

CITATION (2002) 4 KLR

ISSN 1117-0530

KINGS LAW REPORTS

(ALL SC/NOVEL CA)

(2002) KLR VOL 4 PART 136 pp. 677 - 950

APRIL 2002

Dedicated to the King of kings

O. O. NOEL ESQ. Founder/Publisher

C. L. Onwuegbuna Esq. Chief Editor

INDEX OF CASE REPORTED

1. Attorney-General of the Federation v. Attorney-General of Abia State & 35 Ors. p. 677

ii **INDEX OF SUBJECT MATTER IN (2002) 4 KLR**

ACTIONS - Claim - Failure to prove - Effect - Since 6th defendant failed to prove his entitlement to claim (b) - The same shall be struck out for vagueness (H19) A-G Federation v. A-G Abia State p. 677

ACTIONS - Counter claim - Parties - Non joinder - Effect - Non joinder of all defendants in each counter-claim - Will not defeat the counter-claim (H10) A-G Federation v. A-G Abia State p. 677

ACTIONS - Counter-claim - Evidence - Failure to adduce - Effect - Since 8th defendant did not aver - That his request for account was refused by plaintiff - The claim shall be dismissed (H21) A-G Federation v. A-G Abia State p. 677

ACTIONS - Parties - Listing - Reason for - A person is included in action - So that he should be bound by result arising therefrom - And interested person who stands by - Is also bound by such result (H11) A-G Federation v. A-G Abia State p. 677

ADMINISTRATIVE LAW - Primary education - Provision of - The function is left for State government - Local government only participates in provision and maintenance (H15) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Federation Account - External debts - Settlement of - Neither the Federal nor State Governments - Can charge its debts on the Account (H14) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Federation account - Revenue allocation - "Not less than 13%" - Meaning - The phrase is discretion given to lawmakers - Hence it is not for court to exercise same (H12) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Federation Account - Trusteeship - By s. 162 (1) 1999 Constitution - Federal Government is trustee - Who renders account to beneficiaries - When called upon to do so (H13) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Revenue allocation - Applicable law - Allocation of revenue Act Cap 16 - Is the applicable law - Provided that it is not inconsistent with 1999 Constitution (H8) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Revenue Allocation - Derivation principle - By s. 162(2) 1999 Constitution - Defendants are not entitled to share - In revenue obtained from natural resources in continental shelf of Nigeria (H17) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Constitution - Revenue Allocation - Derivation principle - Proof - Since 6th defendant failed to prove his entitlement to natural gas revenue on 13% basis - His claim will be dismissed (H20) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Maritime - Littoral States - Computation of revenue - Basis - 1999 Constitution s. 162(2) - Low water mark of land surface of the States - Shall be used for the calculation (H9) A-G Federation v. A-G Abia State p. 677

CONSTITUTIONAL LAW - Revenue Allocation - Derivation principle - Commencement - The principle commenced on 29/05/1999 - Same date 1999 Constitution came into effect (H18) A-G Federation v. A-G Abia State p. 677

LEGISLATIONS - Common law - Application - The law was received since 1863 - And was applied to Colony and protectorate of Nigeria - Via Supreme Court Ordinance of 1914 (H5) A-G Federation v. A-G Abia State p. 677

LEGISLATIONS - Maritime - Territory of Nigeria - Territorial Waters Act Sea Fisheries Act & Exclusive Economic Zone Act - Have not extended Nigerian territory beyond its constitutional limit (H6) A-G Federation v. A-G Abia State p. 677

MARITIME LAW - Littoral States - Boundaries - Southern boundary of the eight States - Must be Southern boundaries of old Western

iv **INDEX OF SUBJECT MATTER IN (2002) 4 KLR**

and Eastern Regions - That is the sea (H1) A-G Federation v. A-G Abia State p. 677

MARITIME LAW - Littoral States - Exclusive Economic Zone - Boundaries - Limit - Boundaries of the States do not extend to the zone - Or to continental shelf of Nigeria (H2) A-G Federation v. A-G Abia State p. 677

MARITIME LAW - Littoral States - Territories - Extent - Seaward extent of territories of the States - Are the low water or seaward limit of their internal waters (H4) A-G Federation v. A-G Abia State p. 677

MARITIME LAW - Seashore - Ownership of - Proof - Affidavit evidence of littoral States - Is insufficient to prove their ownership of the sea (H7) A-G Federation v. A-G Abia State p. 677

PLEADINGS - Evidence - Adducing of - Failure of plaintiff to adduce affidavit evidence - Is not fatal to his case - As court is being called upon - To determine matter of law (H3) A-G Federation v. A-G Abia State p. 677

SUPREME COURT - Jurisdiction - Declaratory relief - Grant of - The court cannot grant such relief - Where existence of legal right does not depend on such declaration - Or where same will serve no useful purpose (H16) A-G Federation v. A-G Abia State p. 677

INDEX OF STATUTES & RULES

Allocation of Revenue (Federation Account) (Amendment) Decree 1992, No. 106 of 1992 A-G Federation v. A-G Abia State p. 677

Allocation of Revenue (Federation Account) Act Cap 16 LFN 1960 A-G Federation v. A-G Abia State p. 677

Colony of Nigeria (Boundaries) Order in Council 1913 A-G Federation v. A-G Abia State p. 677

Constitution of the Federal Republic of Nigeria 1960, ss. 130-139 A-G Federation v. A-G Abia State p. 677

Constitution of the Federal Republic of Nigeria 1963, s. 74 A-G Federation v. A-G Abia State p. 677

Constitution of the Federal Republic of Nigeria 1979, s. 149 A-G Federation v. A-G Abia State p. 677

Constitution of the Federal Republic of Nigeria 1999, ss. 162(1)(2), 232(1) A-G Federation v. A-G Abia State p. 677

Exclusive Economic Zone Act, Cap 110 A-G Federation v. A-G Abia State p. 677

Federal High Court (Civil Procedure) Rules 2000, O. 12 r. 5 (1) A-G Federation v. A-G Abia State p. 677

General Loan and Stock Act, Cap 161 LFN, ss. 3 & 4 A-G Federation v. A-G Abia State p. 677

Lagos Local Government (Delimitation of the Town and Division into Wards) Order in Council No. 34 of 1950 A-G Federation v. A-G Abia State p. 677

Nigeria Protectorate Order in Council 1922 A-G Federation v. A-G

vi ***INDEX OF STATUTES & RULES IN (2002) 4 KLR***

Abia State p. 677

Sea Fisheries Act Cap. 404 A-G Federation v. A-G Abia State p. 677