Supplement to Official Gazette No. 35, Vol. 62, 17th July, 1975-Part B

L.N. 54 of 1975

IMMIGRATION ACT 1963 (1963 No. 6)

Enzo Gentile (Prohibited Immigrant) (Revocation) Order 1975

WHEREAS in exercise of the powers conferred by section 18 (2) of the Immigration Act 1963 Enzo Gentile was on 8th May 1973 declared a prohibited immigrant and deported from Nigeria under the ENZO GENTILE Deportation Order 1973 (L.N. 34 of 1973):

AND WHEREAS I, the Federal Commissioner for Internal Affairs, am of opinion that the said Deportation Order be revoked :

Now THEREFORE, in exercise of the powers conferred by section 20 (3) of the Immigration Act 1963, and of all other powers enabling me in that behalf, I, the Federal Commissioner for Internal Affairs, hereby make the following order :---

1. The ENZO GENTILE Deportation Order 1973 is hereby revoked.

Revocation of L.N. 34 of 1973.

2. This Order may be cited as the Enzo Gentile (Prohibited Immigrant) (Revocation) Order 1975.

MADE at Lagos this 3rd day of July 1975.

ADAMU SULEMAN, Federal Commissioner for Internal Affairs Citation.

L.N. 55 of 1975

ROBBERY AND FIREARMS (SPECIAL PROVISIONS) (AMENDMENT) (No. 2) DECREE 1974 (1974 No. 29)

Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree (Appointed Day) Order 1975

In exercise of the powers conferred by section 6 (2) of the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree 1974 and of all other powers enabling me in that behalf, I, Dr Nabo Bekinbo Graham-Douglas, Attorney-General of the Federation, hereby make the following order :--

1. The day appointed for the coming into force of the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree 1974 shall be 1st September 1975.

1974 No. 29.

Appointed day for

Citation.

2. This Order may be cited as the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree (Appointed Day) Order 1975.

MADE at Lagos this 15th day of July 1975.

NABO BEKINBO GRAHAM-DOUGLAS, Attorney-General of the Federation

EXPLANATORY NOTE

(This note does not form part of the above Order but is intended to explain its effect)

The Order appoints 1st September 1975 as the day on which the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree 1974 comes into force.

L.N. 56 of 1975

ROBBERY AND FIREARMS (SPECIAL PROVISIONS) DECREE 1970 (1970 No. 47)

Robbery and Firearms Tribunal (Procedure) Rules 1975

Commencement : 1st September 1975

In exercise of the powers conferred on me by section 6 of the Robbery and Firearms (Special Provisions) Decree 1970 as amended by the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree 1974 and of all other powers enabling me in that behalf, I, Dr Nabo Bekinbo Graham-Douglas, Attorney-General of the Federation, with the approval of the Federal Executive Council, hereby make the following rules :--

Commencement and Conduct of Trial

1. The trial of offences under the Decree shall commence by way of an application, supported by evidence on affidavit, made to the tribunal by the prosecutor.

2. Where after perusal of the application and the evidence on affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under the Decree it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

(2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon unless the offence charged is punishable with death, in which case the tribunal shall enter a plea of not guilty on behalf of the accused.

4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused, the tribunal shall proceed to try the case.

5. Where an accused charged with an offence punishable with death is not defended by a legal practitioner the tribunal shall assign a legal practitioner for his defence.

6.--(1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

7.—(1) After the conclusion of the presentation of evidence by the prosecutor the tribunal shall ask the accused—

(a) whether he wishes to give evidence on his own behalf, and

(b) whether he intends to call witnesses other than witnesses to character.

Institution of proceedings.

Order on an accuse to appear.

Commencement of trial.

Plea of not guilty or no plea.

Defence in capital cases.

Presentation of case for prosecution.

Procedure after presentation of evidence by the prosecution. (2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.

(3) Notwithstanding the provisions of paragrah (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

8. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

9.—(1) If the accused or any of the accused calls any witness other than to character or any document other than a document relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case, with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

Consideration of finding.

Announcement of finding.

Recommendation to mercy. 10. When the case for the defence and the reply of the prosecutor, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

11. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by the Decree and issue a committal warrant accordingly.

12. The tribunal may in any case in recording sentence make a recommendation to mercy but in any such case shall give the reasons for its recommendation.

Defence.

Right of prosecutor to reply.

13.—(1) The Chairman of the tribunal shall in every case take notes in writing of the oral evidence, or so much thereof as he considers is material, in a book to be kept for that purpose and such book shall be signed by the Chairman at the conclusion of each day's proceeding.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Supplemental

14. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence respecting the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

15. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the tribunal in order to testify as aforesaid.

16. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

17. Subject to the express provisions, if any, of these rules the forms contained in the Schedule to these rules may, in accordance with any instruction contained in the said forms, and with such variations as the circumstances of the particular case may require be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

18. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences under the Decree the provisions of the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

19. In these rules—

"the Decree" means the Robbery and Firearms (Special Provisions) Decree 1970;

"the prosecutor" means the Attorney-General of the State in respect of which the tribunal was constituted or, where there is no Attorney-General, the Solicitor-General of that State or the officer of the Ministry of Justice of the State authorised by the Attorney-General or, as the case maybe, the Solicitor-General to conduct the prosecution of an offence before the tribunal.

20. These rules may be cited as the Robbery and Firearms Tribunal (Procedure) Rules 1975 and shall come into force on 1st September 1975.

Issue of summons for witness.

Warrant for witness after summons.

Local inspection.

Forms.

Application of Criminal Procedure Act. Cap. 43

Interpretation. 1970 No. 47

Citation, etc.

Rule 17

.....State

FORMS

FORM 1

APPLICATION TO COMMENCE TRIAL FOR AN OFFENCE UNDER THE ROBBERY AND FIREARMS (SPECIAL PROVISIONS) DECREE 1970

To: The Chairman,

Tribunal for the trial of offences under the Robbery and Firearms (Special Provisions) Decree 1970.

Pursuant to section 6 of the Robbery and Firearms (Special Provisions) Decree 1970, as amended by the Robbery and Firearms (Special Provisions) (Amendment) (No. 2) Decree 1974 I hereby apply for the commencement

of a trial for the offence of (i).....

...under section

Decree 1970 against the undermentioned person :---

(ii)

3. If this application is granted, I shall be relying on the facts disclosed in the affidavits and any further evidence the Tribunal may consider necessary at the trial. I attach hereto four copies of the charge against the accused. A list of the deponents and their addresses is also attached for the purpose of issuing witness summons on them.

Prosecutor

- (i) Insert the offence.
- (ii) Insert the name of accused.

B 138

Robbery and Firearms (Special Provisions) Decree 1970

SUMMONS TO ACCUSED

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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Chairman of the Tribunal

· State concisely the substance of the offence.

Robbery and Firearms (Special Provisions) Decree 1970

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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* State concisely the substance of the offence.

Robbery and Firearms (Special Provisions) Decree 1970

SUMMONS TO WITNESS

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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Robbery and Firearms (Special Provisions) Decree 1970

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.)

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· State concisely the substance of the offence.

Robbery and Firearms (Special Provisions) Decree 1970

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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(i) Insert name of witness.

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FORM No. 7

Robbery and Firearms (Special Provisions) Decree 1970

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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- (i) Insert name of witness.
- (ii) Insert name of accused.

Robbery and Firearms (Special Provisions) Decree 1970

COMMITMENT ON REMAND

In the Tribunal for the trial of Offences under the Robbery and Firearms Special Provisions) Decree 1970.

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Chairman of the Tribunal

(i) Insert name of Accused.
 (ii) State the Offence or Offences.

* Delete whichever does not apply.

Robbery and Firearms (Special Provisions) Decree 1970

In the tribunal for the trial of Offences under the Robbery and Firearms (Special Provisions) Decree 1970.

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NABO BEKINBO GRAHAM-DOUGLAS, Attorney-General of the Federation

L.N. 57 of 1975

OFFENCES AGAINST THE PERSON (SPECIAL PROVISIONS) DECREE 1974 (1974 No. 20)

Offences Against The Person (Special Tribunals) (Procedure) Rules 1975

Commencement : 15th July 1975

In exercise of the powers conferred on me by section 7 of the Offences Against The Person (Special Provisions) Decree 1974 and of all other powers enabling me in that behalf, I, Dr. Nabo Bekinbo Graham-Douglas, Attorney-General of the Federation, with the approval of the Federal Executive Council, hereby make the following rules :--

Commencement and Conduct of Trial

1. The trial of offences under the Decree shall commence by way of an application, supported by evidence on affidavit, made to the tribunal by the prosecutor.

2. Where after perusal of the application and the evidence on affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under the Decree it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged,

(2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon unless the offence charged is punishable with death, in which case the tribunal shall enter a plea of not guilty on behalf of the accused.

4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused, the tribunal shall proceed to try the case.

5. Where an accused charged with an offence punishable with death is not defended by a legal practitioner the tribunal shall assign a legal practitioner for his defence.

6.—(1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

7.—(1) After the conclusion of the presentation of evidence by the prosecutor the tribunal shall ask the accused—

(a) whether he wishes to give evidence on his own behalf, and

(b) whether he intends to call witnesses other than witnesses to character.

Institution of proceedings.

Order on accuse to appear.

Commencement of trial.

Plea of not guilty or no plea.

Defence in capital cases.

Presentation of case for prosecution.

Procedure after presentation of evidence by the prosecution. (2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.

(3) Notwithstanding the provisions of paragraph (2) 'of this rule, the tribunal may, after hearing the evidence for the prosecution if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness other than a witness to character, the court shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the court may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

8. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

9.—(1) If the accused or any of the accused calls any witness other than to character or any document other than a document relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case, with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

10. When the case for the defence and the reply of the prosecutor, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

11. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by the Decree and issue a committal warrant accordingly.

12. The tribunal may in any case in recording sentence make a recommendation to mercy but in any such case shall give the reasons for its recommendation.

Defence.

Right of prosecutor to reply.

Consideration of finding.

Announcement of finding.

Recommendation to mercy. 13.—(1) The Chairman of the tribunal shall in every case take notes in writing of the oral evidence, or so much thereof as he considers is material, in a book to be kept for that purpose and such book shall be signed by the Chairman at the conclusion of each day's proceeding.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Supplemental

14. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons for such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence respecting the case and to bring with him any specified documents or things and any other documents of things relating thereto which may be in his possession or power or under his control.

15. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the tribunal on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the tribunal in order to testify as aforesaid.

16. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

17. Subject to the express provisions, if any, of these rules the forms contained in the Schedule to these rules may, in accordance with any instruction contained in the said forms, and with such variations as the circumstances of the particular case may require, be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

18. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences under the Decree the provisions of the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

19. In these rules—

"the Decree" means the Offences Against The Person (Special Provisions) Decree 1974 ;

"the prosecutor" means the Attorney-General of the State in respect of which the tribunal was constituted or, where there is no Attorney-General, the Solicitor-General of that State or the officer of the Ministry of Justice of the State authorised by the Attorney-General or, as the case may be, the Solicitor-General to conduct the prosecution of an offence before the tribunal.

20. These rules may be cited as the Offences Against The Person (Special Tribunals) (Procedure) Rules 1975.

Notes of evidence to be taken.

Issue of summons for witness.

Warrant for witness after summons.

Local inspection.

Forms.

Application of Criminal Procedure Act. Cap. 43.

Interpretation.

1974 No. 20.

Citation.

SCHEDULE

Rule 17

.....State

FORMS

FORM I

APPLICATION TO COMMENCE TRIAL FOR AN OFFENCE UNDER THE OFFENCES AGAINST THE PERSON (SPECIAL PROVISIONS) DECREE 1974

To :

The Chairman.

Tribunal for the trial of the Offences Against The Person (Special Provisions) Decree 1974

Pursuant to section 7(2) of Offences Against The Person (Special Provisions) Decree 1974, I hereby apply for the commencement of a trial for the offence

of (i)_____under section ______of the

Offences Against The Person (Special Provisions) Decree 1974 against the undermentioned person :---

(#)_____

2. In support of this application I attach herewith copies of evidence on affidavit for the consideration of the Tribunal.

3. If this application is granted, I shall be relying on the facts disclosed in the affidavits and any further evidence the Tribunal may consider necessary at the trial. I attach herewith four copies of the charge against the accused. A list of the deponents and their addresses is also attached for the purpose of issuing witness summons on them.

Prosecutor

(i) Insert the offence.

(ii) Insert name of accused.

FORM NO. 2

Offences Against The Person (Special Provisions) Decree 1974

SUMMONS TO ACCUSED

In the Tribunal for the trial of offences under the Offences Against The Person (Special Provisions) Decree 1974.

o		1 B. G.		2
Complaint has h	been made t	his day by		
•				for
at you on the			day of	
			(199) 	
	±1	-		
1 the				aforesai
id e	ta 👘		19	
[4	************************	******************************		*******
	•			
8				

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itting at				
15			•	े.
		•	*0 000mon	the said domaisin
n	*****	**************	tu answei	the salu complain

Chairman of the Tribunal

* State concisely the substance of the offence.

\$

Offences Against The Person (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974.

				State
	Between	3	*.	
đ			Ca	molainant
	and	2		
				Accused
То			Polic	e Officer.
Complaint has been made on			of	
by		nat		
hereinafter called the accused,		4.1		
day of				
	t			
You are hereby commanded mentioned above sitting at	to bring t	he accused	before the	tribunal
to answer the said complaint and				*
Ę	. 1			1¥ 85
Dated the	day o	of		

Chairman of the Tribunal

(i) State concisely the substance of the offence.

Offences Against The Person (Special Provisions) Decree 1974

SUMMONS TO WITNESS

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974

	Between

	and
14	······
	has been charged
by (<i>iii</i>)	at
E 10	ш
that he did (in)	
true tro ore (vo) municipalities	***************************************
and it appearing to me on the therein on behalf of the pro You are therefore summo sitting at	e application of (<i>iii</i>)
and it appearing to me on the therein on behalf of the pro You are therefore summo sitting at in the such matter.	eapplication of (<i>iii</i>)
and it appearing to me on the therein on behalf of the pro You are therefore summo sitting at in the such matter.	eapplication of (<i>iii</i>) that you are likely to give material evidence osecutor (or accused). oned to appear before the tribunal named above on the day of .19 at the hour of noon, to testify what you know in
and it appearing to me on the therein on behalf of the pro You are therefore summo sitting at in the such matter.	e application of (<i>iii</i>)

(iii) Insert name of prosecutor or, if applicable, the accused.(iv) State concisely the substance of the offence.

Offences Against The Person (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974.

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Го					•••••••	
A. B. has been c	harged by	3				
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lay of					÷.	•
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n the					State	aforesai
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			t	******		
and it appearing		ue vaur vi.		S		
		Andal and A			e_{2}	atter, and
hat E. F. is like	ly to give ma			1/07/03/12	1	
hat E. F. is like hat it is propable	ly to give ma e he will not a	ttend to giv	ve evidenc	e unless o	ompelled	l to do so
hat E. F. is like	ly to give ma e he will not a	ttend to giv	ve evidenc	e unless o	ompelled	l to do so
hat E. F. is like hat it is propable You are there named above sin	ly to give ma e he will not a efore hereby tting at	ttend to giv commande	ve evidence ed to brin	e unless c Ig him b	efore the	l to do so tribuna
that E. F. is like that it is propable You are there named above sin forthwith to test	ly to give ma e he will not a efore hereby tting at ify what he k	ttend to giv commande nows conc	ve evidence ed to brin erning the	e unless o g him b e said ma	efore the	l to do so tribuna
that E. F. is like that it is propable You are there named above sin forthwith to test	ly to give ma e he will not a efore hereby tting at ify what he k	ttend to giv commande nows conc	ve evidence ed to brin erning the	e unless o g him b e said ma	efore the	l to do so tribuna
And it appearing that E. F. is like that it is propable You are there named above sin forthwith to test Dated this	ly to give ma e he will not a efore hereby tting at ify what he k	ttend to giv commande nows conc	ve evidence ed to brin erning the	e unless o g him b e said ma	efore the	l to do so tribuna

Chairman of the Tribunal

* State concisely the substance of the offence.

FORM NO. 6

Offences Against The Person (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974

	State
54 24 - 0423	Between
	·
	and
То	Police Constable or to each and all
the Constables of	-
(i)	was duly summoned
to appear before the tribu	unal named above sitting at
	at the hour of
in the	noon, to testify what he
knows concerning a certa	in complaint against
And he has neither ap neglect.	peared thereto, nor offered any just excuse for his

And it has been proved on oath that the summons has been duly served on him [and that a reasonable sum has been paid (or tendered) to him for his costs and expenses in that behalf].

You are therefore hereby commanded to bring him before the tribunal named above sitting at forthwith to testify what he knows concerning the said matter.

Dated the ______19_____

Chairman of the Tribunal

(i) Insert name of witness.

+

Offences Against The Person (Special Provisions) Decree 1974

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974.

		State
∰i.	Between	
	and	
	-	Accused
То		and to the
Superintendent o	£	Prison.
(<i>i</i>)	having appeare	d or being brought
before the tribuna	I named above sitting at	÷
		5 8 0
certain matter aga refused to take an	inst (<i>ii</i>)to testify what he oath (or having taken an oath) refused out to him concerning the matter and d isal.	to answer any (or a
You the said F	olice Officer are hereby commanded	to convey the said
<i>٤</i>		d there deliver him
to the Superinter	ident thereof, together with this War f the said prison, to receive him into	rrant and you, the
keep him for the meantime consent	period of to be examined and answer conc	unless he in the cerning the matter.
DATED the	day of	

Chairman of the Tribunal

ŝ

- (i) Insert name of witness.
- (ii) Insert name of accused.

Offences Against The Person (Special Provisions) Decree 1974

COMMITMENT ON REMAND

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974.

	۰`۰ سرایی اور		State
	Between	4	
			Complainant
	and	5	1
			Accused
То			5
2 C			2.5
of	Police St	ation*/the	Superintendent of
			8. 8.
(i)	21.2.5 	hereinafte	r called the accused
being brought before the charged with having;	tribunal named al	bove, sitting	g at
(ii)	а (р. <u>"</u>	i 7	
The hearing of the ca You the said Police Office			onvey the accused to
Police custody at			
the Officer in charge*/Su and you, the Officer in receive him into your cus	perintendent there charge*/the Superi	of, together	with this Warrant, f the said prison to
of <u></u>		on that d	ay to convey him
before the said tribunal at to be further dealt with a	the hour of ccording to law.	•	in thenoon
DATED the	day of	E	
		unnan m a * ndu arton 1 1930 0950 000500	
5. 1.	<i>\$</i> 2	Chair	nan of the Tribunal
(i) Insert name of a	coused		

(ii) State the offence or offences. *Delete whichever does not apply

Offences Against The Person (Special Provisions) Decree 1974

WARRANT OF CONVICTION

In the Tribunal for the trial of Offences under the Offences Against The Person (Special Provisions) Decree 1974.

			State
	Be	tween	
			Complainant
	a	and	
			Accused
(i)			ing appeared before the
tribunal named	l above sitting at		is
this day convic	ted for that he, on the.	d	ay of
19at		within the	
			offence, be sentenced to
(<i>iii</i>)	stil the conviction of	1/1	onfirmed or disallowed
by the appropri			
DATED the	B	day of	

Chairman of the Tribunal

- (i) Insert name of accused.
- (ii) State offence or offences for which accused is convicted.
- (iii) Insert the tribunal's sentence.
- (iv) Insert place of custody.

DATED at Lagos this 15th day of July 1975.

NABO BEKINBO GRAHAM-DOUGLAS, Attorney-General of the Federation

L. N. 58 of 1975

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) DECREE 1974 (1974 No. 22)

Currency Offences Tribunals (Procedure) Rules 1975

Commencement: 15th July 1975

In exercise of the powers conferred on me by section 16 of the Counterfeit Currency (Special Provisions) Decree 1974 and of all other powers enabling me in that behalf, I, Dr Nabo Bekinbo Graham-Douglas, Attorney-General of the Federation, with the approval of the Federal Executive Council, hereby make the following rules :--

Commencement and Conduct of Trial

1. The trial of offences under the Decree shall commence by way of an application, supported by evidence on affidavit, made to the tribunal by the prosecutor.

2. Where after perusal of the application and the evidence on affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under the Decree it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

(2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon unless the offence charged is punishable with death, in which case the tribunal shall enter a plea of not guilty on behalf of the accused.

4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused, the tribunal shall proceed to try the case.

5. Where an accused charged with an offence punishable with death is not defended by a legal practitioner the tribunal shall assign a legal practitioner for his defence.

6.--(1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

7.--(1) After the conclusion of the presentation of evidence by the prosecutor the tribunal shall ask the accused---

(a) whether he wishes to give evidence on his own behalf, and

(b) whether he intends to call witnesses other than witnesses to character.

Institution of proceedings.

Order on accuse to appear.

Commencement of trial.

Plea of not guilty or no plea.

Defence in capital cases.

Presentation of case for prosecution.

Procedure after presentation of evidence by the prosecution.

(2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.

(3) Notwithstanding the provisions of paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then-call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provision of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

8. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

9.—(1) If the accused or any of the accused calls any witness other than to character or any document other than a document relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

10. When the case for the defence and the reply of the prosecutor, if any are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

11. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by the Decree and issue a committal warrant accordingly.

12. The tribunal may in any case in recording sentence make a recommendation to mercy but in any such case shall give the reasons for its recommendation.

Defence.

Right of prosecutor . to reply.

Consideration of finding.

Announcement of finding.

Recommendation.

13.—(1) The Chairman of the tribunal shall in every case take notes in writing of the oral evidence, or so much thereof as he considers is material, in a book to be kept for that purpose and such book shall be signed by the Chairman at the conclusion of each day's proceedings.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such, proceedings and of the statements made by the witnesses.

Supplemental

14. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence respecting the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

15. If the person to whom any such summon is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him at the time and place to be mentioned in the warrant, before the tribunal in order to testify as aforesaid.

16. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

17. Subject to the express provisions, if any, of these rules the forms contained in the Schedule to these rules may, in accordance with any instruction contained in the said forms, and with such variations as the circumstances of the particular case may require be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

18. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences under the Decree the provisions of the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

19. In these rules-

"the Decree" means the Counterfeit Currency (Special Provisions) Decree 1974;

"the prosecutor" means the Attorney-General of the Federation or any officer of the Federal Ministry of Justice authorised by the Attorney-

General to conduct the prosecution of an offence before the tribunal.

20. These rules may be cited as the Currency Offences Tribunals Ci (Procedure) Rules 1975.

Notes of evidence to be taken.

Issue of summons for witness.

Warrant for witness after summons.

Local inspection.

Forms.

Application of Criminal Procedure Act. Cap. 43.

Interpretation.

1974 No. 22.

Citation.

B 162

SCHEDULE

FORMS

FORM I

APPLICATION TO COMMENCE TRIAL FOR AN OFFENCE UNDER THE COUNTERFEIT CURRENCY (SPECIAL **PROVISIONS) DECREE 1974**

To : The Chairman,

Tribunal for the trial of offences under the Counterfeit Currency (Special Provisions) Decree 1974

Pursuant to section 16 (2) of the Counterfeit Currency (Special Provisions) Decree 1974, I hereby apply for the commencement of a trial for the offence

of the Counterfeit

Currency (Special Provisions) Decree 1974 against the undermentioned person :--

1 (*ii*)

of evidence on affidavits for the consideration of the tribunal.

3. If this application is granted, I shall be relying on the facts disclosed in the affidavits and any further evidence the Tribunal may consider necessary at the trial. I attach hereto four copies of the charge against the accused. A list of the deponents and their addresses is also attached for the purpose of issuing witness summons on them.

Prosecutor

Here insert the offence. Here insert the name of accused.

(i) (ii) Rule 17

Counterfeit Currency (Special Provisions) Decree 1974

SUMMONS TO ACCUSED

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

723

at_____ in the_____

To A.B. of......

Complaint has been made this day by

for that you on the

.....

......day of.....

aforesaid did*

You are therefore summoned to appear before the tribunal mentioned

above sitting at

on......to answer the said complaint.

DATED the ________ day of _______19_____

Chairman of the Tribunal

* State concisely the substance of the offence.

Counterfeit Currency (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of Offences under the Counterfeit currency (Special Provisions) Decree 1974.

	Between				• : • 2
				Com	plainant
	and		94 24	ar " S	са в с ж
					Accused
То			••••••	Police	Officer.
Complaint has been made on			of		· .
by		that			
hereinafter called the accused, or		did (*) .			a -
You are hereby commanded t	to bring	the accus	sed befo	re the	tribunal
mentioned above sitting at		45	0	(1)) 2) (2)	2 1
and be dealt with according to law. $\overline{7}$	•			2 18	
Dated thed	ay of				19

Chairman of the Tribunal

* State concisely the substance of the offence.

Counterfeit Currency (Special Provisions) Decree 1974

SUMMONS TO WITNESS

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

			Complainan
		۰.,	1961
6 B	and		
			Accused
		1.52	÷
ii)		has	been charged
w (iii)	at		
11 2	in	1	
		2	
5 (C)			
n behalf of the pro		to give material	evidence therein
n behalf of the pro You are therefor	secutor [or accused]. e summoned to appear	before the tribu	nal named above
n behalf of the pro You are therefor itting at	secutor [or accused].	before the tribu	nal named above
n behalf of the pro You are therefor itting at	secutor [or accused]. e summoned to appear day ofin the	before the tribu	nal named above or 19at the
n behalf of the pro You are therefor itting at	secutor [or accused]. e summoned to appear day of	before the tribu	nal named above or 19at the
n behalf of the pro You are therefor itting at our of o testify what you	secutor [or accused]. e summoned to appear day ofin the	before the tribu	nal named above or 19at the
n behalf of the pro You are therefor itting at our of o testify what you	secutor [or accused]. e summoned to appear day of in the know in such matter.	before the tribu	nal named above or 19at the
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Counterfeit Currency (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

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* State concisely the substance of the offence.

Counterfeit Currency (Special Provisions) Decree 1974

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

Between

...Complainant

and

	Accuseu
То	Police Constables or to each and all the
Constables of	
(i)	was duly summoned to
appear before the tribunal r	named above sitting at
at the hour of	in the
noon, to testify what he kn	ows concerning a certain complaint against

And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him (and that a reasonable sum has been paid (or tendered) to him for his costs and expenses in that behalf).

day of ...

DATED.

Chairman of the Tribunal

.19.

(i) Insert name of witness.

Counterfeit Currency (Special Provisions) Decree 1974

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

Between

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			Accused
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answer any (or a ce not offer any just e	refused to take an oath (or ha rtain) question put to him c excuse for his refusal. lice Officer are hereby cor	oncerning the n	natter and di
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- (i) Insert name of witness.
- (ii) Insert name of accused.

Counterfeit Currency (Special Provisions) Decree 1974

COMMITMENT ON REMAND

In the Tribunal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974. .

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			nplainant
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charge			
*			
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You the said Police Officer are he	ereby comman	ided to convey the	he accused
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	vrison, and th	ere to deliver h	im to the
Officer in charge*/Superintendent you, the Officer in charge */the Su	thereof, togeth perintendent of	her with this Wa of the said prison	to receive
him into your custody, and keep him	n until the	day of	
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(ii) State the offence or offences.
 * Delete whichever does not apply.

Counterfeit Currency (Special Provisions) Decree 1974

WARRANT OF CONVICTION

In the Tribuñal for the trial of Offences under the Counterfeit Currency (Special Provisions) Decree 1974.

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And it is adjudg iii) he conviction and		21 8	and the accu	used shall unti
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(i) Insert name (ii) State offence (iii) Insert the tr (iv) Insert place	of accused. e or offences for ribunal's sentence	which accused i e.	is convicted.	е Т.
(10) moere prace	or customy.		+	95 (E)
DATED at Lagos	this 15th day	of July 1975	9 2	<u>9</u> 12

NABO BEKINBO GRAHAM-DOUGLAS, Attorney-General of the Federation

L.N. 59 of 1975

INCOME TAX MANAGEMENT ACT 1961 (1961 No. 21)

Income Tax Management (Special Exemption) Notice 1975

Commencement : 1st April 1974

In exercise of the powers conferred by subsection (2) of section 16 of the Income Tax Management Act 1961, and of all other powers enabling it in that behalf, the Federal Executive Council hereby gives the following Notice—

1. The Third Schedule to the Income Tax Management Act 1961 is hereby amended by the addition immediately after paragraph (z) thereof of the following new paragraph :---

"(zz) Fifty per centum of the income of any person from employment, being the arrears of the income of such a person paid to him either-

(i) as a result of the decision of the Federal Military Government, contained in paragraph 127 of the "Government Views on the Report of the Public Service Review Commission" published in December 1974 in the case of employees in the public services of Nigeria, or

(ii) in pursuance of grants of increases in salaries or wages made or offered to and accepted by employees not in the public services of Nigeria by their employers following negotiations held as directed by the Federal Military Government in paragraph 131 of the "Government Views on the Report of the Public Service Review Commission" published in December 1974.

2. This Notice may be cited as the Income Tax Management (Special Exemption) Notice 1975, and shall be deemed to have come into force on 1st April 1974.

Citation and commencement.

MADE at Lagos this 3rd day of July 1975.

A. A. AYIDA, Secretary to the Federal Military Government Amendment of the Third Schedule.