'WORLD WIDE WEB ETC.': A CRITICAL ANALYSIS OF ELECTRONIC SERVICE AND LEGAL CERTAINTY UNDER ORDER 9 RULE 1(4) OF THE HIGH COURT OF RIVERS STATE (CIVIL PROCEDURE) RULES 2023

Success Gilbert[1]

ABSTRACT

Order 9 rule 1(4) of the High Court of Rivers State (Civil Procedure) Rules 2023 authorizes service of non-originating processes by email, WhatsApp, Facebook, 'World Wide Web etc' and any other platform the Chief Judge may direct in writing, and treats a printout of the electronic service as confirmation of service. The objective is to determine whether the rule as drafted can deliver reliable electronic service consistently with the constitutional guarantee of fair hearing. It adopts a doctrinal methodology, analyzing the rule against Nigerian constitutional and appellate authority, principally Compact Manifold & Energy Services Ltd v Pazan Services Nig Ltd and Jega v Ekpenyong, together with a comparative review of England and Wales, India, Zambia and the United States. The article finds four interlocking defects: the platform-expansion clause is constitutionally infirm; the phrase 'World Wide Web etc' offends the principle of legal certainty; the rule requires no verification that the electronic address belongs to the person to be served; and the printout standard conflates dispatch with receipt. It recommends a redraft anchored on exhaustively identified platforms, verified electronic addresses, proof of delivery rather than mere dispatch, and platform expansion only by formal, published practice direction.

KEYWORDS: *Electronic Service, Order 9 rule 1(4), Legal certainty, Fair Hearing, RIVCOMIS.*

1.0 INTRODUCTION

Service of process is rooted in a simple but fundamental idea. A party whose rights or obligations are to be affected by judicial proceedings must first be brought to notice of those proceedings. Service is the formal mechanism through which that notice is given. It is not a matter of ritual: it is the juridical gateway through which the constitutional right to fair hearing is operationalized.[2] That is why Nigerian courts have consistently treated proper service as integral to the competence of proceedings and, in appropriate cases, to jurisdiction itself.[3]

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[1] LLB, BL, LLM International Business Law (BPP, London), MCIArb (UK); Principal State Counsel, Rivers State Ministry of Justice, Port Harcourt; Chairman, Information and Communication Technology (ICT) Committee, Nigerian Bar Association, Port Harcourt Branch. Email: gilbertsuccess@nigerianbar.ng; Telephone: [08035576126].

[2]Constitution of the Federal Republic of Nigeria 1999, s 36(1).

[3]*ENL Consortium Ltd v Shambilat Shelter (Nig) Ltd* (2018) 11 NWLR (Pt 1631) 317 (SC); *Skenconsult (Nig) Ltd v Ukey* [1981] 1 SC 6.

The High Court of Rivers State (Civil Procedure) Rules 2023 were made in the context of an ambitious programme of judicial digitalization centered on the Rivers State Court Management Information System (RIVCOMIS). Within that architecture, Order 9 rule 1(4) provides:[4]

> *'Service of all non-originating Court processes may be made by electronic means such as email, WhatsApp, Facebook, World Wide Web etc posted to the electronic address of the person to be served, in addition to being posted on RIVCOMIS platform or any other platform that the Chief Judge may direct in writing, and printout of the electronic service shall be confirmation of the service.'*

There is much to commend in the impulse behind the rule. Litigation in Nigeria has long been burdened by delay, logistical inefficiency and the strategic evasion of service.[5] The point of criticism is not that the rule embraces technology; the point is that in doing so it uses language too imprecise for a service rule, creates an informal platform-expansion power of doubtful constitutional pedigree and adopts a proof standard too weak for a matter so closely tied to fair hearing.

This article contends that the difficulties with Order 9 rule 1(4) are fourfold. First, the platform-expansion clause that allows the Chief Judge to direct additional platforms 'in writing' is inconsistent with the constitutional scheme of delegated legislation and with the jurisprudence on practice directions. Secondly, the expression 'World Wide Web etc' violates the requirement of legal certainty. Thirdly, the rule does not specify how the electronic address used for service is to be verified as belonging to the intended defendant. Fourthly, the rule's declaration that a printout constitutes confirmation of service collapses the distinct ideas of sending, delivery and actual receipt. The article then situates the Nigerian position in comparative context, drawing on developments in England and Wales, India, Zambia and the United States. It concludes with a proposed redraft.

2.0 THE RULE IN PROCEDURAL CONTEXT

The Rivers State Rules 2023 are among the most assertive state-level procedural reforms in the contemporary Nigerian landscape. Kokpan's analysis is particularly useful.[6] The Supreme Court Rules 2024 now recognize electronic means within the concept of address for service.[7] The Court of Appeal Rules 2021 likewise define address for service to include electronic mail and telephone.[8] Electronic service in principle is therefore no longer doctrinally novel in Nigerian procedure.

[4]High Court of Rivers State (Civil Procedure) Rules 2023, O 9 r 1(4).
[5]B S Kokpan, 'Legal Analysis of the Essential Innovations in the Rivers State High Court (Civil Procedure) Rules, 2023' (2024) SSRN Electronic Journal <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4722234> accessed 2 June 2026.
[6]Kokpan (n 5).
[7]Supreme Court Rules 2024 (Nigeria), O. 3 r 1–2.
[8]Court of Appeal Rules 2021 (Nigeria), O. 2 r 5.

In *Compact Manifold & Energy Services Ltd v Pazan Services Nig Ltd* the Supreme Court accepted the validity of hearing notice communicated by text message.[9] The relevant GSM number had already been supplied to the court as part of the communicative framework of the proceedings. The case demonstrates that the apex court validates electronic communication where the method is regular and the address properly attributable to the party.

A more recent and highly instructive decision is *Jega v Ekpenyong*. The Court of Appeal restated that the object of service is to give notice to the defendant of the claims against him so that he may be aware of them and take steps to resist if he wishes, and that the essence of service is to bring the process to the attention of the party served so that he does not suffer miscarriage of justice.[10] The Court further recognised that in the age of information technology and artificial intelligence, insisting rigidly on personal service of the notice of appeal where the notice was served electronically may amount to undue technicality.[11] The recent cases accept electronic service because it remains faithful to the underlying object of service, notice, regularity and the avoidance of injustice. Thus, it is precisely because those values now govern electronic service that the deficiencies of Order 9 rule 1(4) matter.

3.0 'WORLD WIDE WEB ETC.' AND THE REQUIREMENT OF LEGAL CERTAINTY

3.1 The infrastructure problem

The rule lists email, WhatsApp, Facebook and the 'World Wide Web etc' as the means through which service may be made. Email, WhatsApp and Facebook are intelligible entries in a list of communication services. The World Wide Web is not. The World Wide Web is not a singular communication platform: it is the web-based architecture through which websites and web applications are accessed over the internet.[12] It is a layer of infrastructure within which an indefinite number of platforms operate. To describe it as a communication platform analogous to WhatsApp or Facebook is to commit a category error. If a process may be served by the 'World Wide Web', what is the authorized act? Is it posting on a website, publication on a blog, uploading to a portal, or service through any internet-enabled application? The rule does not say. It is submitted that a service rule that cannot identify its own operative media with reasonable certainty leaves too much to improvisation.

3.2 The problem of 'etc.'

The position is made worse by the use of the abbreviation 'etc.' (*et cetera*). In legislative drafting, 'etc.' is often a confession of indeterminacy.[13] It signals that the drafter has chosen not to define the remainder of the class. Does 'etc.' include TikTok, Instagram, LinkedIn, Telegram, X (formerly

[9] *Compact Manifold & Energy Services Ltd v Pazan Services Nig Ltd* (2020) 1 NWLR (Pt 1704) 76 (SC) (Galadima JSC).
[10] *Jega v Ekpenyong* (2025) 11 NWLR (Pt 1998) 33.
[11] *Jega v Ekpenyong* (n10); The Court referred with approval to *Abioye Ismail v Afribank (Nig) Plc* (2013) 9 NWLR (Pt 1359) 380 and *Compact Manifold* (n 9).
[12] Tim Berners-Lee, *Weaving the Web: The Original Design and Ultimate Destiny of the World Wide Web* (Harper Business 1999) 1–5.
[13] Francis Bennion, *Bennion on Statutory Interpretation* (7th edn, LexisNexis 2017) s 12.1.

Twitter), Signal, a personal blog, an online newspaper, or a business portal? If yes, the rule authorizes a practically unlimited range of service media without articulating why they belong to the same class. If no, the text supplies no principle for making exclusions.

A rule of court must satisfy the principle of legal certainty. Parties and their advisers must know in advance what methods of service are authorized, and courts must apply the rule consistently.[14] A provision that leaves the central category of permissible service channels undefined is unsatisfactory, especially where default consequences may follow. The contrast with the Supreme Court Rules 2024 and the Court of Appeal Rules 2021 is instructive: both instruments anchor electronic service to identifiable addresses such as electronic mail or GSM numbers.[15]

3.3 The delegated expansion problem: 'any other platform the Chief Judge may direct in writing'

Order 9 rule 1(4) adds 'or any other platform that the Chief Judge may direct in writing'. Section 274 of the Constitution of the Federal Republic of Nigeria 1999 empowers the Chief Judge of a State to make rules for regulating the practice and procedure of the High Court, subject to any law made by the House of Assembly. Rules made under that provision constitute subsidiary legislation.

In *Buhari v Independent National Electoral Commission*, per Niki Tobi JSC, it was held that where there is a conflict between the Constitution and a practice direction, the Constitution prevails; where there is a conflict between an enabling statute and a practice direction, the statute prevails; and even where there is a conflict between rules of court and a practice direction made under those rules, the rules prevail. He described rules of court as the mother and practice directions as the child.[16] In *University of Lagos v Aigoro* the Supreme Court treated practice directions as instructions on how to carry out existing rules, not instruments that could expand or contradict those rules.[17] The Court of Appeal in *Haruna v Modibbo* endorsed the same view, holding that practice directions are less efficacious than rules and cannot overrule them.[18]

The clause in Order 9 rule 1(4) does not say that additional platforms shall be authorized by practice direction made under section 274. It says only that the Chief Judge may 'direct in writing', a phrase materially weaker than 'practice direction'. A letter to the Chief Registrar, a circular to bailiffs or even a minute on a case file could all qualify as directions in writing. None would possess the formal or public character of a rule of court. The clause also engages the maxim *delegatus non potest delegare*: the House of Assembly conferred a specific form of legislative power on the Chief Judge which cannot be redeployed in a less formal guise without statutory authorization. It is

[14] *Adesanya v President of Nigeria* [1981] 2 NCLR 358, 395 (Obaseki JSC).
[15] Supreme Court Rules 2024 (n 7); Court of Appeal Rules 2021 (n 8).
[16] *Buhari v Independent National Electoral Commission* (2008) 19 NWLR (Pt 1120) 246 (SC) (Niki Tobi JSC).
[17] *University of Lagos v Aigoro* (1985) 1 NWLR (Pt 1) 143.
[18] *Haruna v Modibbo* (2004) 16 NWLR (Pt 900) 487.

therefore submitted that the clause is best understood as a threshold defect: it destabilizes the entire architecture of the rule.

It might be argued that a direction in writing could, in substance, amount to a practice direction and so attract the same status. It cannot. A practice direction draws its force from the formal, published and generally applicable character that the case law requires; an instrument styled merely as a 'direction in writing', issued without those formal incidents, does not acquire that character simply because it emanates from the Chief Judge. Form, here, is not empty: it is the very thing that gives litigants and counsel advance notice of the platforms by which they may be served.

4.0 THE UNVERIFIED ADDRESS PROBLEM

Even if the phrase 'World Wide Web etc.' were ignored, a deeper structural problem would remain. Order 9 rule 1(4) says that service may be made to 'the electronic address of the person to be served', but says nothing about how that address is to be identified, established or verified. Electronic service is meaningful only if the electronic address used is in fact linked to the intended defendant. A phone number, email address, social media account or user handle is not self-authenticating merely because one party asserts that it belongs to the other. A claimant may innocently supply a wrong number; an email address may be outdated; a social media account may belong to a different person with the same name; a dormant profile may remain visible while no longer monitored; a phone number may have been reassigned.[19]

The problem is not confined to innocent error. An unverified-address regime creates space for strategic abuse. Where the address is supplied by the opposing party and the rule contains no independent verification requirement, the court is asked to rely on unilateral assertion in a context where the consequences may be grave.

This weakness becomes clearer when one recalls the logic of *Compact Manifold*. The Supreme Court accepted hearing notice by SMS where the telephone number was already part of the court's communicative framework.[20] Similarly, *Jega v Ekpenyong* accepts electronic service as a means of bringing the process to the actual attention of the respondent.[21] That objective cannot be achieved where the rule does not regulate how the address is linked to the person. It is accordingly submitted that a procedurally sound rule would require that the electronic address used for service be established by a method capable of judicial evaluation: an address supplied by the party to the court, used in prior formal correspondence, acknowledged on oath, or otherwise proved to belong presently to the intended recipient.

[19] *Brittania U (Nig) Ltd v Seplat Petroleum Development Co Ltd* (2016) 4 NWLR (Pt 1503) 541 (Ngwuta JSC).
[20] *Compact Manifold* (n 9).
[21] *Jega* (n 10).

5.0 'PRINTOUT' AS CONFIRMATION AND THE 'SENT-RECEIVED' DISTINCTION

5.1 The three stages of electronic communication

The rule provides that a printout of the electronic service shall be confirmation of service. In all electronic communication there are at least three distinct stages: sending from the sender's device; delivery to the recipient's device or server; and receipt in the meaningful sense that the intended recipient opens, accesses or becomes aware of the message. These stages may occur close together, but they are not identical. A printout proves the first stage. It does not necessarily prove the second, and does not invariably prove the third.

This evidential gap is not closed by the law of documentary proof. A printout of an electronically transmitted message is itself a computer-generated document whose admissibility is governed by section 84 of the Evidence Act 2011, which is directed at the authenticity and reliability of the document as a record of what was sent, not at whether the message was delivered to, or received by, the person to be served.[22]

5.2 Platform-specific problems

On WhatsApp, a single grey tick indicates dispatch, two grey ticks indicate delivery to the device, and blue ticks indicate that the message has been opened, but read receipts may be disabled entirely.[23] On Facebook Messenger, a message sent to a person with whom the sender has had no prior contact is diverted to a 'Message Requests' folder that many users rarely check.[24] In email communication, a message may be filtered to spam, rejected by the receiving server, or simply unread, and there is no universal read-receipt mechanism.[25] In none of these cases does a sent-message printout automatically establish that the defendant has received notice of the process.

5.3 The case law

The rule does not say that a printout may be evidence of service. It says the printout **shall** be confirmation of service, a very different proposition. *Jega v Ekpenyong* emphasises that the object of service is to bring the process to the attention of the respondent.[26] In *ENL Consortium Ltd v Shambilat Shelter (Nig) Ltd* the Supreme Court accepted that a phone call may in principle be a good mode of service of hearing notice, but emphasized that the regularity of service is not jettisoned simply because it was made electronically. Non-service of hearing notice robs the court of jurisdiction.[27]

[22]Evidence Act 2011 (Nigeria) (as amended 2023), s 84.
[23]WhatsApp, 'About Message Status Checks' (WhatsApp FAQ, 2024) <https://faq.whatsapp.com/820124435853543> accessed 2 June 2026.
[24]Meta Platforms Inc, 'Message Requests on Messenger' (Meta Help Centre, 2024) <https://www.facebook.com/help/messenger> accessed 2 June 2026.
[25]Internet Engineering Task Force, RFC 8098 'Message Disposition Notification' (February 2017) <https://www.rfc-editor.org/rfc/rfc8098> accessed 2 June 2026.
[26]*Jega* (n 10).
[27]*ENL Consortium* (n 3).

Kokpan even acknowledges that messages may be sent without being received because of bandwidth constraints, device issues and power failure, and suggests that social media service should be accompanied by traditional methods to ensure evidential reliability.[28] If a message may be sent without being received, then a printout confirming dispatch cannot logically serve as confirmation of receipt.

6.0 COMPARATIVE PERSPECTIVES ON ELECTRONIC SERVICE

6.1 England and Wales

England and Wales offer one of the most developed frameworks for electronic service in civil proceedings. Part 6 of the Civil Procedure Rules 1998 (CPR) governs service, and Practice Direction 6A provides the procedural detail. Under CPR r 6.3(1)(d), service by fax or other electronic means, including email, is permitted, but only where the party to be served or their solicitor has previously indicated in writing a willingness to accept service by that means and has given a fax number, email address or other electronic identification for service.[29] Crucially, CPR r 6.20A introduced a system of electronic service through the CE-File portal, which automatically notifies parties when a document is filed. The notification is sent to the address registered with the court, an address the party has itself supplied and verified.[30]

The English approach therefore solves two of the four defects identified in Order 9 rule 1(4). First, the permissible media are identified with precision: the rules do not authorize service by the 'internet etc.'; they specify email and identifiable electronic addresses. Secondly, the address-verification problem is solved by requiring that the address be supplied and adopted by the party to be served or registered with the court. The printout, or rather the portal log, confirms not merely dispatch but delivery, since the court system records the receipt and opening of the notification.[31]

Where a defendant cannot be served by ordinary means, the English court may authorize service by an alternative method under CPR r 6.15, including service through social media platforms such as Facebook and X (formerly Twitter). However, the court retains judicial oversight and must be satisfied that the alternative method is reasonably likely to bring the proceedings to the defendant's attention. In *Sloutsker v Romanova*, service by Facebook was authorized on the basis of evidence establishing that the defendant actively used the account in question.[32] The contrast with Order 9 rule 1(4) is stark: in England, social media service requires court authorization and evidence of active use; in Rivers State, it is available as of right, without verification, to any person on any platform, identifiable only by the amorphous expression 'World Wide Web etc.'.

[28]Kokpan (n 5).
[29]Civil Procedure Rules 1998 (England and Wales), r 6.3(1)(d); Practice Direction 6A, para 4.
[30]Civil Procedure Rules 1998, r 6.20A (as inserted by the Civil Procedure (Amendment No 4) Rules 2022 (SI 2022/783)).
[31]ibid.
[32]*Sloutsker v Romanova* [2015] EWHC 545 (QB).

6.2 India

India's experience with electronic service is particularly instructive because the Supreme Court and High Courts have developed a sophisticated jurisprudence responding to acute service problems in a vast and populous jurisdiction. The Supreme Court of India, in exercise of its rule-making power under article 145 of the Constitution, amended the Supreme Court Rules 2013 to recognize electronic communication as a valid mode of serving notice in appropriate cases.[33]

More significantly, during the COVID-19 pandemic the Supreme Court issued a series of orders and standard operating procedures (SOPs) that operationalized electronic filing and service across all courts in India. The approach was notable for its insistence on structured channels: service by email was authorized to addresses on record with the court; WhatsApp service was authorized but required to be accompanied by a screenshot evidencing delivery (the two-tick confirmation), and affidavit evidence from the serving advocate.[34] The Supreme Court's COVID protocols thus required the equivalent of a blue-tick confirmation, precisely the category of proof that Order 9 rule 1(4) omits in its bare printout standard.

Subsequent decisions reinforced these standards. In *Sushila Singhania v Bharat Hari Singhania* (2017) 2 SCC 413 the Supreme Court emphasized that service by email was valid only where the email address had been accepted on the record of the court or acknowledged in correspondence by the party to be served.[35] Several High Courts, including the Bombay and Delhi High Courts, have adopted portal-based electronic service systems that require the serving party to upload proof of delivery, not merely proof of dispatch.[36] The Indian position thus shows that electronic service can be made workable and constitutionally secure, but only with structural safeguards that Order 9 rule 1(4) conspicuously lacks.

6.3 Zambia

Zambia's experience is notable as an African comparator operating within a broadly similar common law tradition. The High Court Act (Cap 27) and the High Court Rules made thereunder were amended to permit electronic service of originating and non-originating process following the introduction of the Zambia Electronic Communications and Transactions Act 2009.[37]

The Zambian approach is more cautious than the Rivers State model. Electronic service is limited to specific, court-designated platforms or to addresses verified by affidavit. The serving party must file a certificate of service confirming not only that the process was sent but also that the sending address is the verified address of the defendant, supported by the means through which that

[33]Supreme Court Rules 2013 (India), O IV r 1 (as amended); Constitution of India 1950, art 145.
[34]*In re: Cognizance for Extension of Limitation* [2020] SCC OnLine SC 343 (Supreme Court of India); Suo Motu Writ Petition (Civil) No 3 of 2020.
[35]*Sushila Singhania v Bharat Hari Singhania* (2017) 2 SCC 413 (Supreme Court of India).
[36]Delhi High Court (Original Side) Rules 2018, r 4(2); Bombay High Court (Original Side) Rules (Amendment) 2022.
[37]Electronic Communications and Transactions Act 2009 (Zambia), ss 16–18; High Court Rules (Zambia), O 9 r 6A (as amended).

verification was obtained. The Zambian rules do not authorized service by unspecified platforms and do not treat a printout of a sent message as conclusive evidence of service.[38]

Zambia's experience thus illustrates that an African jurisdiction can introduce electronic service within a common law framework without replicating the deficiencies of the Rivers State provision. The discipline of the Zambian approach, a verified address, an identified platform and a certificate of service going beyond mere proof of dispatch, is precisely what Order 9 rule 1(4) presently omits.

6.4 United States

United States federal civil procedure is governed by the Federal Rules of Civil Procedure (FRCP). Rule 5(b)(2)(E) authorizes electronic service where the person has consented to service by electronic means, by sending it to the person's last known electronic address: an email address or other agreed electronic location.[39] The consent requirement is critical: it functions as an address-verification and platform-consent mechanism rolled into one. A party who has not consented to electronic service cannot be served electronically under the FRCP.

At the state level, several jurisdictions go further. The New York Civil Practice Law and Rules (CPLR) permit electronic service only on attorneys of record who have registered for the electronic filing system, and service on self-represented parties electronically requires express written consent.[40] In the context of service by social media, American courts have generally treated this as a form of service by alternative means requiring judicial authorization under Rule 4(f)(3) or state equivalents, and have insisted on evidence that the social media account is actively used and belongs to the defendant.[41]

The American framework therefore shares with the English and Indian approaches the insistence on consent or court authorization, address verification and a proof standard going beyond mere dispatch. In none of these three systems is a bare printout of a sent message treated as conclusive confirmation of service.

6.5 Lessons from comparative law

Four themes emerge consistently from the comparative survey. First, jurisdiction-approved platforms are specified with precision: none of the comparator systems authorizes service by 'the internet etc.'. Secondly, the address to which service is made must be verified, either by the party's own prior supply to the court, by consent, or by affidavit evidence attributing the address to the party. Thirdly, proof of service must demonstrate more than dispatch: the standard ranges from delivery confirmation (blue ticks, portal logs) to affidavit evidence. Fourthly, where social media

[38]High Court Rules (Zambia), O 9 r 6A (3)–(4).
[39]Federal Rules of Civil Procedure (United States), r 5(b)(2)(E).
[40]New York Civil Practice Law and Rules, s 2103(b)(7); New York Uniform Court System, 'E-Filing Consent Requirements' (2023).
[41]*Federal Trade Commission v PCCare247 Inc* 2013 WL 841037 (SDNY); *St Francis Assisi v Kuwait Finance House* 2016 WL 5725002 (ND Cal).

service is permitted, it requires judicial authorization and evidence of active use of the account in question.

Clearly, Order 9 rule 1(4) satisfies none of these four requirements. That is not because the Rivers State drafters lacked technical sophistication or procedural awareness. It is because the rule has not been translated from broad aspiration into disciplined textual form. The comparative evidence confirms that the defects identified in this article are not niggling technicalities: they are the very safeguards that every serious electronic service framework insists upon, and their absence from Order 9 rule 1(4) is what makes amendment urgent.

7.0 FAIR HEARING AND THE NEED FOR REDRAFT

7.1 The constitutional dimension

The combined effect of the four defects identified above is to produce a substantial fair hearing problem. Section 36(1) of the Constitution of the Federal Republic of Nigeria 1999 guarantees to every person the right to a fair hearing within a reasonable time by a court established by law.[42] That guarantee begins with notice. A party who does not know that a process has been filed or a hearing fixed has no realistic opportunity to answer. The right to be heard is empty where the right to know is compromised.

In *ENL Consortium Ltd v Shambilat Shelter (Nig) Ltd* the Supreme Court held that service of hearing notice is a precondition to the exercise of jurisdiction and that non-service robs the court of jurisdiction, rendering any order made against the unserved party null and void.[43]

7.2 Balancing formalism and modernity

ENL Consortium also shows that the law does not insist on obsolete formalism for its own sake. A party may not play hide and seek with hearing notice and later invoke fair hearing dishonestly.[44] *Jega v Ekpenyong* reinforces this: the Court's insistence that the object of service is notice, and its rejection of excessive technicality in an information-technology age, confirm that electronic service is proper where it genuinely brings the process to the attention of the party.[45] The decision does not, however, support a rule under which uncertainty of platform, uncertainty of address, an informal platform-expansion mechanism and mere proof of dispatch are deemed sufficient.

Some might argue that these difficulties are more apparent than real, since in practice the rule is not applied according to its literal terms, and because a non-originating process moves within a suit in which the party is ordinarily before the court through counsel. All of this may be conceded, yet none of it shows the rule is safe or sound as drafted. The lighter regime for non-originating process

[42]Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(1).
[43]*ENL Consortium* (n 3).
[44]*ENL Consortium* (n 3)
[45]ibid; *Jega* (n 10).

is justified only on the assumption that the party is already properly before the court and is served at the address or through the representative already on the record. Order 9 rule 1(4) does not confine itself to that assumption. It authorizes service 'to the electronic address of the person to be served' without requiring that the address be the one already regularized in the proceedings, on platforms it does not identify with certainty, and on proof consisting of nothing more than a printout of dispatch. The rule does not codify the safe case that justifies it; it extends a relaxed regime to channels and addresses that may bear no verified connection to the party at all. The safeguards that matter wherever service is electronic are verification of the channel and proof of receipt.

7.3 Recommendations

A redraft of Order 9 rule 1(4) should incorporate at least four safeguards consistent with the comparative analysis in section 6 above.

First, the reference to 'World Wide Web etc' should be removed entirely, with approved media listed exhaustively or authorized only through formal, gazetted practice directions of the Chief Judge identifying each platform with precision and published on the RIVCOMIS portal. No platform should be added by informal written direction.

Secondly, the rule should require verification of the address used for service. Service should be permissible only to an electronic address: (a) previously supplied by the party to the court in any preceding step of the same proceedings; (b) used in prior formal correspondence between the parties in the transaction giving rise to the claim; (c) admitted on oath in an affidavit in support of the application stating not only the source but the currency of the address; or (d) verified by the court before the order.

Thirdly, a printout may form part of the evidence of service, but service shall be treated as effected only on proof by affidavit from the bailiff, evidenced, where the platform makes it available, by delivery confirmation together with a statement identifying the source through which the address was verified. Where delivery confirmation is technically unavailable, the court shall have a discretion to treat dispatch as adequate service only if the claimant establishes that all reasonable steps to verify the address were taken.

Fourthly, any addition of new platforms should be affected only by rule of court or practice direction made under section 274 of the Constitution, published and accessible to litigants and counsel. It is no answer to say that courts can cure these defects through practice. Judicial discretion cannot safely substitute for drafting precision where service and fair hearing are involved.

8.0 CONCLUSION

Order 9 rule 1(4) of the High Court of Rivers State (Civil Procedure) Rules 2023 is an imaginative and forward-looking provision. It reflects an entirely legitimate desire to modernize civil procedure,

reduce delay and align judicial administration with the technologies through which people now communicate. Yet good policy intention does not cure defective drafting.

The phrase 'World Wide Web etc.' is too indeterminate for an operative service rule. The clause that allows the Chief Judge to expand platforms by direction in writing unsettles the constitutional hierarchy of rule-making instruments. The absence of any address-verification mechanism leaves the destination of service to uncertain or unilateral assertion. The treatment of a printout as confirmation of service mistakes dispatch for receipt. When these defects are considered alongside the constitutional centrality of notice and the recent case law, the conclusion becomes difficult to avoid: the provision in its present form is too imprecise to achieve its objective safely.

The comparative survey reinforces this conclusion. In England and Wales, India, Zambia and the United States, electronic service regimes insist on verified addresses, identified platforms and a proof standard tied to delivery or actual notice: not mere proof of sending. Nigeria's own appellate doctrine, as expressed in *Compact Manifold, ENL Consortium* and *Jega v Ekpenyong*, demands the same: electronic service is proper where it actually serves its essential communicative function. That is the task which Order 9 rule 1(4), in its present language, has not yet performed, and which the redraft proposed in this article is designed to accomplish.