

**THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999**

**(AS AMENDED)**

**FEDERAL HIGH COURT (PRE-ELECTION) PRACTICE DIRECTIONS,  
2026**

In exercise of the powers conferred on me by virtue of Sections 254, 285 (9), (10) and (14) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Sections 29 (5) and 88 (2) of the Electoral Act, 2026 and all other powers enabling me in that behalf, I, **JOHN TERHEMBA TSOHO**, OFR, the Honourable, the Chief Judge, Federal High Court, issue the following Practice Directions to the Federal High Court:

1. - This Practice Directions repeals the Federal High Court (Pre-Election) Practice Directions, 2022.

**CITATION**

2. - This Practice Directions may be cited as the Federal High Court (Pre-Election) Practice Directions, 2026.

**OBJECTIVES AND GUIDING PRINCIPLES**

3. - The purpose of this Practice Directions is to-
- (a) provide for a fair, impartial and expeditious determination of pre-election cases;
  - (b) ensure that in all election matters, the parties focus on matters which are genuinely in issue;
  - (c) minimize the time spent in dealing with interlocutory matters;
  - (d) ensure that the possibility of amicable settlement is explored before the parties go into hearing;
  - (e) minimize undue adjournments and delays in the conduct of matters.

**APPLICABILITY**

4. - (1) This Practice Directions shall apply to every pre-election matter brought pursuant to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the Electoral Act, 2026.

(2) - The provisions of the Federal High Court (Civil Procedure) Rules, 2019 shall apply to any issue not provided for in this Practice Directions.

### **PARTIES**

5. - (1) The Court in every pre-election matter before it shall pay particular attention to the provisions of Sections 29 (5) (6) (7), 83 (5) & (6), 88 (1-4) of the Electoral Act, 2026 and Section 285 (14) (C) of the 1999 Constitution (as amended);

(2) - A party challenging the conduct or outcome of a Primary Election shall join as Respondents in the Suit, all the relevant parties to enable the court to effectively determine the dispute.

### **FILING OF PROCESSES**

6. - In cognizance of Pre-Election cases being time-sensitive in nature, the Registry of this Honourable Court in all the Judicial Divisions in the Federation shall be open on Saturdays, Sundays and Public Holidays, between the hours of 10 AM and 2 PM exclusively for the filing of Pre-Election matters.

7. - (1) Every pre-election matter shall be commenced by an Originating Summons as specified in Forms 3, 4 and 5 of Appendix 6 to the Federal High Court (Civil Procedure) Rules, with such variations as circumstances may require.

**PROVIDED** however, that where a party alleges fraud, forgery or highly contentious facts in a pre-election matter, the parties shall in addition to or in lieu of affidavits, set out the particulars of such alleged facts; which shall be examined by way of calling of witnesses viva voce or receiving of documents in evidence.

(2) - The parties and the Court shall be entitled to summon any person to attend, to produce documents before it, or to be examined or cross-examined before it in like manner at the hearing of the Suit.

(3) - An Originating Summons shall be accompanied by:

- (a) an affidavit setting out the facts relied upon;
  - (b) copies of exhibits to be relied upon;
  - (c) a written address;
  - (d) an affidavit of non-multiplicity of action on the same subject matter.
- (4) - A Respondent served with an Originating Summons shall within seven (7) days from the date of service of the Originating Summons on him, file the original and copy of a duly completed and signed Memorandum of Appearance as specified in Form 11 Appendix 6 of the Federal High Court (Civil Procedure) Rules with such modifications or variations as the circumstances may require.
- (5) - A Respondent served with an Originating Summons shall within ten (10) days of service, file in the Registry of this Court, a counter affidavit and written address, which may include any Preliminary Objection raised to the action.
- (6) - An Applicant on whom a Respondent serves a defence, if the need arises, shall serve a reply on that Respondent within three (3) days of such service.
- (7) - The Written Address shall be concise, typed in double spacing with font size of twelve (12); numbered consecutively and shall not exceed fifteen (15) pages.
- (8) - Any amendment to the Originating Summons may be made with the leave of Court within seven (7) days of service of the Respondent's Reply.

### **SERVICE OF PROCESS**

**8.-** (1) A party shall not serve a notice of an application on another party on the date scheduled for hearing.

(2) - To ensure speedy dispensation of justice, electronic mail and other electronic means may be employed by the Court in order to inform Counsel of urgent Court and case events,

**PROVIDED THAT** such notification shall be given at-least forty-eight (48) hours before the scheduled Court date.

(3) - In line with the provisions of Paragraph 8 (2) of this Practice Directions, parties are expected to furnish the Court Registrar with functional telephone numbers and e-mail addresses of themselves and their Counsel.

(4) - An application for substituted service shall be as provided for in the Rules of this Court.

### **POWER TO ASSIGN PRE-ELECTION MATTERS ACROSS JUDICIAL DIVISIONS**

9. - The Chief Judge shall have power to nominate Judges to sit in any Judicial Division for the hearing and determination of pre-election matters and/or to transfer pre-election matters from one Judicial Division to the other.

### **POWER TO LEVERAGE TECHNOLOGY**

10. - A Judge handling a pre-election matter shall have power to leverage technology in the conduct of proceedings, including virtual hearings.

### **HEARINGS**

11. - (1) Upon the close of exchange of processes between the parties, the Court shall within seven (7) days set down the matter for hearing.

(2) - The court shall continue to accord priority to all pre-election matters until judgement is delivered.

(3) - Where a matter comes up for hearing under this Practice Directions and either of the parties is absent, the Court shall either *suo motu* or upon oral application by the Counsel for the party present, order that the address of the party absent be deemed adopted if it is satisfied that the parties had notice of proceedings.

(4) - The Court and the parties shall prevent unnecessary delays and accordingly, not more than two (2) adjournments shall be granted to any party to an action covered by the provisions of this Practice Directions.

**PROVIDED THAT** no application for adjournment shall be entertained on a day fixed for hearing.

(5) - Where a party seeks to change his Counsel during the lifespan of a case, not more than two (2) adjournments shall be granted to him to so do.

(6) - Where it is expedient, and in furtherance of the objectives of this Practice Directions, the Court may schedule the time and date of hearing on such day and at such time as may be convenient for the parties.

(7) - Counsel shall ensure that they are present in Court and ready to proceed with their case at all times.

(8) - Where the provisions of Sub-Paragraphs (6) and (7) of this Practice Directions become impracticable to apply by reason of ill health or any other unavoidable incidence, such Counsel shall ensure that a Counsel of requisite knowledge of the issues before the Court is present in Court and ready to proceed with the case in his or her stead or apply that the case be heard virtually where practicable; with the consent of parties.

### **INTERLOCUTORY APPLICATIONS**

**12.** - (1) Applications for Interlocutory Orders shall, except where the context otherwise dictates, be on Notice, stating the Rule under which it is brought, the grounds for the reliefs sought and shall be supported by an Affidavit and a Written Address.

(2) - The Respondent(s) upon being served with the processes, shall have five (5) days within which to file processes in response (if any) to the Motion on Notice and the Applicant shall have three (3) days to file a Reply (if any) to the processes of the Respondent(s).

(3) - Pursuant to the provision of Section 285 (8) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), ruling on Preliminary Objections and other interlocutory issues touching on the jurisdiction of the Court shall be suspended and delivered at the stage of final judgment;

**PROVIDED THAT** where the objection relates to service of originating processes, the Court shall satisfy itself that the parties have been properly served before proceeding to determine the substantive Suit.

(4) - Every application for extension of time shall be by a Motion on Notice and shall be supported by an Affidavit setting forth good, substantial, cogent and verifiable reasons for failure to file within the prescribed period before time can be extended.

### **MISCELLANEOUS**

**13.** - (1) Nothing in this Practice Directions shall be construed to invalidate, prohibit or affect the continuation of proceedings already instituted before the commencement of this Practice Directions.

(2) - In any other case where a cause or matter is pending, the Court shall give such direction as may be necessary or expedient to ensure conformity with the requirement of these Practice Directions.

### **INTERPRETATION**

**14.** - Under this Practice Directions, pre-election matters are matters as defined by Section 285 (14) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

### **COMMENCEMENT**

**15.** - This Practice Directions shall come into effect from Monday, the 29<sup>th</sup> day of June, 2026.

MADE at Abuja, this 26<sup>th</sup> day of June, 2026



**HON. JUSTICE JOHN TERHEMBA TSOHO, OFR.**

**THE HONOURABLE, THE CHIEF JUDGE,**

**FEDERAL HIGH COURT OF NIGERIA**