

APPROPRIATION DECREE 1974



Decree No. 19

[1st April 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The Accountant-General of the Federation may, when authorised to do so by warrants signed by the Federal Commissioner for Finance, pay out of the Consolidated Revenue Fund of the Federation during the year ending 31st March 1975 the sums specified by the warrants, not exceeding in the aggregate three thousand one hundred and twenty-eight million, four hundred and five thousand and eight hundred and twenty-seven *naira*.

Issue and
appropria-
tion of
₦3,128,405,
827
from Con-
solidated
Revenue
Fund for
1974-75.

(2) The amount mentioned in the foregoing subsection shall be appropriated to heads of expenditure as indicated in the Schedule to this Decree.

(3) No part of the amount aforesaid shall be issued out of the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

2. This Decree may be cited as the Appropriation Decree 1974 and shall be deemed to have come into operation on 1st April 1974.

Citation and
commence-
ment.

SCHEDULE

Head	Amount
	₦
21. State House/Dodan Barracks	533,030
22. Cabinet Office	14,138,410
23. Police	79,418,870
24. Ministry of Agriculture and Natural Resources	27,366,630
25. Ministry of Communications	385,360
26. Ministry of Defence	336,440,400
27. Ministry of Economic Development and Reconstruction	5,805,320
28. Ministry of Education	92,678,460
29. Ministry of Establishments and Service Matters	11,166,520

SCHEDULE—*continued*

<i>Head</i>	<i>Amount</i>
	₦
30. Ministry of External Affairs	23,595,400
31. Ministry of Finance	80,829,200
32. Ministry of Health	31,084,450
33. Ministry of Industries	3,515,490
34. Ministry of Information	18,844,230
35. Ministry of Internal Affairs	24,197,542
36. Ministry of Justice	1,499,917
37. Ministry of Labour	10,574,405
38. Ministry of Mines and Power	4,919,190
39. Ministry of Trade	5,877,020
40. Ministry of Transport	15,537,300
41. Ministry of Works and Housing	48,397,130
42. Federal Audit	982,010
43. Judicial	675,810
44. Parliament Building	465,530
45. Federal Public Service Commission	1,047,835
46. Police Service Commission	187,375
47. Contribution to Development Fund	1,498,863,373
48. Non-Statutory Appropriation of Revenue	35,000,000
49. Consolidated Revenue Fund Charges	754,379,620
	<u>₦ 3,128,405,827</u>

MADE at Lagos this 16th day of May 1974.

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

**OFFENCES AGAINST THE PERSON (SPECIAL PROVISIONS)
DECREE 1974**



Decree No. 20

[16th May 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Any person who by force, fraud or any deceitful means—

(a) confines or detains any person (whether or not after having unlawfully seized or abducted that person) in any place against his will or otherwise deprives him of his personal liberty ; or

(b) leads or takes away or decoys or entices away or detains any child thereby depriving the parent, guardian or other person having the lawful care or charge of such child of the possession of such child,

with the intent of obtaining from any person, either for himself or for any other person, a ransom or reward for the release of the person or child so detained, or with intent to extort or gain thereby, either for himself or for any other person, any money or any property or valuable thing from any person, or with the intent that the person or child so detained may be used for any ritual or any other unlawful purpose whatsoever, shall be guilty of an offence under this section and shall on conviction thereof be sentenced to imprisonment for life.

(2) If the child or person in respect of whom an offence is committed under subsection (1) above is maimed in the course of the commission of the offence or if the offence results in the death of such child or person, the offender shall be sentenced to death.

(3) In this section “child” means a person under the age of seventeen years.

2.—(1) Any person who in company with one or more other persons—

(a) in the belief that any person has used or exercised or is capable of using or exercising any kind of witchcraft, juju, sorcery, enchantment or conjuration ; and

(b) with intent to kill, maim, disfigure or disable that person or to do some grievous bodily harm to him,

unlawfully wounds or does grievous bodily harm to him by any means whatsoever shall be guilty of an offence under this section and shall on conviction thereof be sentenced to imprisonment for life.

Definition
of and
penalty for
kidnapping,
etc.

Definition of
and penalty
for lynching,
etc.

(2) If an offence under subsection (1) above results in the death of the person in respect of whom the offence is committed the offender shall be sentenced to death.

Execution of sentence of death.

3. The sentence of death imposed under section 1 or 2 of this Decree may be executed by hanging the offender by the neck till he be dead or by causing him to suffer death by firing squad as the appropriate authority may direct.

Punishment for parties to offences under sections 1 and 2.

4. Any person who—

(a) aids, counsels, abets or procures any person to commit an offence under section 1 or 2 of this Decree; or

(b) conspires with any person to commit such an offence, whether or not he is present when the offence is committed or attempted to be committed, shall be deemed to be guilty of the offence as a principal offender and shall be liable to be proceeded against and punished accordingly under this Decree.

Constitution of tribunal for the trial of offences under section 1.

5.—(1) The appropriate authority shall constitute one or more special tribunals for the trial of offences under section 1 of this Decree.

(2) A special tribunal constituted under subsection (1) above shall consist of—

(a) a Judge of the High Court of a State or of the Federal Revenue Court, who shall be chairman;

(b) an officer of the Nigerian Army not below the rank of major or an officer in the Nigerian Navy or Air Force not below the corresponding rank; and

(c) an officer of the Nigeria Police Force not below the rank of chief superintendent of police, designated by the appropriate authority:

Provided that no officer of the Nigerian Armed Forces or of the Nigeria Police Force who has taken part in the search for, pursuit or apprehension of any person to be tried under this Decree or who has taken part in the investigation of the offence alleged or suspected to have been committed by that person shall sit as a member of a tribunal constituted for the trial of that person for that offence.

Trial of offences under section 2.

6.—(1) Subject to subsection (2) below, the appropriate authority may also constitute one or more special tribunals for the trial of offences under section 2 of this Decree and such tribunals shall be constituted in the same manner as the special tribunals constituted under section 5 of this Decree.

(2) Where—

(a) in respect of any part of the Federation, the Attorney-General of the Federation, or

(b) in respect of any particular State, the Attorney-General of that State—is of opinion that the trial of offences under section 2 of this Decree may be more expeditiously conducted by a High Court, the Attorney-General of

the Federation or of a State, as the case may be, shall make a representation to that effect to the appropriate authority and the appropriate authority may thereupon direct that the offences be tried by the appropriate High Court.

(3) Offences under section 2 of this Decree shall, where the trial is by a High Court, be triable summarily and the provisions of Part IV of the Criminal Procedure Act, or, where applicable, of Chapter XVIII of the Criminal Procedure Code Law, shall apply accordingly.

Cap. 43.

Cap. 30.
Laws of
Northern
Nigeria 1963.

7.—(1) The Attorney-General of the Federation shall, with the approval of the Federal Executive Council, make rules as to the procedure to be adopted in prosecutions for offences under this Decree before a tribunal, and, without prejudice to the generality of the foregoing provision, shall prescribe by such rules the manner of commencement of proceedings before the tribunal, the forms to be used in such proceedings, and generally for the better carrying into effect the provisions and purposes of this Decree.

Power to
make rules,
etc.

(2) Prosecutions for offences under this Decree shall—

(a) in respect of a tribunal constituted by the Head of the Federal Military Government, be instituted by the Attorney-General of the Federation or by such officer in the Federal Ministry of Justice as the Attorney-General may authorise so to do; and

(b) in respect of a tribunal constituted by the Military Governor or Administrator of a State, be instituted by the Attorney-General of the State concerned, or, where there is no Attorney-General, by the Solicitor-General or by such officer in the Ministry of Justice of that State as the Attorney-General, or, as the case may be, the Solicitor-General may authorise so to do:

Provided that the question whether any authority, or what authority has been given in pursuance of this subsection shall not be enquired into by any person other than the appropriate Attorney-General, or, as the case may be, the appropriate Solicitor-General.

8.—(1) For the avoidance of doubt, it is hereby declared that any person prosecuted for an offence under this Decree shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner, if he so wishes, and to examine in person or by his legal practitioner any person whose evidence, in whatever form given, forms part of the case against him.

Representa-
tion and
general
powers of a
tribunal.

(2) For the purposes of proceedings before a tribunal established under this Decree shall have the same powers, whether of compelling the attendance of persons or the production of documents or otherwise, as the High Court of a State has in the exercise of its ordinary jurisdiction.

9. Any person convicted of an offence under this Decree may within 30 days of the date of his conviction appeal as of right to the Supreme Court and the provisions of any enactment (including rules of court) regulating the practice and procedure of the Supreme Court shall, with any necessary modifications, apply in respect of such an appeal as they apply in respect of appeals from the decisions of any court subordinate to the Supreme Court.

Right of
appeal to the
Supreme
Court.

Conviction
or sentence
subject to
confirmation
or
disallowance.

10.—(1) The appropriate authority shall have power to confirm or disallow any conviction or sentence imposed under this Decree.

(2) Any such sentence imposed shall not take effect until the conviction and sentence are confirmed by the appropriate authority under subsection (1) above, and pending such confirmation the convicted offender shall be kept in such place of safe custody as the tribunal or court may decide.

(3) Where under subsection (1) above the appropriate authority disallows—

(a) a conviction, whether upon representation made by the convicted offender or from other circumstances, he shall order the release of the person convicted from custody;

(b) a sentence, he may substitute a less severe form of punishment for any punishment imposed on the convicted offender.

(4) The appropriate authority shall not exercise his powers under this section—

(a) until the time limited for an appeal under section 9 has elapsed and the accused has brought no appeal, or

(b) where an appeal has been brought and the appeal has been withdrawn or struck out for want of prosecution, until after such withdrawal or striking out, or

(c) where an appeal has been brought and the appeal has not been withdrawn or struck out, until after the appeal has been dismissed.

Supplemen-
tary
provisions.
1963 No. 20.

11.—(1) It is hereby declared for the avoidance of doubt that a tribunal constituted under this Decree shall, notwithstanding anything to the contrary in any enactment or law (including the Constitution of the Federation or the Constitution of a State), have the power, in appropriate cases, to award the punishments (including a sentence of death) specified in this Decree.

(2) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purporting to be done under this Decree by the appropriate authority, or by any member or officer of a tribunal constituted under this Decree, and if such proceedings are instituted after the commencement of this Decree the proceedings shall abate, be discharged and made void.

(3) 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 enquired into in any court of law, and accordingly sections 32, 115 and 117 (2) (d) of that Constitution shall not apply in relation to any such question.

Power to
arrest by
force with-
out warrant,
etc.

12.—(1) An armed patrol may arrest without warrant any person reasonably suspected of having committed or of being about to commit an offence under this Decree, and the armed patrol may use such force, including the use of firearms, as may be reasonably necessary to effect the arrest of that person or to prevent his escape.

(2) The foregoing provisions of this section shall have effect—

(a) without prejudice to any other power conferred by any law on members of the Nigeria Police Force or members of the Nigerian Armed Forces, and

(b) notwithstanding anything to the contrary in any law.

13.—Any proceedings instituted before the commencement of this Decree for an offence amounting to an offence under this Decree may be continued and completed as if this Decree had not been made.

Provisions in respect of pending proceedings, etc.

14. In this Decree, unless the context otherwise requires—

“the appropriate authority” in respect of any part of the Federation means the Head of the Federal Military Government and in respect of any particular State means the Military Governor or Administrator of that State;

Interpretation.

“armed patrol” means any patrol comprising either both armed members of the Nigeria Police Force and armed members of the Nigerian Armed Forces or only armed members of the Nigeria Police Force;

“tribunal” means any special tribunal constituted under this Decree.

15. This Decree may be cited as the Offences against the Person (Special Provisions) Decree 1974.

Citation.

MADE at Lagos this 16th day of May 1974.

GENERAL Y. GOWON,
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 creates the offences of kidnapping and lynching and prescribes the punishment for each offence.

It also makes sundry provisions for the effective application of the Decree.