

# CRIMINAL PROCEDURE (DISPOSAL OF CERTAIN EXHIBITS) DECREE 1970



## Decree No. 48

[29th August 1970]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Controlled  
substances,  
1968 No. 5.

1.—(1) For the purposes of this Decree a controlled substance is—

(a) a substance mentioned in the Schedule to the Amphetamine and Other Drugs (Control) Decree 1968, or

(b) a substance declared by the Commissioner by order in the Federal Gazette or by certificate under his hand to be a controlled substance for such purposes.

(2) An order or certificate made or given under subsection (1) (b) above shall not be invalidated by reason of the fact that—

(a) it has retrospective effect ; or

(b) it relates to an exhibit produced in any criminal proceedings which were instituted or concluded before the date when the order or certificate was made or given, or before the commencement of this Decree.

2.—(1) Notwithstanding the provisions of any law to the contrary, where—

Disposal of  
certain  
exhibits  
where no  
conviction.

(a) criminal proceedings instituted for any alleged offence do not result in the conviction of the accused person, and

(b) any controlled substance has been produced to the court as an exhibit in the proceedings,

the court, if the prosecutor makes application in that behalf, shall order the controlled substance to be confiscated.

(2) Where an order is made under this section in respect of any controlled substance, the controlled substance shall be handed over to the Nigeria Police and disposed of as the Commissioner may direct.

(3) Any person aggrieved by an order made under this section may within fifteen days of the making of the order appeal in writing to the Commissioner, who may dispose of the appeal himself or refer it for disposal to any person or persons appearing to him to be suitable.

(4) The making of an order under this section shall not be affected by the fact that an appeal to a court having appellate jurisdiction has been or may be instituted in connection with the relevant proceedings, and no such jurisdiction shall include power to vary, cancel or otherwise affect the order.

## Transitional.

3. An application may be made under section 2 of this Decree in relation to any controlled substance notwithstanding that the relevant proceedings were concluded before the commencement of this Decree, and on any such application the court shall make an order under the said section 2 accordingly unless at the time of the application the controlled substance in question is no longer in the control of the court.

## Interpretation.

4. In this Decree "the Commissioner" means the Commissioner for Internal Affairs.

## Citation and extent.

5. This Decree may be cited as the Criminal Procedure (Disposal of Certain Exhibits) Decree 1970 and shall apply throughout the Federation.

MADE at Lagos this 29th day of August 1970.

MAJOR-GENERAL YAKUBU GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*

## EXTRADITION (AMENDMENT) DECREE 1970



## Decree No. 49

[29th August 1970]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 13 of the Extradition Decree 1966 is amended by the deletion of the words "or tried in Nigeria for any offence committed by him within the jurisdiction of Nigeria" and the insertion of the words "tried or otherwise dealt with in Nigeria for or in respect of any offence committed by him".

Amendment  
of section 13  
of the  
Extradition  
Decree 1966.  
1966 No. 87.

2. This Decree may be cited as Extradition (Amendment) Decree 1970 and shall apply throughout the Federation.

Citation and  
extent.

MADE at Lagos this 29th day of August 1970.

MAJOR-GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*