



Dispute Resolution in Nigeria:

**Some Significant Events in Nigeria's
Dispute Resolution Space**

2024 in Review

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Introduction

The year 2024 was marked by several developments and shifts in the dispute resolution landscape in Nigeria. There were certain legislative changes aimed at generally improving the efficiency of the justice system in Nigeria and notable judicial pronouncements from the Nigerian Courts.

Legislative Changes in 2024

1. Enactment of the Supreme Court Rules, 2024

1.1 In August 2024, the former Chief Justice of Nigeria, Hon. Olukayode Ariwoola GCON, signed the new Supreme Court Rules 2024 (the “**2024 Rules**”). The 2024 Rules, which repealed the Supreme Court Rules 1985 (as amended) (the “**1985 Rules**”), introduced some significant changes to the court’s practice and procedure. The changes are aimed at improving efficiency of the administration of justice by the Supreme Court.

1.2 Some of the changes are:

- (i) **Definition of Appeal:** Under the 1985 Rules, appeal was defined to include an application for leave to appeal. Thus, an applicant seeking leave to appeal would also be regarded as an appellant under the 1985 Rules. However, under Order 1 Rule 3 of the 2024 Rules, an appeal is only deemed to exist when the record of appeal has been transmitted from the Court of Appeal and entered in the Supreme Court. Accordingly, an application for leave to appeal is no longer an appeal under the 2024 Rules.
- (ii) **Service of Notice of Appeal:** It used to be the position that the Notice of Appeal is the originating process in an appeal and, therefore, must be served personally on a party. The 2024 Rules now provide for service of a Notice of Appeal on the legal practitioner who represented the Respondent at the Court of Appeal. Thus, personal service of a notice of appeal on a party is no longer mandatory. See *Saleh v. Abah* (2017) 12 NWLR (Pt. 1578) 127A-D.
- (iii) **Cesser of Instruction:** By Order 3 Rule 3 of the 2024 Rules, where a legal practitioner has been served with a Notice of Appeal or any other process in respect of an appeal, and that legal practitioner has ceased to be instructed by the party on whose behalf he was served, the legal practitioner has a duty to inform the Registrar of the Supreme Court that he has ceased to act on behalf of that party within seven (7) days after the service. Failure to do so may be treated as an act of professional misconduct.
- (iv) **Appeals on Ground of Fact and/or Mixed Law and Fact:** The decision of the Supreme Court in *Shittu v. PAN Limited* (2018) 15 NWLR (Pt. 1642) at 209H-210B is to the effect that the Supreme Court no longer has jurisdiction to hear appeals or grant leave to appeal on ground of fact and/or mixed law and fact. This decision followed the Second Alteration to the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (the “**Constitution**”), which deleted the provisions of s. 233(3-5) of the Constitution. S. 233(3-5) dealt with appeals with leave from the Court of Appeal to the Supreme Court. However, by the provisions of Order 4 Rule 16 of the 2024 Rules, the Supreme Court appears to have reinstated these deleted provisions by providing that the Supreme Court “*may dispose of any application for leave to appeal from any decision of the Court below in respect of any civil or criminal proceedings in which leave to appeal is necessary after consideration of the record of proceedings if the Court is of the opinion that interests of justice do not require an oral hearing of the application.*”

- (v) **Time for Transmission of Record of Appeal:** Under the 1985 Rules, the time for compiling and transmitting record of appeal from the Court of Appeal or any other lower court to the Supreme Court was six (6) months. However, this time has now been reduced to three (3) months. See Order 6 Rule 4 of the 2024 Rules.
- (vi) **Applications for Extension of Time:** Order 4 Rule 15 of the 2024 Rules has placed a limitation on applications for extension of time. Under Order 4 Rule 15, the time for filing any process is automatically extended in the first instance for the same period. After the period elapses, the time is automatically extended again for the same period, but subject to payment of default fees. Once the time expires the second time, time will not be extended for any reason except in an appeal against a death sentence.
- (vii) **Costs:** By Order 12 Rule 4 of the 2024 Rules, the minimum amount of costs to be awarded to a successful party in an appeal is now two million naira (~~₦~~2,000,000). The cost for delaying the hearing of a civil appeal is also a minimum of One Million Naira (~~₦~~1,000,000). In any application in a civil appeal being heard in open court, the minimum amount of costs is Five Hundred Thousand Naira (~~₦~~500,000). In case of abuse of court process, the minimum cost is Two Million Naira (~~₦~~2,000,000).

There are also other salient provisions of the 2024 Rules not mentioned here. It is important for parties to ensure compliance with the 2024 Rules when approaching the Supreme Court for the ventilation of their claims.

2. **High Court of the Federal Capital Territory Abuja Civil Procedure Rules 2025**

The Chief Judge of the High Court of the Federal Capital Territory Abuja (the “**High Court of FCT**”) (Hon. Justice Hussein Baba-Yusuf) issued the High Court of the FCT, Abuja (Civil Procedure) Rules, 2025 (the “**Rules**”). The Rules which regulate the practice and procedure before the High Court of FCT will come into effect on March 3, 2025.

3. **The International Bar Association (“IBA”) Guidelines on Conflicts of Interest in International Arbitration 2024**

- 3.1 The IBA Guidelines represent a comprehensive soft law instrument, defining a framework to ensure the impartiality and independence of the arbitrators in international arbitrations. A revised version of the IBA Guidelines on Conflicts of Interest in International Arbitration was adopted by the IBA Council on May 25, 2024 (the “**Revised Guidelines**”).¹
- 3.2 The Revised Guidelines introduce several notable updates to the previous 2014 version of the Guidelines. Some of the notable updates are (i) the clarification of the concept of “justifiable doubts” for the purpose of conflict of interest of an arbitrator, (ii) the presumption that parties, upon reasonable enquiry, are deemed to be aware of facts or circumstances that could constitute a potential conflict of interest for an arbitrator, (iii) the expansion of the scope of the relationships that may constitute conflict of interest, and (iv) the expansion of the scope of the Orange List to include instances where arbitrators publicly advocate a stance on the case *via* social media “or online professional networking platforms”.

¹ The IBA Guidelines structure is divided into two Parts: Part I comprises seven “General Standards”, accompanied by explanatory notes, and Part II contains the illustrative “Application Lists” in which the General Standards are applied to various circumstances.

Notable Cases Reported in 2024

4. *Aghwarianovwe v. PDP et. al* 2024 1 NWLR (Pt. 1918) 45.

4.1. Principle

Every Nigerian has the right to obtain copies of documents submitted by any candidate to INEC in an election.

4.2. Issues and Decision

The Supreme Court, while considering the issues that arose in the appeal, had cause to interpret s. 29(4) of the Electoral Act 2022 (the “**Electoral Act**”). The section provides that “**[a]ny person** may apply to the Commission for a copy of nomination form, affidavit and any other document submitted by a candidate at an election...” upon payment of the prescribed fees.

In interpreting “any person” in the above section, the Supreme Court held that any ‘*Nigerian Dick and Harry, whether politician or not*’, is entitled to obtain copies of the documents submitted by any candidate to INEC upon payment of the prescribed fee.

4.3. Comment

The decision of the Supreme Court establishing the right of every Nigerian to obtain copies of any documents used by any candidate in an election is very commendable as it further improves the transparency of elections in Nigeria.

5. *Dieziani Alison Madueke v. EFCC* (2024) 1 NWLR (Pt. 1918) 101.

5.1. Principle

Jewelleries qualify as “Assets” within the meaning of the Code of Conduct Tribunal Act 1991.

5.2. Issues and Decision

The Court of Appeal considered, *inter alia*, the issue of whether pieces of jewellery were ‘assets’ under s. 15 of the Code of Conduct Bureau and Tribunal Act (CCTA), which the Appellant ought to have declared as property before assuming office. The Court of Appeal held that the pieces of jewellery qualified as assets under the CCTA, and therefore, the Appellant ought to have declared them.

5.3. Comments

By this decision, prospective political office holders must include a comprehensive list of all their valuables, including jewelleries, which they acquired before their appointments or election, in their Asset Declaration Forms. Also, high net-worth individuals are advised to keep records of relevant documents showing how they legitimately acquired their assets.

6. *COP Bayelsa v. Oputa Freeman* (2024) 1 NWLR (Pt. 1920) 537.

6.1. Principle

An accused could appeal against a judgment of a court after serving the sentence if the accused pleaded not guilty to a charge and contested the case against him at the lower court.

6.2. Issues and Decision

One of the issues considered by the Court of Appeal was whether an accused can appeal against a judgment of a lower court, even after serving the punishment. The Court of Appeal ruled that serving a criminal punishment does not take away a person’s constitutional right of

appeal. The Court of Appeal concluded that the Respondent, having pleaded not guilty to the charge and contested the charge against him at the trial court, had a right to appeal against the judgement, even after he had paid the fine. Hence, such an appeal would not be 'academic'.

6.3. Comments

This is one of the many decisions in which the courts have affirmed the sanctity of the constitutional right to appeal. This case is distinguished from *Amanchukwu v. F.R.N.* (2009) 8 NWLR (Pt.1144) 475 where the appellant pleaded guilty at the trial court on drug-related offences and was sentenced summarily to a mandatory term of imprisonment of 18 years. He later filed an appeal, after having served 15 years, alleging that he was denied a fair hearing. The Supreme Court held the appeal to be academic. Unlike the *Amanchukwu case*, the Respondent in the instant case disputed the charges against him before the trial magistrate's court.

7. *Egbodo v. APC* (2024) 1 NWLR (Pt. 1920) 559.

7.1. Principle

Time in pre-election matters begin to run when the act complained of occurred, whether the plaintiff was aware of the occurrence or not.

7.2. Comment

This decision affirms the latest position of the Supreme Court on the interpretation of s. 285(9) of the Constitution, which relates to the time for filing pre-election matters.

It had been the position of the Supreme Court that time begins to run when the plaintiff becomes aware of the cause of action. See *Musa v. Umar* (2020) 11 NWLR (Pt. 1735) 213; *Saki v. APC* (2020) 1 NWLR (Pt. 1706) 515; and *APC v. Lere* (2020) 1 NWLR (Pt. 1705) 254. However, in the more recent decisions of the Supreme Court in *Abdullahi v. Loko* (2022) LPELR– 57578 (SC); *Bello v. Yusuf* (2019) LPELR – 47918 (SC); and *Karshi v. Gwagwa* (2022) LPELR – 5744 (SC), the Supreme Court overruled these earlier cases by holding that time begins to run when the cause of action occurred, not when the Respondent got knowledge of it.

This position may appear rather too drastic, especially as some causes of action in election petitions are concealed until they are published. However, it also serves as a wake-up call to political aspirants, to be on the alert to know when their right of action accrues.

8. *National Inland Waterways Authority et. al. v Lagos State Waterways Authority et al.* (2024) 14 NWLR (Pt 1959) 435.

8.1. Principle

The National Inland Waterways Authority, not the Lagos State Waterways Authority, is the proper authority to regulate activities on inland waterways in Nigeria, including the Lagos waterways.

8.2. Decision

The Supreme Court in this case held that the subject of inland waterways in any part of Nigeria was provided for in the exclusive legislative list. As such, the activities of the 5th and 6th Respondents could only be regulated by the National Inland Waterways Authority ("NIWA"), and all applicable fees were to be paid to them. The Court also held that the Lagos State Waterways Authority Law 2008, which purported to regulate waterways within Lagos State, was null and void to the extent of its inconsistency, since the regulation of waterways falls within the exclusive legislative competence of the National Assembly.

8.3. Comments

This decision of the Apex Court finally resolved the niggling issues surrounding the regulation and licensing of operation on the inland waterways in Nigeria and has brought an end to the challenges of multiple levies and taxation the operators of inland waterways hitherto faced especially in Lagos State since the enactment of the Lagos State Waterways Authority Law, 2008. Thus, persons operating within inland waterways must take note of this judicial recognition of the overriding regulatory oversight of NIWA.

9. *A. G. Federation v. A. G. Abia State et al.* (2024) 17 NWLR (Pt. 1966) 1.

9.1. Principle

The Local Government is an independent tier of government. All funds to be allocated to the Local Government under the Constitution should go directly to their accounts and not to the State Governments. It is unconstitutional for a State Government to dissolve a democratically elected local government and replace the same with a Caretaker Committee (however may be called).

9.2. Decision

In deciding the case, the Supreme Court dismissed the preliminary objections filed by the Respondents and held that it had jurisdiction to hear the suit. On the issue of *locus standi*, the apex Court held that the Attorney-General of the Federation has the right to institute civil proceedings in a court of competent jurisdiction in the public interest, and to protect public rights, to enforce the Constitution or to prevent public wrong.

On the question of original jurisdiction, the Supreme Court held that its original jurisdiction under s. 232(1) of the Constitution encompasses 'any dispute' between the Federation and the States. Thus, in so far as the dispute involves the existence of a legal right between the Federation and the States, the Supreme Court has original jurisdiction. Thus, the nature of the dispute is immaterial.

On the question of non-joinder, the Supreme Court held that the suit was not defeated by the non-joinder of the local governments. The Court ruled that the suit could effectively be determined, even in the absence of the local governments. As such, the suit was competent.

Turning to the merits of the suit, the Supreme Court held that Nigeria operates a federal system of government, where power is shared between the federating units. The Court noted that under s. 7 of the Constitution, the Local Government is the third tier of government, whose existence is mandated by the Constitution. The Supreme Court held that by the provision of s. 7 of the Constitution, it is unconstitutional for the Governor of any State to handpick 'political stewards' under the guise of Caretaker Committees, or dissolve democratically elected local governments.

The Supreme Court also held that by virtue of s. 162(3) of the Constitution, any amount standing to the Federation Account is to be distributed among the Federal, State, and Local Governments. Although the share of the money belonging to the Local Governments is to be paid into the State Joint Local Government Account (the "**Joint Account**"), by the tenor of s. 162(3) of the Constitution, States only hold such monies as agents of the Local Governments. The States are, therefore, under a duty to pay the money onward to the Local Governments. The payment of the money into the Joint Account is not a licence for the State Governments to withhold the money from the Local Governments. To do otherwise will defeat the purpose of s. 162(3) of the Constitution. The Supreme Court also held that the States have used the machinery of the Joint Account to create an 'unconstitutional status quo' by withholding the money from the Local Governments. The interests of justice demand that the money be paid

directly to the Local Governments from the Federation Account, even though no such machinery of direct payment was provided in s. 162(3) of the Constitution.

9.3. **Comments**

The decision of the apex Court establishes the autonomy of the Local Governments under Nigeria's federal system of government. States are, therefore, no longer at liberty to interfere with the powers of the Local Governments under the guise of operating through Caretaker Committees. The position of the apex Court is commendable as it encourages government at the grassroots since Local Governments would be more equipped to deliver dividends of democracy to the people.

10. *A. G. Lagos et. al. v. A. G. Federation (SC/1/2008)*

10.1. **Principle:**

The National Lottery Act 2005 ("**NLA**") is unconstitutional in so far as it applies to the States. The NLA is only applicable in the Federal Capital Territory, Abuja.

10.2. **Decision**

In November 2024, the Supreme Court delivered its judgment in the above case wherein it held that the NLA is unconstitutional as it does not fall within the legislative competence of the National Assembly. The Supreme Court reasoned that lottery and gambling fall into the residual list, which is within the exclusive legislative competence of the State Houses of Assembly. The Supreme Court also issued an order restraining the Attorney-General of the Federation and all other agencies from implementing the provisions of the NLA in Nigeria, except in the FCT.

10.3. **Comment:**

By this decision, the Supreme Court settled the long-standing dispute between Federal and State agencies on the proper regulatory authority for lottery and gambling in Nigeria. Henceforth, all applications for lottery licences, approvals, fees, and all other matters relating to conducting lottery business in Nigeria can only be regulated by the proper state authority. However, the National Lottery Commission will continue to regulate lottery and gambling in the FCT.

11. *Total Exploration & Production (Nig) Ltd. V Okwu et al (2024) LPELR-62623 (SC)*

11.1. **Principle:**

Parties can file joint application for the enforcement of their fundamental rights so far as the rights in question are violated by a common act.

11.2. **Decision**

The Supreme Court delivered its decision against the above-mentioned appellant in a suit for the enforcement of the fundamental human rights of the 1st to 6th Respondents. While the Appellant argued that the intendment of the Constitution was individual suits, buttressing this argument by citing the provisions of Section 46 of the Constitution, the Supreme Court took a more pragmatic approach in holding that parties can file a joint application for the violation of their fundamental human rights where these rights were violated by the same person and/ or act.

11.3. **Comments**

The position of the Supreme Court provides a more pragmatic approach to the enforcement of fundamental human rights. Parties no longer need to bloat the Courts' docket by filing

individual suits where the suit is against a common infringer and the same violating act. This position also provides a reprieve to lower classed persons who may intend to enforce their fundamental human rights, as they can consolidate their efforts and resources in pursuing these actions.

12. [Dike Geo Motors Limited et. al. v Allied Signal Inc. et. al. \(2024\) 10 NWLR \(Pt. 1946\) 201](#)

12.1. **Principle**

The registration of a trademark while an action is pending does not constitute a defence to infringement.

12.2. **Issues and Decision of the Court**

One of the main issues was whether trademark registration constitutes a complete defence to an infringement action. The Appellants argued that by virtue of the registration of the Mark, the Respondents' action ought to have abated *in limine*. In effect, the Appellants were arguing that trademark registration is a complete defence to an infringement action.

In resolving the issue, the Supreme Court held that registration of a trademark may not always provide a defence to an action for infringement or passing off. According to the Supreme Court, the "*mere fact that the Appellants' trademark became registered after the institution of the present suit does not inescapably doom the claims for infringement of trademark in this suit to failure...*" The case was then remitted to the Federal High Court to be tried on the merit.

12.3. **Comments**

Beyond clarifying that the registration of a mark while an action is pending does not *ipso facto* terminate the action, this decision further reinforces the importance of trademark protection in Nigeria.

13. [National Inland Waterways Authority et. al. v Lagos State Waterways Authority et. al. \(2024\) 14 NWLR \(Pt 1959\) 435.](#)

13.1. **Principle**

The National Inland Waterways Authority, not the Lagos State Waterways Authority, is the proper authority to regulate activities in Lagos Waterways. The Lagos State Waterways Authority Law 2008 is void.

13.2. **Issues and Decisions**

The 5th and 6th Respondents (The Incorporated Trustees of the Association of Tourist Boat Operators and Water Transporters of Nigeria and the Incorporated Trustees of Dredgers Association of Nigeria) commenced an action against the Appellants and 1st – 4th respondents decrying multiple taxations levied by the Federal and Lagos State Agencies against them in their operations. They also sought the Court's direction as to which of the agencies (Federal or State) is entitled to issue operational certificates, licenses, impose taxes, issue regulations, and administer their operations in the inland waterways of Lagos State.

The Supreme Court held that the subject of inland waterways in any part of Nigeria was provided for in the exclusive legislative list. As such, the activities of the 5th and 6th Respondents could only be regulated by the National Inland Waterways Authority ("**NIWA**"), and all applicable fees were to be paid to them. The Court also held that the Lagos State Waterways Authority Law 2008 which purported to regulate waterways within Lagos State, was void, since the regulation of waterways falls within the exclusive legislative competence of the National Assembly.

13.3. Comments

This decision affirms the supremacy of the Constitution over every other law in Nigeria. All persons operating within inland waterways must take note of this judicial recognition of the regulatory oversight of NIWA in that industry.

14. *Suntrust Bank Nig. Ltd. v. Eaton Acquisitions Ltd. et. al.* (2024) LPELR – 62753 (SC)

14.1. Principle

The withdrawal of an incompetent application for leave to appeal does not result in an order of dismissal as provided under Order 11 Rule 6 of the Court of Appeal Rules 2021.

14.2. Issues and Decision

The Appellant, as an interested party, filed an application on 12th March 2021 at the Court of Appeal praying for an order granting it leave to appeal against the judgment of the Federal High Court sitting at Lagos delivered on February 17, 2021 (the “**Judgment**”) as an interested party (the “**Application for Leave**”). However, upon realizing that the Application for leave was filed out of time, the Appellant filed a Notice of Withdrawal dated March 22, 2022 (the “**Notice of Withdrawal**”), withdrawing the Application for Leave and filing a new application, which also contained the trinity prayers.

At the hearing of the applications, the Respondents argued that under s. 30 of the Court of Appeal act 1976 (as amended) and Order 11 Rule 6 of the Court of Appeal Rules 2021 (the “**Rules**”), an appeal was defined to include an application for leave to appeal, and as such, the Application for Leave was an appeal. Having withdrawn the Application for Leave via his Notice of Withdrawal, the proper order ought to be a dismissal. The Court of Appeal agreed with this argument, noting that since the Respondents had filed counter affidavits to the motion, issues had been joined thereon and that the proper order to make was one of dismissal.

However, the Supreme Court reversed the order of dismissal. The reason given by the Supreme Court was that since the Application for Leave was incompetent (since the Court of Appeal had lost jurisdiction to grant same on the date it came up for hearing), the proper order to make was striking out the Application for Leave and not a dismissal on the merits. The Supreme Court also noted that Rules of Court are meant to serve as a guide in doing substantial justice and not to cause injustice to the parties.

14.3. Comments

The decision is commendable as it reflects the ongoing efforts of the judiciary towards prioritizing substantial justice over procedural technicalities. More so, this stance is critical to ensuring that litigants are not unduly punished for mere procedural errors.

15. *Uniport v Nwuzor* (2024) 16 NWLR (pt 1965)

15.1. Principle

The Courts can intervene where a university withholds or refuses to issue a certificate, despite the general discretion of universities to award degrees.

15.2. Decision.

The main issue before the Court was whether a court can interfere with power of university in respect of award of certificates and degrees. At the Supreme Court, the Appellant raised a jurisdictional objection on the basis that the award of the Respondent's certificate, which was the cause of action, fell within the domestic jurisdiction of the Appellant. As such, the trial court had no jurisdiction to interfere.

In resolving this issue, the Supreme Court drew a distinction between awarding a degree and publication of results. According to the Supreme Court, the former is within the domestic jurisdiction of the University, to be determined in accordance with its internal rules, and which the Court will ordinarily not interfere with. However, when a student has passed all the required examinations and is informed that he has passed, the failure of institution to issue the certificate is no longer a domestic or internal affair but a matter of public policy, which the court has jurisdiction to interfere with.

The Supreme Court therefore held that the trial court had jurisdiction. The appeal was dismissed.

15.3. **Comments**

This decision is commendable. It will put an end to the recurring attitude of higher institutions of withholding a student's certificate, even after the student has successfully completed the course of study.

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