

PRE-ACTION NOTICE

PRE-ACTION NOTICE – EFFECT & NATURE – WHETHER CAN BE WAIVED – A suit commenced in default of pre action notice where such notice is required by law is incompetent – UMUKORO V NPA (1997) 1 NWLR Pt.502, p.655; AMADI V NNPC (2000) FWLR Pt.9, p.1527; EZE V OKECHUKWU 2002 103 LRCN 2245; (2003) FWLR Pt.140, p.1710.

PRE-ACTION NOTICE – CONSTITUTIONAL RIGHTS- Pre-action notice does not take away the constitutional right of access to the Courts as they are constitutional – ARO V LAGOS ISLAND LOCAL GOVERNMENT COUNCIL (2000) FWLR Pt.13, p.2141.

BURDEN OF PROVING PREACTION NOTICE –WHEN DOES IT ARISE- The burden of proof of pre action notice does not arise until the fact of non compliance is alleged in the proper way and put in issue by an opponent. The issue of pre action notice may be raised by motion or in the pleadings – MOBIL PRODUCING NIG. UNLIMITED V LASEPA (2003) FWLR Pt.137, a p.1029 at 1053