

- use of section 146 of the Electoral Act, 2006 to shield from invalidity, various infractions of the Act, including cases of non-compliance amounting to corrupt practice, non-compliance with the provisions relating to ballot papers and to the voters' register.
4. Whether the decision of the Court of Appeal striking out the name of the 5th respondent on the ground that he is not a juristic personality is correct having regard to the pleadings, evidence and entire circumstances of the petition.
  5. Whether Court of Appeal rightly deemed the 1st respondent as having been duly elected President of the Federal Republic of Nigeria by majority of valid lawful votes of 24,638,063 in the face of the three conflicting "final" results of the election which the 4th and 6th respondents were unable to explain or reconcile by their pleadings or by evidence at the trial.
  6. Whether the allegations of apparent similar handwriting on documents tendered by consent can only be established by calling expert handwriting analyst, when respondents offered no explanation beyond bare denial through unnamed, unsworn witnesses, who were not the authors of the said documents.
  7. Whether the decision of the Court of Appeal to the effect that the petitioners did not specifically identify any police officer or soldier who participated in the conduct of the election was correct having regard to the admissions on record, pleadings and evidence.
  8. Whether or not the failure of the Court of Appeal to consider the validity and admissibility of all the witness statements of the 1st and 2nd respondents and some of those of the 4th - 808th respondents occasioned a miscarriage of justice.
  9. Whether or not the total failure of the Court of Appeal to evaluate and pronounce upon the evidence elicited from the 5th respondent by way of answers to the administered interrogatories occasioned a miscarriage of justice.
  10. Whether or not a proper case for the Supreme Court to invoke section 22 of the Supreme Court Act to invalidate the elections in view of:
    - (i) Failure of the Court of Appeal to evaluate evidence on vital issues relating to delivery and supply of ballot papers.
    - (ii) Disregarding petitioners' submissions on thousands of exhibits that supported petitioners' as highlighted in schedules 1-25 incorporated into their final addresses;
    - (iii) Failure of the Court of Appeal to properly evaluate and pronounce on evidence led by the petitioners in their witnesses' statements and ascribing to such witnesses prejudicial conclusions not borne by the records;
    - (iv) Allowing extraneous political considerations to affect then judgment to the prejudice of the petitioners. (Grounds 17, 18, 26, 33, 37 and 39).
    - (v) Disallowing the petitioners' independent witnesses on subpoena from testifying on ground that their depositions were not front-loaded at the time of filing of the petition. (Ground 1, 2 and 4 of interlocutory appeal)."
- The 1st and 2nd respondents formulated the following ten issues for determination:
- "(i) Upon a dispassionate interpretation of section 145(d) of the Electoral Act, 2006, whether the appellants who complained of total exclusion from participation in the election could still rightly challenge the outcome of the election under any of the grounds stated in section 145(l)(a), (b) and (c) of the same Electoral Act.
  - (ii) Considering the fact that the objection raised to the competence of the appeal was/is jurisdictional, coupled with the fact that the lower court did not dispose of the merits of the said objection in its ruling of 20 September 2007, whether it can rightly be said that the said objection has been caught by issue estoppel to exclude the valid pronouncement made on it by the lower court in its final judgment.
  - (iii) Having regard to the state of the pleadings read together with the mandatory provisions of paragraph 4(l)(c) of the First Schedule to the Electoral Act, 2006, hi

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**R Bogdan**



## **Nigeria Weekly Law Report:**

**The Law of Restitution in Nigeria** Festus Emiri, 2012 The Law of Restitution in Nigeria covers the historical development of restitution in law its scope and contemporary issues related to it Some of the issues covered are Ignorance Incapacity Exploitation Enrichment at the plaintiffs expense Restitution for wrongs and general principles torts breach of contract equitable wrongdoing criminal offenses Defenses relating to changing circumstances Illegality and limitation of actions in restitution

**Law of Contractual Obligations in Nigeria** Otu Enyia, 2019 This book is a compendium of the law relating to contractual obligations and covers specific areas of law of contract sale of goods contract hire purchase contract agency contract labour contract banking contract insurance contract in Nigeria Essentially it summarises the basic principles of contractual obligations that are prevalent in day to day engagements

*Dismissal in Nigeria Labour Law* Celestine N. Omehia, 2011-08-02 It is important to note that this is the second edition of this book and like I rightly pointed out in the first edition the choice of this title and the subject matter was not a thing of accident It was predicated upon my observations of the unwholesome Labour Relations in the Nigerian Industrial set ups As at the time of making up my mind about this book there was an unequal balanced relationship between the employers of labour in all segments of our Labour Relations on the one hand and those employed to do any kind of work on the other The other reason is my realization that there is every need for legal practice to go into minute specialization We could specialize in every aspect of the law for purposes of effective practice specialization and representation

Family and Succession Law in Nigeria Nwudego Nkemakonam Chinwuba, 2022-11-20 Derived from the renowned multi volume International Encyclopaedia of Laws this concise exposition and analysis of the essential elements of law with regard to family relations marital property and succession to estates in Nigeria covers the legal rules and customs pertaining to the intertwined civic status of persons the family and property After an informative general introduction the book proceeds to an in depth discussion of the sources and instruments of family and succession law the authorities that adjudicate and administer the laws and issues surrounding the person as a legal entity and the legal disposition of property among family members Such matters as nationality domicile and residence marriage divorce and cohabitation adoption and guardianship succession and inter vivos arrangements and the acquisition and administration of estates are all treated to a degree of depth that will prove useful in nearly any situation likely to arise in legal practice The book is primarily designed to assist lawyers who find themselves having to apply rules of international private law or otherwise handling cases connected with Nigeria It will also be of great value to students and practitioners as a quick guide and easy to use practical resource in the field and especially to academicians and researchers engaged in comparative studies by providing the necessary basic material of family and succession law

*The Law of Banking in Nigeria* Enyia, Jacob Otu, 2019-08-23 The Law of Banking in Nigeria Principles Statutes and Guidelines captures the general principles of banking law statutes and guidelines relating to banking transactions The book is presented in a very simple

precise and clear language and contains three parts of thirty one chapters in all covering the general principles of banking It should create considerable awareness among the general public law students law teachers bank customers as well as banks and bankers Most certainly it is a book that will assist the students and researchers in this area of law in wading through the general principles of banking law as well as the numerous Legislation and Guidelines on banking business

**Constitutional Law in Nigeria** Oyelowo Oyewo,2019-02-13 Derived from the renowned multi volume International Encyclopaedia of Laws this very useful analysis of constitutional law in Nigeria provides essential information on the country s sources of constitutional law its form of government and its administrative structure Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application Throughout the book the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure Thorough coverage by a local expert fully describes the political system the historical background the role of treaties legislation jurisprudence and administrative regulations The discussion of the form and structure of government outlines its legal status the jurisdiction and workings of the central state organs the subdivisions of the state its decentralized authorities and concepts of citizenship Special issues include the legal position of aliens foreign relations taxing and spending powers emergency laws the power of the military and the constitutional relationship between church and state Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for both practising and academic jurists Lawyers representing parties with interests in Nigeria will welcome this guide and academics and researchers will appreciate its value in the study of comparative constitutional law

**Property and Trust Law in Nigeria** Imran Oluwole Smith,2022-06-20 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of property in Nigeria deals with the issues related to rights and interests in all kinds of property and assets immovable movable and personal property how property rights are acquired fiduciary mechanisms and security considerations Lawyers who handle transnational disputes and other matters concerning property will appreciate the explanation of specific terminology application and procedure An introduction outlining the essential legal cultural and historical considerations affecting property is followed by a discussion of the various types of property Further analysis describes how and to what extent legal subjects can have or obtain rights and interests in each type The coverage includes tangible and intangible property varying degrees of interest and the various ways in which property is transferred including the ramifications of appropriation expropriation and insolvency Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance The book includes ample references to doctrine and cases as well as to relevant international treaties and conventions Its succinct yet scholarly nature as well as the practical quality of the information it provides make

this book a valuable time saving tool for any practitioner faced with a property related matter Lawyers representing parties with interests in Nigeria will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative property law

**Civil Procedure in Nigeria** Caroline Omojavwe Oba, 2022-05-20 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the legislation and rules that determine civil procedure and practice in Nigeria Lawyers who handle transnational matters will appreciate the book's clear explanation of distinct terminology and application of rules The structure follows the classical chapters of a handbook on civil procedure beginning with the judicial organization of the courts jurisdiction issues a discussion of the various actions and claims and then moving to a review of the proceedings as such These general chapters are followed by a discussion of the incidents during proceedings the legal aid and legal costs and the regulation of evidence There are chapters on seizure for security and enforcement of judgments and a final section on alternative dispute resolution Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Succinct scholarly and practical this book will prove a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Nigeria will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of civil procedure in the international context

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**Nigeria's Democratic Experience in the Fourth Republic Since 1999** A. Sat Obiyan, Kunle Amuwo, 2013 This book addresses various issues that have arisen in the practice of democracy in Nigeria since 1999 focusing on the Obasanjo years 1999 2007 Nigeria's return to democratic rule has been marked by developments such as the implementation of reforms to address perceived economic problems and corruption The introduction of democracy in the country has also witnessed many challenges including the difficult relationship between some political chief executives and their deputies intriguing intergovernmental relations the rise and resurgence of sub national groups that pose serious threat to the hegemony of the state precarious inter ethnic inter sectional relations attempts to perpetuate the tenure of chief executives through constitutional amendments and developments in electoral politics and conflicts The book provides incisive analysis into these issues

*Appropriate Dispute Resolution in Comparative Perspectives* Chinwe Egbunike-Umegbolu, 2024-07-23 This book explores the various types of Appropriate Dispute Resolution ADR applied in Nigeria the UK and the US It critically examines the effectiveness of mediation arbitration restorative justice collaborative law and online dispute resolution ODR in settling disputes or conflicts while also demonstrating the benefits of ADR and multi door courthouses MDCs The book provides a concise introduction to the resolution of disputes or conflicts in Africa prior to the advent of colonial rule It suggests that a legal transplant can also take place from a less complex society to a more complex one contrary to the general belief that

legal transplants usually proceed from a more complex society to a less complex one The book aims to help people understand ADR mechanisms and the advantages of settling disputes using means other than litigation It presents Traditional African Methods of Settling Disputes TAMSD Early Dispute Resolution EDR arbitration negotiation ODR collaborative law restorative justice conciliation ombuds and early neutral evaluation as viable alternatives It also highlights the need for clinical legal education and effective messaging that highlights the benefits of ADR compared to traditional litigation In turn it analyses the use of ADR especially mediation and collaborative law to settle disputes in criminal law restorative justice employment law and business and human rights due diligence violation cases Further the book demonstrates that criminal matters are now under the scope of ADR via Restorative Justice Door The book discusses the skills techniques and relevant statutory frameworks for each field of Appropriate Dispute Resolution and provides national and international examples of the application of the relevant principles Addressing the fields of Appropriate Dispute Resolution ADR criminal law civil law business management psychology employment law humanresource management and African studies it will appeal to a wide readership

**Child Justice Administration in Africa** Mariam Adepeju Abdulraheem-Mustapha,2019-05-29 This interdisciplinary book analyzes the nature of child justice administration in Africa particularly focusing on Nigeria and South Africa The author uses a comparative approach in analyzing the legal regime and practice of child justice administration in Africa by recommending South Africa as inspiration for Nigeria since the justice sector in South Africa is significantly more developed It further investigates various problems and challenges associated with children in the criminal justice system in Africa thereby contributing to the cross fertilization and collaboration among African nations that contributes to the development of the continent as a whole The monograph shows that children are not only neglected by academics and practitioners but also that there is no access to scholarly materials in this area of law in Africa This work contributes to knowledge in the area of law and methodology on the issue of child justice administration development studies political science and African studies

An Almanac of Contemporary Judicial Restatements (Civil Law) vol. ii Oshisanya, 'lai Oshitokunbo,2020-01-02 General Civil law

**The Comparative Law Yearbook of International Business** Dennis Campbell,2008-11-01 The current volume of the Comparative Law Yearbook of International Business addresses a variety of issues relating to the regulation of business entities and investment as well as a range of general issues In the fields of business entities and investment practitioners from Panama Brazil Chile Russia Gibraltar Canada Singapore Romania Indonesia and Hong Kong examine protection of minority shareholders antitrust and competition law securities regulation corporate taxation fund administration and management joint ventures protection of foreign investment regulation of mutual funds and corporate governance Commentators from Nigeria the United States Japan Spain and The Netherlands also review issues relating to copyright and trade mark protection court jurisdiction insolvency and telecommunications

**Law and Creditor Protection in Nigeria** Onamson, Friday Okafor,2017-08-08 Examined here are

the legal and practical reasons for the inefficiency of the legal framework of creditor protection in Nigeria This is amply justified considering the critical role of credit in the promotion of economic growth and development and also bearing in mind the near calamitous consequences the 2009 financial crisis unleashed not only among Nigerian banks and financial institutions and in the international financial system The latter nearly led to socioeconomic catastrophe in Nigeria as well as globally It is hoped that book is found useful by government policy makers academics corporate financial experts investment bankers and other stakeholders to initiate and implement efficient policy actions to protect creditors in order to sustain the flow of credit the engine of any economy      *Legal Aspects of Sustainable Development* Volker Mauerhofer, 2015-11-26 This book addresses legal aspects of sustainable development and offers the latest thinking on a wide range of current themes By taking a cross cutting approach it adds considerably to the exploration of this emerging scientific field Twenty nine original contributions present innovative thoughts and replicable ideas from this exciting new area which will be of value to practitioners and researchers alike These contributions are allocated into a horizontal and sectorial part The section covering horizontal policies has five sub parts 1 general aspects 2 human and intellectual property rights 3 communication and social enterprise governance 4 public participation and 5 assessment tools The second part on sectorial policies also has five sub parts 1 forest and water management 2 renewable energy 3 cities waste and material management 4 biodiversity nature conservation oceans and spatial planning and 5 agriculture and rural policy It offers a multifaceted discussion of sustainable development and law by authors from five continents and from both the public and the private sectors This selection guarantees a broad view that presents the more theoretical arguments from the academic as well as the practical perspective Furthermore the authorship includes senior highly experienced academics and practitioners as well as those at the start of their career This ensures thoughtful expansions of established theories as well as the emergence of innovative ideas Moreover the ten sub parts bring together likeminded thoughts resulting in an exchange of different viewpoints on a similar theme This allows the readers to concentrate on individual chapters while at the same time discovering a variety of thoughts and ideas      **Recognition and Enforcement of Foreign Arbitral Awards** Herbert Kronke, Patricia Nacimiento, Dirk Otto, Nicola Christine Port, 2024-12-05 Few instruments in international law have become as clearly and successfully established worldwide as the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards It has continued to prove itself throughout the fourteen years since the publication of the first edition of this preeminent commentary a period during which the Convention s scope and application have been greatly augmented by numerous court decisions rendered in jurisdictions around the globe and regarding arbitral awards resulting from both commercial and investor State disputes as well as by abundant legal scholarship calling for an updated edition The second edition retains the book s article by article format both text and detailed analysis including each provision s theoretical underpinnings and practical application in a wide variety of jurisdictions around the world The editors have assembled a group of authors some

already involved in the first edition some new each of them an experienced practitioner in the field of international arbitration in their particular country and deeply conversant with the leading and most recent arbitrations and relevant court decisions in their domestic case law The commentary includes updated and expanded coverage of such aspects of arbitration practice as the following application by domestic courts of the grounds for refusal of recognition and enforcement of arbitral awards use of reservations made by Contracting States distinctions between recognition sought at the seat of the arbitration and outside the seat safeguarding due process standards the more favourable rights principle embodied in Article VII 1 forum shopping and the role of formalities and formalism To continue to provide a truly international view of how the Convention functions in practice the analysis thoroughly covers the major recent issues that have arisen in its application and their resolutions in diverse cases The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars regardless of location

**An Almanac of Contemporary and Comparative Judicial Restatements (ACCJR Supp. ii Public Law)** Oshisanya, 'lai Oshitokunbo, 2020-01-02 Public law

Critical Analysis of Women Conditions in Nigeria Peter O. Nwankwo, Patrick I. Ibe, 2013-07-26 We examine whether Nigerian women have equal rights with men To rectify these conditions such as discrimination based on gender violence and other maltreatments we apply qualitative methodology using content analysis personal knowledge and observations We found that in Nigeria it is traditional customs and deep rooted cultural mores and Islamic religious beliefs tend to compete with customary law and the statutory laws inherited from England The former has taken precedence and profoundly overshadowed the latter However there is a high incidence of violence discrimination and other maltreatments against women

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