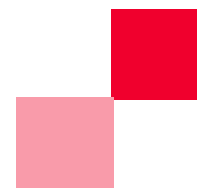


# Nigeria

Funke Adekoya, *AELEX*



[www.practicallaw.com/1-202-1284](http://www.practicallaw.com/1-202-1284)

## 1. Are attachment orders (or an equivalent measure) available in your jurisdiction?

Attachment orders are available to restrain a party from removing its assets from the jurisdiction in order to frustrate any judgment obtained against it.

## 2. Are they sought frequently in practice?

Attachment orders are not frequently applied for in practice.

## 3. Can they be obtained without prior notice to the defendant in urgent cases?

They are usually obtained without prior notice to the defendant. Although a claimant must first issue proceedings before an attachment order can be made, the originating process is served on the defendant at the point of execution of the attachment order.

## 4. Are they available on the same day as the application is made in urgent cases?

In cases of extreme urgency, an attachment order can be granted on the same day that the application is made. However, usually the application is heard within two or three days after filing.

## 5. What is the substantive test (in particular, is there a need to show a risk of dissipation of the assets)?

An applicant for an attachment order must show:

- An arguable case against the defendant.
- Real and imminent danger that the defendant will remove his assets from the jurisdiction.
- Full disclosure of all material facts.
- That the balance of convenience is in its favour.
- That it is prepared to give an undertaking as to damages.

## 6. Is there a need for the main proceedings to be in the same jurisdiction?

The main proceedings must be in the same jurisdiction.

## 7. Does attachment create any preferential right or lien in favour of the claimant over the seized assets?

In the absence of any charges on the seized assets, the grant of an attachment order creates a preferential right in favour of the applicant.

## 8. Is the claimant liable for damages suffered as a result of the attachment?

If the claimant ultimately fails on the merits, the defendant is entitled to damages incurred because of the order.

## 9. Is there a need for the claimant to provide security?

In addition to the undertaking as to damages, the court may require a claimant to deposit money in court as security.

## 10. What are the typical costs for straightforward attachment?

The amount of court fees payable depends on the value of the claim. Typical costs consist of:

- **Court fees.** The maximum fee payable in respect of each head of claim is between approximately US\$75 (about EUR62) and US\$500 (about EUR413).
- **The cost of executing the order.** The cost of serving court processes ranges approximately US\$20 (about EUR16) to US\$30 (about EUR25).

Where the attachment order relates to moveable assets such as cars or heavy machinery, the claimant also bears the cost of moving the assets to the custody of the deputy sheriff. These costs vary, depending on the nature of the items attached and their location.