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**COURT OF APPEAL (FAST TRACK) PRACTICE
DIRECTIONS 2014**



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S. I. No. 40 of 2014

**COURT OF APPEAL (FAST TRACK) PRACTICE
DIRECTIONS 2014**

[8th Day of December, 2014]

Commence-
ment.

Definitions.

In the exercise of powers conferred on me by Section 248 of the Constitution of the Federal Republic of Nigeria, Section 8(2) of the Court of Appeal Act, and all the other powers of my Office, I, ZAINAB A. BULKACHUWA, CFR, President of the Court of Appeal, issue the following Practice Directions.

1. Unless the context dictates otherwise, the following terms have the meanings respectively assigned to them—

“*appeal*” includes interlocutory appeal ;

“*appellant*” means the party who brings the appeal and includes a Legal Practitioner acting on his behalf ;

“*brief*” includes written address and written submissions ;

“*case management conference*” means a meeting convened by the Court of its own initiative or at the request of a party to agree on how best to speed up the appeal or any part of it ;

“*Court*” means the Court of Appeal ;

“*court document*” means a document issued by the Court or filed or generated by the parties relative to proceedings, and includes affidavits, applications, briefs, bundles, charges, exhibits, information, judgments, notices, orders, pleadings, proofs of evidence, records, summonses and witness statements ;

“*debt appeal*” means an appeal to the Court by or against a debt resolution agency in connection with the agency’s statutory duties, functions, objects, operations, powers or transactions ;

“*debt resolution agency*” includes the Asset Management Corporation of Nigeria ;

“*division*” means Judicial Division of the Court ;

“*document*” means Court document, and includes anything in which information of any description is recorded or stored, including information held in an electronic format ;

“*fast-track appeal*” means any of the following :

- Debt appeals
- Appeals pertaining to or connected with :
 - Corruption :
 - Human Trafficking
 - Kidnapping
 - Money Laundering

- Rape
- Terrorism

* Appeals by or against such national human rights, intelligence, law enforcement, prosecutorial or security agencies such as the Economic and Financial Crimes Commission, Independent Corrupt Practices Commission, National Human Rights Commission, the State Security Service.

“*it*” (pronoun) includes ‘he’, ‘she’, ‘him’ and ‘her’ ;

“*its*” (possessive pronoun) includes ‘his’ and ‘hers’ ;

“*matter*” includes interim appeal or interlocutory application ;

“*of own initiative*” means without application or request ;

“*President*” means the President of the Court of Appeal and includes an Acting President ;

“*Registry*” means registry of the Court of Appeal ;

“*respondent*” means a party against whom an appeal or application is filed ;

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

“*several*” means two or more, plural ;

“*signature*” includes name, initials or mark whether handwritten, printed typed or computer-generated ;

“*trial court*” includes the Federal High Court, the High Court of a State, and any Court or Tribunal from which appeals lie to the Court.

Interpretation
and
Application.

2.—(a) The Court must administer, apply, construe, and interpret these directions purposively and holistically to secure the efficient and speedy determination of every fast-track appeal.

(b) The Rules are the default procedural template for fast-track appeals. Thus :

(i) Where no provision, or only inadequate provision, is made in this Practice Directions, the Rules should guide the Court and parties.

(ii) The Court may abridge timeframes stipulated in the Rules to align with the fundamental objective and tenor of this Practice Direction.

(c) When the Court is empowered to exercise any power or discretion or do anything “on just terms”, or to stipulate costs or other terms, the Court may exercise that power or discretion as it deems fit.

(d) References to a party or parties mean or include references to its or their Counsel, depending on the context.

(e) This Practice Direction applies to all fast-track appeals.

(f) The Registrar must give priority listing to fast-track appeals on the Court’s docket.

3.—(a) This Practice Direction is a set of directions with the fundamental objective of enabling the Court to deal with fast-track appeals quickly and efficiently.

Fundamental Objective.

(b) The Court must give effect to the fundamental objective :-

(i) at every stage of a fast-track appeal ;

(ii) when exercising any power given by the Act, the Rules, or this Practice Directions.

(iii) when exercising its inherent jurisdiction ;

(iv) when exercising a discretion ; and

(v) when applying or interpreting any rule or direction.

(c) The parties must help the Court to further the fundamental objective.

(d) The Court must further the fundamental objective by actively managing cases.

4. Active Case Management includes :

Active Case Management.

(a) encouraging the parties to co-operate with each other in the conduct of the proceedings ;

(b) fixing timetables and otherwise controlling the progress of the case ;

(c) considering whether the likely benefits of taking a particular step justify the cost in taking it ;

(d) dealing with as many aspects of the case as possible on the same occasion even when not scheduled ;

(e) discouraging interlocutory appeals and requiring parties, except in the most deserving cases, to subsume their interlocutory matters under a final appeal or under the substantive suit at the trial court ;

(f) dealing swiftly with applications and objections to minimize their interruption of main proceedings ;

(g) using technology ;

(h) penalizing delay tactics with heavy costs ; and

(i) giving directions to ensure that the appeal proceeds expeditiously.

5.—(1) Parties are to attend Court everyday in any matter scheduled, however the Court may proceed in their absence, if satisfied that the matter is scheduled for that day.

Parties to keep Abreast of Proceedings and Filing.

(2) Parties must keep abreast of developments, documents, filings and scheduling in the proceedings by actively liaising with the Registry.

(3) When the Court issues hearing notice on any matter in the proceedings, it serves as a hearing notice for all ripe matters in the file.

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Court may Exercise Powers of own Initiative

6. The Court may exercise these case-management powers of its own initiative :

- (a) shorten the time for compliance with any rule, practice direction or Court order ;
- (b) bring forward a proceeding ;
- (c) stay the whole or part of any proceedings or execution of the judgment, the subject matter of the appeal, either generally or until a specified date or event ;
- (d) consolidate proceedings ;
- (e) convene a case-management conference, the Court need not issue formal notices to the parties but may call the meeting by phone, fax or email through a clerk, registrar or other assistant ; and
- (f) take any other step or make any other order to manage the case and further the fundamental objective.

Court may Impose Terms.

7. In making an order or before proceeding with an appeal, the Court may :

- (a) Impose conditions, including a condition to pay a judgment debt or other sum of money into Court ; and
- (b) Specify the consequence(s) of failure to comply with the order or condition.

Briefs to dominate Fast-Track Appeals.

8.—(1) The Court will not entertain any *amicus* briefs unless the Court has invited them.

(2) Briefs must be brief :

(a) In an interlocutory appeal, a brief must not exceed 15 pages on A4 paper, with Times New Roman 14, single-spaced.

(b) In a final appeal, a brief must not exceed 25 pages on A4 paper, with Times New Roman 14, single-spaced.

(c) List of authorities, table of contents and any schedules are excluded in the page count.

(d) A schedule may contain or include only unreported or foreign authorities that may not be available to the Court.

(3) The appellant must file and serve its brief within 14 days from the transmission of the record of appeal.

(4) On default of the filing of the appellant's brief within time, the Court may dismiss the appeal for want of diligent prosecution.

(5) The respondent must file and serve its brief 10 days from service of the appellant's brief.

(6) On default of the respondent filing its brief within time, the Court may proceed with the hearing.

(7) If the appellant wishes to file a reply on points of law, it must do so within 5 days from service of the respondent's brief.

(8) No oral elaboration of briefs is allowed, but the Court may request clarification from a party.

(9) Briefs, once filed and served, are deemed adopted on the date set down for hearing and the Court should proceed to decision without further recourse to the parties.

(10) Briefs are deemed closed on the 8th day after the service of the respondent's brief, whether or not a reply on points of law has been filed or is forthcoming.

(11) Once briefs are closed or deemed closed, the Court should proceed to set down the appeal for hearing.

9.—(1) The Court will process and determine applications swiftly.

Court to
Resolve
Applications
Swiftly.

(2) The Court should resolve applications within 21 days of the service of the last document in the application.

10. No adjournments may be allowed—

Adjournments.

(1) because of the absence of one or more parties or tardiness in filing any document ;

(2) to enable any party who had sufficient notice of the proceedings it wishes adjourned ;

(3) To enable a party comply with costs or similar order ;

4. On the hearing date of the matter.

11.—(1) A party may change its counsel at any time without the Court's prior permission, without the outgoing counsel's co-operation, and without giving reasons.

Change of
Counsel.

(2) Change of counsel may not be a basis for adjournment.

12. The Registry must list fast-track appeals for hearing on a date within 10 days of service of the respondent's brief, and issue hearing notices accordingly.

Registry to
fix Appeal
urgently

13.—(1) In any appeal in respect of cases listed in 1 above, the registrar of the Court below shall, not later than 30 days after the filing of a notice of appeal, with the assistance of the appellant, compile and transmit the record of appeal to the Court ;

Compilation
and
Transmission
of Record.

(2) In pursuit of 13(1) above, the registrar shall, within 15 days summon the parties 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 making up and forwarding the record of appeal.

(3) Where at the expiration of 30 days after the filing of the notice of appeal the registrar has failed and or neglected to compile and transmit the record of appeal to the Court, it shall become mandatory for the appellant to compile the record consisting of all documents and exhibits necessary for his appeal and transmit same to the Court within 15 days after the registrar's failure or neglect ;

(4) Such records compiled by the appellant shall be served on the respondent or respondents within 15 days ;

(5) Where the respondent considers that there are additional records which may be necessary in disposing of the appeal, he shall be at liberty to, within 7 days of the service on him of the record, in accordance with 13(4) compile and transmit to the Court such record to be known as the additional record of appeal ;

(6) Every record or additional record of appeal compiled by a party to an appeal must be certified by the registrar of the Court below. Provided that it shall not be necessary for copies of individual documents to be separately certified but the registrar of the Court below shall certify as correct each copy of the record transmitted in accordance with this Practice Directions ;

(7) If the registrar has failed to compile and transmit the records under 13(1) above and the appellant has also failed to compile and transmit the records in accordance with 13(3), the respondent may by notice of motion move the Court to dismiss the appeal.

Electronic
Service and
Signatures.

14.—(1) A requirement that a document should be signed is satisfied if the signature is printed by computer or other mechanical means.

(2) A document served by electronic means is deemed to have been signed by the person who owns or subscribes to the electronic source account if its signature appears on the document or its cover message as the sender.

(3) Examples of electronic source accounts are email addresses and fax numbers.

MADE at Abuja this 8th day of December, 2014.

HON. JUSTICE ZAINAB ADAMU BULKACHUWA, CFR
President, Court of Appeal