

**PRACTICE DIRECTION ON IMPLEMENTATION OF THE  
ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015 IN THE HIGH  
COURT OF FEDERAL CAPITAL TERRITORY**

**In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria, 1999, Section 490 of the Administration of Criminal Justice Act 2015 and all other powers enabling me in that behalf, I, Hussein Baba Yusuf, the Honourable Chief Judge of the Federal Capital Territory High Court, make the following Rules of Court:**

**Commencement**

1. The Practice Direction shall take effect from .....

**Objectives and Guiding Principles**

1. The purpose of these Practice Directions is to ensure compliance with the Administration of Criminal Justice Act 2015 (“the ACJA”) and to realize the objectives expressed in section 1(1) of the ACJA, that is:
  - (a) To ensure active participation of all parties, efficiency and speed in the management of criminal trials and dispensation of justice ; and
  - (b) To protect the interests and fundamental human right of the defendant, victim, witnesses and society.
2. In the application of these Practice Directions, each case shall be treated on its merit in line with the provisions of the Administration of Criminal Justice Act 2015.
3. These Practice Directions shall apply to criminal proceedings before a Court of the Federal Capital Territory.

**ORDER ONE  
Interpretation**

For the purposes of these Practice Direction;

“bail bondsperson” means a person registered as such under Section 187 of the ACJA.

“benefit fraud” means any form of welfare fraud within the welfare system of government.

“court” means any Area Court, Magistrate Court and High Court exercising criminal jurisdiction in the Federal Capital Territory.

“detention facility” includes creational centers, juvenile detention facilities, and any such facility maintained by any law enforcement agency.

“legally aided” means where a person is represented by a counsel from the Legal Aid Council of Nigeria or any other pro bono service.

“police officer” includes any member of the Nigerian Police Force established by the Police Act or where the context so admits shall include any officer of any law enforcement agency established by an Act of the National Assembly.

“parole” means the release of a convict from imprisonment before the full sentence has been served under Section 468 of the ACJA.

“probation sentence” means a Court imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the convict to correctional centre.

“third party costs order” means an order for the payment of costs incurred by a person who is not a party to the proceedings (“the third party”).

“wasted costs” means any costs incurred by a party (which includes a legally aided party) as a result of any improper, unreasonable or negligent act or omission on the part of his counsel which, in the light of any such act or omission occurring after they were incurred, the Court considers it unreasonable to expect that party to pay.

## **ORDER TWO**

### **Arrest**

1. A person shall not be arrested save where the person is reasonably suspected to have committed an offence.

2. A warrant of arrest shall contain the following information:
  - (a) the Court that issued it;
  - (b) the enactment under which the warrant is issued;
  - (c) whether the warrant is directed to every police officer, or to a particular police officer, in which case the name of that police officer or any other authorized person shall be stated;
  - (d) the particulars of the suspect;
  - (e) the reason for the warrant being issued;
  - (f) the offence;
  - (g) the direction to the police officer executing the warrant to bring the suspect before a competent Court;
  - (h) the legal authority for entering premises for the purpose of executing the warrant;
  - (i) the name and title of the person issuing the warrant; and
  - (j) the date the warrant was issued.
3. The person who executes a warrant shall:
  - (a) show the suspect the warrant;
  - (b) explain, in the language the suspect understands, what the warrant requires;
  - (c) where the suspect is to be released on bail, record:
    - i. the suspect's name,
    - ii. the reason for the arrest,
    - iii. the conditions for the suspect's release on bail, and
    - iv. when and where the warrant requires the suspect to attend Court.
4. In an application for issuance of warrant of arrest under Section 37 of ACJA, the applicant must show probable cause.
5. In considering whether a probable cause or justification exists for issuing a search or warrant of arrest or for remanding a suspect or justifying a prior search or arrest, the Court may consider the following:
  - (a) Persuasiveness of the facts and circumstances relied on by the applicant to show probable cause.
  - (b) There was no mala fides in the conduct of the applicant seeking for the court's sanction.
  - (c) Where an application is based on an informant's tip, the Court may take into account the reliability of the informant, the basis for the

information, and the extent to which the applicant has corroborated the tip.

- (d) Whether any prior official conduct of the applicant was reasonably justified in the light of the public's interest vis-a-vis the offensiveness of the practice or method.
- (e) The threshold for probable cause should be lower in more serious offences and higher in trifling offences on the basis that the graver the crime, the more latitude the relevant authority may be allowed to act in derogation of conferred individual rights.
- (f) The narrower the range of persons under suspicion, the lower the probable cause and the wider the range of persons under suspicion, the higher the probable cause.
- (g) In deciding whether probable cause exists for a warrant to issue, greater premium is given to preventing an impending crime and protecting against future harm than solving past crimes.
- (h) Probable cause may depend not only on knowing certain facts about the suspect, but also on understanding why those facts, taken together, are incriminating – particularly when they might not be incriminating if viewed separately.

### **ORDER THREE**

#### **I: Bail**

1. Subject to the provisions of the ACJA or any other law, every arrested suspect or detainee is entitled to bail.
2. The Court may make an order to a person in charge of a correctional center, police station or any other place of detention to produce in Court, a person detained in the center, station or place.
3. The Court may in the interest of justice order the release of a person in detention unconditionally or subject to such terms as the Court deems fit.
4. A defendant may be released on bail on recognizance conditioned for his appearance at every time and place to which, during the course of the

proceedings, the hearing may from time to time be adjourned, taking into account the following considerations (Section 173 (1) ACJA):

- (a) Where the defendant was not represented by counsel, the Court shall:
  - i. Inquire from the prosecution whether the defendant was previously given administrative or police bail before arraignment; where such bail was earlier granted, unless some other adverse circumstances are shown to have subsequently arisen, bail may be granted.
  - ii. Inquire from the prosecution whether there is any objection to the Court admitting the defendant to bail.
  - iii. Where no sufficient cause is shown by the prosecution, the court may admit the defendant to bail (Sections 158, 161, 162 and 163 ACJA).
- (b) While bail shall not be excessive, upon considering all the circumstances regarding the defendant and the offence alleged, in admitting a defendant to bail, where monetary bail is granted, it shall be fixed at a sum sufficient to be a disincentive to the defendant or surety preferring to forfeit the bond rather than the defendant standing his trial (Section 165 (1) ACJA).
- (c) Where the defendant is unable to satisfy such terms as may be imposed for his release on bail, he shall be kept in an approved custody until such terms are satisfied (Sections 181 and 432 ACJA).
- (d) in considering bail, the Court may take into account the following factors:
  - (i) the nature and circumstances of the offence charged, including:
    - (a) whether the offence is a crime of violence or involves narcotics;
    - (b) the weight of the evidence against the accused.
  - (ii) the history and characteristics of the defendant, including:

- (a) character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history of drug or alcohol abuse, criminal history, and record concerning appearances at Court proceedings; and
  - (b) Whether, at the time of the current offence or arrest, the defendant was on probation or parole or on release pending trial, sentencing, appeal, or completion of sentence under federal, state, or local law.
- (iii) The nature and seriousness of danger to any person or the community if the defendant is released.
- (iv) In a case involving domestic violence, stalking or violation of a protective order, the court may give the alleged victim an opportunity to be heard regarding the danger posed by the defendant.
- (v) Where a secured bond or surety bond is being considered, the Court may inquire about the financial resources of the defendant or his surety and, where appropriate, the sources of any property to be designated for potential forfeiture or offered as collateral.
- (vi) Where the above considerations weigh in favour of granting bail, the Court should not set a financial condition that the defendant cannot meet.
- (e) Besides other conditions that the court may impose as reasonably necessary to ensure the appearance of the defendant, and to ensure public safety, it may also require the defendant (or his sureties, where appropriate) to do any of the following, for which a recognizance may be entered (Section 165 (1) ACJA):
- (i) make reports to a Court or agency as may be specified by the Court;
  - (ii) not to use alcohol or illicitly use any controlled substance;
  - (iii) participate in a substance abuse testing or monitoring programme;

- (iv) participate in a specified treatment programme for any physical or mental condition, including substance abuse;
  - (v) comply with restrictions on personal associations, place of residence, place of employment, or travel;
  - (vi) surrender title documents of assets with which bail is secured and cause necessary caveats to be entered regarding the encumbrance;
  - (vii) surrender driver's licence or international passport;
  - (viii) comply with a specified curfew;
  - (ix) continue to seek employment;
  - (x) continue or begin an educational programme;
  - (xi) remain in the custody of a responsible member of the community who agrees to monitor the defendant and report any violation of any release condition to the Court;
  - (xii) not possess a firearm or other dangerous weapons;
  - (xiii) not enter specified premises or areas and not stalk, assault, beat, molest or wound a named person or persons;
  - (xiv) Comply with any condition limiting or prohibiting contact with any other named person or persons;
  - (xv) in a crime involving domestic violence, or any other assaultive crime, to wear an electronic monitoring device; or
  - (xvi) Comply with any other condition, including the requirement of money bail, reasonably necessary to ensure the defendant's appearance as required and the safety of the public.
- (f) When imposing conditions of release, the court shall:
- (i) Explain the conditions of the bail to the defendant;

(ii) Explain to the defendant the consequences for defaulting in the conditions for bail set by the Court or indulging in any conduct inconsistent with the bail.

(g) Where a High Court Judge has reversed a lower court's decision on bail or has reviewed, varied or modified the terms of bail granted by the lower court or has admitted a person standing trial to bail in respect of the trial before the lower court, such decision shall be forwarded to the lower court for enforcement.

(h) The Court that admitted a defendant to bail may, where the circumstances appear just, provided that the Judge shall in his records state the reason for taking that course of action:

(i) vary the order of release on bail of the defendant at any subsequent hearing; and

(ii) may at any subsequent stage of any proceeding cause a defendant who has been released on bail to be arrested and be committed to custody (Section 173(2)ACJA).

(I) All or any of the sureties may at any time apply to the Court in which the recognizance was taken to discharge the bond either wholly or so far as it relates to the applicant, and in that event:

(i) On the appearance of the defendant, the Court shall discharge the recognizance either wholly or so far as it relates to the applicant; and

(ii) the Court shall thereafter require the defendant to find other sufficient sureties or meet some other conditions and if he fails to do so, may make such order as it considers fit, including keeping him in custody until he is able to satisfy conditions upon which he was earlier given bail (Section 177 ACJA).



## **II. Recognizance or Bond Forfeiture**

5. Upon a finding that a defendant has failed to comply with conditions of his release, the Court may, in addition to issuing a warrant for the arrest of the defendant, revoke the bail and declare the bail money deposited or the surety bond, if any, forfeited, unless cause is shown.
6. Upon issuing the bench warrant, the Court may set a date for the surety to show cause, notice of which is to be served on the defendant (if practicable), the surety or anyone who posted bond and the prosecutor with opportunity given to the surety to appear before the court and show cause why the bond should not be forfeited.
7. On the appearance of the surety, as required in the preceding paragraph, the bond or recognizance representing the undertaking made by the surety must be produced to the surety and to the court, and the procedure provided in Section 179 ACJA shall apply.
8. If the defendant does not within the period specified or a reasonable time after the order to show cause was made, appear and satisfy the Court that there was compliance with the conditions of release other than appearance or that compliance was impossible through no fault of the defendant; the Court may:
  - (i) continue the revocation and enter forfeiture order against the defendant alongside the surety for the amount of the bond, and costs of the court proceedings.

- (ii) immediately or at any time after the order, issue a warrant of commitment against a person liable, whether as principal or surety under the recognizance, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in the Act, unless the amount due under the recognizance is paid (Section 183 ACJA).

## **ORDER FOUR**

### **Remand**

1. A suspect arrested for an offence for which a High Court has jurisdiction shall be brought before the High Court within a reasonable time.
2. The Court may when considering a remand application consider the following:
  - (a) Act or omission constitutes an offence within the Federal Capital Territory.
  - (b) The nature and seriousness of the alleged offence;
  - (c) Whether there are reasonable grounds that the suspect has been involved in the commission of the alleged offence;
  - (d) Whether there are reasonable grounds for believing that the suspect may abscond or commit further offence where he is not committed to custody; and
  - (e) The application is made in compliance with the prescribed form under ACJA.
  - (f) That the suspect has not been previously convicted by a Court on the account of this same offence.
  - (g) Any other circumstance that justifies the request for remand.
3. At the expiration of the remand order, and where the suspect is still remanded with his trial having not commenced, or charge having not been filed at the Court of competent jurisdiction, the Court shall issue a hearing notice on the prosecution.

Provided that where the remand order was issued by a Magistrate, the Court shall within 14 days forward the case file to the Chief Judge through the Chief Registrar.

4. During remand proceedings, the Court may order the suspect to be brought before it.
5. The Court may order that the suspect be transferred to a hospital, asylum or any suitable place for the purpose of giving him medical treatment, or may make any order that it considers necessary at any time during the remand period.
6. The Court may exercise the powers conferred on it under this Order:
  - (a) Whether the suspect is present in Court or not;
  - (b) On its own motion or on application, including an application by a person in charge of the correctional centre or other place of custody where the suspect is detained.

## **ORDER FIVE**

### **Disclosure**

Where the material is a physical item, the defense should be allowed access to inspect it on conditions that such inspection would not prejudice the case of either party.

## **ORDER SIX**

### **I. Case Management**

1. This Practice Direction applies to the management of the hearing of a case in the High Court and Magistrate Court including an appeal to the High Court until the conclusion of the case.
2. The Court may give any direction or take any step to actively manage a case in order to prevent unnecessary delay.
3. In order to manage a trial or an appeal, the Court may require parties to identify:
  - (a) Witnesses to give evidence in person;
  - (b) The order of calling witnesses;
  - (c) The need for an order compelling the attendance of witnesses;
  - (d) Arrangements that are desirable to facilitate the giving of evidence by a witness;

- (e) Arrangements that are desirable to facilitate the participation of any other person, including the defendant.
- 4. In ensuring proper case management, the Court Registrar shall where a person is entitled or required to attend a hearing, give a minimum of seven days or as is reasonably practicable to that person, and that person's custodian (if any) and where the Court gives directions, promptly make a record available to the parties.
- 5. Upon arraignment, the trial of the defendant shall proceed expeditiously until the conclusion of the trial and to this end;
  - (a) the Court may in consultation with counsel set a timeline for the trial up to adoption of final addresses as well as earmark a period which shall not be less than 2 hours for the hearing each day.
  - (b) the timeline referred to above shall as far as practicable include a schedule of names of witnesses and the day or days the presence of any particular witness may be required.
  - (c) the Court may apply the provisions on wasted costs against legal representatives where counsel without reasonable excuse fails to comply with the timeline.
  - (d) the Court may where a witness is absent in Court on dates earmarked in the timeline, make an order to compel attendance of the witness where satisfied that this is required in the circumstances of the case.

## **II. Case categorization**

- 6. In order to decongest the court's case load, the following practices may be considered:
  - (a) Identification of cases by year of commencement and preference given to cases filed earlier in time in hearing and taking adjournment.
  - (b) Require the prosecutors to go on record and commit whether they have abandoned the case or they will go forward and cause them to be responsible for the decision.

## **III. NOTICES**

- I. Where an application is not ripe for hearing the other party having not been served 48 hours prior, the Court shall proceed with the business of the day as contained in the Court list.

- II. In furtherance of the need to ensure speedy dispensation of justice, electronic mail and other electronic means may be employed by the Court in order to inform counsel of unforeseen developments in a case. **PROVIDED** such a notice is given at least forty-eight (48) hours before the scheduled Court hearing. Counsel is expected to furnish the Court Registrar with primary and secondary phone numbers and email addresses.

### **ORDER SEVEN**

#### **Sentencing**

1. For the purpose of sentencing hearing, the Court shall in line with the provisions of Sections 311 and 416 of the ACJA consider and apply the Sentencing Guidelines of the High Court of the FCT.
2. Where by virtue of Section 272 of the ACJA or any other law, evidence of the previous conviction of a convicted person is required; the Court may have recourse to the Register of Convicted Persons provided for under this Practice Direction.

### **ORDER EIGHT**

#### **Register of Convicted Persons**

- IV. The Chief Registrar shall maintain a register of person convicted by the Court, which shall contain the following:
  - (a) The names and personal details of the convict in conformity with the particulars as prescribed in Form 02 in the First Schedule of this Practice Direction.
  - (b) The sentence imposed by the Court;

- (c) In the case of a sentence of imprisonment, the correctional facility where the Convict is to be held.
- V. Where a Convict appeals against the conviction of the Court, the Chief Registrar shall make a note of this on the register indicating the Court where the appeal is lodged. Upon the conclusion of that or any other appeal proceedings, the Chief Registrar shall enter the outcome of the proceedings in the part of the register where the conviction was registered.
- VI. The Chief Registrar shall where the person convicted is a corporate body, forward a certified copy of the extract of the entry to the Corporate Affairs Commission.
- VII. The Chief Registrar shall upon a request by the Court or Prosecution in relation to the sentencing hearing of a particular Convict, provide the Court certified copies of extract of the entry in the Registry relating to that person. Copies of such entries shall upon payment of a prescribed fee be made available to the Counsel for the defence.

## **ORDER NINE**

### **Witness**

1. The Registrar of the Court shall certify appearance of any person as a witness for each day the witness appears, indicating on an expense claim form the sum due to them for travel cost and other expenses as prescribed under the scale of fees as may be prescribed from time to time.
2. The Registrar of the Court shall process and pay to the witness directly and before the next adjourned date, the amount prescribed under the Schedule.
3. Where a person attends Court as a state witness, the witness shall be entitled to payment as prescribed.
4. Witness for the defense may be reimbursed for travel cost and other expenses.
5. Where a witness has appeared in Court to testify but fails to do so on account of an application by a party for adjournment, the witness expense for such appearance shall be payable by the party applying for the adjournment on or before the next adjourned date.

6. The sum payable to such a witness shall be in accordance with the amount prescribed.
7. A person accompanying a minor, physically challenged or vulnerable witnesses, may if the Court directs receive a sum equivalent to the expense of other witnesses.

**ORDER TEN**  
**Visitation to Detention Facilities**

1. The Magistrate in charge of a magisterial district shall maintain a register of detention facilities in the district.
2. The register shall contain the location, nature of offence, inmate capacity, and such other details as may be prescribed by the Chief Judge.
3. The visiting Magistrate shall exercise the powers provided under Section 34 of the ACJA.
4. A visiting Magistrate shall prepare a report that conforms to Form 01 in the First Schedule to this Practice Direction and forward that report to the Chief Judge putting also in copy:
  - (a) The Magistrate in charge of the district;
  - (b) The Controller of the Nigerian Correctional Service in the FCT, and
  - (c) The person in charge of the detention facility visited.

## **PRACTICE DIRECTION FOR THE ENFORCEMENT DEPARTMENT**

**In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); Section 109 of the High Court Act, Cap. 510 Laws of the Federation of Nigeria, 2004, Order 1 Rule 3 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018; and all other powers enabling me in that behalf, I, Hussein Baba Yusuf, Honourable Chief Judge of the High Court of the Federal Capital Territory, make the following Practice Direction –**

### **Commencement**

2. The Practice Direction shall take effect from .....

### **Applicability**

3. This Practice Direction shall, save to the extent and as may otherwise be directed by the Chief Judge apply to all enforcements from the High Court of the Federal Capital Territory, Abuja as well as the Magistrates/District Courts in the Federal Capital Territory, Abuja.

### **Objective and Guiding Principles**

4. The purpose of this Practice Direction is to carry into effect and regulate the process and procedures of enforcement of the Orders of the Court, particularly in:
  - a. Ensuring transparency, efficiency and speed in the enforcement of Orders of Court in compliance with global best practices.
  - b. Protecting the interest of litigants and court users; particularly from touts and fraudsters, and
  - c. Ensuring an organized environment for all by reducing delays and expenses.

### **Directions**



1. The Execution Department shall not initiate or engage in any undue communication with the Judgment Creditors, Judgment Debtors or their Counsel for monetary benefit.
2. Upon receipt of a writ of Execution duly signed by a High Court/District Court Judge, the Execution Department shall promptly carry out the execution unless same is recalled or formally stayed by a Judge or an Appellate Court.
3. The Execution Department shall not accept application (for stay of execution, inter-pleader summons, etc) directly from the Judgment Debtors/Applicants or their Counsel.
4. The Execution Department is directly under the Head of Department of Enforcement. Thus, it is his/her responsibility to see that due process is observed upon the receipt of a writ of execution duly signed by a Judge.
5. (a) However, all Motions on stay of execution or interpleader Summons shall be received at the Chief Registrar's office by a desk officer who shall be an experienced lawyer.  
(b) The applicant's lawyer shall furnish the desk officer with the details of the cases; such as, the name of the Judge and the Court hearing the matter.
6. Every writ of execution emanating from a judgment of Court or order of stay of execution shall be communicated by the registrar of that Court to the Execution Department. Same shall be entered in a register know as REGISTER OF PROCESS, stating the name of the Court, the case number, name of parties, date and time when received.
7. Filing of Notice of Appeal does not serve as stay of execution.
8. Where goods, chattels or other movable properties are attached in furtherance of a writ of execution, the goods so attached shall be

disposed of upon the expiration of five (5) working days following the day on which the goods had been seized unless:

- (a) The goods are of perishable nature or
- (b) The person whose goods have been seized so requests in writing; in which the five (5) days period shall not apply.

9. (a) All goods, chattels or other movable properties which are to be sold under execution shall be advertised on the court's public notice at least five (5) working days preceding the sale and all such sale shall be by public auction.  
(b) Subject to the provisions of 9(a) above, all immovable properties which are to be sold under execution shall be advertised in at least one national newspaper.
10. Where there is an order of Court directing the deposit of monies in an account, such order shall be complied with by depositing such monies into the ENFORCEMENT ACCOUNT.
11. In all cases, the Enforcement Department shall transmit to the Court from which the judgment or order emanated, the fact of its compliance in writing signed by the Head of Enforcement Department giving details of what was done not later than five (5) days after such compliance.
12. Every file for sale of attached property must carry the photograph and necessary documents or the description of the property in question.
13. The property for sale must be valued by a Valuer and only be sold by a registered auctioneer. However, the reserve price for any item for sale shall be determined by the Chief Registrar.
14. The cost of execution shall also be determined by the Head of Department of Enforcement and not by the Counsel.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2024

**HON. JUSTICE HUSSEINI BABA YUSUF**

**PRACTICE DIRECTIONS ON**  
**CASE-DATA AND ARCHIVES MANAGEMENT**

**In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); Section 109 of the High Court Act, Cap. 510 Laws of the Federation of Nigeria, 2004, Order 1 Rule 3 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018; and all other powers enabling me in that behalf, I, Hussein Baba Yusuf, Honourable Chief Judge of the High Court of the Federal Capital Territory, make the following Practice Direction –**

**Commencement**

1. The Practice Direction shall take effect from .....

**Applicability**

These Practice Directions shall apply to:

- (a) The Registries of the High Court and Magistrate/ District Courts of the Federal Capital Territory
- (b) All applicants searching for the content of non-current Case-Files in the Archives of the Court and applying for Certified True Copies of Documents in the relevant Case-files.

**The Objectives and Guiding Principles:**

1. To provide a proper Non-Current Case-Records Management System for the High Court of the FCT and the Magistrate Courts.
2. To provide for uniform fees for Searches of Archived Documents and in respect of all Applications for Certified True Copies of all documents from non-current or concluded case files in the Archives.
3. To provide for a specified timeline for the **submission** of non-current or concluded case files from the registries of the courts to the Department from sitting Judges or Magistrates.

4. To provide for a specified timeline for the submission of all the case-files to the Case-Data and Archives Management Department from the Registries of the Courts that have ceased to exist as a result of **Retirement, Resignation, Elevation, Demise (etc) of any Judge of the High Court of the FCT** (or any Magistrate who ceases to sit as a District Court Judge or Magistrate for any reason whatsoever).

## **Section A**

### **INTERPRETATION**

Where the following words and phrases are used in these Practice Directions, these are their meanings:

- ✓ **‘Court’** - The High Court of the Federal Capital Territory (presided over by a Judge of the High Court of the FCT) or a Magistrate/District Court’s Judge in the Federal Capital Territory
- ✓ **‘Judge’** - A Judge of the High Court of the Federal Capital Territory or a Magistrate/District Court’s Judge in the Federal Capital Territory
- ✓ **‘Non-Current’** - Cases that are no longer ongoing in the court as a result of being properly and officially disposed by the court.
- ✓ **‘Case-Data’** recorded data (usually in a tabular form) stating in clear terms the number of case-files assigned to a judge or magistrate, the type of case files and the status of all the cases in that court.
- ✓ **‘Case-File’** - A comprehensive collection of all the Court Documents, Court Processes, Records of Proceedings and Evidence tendered in the Court in respect of any case as presided over by a Judge.
- ✓ **‘Performance Evaluation Sheets’** The pages of the document in which the Case-Data of a court has clearly been recorded, stamped and signed by the Judge who presided over the cases.
- ✓ **‘Archives Repository’** The Official Storage Venue of the Archives Unit of the High Court reserved for storing Case-Files, Exhibits and Other ancillary Documents submitted for archiving.
- ✓ **‘Deputy Chief Registrar’** means the Deputy Chief Registrar deployed to Case-Data and Archives Management Department.

## **Section B**

### **THE DEPARTMENT**

- (1) The Department hitherto referred to as the Return of Cases & Archives **(ROC&A)** Department shall be re-named the Case-Data and Archives Management **(CDAM)** Department hereinafter be referred to simply as **‘The Department’**.

(2) **FUNCTIONS OF THE DEPARTMENT**

The Case-Data and Archives Management Department of the High Court of the Federal Capital Territory shall be in charge of:

- a) Collecting the Records, and Collating the Data of the Cases submitted to it from the Registries of all the Judges.
- b) Collecting and submitting to the National Judicial Council, all the Performance Evaluation Reports filled from the Registries and signed by the Judges of the High Court, Confirmed and Endorsed by the Chief Judge of the Federal Capital Territory.
- c) Collecting, Collating, Examining and Ensuring Correctness, Completeness and Accuracy of all the Performance Reports from the Magistrates/District Court Judges.
- d) Submitting the Performance Evaluation Reports collected from the Magistrates/District Court Judges to the relevant authorities.
- e) Archiving and Preserving:
  - (i) All Records of Proceedings that are non-current,
  - (ii) Orders of Courts in case-files that have been submitted for archiving,
  - (iii) Judgments in case-files that have been submitted for archiving
  - (iv) Rulings of the Courts in case-files that have been submitted for archiving and
  - (v) All Documented Records submitted to it from the courts

- f) Archiving and preserving the integrity of all the Exhibits presented before the courts once they have been concluded and the due process followed by the registry of the courts for archiving.
- g) Preparing and Providing Certified True Copies of any or all of the Documents in any Case-Files in the Archives provided that an application for same is made and evidence of payment of the prescribed fees annexed to the application.
- h) Receiving applications and retrieving case-files for transfer Orders in respect of post-judgment matters.
- i) Carrying out any or all other duties and responsibilities that are related to or may be incidental to Case-Data Management, Courts Performance Evaluation and Archiving, in the High Court of the Federal Capital Territory.

## **Section C**

### **CASE-DATA MANAGEMENT**

#### **(1) HIGH COURT**

- (a) Quarterly Performance Evaluation Records from the registries of the High Court of the Federal Capital Territory shall be transmitted to the chambers of the Honourable Chief Judge of the Federal Capital Territory for endorsement not later than 7 days after the due date or as may be otherwise directed.
- (b) The due dates are as follows:
  - (i) For the First Quarter of every Calendar year - **31<sup>st</sup> of March**
  - (ii) For the Second Quarter of every Calendar year - **30<sup>th</sup> of June.**
  - (iii) For the Third Quarter of every Calendar year - **30<sup>th</sup> of September.**
  - (iv) For the Fourth Quarter of every Calendar Year - **31<sup>st</sup> of December.**
- (c) The name of the Honorable Chief Judge and the Presiding Judge shall be boldly printed on the Performance Evaluation Sheet that is prepared from the Registry of the Issuing Court and submitted to the office of the Chief Judge of the High Court of the Federal Capital Territory.

- (d) The Performance-Evaluation-Sheet shall be filled in the manner recommended by the **National Judicial Council** as provided for in **‘FORM 1’** of the **SCHEDULE** of this Practice Direction.
- (e) The Performance-Evaluation-Sheet shall be submitted in Quadruplicate at all times.
- (f) Failure to comply with the prescribed format shall be treated as a failure of submission of the Performance-Evaluation-Sheet from the Registry of the issuing court.

**(2) MAGISTRATE/ DISTRICT COURT**

- (a) The Quarterly Performance Evaluation Records from the registries of the Magistrate/ District Courts of the Federal Capital Territory shall be submitted at the Case Data Management and Archives Department of the High Court of the Federal Capital Territory.
- (b) Submission of Quarterly Reports of the Performance Evaluation Records shall be made not later than 10 days after the due date.
- (c) The due dates are as follows:
  - (i) For the first Quarter of every Calendar year - **31st of March.**
  - (ii) For the second Quarter of every Calendar year - **30th of June.**
  - (iii) For the third Quarter of every Calendar year - **30th of September.**
  - (iv) For the fourth Quarter of every Calendar Year - **31st of December.**
- (d) The name of the issuing **District Court Judge/Magistrate** and the **Registrar of the Court** shall be boldly printed on the PERFORMANCE EVALUATION SHEET that is prepared from the Registry of the Issuing Court and submitted at the Case-Data and Archives Management Department.
- (e) The Performance-Evaluation-Sheet shall be prepared and filled in the format provided for in **‘FORM 2’** of the **SCHEDULE** of this Practice Direction.
- (f) The Performance-Evaluation-Sheet shall be submitted in Quadruplicate at all times
- (g) Failure to comply with the prescribed format shall be treated as a failure of submission of the Performance-Evaluation-Sheet from the Registry of the issuing court.

## **Section D**

### **THE ARCHIVES**

The following shall be the procedure for forwarding case-files from the registries of (erstwhile and current) courts, to the Archives-Repository.

- (1) Submission of non-current case files from the Registries of Courts to the Case-Data and Archives Management Department of the High Court after such Registries cease to exist as a result of Retirement, Resignation, Elevation, Demise (etc) of any Judge of the High Court of the Federal Capital Territory, shall be done within 90 days of the cessation of the existence of that Court.
- (2) Submission of non-current case files from the registries of existing courts to the Case-Data and Archives Management Department shall be done on or before the anniversary (a year) of the conclusion of the case, whether or not the case was contested and disposed on its merit.
- (3) A proper Submission from the Registry of a Court to the Archives shall be deemed to have been done where the Registrar (or any other official of the former court designated by the Registrar) of the erstwhile court does the following;
  - a) Produces a list of the case files that were in the custody of the Registry of that court at the time of the cessation of the Registry and that List of case files shall:
    - [i] Be typed and printed clearly
    - [ii] State the names of the case files
    - [iii] State the suit Number of each case file beside its name
    - [iv] State the name of the Judge that presided
    - [v] State the designated Court Number
    - [vi] State the location of the court
    - [vii] State the nature of the cases
    - [viii] State the cases chronologically (In descending order)
  - b) Where there are existing exhibits in the case files (including original documents that the litigants may need to retrieve from the custody of the



Archives Repository), a comprehensive list of all the exhibits shall be handed over for archiving.

- c) The List shall be made to conform substantially to ‘**FORM 3**’ of the **SCHEDULE** of this Practice Direction.
- d) All the lists shall be submitted in triplicates.
- e) The files, the exhibits and the list shall be submitted and crosschecked against each case-file and exhibit (where it applies), for the confirmation of the integrity of each list submitted.
- f) After the list of the total number of case files have each been crosschecked and verified, the list shall be entered into the archive’s repository register accordingly.
- g) The acknowledgment copy of the List shall be duly stamped and signed by the receiving officer of the archive’s repository, and registry’s copy returned to the Registrar (or his representative) as proof of submission to the archive’s repository.

## **Section E**

### **APPLICATION FOR DOCUMENTS FROM THE ARCHIVES**

1. The Procedure for applying for documents from the Archives shall be as follows:
  - (a) An application shall be made in writing to the office of the Chief Registrar, officially drawing the attention of the DCR of the Department on the face of the application.
  - (b) The application shall be submitted at the Registry of the Department with a copy of the receipt of fees (attached to it) paid as prescribed in the schedule of fees of this practice direction.
  - (c) The application shall be entered as “Received”, with stamp and date appended and recorded in the entry-book marked for the purpose of receiving applications of that nature.
2. The application shall be minuted to the Archives Unit to be processed in the following manner.
  - (a) The Archives Unit shall Ensure that the application fees have been paid (receipt must be attached to the application).

- (b) The designated staff of the Archives Unit shall search for the case file (subject matter of the application).
  - (c) When the file is found, a photocopy of the content of the file that has been applied for will be made (Where the records were or any part thereof was handwritten, then it will be typed and printed).
  - (d) The produced document(s) (whether photocopied or typewritten) shall be returned to the [office of the Head of Unit or any person designated for that purpose] for inspection and certification.
  - (e) The Document shall be marked '**Certified True Copy**' (CTC) by the supervising officer.
  - (f) The Corrected and Certified documents will be returned to the office of the Director where the secretary shall record the application as '**Duly treated**'.
  - (g) The applicant shall then be called upon to receive the CTC of the documents for which the application was made.
3. Where the Application that is made is in respect of an Original Exhibit which forms part of the content of an archived Case-File, the following shall apply:
- (a) The Application shall be made in compliance with the provisions of this section and shall state that the applicant tendered the said Exhibit in Court.
  - (b) The designated Archives-Attendant shall retrieve the case file from the archives and confirm from the records of the court to ensure that the applicant indeed tendered the Exhibit in court.
  - (c) Upon confirming from the records of the court that the applicant was the person that tendered the Exhibit in court, a CTC of the Exhibit shall be produced and kept in the custody of the Department for Record and Reference.
  - (d) The Original Exhibit shall then be returned to the applicant.

## **Section F**

### **Digitization of Archived Documents**

Subject to the provision of hardware and software equipment for digitization, all documents deposited in the Archives shall be digitized at the expiration of one year of archiving for the purpose of creating more storage room and securing the integrity of the archived documents.

**PRACTICE DIRECTION ON  
SERVICE OF PROCESS(ES) AT THE  
HIGH COURT OF THE  
FEDERAL CAPITAL TERRITORY ABUJA**

**In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria, 1999, (as amended), Order 7 Rule 14(2) of the High Court of the Federal Capital Territory, Civil Procedure Rules 2018 and by virtue of all powers enabling me in that behalf, I, Honourable Chief Judge of the Federal Capital Territory High Court, hereby issue the following Practice Direction in respect of Service of Process(es) at the High Court of the Federal Capital Territory.**

**Commencement**

This practice direction shall take effect from the ..... day of ....., 20.....

**Applicability**

This Practice Direction shall, save to the extent and as may otherwise be ordered by the Chief Judge of the High Court of the Federal Capital Territory, pursuant to Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Order 7 Rule 14(2) of the High Court Civil Procedure Rules and Section 89 of the District Courts Act apply to all civil and criminal matters relating to service of process(es) by the Court.

**Objective**

The purpose of this Practice Direction is to provide for uniform fees for service of Court process(s), mode of proof of service of the Court process(es) and uniform fees chargeable for the production of records of the Court.

1. With effect from the date of coming into effect of this Practice Direction, fees chargeable by the Bailiffs or all Process Servers except Registered Process Servers shall be as provided in the First Schedule attached to this Practice Direction.
2. Where service is effected by the Bailiff or Process Server outside Jurisdiction of the Court (outside FCT) the Bailiff shall

(a) Depose to an affidavit

3. Pursuant to Order 7, Rule 14(1) of the High Court of FCT, Civil Procedure Rules 2018,
  - (a) A Party or Counsel requiring services of Processes shall pay to the Registrar of the Court the appropriate fee for the service of such process(es) as contained in the First Schedule to this Practice Direction to the Registrar of the Court before whom the matter is assigned.
  - (b) The Registrar shall on receipt of the said amount, issue to the Party or Counsel, a non-revenue receipt acknowledging the receipt of the said sum.
  - (c) Thereafter, handover the said sum and process(es) to the Bailiff of the Court who shall in turn acknowledge receipt of the said amount from the Registrar.
4. The Registrar shall on receipt of the said amount, record same in a book designated for that purpose. Information to be contained in the said book should be in accordance with Schedule 2.
5. Registrars shall not later than the first week of every month prepare and send to the Office of the Chief Bailiff, a Comprehensive Report of Service of Process(es) done by the Bailiffs in their Courts.
6. The fee chargeable by the Court for the production of proceedings shall not exceed the sum of N50.00 per page.

7. Where there is no express provision for a particular location, the service fees for the nearest location shall be adopted.
8. For services outside jurisdiction, N100 shall be chargeable per kilometer.

**[insert schedule 1 table here]**

## **SCHEDULE 2**

| <b>PARTICULARS<br/>OF SUIT</b> | <b>NAME<br/>OF<br/>PARTY</b> | <b>DATE<br/>OF<br/>SERVICE</b> | <b>MODE<br/>OF<br/>SERVICE</b> | <b>REASONS<br/>FOR NON<br/>SERVICE</b> | <b>REMARKS</b> | <b>SIGNATURE</b> |
|--------------------------------|------------------------------|--------------------------------|--------------------------------|--|----------------|------------------|
|                                |                              |                                |                                |  |                |                  |
|                                |                              |                                |                                |  |                |                  |

**HIGH COURT OF JUSTICE  
FEDERAL CAPITAL TERRITORY  
ABUJA**

**SERVICE FEE(S) FORM**

Suit

No: \_\_\_\_\_

Name of

Depositor: \_\_\_\_\_

Amount

Deposited: \_\_\_\_\_

Process paid

for: \_\_\_\_\_

Destination: \_\_\_\_\_

**Confirmation of Receipt:**

I, acknowledge the receipt of the sum of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Being deposit for the purpose stated above

Name of Cashier:

Signature \_\_\_\_\_ Date: \_\_\_\_\_