

**S. 1. NO 34 OF 2007**  
**THE CONSTITUTION OF THE FEDERAL REPUBLIC OF**  
**NIGERIA, 1999**  
**(SECTION 285)**

**ELECTORAL ACT**  
**NO 2 OF 2006**  
**SECTION 149**

**PRACTICE DIRECTION NO 2 OF 2007**

In the exercise of the powers conferred upon me by Section 285 of the Constitution of the Federal Republic of Nigeria 1999; Section 8(2) of the Court of Appeal Act 1976; Section 149 of the Electoral Act 2006, No. 2; I, Hon. Justice Umaru Faruk Abdullahi, CON, President, Court of Appeal, give the following Practice Directions:-

For the purpose of appeals coming to the Court of Appeal under Section 149 of the Electoral Act 2006. No. 2, this Practice Direction shall be strictly observed by all parties:—

1. The appellant shall file in the Registry of the Tribunal his notice and grounds of appeal within 21 days from the date of the decision appealed against.
2. (a) At the filing of the notice of appeal, appellant shall pay to the Secretary such fees as may be determined by the Secretary having regard to the bulk of the records of proceedings which shall be compiled by the Secretary.  
  
(b) The appellant shall, at the filing of the notice of appeal, furnish as many copies as there are respondents in addition to ten (10) extra copies, and shall pay a fee for service on all the respondents.
3. The Secretary shall immediately cause to be served on all the respondents, copies of the notice of appeal.
4. The Secretary shall within a period of not more than 10 days cause to be compiled and served on all the parties, the record of proceedings.
5. Within a period of 10 days after the service of the record of proceedings, the Appellant shall file in the Court, and serve all the respondents written Brief, being a succinct statement of his arguments in the appeal.

6.
  - (a) The Brief, which may be settled by counsel, shall contain what are, in the Appellants view, of the issues arising in the appeal.
  - (b) All Briefs shall be concluded with a numbered summary of the reasons upon which the argument is founded.
  - (c) Wherever possible, or necessary, the reasons should also be supported by particulars of the titles, dates and pages of cases reported in the Law Reports, or elsewhere including the summary of the decision in such case, which the parties propose to rely upon. If necessary, reference should also be made to relevant statutory instruments. Law books and other legal journals.
  - (d) The parties shall assume that Briefs will be read, and considered in conjunction with the documents admitted in evidence as exhibits during the proceedings in the tribunal, and wherever necessary, reference should also be made to all relevant documents or exhibits on which they propose to rely in argument.
7. Respondent shall file in the Court and serve on the Appellant, his own Brief within 5 days after service in accordance with paragraph 5 above.
8. As early as possible, before the date set down for the hearing of the appeal, the party who has filed a Brief or the legal practitioner representing him, shall forward to the Registrar in charge of Litigation, a list of the Law reports, text books, and other authorities which counsel intend to cite at the hearing of the appeal.
9.
  - (a) Oral argument will be allowed at the hearing of the appeal to emphasise and clarify the written argument appearing in the Briefs already filed in Court.
  - (b) The Appellant shall be entitled to open and conclude the argument. Where there is a cross-appeal or Respondent's notice, it shall be argued together with the appeal as one case and within the time allotted for one case, and the Court may, having regard to the nature of the appeal, inform the parties which one to open and close the argument.
  - (c) Unless otherwise directed, 30 minutes on each side will be allowed for argument.
  - (d) When an appeal is called and no party or any Legal practitioner appearing for him appears to present oral argument, but Briefs have been filed by all the parties concerned in the appeal, the appeal will be treated as having been duly argued and will be considered as such.

10. An interlocutory appeal shall not operate as a stay of proceedings, nor form a ground for a stay of proceedings before a tribunal.

Dated at Abuja this 13<sup>th</sup> day of July, 2007

Umaru Faruk Abdullah, CON  
President, Court of Appeal

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