

1. THE MOST CRITICAL PHASE OF THE CRISIS

As long as measures to prevent the spread of Covid-19 restrict freedom of movement: What are the effects of the Covid-19 crisis on civil justice?

- Is there special legislation on the effects of the crisis on civil justice?

Regulations, under the Quarantine Act (colonial era legislation) were issued by the President on March 31. The Regulations directed the cessation of all movements in two of Nigeria's 36 states (Lagos and Ogun) and the Federal Capital Territory (FCT). In addition, all the 33 other States issued regulations restricting movements in some form or other. These restrictions inevitably affected the activities of courts dispensing civil justice in Nigeria, as court staff would have challenges getting to work. The Chief Justice of Nigeria (CJN) subsequently issued a circular directing all heads of courts to suspend court sittings for the period during which the restrictions on movement were in force. The validity of the CJN's directives is open to question, as the CJN is the head of the federal judiciary and has no authority over State courts. The Chief Judge of the Lagos High Court directed that most court staff not report for work, that the remainder should work reduced hours and suspended all court sittings. The only exemptions were stated to be in respect of *ex parte* and urgent matters, the presentation of written addresses, and the delivery of decisions in civil matters; for criminal matters remand/bail applications, and overnight matters were also exempted. Save for the foregoing there have been no specific legislation on the effect of the crisis on civil Justice.

- Does the crisis have an effect on court hearings?
 - Do court hearings take place during the crisis?
 - Do court hearings take place in form of video conferences?

All court hearings have been suspended since the regulations were issued and, in the case of Lagos State, had been suspended for a week prior. The Courts are only permitted to hear matters that are urgent, essential or time bound during the crisis.

Court hearings by video conference do not take place. Given the provision of the Constitution that require court hearings to be held "in public", holding hearings in this manner presents challenges that have yet to be overcome. Consequently, no such hearings have been recorded thus far.

- Does the crisis have an effect on deadlines (of procedural and substantive law)?
 - Are deadlines of ongoing proceedings affected?
 - Are deadlines for bringing actions affected (limitation periods)?

In view of the restrictions on movement and suspension of court hearing, all pending matters in court proceedings stand suspended. The directions issued thus far have not indicated whether deadlines are also suspended. In any event, the applicable rules of the courts do not contain provisions under which deadlines may be suspended.

- Does the crisis have an effect on enforcement?
 - Are enforcement orders issued?
 - Are there any effects on deadlines?
 - Can enforcement acts be postponed due to the crisis?

Given the current circumstances, enforcement orders can neither be issued nor acted upon. Pending enforcement activities stand suspended, with no provisions made with regard to any deadlines related to enforcement activities.

- How do courts work during the crisis?
 - Are courts closed?
 - Can courts / judges be contacted?
 - Are documents served?
- How are particularly urgent matters handled, in particular requests for interim measures such as injunctions and freeze orders?

Courts in affected States and the FCT are closed. Individual judges cannot be contacted and, as most court staff are not working, all court activities in the affected areas are effectively suspended.

Parties who intend to contact the Court or Judges are inclined to contact the registrars of the court to make any enquiries.

1. Physical service of court processes in view of the ongoing lockdown, cannot be implemented as process servers are amongst court personnel directed to remain at home. Some civil procedure rules enable applications for electronic service to be made. However, as there are no provisions for applications to be made electronically, these provisions are not helpful at this time.

- How do lawyers work during the crisis?

The provision of legal services (Civil) has not been classed as an essential service and has not been included in the category of business and services exempted under the

Implementation Guidance for Lockdown Policy. Consequently, law firms and individual lawyers with the ability to do so have been working remotely and providing such services as the circumstances permit.

- How do banks work during the crisis?

The Central Bank of Nigeria (CBN) and the federal Ministry of Finance and Labour secured an exemption for activities of “financial systems and money markets” during the crisis. However, only skeletal operations are allowed. Employees of financial institutions have been directed to seek further directions and specifics from their Human Resources teams and line managers on how the operations of each bank will be run during the crisis of the bank to seek. Some banks in implementing directive on skeletal operation directed a number of their employees to report at their designated offices while others provide virtual support from their homes. Consequently, how banks work will differ from one bank to another.

- Does the crisis have an effect on insolvency law?

The CBN released a circular dated March 16, 2020 that makes provision for the extension of a moratorium to CBN intervention facilities, a reduction in interest rate, leave to all deposit money bank to consider temporary and time-limited restructuring of loan terms and tenure for a specified set of persons. Other than these measures, no other provisions have been introduced.

- Are there any further effects not addressed in the questions above?

2. FORECAST: AFTER THE CRISIS AND LONG-TERM EFFECTS

What are the consequences of the Covid 19 pandemic once the pandemic has abated, in the gradual return to a new normality and what are the long-term effects?

- Which measures introduced during the crisis will be withdrawn immediately?
- Which measures will remain in place?
- Will enforcement of corruption matters be weakened due to the lack of financial resources?
- Do you expect a rise of new anti-corruption prosecutions after the crisis?
- Will the ratio of third party funded matter rise?

All regulations introduced in response to the crisis will lapse, unless specifically re-introduced.

The enforcement of corruption matters is likely to be adversely affected by the delays that have been caused by the crisis.

An increase in anti-corruption prosecutions is not anticipated, due to the delays that will have been caused.

Third party funding is, presently, not a feature of litigation in Nigeria.

One possible result of this crisis may be the introduction of new rules and protocols to make civil proceedings more efficient.

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