



THE LAGOS STATE PRACTICE DIRECTION FOR REMOTE HEARING OF CASES

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On 27 April 2020, the Chief Judge of Lagos State, Honourable Justice Kazeem .O. Alogba (“the Chief Judge”) issued the Practice Direction for Remote Hearing of Cases (“the Practice Directions”) in Lagos State.

KEY HIGHLIGHTS OF THE PRACTICE DIRECTIONS

Commencement

The Practice Directions will come into effect on Monday, 4 May 2020.

Objectives

The Practice Directions seek to ensure continuous access to justice despite the restrictions on movement as a result of the COVID-19 pandemic. The Practice Directions set out the facilities and rules for the conduct of remote judicial proceedings; procedures for electronic filing and service of processes; and remote access to the court’s registry. In sum, it aims to ensure the just, timely and efficient disposal of cases with suitable technology.

Application of the Practice Directions

The Practice Directions apply to the following cases at the Magistrate Courts and High Courts:

- New cases where there is urgency;
- Pending cases involving urgent or important and time bound interlocutory applications such as bail applications, adoption of addresses, rulings and judgments; or
- Any other matter as the Chief Judge may approve.

E-Filing of Processes

Counsel in proceedings that qualify for remote hearing can file their signed processes by electronic means via the designated email addresses or WhatsApp phone numbers to be provided by the Chief Registrar. These processes are to be converted to PDF and are to include the email address and telephone number of the counsel or contact person, where parties are not represented by counsel. However, where it is impracticable for counsel to file electronically, the processes can be filed at the Registry of the court.

Assessment of filing fees will also be done online by the designated officials of the Lagos State Judiciary who will communicate the assessed fees via email, WhatsApp or text message to the parties concerned. Payment of filing fees will be done by electronic transfer to the bank account of the court with proof of payment forwarded to the registry for verification.

However, payment can also be made at the Registry of the court where it is impracticable to make payment electronically.

E-Service of Court Processes

Service of court processes may be effected by email, WhatsApp or as otherwise directed by the court. Notwithstanding Order 9 of the Lagos State High Court Civil Procedure Rules 2019 (“the Rules”), such service would constitute proper service. For the purposes of computation of time, time begins to run from the day the process was sent.

Preparation and Conduct of Remote Hearings

The parties or their Counsel who wish to have their case heard remotely are to notify the court through the official email of the respective courts. They are also to liaise with the court’s registry to schedule the remote hearing.



The court will then inform the parties if suitable facilities for remote hearing are available, direct an appropriate remote communication method for the hearing and issue a Notice of a Remote Hearing. The case will be listed on the Cause List and made available on the judiciary website. Where there are no available facilities, the court will direct an adjournment.

Remote Hearings will be conducted via Zoom, Skype for Business or any other video communication method approved by the Chief Judge. The court will also give directions to parties during proceedings on the use of video and audio during proceedings. Counsel and parties are expected to dress appropriately for the proceedings as they would during physical attendances in court.

Recordings of activities during proceedings can only be done by the court. However, leave of the court is required where any party or his Counsel seek to record proceedings.

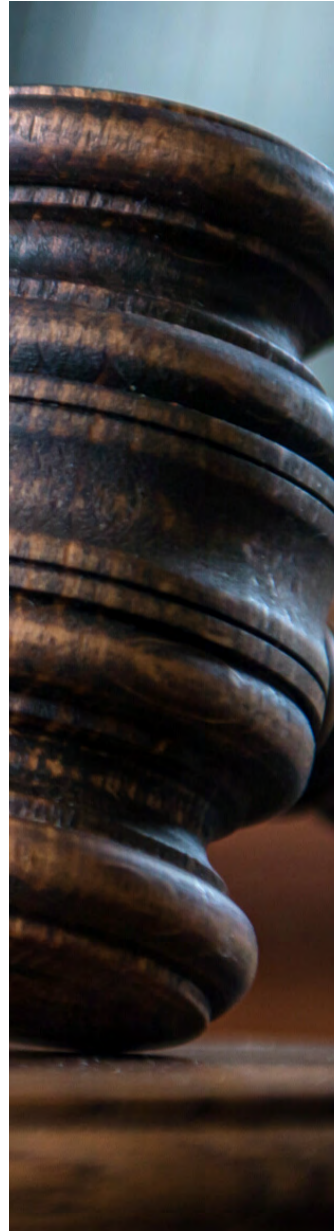
A Certified true copy of proceedings can be made available on request by any party to the proceedings. When parties intend to adopt final written addresses, they will be required to follow the existing provisions under the Rules.

Judgment

At the conclusion of the remote hearing, the court's registry will notify parties by email or WhatsApp of the date reserved for the delivery of judgment or ruling as the case may be.

COMMENTS

Although it may appear that the Practice Directions are coming a bit late, the issuance and effective application may go a long way in ensuring access to justice and preventing an overwhelming caseload for the Judiciary when normal activities resume. It should however be noted that the Practice Directions merely supplement provisions of the civil procedure rules, which continue to remain in force.





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