THE POWERS OF STATE HIGH COURTS TO TRANSFER LABOUR MATTERS TO THE
NATIONAL INDUSTRIAL COURT: THE CASE OF NIGERIA

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ABSTRACT

This paper examines the power of the State High Courts to transfer, industrial cases to the appropriate courts in Nigeria. By way of scholarly exegesis, predicated on statutory and case law authorities, the paper explores the sphere of adjectival laws in Nigerian jurisprudence and critically reviews the latest decision of the Court of Appeal in relevant matters. The paper posits that, though the Court of Appeal rightly held that State High Courts should transfer labour matters to the NIC that decision, with the greatest respect, was reached on a wrong reasoning. The paper further examines the provisions of Section 24(3) of the National Industrial Court Act, 2006 vis-a-vis the principles of separation of powers and federalism as enshrined under the 1999 CFRN, as amended and submits that the section is subversive of the cardinal principles of separation of powers and federalism entrenched under the 1999 CFRN, as amended and is therefore unconstitutional, null and void. It concludes that, though the State High Courts are not expressly empowered under any statute or rules of court to transfer labour matters to the NIC. Also, there are some provisions under the States’ High Court rules of practice and procedure, and judicial decisions verging on policy, which they can rely on to transfer labour matters to the NIC.

Keywords: Nigeria, Judiciary, Industrial Cases, Court Powers.