

**LAGOS STATE JUDICIARY ISSUES
PRACTICE DIRECTION FOR REMOTE
HEARING OF CASES AMIDST
CORONA VIRUS PANDEMIC**

ALERT | 29 APRIL 2020

On 27 April 2020, the Chief Judge of Lagos State, Justice Kazeem .O. Alogba issued a new Practice Direction for the Judiciary in the state. The new Practice Direction, which is to take effect from 4 May 2020, is aimed at providing guidance for the use of Remote Hearing to ensure that certain cases are heard and disposed of urgently where possible, while minimizing the risk of transmission of Covid-19.

The Chief Judge, in making these directions, has relied on the provisions of Section 6(6) and Section 274 Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 87(1) High Court Law of Lagos State 2015, Order 49 Rules 1, 2 and 3 High Court of Lagos State (Civil Procedure) Rules 2019, Section 90(2) Lagos State Magistrates' Court Law 2015, and Section 354(1) Administration of Criminal Justice Law of Lagos State 2015, amongst others.

The new Practice Direction will apply to new cases which are shown to require urgency, and pending cases involving urgent and or time-bound interlocutory applications such as bail applications, fundamental human rights matters where the Applicant is in custody, adoption of addresses, rulings and judgments, or any other matter as the Chief Judge may direct.

The objectives of the Practice Direction are to ensure:

- (a). Timely and efficient disposal of cases;
- (b). The use of suitable technology;
- (c). Just determination of the proceedings; and
- (d). Efficient use of available judicial and administrative resources.

To this extent, the new Practice Directions provides that:

- (a). Electronic filing of processes shall commence and must be in PDF format which are to be forwarded to the Registry by Counsel via court's designated email address or WhatsApp.
- (b). Payment of assessed fees by parties shall be through electronic transfer into the court's bank account, with receipts scanned and sent to the Registry for verification.

- (c). Service of processes shall be done electronically via email and WhatsApp.
- (d). Remote hearing of cases shall commence with proceedings conducted through videotelephony platforms such as Zoom, Skype for Business, or any other video communication method approved by the Chief Judge.
- (e). Counsel and parties are to be appropriately and properly dressed for the conduct of remote hearings.
- (f). Video and audio recording of proceedings shall be done by the Court, and Counsel and/or parties must obtain the Leave of Court to record such proceedings.
- (g). Adoption of Written Addresses shall be in compliance with the provisions of the Rules of Court, and oral arguments may be dispensed with by agreement of parties.
- (h). Certified True Copies of proceedings shall be made available to interested parties, upon request.
- (i). Notice of delivery of Judgment and/or Ruling shall be made by the Registry via email or WhatsApp.

It is notable that the examples stated as urgent matters in the Practice Direction are mostly criminal and fundamental human right matters, and no mention is made of civil or commercial matters.

We are of the view that in the absence of any express exclusion of civil or commercial matters, the guidelines in the Practice Direction shall nonetheless apply to civil and commercial cases, in so far as interested parties are able to convince the court of their urgency, on a case by case basis.

We believe that the realities of the effect of the Covid-19 pandemic makes this new guideline a matter of necessity, as the delay of justice may be to the detriment of urgent matters which are of paramount public and private importance.

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