

THE LAWS OF THE FEDERATION OF NIGERIA (ABUJA) 1990

CHAPTER 544

RECOVERY OF PREMISES ACT

ARRANGEMENT OF SECTIONS

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THE LAWS OF THE FEDERATION OF NIGERIA (ABUJA) 1990

CHAPTER 544

RECOVERY OF PREMISES ACT

An Act to make provision for the recovery of possession of premises.

F. & L. 1958
Cap. 176.
L.N. 112 of
1964.

[1st June, 1945] Commence.

PART I. - PRELIMINARY

Short title and Interpretation

1. (1) This Act may be cited as the Recovery of Premises Act.

Short title
and
application.

(2) The Minister may, from time to time by order, declare that the provisions of this Act shall not apply to an area specified in the order and the order coming into force the provisions of this Act shall cease to apply to such areas as may be specified in the order.

(3) A proceeding instituted prior to and which is pending at the date of the coming into force of the order and which is in respect of any premises in an area referred to in the order may be continued and carried through to completion, notwithstanding the order, in all respects as if this Act still applied to the area in which are situate the premises in question.

(4) Where the provisions of this Act are withdrawn from any area by order as aforesaid the withdrawal shall remain operative only so long as there is in force an order effecting the withdrawal.

2. In this Act, unless the context otherwise requires -

Interpreta-
tion.

"agent" means any person usually employed by the landlord in the letting of the premises or in the collection of the rents thereof or specially authorised to act in a particular manner by writing under the hand of the landlord;

"court" includes the High Court and magistrates' courts but does not include a customary court;

"landlord" in relation to any premises means the person entitled to the immediate reversion of the premises or if the property therein is held in joint tenancy or tenancy in common, any of the persons entitled to the immediate reversion, and includes the attorney or agent of the landlord, and also any person appointed to act on behalf of the State in dealing with any land, building, premises or corporeal or incorporeal hereditament vested in the State;

"mesne profits" means the rents and profits which a tenant who holds over or a trespasser has or might have received during his occupation of the premises and which he is liable to pay as compensation to the person entitled to possession;

"Minister" means the Minister charged with responsibility for the administration of the Federal Capital Territory, Abuja;

"premises" includes -

- (a) a house or building or any part thereof together with its grounds or other appurtenances, and
- (b) land without any building thereon;

"rent" includes any part of any crop rendered, or any equivalent given in kind or in labour, in consideration of which a landlord has permitted any person to use and occupy any land, house, premises, or other corporeal hereditament;

"rules" means the rules for the time being in force relating to the practice and procedure of the courts in the exercise of their respective civil jurisdiction made under the law by which the courts were established or any law amending those laws;

"tenant" includes any person occupying premises whether on payment of rent or otherwise but does not include a person occupying premises under a *bona fide* claim to be the owner of the premises.

- (2) A reference to a Form means a reference to that Form as set out in the Schedule to this Act.

Jurisdiction

General jurisdiction.

3. Proceedings under this Act may be brought in any court of competent jurisdiction.

4. Where proceedings under this Act are brought in the High Court and the amount recovered or the value of the rent as ascertained does not exceed an amount which could have been recovered without any set-off or with an admitted set-off in a magistrate's court the plaintiff shall not be allowed costs in excess of those which he could have recovered had he brought the action in a magistrate's court provided that when -

Cost in the High Court.

- (a) the proceedings were in respect of a *bona fide* claim of right set up by the defendant under section 5 of this Act; or
- (b) the court certifies that there was a question of law involved which rendered it advisable for a decision thereon to be made by the High Court.

the court may award costs on the scale applicable to actions brought in the High Court.

5. The jurisdiction of a magistrate shall not be ousted by the defendant *bona fide* setting up the title of a third person, unless he holds under, or claims through, that third person.

Jurisdiction of magistrate in cases of title of third person.

6. (1) Where the rent includes a part of a crop or a value given in kind or in labour or any amount which is not specified as of a precise monetary value proceedings under this Act may be brought in a magistrate's court.

Jurisdiction in respect of rent other than in money.

(2) If during the hearing it appears that the amount of the claim is a sum exceeding the rate of four hundred naira a year, the plaintiff may abandon the excess and proceed and thereupon the magistrate's court shall have jurisdiction to hear and determine the action, so however that -

- (a) subject to the provisions of any law limiting the jurisdiction of the magistrate hearing the action, the plaintiff shall not recover in the action a sum greater than four hundred naira; and
- (b) the judgment of the court shall be in full discharge of all demands in respect of the particular cause of action.

PART II. - PROCEEDINGS LEADING UP TO JUDGMENT

Notices to Quit and of Intention to Recover Possession

Notice to
quit.
Form B,
C, or D.

7. When and so soon as the term or interest of the tenant of any premises, held by him at will or for any term either with or without being liable to the payment of any rent, ends or is duly determined by a written notice to quit as in Form B, C or D, whichever is applicable to the case, or is otherwise duly determined, and the tenant, or, if the tenant does not actually occupy the premises or only occupies a part thereof, a person by whom the premises or any part thereof is actually occupied, neglects or refuses to quit and deliver up possession of the premises or of such part thereof respectively, the landlord of the premises or his agent may cause the person so neglecting or refusing to quit and deliver up possession to be served, in the manner hereinafter mentioned, with a written notice, as in Form E signed by the landlord or his agent, of the landlord's intention to proceed to recover possession on a date not less than seven days from the date of service of the notice.

Length of
notice to
determine
certain
terms.

8. (1) Where there is no express stipulation as to the notice to be given by either party to determine the tenancy, the following periods of time shall be given -

- (a) in the case of a tenancy at will or a weekly tenancy, a week's notice;
- (b) in the case of monthly tenancy, a month's notice;
- (c) in the case of a quarterly tenancy, a quarter's notice;
- (d) subject to subsection (2) of this section in the case of a yearly tenancy, half a year's notice:

(2) In the case of a yearly tenancy the tenancy shall not expire before the time when any crops growing on the land, the subject of the tenancy, would in the ordinary course be taken, gathered, or reaped if such crops were crops which are normally reaped within one year of planting and such planting was done by the tenant prior to the giving of the notice.

(3) The nature of a tenancy shall, in the absence of any evidence to the contrary, be determined by reference to the time when the rent is paid or demanded.

9. Notices referred to in section 8 of this Act may be given at any time prior to the date of termination of the current terms of tenancies, but they shall not be effective if the time between the giving of the notice and the time when the tenancy is to be determined is less than the respective periods set out in section 8 of this Act.

Giving of
notice and
expiry
thereof.

10. (1) On the expiration of the time stated in a notice of the landlord's intention to recover possession, if the tenant or any person holding or claiming by, through or under him, neglects or refuses to quit and deliver up possession accordingly, the landlord may apply, according to whether he is taking action in the High Court or a magistrate's court, for the issue of a writ or enter a plaint, as in Form F, at his option either against the tenant or against the person so neglecting or refusing, in the court of the division or district, as the case may be, in which the premises are situate for the recovery of the premises and thereupon a summons as in Form G shall issue to such tenant or person so neglecting.

Institution
of
proceed-
ings.

Form F.

Form G.

(2) If mesne profits are claimed and the writ or plaint shows that the rate at which the mesne profits are claimed is the same as the rent of the premises, judgment shall be entered for the ascertained amount as a liquidated claim and if mesne profits are claimed at the rate of the rent up to the time of obtaining possession the judgment shall be extended to include that claim and shall be as in the second alternative in Form J.

Form J.

11. (1) Where any summons for the recovery of any premises as is hereinbefore specified is served on or comes to the knowledge of any sub-tenant of the plaintiff's immediate tenant, the sub-tenant being an occupier of the whole or of a part of the premises sought to be recovered, he shall forthwith give notice thereof to his immediate landlord.

Obligation
of sub-
tenant to
give notice
to his
immediate
landlord.

(2) Failure to give notice shall render the sub-tenant rendering him liable to forfeit such sum as the court may consider just but not exceeding three years' rent of the premises held by the sub-tenant to such landlord.

(3) The sum to be recoverable, whatever the amount thereof, by the landlord by action in the court from which the summons

shall have issued, and the landlord, on the receipt of such notice, if not originally a defendant, may be added or substituted as a defendant to defend possession of the premises in question.

Landlord may claim for mesne profits.

12. The landlord may, either together with his writ or plaint for the recovery of the premises or in answer to a claim or counter-claim made in respect of any unexhausted improvements as hereinafter provided, claim to recover, or to set-off, rent or mesne profits, or both, accruing in respect of the premises since the ending or determination of the tenancy down to the day appointed for the hearing, or to a preceding day named in the plaint.

Claims for arrears of rent and mesne profits.

13. The amount claimed under any writ or plaint for arrears of rent and mesne profits shall be treated as one claim.

Tenant's title to compensation.

14. Where a tenant executes on his holding any improvements he shall be entitled, subject to the provisions of section 15 of this Act, at the termination of the tenancy, or quitting his holding, to receiving compensation from his landlord in respect of any such improvement which continues unexhausted.

Consent of landlord.

15. A tenant shall not be entitled to compensation in respect of any improvement, unless he has executed it with the previous consent in writing of the landlord.

Court may hear counter-claim with claim to recover the land.

16. A tenant may at any time make any claim, or counter-claim before a court against the landlord in respect of any unexhausted improvement, and the court may, if it thinks it expedient, hear and determine any counter-claim, together with any claim to recover possession of the holding in respect of which the counter-claim is made provided that -

- (a) in the case of a counter-claim, notice in writing of the particulars of the counter-claim shall be given to the landlord three clear days before the day fixed for the hearing of the claim to recover possession, and
- (b) the court at the hearing shall have power to enlarge the time for the delivery of the notice, or for the hearing of the counter-claim.

Appraisers

17. (1) A court may -

- (a) from time to time, and at any time, appoint by writing as in Form H one or more persons to estimate the value of any unexhausted improvements in respect of which a claim or counter-claim is made, and to report in writing as in Form I to the court thereon, and
- (b) make sure order as it thinks fit in respect of the expenses and remuneration of those persons.

Court may appoint person to value improvements. Form H.

(2) The provisions of the Stamp Duties Act shall not apply to persons appointed by the court under this section.

Cap. 411.

18. A report in writing, purporting to be signed by the person, or persons, appointed by the court under section 17 of this Act, shall be received in evidence in all courts, until it is shown that the report was not so signed.

Report of appraisers to be evidence.

Hearing and Judgment

19. (1) If the defendant shall not at the time named in the summons or an adjournment thereof, show good cause to the contrary, then on proof -

Hearing of summons.

- (a) of the defendant still neglecting or refusing to deliver up the premises;
- (b) of the yearly rent of the premises;
- (c) of the holding;
- (d) of the expiration or other determination of the tenancy with the time and manner thereof;
- (e) of the title of the landlord, if the title has accrued since the letting of the premises; and
- (f) of the service of the summons, if the defendant does not appear thereto,

the court may order as in Form J, K or L, whichever is applicable to the case, that possession of the premises mentioned in the plaint be given by the defendant to the plaintiff either forthwith or on or before such day as the court shall think fit to specify.

Form J, K or L.

(2) If the plaintiff at the time named in the summons or at any adjournment thereof fails to obtain an order under subsection (1) of this section the defendant shall be entitled to judgment and may be awarded costs, the judgment and award being as in Form M.

Form M

Issue of
Warrant of
possession

20. Where a landlord is entitled to possession of any premises, the court may issue a warrant of possession, notwithstanding that the counter-claim is undetermined or unsatisfied.

PART III. - EJECTMENT

Enforce-
ment of
order of
court.

Act -

21. If the order of the court given under section 19 of this

(a) is not obeyed, the court, whether the order can be proved to have been served on the defendant or not, at the instance of the plaintiff, issue a warrant of possession; and

(b) is that possession of the premises be given forthwith by the defendant to the plaintiff, the court shall, at the instance and cost of the plaintiff, issue a warrant of possession forthwith.

Form and
purpose of
warrant of
possession
Form N.
Form O.

22. A warrant of possession shall entitle the plaintiff to be put in possession of the premises to which the warrant relates and be as in Form N and the certificate of execution thereof shall be as in Form O.

Warrants of
possession
to be in
force for
three
months.

23. Every warrant of possession shall, on whatever day it may be issued, bear date of the day next after the last day named by the court in the order for the delivery of possession of the premises in question, and continue in force for three months from that date and no longer, but not order for delivery of possession need be drawn up or served.

Warrant of
possession
justifies
entry on
premises.

24. Any warrant to give possession of premises shall justify the person named therein or to whom it is directed in entering upon the premises named therein, with such assistants as he shall deem necessary, and in giving possession accordingly

but no entry upon such warrant shall be made on a Sunday or public holiday or at any time except between the hours of six o'clock in the morning and six o'clock in the afternoon.

25. No action and no prosecution may be brought against the judge, magistrate or other officer of the court by whom a warrant of possession was issued, or against any sheriff or other person by whom the warrant may be executed, or document affixed, for issuing the warrant or executing the warrant respectively, or affixing such document, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

Protection
of officers
of the
court.

26. A person who resists, assaults or in any way obstructs any officer when engaged in the execution of such warrant as aforesaid, or any person appointed under section 17 of this Act and engaged in carrying out an order of a court is guilty of an offence under this Act and liable, on summary conviction, to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

Penalty for
resisting or
assaulting
officers.

27. A person, who has been put out of possession under a warrant of possession, and unlawfully retakes possession of the premises after possession has been given to the landlord, is guilty of an offence against this Act and liable, on summary conviction, to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

Penalty on
person
unlawfully
retaking
possessions.

PART IV. - MISCELLANEOUS

Service

28. Service of a notice of determination of a tenancy or of a notice to quit or any summons, warrant or other process shall be effected in accordance with the provisions of the law for the time being in force relating to the service of the civil process of magistrates' courts and if the defendant cannot be found, and his place of dwelling is either not be known, or admission thereto cannot be obtained for serving the process, a copy of the process shall be posted on some conspicuous part of the premises sought to be recovered, and the posting shall be deemed good service on the defendant.

Service of
process.

Landlord's Liability to Special Damages

Landlord's
liability to
special
damages.

29. (1) Where the landlord at the time of applying for a warrant of possession as aforesaid had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither said landlord nor his agent, nor any other person acting on his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may if he think fit bring an action for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially claimed, and may recover full satisfaction for such special damage with costs of suit.

(2) If the special damage claimed is not proved, the defendant shall be entitled to a judgment, and if proved, but assessed by the court at any sum not exceeding fifty kobo, the plaintiff shall recover no more costs than damages, unless the court before which the trial action was brought shall certify on the record that full costs ought to be allowed.

Appeal

Appeal
from order
of
possession
in all cases.

30. Either party to a proceeding to recover possession of any premises under this Act may appeal from the decision of the court to the appropriate court of appeal whatever may be the value of the subject matter in dispute.

Forms

Use of
forms
Schedule.

31. (1) Subject to the express provisions, if any, of the rules, the forms contained in the Schedule to this Act may, in accordance with any instruction contained in the forms, and with such variations as the circumstances of the particular case may require, be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

(2) The forms may be added to, repealed, replaced or varied by rules made as aforesaid in all respects as if the forms had originally been so made.

SCHEDULE

Sections 2
(2) and 31.

FORM A*General Form of Title of Proceedings*

(FOR USE IN THE HIGH COURT)

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA

In the High Court of the Judicial
Division.
Suit No. 19
Between Plaintiff,
and
..... Defendant.

(FOR USE IN MAGISTRATES' COURTS)

IN THE MAGISTRATE'S COURT

In the Magistrate's Court of the Magisterial
District.
Suit No. 19
Between Plaintiff,
and
..... Defendant

FORM B

Section 7.

Notice to Quit signed by the Landlord himself

To C.D.

Sir,

I hereby give you notice to quit and deliver up possession of the [house or farmland] and premises, with the appurtenances situate at, in the town [or district] of which you hold of me as tenant thereof, on the day of next [or at the expiration of your tenancy which shall expire next after the end of months from the service of this notice].

Dated the day of 19
Yours, etc.

Section 7.

FORM C

*Notice to Quit, given by an Agent or Legal Practitioner
of the Landlord*

To C.D.

Sir,

I hereby, as agent [or Legal Practitioner] for [A.B.], your landlord, and on his behalf give you notice to quit and deliver up possession of the [house or farmland] and premises, with the appurtenances, situate at in the town [or district] of which you hold of him as tenant thereof, on the day of next [or at the expiration of your tenancy which shall expire next after the end of months from the service of this notice].

Dated this day of 19

Signed

Agent [or Legal Practitioner] for the above-named A.B.

Section 7.

FORM D

Notice by Landlord to Quit Lodgings

To C.D.

Sir,

I hereby give you notice to quit and deliver up on the day of, 19, the rooms or apartments with the appurtenances in my house [.....] which you now hold of me.

Dated this day of 19

Signed A.B.

FORM E

Section 7.

*Notice to Tenant of Owner's Intention to apply to recover
Possession*

To C.D.

Sir,

I,, [owner, or agent to, the owner, as the case may be] do hereby give you notice, that unless peaceable possession of the premises [shortly describe], situate at, which were held of me [or of the said, as the case may be] under a tenancy from year to year [or as the case may be] which expired [or was determined by notice to quit from the said, [or otherwise as the case may be] on the day of, and which premises are now held over and detained from the said be given to [the owner or agent] on or before the expiration of seven clear days from the service of this notice, I, shall on next, the day of at o'clock of the same day, at, apply to the court to issue a warrant directing an appropriate person to enter and take possession of the said premises, and to eject any person therefrom.

Dated this day of, 19

Signed
Owner or Agent.

FORM F

Section 10.

*Writ or Complaint against Tenant or Person refusing to deliver up
Possession*

(APPROPRIATE GENERAL TITLE - FORM A)

The plaintiff is entitled to the possession of premises [describe shortly] situate at, which were let by the plaintiff to the defendant for under the rent of N.....,

FORM F *contd.*

which said tenancy expired [or was determined by notice to quit, given by the plaintiff as the case may be] on the day of, 19, and on the day of, 19, the plaintiff did serve on the defendant a notice in writing of his intention to apply to recover possession of the said premises (a duplicate of which notice is hereto annexed), by [describe the mode in which the service was effected]; and that notwithstanding the said notice the said defendant refused [or neglected] to deliver up possession of the said premises, and still detains the same.

The plaintiff claims possession and N K for arrears of rent and N K for mesne profits.

Or, the plaintiff claims possessions and N..... for arrears of rent and mesne profits at the rate of N..... per, being at the rate of the rent of the said premises, from the day of, 19, until possession is given up.

Signed

Section 10.

FORM G

Summons for Recovery of Possession of Tenements

(APPROPRIATE GENERAL TITLE - FORM A)

You are hereby summoned to appear before the Court at, on the day of, 19, at the hour of in the noon, to answer the plaintiff's claim to recover possession of situate at within the jurisdiction of this Court on the ground stated in the particulars of claim hereto annexed, and also to recover the sum of N K mentioned in the said particulars.

FORM G *contd.*

If you dispute the claim or have a counter-claim you should, within days after the service of this summons on you, inclusive of the day of service, send to the Registrar a defence or counter-claim for which the form below may be used.

If you dispute part only of the money claimed you may pay into court the amount admitted.

	N	K
Claim Fee for plaint.		
Legal Practitioner's costs.		
Total amount of claim and costs		

If you admit the whole or part of the claim and desire time for payment or giving possession you should within the said days send to the Registrar an admission for which the form below may be used.

Sending the form to the Registrar does not relieve you from appearing in Court on the day named, but delay in sending a defence or admission or in giving possession or in paying into Court may add to the costs.

To the Defendant

Dated this day of, 19

.....
Officer issuing Summons.

Take notice that if you hold the above-mentioned premises as the tenant of any person other than the plaintiff you must give notice to that person, or to his agent, of this summons immediately it comes to your knowledge. If you fail to do so you will be liable to forfeit three years' rent of the premises to him. Section 11.

I dispute the plaintiff's claim because (*state facts relied on in support of defence*) or I admit the plaintiff's title and his right to immediate possession and offer to give possession on the day of, 19 I admit the claim for N..... [or I admit N..... part thereof] and I ask leave to pay the same,

FORM G *contd*

with the costs on that amount, on the day of 19, *or* by instalments of N..... because *or* I have a counter-claim against the plaintiff for N.....

.....
Defendant

Address to which notices to be sent -

Section 17.

FORM H

Appointment of Appraisers

(APPROPRIATE GENERAL TITLE - FORM A)

Upon hearing the plaintiff and the defendant herein it is ordered that E.F., of [*or* E.F., of and G.H., of], do enter upon the premises at, in the town (*or* district) of, lately in the occupation of the plaintiff and do estimate the present value of [*here set out and describe sufficiently for identification the things claimed by the plaintiff as improvements*] and do report to the Court in writing thereon on or before the day of, 19

AND IT IS FURTHER ORDERED that the plaintiff [*or* the defendant, *or* the plaintiff and the defendant, *or as the case may be*] do pay to the said E.F. [and G.H.] [*here set out the terms of remuneration to be made to the appraisers*].

Given under my hand this day of, 19

(Signed)
Judge/Magistrate

FORM I

Section 17.

Report of Appraisers

(APPROPRIATE GENERAL TITLE - FORM A)

I, [We] E.F., of [and G.H., of] the appraiser[s] appointed herein, under an order dated the day of, 19, having viewed the premises mentioned in the order aforesaid do appraise and value the same at the sum of N....., as hereinafter detailed, viz. -

[*Here set forth the particulars of the valuation.*]

As witness my [our] hand[s] this day of, 19

(Signed) E.F.
[..... G.H.]

FORM J

Section 19.

Judgment for Plaintiff in Action for Recovery of Premises

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff do recover against the defendant possession of the premises mentioned in the particulars of claim annexed to the summons in this action, that is to say [*here describe the property as set out in the particulars*].

And/Or, IT IS [FURTHER] ADJUDGED that the plaintiff do recover against the defendant the sum of N K for rent and mesne profits [*or as the case may be*] and N K for costs, making together the sum of N K

And/Or, IT IS [FURTHER] ADJUDGED that the plaintiff recover from the defendant N K for rent and mesne profits from the day of, 19, up to the date hereof and further mesne profits at the same rate up to the time of obtaining possession.

Section 10.

FORM J *cont*

AND IT IS ORDERED that the defendant do give the plaintiff possession of the said premises on the day of, 19

And/Or, IT IS [FURTHER] ORDERED that the defendant do pay to the Registrar of this Court the total sum above-mentioned, on or before the day of, 19, or by instalments of N K for every the first instalment to be paid on the day of, 19, [or as may be ordered].

And/Or, IT IS [FURTHER] ORDERED that the defendant do pay to the Registrar of this Court the sum of N K being arrears of rent and for mesne profits to the date hereof on or before the day of, 19, and that the defendant do further pay to the Registrar of this Court mesne profits at the rate of N K per from the date hereof to the date on which possession of the premises is delivered up within fourteen [or as may be] days of the date of delivery of the said premises. Section 10.

TAKE NOTICE. - That if possession be not given and payment made as above ordered a warrant, or warrants, may issue requiring an officer of the Court to give possession of the said land to the plaintiff, and to levy the sum of N K above-mentioned, together with further costs.

FORM K

Section 19.

Judgment in an Action for Recovery of Premises for Plaintiff whose title has expired before the return day

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff was on the day of 19,, and thence until and at the time of the entry of the plaint and of the service of the summons in this action entitled to recover against the defendant possession of the property mentioned in the particulars annexed to the summons in this action: that is to say [here describe the property as set out in the particulars] but his title to the same has since that time and before this day expired:

FORM K *cont*

AND IT IS FURTHER ADJUDGED that the plaintiff do recover against the defendant the sum of N K for costs.

AND IT IS ORDERED that the defendant do pay the said sum to the Registrar of this Court on the day of, 19

FORM L

Section 19.

Judgment for Plaintiff in Action for Recovery of Premises for Non-Payment of Rent

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff is entitled to recover against the defendant possession of the premises mentioned in the particulars annexed to the summons in this action, that is to say [here describe the premises as set out in the particulars] the rent of the said premises amounting to N K, being in arrear and the plaintiff having a right of re-entry in respect thereof.

AND IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of N K for the arrears of rent aforesaid and the sum of N K for costs, amounting together to the sum of N K

AND IT IS ORDERED that the defendant do pay the said sum of N K to the Registrar of this Court on or before the day of, 19 [a date not less than four weeks from the date of the order.]

AND IT IS ORDERED that the defendant do give to the plaintiff possession of the said land on or before the said day of, 19, unless the said rent in arrear and costs be paid into Court before such day of, 19

TAKE NOTICE. - That if you do not pay the said rent and costs, or give such possession, a warrant or warrants may issue requiring the bailiff of the Court to give possession of the said premises to the plaintiff, and to levy the sum of N : K above-mentioned, together with further costs.

Section 19.

FORM M

Judgment for Defendant in Action for Recovery of Premises

(APPROPRIATE GENERAL TITLE - FORM A)

IT IS ADJUDGED that the plaintiff is not entitled to recover possession of the land mentioned in the particulars annexed to the summons in this action; that is to say [*describe the premises as set out in the particulars*].

AND IT IS ADJUDGED that judgment be entered for the defendant, and that the defendant do recover against the plaintiff the sum of N K for costs.

AND IT IS ORDERED that the plaintiff do pay the same to the Registrar of this Court on or before the day of 19

Section 22.

FORM N

Warrant for Possession of Premises

(APPROPRIATE GENERAL TITLE - FORM A)

WHEREAS at a Court holden on the day of 19, it was adjudged that the plaintiff was entitled to possession of the premises mentioned in the particulars annexed to the summons in this action; that is to say [*describe the premises as set out in the particulars*], and it was ordered that the defendant should give the plaintiff possession of the said land on the day of 19

[*Add, where judgment for forfeiture for non-payment of rent, unless the rent in arrear for the said land, amounting to N K, were paid into Court on or before the day of 19].*]

[AND IT WAS ADJUDGED that the plaintiff should recover against the defendant the sum of N K for rent and mesne profits and N K for costs, making together the sum of N K, and it was ordered that the defendant should pay the last mentioned sum to the Registrar of this Court on the day of 19 [*or by instalments of N K for every*].]

AND WHEREAS the defendant has not obeyed the said order:

These are therefore to authorise and require you forthwith to give possession of the said premises to the plaintiff.

And these are therefore to require and order you forthwith to make and levy the amount due to the plaintiff under the said judgment [*or order*] together with the costs of this warrant and the costs of executing the same, by distress and sale of the goods and chattels of the defendant [*if there are more defendants than one, name the defendant against whose goods the execution is issued*] wheresoever they may be found within the district of this Court [except the wearing apparel and bedding of him and his family and the tools and implements of his trade to the value of ten naira] and also by seizing and taking any money, bank notes, cheques, bills of exchange, promissory notes, bonds or other securities for money belonging to the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and to bring what you shall have so levied into Court, and to make return of what you have done under this warrant immediately upon the execution thereof.

Dated this day of 19

.....
Judge/Magistrate

To [Officer of Court]

[Rent and Mesne Profits]

N K

Costs

Fee for issuing this warrant

Total amount to be levied with fees for execution of warrant as endorsed hereon

Application was made to the Registrar for this warrant at minutes past the hour of in the noon of the day last above-mentioned.

NOTICE. - The goods and chattels are not to be sold until after the end of five days next following the day on which they were seized, unless they are of a perishable nature or at the request of the defendant.

Section 22.

FORM O

Certificate of Execution of Warrant of Possession

(APPROPRIATE GENERAL TITLE - FORM A)

I hereby certify that by virtue of the warrant of possession issued in this action and numbered
I did on the day of
19 deliver full and peaceable possession to the plaintiff of the premises named therein, that is to say [copy description from warrant], as required by the said warrant.

Dated this day of, 19

Signed
Person executing the warrant.

**RENT CONTROL
AND
RECOVERY OF
RESIDENTIAL PREMISES
LAW (LAGOS)
CAP. R.6 (2004)**