Courts and Practice in Nigeria

Volume II of the Nigerian Legal System teaching books

A TEACHING VERSION

Prepared for

VANGUARD SOLICITORS
Barristers' Chamber · Makurdi · Nigeria

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Imprint

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Authorities named in this book include the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Legal Practitioners Act, the Evidence Act 2011, and the Arbitration and Mediation Act 2023 — named by name; the reader who needs the law itself must read those instruments in their official texts.

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The measure of this book is the world standard; local law is honoured as local fact where it is named.

The Place — Nigeria

Nigeria is a federation of thirty-six states and the Federal Capital Territory, Abuja, on the Gulf of Guinea in West Africa. Its law is the subject of this book; its map stands here so the reader always knows the ground the law governs. Makurdi, where the chambers stand, is marked beside Abuja, the federal capital.



Map of Nigeria — drawn by the house from public-domain Natural Earth boundary data. Abuja and Makurdi are marked at their positions; the map is a geographic outline, not a survey.

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Chapter 1

The Map of the Courts

The Constitution vests the judicial power of the federation and of the states in the courts it establishes, and the map has a clear summit. At the top stands the Supreme Court of Nigeria — the final court of the land. Below it, the Court of Appeal, hearing appeals from the High Courts and the other courts the Constitution names. Below them stand the courts of first instance with general or special jurisdiction: the Federal High Court, the High Court of each state and of the Federal Capital Territory, the National Industrial Court for labour matters, and — in the states that establish them — the Sharia Court of Appeal and the Customary Court of Appeal, which are appellate courts within their own spheres. Beneath the constitutional courts stand the inferior courts created by state law: magistrates' courts, customary courts, and area or Sharia courts, each with limits written in the law that creates it.

Two ideas organise the whole map. The first is jurisdiction: a court may only decide the matters, between the parties, and within the territory that the law gives it. A judgment given without jurisdiction is a nullity, however fair it sounds — the parties' consent cannot create jurisdiction where the law has not. The second idea is the appellate ladder: decisions travel upward — from inferior courts to the High Court, from the High Courts to the Court of Appeal, and from there, on the matters the Constitution permits, to the Supreme Court, whose word ends the road.

Some courts are courts of record, whose proceedings are enrolled and whose disobedience is contempt; the superior courts are of this kind. Election disputes follow a special road through election petition tribunals and then upward as the Constitution and the Electoral Act direct. Military offences go to courts martial under their own law. The

young lawyer should be able to draw this map from memory: it is the geography of his working life.

Beside the courts stand the tribunals and panels that statutes create for special work — tax appeals, professional discipline, and the like. They are not courts of the Constitution's hierarchy, but their decisions are controlled by the courts through judicial review: the High Court watches that every public body keeps within its power and follows fair procedure. Volume I's doctrine of ultra vires does its daily work here.

Worked example

A client wants to sue a federal agency over a contract, and asks for 'the biggest court'. The teaching answer corrects the instinct: size is not the question — jurisdiction is. A contract claim against a federal agency may belong to the Federal High Court or a State High Court depending on its subject matter; filing in the wrong one wastes years, because a court without jurisdiction must strike the case out whenever the defect appears.

Chapter summary

Nigeria's courts form a hierarchy: Supreme Court, Court of Appeal, the superior courts of first instance (Federal High Court, State and FCT High Courts, National Industrial Court, and the appellate Sharia and Customary Courts of Appeal), and the inferior courts created by state law. Jurisdiction — the lawful power to decide — is the organising idea; appeal is the ladder; judicial review keeps every public body within its power.

Discussion questions

1. Draw the appellate ladder from a magistrates' court decision to the end of the road.