



**HISTORY AND DEVELOPMENT OF THE
FEDERAL HIGH COURT
PRESENTED BY
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FEDERAL HIGH COURT AT THE JOINT RE ORIENTATION
INDUCTION WOTKSHOP
ORGANISED FOR NEWLY RECRUITED PERSONNEL OF
FEDERAL COURT COMMISION**

1. HISTORY

The Federal High Court which is a direct successor to the Federal Revenue Court was created by decree No.13 of 1973 and came into existence on the 13th April 1973 it has the same powers and equivalent status with the state high court. It exercises different but complimentary jurisdiction to the state court. It is third in the hierarchy in Nigeria Court after the Supreme Court and the Court of Appeal.

After series of struggles for it's continue existence, it finally succeed and survived the numerous oppositions, particularly from the regional and state judiciaries who were exercising jurisdiction over matters that were now conferred exclusively on the federal high court. With the coming into effect of the 1979 constitution of the federal republic of Nigeria on the 1st of October, 1979, the court was renamed federal high. See section 228 (1) of 1979 constitution of the federal republic of Nigeria.

Ladies and Gentlemen, permit me to bother you further on the historical development of the court.

The history of the federal high court cannot be complete without mentioning some organizations. Legal icons and other distinguish personalities who immensely continue to the existence and growth of the court.

The foremost among the proponents for the retention of the court at its inception, were the Nigeria Bar Association, the federal ministry of finance, the Nigeria Society of



Chartered accounts, who all submitted memoranda to the constitutional drafting committee, championing the continued existence of the Federal High Court. Also chief Richard Akinjude (SAN), then a member of the constituent assembly spoke in favor of the retention of the court.

The past Chief judge Head of the court also who contribute in different ways to advance the court to its present state are:

1. Honorable Justice S.O Lambo
President 1\1\1973 1975
2. Honorable Justice T.A.Phil Ebosie
President 1\2\1976 31\12\76
3. Honorable justice .F.O Aanyaegbunam,
CFR President Chief Judge 1\10\77 22\9\87
4. Honorable justice M.,B Belfore
Chief Judge 22\9\87 31\7\2001
5. Honorable justice R.N. Ukeje, OFR
Chief Judge 24\10\2001 5\12\2008
6. Honorable justice A. Mustapha
(Current chief judge)
6\1\2008 till date

The present chief judge the Honourable justice A.Mustapha his maiden speech at his first meeting with the Honorable Judges of the court and other supporting respectively,



announced his definite plan to create the following additional judicial division, namely, Awka, Ado Ekiti, Gombe, Lafia and Gusau before the end of the year 2008.

Asaba judicial division has since been created but presently operate from Benin judicial division (Annex) due to some Logistic problem which the present chief judge is set to resolve for the court to remove to Asaba soonest, The Honourble, at chief judge, Hon justice Abdullah Mustapha has already fulfilled this promise as he created the additional five (5) judicial division aforementioned. See legal notice No.S.I.I of 2008 attached.

The court started with only judges including its head the President as he was then called (See legal Notice 61 of 1973). The growth in number of judges and its personnel another important factor in the historical development of this court. This first amendment of the law increasing the number of judge was the federal high court (amendment) Decree No. 4 of 1990, which increased the number of judge's to 32.

Following the conferrence of additional powers on the court by subsequent legislations, particularly the federal high court (Amendment) Decree No. 16 of 1992, which was promulgated to addit5ional jurisdiction to the court, there arose the need for additional judges and personnel for the court, to meet with the new challenges. Having regard to this, law increasing the number of judge of the Court was further amended to increase the numbers of judges from 32 to 50 judges. In the year 2007, there was once again a pressing need to further increase the number of judges due to the ever increasing volume of work and further creation of additional judicial Division. This prompted the immediate past Chief Judges Hon.justiuce R.N.Ukeje (OFR) to request for further amendment of the law on the number of judges of the court from 50 to 70.

The Federal High Court after initial struggle for existence was properly brought to light by s.230 (2) of 1979 constitution, but it was still faced with the problem of exclusive exercise of its jurisdiction. Section 230 (2) of the 1979 constitution, which amended section 7 (1) of the principal act that originally conferred power on the court on some causes or matter, did not expressly give the court an exclusive power to exercise



jurisdiction over these causes or matters. This gave rise to a fresh problem for the country to contain with. Appeal from some of the decisions arising out of these interpretations to the then federal court of Appeal did not also change the situation, because most of the justices of the court of Appeal were elevated from these state courts and probably had presided over some of the matters at the lower courts.

For details argument see the monograph on the federal high court (*Law and Practice) by A.G.Karibi White.

This problem on the exercise of its jurisdiction created room for various interpretations on this section by state high courts, which in a way gave them opportunity to assume concurrent jurisdiction with the federal high court on matters that were intended for the court.

The problem persisted until Decree 107 of 1993 was promulgated by the then federal military government which section 230 (1) of 1979 constitution modified, new powers added and exclusive jurisdiction of the cause and matters are set out under section 230 (1) (as) of the said constitution were conferred on the court.

2. FEDERAL HIGH COURT JURISDICTION

- (i) The federal high court has and exercise jurisdiction to the exclusive of any other court in civil causes and matters.
 - (a) Relating to the revenue of the government of the federal in, which the said Government or any organ thereof or a person suiting or being sued on behalf of the said government is a party.
 - (b) Connected with or pertaining to the taxation of companies and other bodies established or carrying on business in Nigeria and all other persons subject to federal taxation.
 - (c) Connected with or pertaining to customs and excise duties and export duties, including any claim by or against the Nigeria customs service or any member or officer thereof arising from



the performance of any duty imposed under any regulation relating to customs and excise duties and export duties,

- (d) Connected with or pertaining to banking, banks, other financial institution including any action between one bank and another, any action by or against the central Bank of Nigeria arising from banking, foreign exchange, coinage, legal tender, bills of exchange, letter of credit, Promissory note and other fiscal measures.

Provided that this paragraph shall not apply to any dispute between an individual customer and his bank in respect of transaction between the individual customer and the bank.

- (e) Arising from the operation for the companies and allied matters Act or any other enactment replacing that Act or regulating the operation of companies incorporate under the companies and allied matters act.
- (f) Any federal enactment relating to copyright patent, Design, trademarks and passing off, industrial designs And merchandise marks, business names, commercial and Industrial monopolies, combines and trusts, standard of goods And commodities and industrial standards.
- (g) any admiralty jurisdiction, including shipping and navigation on the River Niger or river Benue and their affluent and on such other inland waterway as may be designed BY ANY enactment to be an international waterway, all federal ports (including the constitution and powers of the port authorities for federal ports) and carriage by sea.
- (h) Diplomatic, consular and trade representation.



- (i) Citizenship, naturalization and aliens, deportation of persons who are not citizens of Nigeria extradition immigration into and emigration from Nigeria, passport and visa.
- (j) Bankruptcy and insolvency
- (k) Aviation and safety of aircraft
- (l) Arms, ammunition and explosives
- (m) Drugs and poisons.
- (n) Mines and minerals (including oil fields, oil mining geological surveys and natural gas).
- (o) Weights and measures.
- (p) The administration or the management and control of there federal government or any of its agencies
- (q) Subject to the provisions of this constitution, the operation and interpretation of t5his constitution is so far as it affects the federal government or any of its agencies.
- (r) Any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision by the federal government or any of its agencies and
- (s) Such other jurisdiction civil criminal and whether to these exclusion or any other or not as may be conferred upon it by act of the national assembly. Provided that nothing in the provision of paragraph that nothing in the provision of paragraph (p), (q) and ® of this subsection shall prevent a person from seeking redress against the federal government or any of its agencies in an action for damages, injunction or specific performance where the action is based on any enactment, law or equity.
- (t) The Federal High Court also has and exercise jurisdiction and powers in respect of treason, treasonmable felony and allied offences

3. APPELATE JURISDICTION



The federal high court has applied jurisdiction from decisions of professional bodies where litigants are not satisfied with the decision from such professional bodies, which includes.

1. Body of Appeal commission. See federal high court (tax appeal) rules order 1 rules (I 5)
2. Appeal and application under the trade marks acts and patents and design act. See federal high court civil procedure) rules 2000 order 48.
3. Appeal from professional bo0dies 2000 order. Side federal high court (civil procedure) Rules 2000 order 49.

STAFF STRENGHT

The court has thirty-one judiciary divisions, twenty-eight which are fully operational. The remaining three divisions are at the verge of taking off. It is worthy to mention here the corresponding growth of the court personnel. It is obvious that once there were additional number of judges and divisions the number of staff must increase. The court presently has a total number of 2329 staff spread across its current 28 judicial division including Lagos Headquarters. They number is bound to increase soonest when the three divisions referred to above take off.

5. ***COMPOSITION***

The federal high court consists of a chief judges and such number of judge as may be prescribed by an Act of the National Assembly. Presently there are 50 judge including the Honorable Chief Judges.

6. ***APPOINTMENT OF CHIEF JUDGE AND JUDGES OF THE COURT***



- (i) The chief judge of the federal high court is appointed by the president on the recommendation of the National Judicial Council subject to the confirmation of such appointment by the senate.
- (ii) A judge of the federal high court is appointed by the President on the recommendation of the National judicial council and is not subject to confirmation of the senate.
- (iii) A person shall not be qualified to hold the office of chief judge or a judge of the federal high court unless he is qualified to practice as a legal practitioner in Nigeria and as been so qualified for a period of not less than ten years. Simply, the person must have First Degree in law or its equivalent and called to the Nigeria Bar and must have practiced for at least 10 years.

7. **CONSTITUTION OR QUORUM.** The federal high court is duly constituted if it consists of least one judge of the court.

8. **MANAGEMENT STRUCTURE**

- i. **The chief judge.** The Honourable chief judge is the head of the court and is responsible for the general control and positions of the Honourable judges of the court. He makes rules for regulating the practice and procedure of the court. He also like the other judges of the court sits in court to adjudicate over matters that are from times time brought before court.

He sits both at Lagos and Abuja

- ii. **The chief Registrar.** The chief registrar is the chief executive and accounting officer of the court. He is ably



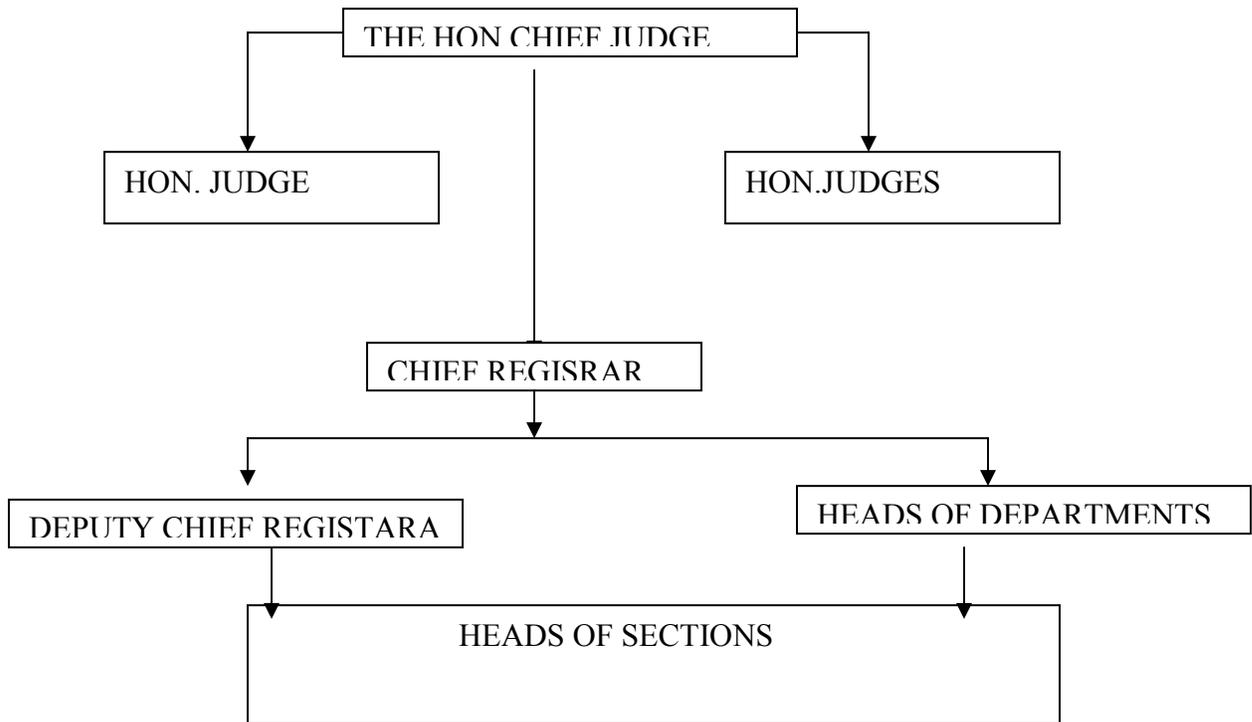
assisted by the deputy chief registrars and department directors.

- iii. ***Department of court.*** The court presently operates four (4) department namely
- (a) Litigation department
 - (b) Finance and Account Department
 - (c) Personnel Management Department (popularly known as Administrative Department.
 - (d) Library and Information service Department



See organizational Chart Fig 1 and 2 at Pages 16 and 17 respectively.

ORGANIZATIONAL CHART HEADQUARTERS





ORGANISATIONAL CHART JUDICIAL DIVISION





9. INTER RELATION WITH.

(a) ***Federal judicial service Commission.*** The Federal judicial council in the nomination of the persons for appointment to the office of chief judge and judge of the federal high court. The commission recommended to the persons appointed to the office of chief judge or judge of the federal high court. The federal judicial service commission appoints promotes, dismisses and exercise disciplinary control over the chief registrar, Deputy chief registrar and all other member of staff of the federal high court. It however, delegates the power to appoint, promote and discipline officers from grade level 01 06 to the chief registrar of the court.

(b) National Judicial Council

- i. The National Judicial Council recommended to the president from among the list of persons submitted to it by the federal judicial service commission persons for appointment to the offices of the chief judge and judge of the federal high court.
- ii. It recommended to the President the removal from office and exercise discipline control over persons appointed to the officer of chief judge and judges of the federal high court.
- iii. Collects, controls and disburses all money, capital and recurrent budgeted and approved by the National Assembly for the operations of Federal High Court salary and Welfare of judges and staff of the court.

c. National Judicial Institute

The Institute organizes courses for judicial officers as well as senior and junior staff of federal and state judiciary. Federal High court tremendously benefits from the training offered by the institute.



10. CONCLUSION

Ladies and Gentlemen I am sure by now you are conversant with the political; History and Development growth of the federal High court on the one hand, and its personnel and structural development on the other hand.

You are also acquitted with constitutional responsibilities of the Federal High Court, Its hierarchical position as well as its inter relationship with agencies such as National Judicial Council, the Federal Judicial Service Commission and the National Judicial Institute as have been properly elaborated.

Those of you, who are interest in knowing more about the Federal High Court in relation to the topic of today's discussion, may wish to refer to the following materials

i The 1979 Constitution of Federal Republic of Nigeria .

iiThe Federal High Court

Decree No.13 of 1973

iv. The 1999 Constitution of Federal Republic of Nigeria

v. The Federal High Court Law and Practice by A.A.G.Karibi Whyte

vi. The Federal High Court Civil Procedure Rules 2000

For further information about Court contact us through our website www.fhc.gov.ng

I thank you all for your attention. , May God keep, sustain and bless you in your chosen career, in your service to your father land

Amen

SIGNED

N.AYO EMMANUEL (Esq)