

INTERIM JUDICIAL COMMITTEES (ESTABLISHMENT, ETC.) DECREE 1977



Decree No. 66

[24th October 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There shall be established for each State in the Federation an Interim Judicial Committee which shall consist of the Chief Judge of that State as Chairman and the following other members, that is—

Establish-
ment, etc. of
Judicial
Committees.

- (a) the Attorney-General of the State ;
- (b) one senior Judge of the High Court of the State ;
- (c) the Chairman of the Public Service Commission of the State ;
- (d) one legal practitioner of not less than ten years' standing ;
- (e) one other member not being a legal practitioner.

(2) The members referred to in paragraphs (d) and (e) of subsection (1) above shall be appointed by the Military Governor of the State.

(3) The Committee shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

(4) Members of the Committee not being ex-officio members shall be paid such allowances in accordance with scales approved from time to time by the Military Governor of the State.

(5) Members of the Committee not being ex-officio members may be removed from office by the Military Governor of the State.

(6) The Chief Registrar of the High Court of the State shall be the Secretary to the Committee.

2.—(1) Power to appoint persons to hold or act in the office of a Magistrate (other than a Magistrate Grade III) including power to make appointments on promotion and transfer and to confirm appointments and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Committee.

Mode of
appointment
of Magis-
trates.

(2) The power to appoint persons to hold or act in the office of Magistrate Grade III including power to transfer such Magistrates and to dismiss and exercise disciplinary control over any person holding or acting in such an office shall vest in the Chief Judge of the State.

Definition.

3. In this Decree, references to Magistrate include references to District Court Judges.

Citation, etc.

4.—(1) This Decree may be cited as the Interim Judicial Committees (Establishment, etc.) Decree 1977.

1975 No. 32.

(2) The provisions of the constitution of any State in the Federation (as modified by the Constitution (Basic Provisions) Decree 1975) or of any other law relating to appointments to the public service of such State shall be construed subject to the provisions of this Decree; but for the avoidance of doubt, nothing in this Decree shall be taken as prejudicially affecting paragraph (c) of section 13 (3) of the aforementioned Decree.

MADE at Lagos this 24th day of October 1977.

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

EXPLANATORY NOTE

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

The Decree provides for the establishment in each State of the Federation of an Interim Judicial Committee charged with the responsibility of appointing all grades of Magistrates except Magistrates Grade III who would be appointed by the Chief Judge of the State concerned.

**LEGAL PRACTITIONERS (AMENDMENT) (No. 2)
DECREE 1977**



Decree No. 67

[24th October 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For subsection (4) of section 5 of the Legal Practitioners Decree 1975 (as inserted by the Legal Practitioners (Amendment) Decree 1977), there shall be substituted the following new subsection (4) as follows, that is—

Amendment
of 1975
No. 15.
1977 No. 40

“(4) The members of the committee under paragraphs (c), (e) and (g) of subsection (3) above shall be appointed by the Chief Justice in consultation with the Attorney-General of the Federation.”

2. This Decree may be cited as the Legal Practitioners (Amendment) (No. 2) Decree 1977.

Citation.

MADE at Lagos this 24th day of October 1977.

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

EXPLANATORY NOTE

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

The Decree amends the Legal Practitioners Decree 1975 to include a Justice of the Supreme Court in the group of members of the Legal Practitioners' Privileges Committee to be appointed by the Chief Justice of Nigeria after consultation with the Attorney-General of the Federation.

EVIDENCE (AMENDMENT) DECREE 1977



Decree No. 68

[24th October 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Evidence Act is hereby amended by the insertion immediately after section 35 thereof of the following new section, that is :—

Amendmen
of Evidence
Act. Cap. 6

“Admission of written statements of investigating police officers in certain cases. 35A. Notwithstanding the provisions of this Act or of any other law but subject as herein provided, where in the course of any criminal trial, the court is satisfied that for any sufficient reason, the attendance of the investigating police officer cannot be procured, the written and signed statement of such officer may be admitted in evidence by the court if—

(a) the defence does not object to the statement being admitted; and

(b) the court consents to the admission of the statement.”

2. This Decree may be cited as the Evidence (Amendment) Decree 1977.

Citation.

MADE at Lagos this 24th day of October 1977.

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

EXPLANATORY NOTE

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

The Decree amends the Evidence Act to make the written and signed statements of investigating police officers admissible during criminal prosecution in certain cases.