

LEGAL AID (AMENDMENT) DECREE 1979



Decree No. 18

[31st May 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For Schedule 2 to the Legal Aid Decree 1976, there shall be substituted the new Schedule hereunder.

Amendment
of 1976
No. 56.

2. This Decree may be cited as the Legal Aid (Amendment) Decree 1979.

Citation.

"SCHEDULE 2

Section 6 (1)

CRIMINAL PROCEEDINGS IN RESPECT OF WHICH LEGAL AID
MAY BE GIVEN

A. Proceedings in a court or tribunal (whether at first instance or on appeal) wholly or partly in respect of crimes of the following descriptions, or as near to those descriptions as may be, respectively in any Criminal Code or Penal Code, that is to say—

*Criminal Code**Penal Code*

- | | |
|---|--|
| 1. Murder of any degree. | Culpable homicide punishable with death. |
| 2. Manslaughter. | Culpable homicide not punishable with death. |
| 3. Maliciously or wilfully wounding or inflicting grievous bodily harm. | Grievous hurt. |
| 4. Assault occasioning actual bodily harm. | Criminal force occasioning actual bodily hurt. |

B. Aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit, any of the offences listed in paragraph A of this Schedule."

MADE at Lagos this 31st day of May 1979.

GENERAL O. OBASANJO,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

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

The Decree amends the Legal Aid Decree 1976 to make it clear beyond doubt that the offences in respect of which legal aid may be given extend to those specified under the Penal Code.

**POOL BETTING AND CASINO GAMING
(PROHIBITION) DECREE 1979**



Decree No. 19

[See section 8]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) As from the operative date of this section and notwithstanding the provisions of any other enactment to the contrary, the operation of any pools betting undertaking or participation in pools betting by any person in Nigeria is hereby declared unlawful and, accordingly—

Prohibition
of pools
betting.

(a) any licence issued to any person under or pursuant to any enactment for the operation of any such undertaking shall be deemed to have expired immediately before the operative date of this section ; and

(b) no licence shall, as from the aforementioned date, be issued to any person in Nigeria.

(2) Any person who, after the operative date of this section—

(a) operates or causes to be operated any pools betting undertaking in any part of Nigeria ; or

(b) gives or sells or offers for sale or delivers any pools betting coupons or imports any pools betting coupons (whether or not for or in connection with any of the foregoing purposes) or pays or receives indirectly any money or money's worth for or in respect of any chance in, or event or contingency connected with, any pools betting operation ; or

(c) takes part directly or otherwise in any pools betting operation or other betting in the nature thereof ; or

(d) writes, prints, publishes, distributes or imports any pools betting document or other document in the nature thereof ; or

(e) advances, furnishes or receives money for the purpose of pools betting,
shall be guilty of an offence under this section.

(3) Any person found guilty of an offence under this section shall be liable on conviction—

(a) in the case of an individual, to a fine of ₦200 or imprisonment for six months or to both such fine and imprisonment ; and

(b) in the case of a body corporate, to a fine of not less than ₦5,000 ; and in addition every written, printed, published or imported matter and the proceeds of the pools betting operation concerned shall be forfeited to the State.

(4) This section shall be deemed to have come into force on 16th April 1979 and references herein to the operative date of this section shall be construed accordingly.

Prohibition
of casino
gaming.

2.—(1) As from the operative date of this section and notwithstanding the provisions of any other enactment to the contrary, the operation of any casino or the importation or operation of any gaming machine relative thereto or, subject to section 3 of this Decree, the possession of any such machine by any person in any part of Nigeria (whether or not in a gaming house) is hereby declared unlawful and, accordingly—

(a) any licence issued to any person under or pursuant to any enactment for the operation of any casino or any gaming machine connected therewith in Nigeria shall be deemed to have expired immediately before the operative date of this section ; and

(b) no licence shall, as from the aforementioned date, be issued to any person in Nigeria for the operation of a casino or for the importation or operation of any machine aforesaid ; and, accordingly, the Customs and Excise Management Act 1958 and every other enactment relating to the importation of casino gaming machines into Nigeria shall be construed with such modifications, amendments and omissions as would bring them into line with the general intendment of this Decree.

(2) Any person who, after the operative date of this section—

(a) operates or causes to be operated any casino in any part of Nigeria ;
or

(b) operates or causes to be operated in any part of Nigeria any casino gaming machine ; or

(c) gives or sells or offers for sale or imports any token or pays or receives indirectly any money or money's worth for or in respect of any chance in, or event or contingency connected with, any casino gaming, or gaming machine ; or

(d) takes part directly or otherwise in any casino gaming or operation or other gaming in the nature thereof ; or

(e) writes, prints, distributes or imports or causes to be written, printed, distributed or imported any token or other thing in the nature thereof ; or

(f) advances, furnishes or receives money for the purpose of any casino gaming or operation,
shall be guilty of an offence.

(3) Any person found guilty of an offence under this section shall be liable on conviction—

(a) in the case of an individual, to a fine of ₦2,000 or to imprisonment for six months or to both such fine and imprisonment ; and

(b) in the case of a body corporate to a fine of not less than ₦10,000,

and in addition every such casino gaming machine or tokens and the proceeds of any casino gaming or of the operation of any such machine shall be forfeited to the State.

(4) This section shall be deemed to have come into force on 16th April 1979 and references herein to the operative date of this section shall be construed accordingly.

1958 No. 55.

3.—(1) Every person licensed under or pursuant to any enactment immediately before the coming into force of section 2 of this Decree to operate a casino gaming machine shall, not later than 31st August 1979, dispose of every such machine whether by exportation of the machine or otherwise howsoever.

Time allowed for disposal of existing machines.

(2) Any casino gaming machine found in any place in Nigeria after 31st August 1979 shall be forfeited to the State.

4. Where an offence under this Decree by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer or of any employee or agent of the body corporate (or any person purporting to act in any such capacity), he as well as the body corporate shall be deemed to be guilty of the offence and may be proceeded against and punished in the same manner as an individual under section 1 or, as the case may require, under section 2 of this Decree, accordingly.

Offences by bodies corporate : supplemental.

5. The question whether any provision of Chapter III of the Constitution of the Federation has been, is being, or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law and, accordingly, sections 31, 32 and 117 (2) (b) of that Constitution shall not apply in relation to any such question.

Exclusion of rights, etc.

6. The enactments set out in the Schedule to this Decree are hereby repealed or consequentially repealed for reason that they are spent and the provisions of any other enactment relating to betting, gaming and lotteries shall be read subject to this Decree.

Repeals, etc.

7.—(1) In this Decree, unless the context otherwise requires—

Interpretation.

“casino” means any building or part thereof to which members of the public or members of a club or other association have access for the purpose of taking part directly or otherwise in any casino gaming ;

“casino gaming” includes gaming, wagering, betting or other gambling whatsoever in connection with Roullette, Black Jack, Baccarat, Chemin-de-Fer and such similar activities as are normally associated with a casino ;

“enactment” means any Act, Law, Decree or Edict and includes any subsidiary legislation made thereunder ;

“pools betting” means bets made by a number of persons—

(a) on terms that the winning of such persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons whether the bets are made by filling up and returning coupons or other written or printed forms or otherwise howsoever ; or

(b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of them as are winners ; or

(c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other persons ; or

(d) on the basis of what is commonly known or referred to as fixed odds ;

“the State” means any State in Nigeria in which a conviction for an offence under this Decree is obtained.

(2) The reference in subsection (1) above to "fixed odds" is reference to pools betting such that only, and only if, each of the persons making a bet knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the events on which the bet is made, or any such event taking place or producing a result, or on the numbers taking part in any such event, or on the starting prices or odds for any such events, or on there being odds on any such event, or on the time when his bet is received by any person with or through whom the bet is made.

Citation and
commence-
ment.

8. This Decree may be cited as the Pools Betting and Casino Gaming (Prohibition) Decree 1979 and shall be deemed to have come into force as hereinabove provided in sections 1 and 2, respectively.

SCHEDULE

ENACTMENTS REPEALED

Section 6

Year and No.

Short Title

Pools Betting

1961 No. 69	..	Pool Betting Control Act 1961
1962 No. III	..	Pool Betting Tax Act 1962
1963 No. 16	..	Pool Betting Control Act 1963
1965 No. 11	..	Pool Betting Tax Act 1965
1966 No. 82	..	Pool Betting Tax (Increase of Rate) Decree 1966
Cap 97 LL.EN. 1963		Pool Betting Control (Enabling) Law
Cap. 98 LL.NN. 1963		Pool Betting (Parliamentary Authority) Law
No. 1 LL.WN 1963	..	Pool Betting (Control and Taxation) Law 1962
Cap. 98 LL.LS 1973	..	Pool Betting Control Law
Cap. 99 LL.LS 1973	..	Pool Betting Tax Law
Cap. 121 LL.BS. 1976	..	Pool Betting (Control and Taxation) Law
1972 No. 20	..	Nigerian Pools Company Limited (Take-Over) Decree 1972

Casino Licensing

1964 No. VII	..	Casino Licensing Act 1964
No. 3 LL.WN. 1964	..	Casino (Licensing and Taxation) Law 1964.
Cap. 22 LL.LS 1973		Casino (Licensing and Taxation) Law
Cap. 15 LL.BS 1976		Bendel Casino (Management) Law

MADE at Lagos this 4th day of June 1979.

GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree prohibits pools betting and casino gaming or the continued operation or the establishment, operation and licensing of any pools betting or casino undertaking in Nigeria. Owners of casino gaming machines are however allowed up to 31st August 1979 to dispose of such machines, but thereafter any such machine found anywhere in Nigeria would be forfeited to the State.

Stiff penalties are provided in the Decree for contraventions of its provisions.