

KWARA STATE HIGH COURT

PRACTICE DIRECTIONS NO. 1 OF 2020

Following the new normal dictated by the Covid-19 Pandemic now ravaging the entire world leading to the imposition of lock down measures and in order to keep the wheel of justice moving unimpeded, efficiently, speedily and to safeguard the health and lives of members of the Bench and Judiciary Staff, Members of the Bar and other court users.

I, Honourable Justice S. D. Kawu, the Chief Judge of Kwara State acting under the Provisions of Section 274 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and other laws enabling me in that behalf hereby issue the following Practice Directions.

1. APPLICABILITY

These Practice Directions shall, unless otherwise ordered or directed in writing by the Chief Judge apply to all civil and criminal cases in the High Courts, Magistrate Courts, Area Courts, Revenue Courts and Family Court in Kwara State.

2. FILING AND SERVICE OF PROCESSES

- a. Because there is presently no electronic filing system in the Kwara State Judiciary and pending when one will be installed, all court processes shall continue to be filed in hard copy as provided for under the Provisions of the Laws and Rules of the various courts and other relevant legislations.

- b. In addition to the Provisions of the relevant Laws and Rules of the various courts, service of court processes may be effected by email, whatsApp or any other electronic means as may be directed by the court. Such service shall constitute proper service and be effective from the date it is served.
- c. Parties shall exchange their filed processes by email with other parties to the proceedings and indicate evidence of payment of filing fees.
- d. Parties shall send the filed processes to the court by email.
- e. Counsel shall indicate in all filed processes their email addresses and telephone numbers (which number must be whatsApp enabled) to which filed processes and hearing notices may be served by court and opposing parties.
- f. Counsel shall ensure that the electronic version of a filed process served on the opposing party or court is the same as the filed hard copy version.

3. OBTAINING NEW DATES FOR CASES

- a. In order to prevent cluster of persons and overcrowding of the courts, no lawyer, clerk, party or their representative shall visit the courtrooms only to obtain new dates for cases which ought to have come up during the lockdown period. Enquiries about new dates for such cases shall be directed to the court registrars by cell phone or other non-physical means while new dates shall be communicated to the parties and counsel by the registrar via text, whatsApp or email.

b. All enquiries are to be directed to the registrar of each court whose cell phone numbers can be obtained from the following sources:

1. DCR (Litigation) 08032198699.
2. ACR (Litigation) 08033591722.
3. Senior Registrar (Litigation) 07037330092.

4. ADMITTANCE OF PERSONS TO COURT PREMISES/COURT ROOMS

ALL PERSONS WISHING TO ENTER COURT PREMISES SHALL

a. Use face masks.

Members of the Bench and the Bar are not exempted from this requirement. A person who refuses to wear face mask shall be refused entry.

b. Subject himself or herself to temperature checks at the entrance to both the court premises and courtrooms.

Any person whose body temperature is recorded to be very high which may be indicative of fever or who is coughing or who manifests any of the symptoms of Covid-19 while being subjected to checks at the entrance gate or door shall be refused entry into the court premises/room.

c. Observe hand washing with soap at designated wash-basin/sinks provided within the court premises.

d. All persons within the court premises must observe social and physical distancing of not less than 2 meters or 6 feet

apart from each other and avoid a gathering of more than 10 persons.

5. PHYSICAL COURT SITTINGS

- a. Proceedings of courts in Kwara State shall continue to be substantially conducted physically provided that causes and matters and other proceedings that can be determined on the basis of affidavit evidence may, as far as practicable, be heard and disposed of by Remote Hearing on virtual platforms such as Zoom, Microsoft Teams, Skype or other audio or video platform as may be agreed by the parties and approved by the Chief Judge. Cases that can be heard and disposed of by Remote Hearing include those initiated by originating summons or originating motions, applications for enforcement of fundamental rights and interlocutory motions, as well as adoption of written final addresses and delivery of judgments/rulings. All participants in a remote hearing shall dress appropriately for court proceedings.
- b. Courts shall give priority to the hearing of criminal and civil cases for Judgments, Rulings, Hearing and or continuation of hearing, Enforcement of Fundamental Human Rights and other time bound applications.
- c. In order to limit the number of people entering the court premises and courtrooms on any given day, High Court Judges, Magistrates and Area Court Judges shall sit in rotation on specified days. Accordingly:
 - i. The Chief Judge together with six (6) other High Court judges whose names shall be made public on court notice

boards and the Nigerian Bar Association (NBA) building shall hold sittings in their respective courts on Mondays and Wednesdays.

- ii. The Chief Judge together with another set of six (6) judges whose names shall be made public on court notice boards and the Nigerian Bar Association (NBA) building shall hold sittings in their respective courts on Tuesdays and Thursdays
- iii. Magistrates and Area Court Judges shall also sit in rotation based on a timetable to be made public on the notice boards of the courts and Nigerian Bar Association (NBA) building.
- iv. The docket of each court shall not exceed five (5) cases per day.
- v. The total number of persons in any courtroom during any court sitting including the presiding Judge, Magistrate or Area Court Judge, Court Officials, Security Personnel, Litigants and their counsel, witnesses and members of the public shall not exceed twenty (20) persons at any given time.
- vi. Social/Physical distance of not less than 2 meters or 6 feet shall be kept between persons in the courtrooms. This may require that some rows of seats in the courtroom shall be left vacant and unoccupied by counsel, parties, court officials and other attendees.
- vii. Where, because of the size of a courtroom, it will be difficult to maintain physical distance of 2 meters or 6 feet between

a total number of 20 people, less than that number of persons shall be admitted into such courtroom.

- viii. All persons in the courtroom including the Judge, Magistrate, Court Officials, Litigants, Counsel and Security Personnel must wear face mask.
- ix. Any person who is unable or unwilling to comply with the Covid-19 Protocols as set out in these Practice Directions shall be politely requested to leave or be walked out if he refuses to leave.

These Practice Directions which shall come into force on the 5th day of June, 2020, are subject to review as the situation demands.

Dated the 5th day of June, 2020.

A handwritten signature in black ink, appearing to read 'S. D. Kawu', with a stylized, overlapping structure.

S. D. Kawu
Chief Judge
Kwara State.