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COURT OF APPEAL RULES, 2021



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S. I. No. 100 of 2021

## COURT OF APPEAL RULES, 2021

[1st Day of November, 2021]

Commence-  
ment

In exercise of the powers conferred upon me by Section 248 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and by virtue of all powers enabling me in that behalf, I, MONICA BOLNA'AN DONGBAN-MENSEM, President, Court of Appeal, hereby make the following Rules—

## PART I

## : ORDER 1—GENERAL

1. These Rules may be cited as the Court of Appeal Rules, 2021 and shall come into force on the 1st day of November, 2021.

Short Title

2. The Court of Appeal Rules, 2016 is hereby repealed.

Repeal

3. The practice and procedure of the Court shall, subject to the Act, be as prescribed by these Rules notwithstanding any rule of practice to the contrary in any State of the Federation.

Conflict  
with State  
Rules of  
Practice

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

Forms

5. In these Rules, unless it is otherwise expressly provided or required by the context—

Interpretation

“*Act*” means the Court of Appeal Act ;

“*ADR*” means Alternative Dispute Resolution ;

“*Appeal*” means the filing of Notice of Appeal, and includes an application for leave to appeal ;

“*Appellant*” means any person who appeals from a decision of a Lower Court and includes a Legal Practitioner representing such a person in that behalf ;

“*Applicant*” means any person who applies to the Court for an Order ;

“*Bailiff*” means a person authorised to serve court processes and carry out such other function(s) as the Court may, from time to time, assign to him. Also includes any Special Bailiff appointed by the Court ;

“*CAADRC*” means Court of Appeal Alternative Dispute Resolution Centre ;

“*CAADRP*” means Court of Appeal Alternative Dispute Resolution Programme ;

“*Cause*” includes any action, suit or other proceedings between an Appellant and a Respondent or any Applicant and a Respondent ;

*"Chief Registrar"* means the Chief Registrar of the Court ;  
*"Committee"* means the Rules of Court Advisory Committee established under these Rules ;  
*"Constitution"* means the Constitution of the Federal Republic of Nigeria, 1999 (as amended) ;

*"Cost on full indemnity basis"* means cost to indemnify a party for expenses reasonably incurred in an appeal up to the time of striking out or dismissing an appeal or an application for lacking in merit ;

*"Court"* means the Court of Appeal ;

*"Court sitting"* includes the physical and virtual sitting of the Court ;

*"Decision"* means, in relation to a Court, any determination of that Court and includes judgment, decree, order, conviction, sentence, verdict or recommendation ;

*"Electronic devices"* includes computers, e-readers, storage devices, flash devices, input devices and output devices, audio-visual devices or such similar devices used in the typing or production of the Record of Appeal ;

*"Eligible Institution"* includes insurance companies, suretyship companies, banks or other financial institutions ;

*"Indigent person"* means a person whose annual income is less than the annual wage of persons in Grade Level 01 in the civil service of the Federation ;

*"Judgment"* includes a decision or an order ;

*"Justice"* means Justice of the Court of Appeal, including the President ;

*"Legal representative"* means a person admitted to practise in the Supreme Court who has been retained by or assigned to a party to represent him in the proceedings before the Court ;

*"Lower Court"* means the court from which an appeal is brought ;

*"Out of the jurisdiction of the Court"* means outside the territory of the Federal Republic of Nigeria ;

*"President"* means the President of the Court of Appeal ;

*"Presiding Justice"* means any Justice of the Court of Appeal duly designated by the President to take charge of a Judicial Division of the Court ;

*"Record"* means anything or process—

(a) on or by which information is recorded or stored by the Court ; or

(b) by means of which a meaning can be conveyed by any means in a visible or recoverable form, whether or not the use or assistance of some digital, electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning.

*"Registrar"* means the Chief Registrar, Deputy Chief Registrar, Assistant Chief Registrar, Principal Registrar, Senior Registrar, Registrar of the Court or any other officer of the Court (by whatever title called) exercising functions analogous to those of a Registrar of the Court ;

*"Registrar of the Lower Court"* means the Chief Registrar or other administrative staff (howsoever called) of the Lower Court ;

*"Registry"* means the Registry of the Court of Appeal at its Headquarters or any of the Divisions of the Court ;

*"Respondent"* in a civil appeal means, any party (other than the Appellant or Applicant) directly affected by the appeal or application ; and in a criminal appeal, means the person who undertakes the defence of the judgment appealed against and includes a Legal Practitioner representing such a person in the proceedings before the Court ;

*"Rules"* means these Rules or any amendment thereto or any other additional Rules made under the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and includes the Fees and Forms as contained in the Schedules to these Rules ;

*"Supreme Court"* means the Supreme Court of Nigeria ; and

*"Virtual hearing"* means proceedings of the Court conducted electronically or through the use of electronic or audio-visual means.

#### ORDER 2—SERVICE

1.—(a) Every Notice of Appeal shall, subject to the provisions of Order 2 Rule 8, be served on the Respondent personally or by electronic mail to the electronic mail address of the Respondent : Provided that if the Court is satisfied that the Notice of Appeal has in fact been communicated to the Respondent, no objection to the hearing of the appeal shall lie on the ground that the Notice of Appeal was not served in accordance with this Rule.

Service of  
Notice of  
Appeal

(b) Except as may be otherwise provided in these Rules or in any other written law, it shall not be mandatory for notices, orders, summonses, warrants or other processes of the Court to be served personally.

2.—(1) The Registry of the lower court or the Appellant shall, after the Notice of Appeal has been filed, cause to be served a certified copy thereof upon each of the parties mentioned in the Notice of Appeal, but it shall not be necessary to serve any party not directly affected: Provided that the Court may, *suo motu* or on the application of any person claiming to be affected, direct notice to be served on all or any parties to the action or other proceeding or upon any person not a party and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may be just and make such order(s) as might have been made if the persons served without notice had been originally parties to the appeal.

Service of  
Notice on  
Parties  
mentioned

(2) In any case in which the Court directs that the Notice of Appeal shall be served on any party or person, the Court may also direct that any Respondent's Notice shall be served on such person.

(3) Where a Notice of Appeal is served on the Respondent by the Bailiff of the Court, the Bailiff shall duly file an affidavit of such service at the Registry of the Court.

Notice of  
Appeal and  
Address for  
Service

3. Where in any proceeding in the lower court, a party has given a physical or electronic address for service, notice of any application preparatory or incidental to any appeal may be served in like manner as a Notice of Appeal under Rule 1 (a) of this Order.

Respondent's  
Notice and  
Address for  
Service

4.—(1) Every person who by virtue of service on him of a Notice of Appeal becomes a Respondent to any appeal shall within fourteen (14) days after service on him of the Notice of Appeal, file ten (10) hard copies and an electronic copy of a notice of his full and sufficient address for service with the Registrar of the lower court. The Registrar of the lower court shall forthwith send a copy of the notice of address to the Registrar and shall cause a copy thereof to be served on the Appellant.

(2) Such notice may be signed by the Respondent or his legal representative. The electronic signature of the Respondent or his legal representative shall suffice for the electronic version of the notice.

Address for  
Service

5. Any reference in these Rules to an address for service means a physical or postal address within the Federal Republic of Nigeria or an electronic mail address or a facsimile number or telephone number or any other mode of communication as may become available where notices and other processes, which are not required to be served personally, may be left or sent or posted or transmitted.

Endorsement  
of Address  
for Service

6. Where under these Rules, any notice or other process is required to have an address for service endorsed on it, it shall not be accepted for filing by the Registry of the lower court or the Registry of the Court, or where accepted, it shall not be deemed to have been properly filed in so far as such address has not been endorsed on it.

Mode of  
Service

7. Where under these Rules any person has given an address for service, inclusive of an electronic mail address, any notice or other process shall be sufficiently served upon him if—

(a) left at that address, or

(b) sent by registered post to that address and in which case if the date of service by post is material, Section 26 of the Interpretation Act shall apply, or

(c) transmitted by electronic means to the electronic mail address or facsimile number or telephone number or any other mode of electronic communication.

**8.** Any party to an appeal or intended appeal may change his address for service at any time, by filing and serving on the Court and all other parties to the appeal or intended appeal, a notice of such change.

Change of  
Address and  
Notification  
of Change

**9.** Where any person has given the address of a Legal Practitioner as his address for service and the Legal Practitioner is not, or has ceased to be instructed by him for the purpose of the proceedings concerned, it shall be the duty of the Legal Practitioner to inform the Registrar as soon as may be practicable that he is not or no longer authorised to accept service on behalf of such person, and if he fails or omits to do so, he may be ordered to personally pay any costs occasioned thereby.

Address of  
Legal  
Practitioner

**10.** 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 is representing the Federal or a State Government, in any proceedings in the Court, whether civil or criminal, any notice or other document may be served on him by leaving it at or by sending it by registered post to his chambers or office, or electronically and service in this manner shall be as effective as if it were personal service.

Ex-Officio  
Service

**11.—(1)** Where any person who is out of the jurisdiction of the Court is a necessary or proper party to an appeal before the Court and it is necessary to serve him with the Notice of Appeal or other document relating to the appeal, the Court may allow service of the Notice of Appeal or such other document out of the jurisdiction of the Court.

Service  
outside  
Jurisdiction

(2) Every application for leave to serve a Notice of Appeal or other document on a person who is out of the jurisdiction of the Court shall be supported by an affidavit showing in what place or country such a person is or may be found and the grounds upon which the application is made.

(3) Any order granting leave to effect service out of the jurisdiction of the Court shall prescribe the mode of service and the Court may receive an affidavit or statutory declaration of such service having been effected as *prima facie* evidence of such service thereof.

### ORDER 3—REGISTRARS, REGISTRIES AND SESSIONS

**1.** The Chief Registrar shall have custody of the records, both physical and electronic, of the Court and shall exercise such other functions as are assigned to him by these Rules and by such directions as the President may give from time to time.

Chief  
Registrar

Other  
Registrars

2. The President may assign, and the Chief Registrar may, with the approval of the President, delegate to the Deputy Chief Registrar or to any Registrar of the Court any function required by these Rules to be performed by the Chief Registrar.

Powers of  
the Chief  
Registrar

3. Except as may be otherwise provided in the Constitution, or in any other enactment, the Chief Registrar shall have powers and duties as are given to him by these Rules or such further powers and duties as the President may direct.

Seal of the  
Court

4. The Court shall have and use, as the occasion may require, a seal having a device or impression approved by the President and bearing the inscription "The Court of Appeal" or an electronic version of it.

Custody of  
the Seal

5. The Seal of the Court, both physical and electronic versions, shall be kept in the custody of the President who may entrust same or a duplicate or electronic version of it to such officers of the Court as the President may think fit.

Duties of  
the Registrar

6.—(1) The Registrar shall keep—

- (a) A Criminal Appeal Book ; and
- (b) A Civil Appeal Book ;

each of which shall be in both manual and electronic format and shall contain an index in alphabetical order.

(2) The following particulars shall be entered in the Criminal Appeal and the Civil Appeal Books—

- (a) the number of the appeal or application ;
- (b) the names of the Appellant or Applicant and the Respondent ;
- (c) the Court from which the appeal is brought ;
- (d) the names of Counsel ;
- (e) the subject matter of the Appeal or application ;
- (f) the date, place and mode of hearing of the appeal ;
- (g) the judgment of the Court ; and
- (h) any subsequent proceedings and remarks.

Files of  
Documents

7.—(1) As soon as a Notice of Appeal is delivered, the Registrar shall prepare a physical file in which documents relating to the appeal shall be filed and on the front page thereof shall be recorded particulars of such documents, date and time of receipt.

(2) Pursuant to Order 20 Rule 10 of these Rules, the Registrar shall furnish to the Electronic Unit of the Registry of the Court, copies of filed processes in an appeal to enable the Electronic Unit of the Registry of the Court prepare an electronic file in which filed processes and documents relating to the appeal shall be uploaded and stored for access by the Justices of the Court.

8. Any person aggrieved by any act or order of the Registrar and who intends to have the act or order complained of, set aside or varied, may write to the Court, setting out the complaint, the ground for the complaint, the relief sought and the Court shall deal with the complaint administratively.

Setting aside  
or varying  
Orders of  
Registrar

9.—(1) The Registry of each Judicial Division of the Court shall be situate in a place within which the Judicial Division of the Court is established or such other place(s) as may be designated by the President from time to time.

Registries  
and filing of  
Processes

(2) Except when otherwise expressly provided, all documents and processes relating to an appeal shall be filed in the Registry of the Judicial Division of the Court where the appeal is entered: Provided that whilst the Court is sitting in any Judicial Division or other place of session, any documents or proceedings in connection with a matter to be dealt with at such Division or other place of session may be filed with the Registrar of the Court at such a place.

(3) A document or process relating to an appeal may be filed, physically or electronically, in the Registry of the Judicial Division of the Court where the appeal is entered or such other place of session either by being delivered there by the party or his legal representative or agent in person or by registered post or by electronic means.

Hours of  
Opening  
Registry

10. The Registries of the Court shall, subject to the directions of the President, be open to the public every day in the year from eight o' clock in the forenoon to two o' clock in the afternoon, except on Saturdays and Sundays or on any day declared a public holiday under any written law.

Sessions and  
appearance  
of Counsel  
at Sessions

11.—(1) Sessions of the Court may be convened and constituted and the sessions time, venue and forum for all sessions and for hearing interlocutory applications shall be settled in accordance with general or specific directions to be given by the President.

(2) The Court shall regulate the number of Counsel who may appear before it in any matter : Provided that—

(a) A Senior Advocate of Nigeria shall not appear with more than Five

(5) Counsel ;

(b) Where more than one Senior Advocate of Nigeria appears for the same party in a matter, the number of Counsel appearing with them shall not be more than five ; and

(c) Other Learned Counsel shall not appear with more than two Juniors.

(3) Learned Counsel shall, at all times, comply with the directives of the Court.

Publication  
of cause List

12.—(1) The Registrar shall publish every Friday, a weekly cause list, on the official Notice Board in the Judicial Divisions of the Court and on the official website of the Court, which shall set out the arrangement of fixture of causes for hearing on each day during the following week.

**Notification  
of Sittings**

(2) The sittings of the Court and the matters to be disposed of at such sittings shall be notified to the parties through their addresses for service, both physical and electronic mail address, available to the Court: Provided that the Court may in its discretion hear any appeal and deal with any other matter, whether or not same has been published by the Registrar.

**Adjournments**

**13.** The Court may, at any time, on application by any party, or of its own motion, adjourn any proceedings pending before it from time to time and from place to place.

**Reservation  
of days for  
Judgment**

**14.** The Presiding Justice of a Division of the Court may direct that a certain day of the week be reserved in the weekly cause list for delivery of rulings and judgments.

**ORDER 4—POWERS OF THE COURT AND ENTERING OF APPEAL**

**General  
Powers of  
the Court**

**1.** In relation to an appeal, the Court shall have all the powers and duties as to amendment and otherwise of the lower court, including without prejudice to the generality of the foregoing words, in civil matters, the powers of the lower court in civil matters to refer any question or issue of fact arising on the appeal for trial before or inquiry and report by, an official or special referee. In relation to a reference made to an official or special referee, anything, which can be required or authorised to be done by, to or before the lower court, shall be done by, to or before the Court.

**Further  
Evidence**

**2.** The Court shall have power to receive further evidence on questions of fact, either by oral examination in Court, by affidavit, or by deposition taken before an Examiner or Commissioner as the Court may direct, but, in the case of an appeal from a judgment after trial or hearing of any cause or matter on the merits, no such further evidence (other than evidence as to matters which have occurred after the date of the trial or hearing) shall be admitted except on special grounds.

**Inference  
of fact**

**3.** The Court shall have power to draw inferences of fact and to give any judgment and make any order, which ought to have been given or made, and to make such further or other order(s) as the case may require, including any order as to costs.

**Powers not  
limited by  
Notice of  
Appeal**

**4.** The powers of the Court under the foregoing provisions of this Rule may be exercised notwithstanding that no notice of appeal or Respondent's notice has been given in respect of any particular part of the decision of the lower court, or by any particular party to the proceedings in that Court, or that any ground for allowing the appeal or for affirming or varying the decision of that Court is not specified in such a notice; and the Court may make any order, on such terms as the Court thinks just, to ensure the determination of the merits of the real question in controversy between the parties.

5. The powers of the Court in respect of an appeal shall not be restricted by reason of any interlocutory order from which there has been no appeal.

Powers not limited by Interlocutory Order

6.—(1) The Court shall have the power to make orders by way of injunctions or the appointment of a Receiver or Manager, and such other necessary orders for the protection of property or person, pending the determination of an appeal to it even though no application for such an order was made in the lower court, upon the fulfilment of the following conditions to the satisfaction of the Court—

(a) an undertaking to diligently prosecute the appeal is given by the applicant;

(b) in appeals relating to monetary judgments, a bond, guarantee or other like instrument from an eligible institution, in such sum not exceeding the judgment sum, as the Court may direct, deposited as security for the judgment sum or such sum, as the Court may determine, deposited into an interest-yielding account in the name of the Chief Registrar or Deputy Chief Registrar of the Court; and

(c) in appeals relating to land, an undertaking to pay damages if the appeal is unsuccessful.

(2) Where an applicant has filed an application for stay of execution and the application is accompanied by *prima facie* evidence of the satisfaction of the conditions under sub-rule (1) (a), (b) and/or (c) above, no steps shall be taken to enforce the judgment appealed against, pending the determination of the application for stay of execution by the Court.

Impounded Documents

7. Documents impounded by order of the Court shall not be delivered out of the custody of the Court, except in compliance with an order of the Court: Provided that where the Attorney-General of the Federation or of a State or the Director of Public Prosecutions of the Federation or of a State makes a written request in that behalf, documents so impounded may be delivered into his custody.

Inspection of impounded Document

8. Documents impounded by order of the Court, while in the custody of the Court, shall not be inspected except by a person authorised to do so by an order of the Court.

Powers of the Court as to New Trial

9.—(1) On the hearing of any appeal, the Court may, if it thinks fit, make any such order(s) as could be made, pursuant to an application for a new trial or to set aside a verdict, finding or judgment of the lower court.

(2) The Court shall not be bound to order a new trial on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the Court, some substantial wrong or miscarriage of justice has been thereby occasioned.

(3) A new trial may be ordered on any question without interfering with the finding or decision on any other question, and if it appears to the Court that any such wrong or miscarriage of justice as is mentioned in sub-rule (2) of this Rule affects only part of the matter in controversy or one or only some of the parties, the Court may order a new trial as to the party only, or as to that party or those parties only, and give final judgment as to the remainder.

(4) In any case where the Court has power to order a new trial on the ground that damages awarded by the lower court are excessive or inadequate, the Court may in lieu of ordering a new trial—

(a) substitute for the sum awarded by the lower court such sum as appears to the Court to be proper ; or

(b) reduce or increase the sum awarded by the lower court, by such amount as appears to the Court to be proper in respect of any distinct head of damages erroneously included or excluded from the sum so awarded. Except as aforesaid, the Court shall not have power to reduce or increase the damages awarded by the lower court.

(5) A new trial shall not be ordered by reason of the ruling of any Judge of the lower court that a document is insufficiently stamped or does not require to be stamped.

**10.** An appeal is entered in the Court when the Record has been received in the Registry of the Court within the time prescribed by the Rules or within such other extended time as ordered by the Court.

**11.—(1)** After an appeal has been entered and until it has been finally disposed of, the Court shall be seised of the whole of the proceedings as between the parties thereto. Except as may be otherwise provided in these Rules, every application therein shall be made to the Court and not to the lower court.

(2) Nothing in sub-rule (1) above shall be construed as requiring the lower court to order stay of proceedings, or adjourn *sine die*, proceedings in relation to matters or proceedings in the lower court that are not impacted by or to which the appeal entered in the Court of Appeal does not relate to.

#### ORDER 5—REFERENCES AS TO CONSTITUTION AND RESERVED POINTS OF LAW

**1.** When a lower court refers any question as to the interpretation of the Constitution under the relevant provisions of the Constitution, or reserves any question of law for the consideration of the Court in accordance with any written law, the lower court referring or reserving the question of law, as the case may be, shall state a case in Form 1 or 2 in the First Schedule to these Rules, whichever may be appropriate, and the Registrar of the lower court shall forward ten copies directly to the Registrar.

2.—(a) When the lower court making an application consists of three or more Judges, the case shall be stated on behalf of the lower court by a majority of those Judges. Signature of Case Stated

(b) Where a question is referred or reserved by the lower court, the question shall be signed by all or by a majority of the Judges of the lower court referring or reserving the question.

3.—(a) A case stated under this Order shall be divided into paragraphs, contents of which as near as may be, shall be confined to distinct portions of the subject case stated whether facts, point of law or document and every paragraph shall be numbered serially: Contents of Case Stated

(b) It shall state such of the findings of fact as are necessary to explain the question on which the decision of the Court is sought except where in a criminal matter, the question is whether there is any evidence to support any decision, or whether the evidence for the prosecution disclosed a case for the accused person to answer, it shall not contain a statement of the evidence.

(c) It shall also state the contentions of the parties, the opinion or decision (if any) of the Court stating the case and the questions of law for the determination of the Court.

(d) In cases to which Section 305 of the Administration of Criminal Justice Act, 2015 (or similar provision in any State law) applies, the case shall state whether the hearing has been adjourned or the verdict has been postponed or sentence has been passed and whether the person accused or convicted has been committed to prison or admitted to bail.

4.—(1) Subject to the provisions of this Rule, the following persons shall be entitled as of right to appear in person or by a Legal Practitioner at the hearing of any case stated under this Order— Right of audience

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

(b) in any case stated involving a substantial question of law as to the validity of any law enacted by the National Assembly, the Attorney-General of the Federation; and

(c) where the case involves the validity or constitutionality of a law within the competence of a State, the Attorney-General of the particular State where the law is or purports to be in force.

(2) The following persons may, by leave of the Court, appear in-person or by a Legal Practitioner at the hearing of any case stated on the reference to the Court of any question as to the interpretation of the Constitution or any section of the Constitution pertaining to a State as the case may be—

(a) where he is not entitled to appear as of right under sub-rule (1) (b) of this Rule, the Attorney-General of the Federation; and

(b) the Attorney-General of the State.

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

#### ORDER 6—APPLICATIONS TO COURT

Form of Application (Form 3)

**1.**—(a) Every application to the Court shall be by notice of motion, stating the Rule under which it is brought, the grounds for the reliefs sought and shall be supported by an affidavit and a Written Address: Provided that the Respondent(s) shall have five (5) days within which to file processes in response (if any) to the notice of motion and the Applicant shall have three (3) days to file a reply (if any) to the processes of the Respondent(s).

(b) Each written address shall not exceed five (5) pages and the reply on point of law shall not exceed three (3) pages.

Application for leave.

**2.** Any application to the Court for leave to appeal (other than an application made after the expiration of the time for appealing) shall be by notice of motion, which shall be served on the party or parties affected.

Application refused by the Lower Court

**3.** Where an application has been refused by the lower court, an application for a similar purpose may be made to the Court within fifteen (15) days after the date of the refusal.

Application where first made.

**4.** Wherever under these Rules an application may be made either to the lower court or to the Court, it shall not be made in the first instance to the Court, except where there are special circumstances which make it impossible or impracticable to apply to the lower court.

Filing of Notice of Appeal after leave

**5.** Where leave to appeal is granted by the Court or by the lower court, the Appellant shall file a Notice of Appeal within the time prescribed by the Court of Appeal Act.

Extension of time for timely Application

**6.** Where an application for leave to appeal from a decision of the lower court has been brought within the time prescribed by the Court of Appeal Act but has not been heard within that period, the Court, if satisfied that there has not been an unreasonable delay in bringing the application, may extend time to appeal and in the proper case, grant leave to appeal.

Requirement of Application for leave (Form 4)

**7.** The application for leave to appeal from a decision of the lower court shall contain copies of the following—

- (a) notice of motion for leave to appeal (Form 4);
- (b) a certified copy of the decision of the Lower Court sought to be appealed against;
- (c) a copy of the proposed grounds of appeal; and

(d) where leave has been refused by the lower court, a copy of the order refusing leave.

8.—(1) Except with the leave of the Court, a maximum of fifteen (15) minutes on each side will be allowed for oral argument on any application.

Time to Argue Motion

(2) Where the parties have duly filed written addresses and other relevant processes in relation to an application, and any of the parties or their legal representatives do not appear on the day fixed for hearing of the application, the application will be treated as having been duly argued: Provided that the application will still be treated as argued even where a party has failed to file his processes and the time limited for filing has expired.

9.—(1) The Court may enlarge the time provided by these Rules for the doing of anything to which these Rules apply, except as it relates to the taking of any step or action under Order 16.

Enlargement of Time

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

10. An application to set aside any judgment or ruling shall not be brought unless it is filed within fourteen days from the date of delivery of such judgment or ruling or such longer period as the Court may allow for good cause.

When to bring an application to set aside a Judgment or Ruling.

11. Cost shall be awarded against a counsel that allows an incompetent application by an Applicant without bringing it to the notice of the court thereby wasting the time of the court.

Incompetent Applications

12. An Appeal shall be deemed to have been brought when the notice of appeal has been filed in the registry of the lower court.

Appeal when brought

## PARTII—CIVILAPPEALS

### ORDER 7—NOTICE AND GROUNDS OF CIVILAPPEALS

1. Part 2 of these Rules shall apply to appeals to the Court from any Court or Tribunal acting either in its original or its appellate jurisdiction in civil cases, and to matters related thereto.

Applications

2.—(1) All appeals shall be by way of rehearing and shall be brought by notice (hereinafter called “the Notice of Appeal”) to be filed physically or electronically in the Registry of the lower court, which shall set forth the grounds of appeal, stating whether the whole or part only of the decision of the lower court is complained of (in the latter case specifying such part) and shall state also the exact nature of the

Contents and requirements of Notice of Appeal (Form 5)

relief sought and the names and addresses of all parties directly affected by the appeal and shall be accompanied by a sufficient number of copies for service on such parties.

(2) Where a ground of appeal alleges misdirection or error in law, the particulars and the nature of the misdirection or error shall be clearly stated.

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

(4) The Notice of Appeal shall be signed by the Appellant or his legal representative.

Vague Grounds

3. Any ground which is vague or general in terms or which discloses no reasonable ground of appeal shall not be permitted, save the general ground that the judgment is against the weight of the evidence. A ground of appeal or any part thereof which is not permitted under this Rule may be struck out by the Court *suo motu* or on application by the Respondent.

Grounds outside notice

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

Court not restricted by grounds.

5. Notwithstanding the foregoing provisions, the Court in deciding the appeal shall not be confined to the grounds set forth by the Appellant: Provided that the Court shall not if it allows the appeal, rest its decision on any ground not set forth by the Appellant unless the Respondent has had sufficient opportunity of contesting the case on that ground.

Striking out Notice.

6. The Court shall have the power to strike out a Notice of Appeal when an appeal is not competent or for any other sufficient reason: Provided that where the incompetence is not a fundamental defect, the Court may direct a party to rectify any defect in the Notice of Appeal and limit the time within which the defect shall be rectified.

Endorsement as to Fees

7. The Registrar of the lower court shall endorse and/or acknowledge the fees paid, receipt number and the date of payment in respect of both the physical and electronic versions of the Notice of Appeal.

Amendment of Notice of Appeal

8. A Notice of Appeal may be amended by or with the leave of the Court at any time.

#### ORDER 8—COMPILATION AND TRANSMISSION OF RECORDS

Compilation by Registrar

1. The Registrar of the lower court shall within sixty days after the filing of a Notice of Appeal compile, serve the parties and transmit the Record of Appeal to the Court.

Summons to  
settle  
Records  
(Form 6)

2. Pursuant to Rule 1 above, the Registrar of the lower court shall, within fourteen (14) days from the filing of the Notice of Appeal, summon the parties to the appeal before him to—

- (a) settle the documents to be included in the Record of Appeal; and
- (b) fix the amount to be deposited by the Appellant to cover the estimated cost of preparing and forwarding the Record of Appeal.

Settlement  
in absence  
of Parties

3.—(1) Whether any of the parties attend or not, provided the notice has been duly served on the parties to the appeal, the Registrar of the lower court shall proceed to prepare the Record of Appeal by settling and determining the matters stated in Rule 2 (a) and (b) of this Order, encrypt and transmit the Record of Appeal electronically to the Court through the official electronic mail address of the Registry of the Judicial Division of the Court where the appeal is to be entered: Provided that ten physical copies of the Record of Appeal shall also be transmitted to the Court.

(2) Documents or processes in every electronic version of the Record of Appeal prepared under these Rules shall be recorded, scanned or stored in a searchable but not editable form.

Mandatory  
compilation  
by  
Appellant

4.—(1) Where at the expiration of sixty (60) days after the filing of the Notice of Appeal and following notification by the Appellant, the Registrar has failed or neglected to compile and transmit the Record of Appeal in accordance with the preceding provisions of this Rule, it shall become mandatory for the Appellant to compile the record of all documents and exhibits necessary for his appeal, encrypt and transmit the Record of Appeal electronically to the Court through the official electronic mail address of the Registry of the Judicial Division of the Court where the appeal is to be entered, within thirty (30) days after the Registrar's failure or neglect; with ten (10) physical copies of the Record of Appeal also transmitted to the Court.

(2) Upon regularization, records filed out of time shall be deemed to have been filed within the ninety day period as stated in Rule 4 (1) of this order and not on the day the application for extension of time was granted.

5. The Record of Appeal compiled by the Appellant shall be electronically and physically served on the Respondent or Respondents by the Appellant within the thirty (30) day-period stipulated for transmitting such Record of Appeal to the Court.

Service of  
Record on  
Respondent

6.—(1) Where a Notice of Appeal has been filed, the Respondent may apply for a departure from the Rules to compile and transmit the records of appeal to allow for an accelerated hearing and determination of the appeal.

Departure  
from the  
Rules

(2) Where any party to the appeal considers that there are additional records which may be necessary in disposing of the appeal, he shall be at liberty, within fifteen (15) days of service on him of the Record of Appeal, to compile and transmit to the Court such records to be known as the Additional Record of Appeal.

Filing  
Additional  
Record of  
Appeal

Contents of  
record of  
Appeal

7. Every Record of Appeal or Additional Record of Appeal shall contain the following documents in the order set out—

(a) the index ;

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

(c) copies of the documents settled and compiled for inclusion in the Record of Appeal ; and

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

Exclusion of  
irrelevant  
Records

8. The Registrar of the lower court or the Appellant in compiling the Record of Appeal shall endeavour to exclude from the record all documents (more particularly such that are merely formal) that are not relevant to the subject matter of the appeal and generally to reduce the bulk of the Record of Appeal as far as practicable, taking special care to avoid duplication of documents and unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted in the compilation shall be enumerated in a list at the end of the Record of Appeal and where part or only parts of any lengthy document is directly relevant to the subject matter of the appeal, it shall be permissible to omit to compile such parts of the document as are irrelevant to the subject matter of the appeal or not necessary for the proper understanding of the part or parts that are so relevant.

Certification  
of Records

9. Every Record of Appeal or Additional Record of Appeal compiled by a party to an appeal must be certified by the Registrar of the lower court, before its physical or electronic transmission to the Court: Provided that it shall not be necessary for copies of individual documents to be separately certified, but the Registrar of the lower court shall certify as correct each copy of the Record of Appeal transmitted in accordance with these Rules.

Transmission  
of Records  
(Form 7)

10.—(1) Where the Record of Appeal is compiled by the Registrar of the lower court under Rule 1 of this Order, he shall transmit the Record within the time stipulated for compilation and transmission under Rule 1. The Record of Appeal shall be transmitted together with—

(a) a certificate of service or non-service of the Notice of Appeal and the Record of Appeal ; and

(b) a physical or electronic case file of the case in the lower court containing all the papers or documents filed by the parties in connection therewith, to the Registrar of the Court.

Certificate of  
Service of  
Records of  
Appeal  
(Form 8)

(2) Where the Record of Appeal is compiled by the Appellant under Rule 4 of this Order, he shall transmit the Record of Appeal within the time stipulated for compilation and transmission by an Appellant under Rule 4. The Record of Appeal shall be transmitted in compliance with Rule 10 (1).

(3) The Registrar of the lower court or the Appellant, as the case may be, shall, within seven (7) days of the transmission of the Record of Appeal to the Court, cause to be served on all parties mentioned in the Notice of Appeal, a notice that the Record of Appeal has been transmitted to the Registrar of the Court who shall in due course enter the appeal in the cause list.

**11.—(1)** Upon the transmission of the Record of Appeal, whether by the Registrar of the lower court or by the Appellant, the Appellant shall, within such time as the Registrar of the Court shall direct, deposit not less than Fifty Thousand Naira (N50,000.00) with the Deputy Chief Registrar of that Division for the due prosecution of the appeal and for the payment of any costs which may be ordered to be paid by the Appellant: Provided that no deposit shall be required from an indigent person or where the deposit would be payable by the Government of the Federal Republic of Nigeria or of a State, or by any Government department.

Deposit  
against costs

(2) Where the sum deposited in accordance with the preceding sub-rule is depleted in the course of the prosecution of the appeal, the Registrar shall summon the Appellant to replenish the deposit.

**12.—(1)** Where the Registrar fails to direct any deposit against costs or where the sum directed is inadequate or for any other reason, the Court, upon application by the Respondent, may order that deposit or additional deposit be made.

Additional  
deposit  
against costs

(2) Where the Court deems appropriate, it may, upon application by the Appellant, order deposit against cost to be made by a Respondent.

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

Production  
of  
Documentary  
Exhibits

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

Production  
of Non-  
Documentary  
Exhibits

**15.** In case any party finds it difficult to comply with the provisions of Rules 13 and 14 of this Order, owing to the nature of documents or exhibits or owing to its being in the possession of a third party or for any reason, he may apply to the Registrar of the Court for directions.

Registrar's  
directive  
where  
Exhibit not  
produced

**16.** The Registrar of the Court may, either of his own motion or upon application, give any direction as he sees fit, whether dispensing with the provisions of Rules 13 and 14 or modifying its application in any way or securing compliance with it.

Directives of  
the Registrar  
in respect of  
Exhibits

Custody  
of exhibits

**17.** All original documents delivered to the Court under this Rule shall remain in the custody of the Court until the determination of the appeal: Provided that the Court or Registrar may allow the return of any documents to any party pending hearing of the appeal and subject to such conditions as he may impose.

Failure to  
compile and  
transmit  
Record  
(Form 9)

**18.—(1)** If the Registrar of the lower court has failed to compile and transmit the Record of Appeal under Rule 1 and the Appellant has also failed to compile and transmit the Record of Appeal in accordance with Rule 4, the Respondent may, by notice of motion, move the Court to strike out the appeal.

**(2)** The Court, where so moved by the Respondent, may strike out the appeal, and shall, where it strikes out the appeal, award costs on a full indemnity basis against the Appellant.

**(3)** An application for the relisting of the appeal shall be filed within seven (7) days of the striking out order.

**(4)** The Court may relist an appeal that is struck out under this Rule where the Court is satisfied that the Applicant has shown good cause for the relisting of the appeal.

**(5)** Where the Appellant has not deposited the amount fixed by the Registrar of the lower court to cover the cost of compilation and transmission of the Record of Appeal as provided in Rule 2(b) of this Order, the Registrar of the lower court shall certify such fact to the Court, which may, *suo motu*, order that the appeal be struck out either with or without costs, and shall cause the parties to be notified of the terms of the order: Provided that the Court shall only act on the certification by the Registrar of the lower court at the expiration of the thirty days allowed for the Appellant to compile Record of Appeal prescribed by Rule 4 of this Order.

#### **ORDER 9—RESPONDENT'S NOTICE OF CONTENTION**

Respondent's  
Notice to  
vary  
(Form 10A)

**1.** A Respondent, who not having appealed the decision of the lower court, desires to contend on the appeal that the decision of that court should be varied, either in any event or in the event of the appeal being allowed in whole or in part, must give notice to that effect, specifying the grounds of that contention and the precise form of the order which he proposes to ask the Court to make, or to make in that event, as the case may be.

Respondent's  
Notice to  
affirm  
(Form 10B)

**2.** A Respondent who desires to contend on the appeal that the decision of the lower court should be affirmed on grounds, other than those relied upon by that court, must give notice to that effect specifying the grounds of that contention.

3. Except with the leave of the Court, a Respondent shall not be entitled on the hearing of the appeal, to contend that the decision of the lower court should be varied upon grounds not specified in a notice given under this Rule, to apply for any relief not so specified, or to support the decision of the lower court upon any grounds not relied upon by that court or specified in such a notice.

Respondent's  
Notice  
limited by  
Grounds

4. Any notice given by a Respondent under this Order must be served on the Appellant and on all parties to the proceedings in the lower court who are directly affected by the contentions of the Respondent and must be served—

- (a) in the case of an appeal against an interlocutory order, within fifteen (15) days after the service of the Notice of Appeal on the Respondent ; and
- (b) in any other case within thirty (30) days, after the service of the Notice of Appeal on the Respondent.

5. A Respondent shall file ten hard/physical copies and an electronic copy of his Respondent's Notice with the Registry of the Court.

Time within  
which to  
Serve  
Respondent's  
Notice

6. A Respondent's notice may be amended by or with the leave of the Court at any time.

Copies of  
Respondent's  
Notice  
  
Amendment  
of  
Respondent's  
Notice

#### ORDER 10—NOTICE OF PRELIMINARY OF OBJECTION

1. A Respondent intending to rely upon a preliminary objection to the hearing of the appeal shall give the Appellant three clear days notice thereof before the hearing, setting out the grounds of objection, and shall file such notice together with ten hard/physical copies and an electronic copy thereof with the Registry within the same time. The preliminary objection shall be argued in the Respondent's brief of argument.

Filing of  
Preliminary  
Objection  
(Form 11)

2. No objection shall be taken on the hearing of an appeal on the ground that the amount fixed by the Registrar of the lower court under Order 8 Rule 2(b) of these Rules was incorrectly assessed.

matters  
exempted  
from  
Objection

3. Where the Respondent fails to comply with this Order, the Court may refuse to entertain the objection or may adjourn the hearing thereof at the cost of the Respondent or may make such other order as it thinks fit.

Effect of  
Non-  
Compliance

#### ORDER 11—WITHDRAWAL OF APPEAL

1. An Appellant may at any time before the hearing of an appeal file a notice of withdrawal of the appeal at the Registry and serve the parties.

Withdrawal  
of Appeal  
(Form 12)

**B 3596**

Withdrawal  
of Appeal  
by consent  
(Form 13)

Effect of  
withdrawal  
by consent

Effect of  
Unilateral  
Withdrawal

Appeal by  
Respondent  
after  
withdrawal

Effect of  
withdrawal  
of an Appeal

Schedule  
of Fees

Exemption  
from Fees  
for  
Government

Exemption  
from Fees  
for Indigent  
Persons

2. If all parties to the appeal consent to the withdrawal of the appeal without an order of the Court, the Appellant may file in the Registry the document or documents signifying such consent and signed by the parties and/or their legal representatives and the appeal shall thereupon be deemed to have been withdrawn. In such event, any sum deposited against costs shall be paid out to the Appellant.

3. The withdrawal of an appeal with the consent of the parties under Rule 2 of this Order shall be a bar to further proceedings under Order 9.

4. A unilateral withdrawal of an appeal does not operate as a bar to the recovery of costs by any party affected thereby.

5. Upon a unilateral withdrawal of an appeal a Respondent who has filed a Respondent Notice under Order 9, may proceed with the prosecution of his appeal in accordance with the provisions of these Rules.

6. An appeal which has been withdrawn under this Order, with or without an order of the Court, shall be deemed to have been dismissed.

**ORDER 12—FEES**

1.—(1) Save as hereinafter provided, the fees prescribed in the Third Schedule hereto shall be charged in respect of the matters which they are respectively assigned and shall be paid to the Registry of the lower court or of the Court as the case may be.

(2) The President shall, from time to time, issue an amended Schedule of fees as the President deems fit.

2. No fee shall be payable in respect of any matter where such fee would be payable by the Government of the Federal Republic of Nigeria or of a State or Local Government or any Government Department: Provided that when any person is ordered to pay the costs of the Government of the Federal Republic of Nigeria or of a State or Local Government or any Government Department in any case, all fees which would have been payable but for the provisions of this Rule, shall be taken as having been paid and shall be recoverable from such person.

3. The lower court or the Court may, on account of the want of means of any party (although such party may not have been formally permitted to proceed as an indigent person under Order 13) or for other sufficient reason, dispense, if it seems fit, with payment of any fees if the circumstances of the case so require: Provided that if such party succeeds in any appeal which results in an order for payment to him of any costs, the Court may order that such fees shall be a first charge on any moneys recovered or to be recovered under such order.

## ORDER 13—PROCEEDINGS BY INDIGENT PERSONS

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| <p>1. Any party may apply to the Court for leave to prosecute or defend an appeal as an indigent person. Such application shall be by notice of motion, supported by an affidavit, and shall be served on the other parties to the proceedings. No fee shall be payable on filing of any such application.</p> <p>2. No party shall be permitted to proceed with the prosecution or defence of an appeal as an indigent person unless he satisfies the Court that he is indigent.</p> <p>3. A person permitted to proceed with the prosecution or defence of an appeal as an indigent person shall not be liable to pay any of the Court fees prescribed by these Rules or be required to make the deposit against costs as prescribed by Order 8 Rule 11.</p> <p>4. The Court may for good cause shown, review, rescind or vary an order permitting any person to proceed with the prosecution or defence of an appeal as an indigent person.</p> <p>5.—(1) Leave to proceed with the prosecution or defence of an appeal as an indigent person shall not exempt such person from liability to an order for costs in favour of his opponent.</p> <p>(2) Where an indigent person is not awarded costs in the proceedings, no fees shall be taken from him by a legal representative assigned to him by the Court.</p> <p>(3) Where an indigent person is awarded costs against his opponents, he shall be entitled to include and receive in such costs the fees of any legal representative assigned to him by the Court and all other fees and costs remitted by his admission to proceed with the prosecution or defence of an appeal as an indigent person.</p> | <p>Application<br/>for Leave</p> <p>Conditions<br/>for Leave</p> <p>Effect of<br/>Leave</p> <p>Review of<br/>Leave</p> <p>Cost in<br/>Proceedings<br/>by Indigent<br/>Persons</p> |
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## ORDER 14—SERVICE OF RECORD OF APPEAL TO THE SUPREME COURT

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| <p>1. Where there is a further appeal to the Supreme Court, the Registrar shall as soon as possible after the compilation of the Record of Appeal, serve upon every Appellant who was duly given a Notice of Appeal and paid the fees fixed by the Registrar to cover the cost of Record of Appeal, a copy of the Record of Appeal.</p> <p>2. Such Record of Appeal may be served upon the Appellant in any manner prescribed by these Rules for the service of notice or other documents relating to the appeal.</p> <p>3. The Registrar shall thereafter cause to be served upon every Respondent in the appeal, who has filed an address for service, the Record of Appeal.</p> | <p>Duties of<br/>Registrar in<br/>respect of<br/>Service</p> <p>Manners<br/>of Service</p> <p>Service of<br/>Record on<br/>Respondent</p> |
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Certificate of  
Service of  
Record on  
Parties  
(Form 14)

4.—(1) Within fourteen (14) days after the Record of Appeal has been served upon an Appellant, the Registrar shall certify under his hand that he served the Record of Appeal upon every such Appellant. The certificate of service shall be as in Form 14 or to like effect.

(2) In addition to the requirements of the Supreme Court Act and the Supreme Court Rules, the Registrar shall as soon as the Record of Appeal to the Supreme Court has been served on the Appellant and the Respondent, as the case may be, physically and electronically transmit to the Supreme Court a certificate that the Record of Appeal to the Supreme Court has been served on the parties. The certificate shall be as in Form 14 or to like effect.

#### ORDER 15—DEATH OF PARTY AND CHANGE OF NAME OF PARTY TO AN APPEAL

Duty of  
Counsel

1. It shall be the duty of Counsel representing a party to an appeal to give immediate notice of the death of that party to the Registrar of the lower court or to the Registrar of the Court (as the case may require) and to all other parties affected by the appeal as soon as he becomes aware of the fact.

Addition or  
Substitution  
of Party

2. Where it is necessary to add or substitute a new party for the deceased, an application shall, subject to the provisions of Order 4 Rule 11, be made in that behalf to the lower court or to the Court either by any existing party to the appeal or by any person who wishes to be added or substituted.

Power of  
Court to  
strike out  
Appeal

3. Where an appeal has been set down for hearing and the Court is or becomes aware that a necessary party to the appeal is dead, the appeal shall be struck off the hearing list unless an application for substitution is made.

Change of  
name of  
Party

4. Where the name of a party to an appeal changes during the pendency of the appeal, the party or the Appellant shall apply to the Court, in the manner prescribed in these Rules, for an order of substitution.

#### ORDER 16—COURT OF APPEAL ALTERNATIVE DISPUTE RESOLUTION PROGRAMME

Alternative  
Dispute  
Resolution

1. The Court, at the direction of the President, shall operate the Court of Appeal Alternative Dispute Resolution Programme (CAADRP).

Operations  
of CAADRP  
(Form 15)

2. The operations of the CAADRP shall be in accordance with the Court of Appeal (Alternative Dispute Resolution) Rules.

Time not to  
run for filing  
Briefs during  
period of  
ADR

3. The time stipulated under these Rules for filing of Briefs shall not begin to run until any ADR proceedings pursuant to this Order is finalised.

## PART III

## ORDER 17—CRIMINAL APPEALS

1. This Order shall apply to appeals to the Court from any Court or Tribunal acting either in its original or in its appellate jurisdiction in criminal cases, other than a Court Martial, and to matters related thereto.

Appeals to which this Order applies  
(Forms 1,2,3,4,5, or 7)

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

Application not specifically provided for

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

Notice of appeal or application for leave etc

(2) A person sending any notice or notices under this Rule shall answer the questions and comply with the requirements set forth in sub-rule 1 above.

(3) The Court may, on the application of the Appellant, grant leave for the amendment of the Notice of Appeal or grounds of appeal and may grant leave to the Appellant to argue additional grounds of appeal: Provided that, if, in the opinion of the Court, due notice of such amended or additional grounds of appeal to the Respondent is necessary but had not been given, the Court may adjourn the appeal or make such order(s) as it may deem fit in the circumstance.

4. Any ground which is vague or general in terms or which discloses no reasonable ground of appeal shall not be permitted, save the general ground that the judgment is unreasonable, unwarranted and cannot be supported having regard to the evidence, and a ground of appeal or any part thereof which is not permitted under this Rule may be struck out by the Court *suo motu* or on application by the Respondent.

Vague Grounds

5.—(1) Every Notice of Appeal or notice of application for leave to appeal or application for extension of time within which such notice shall be given, shall be signed by the Appellant himself or by his legal representative except under the provision of sub-rules (5) and (6) of this Rule.

Signing of Notice of Appeal

(2) Any other notice required or authorised to be given shall be in writing and signed by the person giving the same or by his legal representative. All notices required or authorised to be given shall be addressed to the Registrar of the lower court to be forwarded by him to the Registrar: Provided that, notwithstanding the provisions of Rules 3 (1) and (2) and 5 (1) of this Order have not been strictly complied with, the Court may, in the interest of justice and for good and sufficient cause shown, entertain an appeal if satisfied that the intending appellant has exhibited a clear intention to appeal to the Court against the decision of the lower court.

(3) Any notice or other document which is required or authorised to be given or sent shall be deemed to be duly given or sent if served in accordance with the provision of Order 2 Rule 1 of these Rules.

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

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

(6) In the case of a body corporate, where any notice or other document is required to be signed by the Appellant, it shall be sufficient compliance therewith if such notice or other document is signed by the Company Secretary, Director, Manager or legal representative of such body corporate.

(7) An appeal is brought when the Notice of Appeal has been filed in the Registry of the lower court.

Application  
for  
Extension of  
Time  
(Criminal  
Form 7)

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

Notification  
of result of  
Application  
for leave to  
Appeal  
(Criminal  
Form 6)

**7.—(1)** Where the Court or the lower court has, on a notice of application for leave to appeal duly filed and in the form provided under these Rules, granted an Appellant leave to appeal, it shall not be necessary for such Appellant to give any Notice of Appeal but the notice of application for leave to appeal shall in such a case be deemed to be a Notice of Appeal.

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

**8.—(1) When—**

(a) the Registrar of the lower court has received a Notice of Appeal or an application to the court for leave to appeal or for extension of the time within which such notice shall be given ; or

(b) the lower court has granted leave to appeal, the Registrar of the lower court shall—

(i) within 60 days of the filing of the Notice of Appeal, prepare the Record of Appeal in the manner prescribed in these Rules, encrypt and transmit it electronically to the Court through the official electronic mail address of the Registry of the Judicial Division of the Court where the appeal is to be entered: Provided that ten hard/physical copies of the Record of Appeal shall also be transmitted for the records of the Court; and

(ii) forward the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other documents usually kept by him or forming part of the record of the lower court together with the originals of any recognisances entered into or any other documents filed in connection with the appeal or application.

(2) Subject to the provisions of Rule 9 of this Order, the Registrar of the lower court shall forward to the parties in the appeal hard/physical and electronic copies of the Record of Appeal.

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

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

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

(3) Fees shall not be payable in appeals in capital offence cases or where an Appellant is granted Legal Aid.

**10.—(1)** The Record of Appeal in appeals or applications relating to appeals from the lower court acting in its original jurisdiction in criminal cases shall be legible and contain the following items arranged in this order—

(a) the index ;

(b) the charge or information ;

Forwarding  
of  
proceedings  
of the Lower  
Court to the  
Registrar

Fees

Record in  
Criminal  
Appeals  
from Lower  
Court in  
Original  
Jurisdiction

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

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

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

(f) all documentary exhibits put in at the trial including depositions read in consequence of the absence of a witness: Provided that in the cases of books of accounts or other documents of great length, extracts of the relevant portions thereof only shall be included; and

(g) the Notice of Appeal or notice of application for leave to appeal or notice of application for extension of time in which such notice shall be given.

(2) It shall not be necessary for the Record of Appeal to contain copies of any recognisances entered into or documents filed in connection with the Appeal or application other than those set out in sub-rule (1) of this Rule unless the Court or a Judge of the lower court shall otherwise direct.

Record in  
Criminal  
Appeals  
from Lower  
Court in  
Appellate  
Jurisdiction

11.—(1) The Record of Appeal in appeals or applications relating to appeals from the lower court acting in its appellate jurisdiction in criminal matters shall contain legible, typed or printed copies of the following items arranged in this order—

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

(b) the record of proceedings from the trial court as submitted to the lower court;

(c) the Notice of Appeal and all other relevant documents filed in connection with the appeal in the lower court;

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

(e) the judgment of the lower court;

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

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

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

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

Bail  
(Criminal  
Forms 8,9  
and 10)

(2) In the event of the lower court not making any special order or giving any special directions under this Rule, the recognisances of the Appellant and of his surety or sureties (if any) may be taken before the Registrar.

(3) The recognisances provided for in this Rule shall be in Forms 8 and 9 in the Second Schedule to these Rules.

(4) The Registrar of the lower court, shall forward the recognisances of the Appellant and his surety or sureties to the Registrar.

(5) An Appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal and at the final determination thereof. The Court may in the event of such Appellant not being present at any hearing of his appeal, if it thinks right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same and may issue a warrant for the apprehension of the Appellant in Form 10 in the Second Schedule to these Rules: Provided that the Court may consider the appeal in his absence, or make such other order as it deems fit.

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

(7) At any time after an Appellant has been admitted to bail, the Court may, if satisfied that it is in the interest of justice so to do, revoke the order admitting the Appellant to bail and issue a warrant in Form 10 in the Second Schedule to these Rules.

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

Fines

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

Varying  
Order of  
Restitution  
of Property

Non-  
suspension  
of Order of  
Restitution

Non-  
issuance of  
Certificate of  
Conviction

Notice of  
Abandonment  
of Appeal  
(Criminal  
Forms 11,  
11A and 12)

Withdrawal  
of Notice of  
Abandonment  
of Appeal  
(Criminal  
Forms 13  
and 13A)

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

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

**16.** The Registrar of the lower court shall not issue, under any law authorising him so to do, a certificate of conviction of any person convicted by the lower court, once a Notice of Appeal or notice of application for leave is given, until the determination of such Appeal or abandonment thereof.

**17.—(1)** An Appellant may, at any time after he has duly served a Notice of Appeal or application for leave to appeal or extension of time within which such notice shall be given, abandon his appeal giving notice of abandonment thereof to the Registrar, and upon the giving of such notice of abandonment, the appeal shall be deemed to have been dismissed as in Criminal Form 11 in the Second Schedule to these Rules.

(2) Upon receipt of a notice of abandonment duly completed and/or marked by the Appellant or the party authorised to sign the notice under the Order, the Registrar shall give notices thereof in Form 12 in the Second Schedule to these Rules to the Respondent, the Correctional Centre authority and the Registrar of the lower court, and in the case of an appeal against a conviction involving a sentence of death shall in like manner give notice to the Permanent Secretary of the appropriate Federal or State Ministry, for the information of the authority responsible for advising the President of the Federal Republic of Nigeria, the Governor of State, as the case may be, on the exercise of the prerogative of mercy, and the Registrar shall also return to the Registrar of the lower court any original documents and exhibits received from him.

**18.** An Appellant who has abandoned his appeal may, in special cases with the leave of the Court, withdraw his notice of abandonment by duly completing Form 13 or 13A, as the case may be, in the Second Schedule to these Rules (together with Form 7- Notice of Application for extension of time within which to appeal) and sending them to the Registrar.

19.—(1) An Appellant before the Court may, where necessary, apply to the Court that a necessary witness attends and be examined by the Court on his behalf as in Form 15 in the Second Schedule to these Rules.

(2) Where the Court grants the above application, an Order as in Form 14 in the Second Schedule to these Rules shall be served upon such witness specifying the time and place at which to attend for such purpose.

(3) Such Order may be made at any time, on the application of the Appellant or Respondent, but if the Appellant is in custody and not legally represented, the application shall be made by him in Form 15 in the Second Schedule to these Rules.

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

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

(6) When the Examiner has appointed the day and time for the examination, the Examiner shall request the Registrar to give notice thereof to the Appellant and Respondent and their legal representatives, if any, and if the Appellant is in custody, to the Correctional Service authority. The Registrar shall cause to be served on every witness to be examined a notice as in Form 16 in the Second Schedule to these Rules.

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

(8) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered shall be taken in private. The caption in Form 17 in the Second Schedule to these Rules shall be attached to any such deposition.

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

(10) The Appellant and Respondent, or their legal representatives, shall, unless the Court otherwise directs, be entitled to be present at and take part in any examination of any witness to which this Order relates.

Attendance  
of witness  
before the  
Court  
(Criminal  
Forms 14,  
15, 16 and  
17)

Proceedings  
on Reference

20. When an order of reference is made by the Court to a special Commissioner, the question to be referred, and the person to whom as special Commissioner the same shall be referred, shall be specified in such order. The Court may, in such order or by giving directions as and when it deems it necessary, specify whether the Appellant or Respondent or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered, and specify any and what powers of the Court may be delegated to such special Commissioner, and may require him from time to time to make interim reports to the Court upon the question referred to him and may, if the Appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directives to the Correctional Service Authority accordingly, and may give directions to the Registrar that copies of any report made by such special Commissioner shall be furnished to the Appellant and the Respondent.

Notice of  
final  
determination  
of Appeal  
(Criminal  
Forms 18,  
19, 20 and  
21)

21.—(1) On the final determination of any appeal, or of any application to the Court, the Registrar shall give to the Appellant, if he be in custody and has not been present at such final determination, and to the Respondent and the Correctional Service Authority, notice of such determination in Form 18, 19, 20 or 21 under the Second Schedule to these Rules, as the case may be.

(2) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving Notice of Appeal, send copies thereof to the Respondent, the Correctional Service Authority and the Permanent Secretary of the appropriate Federal or State Ministry, for the information of the authority responsible for advising the President or the Governor of a State, as the case may be, on the exercise of the prerogative of mercy.

Notification  
of results of  
Appeal to  
Lower Court

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

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

Return of  
Original  
Deposition,  
etc

23. Upon the final determination of an appeal by the Court for purposes of which the Registrar has obtained from the Registrar of the lower court any original depositions, exhibits, information, inquisition, plea or documents, usually kept by the said Registrar or forming part of the record of the lower court, the Registrar shall, after two (2) years, cause the same to be returned to the Registrar of the lower court.

Service of  
Record of  
Appeal to  
the Supreme  
Court

**24.—(1)** Where there is a further appeal to the Supreme Court, the Registrar shall as soon as possible after the compilation of the Record of Appeal, serve upon every Appellant who has duly given a Notice of Appeal, and paid the fees fixed by the Registrar to cover the cost of Record of the Appeal, a copy of the Record of Appeal.

**(2)** The Record of Appeal may be served upon the Appellant in any manner prescribed by these Rules for the service of notice or other documents relating to an appeal.

**(3)** The Registrar shall thereafter cause to be served upon every Respondent in the appeal, who has filed an address for service, a copy of the Record of Appeal.

**25.—(1)** Within fourteen (14) days after a Record of Appeal has been served upon an Appellant, the Registrar shall certify under his hand that he has served the Record of Appeal upon every such Appellant. The certificate of service shall be in Criminal Form 22 or to like effect.

**(2)** In addition to the requirements of Order 7 Rule 4 of the Supreme Court Rules, the Registrar shall as soon as the Record and notice of compilation of the Record of Appeal to the Supreme Court have been served on the Appellant and the Respondent, as the case may be, transmit to the Supreme Court a certificate that a copy of the Record of Appeal to the Supreme Court has been served on the parties to the Appeal.

Certificate of  
Service of  
record on the  
Appellant/  
Respondent  
(Criminal  
Forms 22  
and 23)

## PART IV

### ORDER 18—APPEALS FROM COURT MARTIALS AND TRIBUNALS

**1.—(1)** A person desiring to appeal to the Court against any decision of the lower court shall commence his appeal by sending to the Registrar of the lower court or other person or body imbued with or who performs such functions and powers as the Registrar of a regular court, a Notice of Appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, as the case may be, in the form of such notice respectively set forth as Forms 1, 2, 3, 4, 5 or 7 in the Second Schedule to these Rules.

Notice of  
Appeal and  
other  
Notices

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

**(3)** The Court may, of its own motion or on the application of the Appellant, grant leave to the Appellant to amend the notice or grounds of appeal and may grant leave to the Appellant to argue additional or amended grounds of appeal: Provided that, if, in the opinion of the Court, due notice of such amended or additional grounds of appeal to the Respondent is necessary but had not been given, the Court may adjourn the appeal or make such order(s) as it may deem fit in the circumstances.

**B 3608**

Signing of  
Notice of  
Appeal and  
other  
Notices

2.—(1) Every Notice of Appeal or notice of application for leave to appeal or notice of application for extension of time within which such notice shall be given, shall be signed by the Appellant himself or his legal representative, except as stipulated under sub-rule (3) of this Rule.

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

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

3. An appeal is brought when the Notice of Appeal has been filed in the Registry of the lower court.

When an  
Appeal is  
brought

Application  
for  
Extension  
of Time

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

(2) Where the Court has, on a notice of application for leave or extension of time to appeal, duly sent and in the Form provided under these Rules, given an Appellant leave to appeal, it shall not be necessary for such Appellant to give any Notice of Appeal but the notice of application for leave to appeal shall in such a case be deemed to be a Notice of Appeal.

Certificate of  
Conviction :  
When  
Registrar not  
to issue

5. The Registrar of the lower court shall not issue, under any law authorising him so to do, a certificate of conviction of any person convicted in the lower court once a Notice of Appeal or notice of application for leave to appeal or notice of extension of time to appeal is given, until the determination or abandonment of such notice.

Record of  
Appeal

6.—(1) When—

(a) the Registrar of the lower court has received a Notice of Appeal or an application to the court for leave to appeal or for extension of the time within which such notice shall be given ; or

(b) the lower court has granted leave to appeal, the Registrar of the lower court shall—

(i) within 60 days of the filing of the Notice of Appeal, prepare the Record of Appeal in the manner prescribed in these Rules, encrypt and transmit it electronically to the Court through the official electronic mail address of the Registry of the Judicial Division of the Court where the appeal is to be entered; Provided that ten hard/physical copies of the Record of Appeal shall also be transmitted for the records of the Court;

(ii) forward the original exhibits in the case as far as practicable and any original depositions, information, inquisition, plea, or other documents usually kept by him or forming part of the record of the lower court together with the originals of any recognisances entered into or any other documents filed in connection with the appeal or application; and

(iii) Subject to the provisions of Rule 9 of this Order, the Registrar of the lower court shall forward to the parties in the appeal hard/physical and electronic copies of the Record.

(2) The Court may allow the return of any exhibit to any party pending the hearing of the appeal and subject to such conditions as it may impose.

(3) The Record of Appeal in appeals or applications relating to appeals from the lower court shall be legible and contain the following items arranged in this order—

(a) the index;

(b) the charge or information;

(c) proof of evidence;

(d) notes of evidence and minutes of the proceedings: Provided that if an electronic recording of the hearing has been taken, a copy of the transcript thereof may be included, either in addition to or in substitution of the Judge's notes, as he may direct;

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

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

(g) all documentary exhibits put in at the trial including depositions read in consequence of the absence of a witness: Provided that in the cases of books of accounts or other documents of great length, extracts of the relevant portions thereof only shall be included; and

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

(4) It shall not be necessary for the Record of Appeal to contain copies of any recognisances entered into or documents filed in connection with the appeal or application other than those set out in sub-rule (1) of this Rule unless the lower court shall otherwise direct.

7.—(1) The fees set out in the Third Schedule to these Rules shall be paid upon every appeal under this Order.

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

(3) Fees shall not be payable in appeals against death sentences or where an Appellant is granted Legal Aid.

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

(2) In the event of the lower court not making any special order or giving any special directions under this Rule, the recognisance of the Appellant and of his surety or sureties (if any) may be taken before the Registrar.

(3) The recognisance provided for in this Rule shall be in Forms 8 and 9 in the Second Schedule to these Rules.

(4) The Registrar of the lower court shall forward the recognisance of the Appellant and his surety or sureties to the Registrar.

(5) An Appellant who has been admitted to bail shall be personally present at each and every hearing of his appeal and at the final determination thereof. The Court may in the event of such Appellant not being present at any hearing of his appeal, if it thinks right so to do, decline to consider the appeal, and may proceed summarily to dismiss the same and may issue a warrant for the apprehension of the Appellant in Form 10 in the Second Schedule to these Rules : Provided that the Court may in its discretion, given the circumstances of each case, consider the appeal in his absence, or make such other Order as it deems fit.

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

(7) At any time after an Appellant has been admitted to bail by the Court, or where the Appellant was released on bail by the lower court, the Court may, if satisfied that it is in the interest of justice so to do, revoke the order admitting him to bail and issue a warrant in Form 10 in the Second Schedule of these Rules.

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

Fines

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

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

Restitution

(2) Where the lower court is of the opinion that the title to any property, the subject of an order of restitution made on a conviction of a person before it, is not in dispute, it, if it is of the opinion that such property or a sample or portion or facsimile representation thereof is reasonably necessary to be produced for use at the hearing of any appeal, shall give such direction to or impose such terms upon the person in whose favour the order of restitution is made, as it deems fit in order to secure the production of such sample, portion or facsimile representation for use at the hearing of any such appeal.

11.—(1) An Appellant may, at any time after he has duly served a Notice of Appeal or application for leave to appeal or extension of time within which such notice shall be given, abandon his Appeal by giving notice of abandonment thereof to the Registrar, and upon such notice of abandonment being given, the appeal shall be deemed to have been dismissed by the Court. Notice of abandonment of an appeal shall be in Criminal Form 11 or 11A in the Second Schedule to these Rules, as the case may be.

Abandonment  
of Appeal

(2) Upon receipt of a notice of abandonment duly completed and signed or marked by the Appellant or the party authorised to sign notice under Rule 4 of this Order, the Registrar shall give notice thereof, in Form 12 in the Second Schedule to these Rules, to the Respondent, the Correctional Service or military authority and the Registrar of the lower court, and in the case of an appeal against conviction involving a sentence of death, shall in like manner give notice to the Permanent Secretary of the Ministry of Defence (howsoever called), for the information of the authority responsible for advising the President of the Federal Republic of Nigeria on the exercise of the prerogative of mercy, and the Registrar shall also return to the Registrar of the lower court any original documents and exhibits received from him.

Withdrawal  
of  
Abandonment  
of Appeal

Procedure  
after  
Determination  
of Appeal

(3) An Appellant who has abandoned his appeal may, in special cases, with the leave of the Court, withdraw his notice of abandonment by duly completing Form 13 or 13A, as the case may be, together with Form 7 in the Second Schedule to these Rules and sending them to the Registrar.

12.—(1) Upon the final determination of any appeal or of any application to the Court, the Registrar shall give to the Appellant, if he is in custody and has not been present at such final determination, and to the Respondent and the Correctional Service or military authorities, notice of such determination in Forms 18, 19, 20 or 21 in the Second Schedule to these Rules, as the case may be.

(2) In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving the Notice of Appeal, physically and electronically send copies thereof to the Permanent Secretary of the Ministry of Defence or other department of government for the information of the authority responsible for advising the President on the exercise of the prerogative of mercy, to the Respondent and to the Correctional Service or military authorities.

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

(4) The Registrar of the lower court shall on receiving the notification referred to in this Rule, enter the particulars thereof on the records of such court.

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

Service of  
Record of  
Appeal

13.—(1) Where there is a further appeal to the Supreme Court, the Registrar shall as soon as possible after the compilation of the Record of Appeal serve upon every Appellant who has duly given a Notice of Appeal and paid the fees fixed by the Registrar to cover the cost of Record of the Appeal, or whose fees have been waived in accordance with these Rules, a copy of the Record of Appeal.

(2) The Record of Appeal may be served upon the Appellant in any manner prescribed by these Rules for the service of notice or other documents relating to the appeal.

(3) The Registrar shall thereafter cause to be served upon every Respondent in the appeal, who has filed an address for service, a copy of the Record of Appeal.

(4) Within fourteen (14) days after a Record of Appeal has been served upon an Appellant, the Registrar shall certify under his hand that he has served the Record of Appeal upon every such Appellant. The certificate of service shall be in Criminal Form 22 in the Second Schedule to these Rules, or to like effect.

(5) In addition to the requirements of any relevant provision of the Supreme Court Rules, the Registrar shall as soon as the Record of Appeal to the Supreme Court has been served on the Appellant and the Respondent, as the case may be, transmit to the Supreme Court a certificate that the Record of Appeal to the Supreme Court has been served on either or both parties in the appeal thereto.

**14.—(1)** No pending appeal from the decision of a Court Martial or other Tribunals or the process or proceedings of the Court, wholly or in part, shall become incompetent merely on account of non-compliance with the provisions of this Order; but upon the Rules coming into force, all such appeals, processes or proceedings shall stand modified to conform with the Rules: Provided that on the coming into force of these Rules, all fresh appeals, processes and proceedings shall comply therewith.

(2) In any situation where there are no provisions or no sufficient provisions in this Order on any matter, recourse could be had to any relevant provisions of the Court of Appeal Act or any Rules of Practice of the Court for the time being in force and same shall apply to the situation with such modifications that are necessary.

Savings and  
transitional  
Provisions

## PART V

### ORDER 19—BRIEFS OF ARGUMENT

**1.** This Order shall apply to all appeals coming from any lower court from which an appeal lies to this Court.

Application

**2.** The Appellant shall within forty-five (45) days of the service on him of the Record of Appeal from the lower court file in the Court a written brief, being a succinct statement of his argument in the appeal.

Filing of  
Appellant's  
Brief

**3.—(1)** The brief, which may be settled by Counsel, shall contain an address or addresses for service and shall contain what are, in the Appellant's view, the issues arising in the appeal.

Forms and  
Contents  
of a Brief

(2) The reasons in the brief shall also be supported by particulars of the titles, dates and pages of cases reported in the Law Reports or elsewhere including the summary of the decisions in such cases, which the parties propose to rely upon. Where it is necessary, reference shall also be made to relevant statutory instruments, law books and other legal journals.

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

(4) All briefs shall be concluded with a numbered summary of the points raised and the reasons upon which the argument is founded.

(5) Except to such extent as may be necessary to the development of the argument, briefs need not set out or summarise judgments of the lower court, nor set out statutory provisions, nor contain an account of the proceedings in the lower court nor of the facts of the case.

(6)—(a) Except where the Court directs otherwise, every brief to be filed in the Court shall not exceed thirty-five (35) pages.

(b) The brief shall be legible, well-bound, prepared in 210mm by 297mm paper size (A4) and typed in clear typographic character. The font type shall be in Arial, Times New Roman or Tahoma of 14 font size with at least 1.5 line spacing between.

(c) Every brief, whether in physical or electronic form, which does not comply with the page limit and page size requirements of this Order shall not be accepted by the Registry for filing.

**Filing of  
Respondent's  
Brief**

4.—(1) The Respondent shall also, within thirty (30) days of the service of the brief of the Appellant on him, file the Respondent's brief which shall be duly endorsed with an address or addresses for service.

(2) The Respondent's brief shall answer all material points of substance contained in the Appellant's brief and contain all points raised therein which the Respondent wishes to concede as well as reasons why the appeal ought to be dismissed. It shall, mutatis mutandis, also conform to Rule 3 (1), (2), (3), (4), (5) and (6) of this Order.

**Filing of  
reply Brief**

5.—(1) The Appellant may also, if necessary, within fourteen (14) days of the service on him of the Respondent's brief, file and serve or cause to be served on the Respondent, a reply brief which shall deal with all new points and points of preliminary objection or any challenge to the appeal raised and argued in the Respondent's brief.

(2) Except where the Court directs otherwise, every Reply brief to be filed in Court shall not exceed fifteen (15) pages and shall conform with Rule 3 (2), (4), (5), (6) (b) and (c) of this Order.

6. All parties whose interests are identical or joint shall file joint briefs. Separate briefs may be filed only by those parties whose interests are separate or are in conflict.

Joint and several Briefs

7.—(1) A Respondent may, without leave, include arguments in respect of a cross-appeal or a Respondent's Notice in his brief for the main appeal and the cross-appeal or Respondent's Notice.

Cross Appeal or Respondent's Notice

(2) Within thirty (30) days of service of the Cross Appellant's brief in the cross-appeal on the Appellant, the Appellant shall file a Cross Respondents brief.

(3) The Cross Appellant may, if necessary, within fourteen (14) days of the service on him of the Cross Respondent's brief, file and serve or cause to be served on the Cross Respondent a reply brief which shall deal with all new points and points of preliminary objection or any challenge to the cross appeal raised and argued in the Cross Respondent's brief.

(4) All briefs under this Rule shall conform with Rule 3 (1), (2), (3), (4), (5) and (6) of this Order.

8. Briefs shall be filed in the Court in hard/physical and electronic forms. For the purpose of physical filing, ten copies of all briefs in respect of the appeal and a copy of an electronic device containing the briefs, duly and carefully preserved shall be filed in Court. All such copies shall be duly endorsed for service on the other side, which shall also be duly paid for by the party filing the same.

Number and Service of Documents and Summary of Cases

9.—(1) Oral argument may, at the discretion of the Court, be allowed at the hearing of appeal to emphasise and clarify the written argument appearing in the briefs already filed in Court.

Oral Argument

(2) The Appellant shall be entitled to open and conclude the argument. Where there is a cross-appeal or a Respondent's Notice, the Appeal and such cross-appeal or Respondent's Notice shall be argued together with the appeal as one case and within the time allotted for one case and the Court may, having regard to the nature of the Appeal, inform the parties who is to open and close the argument.

(3) Unless otherwise directed, fifteen minutes on each side will be allowed for argument.

(4) When an appeal is called and the parties have been duly served with the notice of hearing, but a party or any Legal Practitioner appearing for him does not appear to present oral argument even though briefs have been filed

Consequent  
of failure to  
File Brief

by all the parties concerned in the appeal, the appeal will be treated as having been duly argued.

10.—(1) Where an Appellant fails to file his brief within the time provided for in Rule 2 of this Order, or within the time as extended by the Court, the Respondent may apply to the Court for the appeal to be dismissed for want of prosecution. If the Respondent fails to file his brief, he will not be heard in oral argument. Where an Appellant fails to file a reply brief within the time specified in Rule 5, he shall be deemed to have conceded all the new points or issues arising from the Respondent's brief.

(2) Where an Appellant fails to file his brief within the time provided for in Rule 2 of this Order, or within the time as extended by the Court, the Court may, suo motu, dismiss the appeal for want of prosecution.

(3) Where a Respondent, who has been duly served with the Appellant's brief, fails to file his brief within the time stipulated in this Order, or within the time as extended by the Court, the Court shall, upon being satisfied that the Respondent was duly served with a hearing notice, hear the appeal without the necessity of an application by the Appellant to hear the appeal on the Appellant's brief alone.

Accelerated  
Hearing

11. The Court may, where it considers the circumstances of an appeal to be exceptional, or where the hearing of an appeal ought to be accelerated in the interest of justice, waive compliance with the provisions of this Order in so far as they relate to the preparation and filing of briefs of argument either wholly or in part or reduce the time limits specified in this Order, to such extent as the Court may deem reasonable in the circumstances of the case.

Stay of  
computation  
of time and  
exemption  
from  
payment of  
default fees

12. Notwithstanding the provisions of Order 19 Rules 2, 4, and 5 of this Order and Order 12 Rule 1 of this Rules, the computation of time to—

- (a) file any court processes within a prescribed period ;
- (b) do any act provided by this Rules ; or
- (c) pay default fees for extension of time within which to file a process or do an act ;

shall be exempted during the occurrence of any event which disrupts the normal conduct of the business of the Court.

#### ORDER 20—ELECTRONIC FILING

Electronic  
Filing  
System of  
the Court

1. There shall be established a 24-hour electronic filing system in the Registry of the Court, functional in all the Judicial Divisions of the Court, for the electronic filing of Court processes and documents by parties.

2. There shall be established an electronic filing unit in the Registry of every Judicial Division of the Court with the responsibility of administering the electronic filing system of the Court and the management of processes and documents electronically transmitted to the Court through the Court's electronic filing system.	Electronic Filing Unit in every Judicial Division
3. Subject to Order 3 Rule 10, where a process is filed through the filing portal of the electronic filing system of the Court after 2 pm on any working day, it shall be deemed to have been filed on the next working day.	Electronic Filing after 2pm
4.—(1) The electronic filing system of the Court shall assess the fees payable for every process sought to be filed and upon payment of the relevant fees, the system shall generate a receipt of payment.	Fees
(2) An electronically filed process shall be deemed as filed upon the payment of the relevant fees.	
5. The electronic filing system shall run parallel with the existing manual filing procedure in these Rules until such time as the President directs otherwise.	Manual and electronic Filing of Processes
6. The Registrar in charge of the electronic filing unit in the Registry of the Court shall electronically seal and date every document filed through the electronic filing system.	Electronic Sealing of Documents
7. The electronic filing unit of the Registry of the Court shall create an electronic file for each appeal filed in the Court. Every electronically filed process and document in each appeal shall be uploaded and stored for access by the Justices and the processes filed in an appeal shall be duly served on the parties to the appeal.	Electronic Files for Appeal
8. An electronic signature shall constitute the parties' signature on every electronically filed process.	Electronic Signature
9. The President shall periodically issue Practice Directions to provide for the manner and form of electronic filing of processes and the administration of the electronic filing system of the Court.	Practice Direction for Electronic Filing
<b>ORDER 21—VIRTUAL HEARING</b>	
1. The Court may conduct its proceedings virtually where it deems fit.	Virtual Hearing of Court Proceedings
2. Virtual hearing shall be by means of any audio-visual platform approved by the Court and a link will be provided to enable the public to observe the virtual proceedings.	Medium and Access Link for Virtual Hearing

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Notification  
of Virtual  
Hearing

Dress Code

Rules of  
etiquette

Publication  
of cases for  
Virtual  
Hearing

Directive  
of Court

Practice  
Direction on  
Virtual  
Hearing

Implemen-ta-tion of Case  
Schedul-ing  
and  
management  
System

Review of  
Progress of  
Case  
Schedul-ing  
and  
Management  
System

Practice  
Direction on  
Case  
Schedul-ing  
and  
Management  
System

3. Where the Court adopts virtual hearing for any proceedings in an appeal, the Registrar shall notify the parties.

4. The Justices of the Court and Counsel appearing in the appeal shall be fully robed for the virtual hearing.

5. All rules and practices on decorum and etiquette during physical hearing shall be observed by Counsel and parties during virtual hearing.

6. Cases for virtual hearing shall be stated in the cause list of the Court by the Registrar and shall be posted on the official website and Notice Board (manual or electronic) of the Court; and shall be communicated to the parties either by e-mail or any other electronic means, as the Court may direct.

7. It shall be the duty of the Court to give directives on the conduct of virtual hearing in any appeal which shall be in accordance with any relevant law, the Rules of Court and any Practice Direction made pursuant to these Rules.

8. The President may periodically issue Practice Directions for the regulation of virtual hearing.

#### **ORDER 22—CASE SCHEDULING AND MANAGEMENT SYSTEM**

1. The Court shall implement a case scheduling and management system (CSMS) that will be functional in all the Judicial Divisions of the Court for the purpose of efficient and effective management of case-load and case scheduling.

2. In the implementation of the CSMS, the Court may, at any time, of its own initiative or on notice to the parties, review the progress of an appeal and give directions to facilitate the efficient and timely determination of such appeal.

3. The President may periodically issue Practice Directions to provide for the manner, form and administration of the CSMS of the Court.

## ORDER 23—JUDGMENT

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

Delivery of Judgment

2. Whenever a reserved judgment is to be given and the Counsel concerned are duly notified, the presence of such Counsel or their juniors is required in Court when judgment is being delivered. Failure to observe this will be regarded as an act of disrespect to the Court.

Notice to Counsel of reserved Judgment

3.—(1) Every judgment of the Court shall be embodied in an Order.  
 (2) A sealed or certified copy of the Order shall be sent by the Registrar to the lower court.

Enrolment of Judgment

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

4. The Court shall not review any judgment once given and delivered by it, save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative substantive part of it be varied and a different form substituted.

Review of Judgment

5. Any judgment given by the Court may be enforced by the Court or by any other court, which has been seised of the matter, as the Court may direct.

Enforcement of Judgment

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

Execution of Judgment by the Lower Court

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

Costs

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

Notification of Judgment

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

Final  
Disposal of  
Exhibits,  
Documents,  
etc

Interlocutory  
Judgment  
not to  
prejudice  
Appeal

Powers of  
the Court to  
give any  
Judgment or  
Order

Vacation

President's  
Directive on  
Court Sitting

Court Sitting  
during  
Vacation

Vacation not  
reckoned in  
time for  
Briefs

Records of  
appeal from  
Sharia and  
customary  
Courts of  
Appeal

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

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

**11.—(1)** The Court shall have power to give any judgment or make any order that ought to have been made and to make such further order(s) as the case may require including any order as to costs.

**(2)** The powers contained in sub-rule (1) of this Rule may be exercised by the Court, notwithstanding that the Appellant may have asked that part only of a decision may be reversed or varied, and may also be exercised in favour of all or any of the Respondents or parties, although such Respondents or parties may not have appealed from or complained of the decision.

#### **ORDER 24—VACATION**

**1.** The Court shall proceed on an annual vacation for a period not exceeding ten (10) weeks between July and September of each year, as the President may by Notice direct.

**2.** The Court shall not sit during Easter, Sallah or Christmas periods, except where the President otherwise directs.

**3.** The President may constitute a panel(s) of the Court to sit during annual vacation to hear and determine any urgent matter.

**4.** Except as applicable in Rule 3 above, the time for the filing of briefs of argument shall not run during the period of annual vacation.

#### **ORDER 25—MISCELLANEOUS**

**1.—(1)** Record of Appeal from the Sharia Court of Appeal or the Customary Court of Appeal, intended for use in the Court, shall be compiled in English language as well as the language used in the proceedings before the court.

**(2)** Ten hard/physical certified copies of the Record of Appeal in English language, one certified copy of the electronic version of the Record of Appeal and three certified copies in the other language shall be forwarded to the

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Court and in case of the electronic version, through the official electronic mail address of the Registry of the Judicial Division of the Court where the appeal is to be entered.

**2.** The Court may, in the interest of justice, direct a departure from these Rules.

**3.—(1)** The Court may, where it considers it in the interest of justice to do so, waive compliance by the parties with these Rules or any part thereof; except in relation to Record of Appeal compiled in a language other than English Language.

Departure  
from the  
RulesWaiver of  
Non-  
compliance

(2) Where there is such waiver of compliance with the Rules, the Court may, in such manner as it thinks right, direct the Appellant or the Respondent as the case may be, to remedy such non-compliance or may, notwithstanding, order the appeal to proceed or give such directions as it considers necessary in the circumstance.

(3) The Registrar shall forthwith notify the Appellant or the Respondent, as the case may be, of such order or directions given by the Court under this Rule where the Appellant or the Respondent was not present at the time when such order was made or directions were given.

**4.** As early as possible before the date set down for hearing of any appeal before the Court and in any event not later than two clear days before such date, all the parties or the Legal Practitioners representing them shall forward to the Registrar a list of the law reports, textbooks and other authorities which parties or legal practitioners representing them intend to cite at the hearing of the appeal.

List of Law  
Reports,  
Textbooks  
etc

**5.—(1)** An application to strike out or set aside for non-compliance with these Rules, or any other irregularity arising from the rules of practice and procedure in this Court, any proceedings or any document, judgment or order therein shall only be entertained by the Court if 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 strike out,  
etc

(2) An application under this Rule may be made by motion on notice and the grounds of objection must be stated therein.

**6.—(1)** There shall be constituted a body to be known as the Rules of Court Advisory Committee comprising—

Rules of  
Court  
Advisory  
Committee

(a) Not less than five Justices of the Court one of whom shall be the Chairman ; and

(b) Not less than three members of the Bar to be appointed by the President.

(2) It shall be the duty of the Committee to advise the President, from time to time, in the exercise of the powers conferred upon him by the Constitution or under any law, to make Rules for regulation or making provision with respect to practice and procedure in the Court.

(3) Every member of the Committee shall remain a member thereof for such period as the President may in his discretion prescribe, either at the time of the appointment of the member or at any time thereafter.

Practice  
Direction

7. The President may at any time, by notice, declare a practice of the Court as practice direction, and whenever the declaration is made, such practice direction shall be regarded as part of these Rules.

**FIRST SCHEDULE  
FORM I  
IN THE COURT OF APPEAL  
REFERENCE AS TO CONSTITUTION  
ORDER 5—RULE 1**

Between:.....  
 .....Plaintiff  
 And  
 .....Defendant.

1. This is an action<sup>1</sup>.....
2. The plaintiff alleged<sup>2</sup>.....
3. The defendant answered<sup>3</sup>.....
4. The plaintiff replied<sup>4</sup>.....

After hearing the parties and evidence adduced on each side the court found that the following matters were established as facts<sup>5</sup>:

First that.....  
 .....  
 .....

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

The above stated question of law<sup>6</sup> is referred for the decision of the Court of Appeal.....

DATED at.....this.....day of.....20.....

.....  
*Judge*

<sup>1</sup>State nature of action.

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

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

<sup>4</sup>State reply, if any.

<sup>5</sup>State the facts found

<sup>6</sup>Here state question of law.

## FORM 2

IN THE COURT OF APPEAL  
RESERVED POINT OF LAW  
ORDER 5—RULE 1

Between:..... Plaintiff,

And

Defendant.

This is an action<sup>1</sup> .....The plaintiff alleged<sup>2</sup> .....The defendant answered<sup>3</sup> .....The Plaintiff reply<sup>4</sup> .....After hearing the parties and evidence adduced on each side the court found that the following matters were established as facts<sup>5</sup>:

First that.....

The following question(s) of law<sup>6</sup> are reserved for the decision of the Court of Appeal:

First whether .....

DATED at.....this.....day of.....20.....

Judge

<sup>1</sup>State nature of action<sup>2</sup>State as concisely as possible the substantive averments of the Plaintiff but not any part of the evidence.<sup>3</sup>State in like manner the defendant's answer and also any further allegations or counter claim made by the defendant.<sup>4</sup>State reply, if any.<sup>5</sup>State the facts found.<sup>6</sup>State questions of law on which a decision is required.

FORM 3  
IN THE COURT OF APPEAL  
NOTICE OF MOTION  
ORDER 6 RULE 1

Between.....

..... Appellant

And

..... Respondent

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

TAKE FURTHER NOTICE that the Grounds of this application are :

DATED at.....this.....day of.....20.....

.....  
*Applicant or his  
Legal Representative*

Whose address for service is.....

State whether Appellant or respondent.

State the prayer.

Note : An address for service must be given.

## FORM 4

IN THE COURT OF APPEAL  
NOTICE OF MOTION FOR LEAVE TO APPEAL  
ORDER 6 RULE 7

Between.....  
..... Appellant  
And

..... Respondent

TAKE NOTICE that the Court will be moved on.....  
..... 20.....at ..... O'clock in the forenoon or  
as soon thereafter as Counsel can be heard on the hearing of an application  
for leave to appeal against the decision of the Court on the ..... day of  
..... 20.....

AND further notice that the grounds of this application are :  
And further take notice that the following documents are exhibited in this  
application :

- (i).....  
(ii) .....

DATED at ..... this ..... day of ..... 20.....

.....  
Applicant

Address for Service is.....

FORM 5  
IN THE COURT OF APPEAL  
NOTICE OF APPEAL  
ORDER 7 RULE 2

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Between..... Appellant  
And  
..... Respondent

TAKE NOTICE that the Appellant being dissatisfied with the decision that part of the decision more particularly stated in paragraph 2\* of the..... court contained in the judgment/order of..... dated the..... day of ..... 20..... doth hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4. And the Appellant further states that the names and addresses of the persons directly affected by the Appeal are those set out in paragraph 5.

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

3. Grounds of Appeal :

- (1)
- (2)
- (3) etc.

4. Relief sought from the Court of Appeal.

5. Persons directly affected by the appeal :

Name Address :

- (1)
- (2)
- (3) etc.

DATED at.....this.....day of..... 20.....

.....  
*Appellant*

Whose address for service is.....

Strike out words inapplicable.

If appealing against the whole decision insert "whole decision"

FORM 6  
IN THE COURT OF APPEAL  
SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD  
ORDER 8—RULE 2

Between..... Appellant  
..... Respondent

TAKE NOTICE that all parties concerned are required to attend before me at the Court at.....on the..... day of .....20..... at the hour of O'clock in the forenoon to proceed with settling of the record of the appeal therein.

DATED at.....this.....day of.....20.....

.....  
*Registrar of the Lower Court*

B 3629

FORM 7  
IN THE COURT OF APPEAL  
NOTICE OF TRANSMISSION OF RECORD  
ORDER 8—RULE 10 (1)

*Appeal No* .....

I do hereby Certify that on the..... day of.....20.....  
the record of appeal in this Appeal has been compiled and transmitted to the  
Court of Appeal.

DATED at.....this.....day of.....20.....

.....  
*Registrar/Appellant*

B 3630

aily rou

FORM 8  
IN THE COURT OF APPEAL  
CERTIFICATE OF SERVICE OF RECORD OF APPEAL  
ORDER 8—RULE 10 (3)

Between.....Appellant(s)  
.....And.....Respondent(s)

I, the undersigned Registrar of the Court do certify that Record of appeal in  
the above named case was duly served upon the Appellant and the Respondent  
herein.

DATED at.....this.....day of.....20.....

.....  
*Registrar of the Lower Court*

FORM 9

IN THE COURT OF APPEAL

CERTIFICATE OF NON-COMPLIANCE WITH CONDITIONS  
IMPOSED ON AN APPELLANT

ORDER 8—RULE 18

.....Appeal No. ....

Between.....Appellant.

And

.....Respondent.

Pursuant to Order 8 Rule 18 of the Court of Appeal Rules, I hereby certify that the Appellant(s) in the above-named cause have/has failed to comply with the amount fixed to cover the cost of compilation and transmission of record pursuant to Order 8 Rule 2(b).

DATED at.....this.....day of.....20.....

.....  
*Registrar/Appellant*

FORM 10A

IN THE COURT OF APPEAL

NOTICE BY RESPONDENT OF INTENTION TO CONTEND THAT  
DECISION OF LOWER COURT BE VARIED

ORDER 9—RULE 1

Between.....Appellant.

And

.....Respondent.

TAKE NOTICE that upon the hearing of the above appeal the Respondent herein  
intends to contend that the decision of the lower court dated the.....day  
of.....20..... be varied as follows :

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

- (1)
- (2)
- (3)

DATED at.....this.....day of.....20.....

.....  
*Respondent*

On Notice to :

State the variation which will be asked for:

## IN THE COURT OF APPEAL

NOTICE OF INTENTION TO CONTEND THAT JUDGEMENT  
SHOULD BE AFFIRMED ON GROUNDS OTHER THAN  
THOSE RELIED ON BY THE LOWER COURT

## ORDER 9—RULE 2

Between.....Appellant(s)

And

.....Respondent(s)

TAKE NOTICE that upon the hearing of the above appeal the Respondent intends to contend that the decision of the lower court dated the..... day of..... 20..... be affirmed on grounds other than those relied on by the lower court :

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

- (1)
- (2)
- (3)etc.

DATED at.....this.....day of.....20.....

.....  
*Respondent*

On Notice to :

.....

.....

State the variation which will be asked for.

B 3634

FORM II

IN THE COURT OF APPEAL

NOTICE BY RESPONDENT OF INTENTION TO RELY  
UPON PRELIMINARY OBJECTION

ORDER 10—RULE 1

Appeal No. ....

Appellant(s)  
Between..... And ....., Respondent(s)

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

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

- (1)
- (2)
- (3)

DATED at .....this.....day of.....20.....

.....  
Respondent

To the above named Appellant

To : .....

.....  
.....

FORM 12  
IN THE COURT OF APPEAL  
NOTICE OF WITHDRAWAL OF APPEAL  
ORDER 11—RULE 1

*Appeal No.....*

*Between.....Appellant(s)*  
*.....And.....Respondent(s)*

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

*DATED at.....this.....day of.....20.....*

*.....Appellant(s)*

*For service on:  
Respondent(s)*

**B 3636**

**FORM 13**

**IN THE COURT OF APPEAL**

**NOTICE OF WITHDRAWAL OF APPEAL BY CONSENT**

**ORDER 11—RULE 2**

*Appeal No. ....*

Between.....*Appellant(s)*  
And

.....*Respondent(s)*

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

DATED at.....this.....day of.....20.....

.....  
*Appellant/Respondent*

## IN THE COURT OF APPEAL

CERTIFICATE OF THE REGISTRAR THAT  
A COPY OF THE RECORD OF APPEAL

HAS BEEN SERVED ON THE APPELLANT(S) / RESPONDENT(S)

ORDER 14—RULE 4(1)

Appeal No.....

Between..... Appellant(s).

And

Respondent(s).

I do hereby certify that a copy of the record of the above appeal was on the  
..... day of ..... 20..... served upon the Appellant(s)/  
Respondent(s) by .....

DATED at.....this.....day of.....20.....

Registrar

IN THE COURT OF APPEAL  
REQUEST FOR ALTERNATIVE DISPUTE RESOLUTION  
ORDER 16

Between..... And ....., Appellant(s), Respondent(s)

TAKE NOTICE that, being aware of the availability of a range of processes known as Alternative Dispute Resolution (ADR), designed to aid Parties in amicably resolving their dispute outside of a formal judicial proceeding, and of the existence of the Court of Appeal Alternative Dispute Resolution Programme (CAADRP) where the Court offers settlement assistance to Parties. I/We request that the CAADRP assist in settling the matter stated herein. Requested ADR Mechanism :

Tick preferred mechanism —

Mediation  Arbitration  Neutral Evaluation ()

(Attach a Brief Statement of Issues (4 copies) with no more than 5 issues identified and only the most essential documents).

Name of Applicant .....

Name of Principal Contact .....

Address .....

Tel. No. ..... E-mail .....

Signature/Seal of Applicant .....

Details of the other Party (if more than one, attach details)

Name .....

Name of Principal Contact .....

Address .....

Tel. No. ..... E-mail .....

DATED at.....this.....day of.....20.....

.....  
Registrar

.....  
Administrator, CAADRP

## SECOND SCHEDULE

## CRIMINAL FORM I

## IN THE COURT OF APPEAL

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

## ORDER 17 RULE 3

*Appeal No.....*

To the Registrar of the.....  
 Having been convicted of the offence of.....  
 .....

and.....  
 now being a Prisoner in prison at ..... or whose  
 address for service is .....  
 Do hereby give notice of appeal against my conviction (particulars of which  
 are stated hereinafter) appeal to the Court on the following grounds :

.....  
*Signature or Mark of Appellant*

.....  
*Signature and address of Witness*

*Attesting Mark*

DATED at.....this.....day of.....20.....

PARTICULARS OF TRIAL AND CONVICTION

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

You are required to answer the following question—

Do you desire to be present on the hearing of the appeal by the Court? If you do so  
 desire, state the reasons upon which you submit the said Court should give you leave  
 to be present.

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

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

CRIMINAL FORM 2  
IN THE COURT OF APPEAL  
NOTICE OF APPLICATION FOR LEAVE TO  
APPEAL FROM DECISION OF A COURT SITTING  
AS A COURT OF FIRST INSTANCE  
ORDER 17 RULE 3

The State .....  
 Vs .....  
 To the Registrar of .....  
 the .....  
 having been convicted of the offence of .....  
 .....  
 and now being a prisoner in prison at .....  
 whose address for service is .....  
 and being desirous of appealing my conviction/sentence, Do HEREBY GIVE  
 NOTICE THAT I hereby apply for leave on the following grounds :

.....  
*Signature or Mark of Appellant*

.....  
*Signature and Address of Witness*  
*Attesting Mark*

DATED at .....this .....day of .....20.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of Trial.....
2. In what Court tried.....
3. Sentence.....

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

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

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

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

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

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

IN THE COURT OF APPEAL  
 NOTICE OF APPEAL FROM DECISION OF A  
 COURT IN ITS APPELLATE JURISDICTION  
 ORDER 17 RULE 3

The State

Vs.....

To the Registrar of

the.....

having been convicted of the offence of.....

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

whose address for service is.....

being desirous of appealing against my conviction/sentence, Do HEREBY GIVE  
 NOTICE of appeal against the decision of the High Court of  
 .....on

.....  
*Signature or Mark of Appellant*

.....  
*Signature and Address of Witness*

*Attesting Mark*

DATED at.....this.....day of .....20.....

PARTICULARS OF TRIAL AND CONVICTION

1. Date of Trial.....
2. In what Court tried.....
3. In what Court appeal heard.....
4. Sentence.....

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

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

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

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

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

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

## CRIMINAL FORM 4

## IN THE COURT OF APPEAL

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

## ORDER 17 RULE 3

The State Vs.....  
 To the Registrar of the.....  
 having been convicted of the offence of.....  
 and now being a prisoner in prison at.....or  
 whose address for service is.....and  
 being desirous of appealing against my conviction/sentence, DO HEREBY  
 GIVE NOTICE of appeal against the decision of the High Court  
 of.....on the following grounds :

.....  
*Signature or Mark of Appellant*

.....  
*Signature and Address of Witness*

*Attesting Mark*

DATED at.....this.....day of .....20.....

## PARTICULARS OF TRIAL AND CONVICTION

1. Date of Trial.....
2. In what Court tried.....
3. In what Court appeal heard.....
4. Sentence.....

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

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

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

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

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

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

## IN THE COURT OF APPEAL,

## NOTICE OF APPEAL,

(OR APPLICATION FOR LEAVE TO APPEAL)  
BY PROSECUTOR

## ORDER 17 RULE 3

To the Registrar of the .....  
 the prosecutor in the above case and being desirous of appealing against the  
 decision under section .....  
 DO HEREBY GIVE NOTICE OF APPEAL (or application for leave to appeal) on the following grounds:

DATE at ..... month day of ..... 20.....

Refer to the provision of the Law which gives the Prosecutor a Right of Appeal or the Right to apply for leave.

## PARTICULARS OF TRIAL AND CONVICTION

1. Date of Trial.....
2. In what Court tried.....
3. In what Court appeal heard.....
4. Sentence.....

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

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

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

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

Note: The form suitably adapted, may also be used where the application for leave to appeal is made to the High court.

## CRIMINAL FORM 6

## IN THE COURT OF APPEAL

NOTIFICATION BY REGISTRAR OF HIGH COURT  
OF RESULT OF APPLICATION FOR LEAVE TO APPEAL  
ORDER 17 RULE 7 (1)

The State

Vs.....

To the Registrar of the.....

I hereby give you notice that on the.....day of.....20.....  
the High Court of.....at.....  
granted/refused an application for leave to appeal against conviction/sentence  
in the case of which particulars are set below.

DATED at.....this.....day of.....20.....

*Registrar*

## PARTICULARS OF TRIAL AND CONVICTION

1. Case.....
2. Court of trial.....
3. Name of accused.....
4. Result of trial.....

*Note:* The Registrar of the High Court should forward with this notice  
the application for leave to appeal.

## IN THE COURT OF APPEAL

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

## ORDER 17 RULE 6

The State

Vs.....

To the Registrar of

the.....

I.....having  
been convicted of the offence of.....in  
the.....court, held at.....on the.....day  
of.....and being now a prisoner in prison  
at.....or whose address  
for service is .....give notice that I  
hereby apply to the Court for an extension of time within which I may give  
Notice of Appeal (or Notice of Application for leave to appeal) on the  
following grounds :

*.....  
Signature or Mark of Appellant**.....  
Signature and Address of Witness**Attesting Mark*

DATED at.....this.....day of .....20.....

You are required to send to the Registrar of the Court, duly filled up Forms 1,  
2, 3 or 4, whichever is appropriate.<sup>1</sup>State the offence e.g larceny, forgery, etc.<sup>2</sup>Where applicant for any reason not in custody, state the address for service.<sup>3</sup>State clearly and concisely the reasons for the delay in giving such notice and  
the grounds on which you submit the Court should extend the time.

CRIMINAL FORM 8  
IN THE COURT OF APPEAL  
RECOGNIZANCE OF BAIL OF APPELLANT  
ORDER 17 RULE 12

The State .....

Vs.....

BE IT REMEMBERED THAT WHEREAS.....  
was convicted of.....on the.....day of.....20.....and  
was thereupon sentenced to.....and has duly appealed against his  
in prison at.....and has applied for bail pending the  
conviction (and sentence) to the Court and has been granted bail on entering into his own  
determination of his appeal, and has been granted bail on entering into his own  
recognition in the sum of N.....with sureties each in the  
sum of N....., the said.....personally cometh  
before me the undersigned, being the.....

(State Office)

and acknowledges himself to owe to the State the said sum of  
N.....of goods and lawful money, to be made and  
levied of his goods and chattels, lands and tenements to the use of the State, if  
the said.....fails in the condition endorsed.

TAKEN AND ACKNOWLEDGED this.....day of .....20.....  
at .....

BEFORE ME

(State Office)

CONDITION

The Condition of the within recognition is such that if the  
said.....shall personally appear and surrender himself at and  
before the Court at each and every hearing of his appeal to such court and at the final  
determination thereof and then abide by the judgment of the said court and not depart  
or be absent from such court, and in the meantime not depart or be absent from such  
court at any such hearing without the leave of the said court, and in the meantime not  
depart from his usual place of abode without the leave of the court, and in the meantime not  
depart from his usual place of abode without the leave of the court, then this  
recognition shall be void, otherwise of full force and effect. The following to be  
filled up by the Appellant and signed by him "When released on bail my address for  
service, to which any Notices etc. are to be addressed, and will be as follows:

*Appellant*

CRIMINAL FORM 9  
IN THE COURT OF APPEAL  
RECOGNIZANCE OF APPELLANTS SURETIES  
ORDER 17 RULE 12

The .....  
Vs.....  
BE IT REMEMBER THAT on this.....day of.....20.....  
Came before me the undersigned being the.....

*(State Office)*

and severally acknowledged themselves to owe the President of the Federal Republic of Nigeria the several sums following, that is to say, the said sum of ₦.....

And the said sum of ₦.....of good and lawful money, to be made and levied of their goods and chattels, lands and tenement respectively, to the use of President of the Federal Republic of Nigeria. His heirs and successors, if.....now in lawful custody in prison at.....fail in the condition hereon endorsed.

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

.....  
*Magistrate/Registrar*

### CONDITION

The condition of the within written recognizance is such that whereas the said.....having been convicted of.....and now in such lawful custody as before mentioned (under a sentence of.....for such offence), has duly appealed to the Court against his said conviction (and sentence), and having applied to the said Court for bail, pending the determination of his said appeal, has been granted bail on him entering into recognizance in the sum of ₦.....with sureties each in the sum of ₦.....

If the said.....shall personally appear and surrender himself at and before the said Court and at the final determination thereof, and then abide by the judgment of the said Court, and not depart or be absent from the said Court at any such hearing without the leave of the court and in the meantime not depart from his usual place of abode without the leave of the court, then this recognizance shall be void, otherwise of force and effect.

B 3648

CRIMINAL FORM 10  
IN THE COURT OF APPEAL  
WARRANT FOR ARREST OF APPELLANT ON BAIL  
ORDER 17 RULE 12

The State

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

(State Office)

of the prison at.....

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

This is therefore to command you the said Constables or Court Messengers  
(as the case may be) forthwith to apprehend the said.....  
and you the said.....

(State Office)

are hereby required to receive the said.....into  
your custody in the said prison and thereby safely keep him until further order  
of the said court.

DATED this.....day of.....20.....

.....  
*Presiding Justice*

IN THE COURT OF APPEAL  
NOTICE OF ABANDONMENT OF APPEAL  
ORDER 17 RULE 17

The State

Vs.....

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

DATED this.....day of.....20.....

.....  
*Signature of mark of Appellant*

.....  
*Signature and Address of  
Witness Attesting Mark*

IN THE COURT OF APPEAL  
NOTICE OF ABANDONMENT OF APPEAL BY APPELLANT/  
PROSECUTOR  
ORDER 17 RULE 17

The State

Vs.....

I,.....  
the Appellant/the Prosecutor in the.....  
.....(Court) at.....  
appealed against the..... acquittal ..... having  
discharge..... and/or  
of..... 20..... in Charge No.....  
and having been desirous of appealing to the Court against the said acquittal  
and/or discharge do hereby give Notice that the State/I do not intend further  
to prosecute the appeal, and hereby abandon all further proceedings in regard  
thereto as from the date hereof.

DATED this..... day of..... 20.....

.....  
*Signature of mark of Appellant*

.....  
*Signature and Address of witness attesting mark*

1. To the Registrar of the Court of Appeal.
2. For Service on the Respondent.

CRIMINAL FORM 12  
IN THE COURT OF APPEAL  
NOTICE OF ABANDONMENT OF APPEAL  
ORDER 17 RULE 17

The state Vs .....

To THE DIRECTOR OF PUBLIC PROSECUTION OF .....to.....

This is to give you notice that I have this day received from the above named a notice of abandonment of all proceedings in regard to his appeal to the Court. The said notice is dated the .....day of .....20..... By order 17 rule 17 of the Court of Appeal Rules, upon the notice of abandonment being given the appeal shall be deemed to have been dismissed by the Court.

DATE this .....day of .....20.....

.....  
*Registrar of the Court*

\*send copies addressed to—

- (a) The Director-General of the appropriate Ministry (if a capital case);
- (b) The Director of public prosecutions or other Respondent;
- (c) The prison Authority; and
- (d) The Registrar of the lower court.

## CRIMINAL FORM 13

## IN THE COURT OF APPEAL

NOTICE OF APPLICATION FOR LEAVE TO WITHDRAW  
AN ABANDONMENT OF APPEAL

## ORDER 17 RULE 18

To : THE REGISTRAR, COURT OF APPEAL

The State Vs.....

I having been convicted of the Offence of .....  
 now being a prisoner in prison at .....  
 address for service is .....  
 duly sent a notice that I desire to appeal to the Court of Appeal and having  
 abandoned my appeal; GIVE YOU NOTICE that I hereby apply to the  
 Court of Appeal for leave to withdraw my Notice of Abandonment, in the  
 special circumstances following<sup>2</sup>:

.....  
*Signature or mark of Appellant*

.....  
*Signature and Address of  
Witness attesting mark*

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

<sup>1</sup>Here state the offence e.g. larceny, forgery etc.

<sup>2</sup>Set out as clear and concisely as possible the special reasons for giving such  
notice, and the grounds on which you submit the Court should allow you to  
withdraw the abandonment.

## CRIMINAL FORM 13A

IN THE COURT OF APPEAL  
NOTICE OF APPLICATION FOR LEAVE TO  
WITHDRAW AN ABANDONMENT OF APPEAL  
(BY APPELLANT/PROSECUTOR)

## ORDER 17 RULE 18

To : THE REGISTRAR, COURT OF APPEAL  
The state Vs

I.....being the Appellant/  
Prosecutor and having appealed against the acquittal and/or discharge by the  
Court on the.....day of.....20.....in  
charge No.....and having duly sent a Notice that the  
State/I desire to appeal to the Court of Appeal and having abandoned my  
appeal, GIVE YOU NOTICE that the State/I hereby apply to the Court of  
Appeal for leave to withdraw their/my Notice of abandonment, in the special  
circumstances following:

.....  
*Signature of Appellant and  
Designation of prosecutor*

.....  
*Signature and Address of  
Witness attesting mark*

Note: form 7 must be filed up and sent with the notice to the Registrar.

1. To the Registrar, Court of Appeal.
2. For service on the Respondent.

B 3654

CRIMINAL FORM 14  
IN THE COURT OF APPEAL  
ORDER TO WITNESS TO ATTEND COURT  
FOR EXAMINATION  
ORDER 17 RULE 19

The State Vs.....  
To.....  
*(Name of Witness)*

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

This is to give you Notice to attend before the said Court at.....  
the.....day of .....at .....2 o'clock in  
the afternoon.

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

DATE this.....day of .....20.....

*Registrar of the Court*

## CRIMINAL FORM 15

IN THE COURT OF APPEAL  
APPELLANT'S APPLICATION FOR FURTHER  
WITNESSES

## ORDER 17 RULE 19

The State

Vs.....

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

*Signature or Mark of Appellant**Signature and Address of  
Witness attesting Mark*

DATED this.....day of.....20.....

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

1. Name and address of witnesses.
2. Whether such witnesses have been examined at trial.
3. If not, state the reason why they were not so examined.
4. On what matters do you wish them to be examine on the appeal.
5. State briefly the evidence you think they can give.

## CRIMINAL FORM 16

IN THE COURT OF APPEAL  
NOTICE TO WITNESS TO ATTEND BEFORE  
AN EXAMINER

## ORDER 17 RULE 19

The State

Vs.....

To..... *(Name of witness)*of..... *(Address of Witness)*

Whereas on good cause shown to the Court you have been ordered to be examined as a witness upon the appeal of the above named, and your deposition to be taken for the use of the said Court. This is to give you notice to attend at.....

*(Specify Place of Examination)*

On..... day of..... 20.....

Before..... at..... O'clock in the forenoon.

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

DATED this..... day of..... 20.....

*Registrar of the Court*

## CRIMINAL FORM 17

IN THE COURT OF APPEAL  
CAPTION FOR DEPOSITION OF WITNESS  
EXAMINED BEFORE EXAMINER  
ORDER 17 RULE 19

The State .....  
Vs. ....  
To.....  
(Name of witness)

of .....  
(Address of witness)

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

.....  
(Address of Witness)

Examined before me under an order of the said Court dated the.....  
day of ..... 20.....in the presence of the  
said.....

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

The deposition of.....

Who (upon oath duly administered by me) said as follows :

DATED this..... day of ..... 20.....

.....  
Examiner

CRIMINAL FORM 18  
IN THE COURT OF APPEAL  
NOTIFICATION OF APPELLANT OF RESULT  
OF APPLICATION  
ORDER 17 RULE 21

The State

Vs.....

To : THE ABOVE-NAMED APPLICANT

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

- (a) leave to appeal to the said Court ;
- (b) leave to extend the time within which you may give notice of appeal or application for leave to appeal ;
- (c) permission to be present during the proceedings in your appeal ;
- (d) admission to bail ;
- (e) leave to withdraw abandonment of appeal; and has finally determined the same and has this day given judgment to the effect following :

DATED this.....day of.....20.....

.....  
*Registrar of the Court*

V

CRIMINAL FORM 19  
IN THE COURT OF APPEAL  
NOTICE OF AUTHORITIES OF RESULT OF APPLICATION  
ORDER 17 RULE 21

B 3659

The State.....  
Vs.....  
To : THE DIRECTOR OF PUBLIC PROSECUTORS  
of.....  
To.....

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

- (a) leave to appeal to the said Court ;
- (b) leave to extend the time within which he may give notice of appeal or of application for the said Court ;
- (c) permission to be present during the proceedings in his appeal ;
- (d) admission to bail ;
- (e) leave to withdraw abandonment of appeal: the Court has this day finally determined his said applications and has given judgment to the effect following :

.....  
*Registrar of the Court*

DATED this.....day of.....20.....

Send copies addressed to :

- (a) the Director of Public Prosecutions or other Respondent;
- (b) the Prison Authority; and
- (c) the Registrar of the Lower Court.

Here set out the decision of the Court.

CRIMINAL FORM 20

IN THE COURT OF APPEAL  
NOTIFICATION TO APPELLANT OF THE RESULT OF HIS APPEAL  
ORDER 17 RULE 21

The State Vs.....

To : THE ABOVE-NAMED APPELLANT

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

DATED this .....day of.....20.....

*Registrar of the Court*

NOTIFICATION TO AUTHORITIES OF RESULT OF APPEAL  
ORDER 17 RULE 21 (1)

The State Vs .....

To : THE DIRECTOR OF PUBLIC PROSECUTION

or.....

To : ...../.....  
This is to give you notice that the above named having appealed against his  
conviction at the offence of .....before the .....Court,  
and/or the sentence of .....passed upon him for  
the offence of .....

By the .....the Court, the Court has finally determined the said  
appeal, and has this day given judgment herein to the effect following :

DATE this .....day of .....20.....

.....  
*Registrar of the Court*

Send copies address to :

- (a) The Director-General of the appropriate ministry (if a capital  
base);
- (b) The appropriate Director of public prosecutions or other

Respondent

- (c) The prison Authority; and
- (d) The Registrar of the lower court.

Here set out the decision of the court.

## CRIMINAL FORM 22

IN THE COURT OF APPEAL  
CERTIFICATE OF THE REGISTRAR THAT A  
COPY OF THE RECORD OF APPEAL HAS BEEN  
SERVED ON THE APPELLANT(S)

ORDER 17 RULE 25 (1)

Appeal No.....

Between:..... And..... Appellant

I do hereby certify that a copy of the record of the above appeal was on the..... day of..... 20..... served upon the Appellant/Appellants by.....

DATED this..... day of..... 20.....

.....  
Registrar of the Court

IN THE COURT OF APPEAL  
CERTIFICATE(S) OF THE REGISTRAR OF SERVICE UPON  
RESPONDENT OF NOTIFICATION THAT THE  
RECORD HAS BEEN COMPILED

ORDER 17 RULE 25 (2)

*Appeal No.....*

I do hereby certify that on the.....day of.....20.....  
the Respondent/Respondents in this appeal was/were notified  
..... that the record of appeal has been compiled.  
by.....

DATED this..... day of.....20.....

*Registrar of the Court*

## PART II

### **THIRD SCHEDULE**

### **FEES IN CIVIL AND CRIMINAL MATTERS**

**ORDER 12 RULE 1**

A — APPELLATE JURISDICTION	N
On filing Notice of Appeal against a final judgment or decision ..	5,000.00
On Respondent's Notice of Intention to contend that decision of lower court be varied or affirmed .. .. .. .. .. .. .. ..	5,000.00
On filing Notice of Appeal against an Interlocutory order or decision ..	5,000.00
On filing Motion for leave to appeal .. .. .. .. .. .. .. ..	3,000.00
On filing Notice of Appeal where leave is granted .. .. .. .. ..	5,000.00
On filing Motion for Extension of time .. .. .. .. .. .. .. ..	3,000.00
On filing any Motion not otherwise provided for .. .. .. .. ..	3,000.00
On filing Motion for stay of execution (if application is made separate)	3,000.00
 On filing Amended or Additional Grounds of Appeal :	
If filed at least three weeks before the date fixed for the commencement of the sitting for which the appeal is set down .. .. .. .. ..	1,000.00
If filed less than three weeks but at least two clear days before such date .. .. .. .. .. .. .. ..	1,500.00
If filed later, but before the hearing of the appeal .. .. .. .. ..	2,000.00
On filing of Brief by either the Appellant or the Respondent .. .. ..	2,000.00
For failure to file briefs within the prescribed period for each Additional day thereof per day .. .. .. .. .. .. .. ..	200.00
On amending or adding to Grounds of Appeal by leave or direction of the Court at the hearing .. .. .. .. .. .. .. ..	2,000.00
On application for warrant to detain a ship .. .. .. .. .. .. .. ..	5,000.00
On every certificate of the Order of the Court of Appeal (made on the final Determination of appeals under (Order 23)) .. .. .. ..	1,000.00

## B—GENERAL

<b>For swearing an affidavit or making a declaration per deponent</b>	..	300.00
<b>For marking any paper annexed to an affidavit or declaration</b>	..	100.00
<b>On filing an affidavit</b>	.. .. .. .. .. .. .. ..	200.00
<b>On filing any other document or exhibit</b>	.. .. .. .. .. ..	100.00
<b>For the drawing up of order of judgment</b>	.. .. .. .. .. ..	500.00
<b>For every subpoena</b>	.. .. .. .. .. .. .. ..	200.00
<b>On warrant for prisoner to give evidence</b>	.. .. .. .. .. .. .. ..	500.00
<b>On inspection of any document or judgment</b>	.. .. .. .. .. .. .. ..	500.00

For searching the archives for each period of six months or part thereof	500.00
For preparing a copy where authorized per folio of 72 words .. ..	500.00
On lodging a bill of costs for taxation, including taxation for the First twenty folio .. .. .. .. .. .. .. ..	500.00
For every ten folio or part thereof after the first twenty .. .. ..	500.00

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

MADE at Abuja this 1st day of November, 2021.

HON. JUSTICE MONICA BOLNA'AN DONGBAN-MENSEM  
*President, Court of Appeal*