

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) DECREE 1984



Decree No.22

ARRANGEMENT OF SECTIONS

Section

Penalties for Aggravated Currency Offences

1. Making or counterfeiting currency.
2. Making, etc. or being in possession of implements for making or counterfeiting currency.
3. Importing and exporting counterfeit currency and implements.
4. Dealings, etc. in counterfeit currency.
5. Uttering and being in possession of counterfeit currency.
6. Miscellaneous offences.

Provisions as to Arrest, Discovery and Seizure

7. Powers of arrest, etc. and disposal of materials for counterfeiting currency.

Currency Offences Tribunals

8. Constitution of tribunal, etc.

9. Power to issue search warrants.
10. Confirmation and disallowance of conviction or sentence.
11. Exclusion of civil proceedings, etc.

Miscellaneous and Supplementary

12. Forfeiture.
13. Evidence, accomplices, etc.
14. Execution of sentence.
15. Representation and the tribunal's general powers.
16. Prosecutions.
17. Interpretation.
18. Pending cases, etc.
19. Citation and repeals.

Schedule—Currency Offences Tribunal Rules of Procedure.

[31st December 1983]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Penalties for Aggravated Currency Offences

1.—(1) Any person who falsely makes or counterfeits any bank note resembling any bank note issued by the Central Bank of Nigeria and which is legal tender in Nigeria shall be guilty of an offence under this Decree and shall on conviction thereof be sentenced to death.

Making or
counter-
feiting
currency.

(2) Any person who falsely makes or counterfeits any coin resembling any current coin which is legal tender in Nigeria shall be guilty of an offence under this Decree and on conviction thereof shall be sentenced to death.

(3) Any person who falsely makes or counterfeits any bank note or coin resembling any bank note or current coin which is legal tender in any country other than Nigeria shall be guilty of an offence under this Decree and on conviction thereof shall be sentenced to death.

Making, etc.
or being in
possession of
implements
for making or
counterfeit-
ing currency.

2. Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends or begins or proceeds to make or mend, or buys or sells, or has in his possession any puncheon, counter-puncheon, matrix, stamp, dye, pattern or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted or intended to make or impress, the figure, stamp or pattern resembling both or either of the sides of any bank note or current coin, or any part of both or either of those sides, or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note or for falsely making a current coin, whether or not the bank note or current coin be legal tender in Nigeria, shall be guilty of an offence under this Decree and on conviction thereof shall whether the bank note or coin is legal tender in Nigeria or in any other country, be sentenced to death.

Importing
and export-
ing counter-
feit currency
and imple-
ments.

3.—(1) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused)—

(a) imports or receives into Nigeria any false or counterfeit bank note or current coin resembling any bank note or current coin, knowing it to be false or counterfeit ; or

(b) exports from Nigeria, or puts on board any ship, vessel, boat, aircraft or other vehicle, for the purpose of being so exported, any false or counterfeit bank note or current coin resembling any bank note or current coin, knowing it to be false or counterfeit,

shall be guilty of an offence under this Decree and on conviction thereof shall where the bank note or coin is legal tender in any other country be sentenced to death.

(2) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), imports into Nigeria any puncheon, counter-puncheon, matrix, stamp, dye, pattern or mould in or upon which there is made or impressed or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any bank note or current coin or any part of both or either of those sides or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note or for falsely making a current coin, whether or not the bank note or current coin be legal tender in Nigeria, shall be guilty of an offence under this Decree and on conviction thereof shall be sentenced to death.

(3) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) imports into Nigeria—

(a) any edges, edging or other tool, collar, instrument or engine adapted or intended for the marking of coins round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current coin which is legal tender in Nigeria, knowing it to be adapted or intended as aforesaid ; or

(b) any press for coinage, or any cutting engine or machine for cutting by force of a screw or any other contrivance round blanks out of any metal or mixture of metals, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current coin, whether or not the current coin be legal tender in Nigeria,

shall be guilty of an offence under this Decree and shall on conviction thereof be sentenced to death.

(4) Any person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) orally or in writing makes any enquiry of any other person, whether such last mentioned person be in Nigeria or outside Nigeria,—

(a) as to obtaining or supplying or as to the cost of obtaining or supplying any of the materials mentioned in the last two preceding subsections of this section or anything whatsoever adapted or intended to be used or which is capable of being adapted or intended to be used for the making of any bank note or current coin resembling any bank note or current coin, whether or not such bank note or current coin be legal tender in Nigeria ; or

(b) as to the making or obtaining or supplying or the importation or exportation of any counterfeit bank note or current coin, whether or not such bank note or current coin be legal tender in Nigeria,

shall be guilty of an offence under this Decree and on conviction thereof shall be sentenced to death.

4.—(1) Any person who deals in, buys or sells or exposes or offers for sale, or induces any other person to buy or sell any counterfeit bank note or current coin, knowing the same to be counterfeit bank note or current coin, shall be guilty of an offence under this Decree and on conviction thereof shall be sentenced to death.

Dealings, etc.
in counter-
feit currency.

(2) Any person who is found to be in possession of not more than 50 counterfeit bank notes or 50 counterfeit current coins shall be deemed, until he proves the contrary, to have known that such bank notes or current coins are counterfeit.

5.—(1) Any person who—

(a) utters any counterfeit bank note or current coin knowing it to be counterfeit ; or

(b) has in his possession any counterfeit bank note or current coin, knowing it to be counterfeit ; or

(c) accepts from any other person in payment of a debt, in exchange for genuine bank notes or current coins or for any other purpose whatsoever any counterfeit bank note or current coin, knowing it to be counterfeit,

Uttering and
being in
possession of
counterfeit
currency.

shall be guilty of an offence under this Decree and upon conviction thereof shall be liable to imprisonment for 21 years.

(2) Any person who is found to be in possession of not more than 50 counterfeit bank notes or 50 counterfeit current coins shall be guilty of an offence under this Decree and on conviction thereof, shall be sentenced to not less than 10 years imprisonment without the option of a fine.

(3) Where a person has 50 or more counterfeit bank notes or current coins in his possession the tribunal before whom such person is tried may presume knowledge that they are counterfeit bank notes or current coins and also an intention to utter any of them, unless he proves the contrary.

(4) For the purposes of this section a person shall be deemed to have uttered a counterfeit bank note or current coin if he has tendered any such bank note or current coin to another person as if it were genuine legal tender.

Miscellaneous
offences, etc.

6.—(1) Any person who attempts to commit any of the offences prescribed under this Decree shall be guilty of the offence and shall be liable to be proceeded against and punished as provided in the relevant provision of this Decree.

(2) Any person who—

(a) aids, counsels, abets or procures any other person to commit an offence under this Decree ; or

(b) conspires with any other 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 and shall be liable to be proceeded against and punished as provided in the relevant section of this Decree.

(3) Where an offence under this Decree which has been committed by a body corporate is proved to have been committed with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished as provided in the relevant section of this Decree.

(4) Where a body corporate is convicted of an offence under this Decree, such body corporate shall without any further assurance but for such conviction be wound up and all its assets forfeited to the Federal Military Government.

Provisions As To Arrest, Discovery And Seizure

Powers of
arrest, etc.
and disposal
of materials
for counter-
feiting.

7.—(1) Any person found committing an offence under this Decree may be immediately apprehended without a warrant by any person and forthwith taken before any member of the armed forces or a police officer thereafter to be dealt with according to law.

(2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse—

(a) any false or counterfeit bank note or current coin resembling any lawful bank note or current coin ; or

(b) any instrument, tool, engine, machinery, implement, utensil or material whatsoever adapted and intended for the counterfeiting of any such bank note or coin ;

he shall seize the counterfeit bank note or coin or counterfeiting instrument or material and carry in forthwith before any member of the armed forces or a police officer.

(3) Where it is made to appear by information on oath before the Chairman of the tribunal or any Magistrate that there is reasonable cause to suspect that any person has been concerned in counterfeiting any bank note or current coin, or has in his possession any counterfeit bank note or current coin or any counterfeiting instrument or any other machine used or intended

to be used for making or counterfeiting any bank note or current coin or any counterfeiting material, it shall be lawful for the Chairman of the tribunal or any Magistrate by warrant under his hand—

(a) to cause any place whatsoever belonging to or in the occupation or under the control of that person to be searched, either in the day or in the night; and

(b) to cause to be seized and carried forthwith before an officer of the armed forces or a superior police officer any counterfeit bank note or coin or counterfeiting instrument, machine or material found in any place so searched.

(4) Where any counterfeit bank note or coin or counterfeiting instrument, machine or material is seized and carried before an officer of the armed forces or a superior police officer, he shall cause it to be secured for the purpose of being produced in evidence in a prosecution for an offence under this Decree.

(5) Any counterfeit bank note or coin or counterfeiting instrument, tool engine or any machinery, implement, utensil or any material whatsoever seized under this section shall, if it is not required to be produced in evidence or, if it is not required after it has been so produced, be disposed of in accordance with section 12 of this Decree.

Currency Offences Tribunals

8.—(1) For the purposes of the trial of offenders under this Decree, the Head of the Federal Military Government shall, whenever occasion demands, by order constitute for any State in Nigeria or for a number of such States specified in such order a tribunal to be known as the "Currency Offences Tribunal" (hereinafter in this Decree referred to as "the tribunal").

Constitution
of tribunal,
etc.

(2) The tribunal shall consist of a Chairman, who shall be a Judge of either the Federal High Court, the High Court of the Federal Capital Territory or of the High Court of a State and two other persons at least one of whom shall be an officer of the Nigerian Army not below the rank of a major or an officer in the Nigerian Navy or Nigerian Air Force of equivalent rank.

9. 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 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, which, in his opinion, are or may be material to the subject-matter of any trial under this Decree, he may issue a warrant under his hand authorising any police officer or any member of the armed forces or any member of the 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.

10.—(1) The Supreme Military Council shall, in respect of any offence under this Decree, have the power to confirm, vary or disallow any conviction or sentence imposed by a tribunal.

Confirma-
tion and
disallowance
of conviction
or sentence.

(2) Any sentence imposed under this Decree shall not take effect until the conviction or sentence is confirmed, varied or disallowed by the Supreme Military Council in exercise of its powers under subsection (1) of this section, and pending such confirmation, variation or disallowance, the convicted offender shall be kept in such place of safe custody as the tribunal may decide.

(3) Where the Supreme Military Council disallows—

(a) a conviction, whether upon representation made by the tribunal or from other circumstances, it may order the release of the person convicted from custody or make such other order as to it may seem just ;

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

Exclusion of
civil pro-
ceedings, etc.

11.—(1) 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 purported to be done under this Decree by any person acting in accordance with the authority of the Head of the Federal Military Government the Supreme Military Council or by any member or officer of a tribunal constituted under this Decree.

(2) 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 purported to be done in pursuance of this Decree shall not be enquired into by any court of law, and accordingly, no provision of that Constitution shall apply in relation to any such question.

Miscellaneous and Supplementary

Forfeiture.

12.—(1) Where any person is convicted of an offence under this Decree, the tribunal before whom such person is convicted may, either at the time of making the conviction or subsequently, make an order that any counterfeit bank note or current coin, or instrument, tool, engine or any machinery, implement, utensil or material whatsoever used or intended to be used for the false making or counterfeiting of a bank note or current coin be forfeited to the Federal Military Government and be disposed of in such manner as the tribunal or the Supreme Military Council, as the case may be, may direct.

(2) Notwithstanding that no person has been convicted by it, if the tribunal is satisfied that anything brought before it or to its notice for the purposes of a trial, in the nature of a counterfeit bank note or current coin, instrument, tool, engine or any machinery, implement, utensil or material whatsoever is or has been used for, intended to be, or capable of being, used for the false making or counterfeiting of a bank note or current coin, then the tribunal may at the completion of such trial make an order that any such thing be forfeited to the Federal Military Government and be disposed of in such manner as the tribunal or the Supreme Military Council, as the case may be, may direct.

Evidence,
accomplices,
etc.

13.—(1) Where a person is charged with an offence under this Decree the fact that a bank note or current coin produced in evidence against him is false or counterfeit may be proved by the evidence of any credible witness, and it shall not be necessary to prove that fact by the evidence of an officer of the Central Bank of Nigeria or the Nigerian Security Printing and Minting Company Limited.

(2) In any prosecution for an offence under this Decree and in any proceedings for the forfeiture of any counterfeit bank note or current coin, any bank note or current coin in respect of which such prosecution or proceeding has been instituted shall be deemed to be a bank note or current coin of the kind or of the denomination specified under any application,

notice or any other document or application for forfeiture, unless the contrary is proved.

(3) Notwithstanding anything to the contrary in any law (including any rule of law), no witness shall, in any trial under this Decree, be presumed to be unworthy of credit by reason only that he took part in the commission of the offence.

(4) Where a person is charged with an offence but the evidence establishes an attempt to commit the offence he may be convicted of having attempted to commit that offence, although the attempt is not separately charged, and punished as provided under this Decree.

(5) Where a person is charged with an offence under this Decree but the evidence establishes the commission of another offence under this Decree the offender shall not be entitled to acquittal but he may be convicted of that other offence and punished as provided under this Decree.

14. Any sentence of death imposed for an offence committed under this Decree (may at the discretion and upon the order of the Supreme Military Council) be executed by causing the offender to suffer death by a firing squad.

Execution of sentence.

15.—(1) Any person prosecuted for an offence under this Decree shall be entitled to defend himself in person or by a person who is a legal Practitioner resident in Nigeria if he so wishes, and to examine in person or by his counsel any person whose evidence, in whatever form given, forms part of the case against him.

Representation and the tribunal's general powers.

(2) For the purposes of proceedings before it a tribunal established in accordance with the provisions of 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 or any court of equivalent jurisdiction has in the exercise of its ordinary jurisdiction.

16.—(1) All prosecutions for offences under this Decree shall be instituted and proceeded with in the name of the Federal Republic of Nigeria and by or at the instance of the Attorney-General of the Federation or with his consent :

Prosecutions

Provided that the question whether or not such consent has been granted by the Attorney-General of the Federation shall not be inquired into by the tribunal or any other person or authority other than the Attorney-General of the Federation.

(2) Without prejudice to subsection (1) of this section, the Attorney-General of the Federation may, after consultation with the Attorney-General of any State in the Federation, authorise the Attorney-General or any officer in the Ministry of Justice of that State to undertake any prosecution under this Decree or assist therein ; and the question whether 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) 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.

Interpretation.

17. In this Decree except where the context otherwise requires—

“bank note” in relation to a bank note which is legal tender in Nigeria means a negotiable instrument payable to bearer on demand issued by the Central Bank of Nigeria and intended to circulate as money ; and in relation to a bank note which is not legal tender in Nigeria means a negotiable instrument payable to bearer on demand issued by lawful authority in the country in which such bank note is legal tender and intended to circulate as money ;

“counterfeit”, in relation to a bank note or current coin of a kind which is legal tender in Nigeria, means a bank note or current coin made or issued other than by or by the authority of the Central Bank of Nigeria, and in relation to a bank note or current coin of a kind which is not legal tender in Nigeria means a bank note or current coin made or issued other than by or by the authority of the body which, under the laws of the country in which the bank note or current coin is legal tender, is authorised to make or issue such bank note or current coin ;

“tribunal” means a tribunal constituted under section 8 of this Decree.

Pending cases, etc.

18.—(1) Any part-heard proceedings pending before any High Court on 31st December 1983 shall be continued and completed as if the provisions of this Decree had not been made.

(2) For the purposes 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.

(3) Notwithstanding anything to the contrary in any other enactment, the Judge of a High Court before whom any part-heard charge or proceedings other than the proceedings to which the provisions of subsection (1) of this section relates is pending shall, on the making of this Decree forthwith and without further assurance, transfer or cause such charge or proceedings to be transferred to the appropriate tribunal.

(4) Every order of transfer made pursuant to subsection (3) of this section shall operate as a stay of proceedings in the court before which such proceedings are brought or instituted and shall not be subject to appeal or review.

(5) Any person who has been tried and convicted or acquitted for an offence charged under any other enactment shall not be tried a second time for the same offence notwithstanding that he could be proceeded against in accordance with the provisions of this Decree.

Citation, commencement and repeal.

19.—(1) This Decree may be cited as the Counterfeit Currency (Special Provisions) Decree 1984 and shall be deemed to have come into force on 31st December 1983.

1974 No. 22.

(2) The Counterfeit Currency (Special Provisions) Act 1974 is hereby repealed and the following enactments are hereby consequentially repealed, that is to say—

1975 No. 37.

(a) the Counterfeit Currency (Special Provisions) (Amendment) Act 1975 ; and

(b) so much of the provisions of Schedule 3 to the Constitution of the Federal Republic (Certain Consequential Repeals, etc.) Act 1979 as relates to the Counterfeit Currency (Special Provisions) Act 1974. 1979 No. 105.

SCHEDULE

Section 16 (3)

CURRENCY OFFENCES TRIBUNAL 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 evidence on affidavit, made to the tribunal by the prosecutor. Institution of proceedings.
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. 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.
4. If the accused pleads not guilty or makes no plea or refuses to plead the tribunal shall proceed to try the case. Plea of not guilty or no plea.
- 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 briefly by what evidence he intends to prove the guilt of the accused. Presentation of case for prosecution.
- (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.
- 6.—(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 characterProcedure after presentation of evidence by the prosecution.

(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 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 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 a new matter in his statement to the tribunal, on such new matter.

Considera-
tion 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.

Announce-
ment 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.

11.—(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 and by two other members of the tribunal.

Notes of evidence to be taken.

(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

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.

Issue of summons for witness.

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 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.

Warrant for 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, if any, of these rules, the forms contained in the Annex hereunder may, in accordance with any instructions 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. 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.

Application of Criminal Procedure Code or Act.

17. In these rules "the prosecutor" means the Attorney-General of the Federation or any person authorised by him pursuant to section 16 of this Decree.

Interpretation.

ANNEX

(Rule 15)

FORMS

FORM No. 1

APPLICATION TO COMMENCE TRIAL OF AN OFFENCE
UNDER THE COUNTERFEIT CURRENCY
(SPECIAL PROVISIONS) DECREE 1984

To : The Chairman,
Currency Offences Tribunal

Between
The Federal Republic of Nigeria
and

Accused

Pursuant to rule 1 of the Currency Offences Tribunal Rules of Procedure,
I hereby apply for the commencement of a trial for the offence of

(i)

.....under section

.....of the Counterfeit Currency
(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 affidavits 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

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

SUMMONS TO ACCUSED

In the Currency Offences Tribunal.

Between

The Federal Republic of Nigeria

and

.....Accused

To A.B. of(accused)

Complaint has been made this day by(Prosecutor)

.....for that you on the
.....day ofat
in thedidYou are therefore summoned to appear before the tribunal mentioned
above sitting at
onto answer the said complaint.

DATED theday of19.....

.....
Chairman of the Tribunal

FORM No. 3

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

WARRANT FOR APPREHENSION OF ACCUSED

In the Currency Offences Tribunal.

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 aton..... to answer the said complaint and be dealt with according to law.

DATED theday of 19.....

.....
Chairman of the Tribunal

(a) State concisely the substance of the offence.

FORM No. 4

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS) DECREE
1984

SUMMONS TO WITNESS

In the Currency Offences Tribunal.

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

- (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

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE
In the Currency Offences Tribunal.

Between

The Federal Republic of Nigeria

and

.....Accused

To.....

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

for that he on the.....

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

in the.....State

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

FORM No. 6

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

WARRANT FOR APPREHENSION OF A WITNESS

In the Currency Offences Tribunal.

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 theday of19.....

.....
Chairman of the Tribunal

FORM No. 7

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

WARRANT FOR COMMITMENT OF WITNESS

In the Currency Offences Tribunal.

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 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 day of 19

Chairman of the Tribunal

(i) Insert name of witness.

(ii) Insert name of accused.

FORM No. 8

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

COMMITMENT ON REMAND

In the Currency Offences Tribunal.

Between

The Federal Republic of Nigeria

and

Accused.

To 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 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 to 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

COUNTERFEIT CURRENCY (SPECIAL PROVISIONS)
DECREE 1984

In the Currency Offences Tribunal.

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.....

(ii)

And it is adjudged that the accused, for his said offence be sentenced
to (iii) and the
accused shall until the conviction be kept in custody at (iv)

DATED this 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 17th day of July, 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 effect)

The Decree repeals and re-enacts the Counterfeit Currency (Special Provisions) Act 1974, as amended. It prescribes the death penalty by firing squad for any person—

(a) who falsely makes or counterfeits currency ;

(b) who unlawfully makes or mends, or is in possession of materials or implements for making the same ;

(c) who unlawfully imports or exports counterfeit currency or materials or implements for making the same ;

(d) who unlawfully makes enquiries as to obtaining or supplying materials for making counterfeit currency ;

(e) who buys or sells or deals with counterfeit currency.

2. It also prescribes imprisonment for up to 21 years for various offences connected with counterfeiting currency.

3. Trial of offenders under the Decree is by the Currency Offences Tribunal established for that purpose.