

Supplement to Official Gazette Extraordinary No. 18, Vol. 71, 4th April,  
1984—Part—A

## PUBLIC OFFICERS (PROTECTION AGAINST FALSE ACCUSATION) DECREE 1984



### ARRANGEMENT OF SECTIONS

#### *Section*

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Publication or transmission of rumours.</li> <li>2. Power to prohibit the circulation of newspapers.</li> <li>3. Trial of offences under this Decree.</li> <li>4. Jurisdiction and powers of tribunal, etc.</li> <li>5. Rules of procedure and institution of proceedings.</li> <li>6. Power to issue search warrants.</li> </ol> | <ol style="list-style-type: none"> <li>7. Prosecution not to be a bar to civil proceedings.</li> <li>8. Penalty and forfeiture.</li> <li>9. Exclusion of proceedings.</li> <li>10. Offences continued after conviction.</li> <li>11. Interpretation.</li> <li>12. Citation and repeal.</li> </ol> |
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Schedule—Rules of Procedure.

### Decree No. 4

[29th March 1984]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Commence-  
ment.

1.—(1) Any person who publishes in any form, whether written or otherwise, any message, rumour, report or statement, being a message, rumour, statement or report which is false in any material particular or which brings or is calculated to bring the Federal Military Government or the Government of a State or a public officer to ridicule or disrepute, shall be guilty of an offence under this Decree.

Publication  
or transmis-  
sion of rumo-  
urs, etc.

(2) Any station for wireless telegraphy which conveys or transmits any sound or visual message, rumour, report or statement, being a message, rumour, report or statement which is false in any material particular or which brings or is calculated to bring the Federal Military Government or the Government of a State or a public officer to ridicule or disrepute, shall be guilty of an offence under this Decree.

(3) It shall be an offence under this Decree for a newspaper or wireless telegraphy station in Nigeria to publish or transmit any message, rumour, report or statement which is false in any material particular stating that any public officer has in any manner been engaged in corrupt practices or has in any manner corruptly enriched himself or any other person.

Power to prohibit the circulation of newspapers, etc.

2.—(1) Where the Head of the Federal Military Government is satisfied that the unrestricted circulation in Nigeria of a newspaper is or may be detrimental to the interest of the Federation or of any part thereof, he may by order published in the *Gazette*, prohibit the circulation in the Federation or in any part thereof, as the case may require, of that newspaper; and, unless any other period is prescribed in the order, the prohibition shall continue for a period of twelve months unless sooner revoked or extended, as the case may require.

(2) Where the Head of the Federal Military Government is satisfied that the unrestricted existence in Nigeria of any wireless telegraphy station is detrimental to the interest of the Federation or any part thereof, he may by an order published in the *Gazette*—

1961 No. 31.

(a) revoke the licence granted to such wireless telegraphy station under the provisions of the Wireless Telegraphy Act 1961; or

(b) order the closure or forfeiture to the Federal Military Government, as the case may be, of the wireless telegraphy station concerned.

Trial of offences under this Decree.

3.—(1) In any prosecution for an offence under this Decree, the burden of proving that the message, rumour, report or statement which is the subject-matter of the charge is true in every material particular shall, notwithstanding anything to the contrary in any enactment or rule of law, lie on the person charged.

(2) Prosecutions under this Decree may be commenced and proceeded within the tribunal set up pursuant to this Decree.

1964 No. 1.

(3) Section 24 of the Interpretation Act 1964 (which among other things provides that a person shall not be punished twice where he is guilty of an offence under more than one enactment) shall, subject to the provisions of sections 7 and 10 of this Decree, apply in respect of an offence under this Decree.

(4) A tribunal appointed under subsection (1) of this section shall consist of—

(a) a Chairman who shall be a serving or retired judge of a High Court or of any court of like jurisdiction; and

(b) three members of the Armed Forces not below the rank of major or its equivalent.

Jurisdiction and powers of tribunal, etc.

4.—(1) A tribunal shall have jurisdiction to try any person and award any of the penalties specified in section 8 of this Decree.

(2) For the purposes of subsection (1) of this section, where in respect of any act which is an offence under this Decree a tribunal is satisfied that any other person acted in concert with the person charged or knowingly took part to any extent whatsoever in the commission of the act constituting an offence under this Decree, the tribunal shall have power to treat that other person in the same manner as the person charged under this Decree and shall proceed against him accordingly, notwithstanding anything to the contrary in any other enactment.

Rules of procedure and institution of proceedings.

5.—(1) The rules of procedure to be adopted in prosecutions for offences under this Decree before a tribunal and the forms to be used in such proceedings shall be as set out in the Schedule to this Decree.

(2) Prosecutions for offences under this Decree shall be instituted before a tribunal in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such officer in the Federal Ministry of Justice as he may authorise so to do and, in addition thereto, he may—

(a) after consultation with the Attorney-General of any State in the Federation, authorise any officer in the Ministry of Justice of that State to undertake any such prosecutions directly or assist therein ;

(b) if a tribunal so requests, or if contingencies so dictate, authorise any other legal practitioner in Nigeria to undertake any such prosecution directly or assist therein :

Provided that the question whether any or what authority has been given in pursuance of this subsection shall not be inquired into by any person other than the Attorney-General of the Federation.

(3) Any person accused of any 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 resident in Nigeria.

(4) Where the rules of procedure contained in the Schedule to this Decree contain no provisions in respect of any matter relating to or connected with the trial of offences under this Decree, the provisions of the Criminal Procedure Code or, depending on the venue, the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

6. Notwithstanding the provisions of any other enactment conferring power to search, if the Chairman of a tribunal is satisfied that there is reasonable ground to suspect that there are or may be found in any building or other place whatsoever, any money or other property or any books, records, accounts statements or information in any other form whatsoever he may issue a warrant under his hand authorising any police officer or any member of the armed forces or security agencies to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such thing as aforesaid found therein.

Power to  
issue search  
warrants.

7. Nothing in this Decree shall be construed as affecting the right of any person to institute civil proceedings in respect of the publication of any false message, rumour, report or statement which is the subject-matter of proceedings under this Decree.

Prosecution  
not to be a  
bar to civil  
proceedings.

8.—(1) Any person found guilty of an offence under this Decree shall be liable on conviction to be sentenced to imprisonment for a term not exceeding two years, without the option of a fine and, in the case of a body corporate, to a fine of not less than ₦10,000.

Penalty and  
forfeiture.

(2) Where an offence under this Decree has been committed by a body corporate, every person who at the time of the commission of the offence was a proprietor, publisher, director, general manager, editor, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and in all the circumstances.

(3) Where a body corporate is convicted of an offence under this Decree, the tribunal may, in addition to any other penalty, order all or any of the equipment of the newspaper or wireless telegraphy station, with which the offence was committed, to be forfeited to the Federal Military Government.

(4) No appeal shall lie from a decision of any tribunal established under this Decree.

Exclusion of proceedings.

9. The validity of any direction, notice or order given or made or, as the case may be, of any other thing whatsoever done under this Decree shall not be inquired into in any court of law, and accordingly, nothing in Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 shall apply in relation to any matter arising out of this Decree.

Offences continued after conviction.

10. Without prejudice to the right to bring separate proceedings for contraventions of this Decree taking place on separate occasions, a person who is convicted of an offence under this Decree consisting in repeated publication or transmission of the message, rumour, report or statement which is the subject-matter of proceedings under this Decree, shall be deemed to have committed a separate offence in respect of every day or occasion on which the publication or transmission is so repeated or continued.

Interpretation.

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

“circulation” includes the sale, offering for sale or distribution or possession of, with a view to selling, offering or distributing, a newspaper ;

“newspaper” includes any paper containing public news, intelligence or occurrences or any remarks or observations therein printed anywhere and circulating in Nigeria for sale and published in Nigeria, or periodically, or in parts, or in numbers at intervals, and includes any paper printed in order to be dispersed and made public (in numbers at periodic intervals) or containing only or principally advertisements ;

1961 No. 31.

“wireless telegraphy stations” has the same meaning assigned to it in the Wireless Telegraphy Act 1961 ;

1984 No. 1.

“public officer” means any person who holds any office in the public service of the Federation or of a State as defined in the Constitution of the Federal Republic of Nigeria 1979, as affected by the Constitution (Suspension and Modification) Decree 1984.

Citation and repeal.

12.—(1) This Decree may be cited as the Public Officers (Protection Against False Accusation) Decree 1984.

1976 No. 11.

(2) The Public Officers (Protection Against False Accusation) Decree 1976 is hereby repealed,

## SCHEDULE

## Section 5 (1)

## RULES OF PROCEDURE

*Commencement and Conduct of Trial*

1. The trial of offences under this Decree shall commence by way of an application, supported by a summary of evidence, made to the tribunal by the prosecutor. Institution of proceedings.
2. Where after perusal of the application and the summary of evidence or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under this Decree, it shall cause that person to be brought before the tribunal on such date and at such time as it may direct. Order on an accused to appear.
- 3.—(1) When the tribunal is ready to commence the trial, the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged. Commencement of trial.
- (2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon. Plea of not guilty or no plea.
4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused, the tribunal shall proceed to try the case.
- 5.—(1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused. Presentation of case for prosecution.
- (2) The prosecutor shall then examine the witness for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.
- 6.—(1) After the conclusion of the presentation of evidence by the prosecutor, the tribunal shall ask the accused— Procedure after presentation of evidence by the prosecution.
  - (a) whether he wishes to give evidence on his own behalf; and
  - (b) whether he intends to call witnesses other than witnesses to character.
- (2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.
- (3) Notwithstanding the provisions of paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter upon the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.
- (4) If the accused or any one of several accused says that he intends to call any witness, other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.



(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

Defence.

7. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

Right of prosecutor to reply.

8.—(1) If the accused or any of the accused calls any witness, other than a witness to character, or any document, other than a document relating to character, is put in evidence for the defence, the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence as to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any, as to corruption, abuse of office or any other offence as to dishonesty.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case, with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than as to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

Consideration of finding.

9. When the case for the defence and the reply of the prosecutor, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

Announcement of finding.

10. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by this Decree and issue a committal warrant accordingly.

Notes of evidence to be taken.

11.—(1) The Chairman or any other member of the tribunal authorised by the Chairman in that behalf shall in every case take notes in writing of the oral evidence, or so much thereof as he considers is material, in a book to be kept for that purpose and such book shall be signed by the Chairman at the conclusion of each day's proceeding and not less than two other members of the tribunal including the person who took down the notes.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

#### *Supplemental*

Issue of summons for witness.

12. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence respecting the case

and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

13. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoided service, the tribunal, on being satisfied that such person is likely to give material evidence may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant before the tribunal in order to testify as aforesaid.

Warrant of  
witness  
after  
summons.

14. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

Local  
inspection.

15. Subject to the express provisions, of this Decree, the forms contained in the Annex to this Schedule may, in accordance with any instruction contained in the said forms, and with such variations as the circumstances of the particular case may require be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

Forms.

16. In these rules, "the prosecutor" means the Attorney-General of the Federation or any other person authorised by him pursuant to section 5 (2) of this Decree to conduct the prosecution of an offence before the tribunal or to assist therein.

Definition.

## ANNEX 1

(Rule 15)

### [FORMS

#### FORM 1

#### APPLICATION TO COMMENCE TRIAL FOR AN OFFENCE UNDER THE PUBLIC OFFICERS (PROTECTION AGAINST FALSE ACCUSATION) DECREE 1984

To : The Chairman,

Tribunal for the trial of offences under the Public Officers (Protection Against False Accusation) Decree 1984.

Pursuant to section 5 (2) of the Public Officers (Protection Against False Accusation) Decree 1984, I hereby apply for the commencement of a trial for the offence of \_\_\_\_\_ under section \_\_\_\_\_ of the aforesaid Decree against the undermentioned persons :—

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

2. In support of this application I attach hereto.....  
 .....copies of the summary of evidence for the  
 consideration of the Tribunal.

3. If this application is granted, I shall be relying on the facts disclosed  
 in the summary of evidence and any further evidence the Tribunal may  
 consider necessary at the trial. I attach hereto four copies of the charge  
 against the accused. A list of the deponents and their addresses is also attached  
 for the purpose of issuing witness summons on them.

.....  
*Prosecutor*

## FORM 2

### *Public Officers (Protection against False Accusation) Decree 1984*

#### SUMMONS TO ACCUSED

In the Tribunal for the trial of offences under the Public Officers  
 (Protection Against False Accusation) Decree 1984.

To A.B. of.....

Complaint has been made this day by (iii).....

for that you on the.....day of.....

at.....in the.....

aforsaid did\*.....

You are therefore summoned to appear before the Tribunal mentioned  
 above sitting at.....

on.....to answer the said complaint.....

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

.....  
*Chairman of the Tribunal*

.....  
 (i), (ii) Insert name of accused persons.

(iii) State name of prosecutor



FORM 3

*Public Officers (Protection Against False Accusation)  
Decree 1984*

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984

*Between*

The Federal Republic of Nigeria

and

..... Accused

To..... Police Officer.

Complaint has been made on..... of..... by

..... that.....

(hereinafter called the accused) on the..... day of

..... did\*

You are hereby commanded to bring the accused before the Tribunal  
mentioned above sitting at..... on..... to answer  
the said complaint and be dealt with according to law.

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

.....  
*Chairman of the Tribunal*

\*State concisely the substance of the offence.

## FORM 4

Public Officers (Protection False Against Accusation)  
Decree 1984

## SUMMONS TO WITNESS

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984.

*Between*

The Federal Republic of Nigeria

*and*

..... Accused

To (i).....

(ii)..... has been

charged by (iii)..... at.....

..... in.....

that he did (iv).....

and it appearing to me on the application of (iii).....

..... that you are likely to give material evidence  
therein on behalf of the prosecutor (or accused).

You are therefore summoned to appear before the Tribunal named above  
sitting at..... on the..... day of

..... 19..... at the hour of.....

..... in the..... noon,  
to testify what you know in such matter.

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

.....  
*Chairman of the Tribunal*

\*State concisely the substance of the offence.

(i) Insert name of witness.

(ii) Insert name of accused.

(iii) Insert the name of prosecutor or, if applicable, the accused.

(iv) State concisely the substance of the offence.

FORM 5

Public Officers (Protection Against False Accusation)  
Decree 1984

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984.

To.....

A.B. has been charged by.....

for that he on the.....

day of..... at.....

in the..... State aforesaid

did\*.....

And it appearing to me by the oath of.....  
that E.F. is likely to give material evidence concerning the said matter, and  
that it is probable he will not attend to give evidence unless compelled to do  
so.

You are therefore hereby commanded to bring him before the Tribunal  
named above sitting at..... forthwith  
to testify what he knows concerning the said matter.

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

.....  
Chairman of the Tribunal

\*State concisely the substance of the offence.

## FORM 6

*Public Officers (Protection Against False Accusation).  
Decree 1984*

## WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984.

*Between*

The Federal Republic of Nigeria

*and*

..... Accused

To ..... Police Constable or to each and  
all the Constables of .....

(i) ..... was duly summoned to appear  
before the Tribunal named above sitting at .....  
on ..... at the hour of .....  
in the ..... noon, to testify what he knows  
concerning a certain complaint against .....

And he has neither appeared thereto, nor offered any just excuse for his  
neglect.

And it has been proved on oath that the summons has been duly served on  
him (and that a reasonable sum has been paid (or tendered) to him for his  
costs and expenses in that behalf).

You are therefore hereby commanded to bring him before the tribunal  
named above sitting at ..... forthwith to  
testify what he knows concerning the said matter.

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

.....  
*Chairman of the Tribunal*

(i) *Insert name of witness.*

## FORM 7

*Public Officers (Protection Against False Accusation)  
Decree 1984*

## WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984.

*Between*

The Federal Republic of Nigeria

*and*

.....Accused

To ..... and to the  
Superintendent of ..... Prison

(i) ..... having appeared  
or been brought before the Tribunal named above sitting at .....  
..... on the ..... day of ..... 19.....  
to testify what he knows concerning a certain matter against

(ii) ..... refused to take an oath  
(or having taken an oath) refused to answer any (or a certain) question put to  
him concerning the matter and did not offer any just excuse for his refusal.

You the said Police Officer are hereby commanded to convey the said  
..... safely to the prison  
and deliver him to the Superintendent thereof, together with this Warrant  
and you, the Superintendent of the said prison, to receive him into your  
custody and keep him for the period of ..... unless  
he in the meantime consents to be examined and to answer concerning the  
matter.

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

.....  
*Chairman of the Tribunal*

(i) Insert name of witness.

(ii) Insert name of accused.



## FORM 8

Public Officers (Protection Against False Accusation)  
Decree 1984

## COMMITMENT ON REMAND

In the Tribunal for the trial of offences under the Public Officers  
(Protection Against False Accusation) Decree 1984.

*Between*

The Federal Republic of Nigeria

*and*

..... Accused

To.....and Officer-in-charge  
of.....Police Station and to  
the Superintendent of.....Prison.

(i) .....(hereinafter called the  
accused) being brought before the Tribunal named above, sitting at.....

.....charged with having

(ii) .....

The hearing of the case being adjourned :

You the said Police Officer are hereby commanded to convey the accused  
from police custody at.....\*to the said prison  
and there to deliver him to the Officer-in-charge\*/Superintendent thereof,  
together with this Warrant, and you, the Officer-in-charge\*/the Superintendent  
of the said prison to receive him into your custody, and keep him until the.....

..... day of.....19.....and

on that day to convey him before the said tribunal at the hour of.....

in the.....noon to be further dealt  
with according to law.

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

.....  
*Chairman of the Tribunal*

(i) *Insert name of accused.*

(ii) *State the Offence or Offences.*

\* *Delete whichever does not apply.*

## FORM No. 9

*Public Officers (Protection Against False Accusation) Decree 1984*

In the Tribunal for the trial of offences under the Public Officers (Protection Against False Accusation) Decree 1984.

## WARRANT OF CONVICTION

*Between*

The Federal Republic of Nigeria

*and**Accused*

(i) ..... having appeared before the tribunal named above sitting at ..... is this day convicted for that he, on the ..... day of ..... 19..... at ..... within the ..... did

(ii) .....

And it is adjudged that the accused, for his said offence, be sentenced to

(iii) .....

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

*Chairman of the Tribunal*

(i) *Insert name of accused.*

(ii) *State concisely the substance of offence.*

(iii) *State sentence imposed on accused.*

MADE at Lagos this 29th day of March 1984.

MAJOR-GENERAL M. BUHARI,  
*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-mentioned Decree but is merely intended to explain its purpose)*

The Decree makes it an offence for any of the print or electronic media to print or transmit without justification any false message, rumour, report or statement calculated to bring to ridicule or disrepute the Federal or any State Government or any public officer, as defined in the Decree. Penalties are imposed for any contravention of the provisions of the Decree and such penalties include—

(a) in the case of an individual such as a proprietor, publisher, manager, editor or such similar officer, a term of imprisonment for 2 years without the option of a fine ;

(b) in the case of a body corporate, the imposition of a fine of not less than ₦10,000 and, in an appropriate case, the forfeiture to the Federal Military Government of any equipment of the print or electronic media concerned or the proscription of the newspaper or periodical.

Offences under the Decree are triable by a Military Tribunal constituted under the Decree for that purpose.

# ROBBERY AND FIREARMS (SPECIAL PROVISIONS) DECREE 1984



## ARRANGEMENT OF SECTIONS

### Section

1. Punishment for robbery.
2. Punishment for attempted robbery.
3. Punishment for illegal possession of firearms.
4. Punishment for parties to offences under sections 1, 2 or 3.
5. Power to arrest by force without warrant, etc.
6. Constitution of tribunals for trial of offences.
7. Rules of procedure and power to institute proceedings.

8. Record of proceedings to be forwarded to Military Governor.
9. Conviction or sentence subject to confirmation or disallowance.
10. Supplementary provisions.
11. Adaptation of Decree to the Federal Capital Territory, etc.
12. Repeals and savings.
13. Interpretation.
14. Citation.

### SCHEDULE

Robbery and Firearms Tribunals  
Rules of Procedure.

## Decree No. 5

[29th March 1984]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Any person who commits the offence of robbery shall upon trial and conviction under this Decree, be sentenced to imprisonment for not less than twenty-one years.

Punishment  
for robbery.

(2) If—

(a) any offender mentioned in subsection (1) above is armed with any firearms or any offensive weapon or is in company with any person so armed ; or

(b) at or immediately before or immediately after the time of the robbery the said offender wounds or uses any personal violence to any person,

the offender shall be liable upon conviction under this Decree to be sentenced to death.

(3) The sentence of death imposed under this section may be executed by hanging the offender by the neck till he be dead or by causing such offender to suffer death by firing squad as the Military Governor may direct.

2.—(1) Any person who, with intent to steal anything, assaults any other person and at or immediately after the time of assault, uses or threatens to use actual violence to any other person or any property in order to obtain the thing intended to be stolen shall upon conviction under this Decree

Punishment  
for attempt-  
ed robbery,  
etc.

be sentenced to imprisonment for not less than fourteen years but not more than twenty years.

(2) If—

(a) any offender mentioned in subsection (1) above is armed with any firearms or any offensive weapon or is in company with any other person so armed ; or

(b) at or immediately before or immediately after the time of the assault the said offender wounds or uses any other personal violence to any person,

the offender shall upon conviction under this Decree be sentenced to imprisonment for life.

(3) Any person found in any public place in possession of any firearms whether real or imitation and in circumstances reasonably indicating that the possession of the firearms is with intent to the immediate or eventual commission by that person or any other person of any offence under section 1 of this Decree or under the foregoing provisions of this section shall upon conviction under this Decree be sentenced to imprisonment for not less than fourteen years but not more than twenty years.

Punishment  
for illegal  
possession of  
firearms.  
Cap. 69.

3.—(1) Any person having a firearm in his possession or under his control in contravention of the Firearms Act or any order made thereunder shall be guilty of an offence under this Act and shall upon conviction under this Decree be sentenced to a fine of ₦20,000 or to imprisonment for a period of not less than ten years, or to both.

1966 No. 31.

(2) For the avoidance of doubt, section 28 of the Firearms Act (as amended by the Firearms (Amendment) Act 1966) shall, subject as provided in section 10 (4) of this Decree, have effect notwithstanding subsection (1) of this section.

Punishment  
for parties  
to offences  
under sec-  
tions 1, 2  
or 3.

4. Any person who—

(a) aids, counsels, abets or procures any person to commit an offence under section 1, 2 or 3 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.

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

5.—(1) A police officer or a member of the armed forces may arrest without warrant any person reasonably suspected of having committed or of being about to commit an offence under this Decree and the police officer or member of the armed forces 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 armed forces ; and

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

Constitution  
of tribunals  
for trial of  
offences.

6.—(1) The Military Governor of each State shall constitute a tribunal or tribunals for the trial of offences under this Decree committed within his State.



(2) A tribunal constituted under subsection (1) above shall consist of the following persons to be designated by the Military Governor, that is to say—

(a) a serving or retired judge of the High Court of the State concerned, 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 Nigerian Police Force not below the rank of chief superintendent of Police :

Provided that no member of the 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.

7.—(1) The rules as to the procedure to be adopted in prosecutions for offences under this Decree before a tribunal and the forms to be used in such proceedings shall be as set out in the Schedule to this Decree.

Rules of procedure and power to institute proceedings.

(2) Prosecutions for offences under this Decree shall be instituted by the Attorney-General of the State in respect of which the tribunal was constituted or by such officer in the Ministry of Justice of that State as the Attorney-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 Attorney-General.

(3) Any offender under this Decree shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner resident in Nigeria and to examine in person or by his legal practitioner, if he so wishes, any person whose evidence forms part of the case against him.

8. The registrar of each tribunal shall, not later than 30 days after the conclusion of proceedings in respect of which any person is convicted of an offence under this Decree, forward a copy of the record of proceedings to the office of the appropriate Military Governor.

Record of proceedings to be forwarded to Military Governor within 30 days.

9.—(1) The Military Governor of a State shall, in respect of a tribunal constituted by him, have power to confirm or disallow any conviction or sentence imposed by the tribunal and the Military Governor shall exercise such power not later than 30 days after the receipt of the record of proceedings referred to in section 8 of this Decree.

Conviction or sentence subject to confirmation or disallowance.

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

(3) Where under subsection (1) above the Military Governor 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 remit in part or in whole the punishment (including any forfeiture or fine) or substitute a less severe form of punishment for any punishment imposed on the convicted offender.

(4) No appeal shall lie from a decision of a tribunal constituted under this Decree or from any confirmation or dismissal of such decision by the Military Governor.

Supplemen-  
tary provi-  
sions.

10.—(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 Federal Republic of Nigeria 1979), 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 Military Governor of a State, 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.

1964 No. 1.

(3) The question whether any provision of Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 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.

(4) It is hereby declared that section 24 of the Interpretation Act 1964 (which provides, *inter alia*, that a person shall not be punished twice where he is guilty of an offence under more than one enactment) shall apply in respect of this Decree.

Adaptation  
of Decree to  
the Federal  
Capital  
Territory.

11. The provisions of this Decree shall apply to the Federal Capital Territory as if it were one of the States of the Federation, and accordingly—

(a) any reference in this Decree to the Military Governor of a State shall be construed as being a reference to the Minister of the Federal Capital Territory ;

(b) any reference to a serving or retired judge of a State shall be construed as a reference to a serving or retired judge of the High Court of the Federal Capital Territory or a serving or retired judge of the Federal High Court ;

(c) any reference to any other person, office or authority of a State shall be construed as being a reference to the person, office or authority of the Federation with like status, designation or powers; and in particular, any reference to the Attorney-General of a State shall be construed as being a reference to the Attorney-General of the Federation.

Repeals and  
savings.

12.—(1) The Robbery and Firearms (Special Provisions) Act 1970 is hereby repealed and the following enactments are hereby consequentially repealed, that is to say—

1970 No. 47.

1971 No. 48.

(a) the Robbery and Firearms (Special Provisions) (Amendment) Act 1971 ;

1974 No. 29.

(b) the Robbery and Firearms (Special Provisions) (Amendment) Act 1974 ;

1977 No. 39.

(c) the Robbery and Firearms (Special Provisions) Act 1977 ; and

1979 No.  
105.

(d) so much of Schedule 3 to the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals, etc.) Act 1979 as relates to the Robbery and Firearms (Special Provisions) Act 1970.

(2) Any part-heard proceedings before any High Court on the date of coming into force of this Decree shall be continued and completed as if the provisions of this Decree had not been made.

(3) For the purposes of subsection (2) of this section, "part-heard proceedings" means proceedings in the course of which the plea of the accused has been taken and the court has commenced to hear evidence.

13.—(1) In this Decree, unless the context otherwise requires—

Interpretation.

"assault" means striking, touching, moving or otherwise applying force, including heat, light, electrical force, gas, odour, or any other substance or thing whatever, if applied in such a degree as to cause injury or personal discomfort to the person of another, either directly or indirectly without his consent, or with his consent if the consent is obtained by fraud, or any bodily act or gesture, amounting to an attempt or threat to apply force of any kind as aforesaid to the person of another without his consent, in such circumstances that the person making the attempt or threat has in fact or apparently a present ability to effect the purpose ;

"firearms" includes any canon, gun, rifle, carbine, machine-gun, cap-gun, flint-lock gun, revolver, pistol, explosive or ammunition or other firearm, whether whole or in detached pieces;

"Military Governor" means the Military Governor of any State in the Federation and includes the Minister of the Federal Capital Territory ;

"offensive weapon" means any article (apart from a firearm) made or adapted for use for causing injury to the person or intended by the person having it for such use by him and it includes an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon ;

"robbery" means stealing anything and, at or immediately before or after the time of stealing it, using or threatening to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained;

"steal" means to take or convert to one's use or the use of any other person anything other than immovable property, with any of the following intents—

(a) an intent permanently to deprive the owner of the thing of it ;

(b) an intent permanently to deprive any person who has any special property in the thing of such property, the term "special property" here including any charge or lien upon the thing in question and any right arising from or dependent upon holding possession of the thing in question, whether by the person entitled to such right or by some other person for his benefit;

(c) an intent to use the thing as a pledge or security;

(d) an intent to part with the thing on a condition as to its return which the person taking or converting it may be unable to perform;

(e) an intent to deal with the thing in such a manner that it cannot be returned in the condition in which it was at the time of taking or conversion;

(f) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner;

"tribunal" means any tribunal constituted under section 6 of this Decree.

Citation.

14. This Decree may be cited as the Robbery and Firearms (Special Provisions) Decree 1984.

## SCHEDULE (Section 7)

### ROBBERY AND FIREARMS TRIBUNALS RULES OF PROCEDURE

#### *Commencement and Conduct of Trial*

Institution of proceedings.

1. The trial of offences under this Decree shall commence by way of an application, supported by evidence on affidavit, made to the tribunal by the prosecutor.

Order on an accused to appear.

2. Where after perusal of the application and the evidence on affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under this Decree it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

Commencement of trial.

3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

(2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon unless the offence charged is punishable with death, in which case the tribunal shall enter a plea of not guilty on behalf of the accused.

Plea of not guilty or no plea.

4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused, the tribunal shall proceed to try the case.

Defence in capital cases.

5. Where an accused charged with an offence punishable with death is not defended by a legal practitioner the tribunal shall assign a legal practitioner for his defence.

Presentation of case for prosecution.

6.—(1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

Procedure after presentation of evidence by the prosecution.

7.—(1) After the conclusion of the presentation of evidence by the prosecutor the tribunal shall ask the accused—

(a) whether he wishes to give evidence on his own behalf ; and

(b) whether he intends to call witnesses other than witnesses to character

(2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.



(3) Notwithstanding the provisions of paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter upon the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

8. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

Defence.

9.—(1) If the accused or any of the accused calls any witness other than to character or any document other than a document relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

Right of prosecutor to reply.

(2) If the accused has called only evidence to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case, with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

10. When the case for the defence and the reply of the prosecutor, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

Consideration of finding.

11. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by this Decree and issue a committal warrant accordingly.

Announcement of finding.

12. The tribunal may in any case in recording sentence make a recommendation to mercy but in any such case shall give the reasons for its recommendation.

Recommendation to mercy.



Notes of  
evidence to  
be taken.

13.—(1) The Chairman of the tribunal shall in every case take notes in writing of the oral evidence, or so much thereof as he considers is material, in a book to be kept for that purpose and such book shall be signed by the Chairman at the conclusion of each day's proceedings.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

### *Supplemental*

Issue of  
summons for  
witness.

14. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence respecting the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

Warrant for  
witness after  
summons.

15. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non-attendance, then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the tribunal in order to testify as aforesaid.

Local inspection.

16. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

Forms.

17. Subject to the express provisions, if any, of these rules the forms contained in the Annex to these rules may, in accordance with any instruction contained in the said forms, and with such variations as the circumstances of the particular case may require be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

Application  
of Criminal  
Procedure  
Act or the  
Criminal  
Procedure  
Code.  
Cap. 43.  
LLNN 1963  
Cap. 30.

18. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences under this Decree the provisions of the Criminal Procedure Code or, depending on the venue, the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect to such matter to the same extent as they apply to the trial of offences generally.

Interpreta-  
tion.

19. In these rules "the prosecutor" means—

(a) the Attorney-General of the State in respect of which the tribunal was constituted or, where there is no Attorney-General, the Solicitor-General of that State or the officer in the Ministry of Justice of the State authorised by the Attorney-General or the Solicitor-General, as the case may be, to conduct the prosecution of an offence before the tribunal.

(b) in respect of an offence committed in the Federal Capital Territory, the Attorney-General of the Federation or an officer in the Federal Ministry of Justice authorised by the Attorney-General of the Federation to conduct the prosecution of an offence before the tribunal.

## ANNEX

(Rule 17)

## FORMS

## FORM No. 1

APPLICATION TO COMMENCE TRIAL FOR AN  
OFFENCE UNDER THE ROBBERY AND FIREARMS  
(SPECIAL PROVISIONS) DECREE 1984

.....State

To : The Chairman,

Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

.....

.....

.....

Pursuant to section 7 of the Robbery and Firearms (Special Provisions)  
Decree 1984, I hereby apply for the commencement of a trial for the offence

of (i).....under section

.....of the Robbery

and Firearms (Special Provisions) Decree 1984 against the undermentioned  
person :—

(ii).....

2. In support of this application I attach hereto.....  
copies of evidence on affidavit for the consideration of the Tribunal.

3. If this application is granted, I shall be relying on the facts disclosed  
in the affidavit and any further evidence the Tribunal may consider necessary  
at the trial. I attach hereto four copies of the charge against the accused.  
A list of the deponents and their addresses is also attached for the purpose  
of issuing witness summons on them.

.....  
Prosecutor

(i) Insert the offence.

(ii) Insert the name of accused.

FORM No. 2

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
DECREE 1984

## SUMMONS TO ACCUSED

In the Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

.....State

To A.B. of.....

Complaint has been made this day by.....

.....for

that you on the.....day of.....

at.....

in the.....aforesaid

did\*.....

You are therefore summoned to appear before the tribunal mentioned  
above sitting at.....

on.....to answer the said complaint.

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

.....  
*Chairman of the Tribunal*

.....  
\*State Concisely the substance of the offence.

## FORM No. 3

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
DECREE 1984

## WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

State

Between

Complainant

and

Accused

To.....Police Officer.

Complaint has been made on.....of

by.....that

hereinafter called the accused, on the.....

day of.....did (\*).....

You are hereby commanded to bring the accused before the Tribunal  
mentioned above sitting at.....on.....to  
answer the said complaint and be dealt with according to law.

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

Chairman of the Tribunal

\* State concisely the substance of the offence.

## FORM No. 4

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
DECREE 1984

## SUMMONS TO WITNESS

In the Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

State

Between

Complainant

and

Accused

To (i).....  
 (ii)..... has been  
 charged by (iii)..... at.....  
 ..... in.....  
 that he did (iv).....  
 .....  
 and it appearing to me on the application of (iii).....  
 ..... that you are likely to give material  
 evidence therein on behalf of the prosecutor (or accused).

You are therefore summoned to appear before the tribunal named above  
 sitting at..... on the..... day of..... 19.....  
 at the hour of..... in the.....  
 noon, to testify what you know in such matter.

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

.....  
*Chairman of the Tribunal*

- (i) *Insert name of witness.*
- (ii) *Insert name of accused.*
- (iii) *Insert name of prosecutor or, if applicable, the accused.*
- (iv) *State concisely the substance of the offence.*

FORM No. 5

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)

DECREE 1984

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of Offences under the Robbery and Firearms  
 (Special Provisions) Decree 1984.

..... State  
 To.....  
 A. B. has been charged by.....  
 for that he on the.....  
 day of..... at.....  
 in the..... State aforesaid  
 did \*.....



And it appearing to me by the oath of.....  
that E. F. is likely to give material evidence concerning the said matter, and  
that it is probable he will not attend to give evidence unless compelled to do so.

You are therefore hereby commanded to bring him before the tribunal  
named above sitting at.....  
forthwith to testify what he knows concerning the said matter.

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

.....  
*Chairman of the Tribunal*

*\*State concisely the substance of the offence.*

FORM No. 6

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
DECREE 1984

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

.....State

Between

.....Complainant

and

.....Accused

To.....Police Constable or to each and all the  
Constables of.....

(i) .....was duly summoned to appear  
before the tribunal named above sitting at.....  
on .....at the hour of.....  
in the.....noon, to testify what he knows concerning a certain  
complaint against.....  
.....

And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him (and that a reasonable sum has been paid (or tendered) to him for his costs and expenses in that behalf).

You are therefore hereby commanded to bring him before the tribunal named above sitting at.....forthwith to testify what he knows concerning the said matter.

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

.....  
Chairman of the Tribunal

.....  
(i) Insert name of witness.

FORM No. 7

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
DECREE 1984

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of offences under the Robbery and Firearms (Special Provisions) Decree 1984.

.....State  
Between  
.....Complainant  
and  
.....Accused

To.....and to the  
Superintendent of.....Prison

(i).....having appeared  
or been brought before the tribunal named above sitting at.....  
on the.....day of.....19.....to testify what he knows concern-

ing a certain matter against (ii).....refused to take an oath  
(or having taken an oath) refused to answer any (or a certain) question put to  
him concerning the matter and did not offer any just excuse for his refusal.

You the said Police Officer are hereby commanded to convey the said  
.....safely to the prison, and deliver him to the  
Superintendent thereof, together with this warrant and you, the Superinten-  
dent of the said prison, to receive him into your custody and keep him for the

period of ..... unless he in the mean-  
time consents to be examined and to answer concerning the matter.

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

.....  
*Chairman of the Tribunal*

(i) *Insert name of witness.*

(ii) *Insert name of accused.*

FORM No. 8

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)

DECREE 1984

COMMITMENT ON REMAND

In the Tribunal for the trial of offences under the Robbery and Firearms  
(Special Provisions) Decree 1984.

..... State  
Between

..... Complainant

and

..... Accused

To ..... and Officer-in-charge of

..... Police Station and the

Superintendent of ..... prison

(i) ..... hereinafter called the accused

being brought before the tribunal named above, sitting at

charged with having (ii) .....

The hearing of the case being adjourned :

You the said Police Officer are hereby commanded to convey the accused

to police custody at ..... \*to the said  
prison, and there to deliver him to the Officer-in-charge\*/Superintendent  
thereof, together with this Warrant, and you, the Officer-in-charge\*/the  
Superintendent of the said prison to receive him into your custody, and keep

him until the ..... day of ..... 19....., and on that day to

convey him before the said tribunal at the hour of ..... in the

.....noon to be further dealt with according to law.

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

.....  
Chairman of the Tribunal

- (i) *Insert name of Accused.*  
 (ii) *State the Offence or Offences.*  
 \* *Delete whichever does not apply.*

FORM No. 9

ROBBERY AND FIREARMS (SPECIAL PROVISIONS)  
 DECREE 1984

In the Tribunal for the trial of offences under the Robbery and Firearms  
 (Special Provisions) Decree 1984.

WARRANT OF CONVICTION

.....State

Between

.....Complainant  
 and

.....Accused

(i) .....having appeared  
 before the tribunal named above sitting at.....

is this day convicted for that he, on the.....day of

.....19...., at.....

within the.....did

(ii) .....

And it is adjudged that the accused, for his said offence, be sentenced to

(iii) .....  
 and the accused shall until the conviction and/or sentence be confirmed or  
 disallowed by the Military Governor or the Minister of the Federal Capital  
 Territory be kept in custody at (iv).....

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

.....  
*Chairman of the Tribunal*

- .....  
(i) *Insert name of accused.*  
(ii) *State offence or offences for which accused is convicted.*  
(iii) *Insert the tribunal's sentence.*  
(iv) *Insert place of custody.*

MADE at Lagos this 29th day of March 1984.

MAJOR-GENERAL M. BUHARI,  
*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 purport)*

The Decree repeals, and re-enacts in a more comprehensive form, the Robbery and Firearms (Special Provisions) Act 1970 (as re-designated by the Adaptation of Laws (Re-designation of Decrees) Order 1980: S.I. 13 of 1980). Consequently, the use of police officers and members of the armed forces for apprehension of suspected robbers and trial by tribunals have been reinstated.

Other provisions relate to the rules of procedure to be used during trials, confirmation or disallowance of sentences passed by tribunals by Military Governors (or in the case of an offence committed within the Federal Capital Territory, the Minister), punishment for illegal possession of firearms and sundry matters.

## BANKING (FREEZING OF ACCOUNTS) DECREE 1984



## ARRANGEMENT OF SECTIONS

## Section

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Freezing of accounts, etc.</li> <li>2. Verification of accounts.</li> <li>3. Transitional provisions.</li> <li>4. Indemnity for compliance.</li> <li>5. Exclusion of remedies.</li> </ol> | <ol style="list-style-type: none"> <li>n. Offences.</li> <li>7. Interpretation.</li> <li>8. Citation and commencement.</li> </ol> <p>Schedule—Forms.</p> |
|---|--|

## Decree No. 6

[31st December 1983]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Where the Head of the Federal Military Government has reasonable cause to suspect that transactions, whether before or after the commencement of this Decree, in any account of persons (hereinafter referred to as "the account") with any bank are such as may involve the offences of bribery, corruption, extortion or abuse of office, he may direct or cause direction to be issued to the manager of the bank where the accounts are, or are believed to be, or in the alternative to the head office of such bank requiring the bank to freeze forthwith all transactions in the account concerned.

Freezing of  
accounts,  
etc.

(2) The manager of a bank in which an account affected by a direction issued under subsection (1) of this section is kept shall on receipt of a direction to that effect forthwith suspend all banking transactions whatsoever relative to such account for such period as may be specified in the direction.

(3) Where an account has been frozen pursuant to a direction under subsection (1) of this section, the Head of the Federal Military Government may authorise any qualified person to issue an order requiring the bank to prepare or cause to be prepared a record of transactions in the accounts of the persons named in the orders over the period stated therein ; and the manager shall prepare and certify the records as required on or before the expiration of seven working days from the date of the receipt of the order or within such extension as may be approved by the person issuing the order.

(4) Orders for a report on accounts shall be as in Form I in the Schedule to this Decree or to the like effect and shall be sent by registered post or may be delivered. If a receipt appears to relate to an order under this Decree and to be signed by or on behalf of the bank to which it is addressed or delivered, the receipt shall be sufficient evidence of delivery without further proof.



Verification  
of accounts.

2.—(1) A qualified person authorised in that behalf, after production to the manager of his authority, shall consider the record furnished by the bank and may, if he thinks it fit, thereafter by supplementary order as in Form 2 in the Schedule to this Decree, require the manager to give to him further information or produce books or documents relating to particular items in the record of any of the accounts ; and the manager shall furnish such information within an agreed time or, if no time is agreed, then within three days after the date of the order.

(2) A qualified person investigating the accounts having completed his investigations as far as possible shall, within seven days of the receipt of the record or additional record furnished by the bank, submit his findings together with the conclusions drawn by him and the reasons therefor to the Secretary to the Federal Military Government who shall likewise thereafter report to the Head of the Federal Military Government.

(3) If the Head of the Federal Military Government, after considering the report of a qualified person submitted pursuant to subsection (2) of this section, is of opinion that items in the accounts or any of them confirm or tend to confirm the reasonable suspicion of the Head of the Federal Military Government under section 1 (1) of this Decree, he may cause an order to be issued for the continued freezing of the account concerned.

(4) Where the Head of the Federal Military Government is satisfied that the report submitted pursuant to subsection (2) of this section does not confirm his suspicion that the person concerned has been involved in the offences of bribery, corruption, extortion or abuse of office, he may cause to be revoked the direction freezing the account and thereafter, normal banking transactions shall forthwith resume relative to that account.

(5) Where a direction freezing an account is given pursuant to the provisions of subsection (3) of this section, the direction shall have effect for the period mentioned in the order unless sooner revoked by another order : Provided that the Head of the Federal Military Government may delegate his powers under the foregoing provisions of this section to a qualified person, and the period mentioned in any such order may, from time to time by subsequent orders issued as aforesaid, be extended for such further period as may be specified in the order.

(6) Where the Head of the Federal Military Government after considering the reports submitted pursuant to subsection (2) of this section is of the opinion that the report confirms or tends to confirm his suspicion of the commission of the offences specified in section 1 (1) of this Decree, the Head of the Federal Military Government may direct that a copy of the report be delivered to the Attorney-General of the Federation and the Attorney-General shall thereafter take such action as appears to him necessary.

Transitional  
provisions.

3. Any account frozen by any person authorised in that behalf, whether by the Head of the Federal Military Government or any other authority between the date of the commencement of this Decree and the date of its making, shall be deemed to have been frozen under this Decree and shall have full effect as if so issued, notwithstanding any deviations from the foregoing provisions of this Decree but any such freezing order still pending shall, as from the date of the making of this Decree, be conducted in compliance therewith.

4. Where the manager complies with any direction or an order made or deemed to have been made under this Decree, by the Head of the Federal Military Government or a person authorised by him, the bank and all persons complying with the direction, or as the case may be, any order or requirement of the person aforementioned shall be indemnified from liability to the extent of compliance therewith ; and accordingly, no action, claim, suit or demand by or on behalf of any person whose account is frozen or investigated pursuant to any such direction, order or requirement shall lie against the bank or any person so complying.

Indemnity  
for  
compliance.

5.—(1) The question whether any provision of Chapter IV of the Constitution of the Federal Republic of Nigeria 1979 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 no provision of that Constitution shall apply in relation to any such question ; and no court or person shall be concerned to enquire whether the circumstances justify any order, direction or requirement under this Decree.

Exclusion of  
remedies.

(2) An appeal shall not lie to any court against this Decree or any order made or given thereunder, or any subsequent direction or requirement of the Head of the Federal Military Government or a person authorised by him in that behalf, as the case may be.

6. It shall be an offence against this Decree for any bank or manager to refuse to comply with any direction under this Decree or any order or requirement of the Head of the Federal Military Government or a person authorised by him in that behalf ; and the penalties prescribed under the Banking Act 1969 in respect of failure to produce any book, account, document or information or in respect of any falsehood shall apply to the failure to comply with any order, direction or requirement under this Decree or of any falsehood as they apply to cases within that subsection.

Offences.

1969 No. 1.

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

“the Head of the Federal Military Government” includes any person authorised by him in any regard under this Decree ;

“manager” includes any person in apparent control of a bank ;

“person” includes any company or association or body of persons (corporate or unincorporate) in which the bank affected by a direction or order is, or may be, aware that the persons designated by name in such direction or order are interested as directors, partners, managers or agents ;

“qualified person” means a bank examiner or any other person designated as such by the Head of the Federal Military Government.

Interpreta-  
tion.

8. This Decree may be cited as the Banking (Freezing of Accounts) Decree 1984 and shall be deemed to have come into force on 31st December, 1983.

Citation  
and com-  
mencement.

## SCHEDULE

## FORMS

Section 1 (4)

## FORM 1

## ORDER FOR REPORT ON ACCOUNTS

*(under the Banking (Freezing of Accounts) Decree 1984)*

To the Manager .....  
*(here insert name of bank and the location)*

You and all persons in the employ of the aforesaid bank are hereby ordered by the Head of the Federal Military Government under the provisions of the Banking (Freezing of Accounts) Decree 1984 to prepare a record of transactions in the accounts of the following persons, namely.....

.....  
*(here insert names)*

2. The period to be covered is.....  
*(here insert the time)*

and if an account is now closed, the date when it was closed is to be stated.

3. The record of transactions is to be made available to any bank examiner or qualified person (on production of his authority) on or before the..... day of..... 19.....

## AND NOTICE IS HEREBY GIVEN—

(a) that a bank examiner or other qualified person (after production of his authority to investigate accounts under the above Decree) may require further information relative to particular cases and is empowered to impose a freezing order for a period of up to.....

(b) that the failure to comply with the requirements of this order is an offence under the Decree for which penalties are prescribed ; and

(c) that to the extent of due compliance, an indemnity is provided under the Decree.

DATED at ..... this ..... day of ..... 19.....

.....  
*Bank Examiner or qualified person*

## FORM 2

## Section 2 (1)

## SUPPLEMENTARY ORDER

(this form may be amended according to circumstances)

To the Manager.....

(here insert name and branch of bank)

UNDER the authority conferred on me by section 2 of the Banking (Freezing of Accounts) Decree 1984 you are hereby ordered—

(a) to supply the following information relating to the undermentioned accounts, that is to say.....

.....  
(here set out briefly the information required in respect of named accounts)

(b) to produce the books and documents relating to the undermentioned accounts, that is to say.....

.....  
(here set out the books and documents to be produced in respect of named accounts)

(c) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts.....

.....  
(here indicate the accounts)

2. Nothing in this order shall prevent any transaction submitted to and approved by a bank examiner, or the withdrawal without such approval on any one banking day or thereafter at intervals of not less than one week of amounts not exceeding at any one time.....

.....  
(here state the amount £.....  
in the case of personal account and  
£..... in the case of a corporate  
account).

3. This Order shall cease to have effect after the ..... day  
of ..... 19..... unless sooner revoked by a bank examiner  
or qualified person.

DATED at.....this.....day of ..... 19 .....

.....  
Bank Examiner or qualified person

MADE at Lagos this 29th day of March 1984.

**MAJOR-GENERAL M. BUHARI,**  
*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 purpose)*

The Decree empowers the Head of the Federal Military Government where he suspects or believes that any person has been involved in certain offences including bribery and abuse of office, to issue a direction or cause an order to be issued authorising an investigation into the person's account and restricting the operation of such accounts subject to such conditions and for such duration as may be prescribed in the direction or order.

Offences are created and penalties imposed for such offences and for non-compliance with a direction or an order under the Decree. Banks are indemnified against any suit arising out of compliance with an order under the Decree.