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## The Length and Breadth of the Slip Rule in the Administration of Justice in Nigeria

Kesiena Urhibo<sup>a</sup> Victor Chukwuelozonam John<sup>b</sup>

<sup>a</sup>Lecturer, Department of Commercial and Property Law, Faculty of Law, Delta State University, Abraka, Oleh Campus, Nigeria <sup>b</sup>Associate, BBA Attorneys, Ojodu Berger, Lagos State, Nigeria

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*This paper seeks to x-ray the general application of the slip rule in the administration of justice in Nigeria. It identifies that as humans, judges sometimes slip which gaffes result in clerical errors and mathematical imprecision which is then attributed to the fallibilities of humans. The slip rule, going by the paper, operates to excuse a judge for minor amenable errors occasioned in the course of delivering his rulings, judgements, and/ or orders and thus reposes in the judge the power/jurisdiction to amend the same to reflect the true intentions of the court. This paper dedicates ample time to describe and explain what the slip rule entails including its concept, scope, and extent. It further goes ahead to highlight the general principles regulating the application of the rule. This paper also dwells on species of mistakes not contemplated under the slip rule including misdirection or error in law; where a court is alleged to have awarded to a party more than his claim; and inconsistencies between the pleadings and evidence of a party; errors made by counsel in his submission. Furthermore, the paper discusses the rule as an exception to the principle that a court cannot review its judgement once delivered. It touches on the powers of the court to amend clerical mistakes and accidental slips in its rulings, orders, and/ or judgements and finally the powers a judge has to amend a clerical error or accidental slip contained in the judgement as delivered by another judge.*

**Keywords:** *slip rule, fallibility, substantial justice, the court of law.*

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## INTRODUCTION

A judge as an actor in the administration of justice is deemed to have extensive knowledge of the law and the application of legal principles. The law is complex, difficult, and always evolving. A judge needs not only education in it but also practical experience in applying the law to specific situations. He needs to be able to hear legal matters and make fast and profound decisions backed up by the law and to do this takes a skilled level of knowledge in this area. He has to deal with a diverse group of people. He must be able to keep a level head even when the courtroom heats up or others within the courtroom are acting out but as a human being, in doing all these, he inadvertently falls into some amenable and permissible glitches and gaffes which are in the legal parlance alluded to as slips. This is to buttress the universal platitude that all men, save God, are fallible. However, not all gaffes pass as a slip. This and many more are what this paper seeks to reflect on.

## WHAT IS A SLIP?

In ordinary parlance, a slip simply refers to a blunder, slip-up, mistake, error, omission, gaffe, or slide. As a noun, it means an act of sliding unintentionally for a short distance, while as a verb it means to lose one's footing and slide unintentionally for a short distance. In other words, when a man walks and involuntarily slides, but picks himself up again and continues the walk. In legal parlance, slips are accidental gaffes, omissions, and clerical mistakes in a judgement that may be amended even without notice to parties.<sup>1</sup> In recognition of human fallibilities and foibles, the courts have over the years espoused and applied what is now today known as the Slip Rule.

## THE CONCEPT OF THE SLIP RULE

The slip rule was espoused by the Supreme Court in *Nwana v FCDA*<sup>2</sup> where the apex court noted per Christopher Mitchell Chukwuma-Eneh, JSC that:

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<sup>1</sup> *Nwana v Federal Capital Development Authority* [2007] 11 NWLR 59

<sup>2</sup> *Ibid*

*“A slip under the banner of 'Slip Rule' connotes accidental slip or omission as clerical mistakes in a judgment or order and capable of being amended even at times without notice to the other party. See: Asinyanbi & Ors. v Adeniji<sup>3</sup> & Thynne v Thynne<sup>4</sup>. The instant mistake, in this case, transcends the entire proceedings as it goes to the root of the decision. It is neither an accidental slip nor an omission. And even so, it is not amenable to amendment as contemplated under the 'Slip Rule' and as submitted by the respondent. It is an irregularity of fundamental nature. See Ayoola v Adebayo<sup>5</sup>.”*

The concept of a slip rule presupposes that it is occasioned by accident or mistake and therefore not deliberate.<sup>6</sup> The doctrine of the slip rule is the power of amendment or correction of its records inherent in the jurisdiction of the court and it is very wide but it can only be exercised when the justice of the case demands it, and when there is no miscarriage of justice on the other side. However, matters relating to the facts or law in the judgement itself cannot be a subject of review by the trial court to correct it.

In some jurisdictions like the United Kingdom, the slip rule is carefully incorporated as a provision in certain Acts which makes it easier for such slips to be amended. For instance, the Housing Grants, Construction and Regeneration Act of 1966<sup>7</sup>, which provides in section 108(3A) of the Housing Grants, Construction and Regeneration Act 1998 (“the Act” as amended) that: *“The [construction] contract shall include a provision in writing permitting the adjudicator to correct his decision to remove a clerical or typographical error arising by accident or omission.”*

This requirement is further reflected in the Scheme in paragraph 22A:

*“(1) The adjudicator may on his initiative or the application of a party correct his decision to remove a clerical or typographical error arising by accident or omission.”*

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<sup>3</sup> *Asinyanbi & Ors v Adeniji* [1966] NMLR 106

<sup>4</sup> *Thynne v Thynne* [1955] P 272

<sup>5</sup> *Ayoola v Adebayo* [1969] 1 All NLR 159

<sup>6</sup> *Udokang v State* (2021) LPELR-56071 (CA), [B]; *Daniel v State* (2021) LPELR-56066 (CA), [E]-[F]

<sup>7</sup> An Act of Parliament in the United Kingdom with an important part of the law affecting the construction industry since it came into force on 1 May 1998

## GENERAL PRINCIPLES GUIDING THE APPLICATION OF THE SLIP RULE

The slip rule is not applied slavishly and lavishly but in concordance to and with certain laid down general principles as espoused in *Ugwa & Anr. v Lekwauwa & Anr*<sup>8</sup> where the Court of Appeal (CA) held that:

*"The slip rule as provided in Order 18 Rule 4 of the Court of Appeal Rules is to ensure that minor clerical errors or mistakes in judgment do not affect the validity of the judgment where they are immaterial or not substantial as to occasion a miscarriage of justice. See ONIGBEDE v BALOGUN (2002) 2 SCNJ 219; UDEGBUNAM v FCT (2003) 5 SCNJ 131. The misadventure which occurred, in this case, is too material and fundamental to the right of fair hearing of the Respondents to be cured by the slip rule under Order 18 Rule 4 of the Court of Appeal Rules."*

Also, in *First Bank v T. S. A. Industries (Nig) Ltd.*<sup>9</sup> the CA identified the fallibilities in judges first as human beings and not as angels (immortals) and as such corrections initiated by a slip are intended to protrude the real intentions of the court when it delivered a judgement, ruling, and/or made an order. Thus, a court is imbued with the power to correct an error under a principle called the slip rule<sup>10</sup>. It is thus natural that human beings commit an error, including judges because they are not angels as immortals but rather men thus the emergence of the rule called slip rule. It is an error in expressing the manifest intentions of the court.<sup>11</sup>

The power of a judge to amend his judgement is limited only to where there is a clerical mistake in the judgement, ruling, and/or orders, or an error arising from accidental slips or omissions and the inherent power of the court to vary its orders relates only to where it is necessary to carry out its meaning. The error or omission must be an error in expressing the manifest intentions of the court. It is also trite that any application of any nature, particularly after judgement and touching on the judgement delivered should be by way of a motion and which must put the other side on notice<sup>12</sup>. The power of courts to correct slips in their judgements,

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<sup>8</sup> *Ugwa & Anr v Lekwauwa & Anr* (2010) LPELR-4993 (CA), [E]-[B]

<sup>9</sup> *First Bank v T S A Industries (Nig) Ltd* (2018) LPELR-43563 (CA), [E]-[C]

<sup>10</sup> *Enterprises Bank Limited v Deaconess Florence Bose Aroso & Ors* (2011) LPELR-24720 (SC)

<sup>11</sup> *Nwana* (n 1)

<sup>12</sup> *Olurotimi v Ige* (1993) 8 NWLR (PT 311) 257, 274

rulings, and/or orders is provided for in the various civil procedure rules of courts. Order 39 Rule 1(1) (2) 2004 of the Court of Appeal Rules which is in *pari materia* with Order 39 Rule 1(1) (2) of the High Court of Lagos State (Civil Procedure) Rules, 2012 provides that every application shall be by way of a motion supported by an affidavit and accompanied by a written address in support of the relief sought.

Thus, from the above, a party that desires an amendment to a slip in a judgement, ruling, or an order, for instance, a misspelled name, shall have that done on the strength of an application putting the other party on notice supported by an affidavit stating the reasons together with a written address, save when such slip is sought *suo motu* to be corrected by the Supreme Court which is the highest court in the hierarchy of courts in Nigeria. Thus, the general principle guiding the application of the slip rule is more extensively painted by the apex court in *Asiyanbi & Ors v Adeniji*<sup>13</sup> per George Baptist Ayodola Coker, JSC (Pp 12 - 13 Paras. A - B) thus:

*"Moreover Lord Halsbury concerning the general principle in the application of the "Slip Rule" observed as follows:- "If by mistake or otherwise an order has been drawn up which does not express the intention of the court, the court must always have jurisdiction to correct it. But this is an application to the Vice-Chancellor in effect to re-hear an order which he intended to make but which it is said he ought not to have made. Even when an order has been obtained by fraud it has been held that the court has no jurisdiction to re-hear it. If such jurisdiction existed it would be most mischievous." (See per Halsbury L.C., in Preston Banking Co. v William Allsup & 7 Sons [1895] 1 Ch. D. at p. 143). The cases later decided by the Court of Appeal established that the Court while able to correct a misnomer or misdescription under the "Slip Rule" will not under that Rule, whether in the exercise of its inherent jurisdiction or by the powers conferred by the Rule of Court, vary a judgement or order which correctly represents what the court decided nor will it vary the operative and substantive part of its judgement to substitute a different form. (See Macarthy v Agard [1933] 2. K.E. 417."*

Further to the above, there can be no doubt that not only is a court entitled to make formal amendments, it indeed must do so and this duty remains whether there is a formal application before it or not and whether it is in the trial court or any of the Courts of Appeal. Thus, an

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<sup>13</sup> *Asiyanbi & Ors v Adeniji* (1967) LPELR-25384 (SC)

application to effect an amendment to any such slip must be by a motion on notice because there should be no *ex parte* communication between a party and the court. It is only in the highest court in the hierarchy of courts that amendments to orders of the lower court may be made *suo motu*. Thus, the principle that a judge can amend his judgement whether enrolled or not, where there is a clerical slip or the order does not express the meaning of the judgement or the order intended by the judge is known as the slip rule principle<sup>14</sup>. Thus, for an affected party to have a slip or slips in a judgement, ruling, and/or order amended it:

- Must be for the correction of accidental slips or omissions as clerical mistakes in a judgement or order;
- Must be initiated by a motion on notice supported with an affidavit stating the grounds/reasons for the application together with a written address save where the Supreme Court corrects a slip *suo motu*;
- Must be to reflect the true intentions of the court;
- Must not be a misadventure that is material and fundamental as to overreach the intendment of the court.

## THE SCOPE AND EXTENT OF THE SLIP RULE

The various judicial pronouncements on the concept and the various procedural rules confirm the scope for an adjudicator to correct a mistake in his decision. The mistake must be a true clerical or mathematical error, which extends to erroneously carrying over a calculation from one part of the decision to another. It must be apparent on the face of the decision and fall within the adjudicator's first decision-making process. On the scope and extent of the exercise of the power of the court to correct an error or mistake in a judgement, the CA<sup>15</sup> has the following to say:

"...Order 26 Rule 7 of the Civil Procedure Rules of Niger State provides as follows: "Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be

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<sup>14</sup> *Makanjuola v Balogun* (1989) 3 NWLR Pt 108, 192; *NICON v Pie Co Ltd* (1990) 1 NWLR Pt 129, 697; *Bakare v Apena* (1986) 4 NWLR Pt 33, 1; *Nwankudu v Ibeto* (2010) LPELR-4391 (CA), [E].

<sup>15</sup> *Gani v UBA* (2000) LPELR-10836 (CA), [D]

*corrected by the Court or a Judge in Chambers on motion or summons without an appeal". The above provision requires that before the correction can be made it must be by way of summons or motion which implies that both parties must be aware of what the Court intends to do. The amount payable in the second judgment is drastically different from that of the first judgment in that it cannot be said to be an accidental slip that can easily be corrected without changing the intendment of the first judgment. Where an order to a judgment had already been drawn up a trial Court has no business revisiting the case, further amendments or alterations become that of an appellate Court - Minister of Lagos Affairs v Akin-Olugbade (1974) 9 NSCC 489. The trial Court was therefore wrong to have amended its judgment."*

The 'slip rule', which enables adjudicators to correct patent errors in their decisions, does not permit the adjudicator to change his decision in the light of his reflections after the issue of his decision. This being the case, the scope of the slip rule is a narrow one. In particular, the rule does not permit adjudicators the room to give effect to their second thoughts, and the time available to make corrections is very limited. The defendants were not entitled to set off against sums of money due to the claimant under the first of what turned out to be three adjudications between the parties, a sum which an adjudicator had ordered the claimant to pay to the defendants under the third adjudication between the parties.<sup>16</sup>

The court has the power to amend its judgement to correct and bring the judgement to carry out the meaning that the court intended after all conditions of precedent are met. Such amendment would, however, be improper if it has the effect of varying a ruling, judgement, and/or order which correctly represents what the court decided.<sup>17</sup> Ogundare, JSC<sup>18</sup> further explained the power of a judge to amend his judgement as follows:

*"The power of a judge to amend his judgment is limited only to where there is a clerical mistake in the judgment or order, or an error arising from an accidental slip or omission. And the inherent power of a*

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<sup>16</sup> *YCMS Ltd (trading as Young Construction Management Services) v Grabiner* [2009] EWHC 127 (TCC), [2009] BLR 211

<sup>17</sup> *Asiyanbi* (n 3); *NICON* (n 14)

<sup>18</sup> *Olurotimi* (n 12); *Thynne* (n 4); *Union Bank v CFAO (Nig) Ltd & Anor* (1997) LPELR-6195 (CA), [D]-[E]

*Court to vary its orders relates only to where it is necessary to carry out its meaning and to make its meaning plain. The error or omission must be an error in expressing the manifest intention of the Court."*

Thus, anything aside from correction or amendment of clerical gaffes geared towards projecting the true intention of the court as the substratum for an application by an affected party to correct a slip or slips in a judgement, ruling, and/or order is not accommodated by the rules. Such gaffes may include wrong spellings, and mathematical miscalculations to mention but a few.

### **WHAT THE SLIP RULE DOES NOT CONTEMPLATE**

An application of the slip rule does not contemplate slavish and lavish correction of gaffes, but corrections intended to portray the true intentions of the court and nothing more while concluding. Thus, certain amendments are not contemplated under the slip rule. They include amongst many others:

**A misdirection or error in law:** Where there had been an error and/or omission by a court on matters of law, the court would not have the jurisdiction to correct such errors and/or omissions even though apparent on the face of the ruling, judgement and/or order<sup>19</sup>. In other words, the scope and extent of the exercise of the power of the court to correct clerical errors, accidental slips, and/or omissions should not be used as an excuse to review, reverse or rehear the case *de novo* as was done by the trial court in the present case as found by the court below.<sup>20</sup> Thus, a misdirection or error in law is not to be misconstrued for a slip susceptible to correction under this noble rule. The Supreme Court in *Alao v ACB Ltd*<sup>21</sup> has had the cause to distinguish between a misdirection or error in law and a slip envisaged under this rule when it held that:

*"A misdirection or error in law which is apparent on the face of a judgment must be distinguished from an accidental slip or clerical mistake in a judgment. Whereas the former is appealable and cannot be remedied under the 'slip rule', the latter may, in appropriate cases, be corrected under this rule."*

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<sup>19</sup> *Race Auto Supply Co Ltd & Ors v Akib* (2006) LPELR-2937 (SC), [E]; *Bright v Sellar* (1904) 1 KB 6; *Re: Gist* (1904) 1 Ch, 398

<sup>20</sup> *Asiyanbi* (n 3)

<sup>21</sup> *Alao v ACB Ltd* (2000) LPELR-408 (SC), [B]-[C]



**Where a court is alleged to have awarded to a party more than his claim:** On the issue of the slip rule where in the circumstances of a suit, the court is alleged to have awarded the plaintiff/claimant more than his claim, the only remedy available to the appellant is to appeal<sup>22</sup>. In the words of Chukwuma-Eneh JSC<sup>23</sup>:

*"a slip under the banner of "Slip Rule" connotes accidental slip or omission as clerical mistakes in a judgment or order capable of being amended even at times without notice to the other party."*

It certainly cannot extend to where a court is alleged to have awarded to a party more than his claim. The trial court was thus right in her conclusion that she lacked the requisite jurisdiction to act as an appellate court nor did she have the right to review the judgement of her learned brother judge.<sup>24</sup>

**Inconsistencies between the pleadings and evidence of a party:** It is now beyond question that both the trial court and appellate courts do enjoy the power of corrections or modifications of an order or orders as contained in a ruling and/or judgement on the ground that the order as drawn up does not represent what the court had intended to state. In other words, by this power, a court is allowed to correct a mistake arising from clerical errors, accidental slips, or omissions. This is now popularly referred to as the "slip-rule"<sup>25</sup>. Such correction of clerical errors, slips, or omissions should not be invoked and used as a subterfuge for reviewing or rehearing a case.

Thus in *Min. of Lagos, Mines & Power & Anor v Akin-Olugbade & Ors*,<sup>26</sup> where the applicant under the guise of the slip rule sought a review of the judgement of the Supreme Court but the application was refused and dismissed. What this boils down to is that once a court has decided an issue that forms part of the court's judgement and an order in respect thereof has been effectively drawn, the court is now *functus officio*, powerless to reopen the issue and can no

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<sup>22</sup> *Njemanze v Njemanze* (2018) LPELR-44024 (CA), [C]

<sup>23</sup> *Emeka Nwana v FCDA* (2007) 11 NWLR (Pt 1044) 59

<sup>24</sup> *Josiah Cornelius Ltd & Ors v Ezenwa* (1996) 4 NWLR (pt 443) 311; *Emordi & Ors v Kwentoh & Ors* (1996) 2 NWLR (pt 433) 656

<sup>25</sup> *ACB Plc v Haston (Nig) Ltd* (1997) LPELR-5218 (CA), [F]; *Asiyanbi* (n 3)

<sup>26</sup> *Min of Lagos, Mines & Power & Anor v Akin-Olugbade & Ors* (1974) NSCC [9] 489

longer change its earlier decision.<sup>27</sup> Any attempt to alter the judgement of the court by substituting something different from the pleadings or the evidence may be difficult to explain. The foremost obstacle is that any attempt to tailor the judgement of the court to correspond with the pleadings say, by adding or subtracting to the judgement will be resisted by the adverse party on the ground that the court lacks the requisite power to present a case different from what the party has pleaded or the evidence it has led at the trial which formed the basis of the judgement.

**Errors made by a Counsel in his submission:** The principle of the "slip rule" does not extend to clerical errors made by a Counsel. The author's understanding of the principle of "slip rule" is that the court has always had the jurisdiction to amend its order which by mistake does not correctly represent the intentions of the court. This latitude in our view does not extend to errors made by a Counsel in his submission. After all, a Counsel's submission is not binding on the court as the order made by a court commands immediate authority until set aside by a court of competent jurisdiction. Thus, an erroneous submission by a Counsel, in any event, can be rejected by the court but it could also be mistakenly approved by the same court. In the latter situation, the only remedy available to a Counsel is to appeal but not to request the court to vary his mistaken submission by the invocation of the "slip rule". In other words, the remedy for correcting a Counsel's mistaken or erroneous submission is completely outside the purview of the "slip rule".<sup>28</sup>

### **THE SLIP RULE IS AN EXCEPTION TO THE GENERAL RULE THAT A COURT CAN NOT REVIEW ITS JUDGEMENT ONCE DELIVERED**

Generally speaking and following the numerous decisions of the courts except in situations of the narrow rule of the "slip rule", the Supreme Court has no jurisdiction to entertain an application for a review of its judgement once delivered. The Supreme Court is the final court of justice in Nigeria and its decisions are final. In short, the Supreme Court shall not review any judgement once delivered by it, save but to correct any clerical mistake or some errors arising

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<sup>27</sup> *Thynne* (n 4)

<sup>28</sup> *Chikere & Ors v Okegbe & Ors* (2000) LPELR-847 (SC), [G]; *Thynne v Thynne* (1955) 3 All ER 129, 146; *Asiyanbi* (n 3)

from any accidental slip or omission or vary the ruling, judgement, and/or order to give effect to its meaning or true intentions. "Accidental slip" in a ruling, judgement, and/or order of a court means a classical error in a ruling, judgement, and/or order of a court, which must be an error in expressing the manifest intentions of the court.

The court will exercise its power to correct such clerical errors or mistakes arising from an accidental slip or omission if nothing has intervened to make it inequitable to do so. Any other error outside this 'saving clause' would not be permitted by the slip rule since the judgement would then have represented what the court decided and any alteration or variation whatsoever and howsoever would be a variation of the substantive part of the judgement.<sup>29</sup>

### **THE POWER OF THE COURT TO CORRECT CLERICAL ERRORS, MISTAKES, AND ACCIDENTAL SLIPS**

By Order 8 Rule 16 of the Supreme Court Rules, that is, the rules governing the Supreme Court, the Supreme Court has the power to correct any error or a clerical mistake arising from any accidental slip or omission or to vary its ruling, judgement or order to give effect to its true meaning or intentions. This is what is known as the "Slip Rule". The rule itself provides that the court shall not review any judgement once given and delivered by it but save to correct any clerical mistake or some errors arising from any accidental slip, omission, or to vary the ruling, judgement, or order to give effect to its true meaning or intentions. A ruling, judgement, or order shall not be varied when it correctly represents what the court decided nor shall the operative and substantive part of it be varied and a different form substituted<sup>30</sup>. Also, the Supreme Court, per Kalgo, JSC, succinctly captured the attitude of courts to instances where a Counsel seeks to capitalize on insubstantial or trivial slips or errors in the decisions of the court to thwart the cause of justice<sup>31</sup>. He stated thus:

*"As we have stated several times, the days when parties pick their way in this Court through naked technical rules of procedure, the breach of which does not occasion a miscarriage of justice are fast sinking*

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<sup>29</sup> *Dingyadi & Anor v INEC & Ors* (2011) LPELR-950 (SC)

<sup>30</sup> *Alao* (n 21)

<sup>31</sup> *Onakoya v FRN* (2002) LPELR-2670 (SC) 40; *Fadlallah v Arewa Textiles Ltd* (1997) LPELR-1225 (SC) 19

*into the limbo of forgotten things. The Court now takes the view that not every slip is fatal to the cause of justice. Judges are not omniscient robots that never deviate from a programmed course. They sometimes slip. But only those slips that have been shown to have affected the decision appealed against will amount to a substantial misdirection which will result in the appeal being allowed."*

The Supreme Court has again in *Kim v State*<sup>32</sup>, per Nnaemeka-Agu, JSC, held thus:

*"The underlying principle is that it is not every slip, mistake, or irregularity that is a ground for allowing the appeal and quashing the conviction. It may, and not infrequently occur, that something happens in the course of a criminal proceeding or the Judge makes a slip in his view of a situation that is not strictly by the law or recognized procedure. If this happens, the appellate Court which is seised of an appeal against the decision must consider whether or not it was an error or an irregularity which went to the root of the case and occasioned a miscarriage of justice."*

Thus, the point made is that it is not every slip by a court that will result in an appeal against a judgement being allowed. An error, omission, or slip that may have the result of an appeal being allowed must be fatal, in the sense that it must have occasioned a miscarriage of justice<sup>33</sup> and it is a trite principle of law that justice should not only be done but should manifestly and undoubtedly be seen to be done in a case. Finally, the Apex Court in *Odofin & Anor v Oni*<sup>34</sup> more succinctly espoused the power of the courts to give effect to the slip rule when it held that:

*"Courts are presided over by human beings and being human they are prone to mistakes and slips in the course of execution of their judicial functions. Such steps or errors are not swept under the carpet but are corrected and amended by appellate Courts in the interest of justice. It is important to state that generally, a Court has powers to correct its technical errors or slips of the pen. Such powers are exercisable both in criminal and civil proceedings. It must be clearly stated that it is not every slip or error in a judgment would be allowed to undermine or derogate from an otherwise well-written judgment. This Court in exercise of its general powers of supervision of all other Courts in this country can invoke the plenitude*

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<sup>32</sup> *Kim v State* (1992) LPELR-1691 (SC) 31

<sup>33</sup> *Onuh & Anor v Ogbe* (2019) LPELR-48361 (CA), [D]-[F].

<sup>34</sup> *Odofin & Anor v Oni* (2001) LPELR-2226 (SC), [A]-[E].

*of its powers under Order 8 Rule 16 of the Supreme Court Rules (as amended in 1999) to correct all clerical errors arising from what are undoubtedly accidental slips.”*

## **WHETHER A JUDGE CAN CORRECT A SLIP IN A JUDGEMENT DELIVERED BY ANOTHER JUDGE**

In laying this issue to rest in the case of *Race Auto Supply Co. Ltd. & Ors v Akib*<sup>35</sup>, it was held that where a Judge of the High Court who delivered the judgement for any reason is not available, any other Judge in the exercise of the general powers under sections 6(6) (a) of the 1979 Constitution now 1999 Constitution of the Federal Republic of Nigeria (as amended), should be in as good a position as the Judge who delivered the judgement to correct any palpable slips, errors or omissions in the said judgement.

## **CONCLUSION**

Once a court has delivered its decision on a matter, it ceases to be seized of the case (*functus officio*), and it cannot re-open it for any purpose whatsoever and howsoever except in appropriate and exceptional cases such as when a judgement:

- was obtained by fraud or deceit;
- was a nullity;
- was given under a mistaken belief that the parties consented to it;
- was given in the absence of jurisdiction;
- the procedure adopted was such as to deprive the decision or judgement of the character of a legitimate adjudication; or
- was rendered with fundamental irregularity.

A court can however review a judgement to give effect to its meaning, and correct clerical errors, accidental slips, or omissions. As has been earlier stated, a slip rule refers to the rule permitting the correction of any order. Corrections can be made only on typographical errors or matters

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<sup>35</sup> *Race Auto Supply Co Ltd & Ors v Akib* (2006) LPELR-2937 (SC); *Federal Public Trustee v Mrs C A Sobamowo* (1967) NMLR 350; *Berliet (Nig) Ltd v Kachalla* (1995) 9 NWLR (Pt 420) 478, 493-494

that were genuine slips, errors, or mistakes, and such errors can be corrected on appeal. Thus, Order 8 Rule 16 of the Supreme Court Rules confers on the court the inherent jurisdiction to correct errors and slips that occur in its rulings, judgements, and/or orders.

Thus, in situations where what was reflected in the judgement is less than or different from the amount which was due in error, the Supreme Court under the slip rule is entitled to correct such an error. The slip rule, therefore, operates as one of the exceptions to the general principles of law that a court, once it delivers its judgement, such a court becomes *functus officio* and cannot again sit over its judgement already delivered.