

## L.N. 89 of 1961

ROYAL NIGERIAN ARMY (ENLISTMENT AND SERVICE)  
REGULATIONS, 1961

## ARRANGEMENT OF REGULATIONS

*Regulation*

1. Citation and commencement.
2. Interpretation.
3. Recruiting officers.
4. Prescribed forms.
5. Method of attestation.
6. Competent military authorities.
7. Transfer between units.
8. Terms of enlistment.
9. Re-engagement.
10. Promotion to warrant rank.
11. Discharge certificates.
12. Restoration of service.

## ROYAL NIGERIAN ARMY ORDINANCE, 1960

## Royal Nigerian Army (Enlistment and Service) Regulations, 1961

*Commencement: 29th June, 1961*

In exercise of the powers conferred upon him by section 28 of the Royal Nigerian Army Ordinance, 1960, and of all other powers him enabling, the Governor-General, acting in accordance with the advice of the Council of Ministers, has made the following Regulations—

Citation  
and com-  
mencement.

1. These Regulations may be cited as the Royal Nigerian Army (Enlistment and Service) Regulations, 1961, and shall come into force on 29th June, 1961.

Interpre-  
tation.

2. In these Regulations unless the context otherwise requires:—

“the Ordinance” means the Royal Nigerian Army Ordinance, 1960;

“commanding officer” means, in relation to a soldier, the officer for the time being commanding the unit with which the soldier is serving;

“enlisted” means enlisted to serve in the Army, and the expression

“enlistment” shall be construed accordingly;

and other expressions have the same meaning as they have in the Ordinance.

Recruiting  
officers.

3. All officers of the rank of captain and above who are either officers of the Army or are seconded for service with the Army are hereby authorised to act as recruiting officers.

Prescribed  
forms.  
First  
Schedule.

4. The forms set out in the First Schedule to these Regulations, or forms substantially to the like effect, shall be the forms to be used for the purpose of the Ordinance and these Regulations in cases to which those forms are applicable.

Method of  
attestation.

5. (1) After a person offering to enlist has been given a notice paper the recruiting officer shall satisfy himself that the person understands the contents thereof and the conditions of engagement upon which he is about to enter and shall further warn the person to be enlisted that if he knowingly makes any false answer to the questions in the attestation paper which are to be put to him, he will be liable to be punished as provided by the Ordinance.

(2) The recruiting officer shall satisfy himself that the person offering to enlist is, or as the case may be, is not, over the apparent age of eighteen years.

(3) The recruiting officer shall read or cause to be read to the person in a language which he understands, the questions set out in the attestation paper and shall ensure that the answers are duly recorded thereon.

(4) The recruiting officer shall ask the person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance set out therein:

Provided that if the person objects to be sworn and states as a ground for his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, or, if it is not reasonable to administer an oath to such a person in the manner appropriate to his religious belief, the person shall be required to affirm instead of taking the oath.

(5) Upon signing the declaration and upon taking the oath, or as the case may be, affirming, the person shall become a soldier and subject to military law under the Ordinance.

(6) The recruiting officer shall sign and date the attestation paper certifying that the requirements of the Ordinance and these Regulations have been duly complied with and shall deliver the attestation paper to the officer in

charge of the records of the Army who shall by signing it in the appropriate place signify that the person is finally approved for service.

(7) The soldier on being finally approved for service shall be entitled to receive a certified true copy of the attestation paper.

6. (1) In relation to the provisions of the Ordinance specified in the first column of the first Part of the Second Schedule to these Regulations and for the purposes specified opposite thereto in the second column thereof, the officer specified in the third column thereof shall be the competent military authority.

Competent  
military  
authorities.  
Second  
Schedule.

(2) The officers set out in the second column of the second Part of the said Second Schedule shall, in pursuance of subsection (3) of section 20 and of section 24 of the Ordinance, be competent military authorities for the purpose of authorising the discharge of a soldier for the reasons set out in the first column thereof.

7. A soldier on enlistment shall be appointed to a unit and may be transferred from one unit to another by order of the officer in charge of records of the Army if it is in the interest of the Army so to do.

Transfer  
between  
units.

8. (1) The terms of service for which, in accordance with subsection (2) of section 17 of the Ordinance, a person who has apparently attained the age of eighteen years may be enlisted shall be :—

Terms of  
enlistment.

(i) a term of six months, 1, 2, 3, 4, 5, or 6 years of colour service ; or

(ii) a term of 9 years, being as to 6 years a term of colour service and as to the remainder, a term of service in the reserve ; or

(iii) a term of 12 years, being as to 9 years a term of colour service and as to the remainder, a term of service in the reserve.

(2) The terms of service for which in accordance with subsection (3) of section 17 of the Ordinance, a person who has not apparently attained the age of eighteen years may be enlisted shall be one of the following, being a term beginning on the date of his attestation and ending with the expiration of a period of :—

(i) 6 years beginning with the day on which he attained the apparent age of eighteen years, being a term of colour service ; or

(ii) 9 years beginning with the date on which he attained the apparent age of eighteen years being as to 6 years, a term of colour service and as to the remainder, a term of service in the reserve ; or

(iii) 12 years beginning with the day on which he attained the apparent age of eighteen years being as to 9 years, a term of colour service and as to the remainder, a term of service in the reserve.

9. The period or periods of colour service for which a soldier may re-engage in accordance with the provisions of subsection (1) of section 18 of the Ordinance shall not be more than 1, 2, 3 or 6 years and thereafter for period of 1, 2 or 3 years at a time until he has completed 22 years' colour service :

Re-engage-  
ment.

Provided that such further period of colour service shall not, except as subsection (2) of the said section 18, exceed a total continuous period of 18 year's colour service from the date of his attestation or, as the case may be, the date on which he attained the apparent age of eighteen years.

10. Every warrant officer on appointment shall be issued with a warrant signed by the Minister charged with responsibility for matters relating to Defence in the form set out in the Third Schedule hereto, or substantially to the like effect.

Appointment  
of warrant  
officers.  
Third  
Schedule.

11. The particulars to be contained in a certificate of discharge shall be :—

- (a) number ;
- (b) name, including Christian names or forenames ;
- (c) date and place of enlistment ;
- (d) physical description of soldier on leaving colour service ;
- (e) rank of soldier on leaving colour service ;
- (f) assessment of conduct and character on leaving colour service ;
- (g) date of transfer to the reserve ;
- (h) rank on transfer to the reserve ;
- (i) date of discharge ;
- (j) rank on discharge ;
- (k) reason for discharge ;
- (l) total service on discharge, both colour service and service in the reserve ; and
- (m) signature of issuing officer.

Provided that the particulars specified in items (g) and (h) shall be omitted in the case of a soldier who has not served in the reserve.

12. Where a soldier has had service excluded in accordance with the provisions of section 26 of the Ordinance, an order may be made by any officer not below the rank of brigadier or officer of corresponding rank under whom the soldier is serving restoring all or part of the excluded service :—

- (a) if he is promoted to the rank of sergeant ; or
- (b) if he has served for a continuous period of eighteen months without incurring an adverse entry in his regimental conduct sheet.

MADE at Lagos this 5th day of June, 1961.

ISA KOTO,  
*Acting Deputy Secretary to the Cabinet*

#### EXPLANATORY NOTE

*(This note does not form part of the Regulations, but is intended to explain their purport.)*

These Regulations provide for matters relating to enlistment and terms of service in the Royal Nigerian Army.

## FIRST SCHEDULE

FORM 1

(Regulation 4)

THE ROYAL NIGERIAN ARMY  
NOTICE PAPER

NOTICE TO BE GIVEN UNDER SECTION 16 OF THE ROYAL NIGERIAN ARMY  
ORDINANCE, 1960, TO A PERSON OFFERING TO ENLIST IN THE  
ROYAL NIGERIAN ARMY

This paper sets out the questions you will be required to answer before the officer who will attest you for service in the Royal Nigerian Army and the general conditions of the various engagements.

Under the provisions of section 64 of the Royal Nigerian Army Ordinance, 1960, if any person knowingly makes a false answer to any question contained in the attestation paper he is liable to punishment.

## QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

1. What is your full name ?
2. What is your address ?
3. State day, month and year of your birth.
4. Where were you born ?
5. What is your nationality now ?
6. What was the nationality at birth of :—
 

(a) yourself	(b) your father
(c) your mother	(d) your wife ?
7. Are you single, married, widowed, divorced ?
8. How many children are dependent on you ?
9. What is your religion ?
10. What is your trade or calling ?
11. Give the name or names of the person or persons to whom in the event of your dying without having made a will any money or personal property due or belonging to you should be paid or delivered.
12. Do you belong to, or have you ever served in, any naval, military or air force or in any police force ? If so, state which, and the periods of service and the reasons for and dates of discharge.
13. Have you ever been cashiered, dismissed, discharged with disgrace, with ignominy or for misconduct from any naval, military or air force or from any police force ?
14. Have you truly stated the whole, if any, of your previous service ?
15. Have you at any time been found guilty by any civil court of any offence ? If so, give particulars.
16. Have you ever been rejected for service in any naval, military or air force or in any police force ? If so, on what grounds ?
17. Are you willing to be vaccinated or re-vaccinated ?
18. Have you received a notice paper setting out the questions to be answered on attestation, and the general conditions of the engagement to be entered into, and do you understand the contents of the notice paper and wish to be enlisted ?
19. What is the place to which you wish to proceed on leave or discharge (i.e., Nigerian home place) ? If this is not the place indicated at serials 2, 4 or 11, reasons should be stated.

20. Are you willing to serve Her Majesty in the Royal Nigerian Army, provided that Her Majesty shall so long require your services, for—
- a term of ..... years with the colours ; \*
  - a term of ..... years with the colours and three years in the reserve ; \*
- if you are under the apparent age of 18 years, the period from the date of attestation up to the date on which you attain the apparent age of 18 years and thereafter for—
- a period of six years with the colours ; \*
  - a period of ..... years with the colours and three years in the reserve.

#### GENERAL CONDITIONS OF ENGAGEMENT

1. You will be required to engage to serve Her Majesty in the Royal Nigerian Army, for such time as is agreed on attestation, provided that Her Majesty shall so long require your services. You will be liable to serve in any part of such Army and may be ordered to serve outside Nigeria.

2. You may engage to serve :—

(a) for a term of six months, 1, 2, 3, 4, 5 or 6 years with the colours when any of these terms of service are currently open ; or

(b) for a term of six years with the colours and three years in the reserve ; or

(c) for a term of nine years with the colours and three years in the reserve ; or

(d) if you are under the apparent age of 18 years, for a term up to your apparent 18th birthday and thereafter for a term—

(i) of six years with the colours ; or

(ii) six years with the colours and three years in the reserve ; or

(iii) nine years with the colours and three years in the reserve.

3. You will be required to make the following declaration :—

“I, ....., do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.”

On signing the declaration and taking the oath or making the solemn affirmation you will become a soldier of the Royal Nigerian Army subject to military law under the Royal Nigerian Army Ordinance, 1960.

4. At any time within two years of your completing your colour service, you may apply to serve for a further term with the colours until you have completed a continuous period of 22 years with the colours.

5. After you have completed 22 years with the colours, you may apply to continue to serve with the colours from year to year and during such continued service you may give three months' notice to claim your discharge.

6. You will be enlisted in the rank of private/boy.\* Subsequent promotion will depend on vacancies in the establishment.

7. When you have been attested you will be subject to the provisions of the Royal Nigerian Army Ordinance, 1960, for the time being in force, and you will be required to carry out whatever duties may be ordered by those in authority over you.

---

\* Delete matters not appropriate and complete where necessary.



8. No guarantee can be given that you will be employed on any particular duties but where you are enlisted with a view to performing particular duties or to being trained in a particular trade, you will be employed on those duties or, as the case may be, trained and employed in that trade, so far as the requirements of the service permit.

9. Where you are enlisted with a view to being employed on particular duties or in a particular trade and through no fault of your own you fail to qualify or are unable to be employed on those duties or in that trade, except for periods of limited duration, you may apply for discharge which will be granted to you so long as the requirements of the service permit. Employment in a trade depends on passing a specified trade test and there being a vacancy in that trade.

10. If you are enlisting for the first time in the Royal Nigerian Army you will be entitled to claim your discharge subject to section 25 of the Royal Nigerian Army Ordinance, 1960, at any time within six months of your attestation on payment of a sum not exceeding ten pounds.

11. In computing your service for the purpose of discharge, re-engagement or transfer to the reserve, periods during which you have been away from your duty because of imprisonment, desertion or absence without leave exceeding 28 days will be excluded and, further, any period which you are ordered by a court-martial to forfeit will be similarly excluded.

12. You may be discharged at any time during your engagement by order of a competent military authority as a result of irregularities concerning your enlistment, for misconduct, for unfitness on medical grounds or for the benefit of the public service.

13. If at the time when your colour service expires there is a state of war, insurrection, hostilities, or public emergency, you may be retained and your service prolonged for such further period as a competent military authority may direct.

14. If you are transferred to the reserve at the end of your colour service you will be liable when in the reserve to be called out :—

(a) by proclamation if a state of war has been declared or in the event of insurrection, hostilities or public emergency, in which event you are liable to serve for the whole of the remaining unexpired term of service in the reserve and such further period not exceeding 12 months as a soldier may be retained under section 19 of the Royal Nigerian Army Ordinance, 1960.

(b) on temporary service to aid the civil power for periods not exceeding 28 days when the Governor-General thinks necessary ; and

(c) for training not exceeding 28 days in any one year.

15. If at the time you are due to be discharged or transferred to the reserve you are liable to be proceeded against for an offence against service law, your discharge or transfer to the reserve will be postponed until after the proceedings have been concluded.

16. If at the time when you are entitled to be discharged or transferred to the reserve you are serving out of Nigeria you will be returned to Nigeria free of all costs.

17. In certain circumstances when you are discharged or transferred to the reserve you will be sent to the place where you were attested or to the place in Nigeria where you intend to reside and to which you can be conveyed with no greater cost.

## FORM 2

ATTESTATION PAPER<sup>1</sup>

NATURE OF ENGAGEMENT<sup>2</sup> ..... YEARS WITH THE COLOURS .....  
 YEARS IN THE RESERVE

*General Instructions for Completing the Attestation Paper*

The recruit will first be given a copy of the notice paper.

## QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

1. What is your full name ?
2. What is your address ?
3. State the day, month and year of your birth.
4. Where were you born ?
5. What is your nationality now ?
6. What was the nationality at birth of :
 

(a) yourself ?	(b) your father ?
(c) your mother ?	(d) your wife ?
7. Are you single, married, widowed, divorced ?
8. How many children are dependent on you ?
9. What is your religion ?
10. What is your trade or calling ?
11. Give the name or names of the person or persons to whom in the event of your dying without having made a will any money or personal property due or belonging to you should be paid or delivered.
12. Do you belong to, or have you ever served in, any naval, military or air force or in any police force ? If so, state which, and the periods of service and the reasons for and dates of discharge.<sup>3</sup>
13. Have you ever been cashiered, dismissed, discharged with disgrace, with ignominy or for misconduct from any naval, military or air force or from any police force ?
14. Have you truly stated the whole, if any, of your previous service ?
15. Have you at any time been found guilty by a civil court of any offence ? If so, give particulars.
16. Have you ever been rejected for service in any naval, military or air force or in any police force ? If so, on what grounds ?
17. Are you willing to be vaccinated or re-vaccinated ?
18. Have you received a notice paper setting out the questions to be answered on attestation, and the general conditions of the engagement to be entered into and do you understand the contents of the notice paper and wish to be enlisted ?
19. What is the place to which you wish to proceed on leave or discharge (i.e., Nigerian home place) ? If this is not the place indicated at serials 2, 4 or 11, reasons should be stated.



20. Are you willing to serve Her Majesty in the Royal Nigerian Army, provided Her Majesty shall so long require your services, for:—  
 a term of.....years<sup>4</sup> with the colours;  
 a term of.....years<sup>4</sup> with the colours and three years in the reserve<sup>5</sup>;  
 if you are under the apparent age of 18 years, the period from the date of your attestation up to the date on which you attain the apparent age of 18 years and thereafter for:—  
 a period of 6 years with the colours;  
 a period of.....years<sup>4</sup> with the colours and three years in the reserve<sup>5</sup>.

#### SOLEMN DECLARATION

I, ....., do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

DATED the.....day of....., 19.....

.....  
*Signature of Recruit*

.....  
*Signature of Witness*

#### DECLARATION FOR THE PURPOSES OF SECTION 195 OF THE ROYAL NIGERIAN ARMY ORDINANCE, 1960

(The name(s)<sup>5</sup> and address(es)<sup>5</sup> of the person(s)<sup>5</sup> to whom I wish any money or personal property which may be due or belonging to me at my death to be delivered in the event of my not having made a valid will is/are.....)<sup>5</sup>

(In the event of my death I direct that my estate be administered by the native court of.....in accordance with the customs of my tribe.)<sup>5</sup>

Dated this.....day of....., 19.....

Signature of Recruit .....

Signature of Witness.....

#### FORM OF (OATH) (AFFIRMATION)<sup>5</sup>

I, .....  
 (swear by Almighty God) (do solemnly, sincerely and truly declare and affirm)<sup>5</sup> that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second, Queen of Nigeria and of Her other Realms and Territories, Head of the Commonwealth, Her Heirs and Successors, and that I will observe and obey all orders of the Governor-General and the officers placed over me.

#### CERTIFICATE OF RECRUITING OFFICER

The above-named recruit was cautioned by me that if he knowingly made any false answer to any of the questions put to him he would be liable to be punished as provided in the Royal Nigerian Army Ordinance, 1960.

The questions were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered.

I have taken care to see that the recruit has received a notice paper and I am satisfied that he is fully aware of the terms and general conditions of service on which he has entered.

I am satisfied from (the evidence produced) (the statements made by the recruit) that he (has) (has not) attained the apparent age of 18 years.

The said recruit has made and signed the declaration and (taken the oath) (affirmed) before me at ..... on this..... day of....., 19.....

.....  
Signature and Rank of  
Recruiting Officer

#### CERTIFICATE OF MEDICAL EXAMINATION

I have examined the above-named recruit in accordance with current instructions and have assessed him as follows:—

P	U	L	H	E	E	M	S

Identification particulars of.....on enlistment.

Apparent age..... years..... months.

(To be determined by the examining medical officer)

Colour of eyes..... Hair.....

Height..... inches (without boots/shoes)

Weight..... lbs. (undressed)

Distinctive marks, and marks indicating congenital peculiarities or previous disease.

Description of features.....

Date ....., 19.....

Place.....

.....  
Medical Officer

# CERTIFICATE OF APPROVING OFFICER

I certify that this attestation paper of the above-named recruit is properly completed and that the required forms relative to his enlistment appear to have been complied with. I accordingly approve his enlistment in the Royal Nigerian Army.

Date....., 19.....

Place.....

.....  
*Signature, Rank and Appointment of Approving Officer*

- 1 The recruit will first be given a question paper.
- 2 Insert type of engagement.
- 3 If the recruit has former service he is to be asked particulars of his former service and will produce, if possible, all certificates issued on discharge. All certificates will be returned to the recruit and certificates will be conspicuously endorsed in red ink that he has been enlisted into the Royal Nigerian Army.
- 4 Insert term.
- 5 Delete whichever is inappropriate. Deletion to be initialled by the recruiting officer.

## SECOND SCHEDULE

### PART I

(Regulation 6)

<i>Provision of the Ordinance</i>	<i>Purpose</i>	<i>Competent military authority</i>
Section 18 (1)	Approving re-engagement	The commanding officer.
Section 18 (2)	Approving continuance in colour service	The officer in charge of records.
Section 19	Prolonging service during emergency	In Nigeria—the Commander; outside Nigeria—the commander of the force with which the soldier is serving.
Section 21 (4)	Discharging a soldier when he falls to be transferred to the reserve	The officer in charge of records.
Section 25 (1)	Fixing amount to be paid	The officer in charge of records.
Section 27 (2)	Receiving claim and discharging a person who has not made a declaration on attestation	The commanding officer.

## PART II

<i>Reason</i>	<i>Competent military authority</i>
For inefficiency during the first six months of service	The commanding officer.
On being dismissed from Her Majesty's service	In the case of a warrant officer—the confirming authority; in the case of a non-commissioned officer or soldier—the commanding officer.
For inefficiency after the first six months of service	The Commander.
Services no longer required	The Commander.
Conviction by a civil court	The Commander.
Medically unfit	The Commanding officer.
On compassionate grounds	The Commander.
On purchase under section 25 of the Ordinance	The commanding Officer.
On being unable to qualify for a trade	The commanding officer.

## THIRD SCHEDULE

## WARRANT

(Regulation 10)

To.....

*(Name of Warrant Officer)*

By virtue of the authority to me in this behalf given I do hereby constitute and appoint you the said ..... to be a warrant officer in the Royal Nigerian Army from the ..... day of .....

....., 19...., and to continue in the said office during the pleasure of the Honourable Minister of Defence. You are therefore carefully and dilligently to discharge your duty as such by doing and performing all manner of things thereunto belonging, as required by the established regulations of the service, and you are to observe and follow such orders and directions as you shall receive from your commanding, or any other, your superior officer, according to the rules and discipline of war.

GIVEN at Lagos this ..... day of ....., 19....

.....  
*Minister of Defence*

## L.N. 90 of 1961

ROYAL NIGERIAN ARMY (COURTS-MARTIAL) (APPEALS)  
RULES OF COURT, 1961

## ARRANGEMENT OF RULES OF COURT

1. Citation.
2. Interpretation.
3. Application for leave to appeal and notices.
4. Extension of time.
5. Application to single judge.
6. Abandonment of appeal.
7. Presentation of appeal in writing.
8. Courts-martial proceedings.
9. Copies of proceedings, etc.
10. Documents and exhibits.
11. Security of documents, etc.
12. Witnesses.
13. Register and cause list.
14. Presence of appellant at hearing.
15. Notifying results of appeals, etc.
16. Restitution order.
17. Right of audience.
18. Non-compliance with Rules.
19. Enforcement of duties.

## ROYAL NIGERIAN ARMY ORDINANCE (No. 26 OF 1960)

Royal Nigerian Army (Courts-Martial) (Appeals)  
Rules of Court, 1961*Commencement : 1st July 1961*

In exercise of the powers conferred by section 143 of the Royal Nigerian Army Ordinance, 1960, the Chief Justice of the Federation has made the following Rules of Court :—

Citation.

1. These Rules may be cited as the Royal Nigerian Army (Courts-Martial) (Appeals) Rules of Court, 1961, and shall come into force on the 1st day of July, 1961.

Interpretation.

2. In these Rules, unless the context otherwise requires :—

“appellant” includes a person who has applied for leave to appeal ;

“the Court” means the Federal Supreme Court ;

“the Ordinance” means the Royal Nigerian Army Ordinance, 1960 ;

“exhibits” means all documents and things which have been produced and used in evidence at a trial by court-martial, whether they are attached to the proceedings of the court-martial or not ;

“the Registrar” means the Chief Registrar of the Court ;

“the respondent” means the Attorney-General of the Federation.

Application  
for leave to  
appeal and  
notices.  
First  
Schedule.

3. (1) A person desiring to appeal to the Court against his conviction by a court-martial shall give notice of appeal or notice of application for leave to appeal in Form 1 or Form 2 set out in the First Schedule hereto and shall answer the questions and comply with the requirements set forth therein.

(2) A notice of appeal or of application for leave to appeal and any other notice required or authorised to be given to the Court under these Rules shall be signed by the appellant or by his legal representative :

Provided that notice of abandonment shall, subject to the provisions of paragraph (2) of Rule 6 hereof, be signed by the appellant himself.

(3) A notice of appeal or of application for leave to appeal, and any other notice required or authorised to be given to the Court under these Rules, shall, subject to paragraph (4), be addressed to the Registrar.

Second  
Schedule.

(4) In any of the circumstances specified in the first column of the Second Schedule hereto, any application or notice which is required or authorised to be given to the Court under these Rules may be lodged with the person specified in relation to these circumstances in the second column of that Schedule.

(5) Where an appellant, or any other person required or authorised to make an application or give any notice for the purpose of these Rules, is unable to write, he may affix his mark thereto, in the presence of a witness who shall attest the same, and thereupon such application or notice shall be deemed to be signed by the appellant.

Extension  
of time.

4. A notice of application to the Court for an extension of time within which to make application for leave to appeal, shall be in Form 3 set out in the First Schedule hereto and shall be sent to the Registrar.

First  
Schedule.  
Application  
to single  
judge.

5. (1) Where an application has been dealt with by a single judge in exercise of the powers of the Court under section 146 of the Ordinance, the Registrar shall notify the appellant of the decision.

(2) If the judge refuses an application on the part of the appellant to exercise in his favour any of the powers prescribed in section 146 of the Ordinance, the appellant may make a requisition in terms of the said section



within 10 days from the date on which he receives a notification under paragraph (1) of this rule and such requisition shall be made in Form 4 set out in the First Schedule hereto.

First  
Schedule.

(3) A judge who has refused an application to exercise the powers of the Court under section 146 of the Ordinance may sit as a member of the Court determining such application.

6. (1) An appellant may, at any time after he has given notice of appeal or of application for leave to appeal, abandon his appeal by giving to the Registrar notice of abandonment thereof in Form 5 set out in the First Schedule hereto.

Abandon-  
ment of  
appeal.  
First  
Schedule.

(2) Where it is contended that the appellant is insane a notice of abandonment may be given and signed by the legal representative.

7. Where in accordance with section 137 of the Ordinance an appellant desires to present his case in writing the form to be given shall be the Form 1 or Form 2 set out in the First Schedule hereto.

Presenta-  
tion of  
appeal in  
writing.  
First  
Schedule.

8. (1) The Registrar, on receipt of a notice of appeal or of application for leave to appeal under the Ordinance, shall request the Commander to forward to him the proceedings of the court-martial and any petition presented by the appellant praying that his conviction be quashed.

Courts-  
martial  
proceedings.

(2) After an application is finally refused or is withdrawn or the appeal is determined or abandoned the proceedings of the court-martial and any petition shall, subject to any order which the Court may make, be returned by the Registrar to the Commander.

(3) A copy of any document which is required for the use of the Court may be made by such person and in such manner as the Commander may direct.

9. (1) At any time after the Registrar has received a notice of appeal or of application for leave to appeal, an appellant or the respondent may, subject to the provisions of these Rules, obtain from the Registrar copies of any document in his possession for the purpose of the appeal.

Copies of  
proceedings,  
etc.

(2) Copies of any documents shall be supplied by the Registrar to the appellant at a charge not exceeding 7d per folio of 72 words.

10. (1) Subject to Rule 11, any document or exhibit forwarded to the Registrar for the purpose of an appeal or application shall, pending the determination of the appeal or application, be open, as and when the Registrar may arrange, for inspection by the appellant or the respondent.

Documents  
and  
exhibits.

(2) Subject to the provisions of Rule 11 the Court may, at any stage of an appeal, whenever it thinks it necessary or expedient in the interests of justice so to do, order any document, exhibit or other thing connected with the proceedings to be produced to the Registrar or before it by any person having the custody or control thereof.

(3) After an application is finally refused or is withdrawn, or the appeal is determined or abandoned, documents and exhibits shall, subject to any order which the Court may make, be returned by the Registrar to the person who produced or forwarded them.

(4) Service of any order made under this rule shall be personal service unless the Court otherwise orders.

11. (1) If the Governor-General or any other person authorised by him in that behalf certifies that, for reasons of security, the whole or part of the proceedings of the court-martial or other document, exhibit or other thing

Security of  
documents,  
etc.

ought not to be disclosed otherwise than to the Court, or ought only to be disclosed subject to certain conditions specified by the person who so certifies, the Registrar shall, notwithstanding any provisions of these Rules to the contrary, not permit inspection or supply a copy thereof without an order of the Court which may direct upon what conditions, if any, inspection shall be permitted or a copy supplied.

(2) Nothing in these Rules shall affect any rule of law which authorises or requires the withholding of any document or the refusal to answer any question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

Witnesses.  
First  
Schedule.

12. (1) An order of the Court that a witness shall attend and be examined shall be in Form 6 set out in the First Schedule hereto and shall specify the time and place at which such witness shall attend.

First  
Schedule.

(2) Such an order may be made on the application at any time of the appellant or the respondent, but if the appellant is in custody and is not legally represented the application shall be made by him in Form 7 set out in the First Schedule hereto.

(3) Service of any order required by this rule to be given to any witness shall be personal service, unless the Court otherwise orders.

Register  
and cause  
list.

13. (1) The Registrar shall keep a register of all cases in which he shall receive a notice of appeal or of application for leave to appeal under the Ordinance, and such register shall be open for public inspection in such place and at such hours as the Registrar, subject to the approval of the Court, shall decide.

(2) The Registrar shall also publish a list of appeals and applications which the Court may consider on the days on which the Court, as constituted for the hearing and determination of appeals under the Ordinance, shall sit, and shall cause such list to be published at such times and in such places and in such a manner as he, subject to the approval of the Court, shall think convenient for giving due notice to any parties interested therein of the hearing of the cases in such list by the Court.

Presence of  
appellant  
at hearing.

14. Where an appellant is in custody and has obtained leave to be present at the hearing and determination of his application or appeal, or at any stage thereof, the Registrar shall notify the appellant, the person in charge of the place where the appellant is confined, and the Commander or the Director of Prisons, as the case may be, of the probable date thereof.

Notifying  
results of  
appeals, etc.

15. (1) On the final determination of any appeal or of any application, the Registrar shall, unless it appears to him unnecessary to do so, give to the appellant, the respondent, and, where the appellant is in custody, to the person in charge of the place where he is confined, written notice of the determination.

(2) In the case of an appeal against a conviction involving sentence of death, the Registrar shall, on receiving a notice of appeal, send a copy thereof to the Governor-General and, on the final determination of an appeal, shall forthwith give written notice to the appellant and to the Governor-General and to the person in charge of the place where the appellant is confined.

Restitution  
order.

16 (1) Where any property or money has been ordered to be restored or handed over under the provisions of section 122 of the Ordinance, and the operation of the order has been suspended under subsection (9) of that section, unless the property is in the custody of the Registrar, the authority which made or confirmed the order shall cause it to be kept in safe custody for the period during which the operation of the order is suspended.

(2) Any person in whose favour or against whom an order has been made under the section referred to in the preceding paragraph of this rule, and, with the leave of the Court, any other persons, shall on the final hearing by the Court of the appeal against the conviction on which such order was made, be entitled to have any representations that he or they may make considered by the Court before any order is made under paragraph (d) of subsection (9) of section 122 of the Ordinance.

17. In any proceedings before the Court any of the following persons may address the Court :—

Right of audience.

- (a) a legal practitioner retained by or on behalf of the appellant ; and
- (b) the appellant, if he has the leave of the Court to be present ;
- (c) the respondent or his representative.

18. Non-compliance with these Rules by an appellant shall not prevent further prosecution of his appeal, unless the Court otherwise directs. The Registrar shall forthwith notify the appellant of any directions given by the Court under this rule, where the appellant was not present at the time when such directions were given.

Non-compliance with Rules.

19. The performance of any duty imposed upon any person under the Ordinance or these Rules may be enforced by order of the Court.

Enforcement of duties.

## FIRST SCHEDULE

*The Royal Nigerian Army (Courts-Martial) (Appeals)  
Rules of Court, 1961*

FORM 1

(Rule 3)

To THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS  
NOTICE OF APPEAL FROM DECISION OF COURT-MARTIAL  
INVOLVING SENTENCE OF DEATH

Name of Appellant.....Number.....

Unit.....Rank.....

Convicted by court-martial held at.....

Offence of which convicted.....

Sentence.....

Date when finding promulgated.....

Name of prison or place of detention<sup>1</sup>.....

I, the above-named appellant, hereby give you notice that I desire to appeal to the Federal Supreme Court against my conviction on the following grounds.<sup>2</sup>

(Signed)<sup>3</sup>.....(Appellant)DATED the<sup>4</sup>.....day of....., 19.....Questions<sup>5</sup>

Answers

1. Is any legal practitioner now acting for you? If so, give his name and address.

2. Do you desire to be present when the Court considers your appeal?

3. Do you desire to apply for leave to call any witness on your appeal?

If your answer to this question is "Yes", you must fill in Form 7 and send it with this Form.

1 If not in custody set out appellant's address in full.

2 Here set out clearly and concisely the reasons why it is considered that this conviction should be quashed.

3 This notice must be signed by the appellant or his legal representative. If the appellant cannot write he must affix his mark in the presence of a witness. The name and address of such attesting witness must be given.

4 This form must be lodged within ten days of the promulgation of the finding of the Court-Martial, and the Federal Supreme Court has no power to extend the time allowed.

5 These questions must be answered.

*The Royal Nigerian Army (Courts-Martial) (Appeals)*  
*Rules of Court, 1961*

FORM 2

(Rule 3)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

APPLICATION FOR LEAVE TO APPEAL AGAINST CONVICTION  
 BY COURT-MARTIAL

Name of Appellant.....Number.....  
 Unit.....Rank.....Convicted by  
 court-martial held at.....  
 Offence of which convicted.....  
 Sentence.....Date when finding promulgated.....  
 Name of prison or place of detention<sup>1</sup>.....

I, the above-named appellant, hereby give you notice that I desire to appeal to the Federal Supreme Court against my conviction on the following grounds.<sup>2</sup>

(Signed)<sup>3</sup>.....(Appellant)

DATED the <sup>4</sup>.....day of ....., 19.....

*Questions<sup>5</sup>*

*Answers*

1. Is any legal practitioner now acting for you? If so, give his name and address. ....
2. Do you desire to be present when the Court considers your appeal? ....
3. Do you desire to apply for leave to call any witness on your appeal? If your answer to this question is "Yes", you must fill in Form 7 and send it with this Form. ....

1 If not in custody set out appellant's address in full.

2 Here set out clearly and concisely the reasons why it is considered that this conviction should be quashed.

3 This notice must be signed by the appellant or his legal representative. If the appellant cannot write he must affix his mark in the presence of a witness. The name and address of such attesting witness must be given.

4 This form must be lodged within forty days after the appellant has become entitled to apply for leave to appeal. If it is lodged more than forty days after the appellant has become entitled to apply for leave to appeal he must also fill in Form 3 and send it with this Form.

5 These questions must be answered.

*The Royal Nigerian Army (Courts-Martial) (Appeals)*  
*Rules of Court, 1961*

FORM 3

(Rule 4)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO  
 APPLY FOR LEAVE TO APPEAL

I,<sup>1</sup>.....having  
 been convicted of the offence of<sup>2</sup>.....  
 by court-martial held at .....

on the ..... day of ....., 19...., and being  
 now at .....<sup>3</sup>  
 give you notice that I hereby apply to the Court for an extension of the time  
 within which I may give notice of application for leave to appeal, on the  
 grounds following<sup>4</sup>.....

(Signed)..... (Appellant)

DATED the..... day of ....., 19....

- 
- 1 Insert name, number, rank and unit.
  - 2 State shortly the offence or offences.
  - 3 Set out address in full.
  - 4 Here set out clearly and concisely *the reasons for the delay* in giving notice, and  
 the grounds on which you submit that the Court should extend the time.

*(Form 1 must be filled up and sent WITH THIS NOTICE to the Chief Registrar.)  
 The Royal Nigerian Army (Courts-Martial) (Appeals) Rules of Court, 1961*

#### FORM 4

(Rule 5)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

#### NOTICE OF APPEAL FROM JUDGE UNDER SECTION 146 OF THE ROYAL NIGERIAN ARMY ORDINANCE, 1960

I, <sup>1</sup>.....

having received your notification that my application for :—

(a) leave to appeal ;<sup>2</sup>

(b) extension of the period within which application for leave to appeal  
 may be made ;<sup>2</sup>

(c) permission to be present at the proceedings in the appeal ;<sup>2</sup>

has been refused by a Judge of the Court, DO HEREBY GIVE YOU NOTICE that I  
 desire that the said application shall be considered and determined by the  
 full Court.

(Signed)..... (Appellant)

- 
- 1 Insert name, number, rank and unit.
  - 2 Strike out if not appropriate.

Dated the..... day of ....., 19....  
*(If you wish to state any reasons, in addition to those set out by you in your  
 original application, upon which you submit that the Court should grant this  
 application, you may do so in the space below.)*

*The Royal Nigerian Army (Courts-Martial) (Appeals)  
 Rules of Court, 1961*

#### FORM 5

(Rule 6)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

#### NOTICE OF ABANDONMENT

Name of Appellant..... Number.....

Unit..... Rank.....



Convicted by court-martial held at.....

Offence of which convicted.....

Name of prison or place of detention<sup>1</sup>.....

I, the above-named appellant, having been convicted as above stated and having duly sent to the Chief Registrar of the Court notice that I desired to appeal DO NOW HEREBY GIVE NOTICE that I do not intend further to prosecute my appeal but THAT I HEREBY ABANDON all proceedings in regard thereto as from the date hereof.

DATED the.....day of....., 19.....

(Signed)<sup>2</sup>.....(Appellant)

This notice was signed by the above-named appellant on the day above stated in my presence.

Signature of Witness.....

Address of Witness.....

Occupation of Witness.....

1 If not in custody set out appellant's address in full.

2 This notice must be signed in the presence of a witness.

*The Royal Nigerian Army (Courts-Martial) (Appeals)*  
*Rules of Court, 1961*

FORM 6

(Rule 12)

From THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

ORDER TO WITNESS TO ATTEND FOR EXAMINATION

To<sup>1</sup>.....

WHEREAS, on good cause shown to the Federal Supreme Court, you have been ordered to attend and be examined as a witness before the Court upon the appeal of<sup>2</sup>.....;

This is to give you notice to attend before the Court at.....o'clock in the.....noon on the.....day of....., 19....., at<sup>3</sup>.....

You are also required to have with you at the said time and place the following books, papers and other things relating to the appeal.

DATED the.....day of....., 19.....

Chief Registrar

1 Name and address of witness.

2 Name, number and rank of appellant.

3 Location of Court to be inserted.

*The Royal Nigerian Army (Courts-Martial) (Appeals)  
Rules of Court, 1961*

FORM 7

(Rule 12)

To THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

APPELLANT'S APPLICATION TO CALL FURTHER EVIDENCE

I, <sup>1</sup>..... having applied for leave to appeal to the Federal Supreme Court, hereby give notice that I desire the Court to order the following witness(es) to attend the Court and be examined on my behalf.

(Signed)..... (Appellant)

Dated the..... day of....., 19.....

You are required to complete the following form.<sup>2</sup>

1. Name and address of witness.....
2. Was the witness examined at your court-martial?.....
3. If not, state the reason why he was not examined.....
4. State shortly the evidence you think he can give.....

<sup>1</sup> Insert name, number, rank and unit.

<sup>2</sup> If more than one witness is desired the information must be given in respect of each witness.

SECOND SCHEDULE

(Rule 3)

*The Royal Nigerian Army (Courts-Martial) (Appeals)  
Rules of Court, 1961*

*Circumstance*

*Person with whom an application or notice is lodged under Rule 3 (4)*

- |   |   |
|---|---|
| 1. Applicant is serving with a unit of the Army | Officer Commanding the unit.                            |
| 2. Applicant is confined in a civil prison      | Superintendent or other person in charge of the prison. |
| 3. Applicant is a civilian                      | Officer Commanding the nearest unit of the Army.        |

MADE at Lagos this 15th day of May, 1961.

A. ADE. ADEMOLA,  
Chief Justice of the Federation

EXPLANATORY NOTE

*(This note does not form part of the Rules, but is intended to explain their purport)*

These Rules prescribe the procedure whereby a person desiring to appeal to the Federal Supreme Court against his conviction by a court-martial may give notice of appeal or notice of application for leave to appeal to that Court. They further define the manner in which his appeal or application for leave to appeal, if accepted by that Court, shall be heard and determined.

L.N. 91 of 1961

LAGOS STOCK EXCHANGE ACT, 1961

(1961 No. 14)

**Appointed Day Notice**

In exercise of the powers conferred by section 1 (2) of the Lagos Stock Exchange Act, 1961, the Minister of Finance of the Federation has appointed the 6th day of June, 1961 as the date upon which the said Ordinance shall be deemed to have come into operation.

J. MURRAY,  
*Acting Permanent Secretary,*  
*Ministry of Finance*

Lagos, 14th June, 1961.