



NATIONAL INDUSTRIAL COURT OF NIGERIA

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PRACTICE DIRECTION 2022

1. This Practice Direction sets out the guidelines to be adopted in;
 - (a) **Filing of applications and motions in trade union matters; and**
 - (b) **Marking of documents/ exhibits**
2. This practice direction is issued with a view to guarantee continued access to justice and expeditious disposal of cases.
3. In the exercise of the powers conferred on me by section 254F of the Constitution of the Federal Republic of Nigeria 1999, Section 36 of the National Industrial Court Act. 2006, Order 1 Rule 8 (3) of the National Industrial Court of Nigeria (Civil Procedure) Rules, 2017 and all other powers enabling me in that behalf, I, Benedict Bakwaph Kanyip, PhD, President of the National Industrial Court of Nigeria, do hereby issue the following Practice Directions:

(1) FILING OF APPLICATIONS/MOTIONS IN TRADE UNION MATTERS:

From the date of this Practice Direction and notwithstanding any provisions in the National Industrial Court of Nigeria (Civil Procedure) Rules, 2017 in this regard, all forms of originating processes including applications and motions, particularly such that seek for order(s) to restrain the holding of delegates' conference of a trade union or conduct of trade union elections, are to be filed either in Abuja or Lagos Judicial Division of the Court.

(2) MARKING OF DOCUMENTS/EXHIBITS

From the date of this Practice Direction, with respect to all frontloaded documents attached and/or referred to in a claimant's statement of fact, defendant's statement of defence or reply to statement of defence as well as in the witness statement on oath, I hereby direct as follows:

(a) In the case of a claimant, the statement of facts and the witness(es) statement(s) on oath must clearly indicate all the document(s) to be relied upon at the trial of the case and attach same. The attached document(s) must be marked serially in the manner done for originating summons

(b) That part of the document e.g. paragraph(s), page(s) or part(s) of the document(s) to be so relied upon in the attached document(s) must be concisely referred to and be appropriately marked as to be discernable in terms of the fact(s) being proved.

(c) Where a claimant intends that a frontloaded document will be tendered in evidence at the hearing of a matter, such claimant must indicate if the original of such frontloaded document will be available/produced for inspection at the hearing of the matter.

(d) Where the document so frontloaded is such that will require the laying of a foundation before it can be admitted in evidence, such claimant must indicate so and must lay such necessary foundation in the statement of facts and witness statement on oath.

(e) In the case of the defendant, the relevant part of all frontloaded document(s), such as the paragraph(s), page(s) or part(s) of the document(s) to be relied upon in defence of the matter at the trial must be concisely referred to and clearly indicated in the statement of defence and witness statement on oath.

(f) A defendant's witness(es) statement(s) on oath must clearly indicate all the document(s) he/she intends to rely upon at the trial of the case. The paragraph(s), Page(s) or part(s) of the document(s) to be

so relied upon in the attached document(s) must be concisely referred to and be appropriately marked as to be discernable in terms of the fact(s) being proved.

(g) Where a defendant intends to object to the admissibility of a document to be tendered by a claimant, such objection must be clearly indicated in the statement of defence and witness statement on oath, and state the basis of the objection.

(h) Where a defendant intends that a frontloaded document will be tendered in evidence at the hearing of the matter, such defendant must indicate if the original of such frontloaded document will be available/produced for inspection at the hearing of the matter.

(i) Where the document so frontloaded is such that will require the laying of a foundation before such a document can be admitted in evidence, such defendant must indicate so and must lay such necessary foundation in the statement of defence and witness statement on oath.

(j) A claimant's reply to the statement of defence must clearly and concisely refer to and clearly indicate paragraph(s), page(s) or part(s) of the document(s) to be relied upon at the trial of the matter.

(k) A claimant who intends to object to the admissibility of a document to be tendered by a defendant at a trial must indicate so in the reply to the statement of defence and must state the basis of his objection in the statement of defence and witness statement on oath.

(3) NON-COMPLIANCE.

(a) Where it is observed that a process to be filed at the Registry of the Court does not comply with any provision(s) of this practice direction, such process shall not be accepted for filing.

(b) Where a process that does not comply with the provision(s) of this Practice Direction is accepted for filing by the Registry of the

Court, the Judge to whom such process is assigned for hearing shall treat such process as incompetent and shall;

(i) If the process is a claimant's statement of fact, reply to statement of defence and/or witness statement on oath, strike out the entire suit.

(ii) If the process is a defendant's statement of defence and witness statement on oath, strike out the process.

4. APPLICABILITY:

This Practice Direction shall, save to the extent as herein indicated or as may be otherwise directed by the Honourable President, apply to all causes and matters in the National Industrial Court of Nigeria.

5. CITATION:

This Practice Direction shall be cited as the National Industrial Court of Nigeria (Filing of Applications/Motions in Trade Union Matters and marking of Exhibits) Practice Directions (No. 1) 2022.

6. COMMENCEMENT:

This Practice Direction shall come into effect from Monday, 13th day of June 2022

Dated this 31st day of May, 2022.

Hon. Justice Benedict Bakwaph Kanyip, PhD, FNIALS, FCTI, FCI Arb,

Honourable President,

National Industrial Court of Nigeria