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2024 NEWSLETTERS

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THE TEST OF VOLUNTARINESS OF EXTRA-JUDICIAL STATEMENTS: IS THE LAW NOW SETTLED?

Written by Olawale Adeosun,(LL.M, BL, LL. B)

Introduction

By definition, "a confession is an admission made at any time by a person charged with a crime, stating or suggesting the inference that he committed the crime"[1]. Our courts had severally held that confessions include both extra-judicial and judicial statements[2]. While judicial confessions are evidence given in the court and can be acted upon by the court, extrajudicial statements must pass the procedural test of admissibility before they can be admitted as evidence for the court to act on in any proceeding.

While it is long settled in law that the test for admissibility of a confessional statement is its relevance and voluntariness[3], there is a third leg of the tripod which is not so pronounced but it is there, namely, -the absence of any prohibition or restriction by any law validly made. So, the procedure is that where the issue of involuntariness of an extrajudicial statement is raised in a criminal proceeding, the court before which the proceeding is being held must resolve or settle the issue of the voluntariness or otherwise one way or the other for the extra-judicial statement to be validly admitted in evidence[4]. With the enactment of the Evidence Act 2011, our courts became statutorily empowered to extract proof of voluntariness of extra-judicial confessions before admitting the extra-judicial statement in evidence.[5]

Trial within Trial and Proof of Voluntariness

By Section 29 (3) of Evidence Act 2011, where the prosecution proposes to give in evidence a confession made by a defendant, the court may of its own motion require the Prosecution, as a condition of allowing it to do so, to prove that the confession was not obtained as mentioned in either subsection (2)(a) or (b) of this section." It is clear from the provision of section 29(3) of the Evidence Act that the law saddled the courts with an enduring duty to ascertain the voluntariness of an extra-judicial statement before admitting the same in evidence and the courts, especially the appellate ones, have stood stout in the discharge of this duty, with the attendant effect of prolongation of trial.

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[1] See section 28 of the Evidence Act 2011(as Amended)
[2] See Okalawon v The State 8 (2002) 2 SCM 104; Peter v The State (1997) 12 SCNJ 66.
[3] See Agholor v. A.-G., Bendel State (1990) 6 NWLR (Pt. 155) 141; Eguabor v. Queen (No. 1) (1962) 1 SCNLR 409; Olabode v. State (2009) 11 NWLR (Pt. 1152) 254; Eke v The State (2011) 3 NWLR (Pt. 1235) 589
[4] See section 29(3) of Evidence Act, 2011 (As Amended)
[5] Before that time the procedural practice of conducting trial –within –trial proceeding in criminal proceedings in Nigerian courts has no foundation in any law! Thus, before the coming into force of the Evidence Act 2011, there were concerned views, from judges and practitioners alike, that the procedure does not have a foundation in any substantive or procedural statute in Nigeria; See for example, the observation to this effect by the Court of Appeal in Okaroh v The State (1990) ANLLR 130@137.

ACJA/ACJLs' Interventions

It is because of the detrimental effect of trial within trial to speedy dispensation of justice, and to eliminate the necessity for trial-within-trial, that the National Assembly and the various State Assemblies made provisions in the Administration of Criminal Justice Act ("ACJA") and various Administration of Criminal Justice Laws ("ACJL") of the States[6] that modify the practice of ascertaining voluntariness or otherwise of a confessional statement to ensure speedy dispensation of justice and fair trial of the defendant.[7] However in practice, police officers, largely failed to comply with these provisions of ACJL / ACJA, thus making room for the necessity of trial within trial to prove that statements were voluntarily taken[8] which consequently elongated trials.

Naturally, legal practitioners sought to enforce compliance with the various laws by objecting to the admissibility of any such extra-judicial statement not made /taken in compliance with the relevant provisions of ACJL/ACJA. These legal attempts to enforce these provisions were attended with conflicting results, particularly at the Court of Appeal[9]. Particularly noteworthy is the decision of the Court of Appeal in **Elewanna v State (2019) LPELR-47605-(CA),** where the penultimate Court held "that failure to comply with the provisions of the Administration of Criminal Justice Law as applicable to Cross River State cannot make the confessional statements incompetent if they complied with the Evidence Act".

It was thus a colossal relief to practitioners and litigants when the apex Court in **Charles v State (2023) LPELR-60632(SC)** held that "***Any purported confessional statement recorded in breach of the said provision is of no effect. It is impotent and worthless***". The apex Court has now reinforced the position of the law in ***Charles v State (supra)*** with their latest decision in ***F.R.N. v Akaeze (2024)12 NWLR (Pt.1551)1***, which under the doctrine of judicial precedent has settled the law by holding that these

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[6] It is important to note that Lagos State led the move by the introduction of its section 9(3) provision in her ACJ(R&R) L 2011 before the NASS adopted the same provisions, in section 15(4) & 17(2) of ACJA 2015 and other states followed suit.

[7] JCSLRD, (2018), '*Trial Within Trial: A Desirable Judicial Process or Cog In the Wheel of Justice?' available online at* https://juritrustcentre.org/index.php/reports-and-publications/in-brief/114-trial-within-trial-a-desirable-judicial-process-or-a-cog-in-the-wheel-of-justice

[8] G.E. Adekambi(Mrs.), '*Relevance or Otherwise of Trial -Within -Trial vis-a-vis the ACJL'*, available at DPP-TRIAL-WITHIN-TRIAL.pdf (edojudiciary.gov.ng)

[9] Of course, the effect of conflicting decisions of the Court of Appeal is that the lower courts are free, when faced with the same question, to choose which decision to follow, on the strength of their reasoning. It is more appalling when it is realized that some of the decisions of the Court of Appeal against the enforcement of these provisions of state's ACJLs even turned on the competence of the State House of Assemblies to enact a law that had bearing on Admissibility of Evidence- see particularly the decision of the Court of Appeal in Elewanna v State (2019) LPELR-47605(CA)

provisions of ACJL/ACJA are mandatory and not permissive and that the failure to comply with these statutory provisions invalidates the purported confessional statement.

The lower courts can now concentrate on their duty of ensuring compliance with these statutory safeguards and ensuring the voluntariness of extra-judicial statements. A further dividend of this is the exclusion of the necessity for a trial within trial and by extension, a shorter period of trial!

AN ANALYSIS OF THE DEDUCTION OF TAX AT SOURCE (WITHHOLDING) TAX REGULATIONS 2024.

Written by Ms. Funmilola Olabiran

INTRODUCTION

In exercise of the powers contained in Section 81(9) of the Companies Income Tax Act, Section 56 of the Petroleum Profits Tax Act, and section 73(6) of the Personal Income Tax Act, the Minister of Finance and Coordinating Minister of the Economy issued a new Deduction of Tax at Source (Withholding) Regulations 2024 which took effect from 1 July 2024.

Withholding Tax (WHT) is an advance payment of income tax and is deductible at source on payments made for certain transactions.

The new WHT Regulations seeks to address some of these concerns/issues in the pre-existing regulations. This article seeks to analyze the key provisions of the regulation.

KEY PROVISIONS OF THE REGULATION.

a. **Persons required to deduct WHT at source**[10]: The new Regulation provides that other than individuals, virtually all businesses, organisations (including those exempted from tax), government ministries, departments and agencies, and their payment agents are required to deduct WHT on eligible transactions.

   However, small companies and unincorporated entities are NOW exempted from deducting WHT, provided that the transaction value is less than NGN2,000,000 and the vendor has a valid Tax Identification Number (TIN). Previously, small companies were obligated to deduct tax at source notwithstanding the value of the transaction.

b. **When deduction shall arise:**
   - Between unrelated parties, the obligation to deduct at source shall arise at the earlier of when payment is made or the amount due is otherwise settled;
   - Between related parties, deduction shall be made at the time of payment or when the liability is recognized, whichever is earlier;
   - While the amount deducted on any payment to a non-resident person shall be the final tax except where the income is liable to further tax.
   - This new regulation addresses the ambiguity pertaining when WHT deductions is to occur.

c. **Transactions exempted from deduction at Source**[11]
   - Across the Counter transactions,
   - Any dividend payment or distribution to a Real Estate Investment Trust;

[10] Regulation 2 of the Regulations.
[11] Regulation 8 of the Regulations.

- Compensating payments under a Registered Securities Lending Transaction,
- Interest and fees paid to a Nigerian Bank by way of direct debit of the funds which are domiciled with the Bank
- Any payment in respect of profit or income which is exempt from tax
- Insurance premium
- Winnings from a game of chance or a reality show with contents designed exclusively to promote entrepreneurship, academics, technological or scientific innovation.
- Interests and fees paid to a Nigerian Bank by way of direct debit of the funds domiciled with the Bank and
- Out of pocket expenses directly incurred by supplier which is separate from contract fees;

d. Deductions to be receipted[12]: The new Regulations provides that it is the customer's responsibility, not the tax authority's, to provide a receipt for tax deducted to the vendor. The vendor can use this receipt to prove the withholding tax (WHT) was deducted when presenting it to the tax authority and will receive credit for it, regardless of whether the customer has remitted the WHT. If customers issue receipts for WHT that has been deducted but not remitted, they will be held responsible for the WHT as part of their tax obligation, along with any applicable interest and penalties as stipulated by the law.

e. New WHT Rate: The Regulations establish varying withholding tax (WHT) rates based on the recipient's status as a company or individual, as well as their residency.

- For resident recipients, both corporate and non-corporate, the WHT rate on commission, consultancy, technical, management, and professional fees has been reduced to 5%. Conversely, non-resident corporate and non-corporate recipients are subject to a fixed WHT rate of 10% for these fees. Additionally, the WHT rate for the supply of goods or materials (excluding those supplied by manufacturers or producers) has been lowered from 5% to 2%.
- Brokerage fees are taxed at 5% WHT for residents and 10% for non-residents. WHT on fees for resident directors has increased from 10% to 15%, while non-resident directors' fees are now taxed at 20%. In contrast, the WHT rate on royalties for both resident and non-resident individuals have been reduced to 5% from the previous 10%.
- In addition, the Regulations introduce a 10% WHT on compensation for loss of employment for both resident and non-resident individuals. Finally, non-resident entertainers and sports persons are now subject to a 15% WHT on fees earned in Nigeria.

[12] Regulation 6 of the Regulations.

CONCLUSION

The new Regulation set out the rules for the deduction of tax from payments to taxable persons under the Capital Gains Tax Act, the Companies Income Tax Act, Petroleum Profits Tax Act and the Personal Income Tax Act in respect of specified transactions.

Unlike the previous WHT Regulations, there were concerns around different issues such as when to deduct WHT, what type of transactions were exempt from WHT, excessive WHT rates for certain transactions, and other issues.

The new WHT Regulations have introduced significant changes which reduced uncertainties and administrative burden on taxpayers and are generally beneficial to taxpayers.

In addition, it should also be noted that the enabling tax laws empower the Minister to issue regulations related to the administration of tax deductions at source, but they do not explicitly authorize the Minister to modify the statutory withholding tax (WHT) rates. Subsequently, such modifications could be subject to legal challenge, as they may exceed the Minister’s designated authority.

ANALYZING THE COURT'S JUDGEMENT ON SINGLE SHAREHOLDER STRUCTURES FOR PRE-CAMA 2020 COMPANIES.

Re: Suit No: FHC/ABJ/CS/665/2023: Primetech Design & Engineering Nigeria Limited and Julius Berger Nigeria Plc v. Corporate Affairs Commission delivered by the Federal High Court, Abuja on July 30, 2024 (unreported).

Written by Mr. Chimaroke Williams Adele

INTRODUCTION

The enactment of the Companies and Allied Matters Act 2020 ("CAMA") represented a landmark reform in Nigeria's corporate regulatory landscape, aimed at significantly enhancing the ease of doing business in the country. CAMA introduced several key changes designed to streamline business operations, reduce bureaucratic hurdles, and foster a more efficient corporate environment.

Among the notable reforms in CAMA is the provision allowing private companies to operate with a single shareholder, which is a shift from the previous requirement of multiple shareholders. However, the Corporate Affairs Commission ("CAC") had a restrictive stance on single shareholder of private companies incorporated before the enactment of CAMA 2020. The CAC's attitude was based on the interpretation that Section 18(2) of CAMA, which allows private companies to operate with a single shareholder, applied only to companies incorporated under the CAMA framework.

In a significant legal development, Primetech Design & Engineering Nigeria Limited ("Primetech") and Julius Berger Nigeria Plc ("Julius Berger") have challenged CAC over its refusal to approve a share transfer that would designate Julius Berger as the sole shareholder of Primetech. This was revealed in Suit No: FHC/ABJ/CS/665/2023: Primetech Design & Engineering Nigeria Limited and Julius Berger Nigeria Plc v. Corporate Affairs Commission delivered by the Federal High Court, Abuja on July 30, 2024 (unreported). The dispute centres on the interpretation and application of Section 18(2) of CAMA, which permits single shareholder structures for private companies. The CAC denied the application, arguing that this provision applies only to companies incorporated under CAMA and that such a transfer could potentially lead to the company's dissolution under Section 571(c) of CAMA. The plaintiffs dispute this interpretation, asserting that CAMA should be applied to all private companies regardless of their date of incorporation.

Primetech and Julius Berger argue that Section 18(2) of CAMA should be interpreted as applying to all private companies, irrespective of their date of incorporation. They assert that this interpretation aligns with CAMA's legislative intent to modernize and simplify business operations in Nigeria. They contend that restricting this provision to companies incorporated under the new statute creates an unfair distinction and effectively revives outdated provisions from the repealed CAMA 1990. They point to Section 118 of CAMA to emphasize that the statute was designed to facilitate ease of doing business by

allowing private companies to have a single shareholder while excluding public companies and companies limited by guarantee.

In contrast, the CAC maintained that Section 18(2) of CAMA 2020 applied only to companies incorporated after the enactment of the statute. The CAC argued that CAMA 2020 did not have retroactive effect regarding sole shareholding and that statutes generally applied prospectively unless explicitly stated otherwise. The CAC also referenced Sections 18(1) and 571(c) of CAMA, suggesting these provisions mirrorred those from the repealed CAMA 1990 and implied that companies incorporated before CAMA 2020 should continue with multiple shareholders. According to the CAC, extending Section 18(2) to pre-CAMA companies would disrupt the existing regulatory framework and contradict the legislative intent.

DECISION OF THE COURT

The Federal High Court decided that the CAC's refusal to approve the single shareholder structure was discriminatory and contrary to the purpose of CAMA. The Court emphasized that Section 18(2) of CAMA applied to all private companies, irrespective of their incorporation date, and that the provisions of the repealed CAMA 1990 were no longer relevant. This decision highlights the Court's interpretation that the new statute's provisions should uniformly apply to both new and existing private companies, facilitating easier business operations as intended by the legislature.

The Court further clarified that restrictions on single shareholder structures should only be enforced if explicitly stipulated in a company's Memorandum and Articles of Association. The Court also noted that the personal liability provisions for operating with fewer than two members applied solely to public companies and companies limited by guarantee, and not private companies.

The Court found that the CAC's reliance on Section 571(c) was misplaced and directed the CAC to accept the share transfer instrument that designated Julius Berger as the sole shareholder of Primetech. The CAC was ordered to update its records in the Companies Registration Portal (CRP) accordingly.

KEY CONSIDERATIONS

1. **Uniform Application of CAMA**: The Judgement underscores the principle that CAMA's provisions should apply uniformly to all private companies, regardless of their incorporation date. This ensures that businesses benefit from the modernized regulatory framework intended to simplify corporate governance.
2. **Retrospective Effect of Legislation**: The Court's decision clarifies that CAMA does not have a retrospective effect unless explicitly stated. This principle is crucial for ensuring legal certainty and consistency in the application of new laws.
3. **Regulatory Flexibility**: The decision provides greater flexibility for private companies, allowing them to adopt a single shareholder structure if desired. This aligns with the broader objective of easing business operations and reducing regulatory burdens.
4. **Impact on Existing Companies**: By Judgement that the repealed CAMA 1990 provisions is no longer applicable, the Court's decision helps to eliminate confusion

and potential conflicts between old and new regulatory frameworks. This is important for maintaining legal clarity and operational consistency for existing companies.

5. **Future Appeals**: While the CAC retains the option to appeal the decision, the current Judgement mandates that the CAC comply with the Court's order until the Appeal Court sets aside the decision of the Federal High Court. This ensures that companies can proceed with share transfer filings and operate under the updated regulatory framework.

CONCLUSION

The Federal High Court's decision represents a significant clarification regarding the applicability of Section 18 of CAMA 2020, providing a more consistent and streamlined approach to corporate governance. It removes previous barriers for pre-CAMA companies seeking to transition to a single shareholder structure and ensures that the benefits of CAMA are extended to all private companies. The judgment reinforces the uniform applicability of the statute and rejects the notion that provisions from the repealed CAMA 1990 should impede the modernization goals of CAMA 2020. While the CAC may still appeal, the current decision obligates compliance with the Court's directive, thus advancing the objective of simplifying and improving the business environment in Nigeria.

THE NON-DESIRABILITY OF TRIAL WITHIN TRIAL IN NIGERIA CONSIDERING THE EVIDENCE (AMENDMENT) ACT 2023.

Written by Ms. Patricia Oyiya Ogbowei

Introduction.

The Nigerian Legal System has long relied on the trial within trial procedure to determine the voluntariness of confessional statements. Once there is an objection to the voluntariness of a confessional statement, its admissibility is determined by a trial within a trial. However, with the advent of the Evidence (Amendment) Act, 2023 which recognizes electronic evidence, particularly audio visuals, I submit that the necessity and desirability of this procedure becomes obsolete.

Key Provisions of the Evidence (Amendment) Act 2023.

1. Definition of Electronic Record:
   In its section 258, the Evidence (Amendment) Act 2023defines electronic records to include data, images, and sounds stored or sent in electronic form.
2. Admissibility of Electronic Records:
   Electronic records are now admissible in courts without the need for further proof, provided certain conditions in section 84 of the Act are met.
3. Efficiency in Judicial Proceedings:
   The Act facilitates the use of digital records, reducing the reliance on physical documents and streamlining judicial proceedings.

Purpose of Trial Within a Trial.

1. Protection of Defendant's Rights:
   The major aim of a trial within a trial is the protection it offers to defendants in a criminal case. Where the accused has clearly expressed his ordeal in the process of obtaining the statement accredited to him in effect that it was obtained by force, tricks or undue influence or any non-recognizable legal ways there would be need for a trial within a trial. It is not available to a defendant who denied or retracted his confession. See Obasi Onyenye v. The State (2012) 15 NWLR (Pt. 1324) 586 at 619 (SC), Hatimu v. State (2024) LPELR-62201(CA) By scrutinizing the conditions under which a statement was made, the court ensures that only voluntary confessions are admitted as evidence. This aligns with the principles of fair trial and human rights.
2. Judicial Integrity:
   A trial with a trial procedure upholds the integrity of the judicial process by preventing the admission of **potentially tainted** evidence. In State v. Moses (2024) LPELR-62577 (SC) the Apex Court held that *"If a confessional statement is contested at the trial, our procedural law requires that the trial judge should conduct a trial within a trial for the purposes determining the admissibility or otherwise of the statement".*

Challenges with a Trial Within a Trial.

1. Delay in Criminal Trials/ Proceedings:
   Conducting a trial within a trial often leads to significant delays in the judicial process. This leads to a prolonged trial, which may result in delay of justice. As stated in Babarinde & Ors v. State (2013) LPELR – 21896 (SC) trial within trial is a complete process in itself within the substantive trial. This delay is contrary to section 36 (1) of the 1999 Constitution of the Federal Republic of Nigeria which stipulate that the

defendant is entitled to a fair trial within a reasonable time. Delayed justice is denied justice.

2. Resource-Intensive:
   Tthe procedure requires additional judicial resources, including time and personnel, which can be a burden on the legal system and Government's stretched resources.
3. Redundancy with Modern Evidence:
   With the recognition of electronic evidence, the need to verify the voluntariness of confessions through a separate trial within a trial becomes less desirable. Electronic records including audio-visuals can provide clear, unaltered evidence of the circumstances under which the confessions were made.

Recognition of Electronic Evidence.

Prior to the amendment of the Evidence Act, there arose the need to set aside the trial within trial procedure. This appears to be the basis for the inclusion of section 15(4) in the Administration of Criminal Justice Act 2015, which introduced the use of electronic recording on a retrievable video compact disc or such audio-visual means in taking confessional statements. In the recent judgment of the Supreme Court in the case of. FRN v. Akaeze (2024) LPELR-62190 (SC), the Court upheld the efficacy of this electronic evidence of confessional statements.

Impact on Judicial Proceedings.

The recognition of electronic evidence under the Evidence (Amendment) Act 2023 is expected to enhance the efficiency of judicial proceedings. This modernization reduces the need for trial within trial by providing reliable, unaltered electronic records that can verify the circumstances under which confessions were made.

Conclusion.

The trial within trial procedure, while playing a crucial role in safeguarding the rights of defendants, presents challenges such as delays and resource demands. The Evidence (Amendment) Act 2023, with its recognition of electronic evidence, offers a more efficient and reliable alternative. By embracing electronic evidence, the Nigerian legal system can move towards a more streamlined and effective judicial process, rendering the trial within trial procedure less desirable in contemporary legal practice.

CHALLENGES CAUSED BY DELAYS IN THE ADJUDICATION PROCESS: PROPOSAL FOR REFORM[13].

Written by Mr. Osagie Abaimu

It is trite and long established that adjudication process and the judiciary [14] as a whole are considered to be the last hope of the average 'common man' in the society. Conflicts in all spheres of life are bound to happen on almost a daily basis in the society. Accordingly, a strong and structured mechanism to resolve these numerous conflicts has been set in place by the judicial arm of Government.

It is important to note that due to the never ceasing numerous conflicts that arise daily, adjudication and prompt resolution of these cases are required. The resolution of the cases by way of judgments is needed to be as quick as possible. One is not oblivious of the saying that justice rushed is justice crushed', however, this saying must be juxtaposed with the glaring fact that justice delayed is justice denied'.

While other ways of resolving conflicts other than adjudication through litigation, including Arbitration, Conciliation, Mediation and Reconciliation (Alternative Dispute Resolution "ADR") should be highly recommended and utilised, these ADR processes unavoidably have great limitations especially when resort to them is not provided for by the parties in their contracts, causing recourse to be made to the Court system for adjudication of disputes.

The duration of some cases in courts span for as long as 20 to 50 years moving from the Magistrate Court or High Court all the way to the Supreme Court. This is heart breaking and disheartening caused by the "snail-speed" movement of the adjudication process in court and due to many factors.

The reasons for these delays in adjudication are endless ranging from, the docket of the Court lists being full of cases resulting in long adjournments, to intentional or negligent delays by parties and or their counsel to frustrate opposing parties, to the slow pace at which some Courts and/or their judicial staff, to unnecessary adjournment due to technicality of the law. The list is endless and inexhaustive.

In the US, the Speedy Trial Clause of the Sixth Amendment protects the right to a prompt trial. For federal cases, the Speedy Trial Act of 1974 mandates that trials begin within 70

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[13] Saulawa, JCA defined Judiciary in the case of *Anozia V. AG Lagos & Ors* (2010) LPELR-3778(CA) as follows: "The term judiciary in essence denotes the branch of government, popularly known as the third arm of government, that is constitutionally responsible for interpreting the laws and administering justice. See Black's Law Dictionary 8th Edition, at 864. It is also termed 'judicature', which denotes the act of judging or administering justice, by the application of the rule of law, through duly constituted Courts. See Chapter vii, Sections 230 - 296 of the 1999 constitution." (Pp. 18-19, paras. F-B).

days of the indictment or the defendant's court appearance. If this right is violated, the case may be dismissed, though in some instances, charges can be refiled.[15]

The UK and US both prioritize the speedy administration of justice through active case management, the use of alternative dispute resolution (ADR), and technological advancements. In the UK, judges play a central role in managing cases, while the US relies on statutory rules like the Speedy Trial Act to prevent delays. Both countries emphasize early settlements and streamlined procedures to enhance efficiency and reduce court backlogs.

This unnecessary delay in the Court adjudication process in Nigeria has seen litigants lose belief and trust. Accordingly, it is important to figure out and implement ways out of these delays.

In my view, the following suggestions will go a long way in reducing if not in eradicating delays in justice delivery through courts:

1. There should be an increase in the number of experienced legal practitioners appointed as Judges and increase in Court rooms especially in populated cities in every State and the Federal Capital Territory.

2. Each State and the Federal Capital Territory should have its own High Court, Court of appeal and Supreme Court for the adjudication of state crimes and matters. Appeals from the Federal High Court on mixed law and facts and facts should end in the Court of Appeal whilst only appeals on law and constitutional matters should end in the Supreme Court.

3. There should be an increase in specialised courts to hear and determine matters that require special attention or that are special to the economy.

4. Judiciary should be properly funded, be financially independent of the executive arm of government and the judges and judicial staff should be well paid.

5. The judiciary should leverage technology for greater efficiency and speed in justice delivery. This can be done by putting necessary facilities in place for electronic filing from counsel's homes or offices, of all court processes and the virtual hearing and determination of all interlocutory matters. Appeals should also be heard and determined virtually. This will obviate the need for counsel and parties to spend heavy sums of money on transportation and hotel accommodation if they are based outside the jurisdiction of the Court.'

If a court will not be sitting on a date it had earlier fixed for the in-person hearing of a case, out of courtesy to the lawyers and to save them and their clients money, time and efforts, the court should notify the counsel about its plan to adjourn the matter and the next adjournment date. The notification should be done by cellphone, email or WhatsApp

[14] Speedy trials, https://en.wikipedia.org/wiki/Speedy_trial accessed on 20 September 2024.

days before the fixed date. This will avoid the counsel travelling long distance and getting to court the following day and be informed by the Court's Registrar that the court will not be sitting. Covid-19 era revealed the positive effect of technology on the speedy administration of justice. In conclusion, the persistent delays in the judicial process have significantly undermined public confidence, as justice delayed often equates to justice denied. Cases spanning decades lead to frustration and loss of faith in the system. To combat this, improvements such as appointing more judges, increasing the number of courtrooms, creating specialized courts, and ensuring the judiciary's financial independence are essential. Additionally, embracing technology for electronic filings and virtual hearings can greatly enhance efficiency. Implementing these reforms will mitigate delays and restore trust in the timely delivery of justice.