

Federal High Court Act
Chapter 134
Laws of the Federal Republic of Nigeria

13th April 1973

An Act to establish the Federal High Court as a High Court with certain special powers and to provide for all other matters connected therewith.

Part I

The Constitution of the Federal High Court

1. (1) There is hereby established a High Court of Justice which shall be styled "The Federal High Court" (hereafter in this Act referred to as "the Court").
 - (2) The Court shall consist of the following
 - (a) the Chief Judge, who shall have overall control and supervision of the administration of the Court; and
 - (b) fifty Judges of the Court.
 - (3) The Court shall be a superior court of record and, save as otherwise provided by law, shall have all the powers of the High Court of any of the States in the Federation.
 - (4) The Court shall assume its functions on such date as may be appointed by an order made by the President of the Federal Republic of Nigeria.
2. (1) The Chief Judge of the Court and the other Judges of that Court shall be appointed by the President on the recommendation of the Federal Judicial Service Commission.
 - (2) A person shall not be qualified to hold the office of a Judge of the Court unless
 - (a) he is or has been a Judge of a Court having unlimited jurisdiction in civil and criminal matters in Nigeria or a court having jurisdiction in appeals from any such court; or
 - (b) he is qualified for admission as a legal practitioner in Nigeria and has been so qualified for not less than ten years:
Provided that in computing the period during which any person has been qualified for admission as a legal practitioner any period during which he has held office as a Judge or Magistrate after becoming so qualified shall be included.
 - (3) If the office of the Chief Judge is vacant or if the person holding the office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding the office has resumed those functions, as the case may be, those functions shall be performed by such one of the other Judges of the Court as may, from time to time, be designated in that behalf by the President acting on his discretion from among the Judges of the Court.
 - (4) If the office of any Judge of the Court other than the Chief Judge's is vacant or if the person holding the office is acting as Chief Judge or is for any reason unable to perform the functions of his office, the President acting after consultation with the Federal Judicial Service Commission, may appoint a person with such qualifications as prescribed in this Act to act in the office of a Judge of the Court; and any person so appointed shall continue to act for the period of the appointment or if no period is specified until his appointment is revoked.

3. Any person holding or appointed to act in the office of the Chief Judge or a Judge of the Court may be removed from his office or appointment in accordance with the provisions of the Constitution.
4.
 - (1) The Chief Judge shall take precedence of the other Judges of the Court, and the other Judges shall take precedence after the Chief Judge in accordance with such directions as may be given by the President.
 - (2) The Chief Judge shall rank equal with the Chief Judge of the States of the Federation and of the Federal Capital Territory, Abuja in precedence and the Judges of the Court shall, in like manner, rank with the Judges of the High Courts of the States and of the Federal Capital Territory, Abuja.
5.
 - (1) There shall be paid to the Chief Judge and to each of the other Judges of the Court, such salaries and remunerations as are payable, respectively, to the Chief Judge of the States of the Federation and of the Federal Capital Territory, Abuja and the Judges of the High Courts of the States and of the Federal Capital Territory, Abuja.
 - (2) There shall also be paid to each Judge on account of expenses incurred in connection with his office or otherwise such allowances as are considered reasonable by the Federal Government.
 - (3) The amounts payable under the provisions of this section shall be charged upon and paid out of the Consolidated Revenue Fund of the Federation.
6.
 - (1) The Court shall have and may use a seal bearing a device or impression approved by the Chief Judge with the inscription "The Federal High Court".
 - (2) The seal shall be kept by the Chief Judge and the duplicate thereof shall be kept by each of the other Judges, and the Chief and other Judges may entrust the seal or duplicate to such officers of Court as they may think fit.
 - (3) Such seal shall be a seal of the Court for all purposes for which it may be required under the provisions of any enactment or Rule of Court.

Part II

Jurisdiction and Law

7.
 - (1) The Court shall have and exercise jurisdiction in civil causes -
 - (a) relating to the revenue of the Government of the Federation in which the said Government or any organ thereof or a person suing or being sued on behalf of the said Government is a party;
 - (b) connected with or pertaining to-
 - (i) the taxation of companies and of other bodies established or carrying on business in Nigeria and all other persons subject to Federal taxation,
 - (ii) customs and excise duties,
 - (iii) banking, foreign exchange, currency or other fiscal measures;
 - (c) arising from-
 - (i) the operation of the Companies and Allied Matters Act or any other enactment regulating the operation of companies incorporated under the Companies and Allied Matters Act,
 - (ii) any enactment relating to copyright, patents, designs, trade marks and merchandise marks;
 - (d) of Admiralty jurisdiction.

- (2) The Court shall also have and exercise jurisdiction and powers in respect of criminal causes and matters arising out of or connected with any of the matters in respect of which jurisdiction is conferred by subsection (1) of this section.
 - (3) The jurisdiction conferred under subsection (1) of this section in respect of criminal causes and matters shall without prejudice to the generality of that subsection and subject to section 64(3) of this Act include original jurisdiction in respect of offences under the provisions of the Criminal Code Act being offences in relation to which proceedings may be initiated at the instance of the Attorney- General of the Federation.
 - (4) The National Assembly may by an Act confer jurisdiction on the Court in respect of such other causes and matters of like nature as those set out in the foregoing subsections as he may, from time to time, at his discretion specify.
8.
 - (1) In so far as jurisdiction is conferred upon the Court in respect of the causes or matters mentioned in the foregoing provisions of this Part of this Act, the High Court or any other court of a State or of the Federal Capital Territory, Abuja shall, to the extent that jurisdiction is so conferred upon the Court, cease to have jurisdiction in relation to such causes or matters.
 - (2) Notwithstanding subsection (1) of this section, the President may by order and to the extent set out in the said order vest in the High Court or any other court of a State or of the Federal Capital Territory, Abuja Federal jurisdiction either generally in relation to the causes and matters set out in the preceding section or specially in relation to any particular cause or matter which may be specified in the said order.
 - (3) Nothing in the foregoing provisions of this section shall affect the jurisdiction and all other powers of the High Court or any other court of a State to continue to hear and determine causes and matters which are part-heard before such court at the date of the assumption of the functions of the Federal High Court or at the date when jurisdiction is otherwise conferred on the Court by the President, and any proceedings in any such causes and matters, which are still part-heard at the expiration of the period of six months beginning with the date of assumption of the functions of the Court or at the date when jurisdiction is otherwise conferred on the Court, shall abate on the expiration of that period.
9.
 - (1) The jurisdiction vested in the Court shall, so far as practice and procedure are concerned, be exercised in the manner provided by this Act or any other enactment or by such rules and orders of court as may be made pursuant to this Act.
 - (2) Where a matter arises in respect of which no provision of no adequate provisions are made in the Rules under subsection (1) of this Act or in any other Act, Decree or enactment, the Court shall adopt such procedure as it deems fit to do substantial justice between the parties concerned
10. Subject to the provisions of this Act, in every civil cause or matter commenced in the Court, law and equity shall be administered by the Court concurrently.
11. The Court in the exercise of the jurisdiction vested in it by or under this Act shall, in every cause or matter have power to grant, either absolutely or on such terms and conditions as the Court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter so that, as far as possible, all matters in controversy between the parties may be completely and finally determined and all multiplicity of legal proceedings concerning any of those matters avoided.
12. Subject to the express provisions of any other enactment, and in all matters not particularly mentioned in this Act in which there was formerly or there is any conflict or variance between the rules of equity and the rules of common law with reference to the same matter, the rules of equity shall prevail in the Court so far as the matters to which those rules relate are cognisable by the Court.
13.
 - (1) The Court may grant an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the Court to be just or convenient so to do.
 - (2) Any such order may be made either unconditionally or on such terms and conditions as the Court thinks just.

- (3) If, whether before, or at, or after the hearing of any civil cause, or matter, an application is made for an injunction to prevent any threatened or apprehended waste or trespass, the injunction may be granted, if the Court thinks fit, whether the person against whom the injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.
- (4) The power conferred by this section to grant an injunction by an interlocutory order may be exercised notwithstanding that the same is granted against an officer or authority of the Federation as such.
14. (1) The Court shall have the power to make an order of mandamus requiring any act to be done or an order of prohibition prohibiting any proceedings, cause or matter, or an order of certiorari removing any proceedings, cause or matter into the Court for any purpose.
- (2) The power conferred by this section to make an order of mandamus, prohibition or certiorari may be exercised notwithstanding that the order is made against an officer or authority of the Federation as such.
- (3) Subject to the foregoing provision of this section, the references in any written law to any writ of mandamus, prohibition or certiorari shall be construed as references to an order corresponding thereto and the references to the issue or award of any such order shall in like manner be so construed.
15. In any case where any person acts in an office in which he is not entitled to act, the Court may grant an injunction restraining him from so acting and may (if the case so requires) declare the office to be vacant.
16. Where any person neglects or refuses to comply with a judgment or order of the Court directing him to execute any conveyance, contract or other document, or to endorse any negotiable instrument, the Court may, on such terms and conditions, if any, as may be just order that the conveyance, contract or other document shall be executed, or that the negotiable instrument shall be endorsed by such person as the Court may nominate for that purpose, and a conveyance, contract, document or instrument so executed or endorsed shall operate and be for all purposes as valid as if it had been executed or endorsed by the person originally directed to execute or endorse it.
17. In any proceedings in the Court, the Court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.
18. The Court may, at any time during the hearing of a criminal cause and before its decision is announced, and if so required by the Attorney- General of the Federation shall, state a case on a point of law for the opinion of the Court of Appeal.

Part III

Sitting and Distribution of Business

19. (1) The Court shall have and exercise jurisdiction throughout the Federation, and for that purpose the whole area of the Federation shall be divided by the Chief Judge into such number of Judicial Divisions (not less than four) as he may, from time to time, specify and he may designate any such Judicial Division or part thereof by such name as he may think fit.
- (2) For the more convenient despatch of business, the Court may sit in any one or more Judicial Divisions as the Chief Judge may direct, and he may also direct one or more Judges to sit in any one or more of the Judicial Divisions.
- (3) The Chief Judge shall determine the distribution of the business before the Court amongst the Judges thereof and may assign any judicial function to any Judge or Judges or in respect of a particular cause or matter in a Judicial Division.

- (4) Subject to the directions of the Chief Judge, every Judge of the Court shall sit for the trial of civil and criminal causes or matters and for the disposal of other legal business pending at such places in the Federation and at such times as the Chief Judge may think fit.
20. (1) Subject to Rules of Court and to any provisions pertaining to vacations as may be prescribed the Court shall open throughout the year for the transaction of any pending general legal business.
- (2) Provisions shall be made for the hearing of all such applications as may be required to be expeditiously or immediately heard.
21. Where the Judge who shall preside over the sitting of the Court is from any cause unable or fails to attend the same on the day appointed, and no other Judge is able to attend in his stead, the Court shall stand adjourned from day-to-day until a Judge shall attend or until the Court shall be adjourned or closed by order under the hand of a Judge.
22. (1) A Judge of the Court may at any time or at any stage of the proceedings in any cause or matter before final judgment, either with or without application from any of the parties thereto, transfer such cause or matter before him to any other Judge of the Court.
- (2) No cause or matter shall be struck out by the Court merely on the ground that such cause or matter was taken in the Court instead of the High Court of a State or of the Federal Capital Territory, Abuja in which it ought to have been brought, and the Judge of the Court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate High Court of a State or of the Federal Capital Territory, Abuja in accordance with Rules of Court to be made under section 44 of this Act.
- (3) Notwithstanding anything to the contrary in any law, no cause or matter shall be struck out by the High Court of a State or of the Federal Capital Territory, Abuja on the ground that such cause or matter was taken in the High Court instead of the Court, and the Judge before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate Judicial Division of the Court in accordance with such rules of court as may be in force in that High Court or made under any enactment or law empowering the making of rules of court generally which enactment or law shall by virtue of this subsection be deemed also to include power to make rules of court for the purposes of this subsection.
- (4) Every order of transfer made pursuant to subsection (2) or (3) of this section shall operate as a stay of proceedings before the court before which such proceedings are brought or instituted and shall not be subject to appeal.
- (5) Where the court to which any cause or matter has been transferred pursuant to subsection (2) or (3) of this section is of opinion that the cause or matter ought in law to be dealt with by the court which transferred the cause or matter, the Judge presiding in the first mentioned court shall after hearing counsel on behalf of the parties state a case on a point of law for the opinion of the Court of Appeal.
- (6) Where any case on a point of law is stated for the opinion of the Court of Appeal, the Court of Appeal shall, in accordance with rules applicable in that court, give its decision upon the case and the court which stated the case shall dispose of the cause or matter accordingly. Proceedings to be disposed of by single Judge.
23. Every proceeding in the Court and all business arising thereout shall, so far as is practicable and convenient and subject to the provisions of any enactment or law, be heard and disposed of by a single Judge, and all proceedings in an action subsequent to the hearing or trial, down to and including the final judgment or order, shall, so far as is practicable and convenient, be taken before the Judge before whom the trial or hearing took place.
24. A Judge may, subject to Rules of Court, exercise in Court or in chambers all or any part of the jurisdiction vested in the Court in all such causes and matters and in all such proceedings in any causes or matters as may be heard in Court or in chambers respectively by a single Judge of a High Court of Justice in England.

25. Subject to the provisions of this Act with respect to appeals in matters of practice and procedure, every order made by a judge in chambers except orders as to costs only, may upon notice be set aside or discharged by the judge sitting in Court.
26. Where in the opinion of a Judge of the Court any cause or matter before him is such as will be heard and determined or disposed of more expeditiously by a magistrate's court, the Judge of the Court may, subject to the provisions of this Act, at his discretion order that such cause or matter be heard and determined by a magistrate's court exercising jurisdiction in the State in which the cause of action pertaining thereto arose, or in the Federal Capital Territory, Abuja as the case may be, in accordance with Rules of Court made under section 44 of this Act; and the magistrate's court shall have jurisdiction for the hearing and determination of such cause or matter and may exercise powers in relation thereto (within the limits of its general powers) as if original jurisdiction had been conferred upon it by virtue of this Act.
27. (1) Where a magistrate, either of his own motion or on the application of any person concerned, is of opinion that any cause or matter brought before him is one in respect of which jurisdiction is vested in the Court, the magistrate shall report to the Chief Judge of the High Court of the State or of the Federal Capital Territory, Abuja the pendency of the cause or matter.
- (2) The Chief Judge of the State or of the Federal Capital Territory, Abuja may on receipt of the report made pursuant to subsection (1) of this section exercise in respect of the cause or matter so reported the same power of transfer as is conferred by subsection (3) of section 22 of this Act; and the provisions of subsections (4) to (6) of that section shall apply in respect of such transfer to the same extent as they apply in respect of transfers made under that section.
28. The Court shall have appellate jurisdiction to hear and determine appeals from -
- (a) the decisions of Appeal Commissioners established under the Companies Income Tax Act and the Personal Income Tax Act in so far as applicable as Federal law;
 - (b) the decisions of the Customs, Immigration and Prison Services Board established under the Customs, Immigration and Prison Services Act;
 - (c) the decisions of magistrates' courts in respect of civil or criminal causes or matters transferred to such courts pursuant to this Act, and
 - (d) the decisions of any other body established by or under any other Federal enactment or law in respect of matters concerning which jurisdiction is conferred by this Act.
29. On the hearing of an appeal under section 28 of this Act, the Court may draw any inference of fact and either-
- (a) confirm, vary or set aside the judgment or order of the court or body mentioned therein; or
 - (b) order a rehearing and determination on such terms as the Court may think just; or
 - (c) order judgment to be entered for any party; or
 - (d) make a final or other order on such terms as the Court may think proper to ensure the determination on the merits of the real questions in controversy between the parties.
30. On an appeal from a conviction in a magistrate's court, the Court may-
- (a) maintain the conviction and dismiss the appeal; or
 - (b) allow the appeal and set the conviction aside if it appears to the Court that the conviction should be set aside on the ground that it was, having regard to the evidence adduced, unreasonable, or that the conviction should be set aside on the ground of a wrong decision on any question of law, or on the ground that there was a substantial miscarriage of justice:

Provided that the Court, notwithstanding that it is of the opinion that the point raised in the appeal might

be decided in favour of the appellant, may dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred; or

- (c) set aside the conviction and convict the appellant of any offence of which he might lawfully have been convicted by the magistrate upon the evidence and sentence him accordingly; or
 - (d) set aside the conviction and order that the appellant be re-tried in a court of competent jurisdiction; or
 - (e) substitute for the conviction a special finding that the appellant was insane at the time that he did the act or made the omission constituting the offence with which he was charged before the magistrate.
- 31.** (1) Subject to the provisions of this Act, the Court may, on an appeal against an acquittal or dismissal-
- (a) affirm the decision of the trial court and dismiss the appeal; or
 - (b) remit the case, together with the judgment of the Court on the case, to the trial court for determination, whether or not by way of rehearing, with such directions as the Court may think necessary.
- (2) Subject as aforesaid, on an appeal against an acquittal or dismissal, the Court shall make any amendment or any consequential or incidental order that may appear just and proper.
- 32.** Subject to the provisions of the Constitution of the Federal Republic of Nigeria, the Court of Appeal Act and the Rules of the Court of Appeal, appeals shall lie from the decisions of the Court in its original or appellate jurisdictions to the Court of Appeal.

Part IV

General Provisions to Trial and Procedure

- 33.** (1) Subject to the provisions of this section, criminal proceedings before the Court shall be conducted substantially in accordance with the provisions of the Criminal Procedure Act, and the provisions of that Act shall, with such modifications as may be necessary to bring it into conformity with the provisions of this Act, have effect in respect of all matters falling within the jurisdiction of the Court.
- (2) Notwithstanding the generality of subsection (1) of this section all criminal causes or matters before the Court shall be tried summarily.
- (3) For the purposes of this section, except the contrary intention appears from the context, any reference in the Criminal Procedure Act to the Attorney-General of a State shall be construed as a reference to the Attorney-General of the Federation.
- 34.** (1) As far as practicable all revenue causes or matters shall, notwithstanding anything to the contrary in any enactment or law be tried, determined or disposed of in priority to, any other business of the Court.
- (2) In this section, "revenue causes or matters" means causes or matters concerned with, involving or pertaining to the revenue of the Government of the Federation in respect of which jurisdiction is conferred upon the Court by or under the provisions of this Act.
- 35.** (1) In any civil cause or matter, the Court may, if it thinks it expedient so to do or in a manner prescribed under any enactment or law, call in the aid of one or more assessors specially qualified and try and hear the cause or matter wholly or partially with the assistance of such assessors.
- (2) The remuneration, if any, to be paid to an assessor shall be as determined by the Court or otherwise as so prescribed.
- 36.** (1) Subject to Rules of Court, the Court may refer to an official or special referee for inquiry or report any question arising in any cause or matter other than a criminal proceeding.

- (2) The report of an official or special referee may be adopted wholly or partially by the Court or a Judge and, if so adopted, may be endorsed as a judgment or order to the same effect.
37. In any cause or matter other than a criminal proceeding,
- (a) if all the parties interested, who are not under disability, consent; or
 - (b) if the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court conveniently be conducted by the Court through its ordinary officers; or
 - (c) if the question in dispute consists wholly or in part of accounts, the Court or a Judge may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or an official referee or officer of the Court or arbitrator respectively agreed on by the parties.
38. (1) In all cases of reference to an official or special referee or arbitrator, the official or special referee or arbitrator shall be deemed to be an officer of the Court, and referees and subject to Rules of Court shall have such authority, conduct the reference in such manner, as the Court or a Judge may direct.
- (2) The report of an official or special referee on any reference shall, if adopted and not set aside by the Court or a Judge, be equivalent to a finding of the Court or of the judge .
- (3) An award of an arbitrator on any reference, shall unless remitted pursuant to section 11 or set aside on the ground mentioned in section 12 of the Arbitration and Conciliation Act, be binding on the Court or a Judge and equivalent to its finding.
- (4) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the Court or a Judge shall be determined by the Court or a Judge.
39. The Court or a Judge shall, in relation to references have all such powers as are conferred by the Arbitration and Conciliation Act on the Court or a Judge in relation to submission.
40. The Court or a Judge may order that a writ of *habeas corpus ad testificandum* shall issue to bring up a prisoner for examination before an official or special referee or arbitrator.
41. A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the Court or a Judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.
42. An order made under the provisions of this Act relating to inquiries and trials by referees may be made on such terms as to costs or otherwise as the Court or a Judge thinks fit.
43. In the provisions of this Act relating to inquiries trials by referees, unless the context otherwise requires, the expression "reference" relates to a reference under an order made by the Court or a Judge under the said provisions.

Part V

Rules of Court

44. (1) The Chief Judge may, with the approval of the National Council of Ministers, make Rules of Court for carrying this Act into effect, and in particular and without prejudice to the generality of the foregoing, for all or any of the following purposes and matters-
- (a) regulating the practice and procedure of the Court, including all matters connected with the forms to be used and the fees to be paid;

- (b) prescribing the practice and procedure upon an appeal or an application to the Court where provision is made in any enactment or law for such an appeal or such an application;
- (c) regulating the practice and procedure in cases where an order of mandamus, prohibition or certiorari is sought or proceedings are taken for an injunction;
- (d) regulating, subject to the provisions of this Act, trials by the Court with assessors;
- (e) regulating-
 - (i) the fees to be paid, and
 - (ii) the taxation and recovery of fees and disbursements;
- (f) defining, so far as may be conveniently defined by general rules, the duties of the several officers of Court;
- (g) regulating, subject to the provisions of this Act, the sittings of the Court and of the Judges thereof whether sitting in Court or chambers, the business and hours of the Court and of the offices connected therewith, and the conduct of the business of the Court during vacation;
- (h) prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by Judges of the Court in chambers or may be transacted or exercised by registrars or other officers of the Court;
- (i) regulating any matters relating to the costs of proceedings in the Court;
- (j) regulating the means by which any judgment or decree of any court outside Nigeria or of the Supreme Court of Nigeria or the former Supreme Court, Court of Appeal, High Court or any other superior court established or to be established elsewhere in Nigeria which it is necessary to prove or lawful to enforce shall be proved or enforced;
- (k) regulating the arrest of absconding defendants and the giving of security for their release;
- (l) regulating the payment of allowances and travelling expenses of witnesses;
- (m) imposing penalties on any person who fails to take any action required by a Rule of Court or who disobeys any Rule of Court;
- (n) for requiring and regulating the filing of accounts;
- (o) for regulating the procedure in respect of any matter in which the Court has and may exercise original or appellate jurisdiction under this Act and for fixing the fees payable or providing that no fees be paid or that certain fees need not be paid;
- (p) for ascertaining the value of anything that requires to be ascertained;
- (q) for regulating and prescribing the duties and procedure of assessors, referees and arbitrators;
- (r) for regulating the means by which particular facts may, be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings;
- (s) for providing for the service or execution of any writ, warrant, order or other process issuing out of the Court, the payment of mileage allowance before or after service or execution, the conditions precedent before any such process or process of certain classes will be served or executed and the procedure to be followed after the service or execution of such process;
- (t) for providing for the taking of shorthand notes of evidence and proceedings in the Court and for the payment of fees for the taking of notes out of public funds, and for fixing the charges for

the making and supply of transcripts of the notes, and for the payment of such charges either by the parties to the proceedings or out of public funds;

- (u) prescribing the procedure for the transfer of proceedings from the Court to the High Court of a State or of the Federal Capital Territory, Abuja and to a Magistrate's court; and
 - (v) for prescribing vacations.
- (2) Rules of Court made under this section shall apply to all proceedings by or against the Government of the Federation.

Part VI

Venue

45. Subject to the power of transfer contained in this Act, the place for the trial of offences shall be as follows-

- (a) an offence shall be tried by a Court exercising jurisdiction in the area or place where the offence was committed; or
- (b) when a person is accused of the commission of any offence by reason of anything which has been omitted to be done, and of any consequence which has ensued, such offence may be tried by a Court exercising jurisdiction in the area or place in which any such thing has been done or omitted to be done, or any such consequence has ensued; or
- (c) when an act is an offence by reason of its relation to any other act which is also an offence, a charge of the first mentioned offence may be tried by a Court exercising jurisdiction in the area or place either in which it happened, or in which the offence with which it was so connected happened; or
- (d) when-
 - (i) it is uncertain in which of several areas or places an offence was committed, or
 - (ii) an offence is committed partly in one area or place and partly in another, or
 - (iii) an offence is a continuing one and continues to be committed in more areas or places than one, or
 - (iv) an offence consists of several acts committed in different areas or places,such offence may be tried by a Court exercising jurisdiction in any of such areas or places; or
- (e) an offence committed while the offender is in the course of performing a journey or voyage may be tried by a Court in or into the area or place of whose jurisdiction the offender or person against whom or the thing in respect of which the offence was committed resides, is or passed in the course of that journey or voyage.

Part VII

Miscellaneous

46. (1) The Federal Judicial Service Commission may, from time to time, appoint a fit and proper person to be the Chief Registrar of the Court who shall perform such duties in execution of the powers and authorities of the Court as may, from time to time, be assigned to him by the Rules of Court and, subject thereto, by any special order of the Chief Judge.
- (2) The Federal Judicial Service Commission may, from time to time, appoint registrars, deputy registrars and such other officers as may be deemed necessary who shall perform all such duties with

respect to business before the Court as may be directed by Rules of Court and any order of the Chief Judge.

- (3) The Chief Registrar, registrars and deputy registrars shall have power to administer oaths and perform such other duties with respect to any proceedings in the Court as may be prescribed by the rules or by any special order of the Chief Judge.
47. If an officer of the Court, employed to execute an order, wilfully or by neglect or omission loses the opportunity of executing it, then on complaint of the person aggrieved, and proof of the act alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.
48. No person in permanent employment as an officer of the Court shall or may directly or indirectly or by the intervention of a trustee or otherwise purchase any property sold at execution, and in the event of any such person purchasing; or being interested in the purchase of any property at an execution sale, such purchase shall be entirely void:

Provided that nothing herein contained shall prevent any such person from purchasing by leave of the Court at an execution sale any property which it may be necessary for him to purchase in order to protect the interest of himself, his wife or child.

49. Subject to the provisions of this Act or any other enactment, Rules of Court or law, the costs of and incidental to all proceedings in the Court shall be in the discretion of the Court or Judge, and the Court or Judge shall have full power to determine by whom and to what extent the costs are to be paid.
50. (1) The presiding Judge may in any matter order and allow to all persons required to attend, or examined as witnesses, such sum or sums of money as may be specified by Rules of Court as well as for defraying the reasonable expenses of such witnesses as for allowing them a reasonable compensation for their trouble and loss of time.
- (2) No person may refuse to attend as a witness, or to give evidence when so required by process of the Court, on the ground that his expenses have not been first paid or provided for.
51. All sums of money so allowed shall be paid in Civil proceedings by the party on whose behalf the witness is called and shall be recoverable as ordinary costs of suit if the Court shall so order, and in criminal proceedings they shall, unless ordered by the Court to be paid by the party convicted or the prosecutor, be paid out of the general revenue .
52. Any person present in Court, whether a party or not in a cause or matter, may be compelled by the Court to give evidence or produce any document in his possession or in to his power in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or produce such document and may be punished for any refusal to obey the order of the Court.
53. A Judge may issue a warrant under his hand for bringing up any person confined as a prisoner under any sentence or order of commitment for trial, or otherwise, or brought under civil process to be examined as a witness in any cause or matter pending or to be inquired of in the Court:

Provided that such warrant shall not be granted as of course, unless the Judge shall have probable grounds for believing that the evidence of the prisoner is likely to prove material.

54. The Superintendent of Prisons or person in whose custody such prisoner may be shall forthwith obey such warrant by bringing the prisoner to the Court in his custody, or by delivering him to an officer of the Court as the warrant may order, and if the prisoner shall under the terms of the warrant be delivered to any officer of the Court, the Superintendent of Prisons or other person shall not be liable for the escape of such prisoner.
55. Nothing in this Act and nothing in the Rules of Court made under or applied by this Act shall affect the mode of giving evidence in accordance with the provisions of the Evidence Act and other rules of evidence:

Provided that nothing in this section shall-

- (a) prejudice the operation of any Rules of Court made in pursuance of the express power conferred by this Act to make Rules of Court for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given; or
 - (b) affect the power of the Court for special reasons to allow depositions or affidavits to be read.
- 56.** (1) In the case of a prosecution by or on behalf of the Government of the Federation or by any public officer in his official capacity the Government of the Federation or that officer may be represented by a law officer, State Counsel, or by any legal practitioner duly authorised in that behalf by or on behalf of the Attorney-General of the Federation.
- (2) In any civil cause or matter in which the Government of the Federation or any public officer in his official capacity is a party or in any civil cause or matter affecting the revenue of the Government of the Federation, that Government or that officer may be represented by a law officer, State Counsel, or any legal practitioner or other person duly authorised in that behalf by or on behalf of the Attorney-General of the Federation.
- 57.** All persons admitted as legal practitioners to practise in Nigeria shall subject to the provisions of the Constitution and the Legal Practitioners Act have the right to practise in the Court.
- 58.** (1) The operation of any order made on conviction by the Court for the payment of compensation or of any of the expenses of the prosecution or for the restoration of any property to any person or for forfeiture shall (unless the Judge before whom the conviction takes place directs to the contrary in any case in which, in his opinion, the title to the property is not in dispute) be suspended until the expiration of fifteen days after the date of the conviction.
- (2) Subject to the provisions of subsections (1) of this section, an appeal to the Court of Appeal shall not operate as a stay of execution but the Court may order a stay of execution either unconditionally or upon the performance of such conditions as may be imposed in accordance with Rules of Court.
- 59.** (1) In every cause or matter the presiding Judge shall take down in writing the substance of all oral evidence given before the Court and minutes of the proceedings, and shall sign the same at any adjournment of the case and at the conclusion thereof:
- Provided that the presiding Judge may cause the whole or any part of the proceedings to be recorded in shorthand by an official shorthand-writer in accordance with such conditions as may be imposed by Rules of Court.
- (2) No person shall be entitled, as of right, to the inspection of or to a copy of the records so kept as aforesaid save as may be expressly provided for by Rules of Court.
- (3) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the registrar shall at all times, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.
- 60.** In any case the Court may on the application of either party, or of its own motion, make such order for the inspection by the Court, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and give such direction respecting such inspection as to the Court may seem fit.
- 61.** The Chief Judge may appoint under his hand and the seal of the Court, from time to time, such and so many persons as may be requisite to be commissioners for taking affidavits and declarations and receiving production of documents, or for taking the examination of witnesses on interrogatories or otherwise which may be necessary to be taken in respect of any proceedings in the Court, and any order of the Court for the attendance and examination of witnesses or production of documents before any such commissioner shall be enforced in the same manner as an order to attend and be examined or produce documents before the Court.

- 62.** No action shall be brought against any commissioner in respect of any act or order bona fide performed or made by him in the execution, or supposed execution, of the powers or jurisdiction vested in him, but every such act or order if in excess of such powers and jurisdiction shall be liable to be, revised, altered, amended or set aside upon summary application to the Court.
- 63. (1)** No Judge or other person acting judicially shall be liable to be sued in any court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction.
- (2)** No officer of the Court or other person bound to execute the lawful warrants or orders of any such Judge or other person acting judicially shall be liable to be sued in any court, for the execution of any warrant or order which he would be bound to execute, if within the jurisdiction of the person issuing the same.
- 64. (1)** In this Act, unless the context otherwise requires-

"action" means a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court but does not include a criminal proceeding;

"cause" includes any action, suit or other original proceeding between a plaintiff and a defendant, and any criminal proceedings;

"Chief Judge" means the Chief Judge of the Federal High Court appointed under section 2 of this Act;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

"Court" means the Federal High Court and includes the Judges of the Federal High Court sitting together or separately;

"Court of Appeal" means the Court of Appeal as established by section 217 of the Constitution of the Federal Republic of Nigeria;

"defendant" includes every person served with any writ of summons or process, or served with notice of, or entitled to attend as a person to be affected by the decision in, any civil proceedings, and also every person charged under any process of the Court with any crime or offence;

"enactment" means any Act of the National Assembly, (including this Act) or law having effect with respect to the Federation or applicable or having effect as Federal law;

"Federal High Court" means the Federal High Court established by section 1 of this Act;

"former Supreme Court" means the Supreme Court of Justice established under the Supreme Court Act;

"Judge" except where the reference is to the Judge of a High Court of a State, means the Chief Judge or other Judge of the Federal High Court;

"judgment" includes a decision, decree or order of a court of record;

"matter" includes every proceeding in court not in a cause;

"party" includes every person served with notice of, or attending, any proceeding who, although not named on the record of the proceeding, has the like interest in the subject-matter of the proceeding as a person named on the record of the proceedings;

"plaintiff" includes every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding,

whether the proceeding is by action, suit, petition, motion, summons or otherwise;

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

"suit" includes action; and

- (2) For enabling full effect to be given to the provisions of this Act-
- (a) any reference (whether express or by necessary implication) in the Constitution of the Federal Republic of Nigeria to a "High Court of a territory", "High Court", "court of law" or a "court of record"-
 - (i) in so far as the reference relates to or is connected with the jurisdiction, powers, practice and procedure of a High Court; and
 - (ii) except in so far as it is inconsistent with the provisions of this Act; shall include a reference to the Court established by this Act; and
 - (b) all references (whether express or by necessary implication) in any enactment (other than the Constitution of the Federal Republic of Nigeria) to the High Court of a State in so far as the enactment-
 - (i) is of general application throughout the Federation; and
 - (ii) relates to a matter as respects which jurisdiction is conferred upon the Court by or under this Act,

shall be construed as references to the Court, notwithstanding that in an appropriate case the enactment is, or has become, by operation of law, a law of a State.

- (3) The powers conferred upon the Attorney-General of the Federation and exercisable by him or the Attorney-General of a State under section 160 of the Constitution or anything made thereunder shall, to the extent that jurisdiction is conferred upon the Court or the High Court of a State by or pursuant to this Act, be exercisable subject as in this Act otherwise provided, and that section and any other enactment or law pertaining thereto shall be so construed
- (4) For the avoidance of doubt the following enactments-
- (a) the Regional Courts (Federal Jurisdiction) Act,
 - (b) the Criminal Procedure (Northern States) Act,
 - (c) the Penal Code (Northern States) Federal Provisions Act;
 - (d) section 31 of the Interpretation Act;
 - (e) the Admiralty Jurisdiction Act; and
 - (f) such other Federal enactment as the President may by order specify,

shall be construed with such modifications as may be necessary to bring them into conformity with the provisions of this Act.

65. Nothing in this Act shall be construed as affecting the constitution, powers and functions of any tribunal established by or under any other Federal enactment in so far as the jurisdiction conferred thereby (whether civil or criminal) is expressly laid down thereunder.

66. This Act may be cited as the Federal High Court Act.
