

Extending The Supreme Court's Reasoning on Jurisdiction:

Beyond the Oil Pipelines Act

Precedents reshape broader oil and gas
litigation strategies.

Abstract

In 2025, the Supreme Court of Nigeria decided *Mene Okotie v. Pan Ocean Oil Corporation*¹, a case in which a landowner sought compensation for the destruction of economic trees during pipeline construction. What seemed like a routine dispute became a constitutional milestone: the Court declared Section 19 of the Oil Pipelines Act (1956) void for conflicting with Section 251 of the 1999 Constitution, reaffirming that jurisdiction flows from the Constitution, not outdated statutes. This ruling underscore a broader truth: many laws previously enforced in the colonial era continue to confer federal subject-matter jurisdiction on state courts, creating systemic inconsistencies.

This article argues that the Supreme Court's reasoning must extend beyond the Oil Pipelines Act (OPA) to state Criminal Codes and other statutes that unconstitutionally vest Magistrate Courts with authority over federal matters such as aviation, maritime, and telecommunications.

By tracing the legislative history of the OPA, analysing the Court's decision, and reviewing parallel statutory conflicts, the paper demonstrates that constitutional supremacy requires proactive judicial and legislative harmonisation. The implications are profound: unless outdated laws are amended, convictions and civil judgments rendered under unconstitutional jurisdiction risk being nullified, thereby threatening the coherence of Nigeria's federal legal order.



Introduction

The recent decision of the Supreme Court in *Mene-Okotie v Pan Ocean Oil Corporation (NIG) Ltd*² provides a powerful reaffirmation of Nigeria's constitutional foundation, particularly concerning the exclusive jurisdiction of the Federal High Court (FHC).

The key holding of the Apex Court was clear: Section 19 of the Oil Pipelines Act (OPA) is void for conflicting with Section 251(1)(n) of the 1999 Constitution as amended ("**The Constitution**").

The OPA section had previously purported to vest jurisdiction in Magistrate Courts and State High Courts to determine disputes concerning compensation under the OPA. The Supreme Court declared this provision ipso facto void.

The central thesis arising from *Mene-Okotie* is that this vital jurisdictional reasoning should extend far beyond the OPA. Legal frameworks nationwide must be scrutinised, particularly where many State Criminal Codes still unconstitutionally vest jurisdiction in Magistrate Courts over federal matters. For instance, aviation matters fall exclusively under the jurisdiction of the FHC pursuant to Section 251(1)(k) of the 1999 Constitution, yet some State Criminal Codes may still assign them to Magistrate Courts.³

C.J. Okeke⁴ argues that the criminal jurisdiction of the Federal High Court (FHC) under Section 251 of the 1999 Constitution is exclusive, similar to its civil jurisdiction. Jurisdiction is statutory in origin, and courts cannot confer it on themselves; therefore, only matters explicitly assigned by law fall within a court's competence.

The FHC, historically evolving from the Federal Revenue Court, was conferred exclusive criminal jurisdiction over certain federal matters, including treason, drug offences, and aviation, first formally by the 1991 Federal High Court (Amendment) Decree and now entrenched in Section 251. Okeke rejects the view that the FHC's criminal jurisdiction is concurrent with State High Courts, reasoning that the Constitution's language, especially the "Notwithstanding anything to the contrary..." clause and incorporation by reference in Section 251(3), demonstrates the drafters' intent to confer exclusivity. He further notes that the general criminal jurisdiction of State High Courts under Section 272 is expressly subject to Section 251, reinforcing the primacy of the FHC over enumerated federal offences. Judicial authorities supporting this exclusivity include *Nuru Ochala v FRN*,⁵ *Okewu v FRN*,⁶ *Chukwuma v FRN*,⁷ and *Hakido Kpema v The State*,⁸ which underscores that judgments rendered without proper jurisdiction are nullities. Okeke concludes that any challenge to the exclusivity of FHC jurisdiction is unlikely to succeed and advocates legislative clarification to prevent confusion between federal and state criminal courts.

This article will examine the legislative history of the OPA, detail the Supreme Court's powerful analysis in *Mene-Okotie*, and discuss how this landmark judgment compels Nigerian courts to enforce the Constitution's supremacy over conflicting statutes proactively.

Section 19 OPA vs The Constitution

A direct comparison reveals the fundamental incompatibility between the pre-constitutional Oil Pipelines Act and the supreme provisions of the 1999 Constitution regarding judicial jurisdiction over oil and gas matters.

The Statute

Oil Pipelines Act

CAP 07, LFN 2004 (Enacted 1956)

The Oil Pipelines Act (OPA), specifically Cap 07, LFN 2004, is a federal law that provides for licenses for the establishment and maintenance of pipelines incidental and supplementary to oil fields and oil mining. Section 19 of the OPA addresses compensation disputes. It stipulates that any dispute regarding the payment, amount, or recipient of compensation under the Act "shall be determined by a Magistrate exercising civil jurisdiction in the area concerned" if the monetary jurisdiction threshold is met, or failing that, by a State High Court.

VS

The Grundnorm

1999 Constitution As Amended

Section 251(1)(n)

Section 19 of the OPA first came into force on October 4, 1956.⁹ Crucially, at the time this law was enacted, the 1999 Constitution had not yet been promulgated to confer exclusive jurisdiction on the Federal High Court (FHC) over matters relating to mines and minerals. The rise of the 1999 Constitution introduced Section 251(1)(n), which grants the Federal High Court exclusive jurisdiction to hear and determine civil causes and matters relating to mines and minerals (including oil fields, oil mining, geological surveys and natural gas).¹⁰

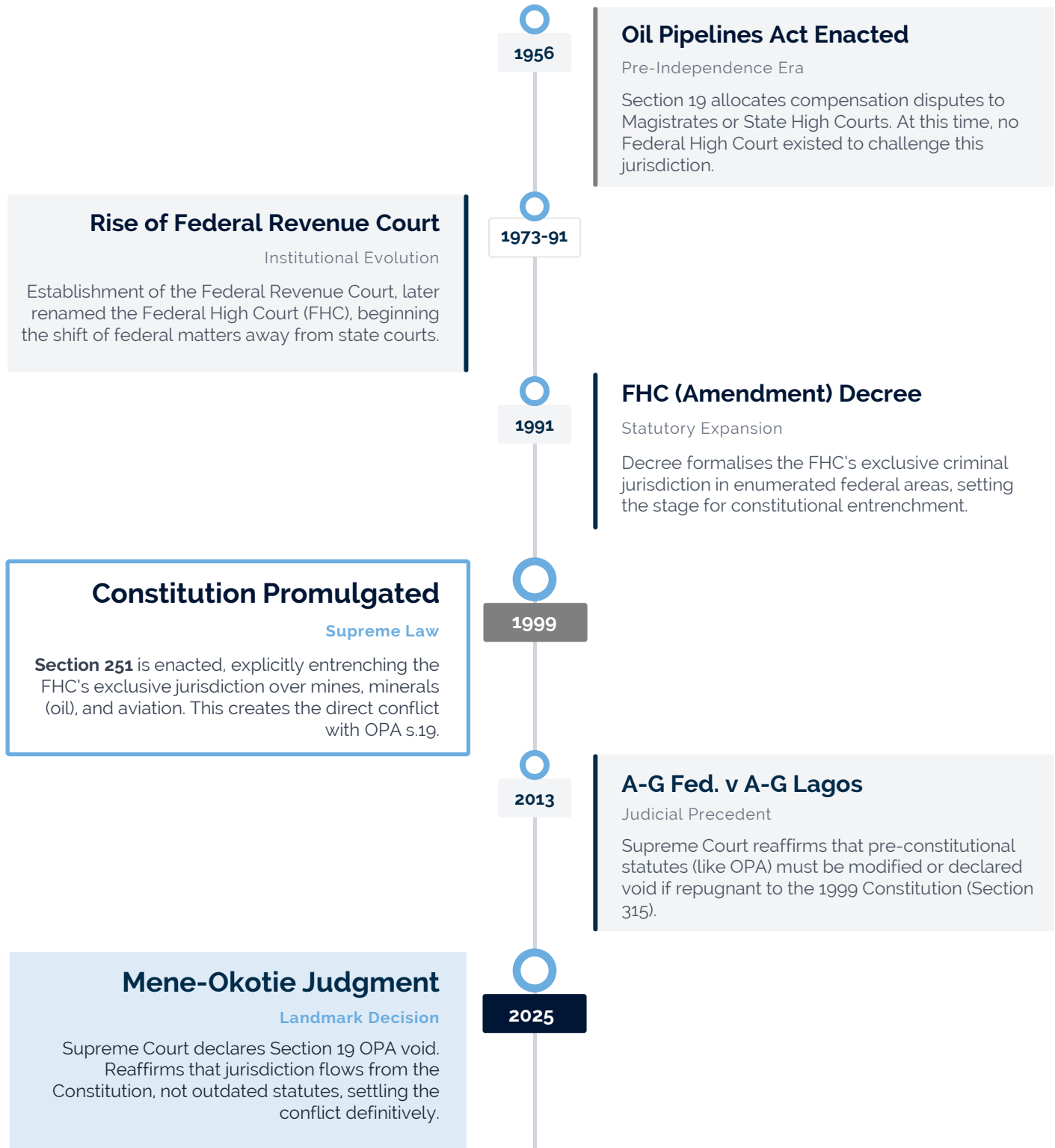
The Constitutional Conflict

The legal conflict is patent: a pre-existing ordinary statute (the OPA) attempting to donate judicial power to Magistrate or State High Courts over a subject matter (mines and minerals/oil compensation) that the supreme law of the land, the Constitution, has explicitly reserved for the FHC. The principle of constitutional supremacy holds that any law that conflicts with the Constitution must yield.

→ **Verdict: VOID** to the extent of inconsistency (Section 1(3) CFRN 1999).

Historical Context & Evolution

Tracing the legislative history reveals a shift from colonial-era statutory arrangements to the current constitutional dispensation, highlighting the growing conflict between the OPA and federal judicial exclusivity.



Mene-Okotie: Supreme Court's Reasoning

Case Facts and Procedural Background

The appeal originated from Mr Sunny Mene-Okotie's claim against Pan Ocean Oil Corporation for ₦75,194,886.13 (Seventy-five Million, One Hundred and Ninety Four Thousand, Eight Hundred and Eighty Six naira, Thirteen Kobo) in special and general damages, payable as compensation under the OPA for land acquisition, destruction of economic trees, and desecration of shrines caused by pipeline construction and operation. The action was brought before the Federal High Court (FHC), which ruled in favour of Mene-Okotie.

The Court of Appeal later set aside the FHC judgment, erroneously holding that the FHC lacked jurisdiction because the action dealt with title to land. The Supreme Court, however, determined that the Appellant's claim was purely for compensation relating to disruption and damages to property, not a contest over the radical title to the land itself.

Jurisdictional Issue and Key Findings

The crucial jurisdictional issue before the Supreme Court was determining which court had jurisdiction to adjudicate OPA compensation claims.

The Supreme Court's findings were foundational:

- **Jurisdiction Derives from the Constitution:** The capacity of a court to entertain any cause of action must be properly rooted in the scope of the enabling statute or law, with the Constitution being the supreme source.
- **Section 19 OPA is Void:** The Court affirmed that Section 19 of the Oil Pipeline Act cannot stand to clash with the provisions of the 1999 Constitution. Consequently, Section 19 is ipso facto void in line with Section 1(3) of the 1999 Constitution.¹¹
- **FHC Has Exclusive Jurisdiction:** Since the compensation dispute concerned matters related to the Oil Pipeline Act, which falls under "mines and minerals" matters enumerated in Section 251(1)(n), the Federal High Court possesses exclusive jurisdiction to entertain the claim.

The Court buttressed its reasoning by relying on established judicial precedent:

- *A-G Federation v A-G Lagos (2013)*¹²: The Supreme Court cited this case, emphasising that any law enacted prior to the Constitution that contradicts its provisions must be modified or repealed as required by Section 315 of the 1999 Constitution.¹³
- *Madukolu v Nkemdilim (1962)*: This locus classicus was cited, affirming that where a court lacks jurisdiction, the entire proceedings are a nullity.



The Judicial Obligation to Enforce Competence

The competence of a court to exercise jurisdiction is fundamental; its absence is a fatal defect that renders all proceedings a nullity *ab initio*, regardless of how well conducted or brilliantly decided. The jurisdictional question is sacrosanct and fundamental and must be resolved first before any other matter. Crucially, the courts themselves possess a duty to raise the issue of competence and jurisdiction *suo motu* (on their own motion) at any stage of the proceedings.¹⁴ The determination of jurisdiction is so paramount as to avoid embarking on a "vain and futile exercise".¹⁵

This judicial self-correction mechanism empowers Magistrate Courts, currently vested with unconstitutional jurisdiction over matters such as aviation under State Criminal Codes, to raise the matter *suo motu* and thereafter decline jurisdiction, ensuring immediate constitutional conformity without waiting for litigants to raise procedural challenges.

For instance, the Criminal Law of Lagos State¹⁶ contains ordinary criminal offences (assault, willful damage, etc.) that have in practice been relied upon to charge and try conduct occurring on aircraft and within airport precincts before State Magistrates' Courts. Recent events show that persons arrested for unruly or criminal conduct aboard aircraft arriving in Lagos have been arraigned in Lagos Magistrates' Courts on counts under the Criminal Law of Lagos State (for example, sections 170, 172, and 350) alongside regulatory by-laws such as the FAAN bye-laws.¹⁷ This practice sits uneasily with the clear constitutional allocation of aviation matters to the Federal High Court, as provided in section 251(1)(k) of the 1999 Constitution, which confers exclusive jurisdiction on the Federal High Court over "aviation and the safety of aircraft."



Practical Illustration: The Aviation Anomaly

In Lagos, persons arrested for unruly conduct on aircraft are often arraigned in Magistrate Courts under State Criminal Laws (e.g., ss. 170, 172). This practice directly conflicts with **Section 251(1)(k)**, which confers exclusive jurisdiction on the FHC over "aviation and safety of aircraft."

 **Required Action:** Magistrate must decline jurisdiction

The Broader Constitutional Principle: Section 1(3) and 315

The fundamental tenet of the Nigerian legal system remains the supremacy clause in the 1999 Constitution. It is clearly stated in Section 1(3) of the 1999 Constitution (as amended) that:

If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

This provision is not just a declaratory clause; rather, it imposes an active judicial obligation to invalidate any statute that conflicts with constitutional principles. This principle was used by the Supreme Court to invalidate Section 19 of the Oil Pipelines Act (OPA) in the Mene Okotie case. By doing so, the Court upheld or reaffirmed the principle in section 1(3) that no law, regardless of its age or policy intent, can function in a way that is in conflict with the Constitution. Section 315 of the 1999 Constitution serves as a complement to the principle cited above, preserving existing laws while requiring that they:

Shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution.

Two constitutional mechanisms are created by the combined interpretation of Sections 1(3) and 315: the automatic invalidation of laws inconsistent with the 1999 Constitution and the constructive modification of pre-constitutional laws to bring them into compliance with the Constitution. The Supreme Court has emphasised this duality on numerous occasions. In the case of *A.G. Federation v. A.G. Lagos State*,¹⁸ it was decided that any statute that predates the 1999 Constitution and grants authority incompatible with federal allocation must be changed or declared null and void to that extent. Similarly, in the more recent case of *IGP v. Achi*,¹⁹ the Court reaffirmed that the judiciary has a proactive duty to enforce constitutional supremacy, even suo motu, that is, without waiting for parties to raise the issue. These authorities, when considered collectively, demonstrate that Mene-Okotie's logic extends beyond the OPA. It serves as a restatement of a long-standing constitutional mandate that all laws, state or federal, submit to the Constitution's supremacy.



Extending the Logic: The Case of State Criminal Code Laws

The criminal justice systems of numerous Nigerian states are affected by the Mene-Okotie case. Numerous state Criminal Code Laws, which are derived from the colonial Criminal Code Act, 1916, still give Magistrates' Courts or State High Courts the authority to try cases involving offences clearly within the purview of federal legislation. However, such a jurisdictional grant is at odds with Section 251 of the 1999 Constitution, which gives the Federal High Court exclusive jurisdiction over cases and matters pertaining to:

- Aviation and safety of aircraft operation; and
- Admiralty and maritime matters, including navigation and shipping.

Under the 1999 Constitution, state legislatures and subnational courts lose jurisdiction over a matter once it falls within the sole purview of the Federal High Court. In *SPDC v. Isaiah* (2001),²⁰ The Court of Appeal upheld the constitutional prohibition against state courts taking on cases that belong solely to the Federal High Court. Similarly, in *A.G. Federation v. Abubakar*,²¹ The Supreme Court emphasised that any proceedings conducted by courts lacking constitutional jurisdiction are nullities.

Scholarly authorities reinforce this view, providing a detailed critique of State Criminal Codes and highlighting the constitutional and practical consequences of their continued operation in federal subject matters.

This position is reinforced by learned authorities, who provide a detailed critique of State Criminal Codes and examines the

constitutional and practical implications of their continued application in federal subject matters. Akinseye-George²² described these colonial-era statutes as "constitutionally obsolete remnants that undermine the uniform application of federal law and compromise the integrity of criminal justice administration." He argues that the continued application of such colonial laws is responsible for creating constitutional conflicts between state courts and the Federal High Court, especially in the fields of aviation law, telecommunication law, customs law, and maritime law.

Nwabueze²³ similarly highlights that jurisdiction is a protected attribute of the constitution, and any legislative measure to grant the states jurisdiction in matters exclusively allocated to the Federation amounts to an interference of the federal system of governance in Nigeria, therefore making the provision null and void.

Sagay²⁴ supports this argument by pointing out that the continued use of state criminal laws in federal cases may lead to the possibility of nullification of prosecutions. This would thus undermine the integrity of the judicial system in Nigeria and the enforcement of the law within the federal areas that are protected by the constitution. Collectively, these scholars advocate that state legislatures must repeal or amend outdated provisions and that the judiciary must actively enforce constitutional limits to prevent jurisdictional overreach and preserve federal supremacy.

It is clear, upon applying *Mene-Okotie*, that these lingering criminal provisions are unconstitutional by implication. The 1999 Constitution specifically forbids a Magistrate Court or a state High Court from trying cases involving offences relating to aircraft or tampering with navigation equipment.' Such cases are void *ab initio*, or, as in *Madukolu v. Nkemdilim*²⁵ states, a 'futile exercise.' Thus, in accordance with Sections 1(3) and 315 of the 1999 Constitution, the pertinent sections of State Criminal Codes must likewise be repealed or altered, just as Section 19 OPA was deemed invalid.

It is both doctrinally sound and constitutionally required to extend *Mene-Okotie*'s reasoning. The OPA and the State Criminal Codes are both products of colonial-era legislation enacted before Nigeria's judicial system had the Federal High Court and before constitutional supremacy as it is today. Serious threats to the integrity of Nigeria's judicial system arise from the continued application of these statutes without constitutional amendment. The possibility of overturning every criminal conviction obtained in violation of unconstitutional jurisdictional provisions on appeal could jeopardise decades of enforcement work, particularly in the customs, telecommunications, and aviation industries.

The constitutional architecture of Section 251 was created from a federalist perspective to ensure consistent regulation of federal subjects and to avoid jurisdictional overlap. To preserve that coherence, state legislatures must use Section 315(2) to amend outdated sections of their criminal codes as necessary. As a result, *Mene-Okotie*'s jurisprudential message is more comprehensive: it advocates constitutional harmonisation, the methodical alignment of all current laws with the Constitution's judicial power arrangements. In the case of *A.G. Abia v. A.G. Federation*,²⁶ The Supreme Court cautioned that the supremacy clause 'is not a matter of discretion; it is a command.' The constitution requires compliance; it is not an option. The national review of all conflicting statutes must therefore use *Mene-Okotie*'s case as a jurisprudential springboard for legislative and judicial actors to ensure that both the criminal and civil frameworks comply with Nigeria's federal constitutional order.

Constitutional Mandate

Applying *Mene-Okotie*, these lingering criminal provisions are unconstitutional by implication. Under **Sections 1(3) and 315** of the 1999 Constitution, state legislatures must repeal or amend conflicting sections to prevent the risk of systemic nullifications.

Conclusion

The ruling in *Mene-Okotie v. Pan Ocean Oil Corporation (Nig.) Ltd.* by the Supreme Court goes beyond the statutory context of the Oil Pipelines Act 1956, and confirms the supremacy of Section 251(1) of the 1999 Constitution, stating that any statutory provision that purports to give jurisdiction over constitutionally reserved matters to a court other than the Federal High Court is void under Section 1(3) of the Constitution. This stance is consistent with authority in *NEPA v. Edeghero*²⁷ and *A.G. Federation v. Abubakar*, which hold that jurisdiction constitutionally conferred cannot be varied or shared by legislation. This is reinforced by authorities, which regard such statutory transfers as incompatible with federalism and view encroaching state laws as undermining constitutional supremacy. Thus, *Mene-Okotie* holds that state laws conferring jurisdiction over federal matters are unconstitutional and require legislative amendment, however courts must uphold the supremacy of the constitution to maintain the rule of the law.

The Bottom Line

"The supremacy clause is not a matter of discretion; it is a command."

A.G. Abia v. A.G. Federation

1. (2025) LPELR-81438(SC).
2. (2025) LPELR-81438 (SC).
3. Sections 170, 172, and 350 of the Criminal Law of Lagos State.
4. C.J. Okeke, The Criminal Jurisdiction of the Federal High Court under Section 251 of the Constitution of the Federal Republic of Nigeria: Has the Last Word Been Said?, [2022] pp. 133-145.
<<https://journals.ezenwaohaetorc.org/index.php/JOCINL/article/download/2086/2129>> accessed 15 December 2025
5. (2013) LPELR-21386 (CA)
6. (2012) 9 NWLR (Pt.1305) 327
7. (2011) 13 NWLR (Pt.1264) 391
8. (1986) NWLR (Pt.17) 396
9. Cap. O7 L.F.N. 2004
10. Constitution of the Federal Republic of Nigeria 1999 (as amended).
11. Mene-Okotie v Pan Ocean Oil Corporation (NIG) Ltd (2025) LPELR-81438 (SC), Pg 25.
12. (2013) LPELR - 20974 (SC).
13. ibid n4, Pg 24.
14. IGP v. Achi (2024) LPELR-61781(SC)
15. Nigerian Agip Oil Co. Ltd v. Erekeosima & Ors (2023) LPELR-60874(CA), Pg 25.
16. Chapter C17, Laws of Lagos State.
17. Wole Shadare, Three Arraigned for Safety Breaches on Air Peace's London-Lagos Flight [2025] <<https://aviationmetric.com/three-arraigned-for-safety-breaches-on-air-peaces-london-lagos-flight/>> accessed 15 December 2025
18. (2013) LPELR-20974 (SC)
19. (2024) LPELR-61781 (SC). See also: A.G. Ondo State v. A.G. Federation & Ors. (2002) 9 NWLR (Pt. 772) 222 (SC); A.G. Abia State v. A.G. Federation (2022) 16 NWLR (Pt. 1856) 205 (SC); Oluwabukola v. A.G. Lagos State (2022) 2 NWLR (Pt. 1815) 499 (CA).
20. 16 NWLR (Pt 1644) 149.
21. (2007) 10 NWLR (Pt. 1041) 1 (SC)
22. Victor Oluwaseun Adekunle and Grace Ifeoma Okoro, The Quest for Equitable Justice: A Critical Review of The Administration of Criminal Justice Act In Nigeria [2023] <<https://aydenjournals.com/index.php/AIJLPSA/article/download/246/231>> accessed 15 December 2025
23. B. O. Nwabueze, Federalism in Nigeria under the Presidential Constitution (Sweet & Maxwell, 1983)
24. Chief Mike Ozekhome, SAN, OFR, Federalism as a Form of Government [2021] <<https://mikeozekhomeschambers.com/federalism-as-a-form-of-government-part-1/>>
25. (1962) 1 All NLR 561
26. (2006) 16 NWLR (Pt 1005) 265
27. (2002) 18 NWLR (Pt. 798) 79
28. (2007) 10 NWLR (Pt. 1041) 1



Daze Nga

Partner, Energy & Natural
Resources



Onyemauche Ibezim

Senior Associate, Energy &
Natural Resources



Adedola Adetokunbo-Ajayi

Associate, Energy & Natural
Resources



Munachimso Ochiabutor

Associate, Energy & Natural
Resources





CONTACT US

LAGOS

KENNA Place
8, Ogunyemi Road, Palace Way, Oniru
PO Box 73002, Victoria Island, Lagos

ABUJA

1st Floor, Novare Central
Plot 502 Dalaba Street,
Wuse Zone 5, FCT 900285, Abuja

ENUGU

3 Emmanuel Ngwu Street, Old Emene
Road, by AC Drug, Thinkers Corner,
Enugu.

+234 811 395 1052, +234 811 395 1053
counsel@kennalp.com

