

The Constitution of the Federal Republic of Nigeria
Fundamental Rights (Enforcement Procedure) Rules, 1979

COURT FORMS

Form No 1

Notice of Motion for an order enforcing a Fundamental Right
[Order 2 rule 1(1)]

In the Federal High Court/High Court
of..... State.

In the matter of an application by
..... for an order for the enforcement of a
Fundamental Right

and

In the matter of
..... Applicant

Take notice that pursuant to the leave of the Federal High Court
at...../

High Court of.....State [or the Honourable
Justice.....]

given on the..... day of.....19.....,

the.....

High Court will be moved on the.....day of.....19....., or so soon thereafter

as counsel can be heard on behalf of.....

[for an order that]

..... in terms of the relief sought in the statement accompanying the affidavit in support of the application for leave to apply for the order on the grounds set out in the copy statement, served herewith, used on the application for leave to apply for such order.

And take notice that on the hearing of this motion the said will use the affidavit of

..... and the exhibits therein referred to.

And also take notice that the.....

High Court (or the Honourable Justice)

by order dated directed that all proceedings in (or on) the said be stayed until after the hearing of this motion or further order).

Dated the day of 20

(Signed)
Applicant or his Legal Representative

To
Respondent or his Legal Representative

Notice:-
Delete the High Court which is not applicable.

Form No 2

Originating Summons
[Order 2 rule 1(1). and Order 4 rule 1(1)]

In the Federal High Court at

.....

High Court of State

..... Division

Suit No.....

(in the matter

.....)

Between A . B

.....

Plaintiff

and

C. D

.....

Defendant

To C .D of in the

.....of

Let the defendant, within 14 days (or if the summons is to be served out of the jurisdiction insert here the time for Appearance fixed by the order giving leave to issue the summon and serve it out of the jurisdiction) after service of this summons on him Inclusive of the day of service, cause an appearance to be entered to this summons, which is issued on the Application of the plaintiff

..... of

.....

By this summons the plaintiff claims against the defendant

..... (or seeks the determination) of the Court of the following questions, namely, or as may be).

If the defendant does not enter an appearance, such judgment may be given or order made

against or in relation to him as the Court may think just and expedient.

Dated the.....day of
20

Note: This summons may not be served later than twelve calendar months beginning from the above date unless renewed by order of the Court.

This summons was taken out
by.....

Of
.....

the solicitor for the plaintiff whose address is
.....
.....
.....

(or where the
plaintiff sues in person this summons was taken out by the said plaintiff who resides at
.....
.....

Directions for entering appearance

The defendant may enter an appearance in person or by a solicitor by handing in the appropriate forms, duly completed, at the Federal High Court at
.....

Or the High Court of
..... State

Sitting at
.....
(Delete Court which is not applicable)

.....
Judge

For Service on
.....

Defendant or Solicitor acting for him.

Form No 3

Notice of Motion for an order for the production of person detained
(order 4 rule 1(i))

In the Federal High Court at

..... /the High Court of
..... State.

Suit No.....

In the matter of A.B.

and

In the matter of an application for the release of person detained.

Take notice that pursuant to the direction of the Honourable
Justice.....

.....of the Federal High Court
at...../or

of the High Court
of.....State the

High Court will be moved on the..... day
of.....19, or so

soon thereafter as counsel can be heard on behalf of
.....

for an order directed to to
have the body of the said before the High Court at
..... at such time as the Court or Judge may direct upon the grounds
set out in the affidavits' of the said and and
the exhibits therein respectively referred to used on the application to the Honourable
Justice (or the High Court) for such order copies of which affidavits and
exhibits are served herewith.

And take notice that on the hearing of this motion the said will use the

affidavits of himself and the saidand the exhibits therein referred to.

Dated the Day of 20

Signed
Applicant or his Legal Representative

Note
Delete the High Court which is not applicable.

To

The officer or person who has custody of person detained.

Form No 4

Order for Production of Person detained
[Order 4 rule 4(4)]

Suit No.....

In the matter of the Enforcement of a Fundamental Right.

In the matter of the detention of

..... Applicant

To the Superintendent of prison or other person having custody
of

At

We command you that you produce in the Federal High Court at /or in
the High Court of State at on the day and at the time specified in the notice
served with this order the body of being taken and detained under
your custody as is said, together with the day and cause of his being taken and detained,
by whatsoever name he may be called therein, that our Court (or Judge) may then and
there examine and determine whether such cause is legal, and have you there then this
order.

Witness this day of 20

.....
Judge

Note:-

Delete High Court which is not applicable.

To

The officer or person against whom order is sought.

Form No 5

Notice to be served with the order for the Production of person detained
[order 4 rule 4(4)]

Suit No

In the Federal High Court at /or the High Court of State at

In the matter of the application of (If in a cause already begun, here insert the title, not otherwise).

Whereas this Court (or the Honourable Justice) has made an order directed (or other person having the custody of if so) commanding him to have the body of before the said Court at on the day and at the time specified in the order together with the day and cause of his being taken and detained.

Take notice that you are required by the said Order to have the body of the said before this Court (or before the Judge aforesaid) on the day of 20 at o'clock and make a return to the said Order. In default thereof the said Court will then, or so soon thereafter as counsel can be heard, be moved to commit you to prison for your contempt in not obeying the said Order (or if in vacation application wilt then be made to one of the Judges of the said Court for a warrant for your arrest in order that you may be held to answer for your contempt in not obeying the said writ).

Dated the day of 20

(Signed)

Applicant or his Legal Representative

Note:- Delete High Court which is not applicable.

Form No 6

Order of committal
[order 6 rule 1(2)1
(Heading as in action)

Suit No

Upon motion this day made unto this Court by counsel for the plaintiff and upon reading (an affidavit of filed the day of 20, of service on the defendant of a copy of the order of the Court dated the day of 20 and notice of this motion)

And it appearing to the satisfaction of the Court that the defendant has been guilty of contempt of court in (state the contempt)

.....

It is ordered that for his said contempt the defendant do stand committed to Prison to be there imprisoned (until further order).

It is further ordered that this order shall not be executed if the defendant complies with the following terms, namely,

.....

Dated the day of 20

.....
Judge

