a Legal Practitioner.

5. Where the originating process does not state an address for service, it shall not be accepted and where such address is illusory, fictitious or misleading the Court on the application of the defendant may set the process aside.

Effect of lack of or misleading address.

ORDER 5

EFFECT OF NON-COMPLIANCE

1. Failure to comply with any of these Rules may be treated as an irregularity and the Court may give any direction as it thinks fit.

Effect of non-compliance.

2.—(1) An application to set aside for irregularity any step taken in the course of any proceedings, may be allowed where it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

Application to set aside for irregularity.

(2) An application under this rule may be made by summons or motion and the ground of objection shall be stated in the summons or notice of motion.

3. The Court may direct a departure from these Rules where the interest of justice so requires.

Departure from rules in the interest of justice.

ORDER 6

FILING AND ISSUE OF ORIGINATING PROCESS

1.—(1) A claimant or the Legal Practitioner shall, on presenting any originating process for filing and sealing, leave with the Registrar as many copies of the process as there are defendants or respondents to be served and one copy for endorsement of service on each defendant or respondent.

Sufficient copies of originating process to be left with the Registrar.

(2) Each copy shall be signed by the claimant where he or she is suing in person or the Legal Practitioner and shall be certified after verification by the Registrar as being a true copy of the original process filed.

2. The Registrar shall after sealing an originating process, file it and note on it the date of filing and the number of copies supplied by a claimant or his or her Legal Practitioner for service on the defendants. The Registrar shall then make an entry of the filing in the cause book and identify the action with a suit number that comprise abbreviation of the Judicial Division, a chronological number and the year of filing.

Registrar's action on the originating process duly filed.

3. The Registrar shall promptly arrange for service of a copy of the originating process and accompanying documents on each defendant or respondent.

Registrar to arrange prompt service of originating process.

4.—(1) The lifespan of every originating process shall ordinarily be 6 months.

Lifespan of an originating process.

(2) Where the Court is satisfied that it has proved impossible to serve an originating process on any defendant within its lifespan and a claimant applied before its expiration for renewal of the process, the Court may renew the original or concurrent process for three months from the date of such renewal.

Renewal of
originating
process.

5. The Court may order two renewals in each case strictly for good cause and upon prompt application, provided that no originating process shall be in force altogether for longer than a period of 12 months. The Registrar shall state the fact, date and duration of renewal on every renewed originating process.

Loss of
originating
process.

6. Where an originating process is lost after issue, the Court, upon being satisfied of the loss and of the correctness of the process, may order the copy to be filed and sealed in place of the lost originating process.

Concurrent
originating
process.

7. A claimant may at the issuance of an originating process or at any time during its lifespan, cause to be issued one or more concurrent originating processes each to bear the same date as the initial process marked 'CONCURRENT' with the date of issue stated on it.

Issuance and
marking of
concurrent
originating
process for
service.

8. An originating process for service within jurisdiction may be issued and marked as a concurrent originating process with one for service out of jurisdiction or *vice versa*.

ORDER 7

SERVICE OF ORIGINATING PROCESS

Manner of
service of
originating
process.

1.—(1) Any notice or other document required or authorized by these Rules to be served on, or delivered to any person may be served on that person personally or sent by registered post or courier or left at that person's address for service or, where no address for service has been given, the registered office, principal place of business or last known address, and any notice or other document required or authorized to be served on, or delivered to the court may be sent by registered post or courier or delivered to the Chief Registrar.

(2) A document served by post shall be presumed, in the absence of evidence to the contrary, to have been delivered in the normal course of post.

(3) The Court may direct that service of any document be dispensed with or be effected otherwise than in the manner prescribed by these Rules.

Service by
Sheriff,
Deputy
Sheriff,
Bailiff or
process
Server.

2.—(1) Service of originating process shall be made by a Sheriff, Deputy Sheriff, Bailiff or other officer of the Court. The President of the Court may also appoint any registered Courier Company or any other person to serve court processes and such person shall be called process server.

(2) Where a party is represented by a Legal Practitioner, service of court process may be made on such Legal Practitioner or on a person under his or her control.

Service on
person under
legal
disability.

3.—(1) Where a person under legal disability is a defendant or respondent, service on his or her guardian shall be deemed good and sufficient service, unless the Court otherwise orders. Provided that service on a minor who is over 16 years of age living independently or doing business is good and sufficient.

(2) The Court may order that service on a person under legal disability shall be deemed good and sufficient.

4. Where a defendant or respondent is a detainee or prisoner, service on the head or other person in charge of the place of detention or incarceration shall be deemed good and sufficient service on the defendant or respondent.

Service on
prisoner
detainee.

5. Where persons are sued as partners in the name of their firm the originating process shall be served upon any one or more of the partners at the principal place of business within the jurisdiction or upon any person having control or management of the partnership business there ; and such service shall be deemed good service upon the firm. No leave to issue an originating process against them shall be necessary. Provided that in the case of a partnership that has been dissolved to the knowledge of the claimant before the commencement of the action, the originating process shall be served upon every person sought to be made liable within the jurisdiction.

Service on
partners.

6. Subject to any statutory provision regulating service on a registered company, corporation or body corporate, every originating process or other process requiring personal service may be served on the organization by delivery to a director, secretary, trustee or other senior, principal or responsible officer of the organization, or by leaving it at the registered, principal or advertised office or place of business of the organization within the jurisdiction.

Service on
corporation
or company.

7. When the suit is against a foreign corporation or company within the meaning of section 54 of the Companies and Allied Matters Act having an office and carrying on business within the jurisdiction and such suit is limited to a cause of action which arose within the jurisdiction, the originating process or other documents requiring personal service may be served on the principal officer or representative of such foreign corporation or company within the jurisdiction. Provided that where a foreign company has complied with the provision of Chapter 3 of the Companies and Allied Matters Act, personal service shall be effected on one of the persons authorized to accept service on behalf of the said company.

Service on
foreign
company
doing
business in
Nigeria.

8. Where a Minister or Commissioner, or the Attorney-General or the Director of Public Prosecutions, or any other public officer of the Federal Republic of Nigeria or of a State thereof is a party *ex-officio* or as representing the Federal or State Government, as the case may be, in any proceedings in the Court, any notice or other document may be served on him or her by leaving it at or by sending it by registered post or courier service to his or her chambers or office and service in this manner shall be as effective as if it were personal service.

Service on
public
functionaries
sued *ex
officio*.

9. Where a contract has been entered into within jurisdiction by or through an agent residing or carrying on business within jurisdiction on behalf of a principal residing or carrying on business out of jurisdiction, an originating process in an action relating to or arising out of such contract may, before the determination of such agent's authority or of his or her business relations with the principal be served on such agent. A copy of the originating process shall be sent promptly by the claimant by courier to the defendant at his or her address out of jurisdiction.

Service on
local agent
on principal
who is out of
jurisdiction.

Service on person out of jurisdiction as a necessary party.

10. Where any person out of jurisdiction of the Court is a necessary or proper party in a matter before the Court and it is necessary to serve that person with the originating process or other document relating to the matter, the Court may allow service of the process or such other document out of jurisdiction.

Where violence threatened.

11. Where a person to be served, whether alone or with others, resists service or applies or threatens violence to the process server, the process server may leave the process within the reach of the person to be served and this shall be deemed good and sufficient service for all purposes.

Proof of service.

12.—(1) After serving any process, the process server shall promptly depose to and file an affidavit setting out the fact, date, time, place and mode of service, describing the process served and shall exhibit the acknowledgment of service, if any.

(2) Upon service the affidavit shall be *prima facie* proof of service.

Party to pay for service.

13.—(1) The party requiring service of any process shall pay in advance all costs and expenses of and incidental thereto.

(2) The rate for service shall be as directed by the President of the Court in Practice Directions from time to time.

Time and days within which to effect service.

14.—(1) Service of originating and other processes, orders and documents whatsoever shall be effected between the hours of six o'clock in the morning and six o'clock in the evening.

(2) Save in exceptional circumstances and as may be authorized by the Court, service shall not be effected on a Sunday or on a public holiday.

Recording of service.

15.—(1) A register shall be kept at the Registry in such form as the President of the Court may direct for recording service of processes by any process server. A Registrar shall record therein the names of the claimant and defendant or respondent, the method of service, whether personal or otherwise and the manner used to ascertain that the right person was served

(2) Where any process was not served the cause of failure shall be recorded in the register.

(3) Every entry in such register or certified copy thereof shall be *prima facie* evidence of the matters stated therein.

ORDER 8

APPEARANCE

Need to file Memorandum of Appearance.

1.—(1) Every person served with an originating process shall, within the days stipulated therein or if no day is stipulated within 14 days of the service of the originating process, file a Memorandum of Appearance in the Registry of the Court.

(2) The Memorandum of Appearance shall be signed by the party served or the Legal Practitioner representing the party which shall contain a full and sufficient address for service.

2. Where any defendant or respondent fails or omits to file a Memorandum of Appearance, then delivery of any document or subsequent processes in relation to the matter at the address shown in the originating process shall be deemed to be good and proper service.

Effect of failure to enter appearance.

3. Any party to a proceeding may change the address for service at any time by filing and serving on all other parties to the proceeding notice of such change.

Right of party to change address.

4. At any time before hearing of a matter any party to the proceeding may file a declaration in writing that such party does not wish to be present in person or represented by a Legal Practitioner on the hearing of the matter. A copy of such declaration shall be served on every other party who has filed a Memorandum of Appearance and thereupon the matter shall be dealt with as if the party had appeared.

Declaration by party who does not intend to appear.

5. —(1) Where a defendant or respondent fails to file a Memorandum of Appearance within the stipulated time, or fails to file appropriate processes in defence of the action within the prescribed time, and also fails to file a declaration of intention not to defend the action, the Court may proceed to hear the matter and give judgment.

Effect of failure to file appearance, defence or declaration.

(2) Where the defendant or respondent during the hearing, or within a reasonable time after conclusion of hearing and judgment applies to the Court giving satisfactory reasons for the failure to appear and defend the action, and demonstrates readiness to defend the action, the Court may in its absolute discretion set aside any judgment given in default of appearance and defence, and allow the defendant or respondent to appear and defend the matter on its merit, on such terms as to costs or otherwise.

6. No application to set a judgment aside and rehear the matter under this rule shall be made or entertained after the expiration of 30 days from the date of the judgment sought to be set aside.

Time within which application to set aside may be made.

ORDER 9

DEFENCES

1. Where a party served with a Complaint and the accompanying documents as stipulated in Order 3 of these Rules intends to defend and/or counter-claim in the action, the party shall not later than 14 days or any other time prescribed for defence in the Complaint, file :

Duty of party served with a complaint.

- (a) a statement of defence and counter-claim (if any)
- (b) list of witnesses
- (c) copies of documents to be relied upon at the trial

2. Where a party served with a Notice of Appeal or a Notice of Cross Appeal together with the Record of Appeal and other accompanying documents as stipulated in Order 3 of these Rules intends to contest the Appeal or Cross-Appeal, such party shall not later than 14 days or any other time prescribed for response, file a Respondent's Brief of Argument or Cross-Respondent's Brief of Argument as the case may be.

Duty of party served with notice of appeal and accompanying documents.

ORDER 10

SUMMARY JUDGMENT

Application
for summary
judgment.

1. Where a claimant believes that there is no defence to the claim, an application for summary judgment supported with an affidavit stating the grounds for the belief shall be filed along with the originating process. The application shall be accompanied with the statement of facts, any exhibits and a written brief.

Number of
copies of
processes to
be delivered
to the
Registrar.

2. A claimant shall deliver to the Registrar as many copies of all the processes and documents referred to in rule 1 of this Order as there are defendants or respondents.

Mode of
service of
processes and
documents.

3. Service of all the processes and documents referred to in rule 1 of this Order shall be effected in the manner provided for under these Rules.

What a party
who intends
to defend
should do
upon being
served.

4. Where a party served with the processes and documents referred to in rule 1 of this Order intends to defend the action such a party shall, not later than the time prescribed for defence, file :

- (a) a statement of defence,
- (b) documents to be used in defence ; and
- (c) a written brief in reply to the application for summary judgment.

Duty of court
upon hearing
application
for summary
judgment.

5.—(1) Where it appears to the Court that a party has a good defence and ought to be permitted to defend the claim such party may be granted leave to defend.

(2) Where it appears to the Court that a party has no good defence the Court may thereupon enter judgment for the claimant.

(3) Where it appears to the Court that the defendant or respondent has a good defence to part of the claim, the Court may thereupon enter judgment for that part of the claim to which there is no defence and grant leave to defend that part to which there is a defence.

Duty of court
where there
are many
defendants.

6. Where there are several defendants or respondents and it appears to the Court that any of the defendants or respondents has a good defence and ought to be permitted to defend the claim, and other defendants or respondents have no good defence and ought not to be permitted to defend, the former may be permitted to defend. The Court shall then enter judgment against the latter.

Party at
liberty to
expatiate on
written
address .

7. Where provision is made for written briefs under these Rules, each party shall be at liberty to advance before the Court oral submission to expatiate the party's written brief for not more than 20 minutes.

In Order 3 of these Rules intended to combine the provisions of Order 10 and Order 11 of the Rules of Court, 1950, it is provided that a party who intends to defend the action shall not later than 14 days or any other time prescribed in the Rules, file a Respondent's Brief of Argument or Cross Respondent's Brief of Argument as the case may be.

ORDER 11

MOTIONS AND OTHER INTERLOCUTORY APPLICATIONS

1.—(1) Where by these Rules any application is authorized to be made to the Court, such application may be by motion supported by affidavit or by notice, and shall state under what rule of Court or Law the application is brought. Every motion or notice shall be served within 5 days of filing.

Application by notice of motion.

(2) Where the other party intends to oppose the application, such party shall within 7 days of service, file a counter affidavit.

(3) Where a counter affidavit is served on the applicant, the applicant may file further affidavit within 7 days of service.

(4) For the purpose of hearing and determining interlocutory applications, the Court shall be duly constituted, if it consists of a single Judge appointed under section 2 subsection (3) or (4) (a) of the Act. Provided that a panel of three Judges may also hear and determine interlocutory applications, where the President of the Court or the Presiding Judge of the Division so directs.

2.—(1) Except where an application *ex-parte* is required or permitted under any Statute or these Rules, every motion shall be on notice to the other party.

When notice of motion should be given.

(2) No application for an injunction shall be made *ex-parte* unless the applicant files with it a motion on notice in respect of the application.

(3) An order of injunction made upon an application *ex-parte* shall abate after 7 days except the court subsequently otherwise directs in the interest of justice or to prevent an irreparable or serious mischief.

3.—(1) Every notice to enforce an arbitral award shall state the grounds of the application and where any such motion is founded on evidence by affidavit, a copy of it shall be served with the notice of motion.

Motion on arbitral award.

(2) The party relying on an award on applying for its enforcement shall supply a duly certified copy of the award.

(3) An award made by an arbitrator may by leave of the Court be enforced in the same manner as a judgment or order of Court.

4. Unless the Court grants leave to the contrary, there must be at least three clear days between the service of all processes in respect of a motion and the day named in the notice for hearing the motion.

Length of notice between service and hearing of motion.

5. Where on the hearing of a motion or other application the Court is of the opinion that any person to whom notice has not been given ought to have had such notice, the Court may either strike out the motion or application or adjourn the hearing in order that such notice may be given upon such terms, if any, as the Court may deem fit.

Effect of failure to give notice of motion to necessary party.

Adjournment
of hearing.

6. The hearing of any motion or application may from time to time be adjourned upon such terms as the Court shall deem fit : Provided that application for adjournment at the request of a party shall not be made more than twice.

Filing and
service of
with
originating
process.

7. A claimant may file any application together with an originating process and may serve both on any defendant or respondent simultaneously.

Power of
court to
make an
interlocutory
order.

8.—(1) Subject to sub-rule (2) of this rule, the Court may, on the application of any party, make any order under the Act it considers necessary.

(2) Before making an interlocutory order under these Rules, the Court shall take all reasonable steps to ensure that notice of the application for the interim order has been served on the respondent.

ORDER 12

ARREST OF ABSCONDING PARTY

Party leaving
jurisdiction or
removing
property.

1. Where in any suit a party is about to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction, his or her property, or any part thereof, or is about to do so, the other party may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court that security be given for the appearance of the absconding party to answer and satisfy any judgment that may be passed against him or her in the suit.

Warrant of
Arrest by the
court.

2. Where the Court, after investigation, is of the opinion that there is probable cause for believing that a party is about to leave the jurisdiction of the Court, or has disposed of or removed from jurisdiction, the party's property, or any part thereof, or is about to do so, it shall be lawful for the Court to issue a warrant to bring the party before the Court to show cause why he or she should not give good and sufficient bail for his or her appearance.

Bail in lieu of
appearance or
satisfaction.

3. Where an absconding party fails to show any such cause, the Court shall order the party to give bail for his or her appearance at any time when called upon while the suit is pending and until execution or satisfaction of any judgment that may be passed against the party in the suit, or to give bail for the satisfaction of such judgment. The surety or sureties shall undertake in default of such appearance or satisfaction to pay any sum of money that may be adjudged against the party in the suit, with costs.

Deposit in
lieu of bail.

4. Where a party offers, in lieu of bail for the party's appearance, to deposit a sum of money, or other valuable property, sufficient to answer the claim against the party with costs of the suit, the Court may accept the deposit.

Party may be
committed to
custody.

5.—(1) Where a party fails to furnish security or offer sufficient deposit, the party may be committed to custody until the decision in the suit, or if judgment be given against the party, until the execution of the decree, if the Court so orders but the Court may at any time, upon reasonable cause being shown and upon such terms as to security or otherwise as may seem just, release the party.

(2) The application may be made to the Court in any Judicial Division in which the party may be, and the Court may issue a warrant for detaining and bringing the party before the Court where the suit is pending, and may make such further order as shall seem just.

(3) Where the warrant is issued by a Court in a different Judicial Division from that in which the suit is pending, that Court shall, at the request of either party, transmit the application and the evidence therein to the Court in which the suit is pending, on the sufficient security of the appearance of the party in that Court, or send the party there in custody of an officer of Court. The Court in which the suit is pending shall thereupon inquire into and proceed with the hearing of the application in accordance with the foregoing provisions, in such manner as shall seem just.

6.—(1) The expenses incurred for the subsistence in prison of the person so arrested shall be paid by the applicant in advance, and the amount so disbursed may be recovered by the applicant, unless the Court otherwise orders.

Payment of
expenses for
the
subsistence of
Party in
Custody.

(2) The Court may release the person so imprisoned on failure by the applicant to pay the subsistence money, or in case of serious illness, order his or her removal to hospital.

ORDER 13

INTERIM ATTACHMENT OF PROPERTY

1. Where in any suit—

(i) the defendant or respondent, with intent to obstruct or delay the execution of any decree that may be made against him or her, is about to dispose of his or her property, or any part thereof, or remove any such property from the jurisdiction ; or

(b) founded on contract or tort or in which the cause of action arose within jurisdiction—

Circumstances
warranting
application
for interim
Attachment
of Property.

(i) the defendant or respondent is absent from jurisdiction, or there is probable cause to believe that he or she is evading service ; and

(ii) the defendant or respondent is beneficially entitled to any property in Nigeria in the custody or under the control of another person in Nigeria, or such person is indebted to the defendant or respondent, then, in either case, the claimant may apply to the Court either at the time of the institution of the suit or at any time thereafter before final judgment, to call upon the defendant or respondent to furnish sufficient security to fulfill any decree that may be made against him or her in the suit, and on failing to give the security, or pending the giving of such security, to direct that any property (movable or immovable) belonging to the defendant or respondent shall be attached until further order of the Court.

Contents of application for Interim Attachment of property.

2. The application for attachment shall contain details of the property required to be attached, and the estimated value thereof so far as the claimant can reasonably ascertain, and the claimant shall, at the time of making the application declare that to the best of his or her information and belief the defendant or respondent is about to dispose of or remove the property with such intent as aforesaid.

Order by Court.

3.—(1) Where the Court after making such investigation as it may consider necessary, is satisfied that the defendant or respondent is about to dispose of or remove his or her property with intent to obstruct or delay the execution of the decree, the Court may order the defendant or respondent, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order or to produce and place at the disposal of the Court when required, the said property, or the value of same or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why the defendant or respondent should not furnish security.

(2) Pending compliance by the defendant or respondent with the order, the Court may by warrant direct the attachment until further order, of the whole, or any portion, of the property specified in the application.

Where Defendant or Respondent fails to show cause or give security.

4.—(1) Where the defendant or respondent fails to show such cause, or to furnish the required security within the time fixed by the Court, the Court may direct that the property specified in the application if not already attached, or such portion thereof as shall be sufficient to satisfy the decree, be attached until further order.

(2) Where the defendant or respondent shows such cause, or furnishes the required security and the property specified in the application or any portion of it, shall have been attached, the Court may order the attachment to be withdrawn.

Rights of Third Parties not to be affected.

5. The attachment shall not affect the rights of persons not parties to the suit, and in the event of any claim being preferred to the property attached before judgment, such claim shall be investigated in the manner prescribed for the investigation of claims to property attached in execution of a decree.

Removal of attachment where Defendant or Respondent furnishes security.

6. In all cases of attachment before judgment, the Court may at any time remove the attachment, on the defendant or respondent furnishing security as above required, together with security for the costs of the attachment, or upon order for a non-suit or striking out the cause or matter.

Appropriate Court to take Proceedings.

7.—(1) The application may be made to the Court in the Judicial Division where the defendant or respondent resides or in case of urgency, where the property proposed to be attached is situate and the Court may make such order as shall seem just.

(2) Where an order for the attachment of property is issued by a different Court from that in which the suit is pending, that Court shall, at the request of either party, transmit the application and proceedings to the Court in which the suit is so pending, retaining the property in the meantime under attachment or taking sufficient security for its value and the Court in which the suit is pending shall thereupon enquire into and proceed with hearing the application in accordance with the foregoing provisions, in such manner as may seem just.

ORDER 14

INTERLOCUTORY INJUNCTION AND
INTERIM PRESERVATION OF PROPERTY

1.—(1) Any application for the grant of an injunction may be made by a party to an action before, at or after the trial of the action, whether or not a claim for injunction was included in that party's action.

Application
for
Injunction.

(2) Where applicant is the claimant and the case is one of urgency, the application may be *ex parte* with affidavit attached. Except as aforesaid, the application shall ordinarily be by motion on notice or summons.

(3) The claimant may not make such an application before the issue of the process by which the action is to be begun, except where the case is one of urgency. In that case the injunction applied for may be granted on terms providing for the issue of the process and service of the process together with the *ex parte* order obtained on the defendant or respondent and such other terms as the Court thinks fit.

2.—(1) On the application of any party to an action, the Court may make an order for the detention, custody or preservation of any property which is the subject matter of the action or as to which any question may arise, or for the inspection of any such property in the possession of a party to the action.

Detention,
preservation,
etc. of
Subject
Matter of
Action.

(2) For the purpose of enabling any order under sub-rule (1) of this rule to be carried out, the Court may by order authorize any person to enter upon any land or building in the possession of any party to the action.

(3) Where the right of any party to a specific fund is in dispute in an action, the Court may on the application of the party, order the fund to be paid into Court or otherwise secured.

(4) An order under this rule may be made on such terms as the Court deems just.

(5) An application for an order under this rule shall be made by motion on notice.

(6) Unless the Court otherwise directs, an application by the defendant or respondent for such an order may not be made before entering appearance.

3.—(1) Where the Court considers it necessary or expedient for the purpose of obtaining full information or evidence in any action, it may, on the application of a party and on such terms as it deems just by order authorize or require any assessment or valuation to be taken or any enquiries to be made of the property which is the subject matter of the action.

Power of
Court to
order
assessment or
valuation.

(2) The Court may, on the application of any party, make an order for the sale by such person, in such manner and on such terms as may be specified in the order, of any property (other than land) which is the subject matter of the action or as to which any dispute or question arises therein and which is of a perishable nature or likely to deteriorate if kept or which for any other reason it is desirable to sell forthwith.

(3) For the purpose of enabling any order under sub-rule (1) to be carried out, the Court may by order authorize any person to enter any land or building in the possession of any party.

(4) Sub-rules (5) and (6) of rule 2 of this Order shall apply in relation to an application for an order under this rule.

Order for
early trial.

4.—(1) Where on the hearing of an application made before trial in a cause or matter for an injunction, appointment of a public trustee or an order under rule 2 or 3 of this Order, or it appears to the Court that the matter in dispute can be better dealt with expeditiously by an early trial than by considering the application on its merit, the Court may make such order accordingly.

(2) Where the Court makes an order for accelerated trial, it shall by the said order determine the place and mode of trial.

Recovery of
personal
property
subject to
lien, etc.

5. Where the Claimant or the defendant by way of counter-claim, claims the recovery of specific property (other than land) and the party from whom recovery is sought does not dispute the title of the party making the claim but claims to be entitled to retain the property by virtue of a lien or otherwise as security for any sum of money, the Court may order that the party seeking to recover the property may be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the security is claimed, or such further sum if any (of interests and costs) as the Court may direct ; and that, upon such payment being made , the property claimed be given up to the party claiming it.

Allowances
of income of
property
pendente lite.

6. Where any real or personal property forms the subject matter of any proceedings, and the Court is satisfied, it will be more than sufficient to answer all the claims thereon for which provision ought to be made in the proceedings, the Court may thereafter order the whole or part of the income of the property to be paid, during such period as it may direct, to any or all of the parties who have an interest therein or may direct that any part of the personal property be transferred or delivered to any or all such parties.

ORDER 15

APPLICABLE RULES TO GENERAL PROCEDURAL MATTERS

Application
of the Rules
to general
procedure.

Where no provision is made in these Rules as to practice and procedure or where the provisions are inadequate, the Court may adopt such procedure as will in its view do substantial justice to the parties.

ORDER 16

APPLICATION FOR ACCOUNT

Order for
account.

1. Where in an originating process a claimant seeks an account under Order 4 or where the claim involves the taking of an account, if the defendant either fails to appear, or after appearance fails to satisfy the Court that there is a preliminary question to be tried, the Court may, on application make an order for the taking of proper accounts, with all necessary inquiries and directions.

How an
Application
for Account
is to be made.

2. An application for account shall be supported by an affidavit stating concisely the grounds of the claim. The application may be made at any time after the time prescribed for defence.

3. Where an order is made for account under this Order, the account may be taken by the Court or a Referee appointed by the Court.

Account may be taken by the Court or a Referee.

ORDER 17

ASSESSOR

1. Where an Assessor sits with the Court during a trial such Assessor shall only give opinion to or advise the Court on the issue for which the Assessor is appointed.

Responsibility of Assessor sitting in Court.

2. The Assessor shall subscribe to judicial oath of secrecy before the President or a Judge of the Court before assuming duty.

Assessor to take Oath of Secrecy.

3. The Assessor shall not deliver any opinion in form of judgment or order and shall not dissent or concur with the judgment or order which the Court has given.

Assessor not to write Judgment.

4. An Assessor shall in advising the Court limit himself or herself to the issue in which he or she is an expert.

Assessor to advise on issue for which he or she is an expert.

5. The Court is not bound to accept or act on the opinion or advice of the Assessor.

Court not bound to accept Assessor's Opinion or Advice.

ORDER 18

ISSUES, INQUIRIES, ACCOUNTS AND REFERENCES TO REFEREES OR ARBITRATORS

1. In any action before the Court, the Court may at any time order the whole cause or matter or any question or issue of facts arising therein, to be tried before a special referee, officer of the Court, or arbitrator as agreed by the parties.

Issues referable to a Referee or Arbitrator.

2. Where a matter is referred to a referee or arbitrator by Court order the Court shall furnish the referee or arbitrator with such part of the proceedings, such information and detailed instructions as may appear necessary and shall direct the parties if necessary to appear before the referee or arbitrator during the inquiry.

Details to be furnished to Referee or Arbitrator.

3. The instructions shall specify whether the referee or arbitrator is only to transmit to the Court the proceedings of the inquiry, or may also report his or her own opinion on the point referred for investigation.

Limit of Referee or Arbitrator's duty to be specified.

4. The referee or arbitrator may, subject to the order of the Court, hold any inquiry at any place or adjourn it as may be convenient and conduct any inspection which may be desirable for the disposal of the matter.

General power of the Referee or Arbitrator.

Evidence.

5.—(1) Subject to any order made by the Court ordering the inquiry, evidence shall be taken at the inquiry before a referee or an arbitrator, and the attendance of witnesses to give evidence may be enforced by the Court in the same manner as such attendance may be enforced before the Court.

(2) The referee or arbitrator shall have the same authority in the conduct of any inquiry as a Court during the course of any trial.

(3) Nothing in these Rules shall authorize any referee or arbitrator to commit any person to prison or to enforce any order by attachment or otherwise ; but the Court may, in respect of matters before a referee or arbitrator, make such order of attachment or committal as it may consider necessary.

Report
pursuant to
reference to
be submitted
to Court.

6.—(1) The report made by a referee or an award made by an arbitrator in pursuance of a reference or arbitration under this Order shall be made to the Court and notice thereof served on the parties.

(2) A referee or an arbitrator may submit a report on any question arising therein for the decision of the Court or make a special statement of facts from which the Court may draw such inferences as it deems fit.

(3) An award of an arbitrator on any reference shall, unless set aside, be binding on the Court as its findings.

(4) On the receipt of a referee's report, the Court may—

(a) adopt the report in whole or in part ;

(b) vary the report ;

(c) require an explanation from the referee ;

(d) remit the whole or any part of the question or issue originally referred to the referee for further consideration by him or her or any other referee ;

(e) decide the question or issue originally referred either on the evidence already taken or with additional evidence.

(5) An application to vary the report of the referee or remit the whole or any part of the question or issued originally referred may be made on the hearing by the Court for the further consideration of the cause or matter by giving not less than four days notice thereof and any other application with respect to the report may be made on that hearing without notice.

(6) Where on a reference under this Order the Court orders that the further consideration of the cause or matter in question shall not stand adjourned until the receipt of the referee's report, the order may contain directions pending the receipt of the report. The foregoing provision of this rule shall have effect subject to any such directions.

Court's
direction to
Referee to
take
Account.

7. The Court may order or direct an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account, the books of accounts in which the accounts in question have been kept shall be taken as *prima facie* evidence of the truth of their contents, with liberty to the interested parties to object.

8. Where any account is directed to be taken, the accounting party shall make out the party's account and verify same by affidavit. The items on each side of the account shall be numbered consecutively, and the account shall be referred to by the affidavit as an exhibit and left in the registry.

Mode of
taking
Account.

9. Upon the taking of any account the Court may direct that any voucher be produced at the chambers of the accounting party's Legal Practitioner or at any other convenient place and that only such items as may be contested or surcharged shall be brought before the Court.

Court may
direct further
vouching of
Account.

10. Any party seeking to charge any accounting party beyond what the account has admitted to have been received shall give notice to the accounting party, stating so far as the party is able, the amount sought to be charged with particulars.

Surcharge.

11. Where by any judgment or order any accounts are directed to be taken or inquiries to be made, each such direction shall be numbered so that as far as may be, each distinct account and inquiry may be designated by a number.

Numbering of
Accounts and
Inquiries.

12. In taking any account directed by any judgment or order, all just allowances shall be made without any direction for that purpose.

Just
Allowances
to be made
while taking
Account.

13.—(1) Where it appears to the Court that there is any undue delay in the prosecution of any proceedings, the Court may require the party having the conduct of the proceedings or any other party, to explain the delay and may thereupon make such order as to costs of the proceeding as circumstances of the case may require with regard to expediting the proceedings, conduct, or the stay thereof. For the purposes aforesaid any party may be directed to summon the persons whose attendance is required, and to conduct any proceedings and carry out any directions which may be given.

Court's duty
where there
is undue delay
in
proceedings
at references
and
arbitration.

(2) The Court may direct any party or Legal Practitioner to take over the conduct of proceedings in question and to carry out any directions made by an order under this rule and make such order as it thinks fit for the payment of the Legal Practitioner's costs.

ORDER 19

PROCEEDING AT TRIAL

1. Where a cause on the Weekly Cause List has been called for hearing and neither party appears, the Court may, unless it sees good reason to the contrary strike the cause out.

Non-
appearance
of both
Parties.

2. Where a cause is called for hearing and the claimant appears but the defendant or respondent and/or counsel do not and no good cause is shown for the absence, the claimant may prove the claim in so far as the burden of proof lies upon him or her.

Non-
appearance
of both
Defendant or
Respondent
at the Trial.

Non-appearance of the Claimant at the Trial.

3.—(1) Where a cause is called for hearing and the defendant or respondent appears but the claimant or counsel does not and no good cause is shown for the absence, the defendant or respondent, shall be entitled to judgment striking out the action, but if the defendant or respondent has a counterclaim, then he or she may prove such counterclaim in so far as the burden of proof lies upon him or her.

(2) Where any party to the proceedings has been duly served with notice to appear or the party is to the satisfaction of the Court aware of the adjourned date and without reasonable excuse fails to appear, the Court may consider and deal with the matter before it in the absence of such party.

Power of court to bar disobedient Party.

4. Where any party to the proceedings fails to comply with an order or direction of the Court, the Court may order that the party be barred from taking any further part in those proceedings until he or she has complied with such direction or order or may make such other order as the Court thinks just.

Individual or group of individuals not to appear both as claimant and respondent.

5. When a matter is called in Court, no individual or group of individuals may appear as both claimant or claimants and respondent or respondents in the same matter, notwithstanding that they all belong to the same disputing organisation.

Application to re-list.

6.—(1) Where a cause is struck out under rule 1 of this Order either party may apply that the cause be re-listed on such terms as the Court may deem fit.

(2) Any judgment obtained where any party does not appear at the trial may be set aside by the Court upon such terms as it may deem fit.

(3) An application to re-list a cause struck out or to set aside a judgment under this rule shall be made within 14 days after the order or judgment or such other extended period as the Judge may allow.

Adjournment of trial.

7. The Court may, where it thinks fit in the interest of justice, adjourn a trial for such time and upon such terms as it shall deem fit.

Time taken by Trial to be noted by Registrar.

8. The registrar of Court shall endorse the Court's files stating the time any matter commences or terminates to enable the Taxing Officer to assess cost.

Order or proceedings at Trial.

9. The order of proceeding at the trial of a cause shall be as prescribed hereunder :

(i) The party on whom the burden of proof lies by the nature of the issues or questions between the parties shall begin.

(ii) Documentary evidence shall be put in and may be read or taken as read by consent.

Closure of case by Parties.

10.—(1) A party shall close its case on completion of evidence.

(2) Either party may make oral application to have the case closed.

(3) Notwithstanding the provisions of sub-rules (1) and (2) of this rule, the Court may *suo-motu* where it considers that either party fails to conclude his or her case within a reasonable time, close the case for the party.

11. The Court may of its own motion or on the application of any party order any person to appear before the Court as a witness or to produce any document.

Power of Court to call for evidence.

12.—(1) The Registrar shall take charge of every document or object put in as an exhibit during the trial of an action and shall mark every exhibit with a letter or letters indicating the party by whom the exhibit is tendered (or where more convenient the witness by whom the exhibit is proved) and with a number, so that all the exhibits put in by a party (or proved by a witness) are numbered in one consecutive series.

Marking and preservation of Exhibits admitted at Trial.

(2) The Registrar shall cause a list of all the exhibits in the action to be made.

(3) Part of the record in the action.

(4) For the purpose of this rule a bundle of documents may be treated and counted as one exhibit.

13.—(1) When the party beginning has concluded his or her evidence, the Court shall ask the other party if the party intends to call evidence. If the other party does not intend to call evidence, the party beginning shall within 21 days after close of evidence file a written address. Upon being served with the written address, the other party shall within 21 days file his or her own written address.

Filing of Written Address.

(2) Where the other party calls evidence he or she shall within 21 days after the close of evidence file a written address.

(3) Upon being served with other party's written address the party beginning shall within 21 days file a written address.

(4) The party who files the first address shall have a right of reply on points of law only. The reply shall be filed within seven days after service of the other party's address.

14.—(1) An exhibit shall not be released after the trial to the party who put in the exhibit unless the period during which Notice of Appeal may be given has elapsed without such notice having been given, and then only where the Presiding Judge in the case (or in his or her absence, another Judge) grants leave to release such exhibit on being satisfied :

Custody of Exhibits after Trial.

(a) that the exhibit will be kept duly marked and labelled and will be produced, if required, at the hearing of an appeal (if any such appeal is lodged), or

(b) that the release of the exhibit will not in any way prejudice any other party.

(2) After a notice of appeal has been filed, an exhibit produced at the trial shall not be released by the court unless leave to release such exhibit is granted by the Court of Appeal.

15.—(1) Any party may apply for and on payment of the prescribed fee obtain an office copy of the list of exhibits or of the exhibits.

Party may obtain Office Copy of List of Exhibits.

(2) Where there is an appeal an office copy of the list of exhibits shall be included amongst the documents supplied for the purpose of the appeal.

Case may be struck out for lack of diligent prosecution.

16. The Court may, *suo motu* or on application strike out any proceedings not being prosecuted diligently.

Discontinuance.

17. —(1) Where before the date fixed for hearing or judgment, any party to the proceedings desires to discontinue a claim or to withdraw any part of it, such party shall give notice of discontinuance or withdrawal in writing to the Court and to the other party. The Court shall upon the discontinuance or withdrawal make such order or orders as may seem just.

Court's power to review earlier order.

18.—(1) The Court may, either of its own motion or on application by any of the parties to the proceedings, review any order made by it and may, on such a review, revoke or vary that order on the grounds that :

(a) the order was wrongly made as a result of an error on the part of the court staff ;

(b) a party did not receive proper notice of the proceedings leading to the order ;

(c) the order was made in the absence of a party entitled to be heard ;

(d) new evidence has become available since the making of the order ; or

(e) the interest of justice requires such review.

(2) An application under sub-rule (1) of this rule shall be made within 14 days of the date of the order.

Court's power to correct clerical errors or slips.

19. A clerical mistake or error in any order arising from an accidental slip or omission may at any time be corrected by or on the authority of the Court.

ORDER 20

FILING OF WRITTEN ADDRESSES

Application of Order.

1. This Order shall apply to all final addresses.

Content of Written Address.

2. A written address shall be printed on white opaque A4 size paper of good quality and set out in paragraphs numbered serially and shall contain :

(i) the claim on which the address is based ;

(ii) a brief statement of the facts with reference to the exhibits tendered at the trial ;

(iii) the issues arising from the evidence ;

(iv) a succinct statement of argument on each issue incorporating the authorities referred to together with full citation of the authorities.

3. All written addresses shall be concluded with a numbered summary of the points raised and the party's prayer. A list of all authorities referred to shall be submitted with the address. Where any unreported judgment is relied upon the Certified True Copy shall be submitted along with the written address.

Summary and Conclusion of Written Addresses.

4. Each party shall file five copies of the written address in court and serve a copy thereof on every other party.

Copies of Written Addresses to be filed.

5. Oral argument of not more than twenty minutes shall be allowed each party.

Oral Argument.

ORDER 21

JUDGMENT AND ORDERS

1. The Court shall, after trial, deliver judgment in open court and shall direct the judgment to be entered. Provided that where the Court reserves judgment at the hearing, parties to the suit shall be served with notice to attend the Court on the day of judgment.

Judgment to be delivered in open Court duly entered.

2. Where any judgment is pronounced by the Court it shall be dated as of the day on which such judgment is pronounced and shall take effect from that date unless the Court otherwise orders.

Judgment to take effect from date of delivery unless Court otherwise orders.

3. When any judgment is directed to be entered by an order made on application for judgment, the judgment shall, unless the Court otherwise orders, be dated as of the day on which the order is made and take effect from that date :

Judgment made pursuant to an Application.

Provided that the order may direct that the judgment shall not be entered until a given date, in which case it shall take effect from that date.

4. The Court at the time of delivering the judgment or making the order may direct the time within which payment is to be made or other act is to be done and may order interest at a rate not less than 10 per cent per annum to be paid upon any judgment.

Court may direct time for performance and may order payment with interest.

5. Every judgment or order made in any cause or matter requiring any person to do any act shall state the time within which the act is to be done. There shall be endorsed on the judgment or order a memorandum by the Registrar in the following words :

Memorandum to be indorsed thereon by the Registrar.

"If you, the within-named A.B, neglect to obey this judgment (or order) by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the said judgment (or order)" and same shall be served upon the person required to obey the judgment or order.

Terms of Settlement to be signed by both Parties and Counsel.

6. In any cause or matter where the parties are represented by Legal Practitioners, no order for entering judgment shall be made by consent unless the terms of settlement are signed by both parties and their counsel.

Party to give consent to Judgment in open Court if not represented by Counsel.

7. Where a party has no counsel such order shall not be made unless the party gives his or her consent in person in open court.

When Orders need not be drawn up.

8. Where an order has been made not embodying any special terms nor including any special directions, but simply enlarging time for taking any proceeding or doing any act or giving leave—

(a) for the issue of any court process other than a writ of attachment ;

(b) for the amendment of any court process ;

(c) for the filing of any process or document ; or

(d) for any act to be done by any officer of the Court, including Legal Practitioners, it shall not be necessary to draw up such order unless the Court otherwise directs ; but the production of a note or memorandum of such order signed by the President of the Court or the Presiding Judge shall be sufficient authority for the enlargement of time, amendment, filing or other act.

Orders to be sealed and signed by the President of the Court or Presiding Judge, etc.

9. An order shall be sealed and signed by the President of the Court or the Presiding Judge, or where the Court is constituted by a single Judge, by the Judge by whom it is made.

ORDER 22

APPLICATION FOR JUDICIAL REVIEW

Cases for application for Judicial Review.

1.—(1) An application for :

(a) an order of mandamus, prohibition or certiorari ; or

(b) an injunction restraining a person from acting in any office in which such person is not entitled to act, shall be made by way of an application for judicial review in accordance with the provisions of this Order.

(2) An application for a declaration or an injunction (not being an injunction under rule (1) (b) of this Rule) may be made by way of an application for judicial review and the Court may grant the declaration or injunction if it deems it just and convenient to grant it by way of judicial review, having regard to :

(a) the nature of the matters in respect of which relief may be granted by way of an order of mandamus, prohibition or certiorari ;

(b) the nature of the persons and bodies against whom relief may be granted by way of such an order ;

(c) all the circumstances of the case.

2. On an application for judicial review any relief mentioned in rule 1 may be claimed as an alternative or in addition to any other relief so mentioned if it arises out of, relates to or is connected with the same matter.

Joinder of
Claim for
relief.

3.—(1) An application for judicial review shall be brought within three months of the date of occurrence of the subject of the application and no leave shall be required for that purpose.

Time within
which to
bring
Application.

(2) The application shall be made by originating process.

(3) The originating process shall be served on all persons directly affected and where it relates to any proceedings before a Judge or tribunal and the object of the application is either to compel the Judge or tribunal or an officer of the Court or tribunal to do any act in relation to the proceedings, or to quash them or any order made therein, the process shall also be served on the Clerk or Registrar of the Court or tribunal and where any objection to the conduct of the Judge or tribunal is made, on the Judge or tribunal.

(4) Unless the Court otherwise directs, there shall be at least seven clear days between the service of the originating process and the day named therein for the hearing.

(5) An affidavit giving the names and addresses of and the place and dates of service on all persons who have been served with the originating process shall be filed before the process is entered for hearing and where any person who ought to be served under this rule has not been served, the affidavit shall state that fact and the reason for it. The affidavit shall be before the Court on the hearing of the process.

(6) Where on the hearing of the originating process the Court is of the opinion that any person who ought to have been served has not been served, the Court may adjourn the hearing on such terms, if any, as it may direct in order that the process may be served on that person.

4. An interlocutory application in proceedings on any for judicial review may be made to the Court.

Interlocutory
Application
during
proceedings
for Judicial
Review.

5.—(1) On the hearing of any originating process under rule 3 of this Order, any person who desires to be heard on the process, and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that the person has not been served.

Hearing of
Application
for Judicial
Review.

(2) Where the relief sought is or includes an order of certiorari to remove any proceedings for the purpose of quashing them, the applicant may not question the validity of any order, warrant, committal, conviction, inquisition or record unless before the hearing of the process the applicant has filed a copy thereof verified by affidavit or accounts for the failure to do so to the satisfaction of the Court.

(3) Where an order of certiorari is made in any such case as is referred to in sub-rule 2 of this rule, the order shall, subject to sub-rule 4 of this rule, direct that the proceedings be quashed forthwith on their removal into Court.

(4) Where the relief sought is an order of certiorari and the Court is satisfied that there are grounds for quashing the decision to which the application relates, the Court may, in addition to quashing it, remit the matter to the Court, tribunal or authority concerned with a direction to reconsider it and reach a decision in accordance with the findings of the Court.

(5) Where the relief sought is a declaration, an injunction or damages and the Court considers that it should not be granted on an application for judicial review, the Court may, instead of refusing the application, order the proceedings to continue as if it had been commenced otherwise than by an application for judicial review.

Action taken
in obedience
to Order of
Mandamus
not to be
questioned.

6. No action or proceedings shall be brought or prosecuted against any person in respect of anything done in obedience to an order of mandamus.

Consolidation
of
Applications
on same
Subject
Matter.

7. Where there are more than one application pending against several persons in respect of the same matter and on the same grounds, the Court may order the applications to be consolidated.

ORDER 23

I—JURISDICTION OF CHIEF REGISTRAR

Chief
Registrar
includes
Deputy Chief
Registrar.

1. In this Order, any reference to the Chief Registrar means the Chief Registrar of the National Industrial Court and includes the Deputy Chief Registrar.

Business to
be
transmitted
by the Chief
Registrar.

2. The Chief Registrar may transact all such business and exercise all such authority and jurisdiction as may be transacted or exercised by a Judge in respect of the following matters :

(a) applications for the taxation and delivery of bills of costs and applications for the delivery by any Legal Practitioner of deeds, documents and papers ;

(b) the taking of an account in any case where the Court or a Judge has ordered that the account be taken by the Chief Registrar ;

(c) the taxation of bills of costs.

3. Where any matter under rule 2 of this Order appears to the Chief Registrar proper for the decision of the Court or a Judge, the Chief Registrar may refer the same to the President of the Court or the Presiding Judge or Judge who referred the matter to the Chief Registrar. The President of the Court or the Presiding Judge or the Judge may either dispose of the matter or refer the same back to the Chief Registrar with such directions as he or she may deem fit.

Chief Registrar may refer matter back to the President.

4. Any person affected by an order or decision of the Chief Registrar in the exercise of the jurisdiction conferred upon him or her by this Order may appeal to the Court. Such appeal shall be by notice in writing to attend the Court without a fresh process within 5 days after the decision complained of or such further time as may be allowed by the Court. Unless otherwise ordered, there shall be at least 2 clear days between service of the notice of appeal and the day of hearing. An appeal from the decision of the Chief Registrar shall not operate as a stay of proceedings unless so ordered by the Court.

Appeal from the Order of the Chief Registrar.

5. List of matters to be heard by the Chief Registrar shall be published on the Court's Notice Boards.

Chief Registrar's Cause List.

6. A Legal Practitioner may represent any party in any proceedings before the Chief Registrar under the jurisdiction vested in him or her by this Order.

Party may be represented by Legal Practitioner.

7. The Chief Registrar may with the approval of the President of the Court delegate to any Registrar of the Court any functions required by these Rules to be exercised by the Chief Registrar.

Power of Chief Registrar to delegate to Registrars.

II—CHIEF REGISTRAR'S CERTIFICATE

8. Except as otherwise provided for in these Rules, the directions to be given for or concerning any proceedings before the Chief Registrar shall require no particular form, but the result of such proceedings shall be stated in a concise certificate.

Chief Registrar's Certificate.

9. The certificate of the Chief Registrar regarding account and inquiries shall not, unless the circumstances of the case render it necessary, set out the judgment or order or any documents or evidence or reasons but shall refer to the judgment or order, documents and evidence or particular paragraphs thereof, so that it may appear upon what the result stated in the certificate is founded.

Chief Registrar Certificate to refer to relevant Judgment or Order.

10.—(1) In case of account and/or inquiries the certificate of the Chief Registrar shall be in Form 2 with such variations or modifications as the circumstances may require.

Form of Chief Registrar's Certificate in Cases of Accounts and Transcripts.

(2) The certificate shall state the result of the account and not set the same out by way of schedule, but shall refer to the account verified by the affidavit filed and shall specify by the numbers attached to the items in the account which (if any) of such items that have been disallowed or varied and shall state what additions (if any) that have been made by way of surcharge or otherwise.

(3) Where the account verified by the affidavit has been so altered that it is necessary to have a fair transcript of the account so altered, such transcript may be required to be made by the party prosecuting the judgment or order and shall then be referred to by the certificate. The account and transcripts (if any) referred to by certificates shall be filed therewith.

When Chief Registrar's Certificate becomes binding.

11. Every certificate with the accounts (if any) to be filed therewith shall be transmitted by the Chief Registrar to the Registry for filing and shall thenceforth be binding on all the parties to the proceedings unless discharged or varied upon an application made to the Court before the expiration of 8 clear days after the filing of the certificate.

Taxing of Bills of Cost.

12. When taxing a bill of costs, the Chief Registrar shall indicate in red against every item disallowed, reduced or altered. The substance of the modification made by the Chief Registrar at the bottom of the bill of costs shall certify the net result of the taxation. The bill of costs shall then be transmitted by the Chief Registrar to the Registry for filing and the provisions of rule 10 of this Order shall apply in respect of such certificate.

Certificate may be discharged or varied by the Court.

13. The Court may, where the special circumstances of the case require, upon an application direct a certificate to be discharged or varied at any time after the same has become binding on the parties.

ORDER 24

COSTS

A. COSTS BETWEEN PARTY AND PARTY

Cost fixed at the Court's discretion.

1. In every suit the costs of the whole suit, and of each particular proceeding therein, and the costs of every proceeding in the Court, shall be at the discretion of the Court as regards the person by whom they are to be paid.

Cost follow events.

2. The Court may order the successful party, notwithstanding the party's success in the suit, to pay the costs of any particular proceeding therein.

Court may order payment of Costs to be paid from the fund of Subject Matters of Suit.

3. The Court may order any costs to be paid out of any fund or property to which a suit or proceedings relates.

Court of fix amount of cost at time of Judgment.

4. Where costs are ordered to be paid the amount of such costs shall if practicable be summarily determined by the Judge at the time of delivering the judgment or of making the order.

5. In fixing the amount of costs, the principle to be observed is that the successful party is to be indemnified for the expenses to which the party has been necessarily put in the proceedings.

Principle to be followed in fixing Cost.

6. Where the Court orders costs to be paid or security to be given for costs by any party, the Court may order all proceedings by or on behalf of that party in the same suit or proceedings to be stayed until the costs are paid or security given accordingly, but the order shall not supersede the use of any other lawful method of enforcing payment.

Court may stay proceedings pending payment of Costs by any Party.

7. Where the Court deems it impracticable to determine summarily the amount of any cost which it has adjudged or ordered to be paid, all questions relating thereto may either be determined upon taxation by the Court itself or may be referred by the Court to a taxing officer for taxation to be ascertained for approval by the Court.

Court/Taxing Officer to determine Costs of Taxation.

8. Upon any taxation of costs, the taxing master may, in determining the remuneration to be allowed, have regard, subject to any rule of Court, to the skill, labour and the degree of responsibility involved.

Taxing Costs Matters.

9. In taxation of costs between party and party, nothing shall be allowed in respect of fees paid to the Court beyond what was necessary having regard to the amount recovered on judgment.

Fees to be taken into account in Taxation of Costs.

10. Where upon the taxation of any bill of costs more than one-sixth is deducted from the amount claimed, the Court may either make no order as to the costs of the taxation or may order the party who filed the bill of costs to pay to the other party or parties the costs of taxation.

Principle of Taxation of Bill of Costs.

B. SECURITY FOR COSTS

11.—(1) Where on the application to the Court of the claimant or defendant, as the case may be, it appears to the Court either at the commencement or at any stage of the proceedings—

When a Claimant or Defendant may be ordered to give Security for Costs.

(a) that the claimant or defendant is ordinarily resident out of jurisdiction ; or

(b) that the claimant (not being a claimant who is suing in a representative capacity) is a nominal claimant who is suing for the benefit of some other person and that there is reason to believe that the claimant will be unable to pay the costs of the defendant if ordered to do so ; or

(c) subject to sub-rule (2) of this rule, that the claimant's address is not stated in the originating process or is incorrectly stated therein ; or

(d) that either the claimant or the defendant has changed his or her address during the course of the proceedings with a view to evading the consequences of the litigation, then where, having regard to all the circumstances of the case, the Court thinks it just to do so, it may order either the claimant or the defendant to give such security for the claimant's or defendant's costs of the action or other proceedings.

(2) The Court shall not require a claimant to give security by reason only of sub-rule (1) (c) of this rule if the Claimant satisfies the Court that the failure to state claimant's address or the mis-statement thereof was made innocently and without intention to deceive.

(3) The references in this rule to a claimant and a defendant shall be construed as references to the person (howsoever described on the record) who is in the position of claimant or defendant, as the case may be, in the proceeding in question, including a proceeding on a counter-claim.

Mode of
Security to be
determined
by Court.

12. Where an order is made requiring any party to give security for costs, the security shall be given in such manner, at such time, and on such terms (if any) as the Court may direct.

ORDER 25

COMPUTATION OF TIME

Computation
of Time.

1. Where by any law or any order made by the Court a time is appointed or limited for the doing of any act, the period, if not limited by the hours, shall be reckoned :

(a) as excluding the day on which the order is made or on which the event occurs ;

(b) where the last day of the period is a public holiday the time shall continue until the end of the next day following which is not a public holiday ;

(c) where the act is required to be done within a period which does not exceed 6 days, a holiday shall be left out of account in computing the period.

Court to sit
in Public,
except for
special
reasons.

2. In this Order *holiday* means a day which is a Sunday or a public holiday.

Office Hours.

3. No court process shall be served before 6.00 am or after 6.00 pm. Service effected after 6.00 pm shall be deemed to have been effected the following day, provided that service effected after 6.00 pm on a Saturday shall be deemed to have been effected on the following Monday.

4. The Court may, as often as it deems fit, and either before or after the expiration of the time appointed by these Rules or by any judgment or order of the Court, extend or adjourn the time for doing any act or taking any proceeding :

Provided that any party who defaults in performing an act within the time authorized by the Court or under these Rules, shall pay to the Court an additional fee of ₦50.00 (Fifty Naira) for each day of such default at the time of compliance.

5.—(1) Where a year or more has elapsed since the last proceeding in a cause or matter, the party who desires to proceed shall give to every other party not less than 30 days notice of intention to proceed.

Party
reviving a
Matter after
a year to give
30 days
Notice to the
other Party.

(2) A process on which no order was made shall not be regarded as a proceeding for the purposes of this rule.

6. An application to set aside or remit an award may be made at any time within six weeks after the award has been made and published to the parties but the Court may by order extend the time either before or after it has elapsed.

Application
to set aside
or remit an
Award.

ORDER 26

MISCELLANEOUS PROVISIONS

1. *Court Sittings and Vacation*

1 Subject to the Court for the hearing of causes and matters shall ordinarily be in public but subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Court may for special reasons, hear any particular cause or matter in the presence only of the parties, their Legal Practitioners, if any and the officers of Court.

Court
Sittings.

2. The sittings of the Court for the hearing of causes and matters shall ordinarily be in public but subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Court may for special reasons, hear any particular cause or matter in the presence only of the parties, their Legal Practitioners, if any, and the officers of Court.

Court to sit
in Public,
except for
special
reasons.

3. The several offices of the Court shall be open at such times as the President of the Court shall direct.

Office Hours.

4.—(1) Subject to the directions of the President of the Court, sitting of the Court for the dispatch of civil causes and matters will be held on every week day except:

Sitting and
Vacation
Period.

(a) any public holiday;

(b) during the week beginning with Easter Monday;

(c) during the period beginning on Christmas eve and ending on the 2nd January next following.

(2) There shall be an annual vacation of the Court to commence on such date in August and of such duration, not exceeding six weeks as the President of the Court may by notice appoint.

5.—(1) Notwithstanding the provisions of rule 4 of this Order, any cause or matter may be heard by a Judge or the Court during any of the periods mentioned in sub-rule 4 (1) (c) or 4 (2) of this rule (except on a Sunday or public holiday) where such cause or matter is urgent or the Court, at the request of all the parties concerned, agrees to hear such cause or matter.

Court may sit
during
Vacation with
consent of all
the Parties to
take Urgent
Matters.

(2) An application for an urgent hearing shall be made to the President of the Court or the Presiding Judge of the Division by motion *ex-parte* and his or her decision on such an application shall be final.

(3) The President of the Court may assign one or more Judges to be vacation Judges to attend to any urgent matters during the period of vacation.

Time for
Filing and
Service of
Pleadings to
exclude
Annual
Vacation
Period.

6. The time for filing and service of pleadings shall not run during the annual vacation unless otherwise ordered by the Court.

II—GENERAL

Recovery of
Penalties and
Costs.

7. All fines, forfeitures, pecuniary penalties and costs ordered to be paid may be levied by distress, seizure and/or sale of the movable and immovable property of the person in default of payment.

Notices.

8. Where the publication of any notice is required the same may be made by advertisement in the *Federal Gazette*, unless otherwise provided in any particular case by any rule of Court or otherwise by the Court.

Document for
filing to be
duly endorsed
by Registrar.

9. Any document filed must have endorsed on it the name and number of the cause, the date of filing, whether filed by claimant or defendant and which endorsement shall be initialed by the Registrar and recorded in the Process Register.

How
Warrants etc.
for execution
are to
address.

10. All warrants and orders of whatever description shall be addressed for execution by being directed to the Sheriff; but this provision shall not prevent any order or warrant from being addressed to a person by name or to officers of Court generally or to a Local Government Authority.

Government
department
excluded from
paying Fees.

11. No fees are to be taken in respect of any proceedings where such fees are payable by any Government Department:

Provided that when any person is ordered to pay the costs of the State or of any Government Department in any case, whether in criminal or civil proceedings as the case may be, all such fees shall be recoverable from such person.

Regulations.

12. The Regulations regarding fees shall govern the payment and disposal of fees and the duties of Court officers in regard thereto.

Saving.

13. Where no provision is made by these Rules or by any other written law, the Court shall adopt such procedure as will in its view do substantial justice between the parties.

ORDER 27

BUSINESS IN CHAMBERS

Representation
in Chambers.

1. In any proceedings in Chambers, any party may be represented by a Legal Practitioner.

2. Unless any party or counsel objects, any interlocutory proceedings may be conducted in Chambers and any such proceedings may be adjourned from Court to Chambers or *vice versa*.

Interlocutory Proceedings may be conducted in Chambers.

3. Records shall be kept of all proceedings in Chambers with proper dates, so that all such proceedings in such cause or matter may appear consecutively and in chronological order, with a short statement of the question or points decided or ruled on at every hearing.

Proceedings in Chambers to be properly recorded.

4. Orders made in Chambers shall, unless the Court otherwise directs, be drawn up by the Registrar and signed by the Presiding Judge. Such orders shall be entered in the same manner as orders made in Court.

Orders made in Chambers to be drawn up.

5. Subject to the provisions of the Act and of these Rules, the costs of and incidental to all proceedings in Chambers shall be at the discretion of the Court.

Costs of proceeding in Chambers to be fixed at Court discretion.

6. Subject to the provisions of the Act and of these Rules, an Application to set aside or vary an order made in chambers may be made by a party when such an order is made in his absence and it shall be the discretion of the court or judge in chambers to vary such order.

Application to set aside or vary Order made in Chambers may be made.

ORDER 28

TRANSFER OF CASES

1. Where the Court has in the exercise of the powers conferred by Section 24 (2) of the Act directed that any cause or matter be transferred to the Federal High Court, the High Court of a State or of the Federal Capital Territory, Abuja, the Court shall make an order under the hand of the President of the Court, Presiding Judge or, in their absence, another Judge appointed under Section 2 (4) (a) of the Act, to that effect and shall specify in the order the High Court to which the cause or matter is transferred.

Transfer of Cases to other High Courts

2. The Registrar shall forthwith send a certified copy of the order made under rule 1 of this Order to the Chief Registrar of the High Court named in the order together with certified copies of all processes and record of proceedings of the Court relating to the cause or matter in question.

Duty of Registrar.

3. Where in exercise of the powers conferred by section 24 (3) of the Act any cause or matter has been transferred to the Court from the Federal High Court, the High Court of a State or of the Federal Capital Territory, Abuja, the Registrar shall on receipt of the order making the transfer enter such cause or matter in the Cause Book and notify the parties concerned and shall thenceforth, subject to any directions that may be given in any particular case by the President of the Court, or, as the case may

Transfer of Cases from other High Courts.

be, the Presiding Judge, or, in his or her absence, another Judge appointed under section 2 (4) (a) of the Act, treat the cause or matter as if it had been originally filed in the Court in accordance with any of these Rules, as may be appropriate.

ORDER 29

COMMITTAL FOR CONTEMPT OF COURT

Exercise of
the Power of
Committal.

1.—(1) The power of the Court to punish for contempt of court may be exercised by an order of committal.

(2) An order of committal may be made by the Court where contempt of court—

(a) is committed in connection with any proceedings before the Court ; or

(b) is committed in the face of the Court, or consists of disobedience to an order of the Court or a breach of an undertaking to the Court.

Application
for
Committal to
be made by
Motion.

2.—(1) An application for an order of committal shall be made to the Court by motion on notice supported by an affidavit, stating the grounds of the application.

(2) The notice of motion, affidavit and grounds shall be served personally on the person or any principal officer of the body sought to be committed but the Court may dispense with personal service where the justice of the case so demands.

Court may
make Order
of Committal
San motu.

3. Nothing in the foregoing provisions of this Order shall be taken as affecting the power of the Court to make an order of committal of its own motion against a person guilty of contempt of court.

Provisions as
to Hearing of
Committal
Application.

4.—(1) Subject to sub-rule (2) of this rule, the Court hearing an application for an order of committal may sit in private where it appears to the Court that in the interest of justice or for reasons of national security the application should be heard in private ; but except as aforesaid, the application shall be heard in open court.

(2) Where the Court hearing an application in private by virtue of sub-rule (1) of this rule decides to make an order of committal against the contemnor, it shall in open court state—

(a) the name of the contemnor and his or her position ;

(b) in general terms the nature of the contempt committed ; and

(c) the length of sentence imposed.

(3) Except with the leave of the Court on the hearing of an application for an order of committal, no grounds shall be relied upon at the hearing except the grounds set out in the statement under rule 2 of this Order.

(4) On the hearing of the application the contemnor may give oral evidence.

Saving
Provisions
for
Contempt in
the Face of
Court.

5. The foregoing provisions are without prejudice to the powers of the Court to commit for contempt committed in the face of the Court.

6.—(1) The Court by which an order of committal is made may by order direct that the execution of the order of committal shall be suspended for such period or on such terms or conditions as it may specify.

Power to suspend execution of Committal Order.

(2) Where execution of an order of committal is suspended by an order under sub-rule (1) of this rule, the sheriff shall, unless the Court otherwise directs, serve on the contemnor a notice informing him or her of the making and terms of the order under that sub-rule.

7.—(1) The Court may on the application of any person committed to prison for any contempt of court discharge him or her.

Discharge of the person Committed.

(2) Where a person has been committed for failing to comply with a judgment or order requiring him or her to deliver up any thing to some other person or to deposit it in Court or elsewhere, and a writ of sequestration has also been issued to enforce that judgment or order, then if the thing is in the custody or power of the person committed, the Sheriff may take possession of it as if it were the property of the person and without prejudice to the generality of sub-rule (1) of this rule, the Court may discharge the person committed and may give such directions for dealing with the thing taken by the Sheriff as it thinks fit.

8. Nothing in the foregoing provisions of this Order shall be taken as affecting the power of the Court to make an order requiring a person guilty of contempt of court, or a person punishable by virtue of any enactment in like manner as if he or she had been guilty of contempt of Court to pay a fine or to give security for his or her good behaviour, and those provisions, so far as applicable, and with necessary modifications, shall apply in relation to an application for such an order as they apply in relation to an application for an order of committal.

Payment of Fine or giving of Security.

9.—(1) Every writ of attachment issued in a case to which this Order applies shall be made returnable before the Court.

Every Writ of Attachment shall be returnable before Court.

(2) Where a return of *non est* investus is made, one or more writ may be issued on the return of the previous writ.

ORDER 30

STAY OF EXECUTION AND STAY OF PROCEEDINGS PENDING APPEAL

1. An application made to the Court for a stay of execution or proceedings under any judgment or decision appealed from shall be made by notice of motion supported by affidavit setting forth the grounds upon which a stay of execution or of proceedings is sought.

Stay of Execution or Stay of Proceedings pending Appeal.

2. An applicant for stay of execution of a judgment or for stay of proceedings under this Order shall compile the records of appeal within 21 days from the date of filing a notice of appeal and where the record is not so compiled, the respondent may apply to strike out the application or discharge the order where already granted.

Compilation of Record.

Application for Stay once struck out cannot be re-filled.

Formal Order to be drawn up.

- 3.—(1) An application for stay shall be regarded as an urgent matter.
- (2) Where the Court has struck out an application for stay, no further application for stay shall be made in the same matter.
4. In any application made to the Court under this Order a formal order shall be drawn up embodying the terms of the decision of the Judge and bearing the date upon which the order is made.

ORDER 31

FEES AND ALLOWANCES

Fees and Allowances.

1.—(1) Subject to the Provisions of any written law and of the foregoing Orders, the fees set out in Appendix 1 to these Rules shall be payable by any person commencing the respective proceedings or desiring the respective services for which they are specified in the Appendix.

(2) The allowances set out in Appendix 2 to these Rules shall be payable to the various categories of witnesses mentioned therein by any person at whose instance they testify.

(3) A witness who testifies at the instance of the Court acting on its own motion shall be paid out of public revenue.

(4) The President of the Court may from time to time issue Practice Directions modifying the fees and allowances stipulated in the foregoing Appendices to reflect current economic realities and other prevailing circumstances.

Regulations.

2. The regulation set out in Appendix 3 to these Rules shall be observed by all officers of Court concerned with the rendering of services and or collection of fees payable under the provisions of these Rules.

FORM 1

GENERAL FORM OF COMPLAINT

(0.3, r.1)

IN THE NATIONAL INDUSTRIAL COURT in the Judicial Division

BETWEEN

A.B. Claimant/Appellant

AND

C.D. Defendant/Respondent

To C.D. of in the of

You are hereby commanded that within Fourteen days after the service of this Complaint on you, inclusive of the day of such service you do cause an appearance to be entered for you in an action at the suit of A.B. and take notice that in default or

your so doing the Claimant/Applicant may proceed therein, and judgment may be given in your absence.

DATED this day of 20.....

.....
Registrar

Memorandum to be subscribed on the Complaint

N.B.:

This Complaint is to be served within six calendar months from the date thereof, or, if renewed, within three calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant/respondent may enter appearance personally or by Legal Practitioner either by handing in the appropriate Forms, duly completed, at the Registry of the National Industrial Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

Endorsements to be made on the Complaint before issue thereof—

The claimant's claim is for, etc.

.....
This Complaint was issued by G.H., of
is
of Legal Practitioner for the said claimant
who resides at (d)
..... (mention the city, town or
district and also the name of the street and number of the house of the claimant's
residence, if any).

Endorsement to be made on copy of Complaint forthwith after service.

This Complaint was served by me at on the
defendant (here insert mode of service) on the day of
..... 20

INDORSED the day of 20.....

.....
(Signed)

.....
(Address)

Note :

(a) *Heading and Title.*— If the matter relates to any inter or intra Union dispute the Complaint must be headed : "In the Matter of Trade Union Act" In the Matter of Inter (or Intra) Union dispute : In the matter of Union (in the case of intra Union dispute) "Between Union (if inter-union dispute) or individual(s) and capacity in which he or they are suing, if intra Union) and Union (if inter-union dispute) or individual(s) and capacity in which or they are suing, (if intra Union dispute)

(b) *Endorsement of Claim.*— If the claimant sues, or defendant/respondent is sued, in a representative capacity, the endorsement must state in what capacity the claimant sues or the defendant/respondent is sued. See 0.4 r. 2. If the claim is for a debt or liquidated demand only, the endorsement, even though not special, must strictly comply with the provisions of 0.4.r.3, including a claim for four day's costs.

(c) *Address for Service.*—see 0.4.r.5. The address must be within the jurisdiction.

(d) *Address of Claimant.*—In the case of company in liquidation the claimant's address should run ".....claimants, who are a company in liquidation. The liquidator is (name of liquidator)".

In the case of a foreign corporation within the meaning of Part 10 of the Companies and Allied Matters Act the claimant's address should run thus :

".....Claimants, who are a foreign corporation within the meaning of the Companies and Allied Matters Act. The registered name and address of the person to be served are (here add registered name and address)".

(e) *Endorsement of Service.*— See 0.7.r.12.

Before the Complaint is issued the following certificate must be indorsed on it :

The Registry, National Industrial Court.

In the Judicial Division.

A sufficient affidavit in verification of the endorsement on this Complaint to authorize the sealing thereof had been produced to me this Day of 20.....

.....
(Signature of Registrar)

FORM 2

CERTIFICATE OF THE CHIEF REGISTRAR

(0.25, r10(1))

PARTIES

Pursuant to the directions given to me by Hon. Justice

I hereby certify that the result of the accounts and inquiries which have been taken and made in pursuance of the judgment (or order), in this cause dated theday ofis as follows—

1. The defendants of have received the amount of ₹ and they have paid, or are entitled to be allowed an account thereof, sums to the amount of ₹ leaving a balance due from (or to), hem of ₹ on that account.

2. The particulars of the above receipts and payments appear in the account marked verified by the affidavit of filed on the day of And which account is to be filled with this certificate, except that in addition to the sums appearing on such account to have been received, the said defendants are charged with the following sums (state the same here or in a schedule), and except that I have disallowed the items of disbursement in the said account numbered and (or in cases where a transcript has been made).

3. The defendants have brought in an account verified by the affidavit of filed on the day of and which account is marked, and is to be filed with this certificate. The account marked and which is also to be filed with this certificate, is a transcript of the account as altered and passed.

N.B. :

The above numbers are to correspond with the number in the order after each statement : the evidence produced is to be stated as follows—

The evidence produced on this account (or, inquiry) consists of the following document..... filed onday of....., 20..... of the affidavit of C.D., filed

APPENDIX I

ORDER 31 RULE 1

FEE PAYABLE

IL	For the recovery of a specified sum—	N K
	(a) not exceeding ₦20,000	1,000.00
	(b) exceeding ₦20,000 ; but not above ₦100,000 ..	1,500.00
	(c) exceeding ₦100,000 ; but not above ₦1,000,000 ..	2,500.00
	(d) exceeding ₦1,000,000 per ₦1,000,000 or part thereof	1,500.00
	(e) maximum fee	50,000.00
	(f) claim in foreign currency shall be converted into the local currency as assessed above.	
2.	For the recovery of an unspecified sum the fee payable is the same as the maximum payable per relief. For set off or counter-claim : the same as Payable under item 1.	
3.	For an account to be taken and payment of the sum found due—	
	(a) initial fee	1,000.00
	(b) second fee (payable before setting down for judgment) : per ₦100 or part thereof found due in excess of ₦200	1,000.00
	(c) maximum fee	5,000.00
4.	<i>Originating Process</i>	
	(a) originating summons	500.00
	(b) oaths	20.00
	(c) filing	50.00
	(d) double sealing	100.00
	(e) one exhibit each service as per distance	10.00
	(f) service as per distance but not less than ₦100.00 per each.	
5.	<i>Motion on Notice</i>	
	(a) motion on notice	200.00
	(b) oaths	20.00
	(c) filing	50.00
	(d) double sealing	50.00
	(e) one exhibit each service as per distance	10.00
	(f) service as per distance but not less than ₦100.00 per each.	
6.	<i>Motion Ex-parte</i>	
	(a) motion Ex-parte	200.00
	(b) oaths	20.00
	(c) filing	50.00
	(d) double sealing	50.00
	(e) one exhibit each service as per distance	10.00
	(f) service as per distance but not less than ₦100.00 per each.	

	N	K
7. For any other relief or assistance not specially provided for Applications, Affidavits, Judgments, Order, Security Bonds, Warrants and Writs.		50.00
8. On application for a writ of Habeas Corpus		500.00
9. On filing any other application—		
(a) if on Notice	500.00
(b) if ex-parte	
(c) if accompanied by the other papers same as payable under items 4, 5 & 6		
10. On filing an affidavit	20.00
11. On filing a security bond	200.00
12. On filing any other paper	50.00
13. On justification of sureties: for each surety	500.00
14. For the issue of a writ of Habeas Corpus	500.00
15. For the drawing up of any order or judgment	200.00
16. For an inquiry by a court officer where so ordered : for each setting		200.00
17. For an account taken by a court officer where so ordered : per ₦100 or part thereof fund to have been received		10.00
18. For taking down a person's statement where so ordered as the court may direct but not exceeding		10.00
19. For searching the archives : for each period of six months or part thereof	100.00
20. For drawing up a bill of costs where so directed ; Per folio of 72 words	5.00
21. For taking costs where so ordered : per ₦10 or Part thereof		1.00
22. For preparing a copy where authorized : per folio of 72 words		5.00
23. For every subpoena	50.00
Witness allowance not less than	200.00
24. On warrant for prisoner to give evidence	500.00
25. On commission to take evidence		
(a) out of the jurisdiction	5,000.00
(b) within the jurisdiction	2,000.00
26. For attesting the execution or signature of an instrument (other than an instrument regarding payment of pension by Government) not otherwise provided for		20.00

	N	K
27. For sealing any document not in proceedings		50.00
28. For certifying a copy as a true copy : per folio of 72 words or part thereof		5.00
29. For certifying a record of proceeding per folio		5.00
30. For payment into court (except when ordered by the Court or proceeds of execution)		
(a) not exceeding ₦100 per ₦20 or part thereof		2.00
(b) exceeding ₦100 per ₦100 or part thereof		10.00
(c) on payment into an interest yielding account, Part of interest paid into Court		1%
31. On appointment of Commissioner to administer Oaths and take declarations (not being a Government Officer)		500.00
32. For sealing a letter of request		500.00
33. On transfer of a foreign judgment		500.00
34. For certificate of service of foreign process (where not disallowed by convention)		200.00
35. For the service of any document or process Initial fees plus distance in kilometres :		
(a) each service as per distance but not below but within 12 kilometres from the court		100.00
(b) if beyond 12 kilometres for every subsequent 2 kilometres or part thereof (one way)		10.00
(c) if outside jurisdiction and in addition the postage fee or courier charges as the case may be		100.00

TRANSLATIONS

For ever folio of 72 words	5.00
Attestation to translation	20.00

FEES FOR REGISTRATION OF JUDGMENTS

Registration of a certificate of a judgment of a High Court	200.00
Registration of a certificate of a judgment of any court.	

REGISTRATION OF A CAVEAT

For filing a caveat	200.00
-----------------------------	--------

APPENDIX 2

ORDER 31 RULE 1(2)

ALLOWANCES TO WITNESSES

Professional men mercantile agents, bank managers, chiefs, surveyors, and any officer of the public service whose salary is not less than N5,000 a year

Per diem
N : K

Merchants, Captains of ships, mercantile assistances and officers in the public service whose salary is N5,000 but less than N20,000 per month

TRANSPORT ALLOWANCES

- (a) By private car per kilometre as per allowance granted ;
 (b) By private motorcycle per kilometre as per allowance granted ;
 (c) Maximum assessment by the court and not an officer unless the applicant requests for payment of fare by the court.

NOTE:

*The traveling expenses of witnesses shall be allowed according to the sums reasonably and actually paid. No allowance is made to an officer of the public service who is summoned as a witness by the Government or by any department of the government. In all other cases he is allowed costs and traveling expenses as if he were not an officer in the public service. Fees, costs expenses payable to an officer in the public service shall be paid into revenue unless otherwise ordered.

2. No document in respect whereof a fee is payable shall be used in proceedings unless it has been initialed by the Registrar or a clerk of the court or unless the court is otherwise satisfied that the proper fees in respect thereof have been paid.

ORDER 31, RULE 2

REGULATIONS REGARDING FEES

1. No summons, warrant, writ or subpoena shall, except by special order of the court, be issued until—

- (a) all fees payable thereon as contained in the appropriate Appendix of fees shall have been paid ; and
 (b) an account thereof, initialed by the officer issuing the process both in the margin and in the counter-foil thereof.

Made at Abuja this 1st day of August, 2007.

Justice B. A. Adeniji
 President

National Industrial Court of Nigeria

Fees to be carried to account on process being signed/ Counterfoil receipt to be produced on Signature.

Document to be endorsed with amount of fees and number of receipt.

Counterfoil receipt to be produced on Signature/ Fees for service to be paid into revenue.

No documents to be used unless fee paid.

Fees for service to be paid into revenue.

Mode of returning fees.

2. All such fees shall be carried to account immediately on the process being signed by the Judge.

3.—(1) Every document, for or in respect of which any fee has been paid shall bear an endorsement initialed by the Registrar or other officer showing the amount of the fee so paid and the number of receipt referring to the payment.

(2) When any form of process specifies the fees thereof, it shall be sufficient for the Registrar or other officer to initial the amount of the fees appearing thereon, and to quote the number of the receipt.

4. Every Registrar or other officer submitting any originating or process whatever for signature by a Judge shall at the same time produce the stamp of the receipt given for the fees of such process.

5. No document in respect whereof a fee is payable shall be use in any legal proceeding, unless it has been initialed as aforesaid by the Registrar or other officer or unless the court is otherwise satisfied that the proper fees in respect thereof has been paid.

6. All fees for service, execution and distance in kilometers shall be paid into revenue.

7. No hearing fee or other fee shall be returned except upon a voucher payable to the Treasury, in favour of the party entitled to receive it and prepared at the direction of the Judge before whom the cause or matter is set down and comes for hearing.

MADE at Abuja this 1st day of August, 2007.

JUSTICE B. A. ADEJUMO
President
National Industrial Court of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Rules but is intended to explain their purport)

These Rules provide for the rules of procedure to be followed in the National Industrial Court of Nigeria.

EXHIBIT NOTE

(This note does not appear in the report. Exhibit is intended to copy the exhibit.)
The exhibit provides for the use of the material to be followed in the National
Institute of Child Development