

THE ROYAL NIGERIAN NAVY ACT

(No. 9 OF 1960)

**THE ROYAL NIGERIAN NAVY (COURTS-MARTIAL) (APPEALS)
RULES OF COURT, 1962****ARRANGEMENT OF RULES OF COURT**

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L.N. 15 of 1962

THE ROYAL NIGERIAN NAVY ACT
(No. 9 of 1960)

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

Commencement : 1st April, 1962

In exercise of the powers conferred by section 31 of the Royal Nigerian Navy Act, 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 Navy (Courts-Martial) (Appeals) Rules of Court, 1962, and shall come into force on 1st April, 1962.

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 Act” means the Royal Nigerian Navy Act, 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 herein.

(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.
First
Schedule.

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.

5. (1) Where an application has been dealt with by a single judge, in exercise of the powers of the Court under section 34 of the Act, the Registrar shall notify the appellant of the decision.

Application
to single
judge.

(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 34 of the Act, 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 34 of the Act 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 26 of the Act 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.

Presentation
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 Act, 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
proceed-
ings.

(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 the possession for the purpose of the appeal.

Copies of
proceed-
ings,
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. 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.

Security of documents, etc.

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 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.

Registrar 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 Act, 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 Act, 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.

16. 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.

17. Non-compliance with these Rules by an appellant shall not prevent the 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.

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

Enforcement of duties.

FIRST SCHEDULE

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

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 _____
 Ship _____ Rank _____
 Convicted by court-martial held at _____

 Offence of which convicted _____
 Sentence _____
 Date when finding promulgated _____
 Name of prison or place of detention¹ _____

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.²

(Signed)³ _____ (Appellant)

Dated the⁴ _____ day of _____ 19 _____

Questions⁵

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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962*

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 _____

Ship _____ Rank _____

Convicted by court-martial held at _____

Offence of which convicted _____

Sentence _____

Date when finding promulgated _____

Name of prison or place of detention¹ _____

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.²

(Signed)³ _____ (Appellant)Dated the⁴ _____ day of _____, 19 _____**Questions⁵****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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

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, ¹.....

having been convicted of the offence of².....

by court-martial held at.....

on the..... day of....., 19....., and being now at.....³

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 following⁴

(Signed).....(Appellant)

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

(Form 1 must be filled up and sent with this notice to the Chief Registrar).

¹ Insert name, number, rank and ship.

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.

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 4

(Rule 5)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Notice of Appeal from Judge under Section 34 of the
 Royal Nigerian Navy Act, 1960

I, ¹.....

having received your notification that my application for :—

(a) leave to appeal ;²

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

(c) permission to be present at the proceedings in the appeal ;²

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)

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).

¹ Insert name, number, rank and ship.

² Strike out if not appropriate.

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 5

(Rule 6)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Notice of Abandonment

Name of Appellant Number

Ship Rank

Convicted by court-martial held at

Offence of which convicted

Name of prison or place of detention¹

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)² (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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 6

(Rule 12)

FROM THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Order to Witness to attend for Examination

To¹
 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 of²

This is to give you notice to attend before the Court at o' clock in the
 noon on the day of, 19....., at³

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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

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, ¹.....

having been convicted of the offence of².....

by court-martial held at.....

on the..... day of....., 19....., and being now at.....³

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 following⁴

(Signed)..... (Appellant)

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

(Form 1 must be filled up and sent *with this notice* to the Chief Registrar).

¹ Insert name, number, rank and ship.

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.

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 4

(Rule 5)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS
Notice of Appeal from Judge under Section 34 of the
Royal Nigerian Navy Act, 1960

I, ¹.....

having received your notification that my application for :—

(a) leave to appeal ;²

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

(c) permission to be present at the proceedings in the appeal ;²

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)

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).

¹ Insert name, number, rank and ship.

² Strike out if not appropriate.

The Royal Nigerian Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 5

(Rule 6)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Notice of Abandonment

Name of Appellant _____ Number _____
 Ship _____ Rank _____
 Convicted by court-martial held at _____
 Offence of which convicted _____
 Name of prison or place of detention¹ _____

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)² _____ (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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 6

(Rule 12)

FROM THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Order to Witness to attend for Examination

To¹ _____
 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 of²

_____ ;
 This is to give you notice to attend before the Court at _____ o' clock in the _____
 noon on the _____ day of _____, 19 _____, at³ _____

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 Navy (Courts-Martial) (Appeals)
Rules of Court, 1962

FORM 7

(Rule 12)

TO THE CHIEF REGISTRAR OF THE FEDERAL SUPREME COURT, LAGOS

Appellant's Application to call further Evidence

I, ¹_____, 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 form²

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. _____

SECOND SCHEDULE

The Royal Nigerian Navy (Courts-Martial) (Appeals)

(Rule 3)

<i>Circumstance</i>	<i>Person with whom an application or notice is lodged under Rule 3 (4)</i>
1. Applicant is serving with a ship of the Navy	Commanding Officer of the ship
2. Applicant is confined in a civil prison	Superintendent or other person in charge of the prison
3. Applicant is a civilian	Commanding Officer of the nearest naval shore establishment

Made at Lagos this 29th day of January, 1962.

A. ADE. ADEMOLA,
Chief Justice of the Federation

EXPLANATORY NOTE

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.

¹ Insert name, number, rank and ship.

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

L.N. 16 of 1962

LABOUR CODE ORDINANCE (CHAPTER 91)

The Labour Code (Trade Union Contributions) Order, 1962

Commencement : 23rd January, 1962

In exercise of the powers conferred by section 27A (2) of the Labour Code Ordinance, the Federal Minister of Labour hereby makes the following Order—

1. This Order may be cited as the Labour Code (Trade Union Contributions) Order, 1962 and shall be of Federal application.

Citation and
Application.

2. The Trade Unions specified in the first column of the Schedule are hereby approved for the purpose of subsection (1) of section 27A of the Labour Code Ordinance with effect from the date specified in the second column of the Schedule.

Trade
Unions
approved by
Minister
pursuant to
section 27A
(2), Cap 91
Schedule.

SCHEDULE

Section 2.

<i>Name of Trade Union</i>	<i>Date</i>
The Nigerian Ports Authority Firemen, Greasers, Technical and General Workers' Union	1st January, 1962
Aeronautical Workers' Union	1st January, 1962
Permanent Way Workers' Union of Nigeria	1st January, 1962
Nigerian Ports Authority Workers' Union	1st January, 1962
Federal Fisheries Workers' Union of Nigeria	1st January, 1962
Railway and Ports Workers' Union of Nigeria	1st January, 1962

DATED at Lagos this 23rd day of January, 1962.

J. M. JOHNSON,
Federal Minister of Labour

ML.Ic/102/2