



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 30th November, 2022

1. The Senate met at 10:52 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 29th November, 2022.
Question was put and the Votes and Proceedings were approved.
3. **Announcement:**
Conference Committee:
The President of the Senate named the following Senators as Conferees on the National Human Rights Commission Act (Amendment) Bill, 2022:

(i)	Senator Michael O. Bamidele	—	Chairman
(ii)	Senator Gabriel T. Suswan	—	Member
(iii)	Senator Surajudeen A. Basiru	—	Member
(iv)	Senator Francis C. Ibezim	—	Member
(v)	Senator James E. Manager	—	Member
(vi)	Senator Bello Mandiya	—	Member
4. **Presentation of Bills:**
 - (i) Nigerian Social Investment Agency (Establishment) Bill, 2022 (SB. 1078) — *Read the First Time.*
 - (ii) Federal Produce Inspection Bill, 2022 (SB. 1079) — *Read the First Time.*
 - (iii) National Library of Nigeria (Establishment) Bill, 2022 (SB. 1080) — *Read the First Time.*
 - (iv) Federal Polytechnic Koko, Delta State (Establishment) Bill, 2022 (HB. 381) — *Read the First Time.*
 - (v) Business Facilitation (Miscellaneous Provisions) Bill, 2022 (HB. 2015) — *Read the First Time.*
5. **Executive Communication:**
Confirmation of the Nomination of Lanre Gbajabiamila for Appointment as Director General, National Lottery Regulation Commission:
Motion made: That the Senate do consider the Request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the confirmation of the nomination of Lanre Gbajabiamila for appointment as Director General, National Lottery Regulatory Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to Committee on Youths and Sports Development for further legislative action to report within one (1) week.

6. Re-Committal of Bills to the Committee of the Whole:

Motion made: The Senate recalls that the following Bills were passed by the Senate and the House of Representatives and were transmitted to the Clerk to the National Assembly for onward transmission to the President, Commander-in-Chief of the Armed Forces of the Federation for Assent:

- (i) Specialized National Dermatology Hospital Bill, 2022; and
- (ii) Chartered Institute of Statisticians of Nigeria (Establishment) Bill, 2022

observes that some fundamental issues which require fresh legislative action by both Chambers of the National Assembly emerged after a critical analysis of the Bills by Mr. President, Commander-in-Chief of the Armed Forces of the Federation;

aware that a Technical Committee of the Senate and House of Representatives and Directorate of Legal Services met and worked on the Bills; and

relying on Orders 1(b) and 52(6) of Senate Standing Order, 2022 as amended.

The Senate accordingly resolves to:

Rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*Senate Leader*).

Debate:

Proposed Resolution:

Question: That the Senate do rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage — *Agreed to.*

Resolved:

That the Senate do rescind its decision on the Bills as passed and re-commit same to the Committee of the Whole for re-consideration and passage (*S/Res/044/04/22*)

Motion made: Pursuant to Resolution No. (*S/Res/044/04/22*) that the Senate do resolve into the Committee of the Whole to consider the Bills (*Senate Leader*).

Question put and agreed to.

- (i) Specialized National Dermatology Hospital Bill, 2022:

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT ON A BILL FOR AN ACT TO ESTABLISH THE SPECIALIZED NATIONAL DERMATOLOGY HOSPITAL, GARKIDA, AND MANAGEMENT BOARD FOR THE HOSPITAL, TO PROVIDE DERMATOLOGICAL TREATMENT, RESEARCH AND TRAINING; AND FOR RELATED MATTERS, 2022.

Clause 1: Establishment of the Specialised National Dermatology Hospital, Garkida.

- (1) There is hereby established a Hospital by the name of Specialised National Dermatology Hospital, Garkida (in this Bill referred to as "the Hospital").
- (2) The hospital —
 - (a) shall be a body corporate;

- (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.
- (3) The Hospital shall be a national hospital, specialising in dermatology, with facilities for the training of dermatology personnel at all levels.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Functions of the Hospital.

- (1) The functions of the Hospital shall be to provide as part of the hospital and specialist services, services in connection with the diagnosis and treatment of diseases or defects of the skin, supply of appliances and other supplementary dermatological services.
- (2) The Hospital shall have power to —
 - (a) provide diagnostic, curative, promotive and rehabilitative dermatological services;
 - (b) provide cosmetic dermatology, allergy service, all skin and hair treatment, employing the services of dermatologist and other medical practitioners;
 - (c) provide facilities for the clinical training of dermatologist;
 - (d) provide facilities for the training of dermatologist for the care and treatment of the skin, hair, nails and mucous membrane, cosmetic dermatology, and allergy service;
 - (e) create facilities for research into all aspects of a wide range of dermatology treatments, including: Scalpel Surgery, Electrosurgery, Injections, Chemical Peels, and Pharmacovigilance;
 - (f) develop new diagnostic and therapeutic dermatologic instruments and appliances better suited to the practice of dermatology in Nigeria.
- (3) For the purposes of the discharge of its functions under the foregoing provisions of this section, the Hospital may —
 - (a) arrange periodic conferences, seminars, study groups and like activities in dermatology;
 - (b) advise the Government of the Federation or of a State on all matters relating to defects and prevention of diseases of the skin;
 - (c) offer such assistance to hospitals or units in various parts of the Federation, as the Board may deem necessary;
 - (d) do anything in connection with or incidental to the functions conferred on it by this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Constituent parts of the Hospital.

The Hospital shall be constituted as follows —

- (a) management board;
- (b) an education committee;
- (c) the clinical and other departments of the Centre;
- (d) all members of the administrative, clinical and technical staff; and
- (e) all students of the Hospital.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: The Management Board.

- (1) There is hereby established for the Hospital, a board to be known as Specialized National Dermatology Hospital Board (in this Bill referred to as "the Board"), which shall have general responsibility for the government of the Centre and shall consist of —
 - (a) the Chairman;
 - (b) the Director of Administration;
 - (c) four persons, broadly representative of the whole Federation and representing a variety of interest, who shall be appointed by the President;
 - (d) two persons appointed by the consultant staff of the hospital from among their number;
 - (e) representative of Medical practitioners;
 - (f) representative of the Federal Ministry of Health not below the rank of a Director;
 - (g) representative of Dermatologists Association; and
 - (h) representatives of Allied Health Professionals.
- (2) The Chairman and other members who are not ex officio shall be appointed by the President.
- (3) The Chairman shall be a person of proven integrity, coupled with experience and outstanding ability in administration and professional or technical education.
- (4) The members specified in paragraphs (b), (d), (e) and (f) of subsection (1) of this section, are hereafter referred to as "ex-officio members".
- (5) The supplementary provisions in the Schedule to this Bill, shall have effect with respect to the constitution and proceedings of the Board and the education committee and the other matters therein mentioned.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Tenure of office of the Chairman and members of the Board.

- (1) The Chairman and any other member of the Board (not being an ex-officio member), shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years:

Provided that members of the Board appointed under paragraph (d) of section 4 (1) of this Bill, shall hold office for two years and shall not be eligible for re-appointment.

- (2) A member of the Board, other than an ex-officio member, shall be paid out of monies at the disposal of the Board such remuneration and allowances in accordance with scales approved from time to time by the President.
- (3) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the President shall, on the recommendation of the Minister, appoint another person as chairman for the residue of the term of the Chairman of the Board.
- (4) The office of a member of the Board shall become vacant if —
- (a) he previously resigns his office by notice in writing given to the Minister;
 - (b) the period of his appointment has expired; or
 - (c) there is passed by the Board, a resolution declaring —
 - (i) that he has become unfit for membership of the Board, by reason of the fact that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
 - (ii) that he has been absent from three consecutive meetings of the Board without leave of the Board; or
 - (iii) he has been convicted of an offence which involves moral turpitude.
- (5) Soon after the office of a member becomes vacant, the authority by which he was appointed shall appoint another person in his place in accordance with the provisions of this Bill.
- (6) Any member of the Board other than an ex-officio member may, by notice to the Board, resign his appointment.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: General duty of the Board.

- (1) The Board shall be the governing body of the Hospital and shall be charged with the general control and superintendence of the policy, finances and property of the Hospital, including its public relations.

- (2) Without prejudice to the generality of the foregoing, it shall be the duty of the Board to —
 - (a) construct, equip, maintain and operate the hospital, which is to provide comprehensive services, teaching and clinical research in dermatology;
 - (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary, for providing the Hospital at all times with adequate and sufficiently qualified staff, including dermatologist, dermatological technicians, nurses and members of other allied professions and calling, relevant to the practice of dermatology;
 - (c) construct, equip, maintain and operate such clinics, units, out-patient departments, laboratories, research or experimental stations and other like institutions, as the Board may consider necessary for the efficient functioning of the Hospital.
- (3) The duty of running the Hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction for students; but the Board shall not have power to award degrees, however the Board shall not be prevented from arranging for students to attend courses at or take higher qualifications awarded by other institutions not controlled by the Board.
- (4) The Board shall ensure that the standards of treatment and care for patients provided at all establishments controlled by the Board and the standards of training at those establishments, do not fall below those usually provided by similar establishments of internationally high repute.
- (5) Subject to this Bill, the Board shall have power to do anything, which in its opinion, is calculated to facilitate the carrying out of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Powers of the Board in relation to management, etc. of the Hospital staff.
The Board shall be responsible for laying down general policies and guidelines relating to the management of the affairs of the Hospital, including the management of the hospital and the provision of facilities relating to the training of all categories of dermatology personnel and it shall be the duty of the Director to execute such policies and to keep within such guidelines.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: The Director.

- (1) Subject to the provisions of this section, the Director shall be appointed or removed from his office by the President.

- (2) The Director shall hold office for four years in the first instance and shall be eligible for reappointment for terms not exceeding three years, on each occasion.
- (3) Subject to this section, the Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.
- (4) The Director shall, in relation to the Board, take precedence before all other members of the Hospital, except the Chairman of the Board and any person for the time being acting as Chairman of the Board.
- (5) Subject to this section, the Director shall be the chief executive officer of the Hospital and in addition to any other function conferred on him by this Bill, have the general function of directing the day-to-day activities of the Hospital.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Appointment, etc., of other staff.

- (1) The senior members of the clinical, administrative and technical staff of the Hospital shall be appointed by the Board on the recommendation of a committee, to be known as the Appointments and Promotions Committee, set up under the provisions of paragraph 4 (3) of the Schedule to this Bill.
- (2) The Board shall from among the officers appointed pursuant to subsection (1) of this section select, on the recommendation of the Director, a person to act both as the secretary to the Board and to the education committee.
- (3) The power to appoint all other categories of staff to hold or act in offices in the Hospital (including power to make appointments on promotion and transfer and to confirm, dismiss or exercise other disciplinary control over persons holding or acting in such offices), shall be exercised by the Director acting on the recommendation of the Junior Staff Appointments and Promotions Committee, constituted under paragraph 4 (4) of the Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Power of the Minister to give directions.

The Minister may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case), with regard to the exercise by the Board of its functions under this Bill, and it shall be the duty of the Board to comply with the directions, but no direction shall be given which is inconsistent with the duties of the Board under this Bill.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Financial provisions.

- (1) The Board shall establish a fund into which it shall pay —
 - (a) such sums as may be provided, from time to time, by the Government of the Federation or of a State for the Hospital; and
 - (b) all sums accruing to the Hospital by way of fees, gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.
- (2) Except with the approval of the Minister, the Hospital shall not have power to borrow money.
- (3) The Board shall prepare and submit to the Minister, not later than 31 December in each financial year, an estimate of the income and expenditure of the Hospital during the next succeeding financial year.
- (4) The Hospital shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited as soon as may be, after the end of the financial year to which the accounts relate by a firm of auditors appointed, as respects that year, by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Fees for services.

The Board may, with the approval of the Minister, prescribe the scale of fees chargeable for services provided by the Hospital.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Power to accept gifts.

- (1) The Hospital may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Board shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Board under this Bill.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Discipline of students.

- (1) Subject to the provisions of this section, where it appears to the Director that any student of the Hospital has been guilty of misconduct, the Director may, without prejudice to any other disciplinary powers conferred on him by regulations, direct—

- (a) that, the student shall not, during such period as may be specified in the direction, participate in such activities of the Hospital or make use of such facilities of the Hospital as may be so specified; or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
 - (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the Hospital.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Board; and where such an appeal is brought, the Board shall, after causing inquiry to be made in the matter as the Board considers appropriate, either confirm or set aside the direction or modify it in such manner as the Board thinks fit.
 - (3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection, shall not affect the operation of the direction while the appeal is pending.
 - (4) The Director may delegate his powers under this section to a disciplinary committee consisting of such members of the Hospital as he may nominate.
 - (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the Hospital otherwise than on the ground of misconduct.
 - (6) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
 - (7) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, nurses or members of any other profession or calling.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Removal and discipline of clinical, administrative and technical staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Hospital, other than the Director, should be removed from his office or employment, the Board shall require the Director to—
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and

- (c) if the person in question so requests within the period of one month beginning with the date of the notice, make arrangements —
- (i) for a committee to investigate the matter and to report on it to the Board;
 - (ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Board may so remove him by a letter signed on the direction of the Board.
- (2) The Director may, in a case of misconduct by a member of staff, which in the opinion of the Director is prejudicial to the interest of the Hospital, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Board; and for the purposes of this section, "good cause" means—
- (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section, be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension, consider the case against that person and come to a decision as to—
- (a) whether to continue such person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him); or
 - (b) whether to reinstate such person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension; or
 - (c) whether to terminate the appointment of the person concerned, in which case such person will not be entitled to the proportion of his emoluments withheld during the period of suspension; or

- (d) whether to take such lesser disciplinary action against such person (including the restoration of his emoluments that might have been withheld), as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person.
- (5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section, to use his best endeavours to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in the foregoing provisions of this section shall prevent the Board from making regulations for the discipline of students and all other categories of employees of the Hospital, as the Board may prescribe.
- (7) Regulations made under subsection (6) of this section, need not be published in the Federal Gazette, but the Board shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Director may suspend him for not more than three months and forthwith shall direct the Junior Staff Appointments and Promotion Committee appointed under the provisions of paragraph 3 (b) of the Schedule to this Bill—
- (a) to consider the case; and
- (b) to make recommendations as to the appropriate action to be taken by the Director.
- (2) In all cases under this section the officer shall be informed of the charge against him and shall be given reasonable opportunity to defend himself.
- (3) The Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or downgrade the officer concerned.
- (4) Any person aggrieved by the Director's decision under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case, and the Board's decision thereon shall be final.

Miscellaneous and supplementary

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Exclusion of discrimination on account of religion, race, etc.
No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition to becoming or continuing to be a student at the Hospital, the holder of any appointment or employment at the Hospital or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the Hospital, by reference to any of those matters:

Provided that nothing in this section shall be construed as preventing the Hospital from imposing any disability or restriction on any of the aforementioned persons, where such person wilfully refuses or fails, on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the Hospital reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Annual reports.
The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year and shall include in such report a copy of the audited accounts of the Hospital for that year and of the auditors' report thereon.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Interpretation.
In this Bill, unless the context otherwise requires—

"the Board" means the governing Board for the Hospital, appointed under section 4 (1) of this Bill;

"the Hospital" means the Specialized National Dermatology Hospital, established under section 1 of this Bill;

"functions" includes powers and duties;

"the Minister" means the Minister charged with responsibility for health;

"student" means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Short title.

This Bill may be cited as the Specialised National Dermatology Hospital Bill, 2022.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

SCHEDULE

[SECTION 4 (5).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD,
THE EDUCATION COMMITTEE, ETC.**Proceedings of the Board**

1. Subject to the provisions of this Bill, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
2. The quorum of the Board shall be five, which shall include the Chairman and at least one other member, who is not an ex-officio member; and the quorum of any committee of the Board shall be determined by the Board.
3.
 - (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days of the date of the receipt by him of the notice.
 - (2) At any meeting of the Board, the Chairman of the Board shall preside and if the Chairman is absent, the members present shall elect one of their number to preside at the meeting.
 - (3) Where the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph, shall not be entitled to vote and shall not count towards a quorum.
 - (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.
4.
 - (1) The Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine, but a decision of a committee shall be of no effect until it is confirmed by the Board.
 - (2) The education committee may appoint one or more committees to carry out on behalf of the education committee such of its functions as the education committee may determine, but a decision of a committee shall be of no effect until it is confirmed by the education committee.
 - (3) Without prejudice to the generality of sub-paragraphs (1) and (2) of this Schedule, the Board shall appoint the following committees, that is—
 - (a) the Appointments and Promotions Committee, which shall—
 - (i) consist of not less than five members, including the Director, who shall be the chairman of the Committee;

- (ii) be charged with the responsibility for making recommendations to the Board on the appointment and promotion of the clinical, administrative and technical staff of the Hospital and have a quorum of three members;
- (b) the Junior Staff Appointments and Promotions Committee, which shall have the powers set out in section 19 of this Bill.

Employees of the Centre

5. Subject to this Bill, the Board shall have power—
- (a) to pay the employees of the Hospital such remuneration and allowances as the Board may with the approval of the Minister determine;
 - (b) to pay any person appointed to a committee of the Board such remuneration (whether by way of fees or otherwise), in respect of the performance of his functions under this Bill and such travelling and subsistence allowances while on the business of the Board, as the Board may determine;
 - (c) to establish for the employees of the Hospital such superannuation scheme (whether contributory or not), as the Board may determine; and
 - (d) to give loans to its employees for purposes approved by the Board.

Miscellaneous

6. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other member, authorised generally or specially by the Board for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Hospital by any person generally or specially authorised to act for that purpose by the Board or a committee of the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Hospital shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
7. The validity of any proceedings of the Board or a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of any other person on the committee.
8. Any member, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

Education Committee

9. The provisions of this Schedule shall apply mutatis mutandis to the education committee; so that in relation to the quorum thereof, it shall be as may be determined by the education committee.

Question that the Provision in this Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of Senate reported that the Senate in the Committee of the Whole considered the Report on a Bill for an Act to Establish the Specialized National Dermatology Hospital, Garkida, and Management Board for the Hospital, to Provide Dermatological Treatment, Research and Training; and for Related Matters, 2022 and approved as follows:

Clauses 1-20	—	As Recommended
Schedule	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(ii) Chartered Institute of Statisticians of Nigeria (Establishment) Bill, 2022:**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF THE REPORT ON A BILL FOR AN ACT TO ESTABLISH THE CHARTERED INSTITUTE OF STATISTICIANS OF NIGERIA TO DETERMINE WHAT STANDARDS OF KNOWLEDGE AND SKILLS ARE TO BE ATTAINED BY PERSONS SEEKING TO BECOME MEMBERS OF THE INSTITUTE, REVIEW THOSE STANDARDS FROM TIME TO TIME; AND FOR RELATED MATTERS, 2022.

PART I — ESTABLISHMENT OF THE CHARTERED INSTITUTE OF STATISTICIANS OF NIGERIA**Clause 1: Establishment, duties and members of the Institute**

- (1) There is established the Chartered Institute of Statisticians of Nigeria (in this Bill referred to as "the Institute") which shall be a body corporate with perpetual a succession and a common seal.
- (2) The Institute may:—
 - (a) sue and be sued in its corporate name; and
 - (b) hold, acquire and dispose of any property moveable or immoveable.
- (3) The Institute shall be charged with the general duty to:—
 - (a) determine what standards of knowledge and skill are to be attained by persons seeking to become members of the Institute and review those standards from time to time;
 - (b) secure in accordance with the provision of this Bill the establishment and maintenance of registers of fellows, associates and registered Statisticians entitled to practice as Statisticians and the publication from time to time of lists of those persons; and
 - (c) perform any other function conferred on it by this Bill.
- (4) Subject to the provisions of this Bill, members admitted to the Institute shall be:—

- (a) enrolled as Chartered Statisticians in the category of:—
 - (i) fellows;
 - (ii) associates;
 - (b) registered as registered Statisticians, and shall have such status in the Institute accordingly; and
 - (c) persons accorded by the Council under this Bill with the status of Chartered Statisticians and shall be entitled to the use of that name.
- (5) A person shall be registered as a fellow if the person satisfies the Council that for the next 5 years preceding the date of application in that behalf, he has been fit and proper person and has, in addition to being:—
- (a) a holder of an approved academic qualification, been in continuous practice as a Statistician or in partnership with other Statisticians;
 - (b) for the period of not less than 10 years immediately preceding the date of application for such enrolment (the period of membership of the association, in the discretion of the Council, counting in that behalf) he has been enrolled as associate, or qualified to be so enrolled whether in practice as a Statistician or not and is otherwise a fit and proper person.
- (6) A person shall be registered as an associate if the person satisfies the Council that he has passed examinations prescribed or accepted by the Institute and is otherwise a fit and proper person to be enrolled in the register.
- (7) Where a person is registered, as the case may be in the Institute, he shall be entitled to the use of such letters after his name as may be authorized by the Council as:—
- (a) a fellow;
 - (b) an associate; or
 - (c) a registered Statistician, and shall, when enrolled or registered, receive a certificate in such form as the Council may approve.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Functions of President and Vice President of the Institute

- (1) There shall be a President and a Vice-President of the Institute who, subject to the provisions of section 3 and the First Schedule to this Bill, shall be elected by the members of the Institute and hold office each for a term of 2 years from the date of election.
- (2) The President shall be the Chairman at all meetings of the Institute and, in his absence, the Vice President shall act on his behalf.

- (3) In the event of death, incapacity, resignation or inability for any reason of the President, the Vice-President shall act in his stead for the unexpired period of the term of office, or as the case may require, and references in this Bill to the President shall be construed accordingly.
- (4) The President and Vice-President shall be Chairman and Vice-Chairman of the Council respectively under this Bill.
- (5) If the President or Vice-President ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section and shall cease to enjoy any privileges related to that office.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Establishment of Governing Council and functions

- (1) There is established for the Institute a Governing body (in this Bill referred to as "the Council") charged with the responsibility for the administration and general management of the Institute.
 - (2) The Council shall consist of the:—
 - (a) Minister in charge of Education or his representative;
 - (b) Minister in charge of National Planning Commission or his representative;
 - (c) Head of Service of the Federation or his representative;
 - (d) Governor of the Central Bank of Nigeria or his representative;
 - (e) Statistician General of the Federation or his representative;
 - (f) Chairman, National Population Commission or his representative;
 - (g) 8 persons elected by the Institute who must be Chartered members; and
 - (h) President and Vice President of the Institute.
 - (3) The Council shall consist of a total of 15 persons who shall either be fellow or associate members appointed or elected, as the case may be.
- First Schedule.
- (4) Provisions of the First Schedule to this Bill shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters mentioned therein.
 - (5) The Council shall set guidelines for the recruitment, discipline and promotion of staff, approve terms and conditions of service, and benefits of employees of the Institute.

- (6) The remuneration, allowances, and benefits of the President, Vice President, and Council members shall be approved by the General Meeting of the Institute.

Clause 4: Fund of the Institute. Cap. C20 LFN, 2004

- (1) The Council shall establish and maintain a fund, (in this Bill referred to as "the Fund") the management and control of which shall be by the Council, and into which shall be paid all moneys received by the Council including moneys held by the Nigerian Statistical Association incorporated under the Companies and Allied Matters Act (in this Bill, referred to as "the Association") on its ceasing to exist as provided in section 5 of this Bill.
- (2) There shall be defrayed from the Fund:—
- (a) liabilities incurred by or on behalf of the Institute; and
- (b) remuneration, allowances, and benefits of employees of the Institute.
- (3) The Council may invest moneys in the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by the Council.
- (4) The Council may borrow money for the purposes of the Institute if the need arises, and any interest payable on such moneys so borrowed, shall be paid out of the Fund.
- (5) The Council shall keep proper accounts on behalf of the Institute in respect of each financial year and proper records in relation to those accounts and the Council shall cause the accounts to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
- (6) When audited, the accounts shall be submitted to the members of the Institute for approval at the next Annual General Meeting.
- (7) The Auditor, appointed for the purposes of this section shall not be a member of the Council.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Transfer to the Institute of certain assets and liabilities

- (1) On the commencement of this Bill:—
- (a) all property held immediately before that day by or on behalf of the Association shall, by virtue of this subsection, vest in the Institute and be held by it for the purpose of the Institute;
- (b) the Association shall cease to exist; and
- (c) subject to subsection (2) of this section, any act, matter or thing made or done by the Association shall cease to have effect.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to matters arising from the transfer by this section to the Institute, property of the Association and, with respect to the other

matters mentioned in that Schedule.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

PART II — THE REGISTRAR AND THE REGISTER

Clause 6: Appointment of Registrar and preparation of the register

- (1) The Council shall appoint a fit and proper person to be the Registrar for the purpose of this Bill, and such other persons as the Institute may from time to time deem necessary.
- (2) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a register of the names, addresses and approved qualifications and, such other particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill to be enrolled as fellows or as associates, or registered as registered Statisticians and, who in the manner prescribed by such rules, apply to be registered.
- (3) The register shall be in 3 parts:—
 - (a) fellows;
 - (b) associates; and
 - (c) registered Statisticians.
- (4) Subject to the provisions of this section, the Council shall make rules to:—
 - (a) regulate the making of application for enrolment or registration as the case may be and provide for the evidence to be produced in support of applications;
 - (b) provide for the notification to the Registrar, by the persons to whom any registered particulars relating to any change in those particulars;
 - (c) authorize a registered person to have any qualification which is, in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purposes of this Bill, registered in relation to his name in addition to or, as he may elect, in substituting for any other qualifications so registered;
 - (d) specify the fees, including any annual subscription, to be paid to the Institute in respect of the entry of names on the register and, authorize the Registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and
 - (e) specify any requirement provided for in this section.
- (5) Rules made for the purposes of subsection 4 (d) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for the purpose thereafter, or at the next annual general meeting, as the case may be.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Duties of the Registrar

(1) The Registrar shall:—

- (a) correct, in accordance with the Council's directions any entry in the register which the Council directs him to correct as being in the Council's opinion, an entry which was incorrectly made;
- (b) make from time to time any necessary alterations in the registered particulars of registered persons;
- (c) remove from the register the name of any registered person who has died; and
- (d) record the names of members of the Institute who are in default in payment of annual subscriptions and where such members continue to default in payment for more than 6 months:—
 - (i) such defaulting members shall be advised in writing to fulfil their obligations within 3 months; and
 - (ii) upon the expiration of the 3 months period in question, and of a second similar three months and receive no payment or response, to take such action in relation thereto (including removal of the names of defaulters from the register) as the Council may direct or require.

(2) Where the Registrar:—

- (a) sends by post to any registered person, a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of 6 months from the date of posting it; and
- (b) upon the expiration of the period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within 3 months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register, and the Council may direct the Registrar to restore to the appropriate part of the register any particulars removed there from under this subsection.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Publication of register and list of corrections

(1) The Registrar shall:—

- (a) cause the register to be printed, published and put on sale to members of the public not later than 2 years from the appointed day; and

- (b) every 2 years after that in which the register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
 - (c) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Institute, the Council shall keep the register and lists so deposited available at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of the register published under this section by authority of the Registrar, or documents purporting to be prints of 3 edition of the register so published and of a list of corrections to that editions published, shall (without prejudice to any other mode of proof) be admissible in are proceedings as evidence that any person specified in the document, or the document read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was) so registered.
- (3) Where in accordance with subsection (2) of this section a person is, in proceeding, shown to have been or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Registration of Chartered Statisticians

- (1) Subject to section 13 of this Bill and to rules made under section 6 of this Bill, a person shall be entitled to be registered as a Chartered Statistician if he:—
- (a) passes the qualifying examination for membership conducted by the Council under the Bill and completes the practical training prescribed;
 - (b) holds a qualification granted inside or outside Nigeria and for the time being accepted by the Institute and, if the Council so requires; or
 - (c) satisfies the Council that he has had sufficient practical experience as a Statistician.
- (2) An applicant for registration shall, in addition to evidence of qualification, satisfy the Council that he:—
- (a) is of good character and high integrity;
 - (b) has attained the age of 21 years; and
 - (c) has not been convicted in Nigeria or elsewhere of an offence involving fraud, dishonesty or gross misconduct.

- (3) The Council may in its sole direction provisionally accept a qualification produced in respect of an application for registration under this section or, direct that the application be renewed within such period as may be specified in the direction.
- (4) An entry directed to be made in the register under subsection (3) of this section shall show that registration is provisional, and no entry so made shall be converted to full registration without the consent of the Council signified in writing in that behalf.
- (5) The Council shall from time to time publish in the Federal Gazette particulars of qualifications for the time being acceptable for enrolment or registration by the Institute.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Approval of qualifications. Etc.

- (1) The Council may approve any relevant qualification for the purposes of this Bill, and may, for those purposes, approve a:—
 - (a) course of training at any approved institution which is intended for persons who are seeking to become or are already Chartered Statisticians and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for admission to the Institute; and
 - (b) relevant qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practice Statistics.
- (2) The Council may, if it deems fit, withdraw any approval given under this section in respect of any course, qualification or institution but, before withdrawing such an approval, the Council shall:—
 - (a) give notice that it proposes to do so to reach each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) afford each such person an opportunity of making to the Council, representations with regard to the proposal; and
 - (c) take into consideration any representation made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (3) With regard to the period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall be treated as approved under this section but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who, by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a

certificate or experience) immediately before the approval was withdrawn.

- (4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument, and the Council shall:—
- (a) publish a copy of every such instrument in the Federal Gazette; and
 - (b) not later than 7 days before its publication, send a copy of the instrument to the Minister for execution.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Supervision on instruction, etc.

- (1) The Council shall keep itself informed of the nature of the:—
- (a) instruction given at all approved institutions to persons attending approved courses of training; and
 - (b) examinations as a result of which approved qualifications are granted.
- (2) For the purpose of performing the duty provided in subsection (1) of this section, the Council may appoint a committee either from among its own members or otherwise, to visit approved institutions, or to observe such examinations.
- (3) The committee set-up under subsection (2) of this section shall report to the Council:—
- (a) the adequacy of instruction given to persons attending approved courses of training at institutions visited;
 - (b) the adequacy of the examinations attended; and
 - (c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request it to report.
- (4) No member of the committee shall interfere with the giving of any instruction or the holding of any examination.
- (5) On receipt of a report made under this section, the Council may, if it deems fit, and shall, if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than 1 month beginning with the date of the request.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

PART III — PROFESSIONAL DISCIPLINE

Clause 12: Establishment of disciplinary tribunal and investigating panel

- (1) There is established the Statisticians Disciplinary Tribunal (in this Bill referred to as "the Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the Panel established under subsection (3) of this section.
- (2) The Tribunal shall consist of the Chairman of the Council and 6 other members of the Council appointed by the Council.
- (3) There is established the Statisticians Investigating Panel (in this Bill referred to as "the Panel"), which shall:—
 - (a) conduct a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a Statistician, or should for any other reason be the subject of proceedings before the Tribunal; and
 - (b) decides whether the case should be referred to the Tribunal.
- (4) The Panel shall be appointed by the Council and shall consist of 5 members, 3 of which shall be members of the Council and 2 Chartered Statisticians who are not members of the Council.
- (5) The provisions of the Third Schedule to this Bill shall, so far as they are applicable to the Tribunal and Panel respectively, have effect with respect to those bodies.
- (6) The Council may make rules not inconsistent with this Bill as to acts, which constitute professional misconduct.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Penalties for unprofessional conduct, etc.

- (1) Where:—
 - (a) a member is judged by the Tribunal to be guilty of infamous conduct in any professional respect;
 - (b) a member is convicted, by any court of competent jurisdiction in Nigeria or elsewhere of an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a Statistician; or
 - (c) the Tribunal is satisfied that the name of any person has been fraudulently enrolled or registered, the Tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the register.
- (2) The Tribunal may, if it deems fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the Tribunal, but no:—
 - (a) decision shall be deferred under this subsection for a period exceeding 2 years in the aggregate; and

- (b) person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.
- (3) For the purpose of subsection (1) of this section, a person shall not be treated as a convict unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.
- (5) The person to whom such a direction relates may, at any time within 28 days from the date of serving on him of notice of the direction, appeal against the direction to the Federal High Court.
- (6) The Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- (7) A direction of the Tribunal under subsection (1) of this section shall take effect where:—
- (a) no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time;
- (b) an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
- (c) an appeal is brought and is not withdrawn or struck out as aforesaid if and when the appeal is dismissed.
- (8) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section is not entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person.
- (9) A direction under this section for the removal of a person's name from the register may prohibit an application under subsection (7) of this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) or as may be specified in the direction.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

PART IV — GENERAL AND MISCELLANEOUS

Clause 14: Application of Act unregistered persons

A person, not being a member of the Association, who, but for this Bill, would have been qualified to apply for and obtain membership of the Association, may within, the period of 3 months beginning with the commencement day, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council and if approved, he shall be registered, as the case may be, according to his qualification.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: When a person is deemed to practice as a Statistician

- (1) Subject to the provisions of subsection (3) of this section, a person shall be deemed to practise as a Statistician if, in consideration of remuneration received or to be received, and whether by himself or in partnership with any other person, he:—
 - (a) engages himself in the practice of Statistics or holds himself out to the public as a Statistician;
 - (b) offers to perform or performs any service involving statistical consultancy; or
 - (c) renders any other service, which may, by regulations made by the Council, be designated as service constituting practice as a Statistician.
- (2) All Members in practice shall register their firms with the Institute.
- (3) Nothing in this section shall be construed to apply to persons who, while in the employment of any government or person, are required under the terms or in the course of such employment, to perform the duties of a Statistician or any of them.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Rules as to articles, practicing fees, etc.

- (1) The Council may make rules for:—
 - (a) training with Chartered Statisticians of suitable persons in statistical methods and practice;
 - (b) supervision and regulation of the engagement, training and transfer of such persons;
 - (c) provision of articles;
 - (d) prescribing the amount and due date for payment of the annual subscription and annual renewal of studentship and for such purpose different amounts may be prescribed by the rules according as the member of the Institute is a fellow, an associate or a registered Statistician and according as the fellow or the associate is in practice as a Statistician or not;

- (e) prescribing the form of license to practice, to be issued annually or, if the Council deems fit, by endorsement on an existing licence;
- (f) restricting the right to practice as a Statistician in default of payment of the amount of the annual subscription where the default continues for longer than such period as may be prescribed by the rules;
- (g) restricting the right to practice as a Statistician if the qualification granted outside Nigeria does not entitle the holder to practice as a Statistician; and
- (h) prescribing the period of practical training in the office of a chartered statistician in practice to be completed before a person qualifies for enrolment or a license to practice as a statistician.

- (2) Rules when made shall, if the Chairman of the Council so directs, be published in the Federal Gazette.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Provision of Library facilities, etc.

The Institute shall:—

- (a) provide and maintain a library comprising of books and publications for the advancement of knowledge of Statistics, and such other books and publications as the Council may think necessary for that purpose; and
- (b) encourage research into statistics and allied subjects to the extent that the Council may, from time to time, consider necessary.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Regulations

- (1) Any regulation made under this Bill shall be published in the Federal Gazette as soon as may be after they are made.
- (2) Rules made for the purpose of this Bill shall be subject to confirmation by the Institute at its next annual general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Offences and penalties

- (1) Where a person, for the purpose of procuring the registration of any name, qualification or other matters:—
 - (a) makes a statement which he believes to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular, he commits an offence.
- (2) Where, on or after the relevant date, a person, not being a member of the Institute, practises as a Statistician for, or in expectation of reward, takes or uses any name, title, addition or description implying that he is in practice as a Statistician, he commits an offence:

Provided that, in the case of a person falling within section 13 of this Bill:—

- (a) this subsection does not apply in respect of anything done by him during the period of 3 months mentioned in that section; and
 - (b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection does not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified.
- (3) Where, on or after the relevant date, a registered Statistician holds himself out as a Chartered Statistician or takes or uses any name, title, addition or description implying that he is a Chartered Statistician, he commits an offence.
 - (4) Where the Registrar or any other person employed by or on behalf of the Institute wilfully makes any falsification in any matter relating to the register, he commits an offence.
 - (5) A person who commits an offence under this section is liable on:—
 - (a) summary conviction, to a fine not exceeding ₦100,000 or to imprisonment for a term not exceeding 5 years, or to both; and
 - (b) conviction, to a fine not exceeding ₦50,000 or to imprisonment for a term not exceeding 2 years, or both.
 - (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any 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, is deemed to be guilty of that offence and is liable to be proceeded against and punished accordingly.
 - (7) In this section, "the relevant date" means the third anniversary of the appointed day or such earlier date as may be prescribed and published in the Federal Gazette, and for the purposes of this section, different dates may be prescribed for different geo-political zones within the meaning of the Constitution of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Interpretation

In this Bill:—

"Association" means the Nigerian Statistical Association;

"Chartered Statistician" means a Statistician registered as a fellow or associate of the Institute;

"Commencement day" means the day this Bill comes into force;

"Council" means the Council established as the governing body of the Institute under section 3 (1) of this Bill;

"enrolled", in relation to a fellow or an associate, means registered in the part of the register relating to fellows or associates, as the case may be;

"fees" includes annual subscriptions;

"infamous conduct" means any act or omission, which are inconsistent with the code of conduct for members or which may be reasonably construed to be shameful or disgraceful;

"Institute" means the Chartered Institute of Statisticians of Nigeria established under section 1 (1) of this Bill;

"member" means a member of the Institute;

"members in practice" means members of the Institute who engage in any statistical practice;

"Minister" means the Minister of the Government of the Federation charged with the responsibility for national planning and education;

"professional misconduct" means any dishonest act or attempt to subvert the course of the statistical profession by the use of deceptive or reprehensible method whether deliberate or not;

"panel" means the Investigatory Panel established under section 12 (3) of this Bill;

"President" and "Vice-President" mean respectively the office-holders under those names in the Institute;

"register" means the register maintained in pursuance of section 6 of this Bill;

"registered Statistician" means a member of the Institute who is not a fellow or an associate member;

"Tribunal" means the Disciplinary Tribunal established under section 12 (1) of this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Citation

This Bill may be cited as the Chartered Institute of Statisticians of Nigeria (Establishment) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

SCHEDULES

FIRST SCHEDULE

SECTION 2 (1) AND 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Qualification and Tenure of Office of Members

1. (1) The President and Vice President of the Institute shall hold office for a period of 2 years.
- (2) Subject to the provisions of this paragraph, a member of the Council shall hold office for a period of 3 years, provided that at the first election of Council members 4 of which score the least votes, shall be elected for a term of 2 years beginning with the date of their election but in the event of ties, a second voting shall be held.
- (3) A member of the Institute who ceases to be a member shall, if he is also a member of the Council, cease to hold office on the Council.
- (4) A member may, by notice in writing under his hand addressed to the President, resign his office.
- (5) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and, until so prescribed, they shall be decided by a show of hands.
- (6) Where, for any reason, an elected member vacates office, a new member shall be elected at the next general meeting of the Institute who shall serve for a term of 3 years.

Powers of Council

2. (1) The Council shall have power to take certain actions which in its opinion is calculated to facilitate the carrying on of the activities of the Institute.
- (2) Subject to the provisions of this Bill, the Council may, in the name of the institute, make standing orders regulating the proceedings of the Institute, Council, or any of the Institute's Committees.
- (3) The standing orders shall provide for decision to be taken by a majority of the members and, in the event of equality of votes, the President or the Chairman, as the case may be, shall have a second or casting vote.
- (4) The standing orders made for a Committee shall provide that the Committee reports back to the Council on any matter not within its competence to decide.
- (5) The quorum of the Council shall be 5 and the quorum of a Committee of the Council shall be determined by the Council.

Meetings of the Institute

3. (1) The Council shall convene the annual general meetings of the Institute on such days as the Council may from time to time appoint, and if the meeting is not held within 1 year after the previous annual meeting, not more than 15 months shall elapse between the respective dates of the 2 meetings.
- (2) A special meeting of the Institute may be convened by the Council at any time and if not less than 10% of members of the Institute require it by notice in writing addressed to the Registrar of the Institute setting out the objects of the proposed meeting, the Chairman of the Council shall convene special meeting of the Institute.
- (3) The quorum of any general meeting of the Institute shall be 10% of members, and that of any special meeting of the Institute shall be 10% of members.

Meetings of the Council

4. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice in writing given to him by not less than 5 other members, he shall summon a meeting of the Council to be held within 7 days from the date on which the notice is given.
- (2) At any meeting of the Council, the President, or in his absence, the Vice-President shall preside, but if both are absent, the members present shall appoint one of them to preside at that meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit, but a person who is a member by virtue of this subparagraph is not entitled to vote at any meeting of the Council, and shall not count towards a quorum.

Committees

5. (1) The Council may appoint one or more Committees to carry out on behalf of the Institute or of the Council; such functions as the Council may determine.
- (2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council, of whom not more than one-third shall be persons who are not members of the Council, and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of the instrument by which he is appointed.
- (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

6. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other member of the Council authorized generally or specially by the Institute to act for that purpose.
- (2) A contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Institute or of the Council as the case may require, by any person generally or specially authorized to act for that purpose by the Council.
- (3) A document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

- (4) The validity of any proceeding of the Institute, Council or a Committee of the Council shall not be affected by:—
- (a) any vacancy in membership;
 - (b) any defect in the appointment of a member of the Institute, or Council or a person to serve on the Committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings.
- (5) Any member of the Institute, or Council, and any person holding office on a Committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute or, on behalf of the Council or a Committee thereof, shall forthwith disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to the contract or arrangement.
- (6) A person shall not, by reason only of his membership of the Institute, be required to disclose any interest relating solely to the audit of the accounts of the Institute.

Question that the Provisions in the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

SECTION 5 (2)

TRANSITIONAL PROVISIONS AS TO ASSETS AND LIABILITIES

Transfer of Assets and Liabilities

1. (1) Every agreement to which the Association was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assigned by the Association, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day so far as it relates to property transferred by this Bill to the Institute as :—
 - (a) if the Institute had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the Association that were substituted, as respects anything failing to be done on or after the appointed day, a reference to the Institute; and
 - (c) for any reference (however worded and whether express or implied) to a member or members of the Council of the Association or an officer of the Association that were substituted, in respect of anything failing to be done on or after the appointed day, a reference to a member or members of the Council under this Bill or the officer of the Association who corresponds as nearly as may be to the member or officer in question of the Association.
- (2) Other documents which refer, whether specially or generally, to the Association shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.
- (3) Without prejudice to the generality of the provisions of this Schedule, where, by the operation of any of them or of section 5 of this Bill, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or

the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute

- (4) Any legal proceeding or application to any authority pending on the appointed day by or against the Association and relating to assets and liabilities transferred by this Bill to the Institute may be continued on or after that day by or against the Institute.
- (5) Where the law in force at the place where any asset and liability transferred by this Bill is situate provides for the registration of transfers of assets and liabilities of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property mentioned and, it is the duty of the court to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and the officer shall register the transfer accordingly.

Transfer of Functions, etc.

2. (1) At its first meeting, the Council shall fix a date (not later than 6 months after the appointed day) for the Annual General Meeting of the Institute.
- (2) The members of the Council of the Association shall be deemed to be the members of the Council of the Institute until the date determined under this subparagraph when the Institute shall have its first Annual General Meeting, and they shall cease to hold office at the conclusion of such meeting.
- (3) A person who, immediately before the appointed day, held office as the President or Vice-President of the Council of the Association by virtue of the articles of the Association shall on that day become the President or, as the case may be, the Vice-President of the Institute, and shall be deemed to have been an appointed:—
 - (a) to that office under this Bill corresponding to the relevant provision in the said articles of the Association; and
 - (b) on the date on which he took office, or last resumed office, under of the relevant provision of these articles.
- (4) The members of the Association shall, from the appointed day, be registered as members of the Institute, and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the Association, shall on that day become the holder of an appointment with the institute with the status, designation and functions which correspond as nearly as may be to those which pertained to him in his capacity as a member of that staff.
- (5) A person being an office-holder on, or member of, the Council of the Association immediately before the appointed day and deemed under this paragraph to have been appointed to any like position in the Institute, or on the Council, and thereafter ceasing to hold office otherwise than by reason of his misconduct, is eligible for appointment to office in the Institute or to membership of the Council, as the case may be.
- (6) All regulations, rules and similar instruments made for the purposes of the Association and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having

power in that behalf, shall take effect, with any necessary modification, as if duly made for the corresponding purposes of the Institute.

Question that the Provisions in the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

SECTION 12 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL OF THE TRIBUNAL

The Tribunal

1. The quorum of the Tribunal shall be 6 persons of whom at least 3 shall be Statisticians.
2.
 - (1) The Attorney-General of the Federation may make rules as to the selection of the members of the Tribunal for the purposes of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.
 - (2) The rules shall, in particular provide:—
 - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
 - (b) for determining who, in addition to the person mentioned, shall be party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
 - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
 - (e) subject to the provisions of section 12 (5) of this Bill, as to the costs of proceedings before the Tribunal;
 - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (g) for publication, in the Federal Gazette, of notice of any directive of the Tribunal, which has taken effect provided that a person's name shall be struck off the register.
3. For the purposes of any proceeding before the Tribunal, any member of the Tribunal may administer Oaths and any party to the proceedings may issue out of the registry of the Court of Appeal writs of subpoena ad testificandum and duces tecum, but no person appearing before the tribunal shall be compelled to:—
 - (a) make any statement before the Tribunal tending to incriminate himself; or
 - (b) produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Tribunal on question of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Attorney-General of the Federation and shall be a legal practitioner of not less than 7 years standing.
- (2) The Attorney-General of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing that:—
- (a) where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as mentioned shall be informed about what advice the assessor has tendered; and
- (b) every such party or person shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as mentioned.
- (3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be 3 of whom at least 1 shall be a Statistician.
6. (1) The Panel may, at any meeting of the Panel attended by all the members of the Panel, make standing orders with respect to the Panel.
- (2) Subject to the provisions of any standing order, the Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or Panel is eligible for reappointment as a member of that body.
- (2) A person may, if otherwise eligible, be a member of both the Tribunal and Panel, but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to such case.
8. The Tribunal or Panel may act notwithstanding any vacancy in its membership and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2); this Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.
9. Any document authorized or required by virtue of this Bill to be served on the Tribunal or Panel shall be served on the Registrar appointed under section 6 of this Bill.
10. Any expenses of the Tribunal or Panel shall be defrayed by the Institute.

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Chartered Statisticians (Disciplinary Tribunal and Assessors Rules).

2. A party to the proceedings before a Tribunal who fails to appear or be represented may apply within 1 month after the date when the pronouncement of the findings and directions of the Tribunal were given, for a rehearing on the ground of want of notice or other good and sufficient reason, and the Tribunal, in appropriate cases, may grant the application upon such terms as to costs or otherwise as it deems fit.
3. The Tribunal may, in the course of its proceedings, hear witnesses and receive documentary evidence necessary in its opinion to assist it in arriving at a conclusion as to the truth or otherwise of the allegation of misconduct in the complaint referred to it by the Panel, and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the Tribunal is sitting shall apply to such proceedings.
4. If in the course of the proceedings it appears to the Tribunal that the complaint before it requires to be amended in any respect, the Tribunal may, on such terms as it deems fit, allow the amendment to be made and the complaint as so amended shall subsequently, be dealt with accordingly.
5. Proceedings, a findings and directions of the Tribunal shall be held, and delivered public, unless otherwise directed by the Tribunal.
6. The Tribunal may, of its own motion or upon the application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may deem fit.
7. If a person willfully gives false evidence on oath before the Tribunal during the course of any proceeding, or willfully makes a false statement in any affidavit sworn for the purpose of any proceeding, the Tribunal may refer the matter to the Attorney-General of the Federation for such action as the Attorney-General may deem fit.
8. If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal:—
 - (a) shall record on findings that the respondent is not guilty of such misconduct in respect of which the charge relates;
 - (b) may, nevertheless order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Tribunal deems fit so to order.
9. Subject to section 12 (5) of this Bill (which relates inter alia to appeal, any finding or direction given by the Tribunal, is published in the Federal Gazette as soon as may be after the finding or directive takes effect.
10.
 - (1) Notes of proceedings may be taken by any person appointed by the Tribunal and any party appearing at the proceedings is entitled to inspect the transcript when made.
 - (2) The Registrar shall supply to any person entitled to be heard upon an appeal against any finding or directive of the Tribunal, a copy of the transcript of such notes on payment of such charges as may be fixed by the Registrar.
 - (3) If, for any reason, a provision is not made for taking of notes, the Chairman shall take notes of the proceedings and the provisions of this rule as to inspection and taking of copies shall apply to any such notes made by the Chairman.
11. The Tribunal may dispense with any requirement of these rules as to notice, affidavits, documents, service or time for doing or omitting anything, in any case where it appears to the Tribunal to be just or expedient to do so and the Tribunal, in any particular case may extend the time for doing anything under these rules.

12. Books and other exhibits produced or used at the hearing shall, unless the Tribunal otherwise directs, be retained by the Registrar until the expiry of the time for filing an appeal against a finding or directive of the Tribunal or, if a notice of any appeal is given, until the hearing and disposal of the appeal.

Assessors

13. (1) An Assessor, when nominated in accordance with paragraph 4 (1) of the Third Schedule to this Bill shall be appointed by the Institute by instrument, and the Assessor shall hold and vacate office as provided in the instrument, and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Tribunal.
- (2) Subject to the terms of his appointment, an Assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Registrar, not later than 3 days before the date appointed for the meeting, and he shall thereafter advise the Tribunal on question of law.
- (3) The Tribunal shall:—
- (a) be the sole judge of facts offered in evidence, but in the event of mixed questions of fact and law, question of law shall be for the Assessor to advise on, in relation to evidence and procedure and matters specified by these rules; and
- (b) confer with the Assessor on the advisability of hearing proceedings in private, unless already so advised in writing by the Attorney- General of the Federation.
- (4) Where advice is rendered by an Assessor to the Tribunal otherwise than in the presence of all parties entering an appearance or as may be of their Counsel, the Assessor shall, as soon as may be thereafter, inform all parties to the proceedings entering an appearance as to the nature of the advice given and the reaction thereto of the Tribunal.

General

14. (1) Expression used in these rules have the same meaning as in the Bill.
- (2) Where used in these rules:—
- "complainant" means a person or body alleging before the Tribunal professional misconduct against a member of the Institute; and
- "respondent" means the person required to answer to any charge of professional misconduct.
15. These rules may be cited as the Chartered Statisticians (Disciplinary Tribunal and Assessors) Rules.

Question that the Provisions in the Third Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of Senate reported that the Senate in the Committee of the Whole considered the Report on a Bill for an Act to Establish the Chartered Institute of Statisticians of Nigeria to Determine What Standards of Knowledge and Skills Are to Be Attained by Persons Seeking to Become Members of the Institute, Review Those Standards from Time to Time; and for Related Matters, 2022 and approved as follows:

Clauses 1-21 — As Recommended

Schedules 1-3 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

7. Federal University of Technology Sabon Birni, Sokoto State (Establishment) Bill, 2022 (SB. 868):

Motion made: That a Bill for an Act to establish the Federal University of Technology Sabon Birni, Sokoto State and for Other Matters Connected Therewith, 2022 be read the Second Time (*Senator Ibrahim A. Gobir — Sokoto East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within two (2) weeks.

8. Federal College of Education Karim-Lamido, Taraba State (Establishment) Bill, 2022 (SB. 1052):

Motion made: That a Bill for an Act to establish the Federal College of Education Karim-Lamido, Taraba State and for Other Related Matters, 2022 be read the Second Time (*Senator Shuaibu L. Isa — Taraba North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within two (2) weeks.

9. Committee on Federal Capital Territory:

Report on the FCT Appropriation Bill, 2022 (SB. 1070):

Motion made: That the Senate do receive and consider the Report of the Committee on Federal Capital Territory (FCT) on the FCT Statutory Appropriation on a Bill for an Act to Authorise the Issue from the Federal Capital Territory Administration's Statutory Revenue Fund of the Federal Capital Territory Administration Account, the Total Sum of ₦607,952,023,580.00 (Six Hundred and Seven Billion, Nine Hundred and Fifty Two Million, Twenty Three Thousand, Five Hundred and Eighty Naira) Only, of Which the Sum of ₦76,569,904,857.00 (Seventy Six Billion, Five Hundred and Sixty Nine Million, Nine Hundred and Four Thousand, Eight Hundred and Fifty Seven Naira) Only, Is for Personnel Costs; and the Sum of ₦127,603,382,310.00 (One Hundred and Twenty Seven Billion, Six Hundred and Three Million, Three Hundred and Eighty Two Thousand, Three Hundred and Ten Naira) Only, Is for Overhead Costs; While the Balance of ₦403,778,736,413.00 (Four Hundred and Three Billion, Seven Hundred and Seventy Eight Million, Seven Hundred and Thirty Six Thousand, Four Hundred and Thirteen Naira) Only, Is for Capital Projects; for the Service of the Federal Capital Territory, Abuja, for the Financial Year Commencing from 1st January and Ending on 31st December, 2022 (*Senator Smart Adeyemi — Kogi West*).

Question put and agreed to.

Report Laid and presented.

Motion made: That the Senate do resolve into the Committee of Supply to consider the Report on the 2022 Appropriation Bill 2022 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF SUPPLY)

Consideration of the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Statutory Appropriation Bill, 2022.

SCHEDULE

PART A — RECURRENT NON-DEBT EXPENDITURE

FEDERAL CAPITAL TERRITORY FIRST LINE CHARGE

	2022 Appropriation (₦)
1. Federal Capital Territory Administration	
Personnel Costs	782,755,436
Overhead Costs	11,860,622,471
Sub-Total	12,643,377,907
<i>Question,</i>	
That the Expenditure of Twelve Billion, Six Hundred Forty-three Million, Three Hundred Seventy-seven Thousand, Nine Hundred Seven Naira (₦12,643,377,907) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Federal Capital Territory Administration stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — <i>Agreed to.</i>	
2. Protocol Department	
Personnel Costs	61,780,606
Overhead Costs	1,787,919,873
Sub-Total	1,849,700,479
<i>Question,</i>	
That the Expenditure of One Billion, Eight Hundred Forty-Nine Million, Seven Hundred Thousand, Four Hundred and Seventy-Nine Naira (₦1,849,700,479) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Protocol Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — <i>Agreed to.</i>	
3. Security Services Department	
Personnel Costs	69,967,120
Overhead Costs	6,583,739,876
Sub-Total	6,653,706,996
<i>Question,</i>	
That the Expenditure of Six Billion, Six Hundred and Fifty-three Million, Seven Hundred and Six Thousand, Nine Hundred and Ninety-six Naira (₦6,653,706,996) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Security Services Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — <i>Agreed to.</i>	

4. FCT Treasury	
Personnel Costs	1,981,318,910
Overhead Costs	32,582,894,910
Sub-Total	34,564,213,820

Question,

That the Expenditure of Thirty-Four Billion, Five Hundred and Sixty-Four Million, Two Hundred and Thirteen Thousand, Eight Hundred and Twenty Naira (₦34,564,213,820) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Treasury stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

5. Economic Planning, Revenue Generation and PPP Secretariat	
Personnel Costs	325,794,926
Overhead Costs	1,617,897,182
Sub-Total	1,943,692,108

Question,

That the Expenditure of One Billion, Nine Hundred and Forty-Three Million, Six Hundred and Ninety-Two Thousand, One Hundred and Eight Naira (₦1,943,692,108) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Economic Planning, Revenue Generation and PPP Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

6. FCT Establishment And Training Department	
Personnel Costs	332,939,211
Overhead Costs	2,017,175,188
Sub-Total	2,350,114,399

Question,

That the Expenditure of Two Billion, Three Hundred and Fifty Million, One Hundred and Fourteen Thousand, Three Hundred and Ninety-Nine Naira (₦2,350,114,399) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Establishment and Training Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

7. FCT Audit Department	
Personnel Costs	153,804,356
Overhead Costs	440,465,890
Sub-Total	594,270,246

Question,

That the Expenditure of Five Hundred and Ninety-Four Million, Two Hundred and Seventy Thousand, Two Hundred and Forty-Six Naira (₦594,270,246) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Audit Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

8. Department of Monitoring and Inspection	
Personnel Costs	129,718,440
Overhead Costs	185,753,248
Sub-Total	315,471,688

Question,

That the Expenditure of Three Hundred and Fifteen Million, Four Hundred and Seventy-One Thousand, Six Hundred and Eighty-Eight Naira (₦315,471,688) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Monitoring and Inspection stands part of the Schedule to the Federal

Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

9. Land Administration Department	
Personnel Costs	380,144,023
Overhead Costs	659,102,055
Sub-Total	1,039,246,078

Question,

That the Expenditure of One Billion, Thirty-Nine Million, Two Hundred and Forty-Six Thousand and Seventy-Eight Naira (₦1,039,246,078) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Land Administration Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

10. FCT Procurement Department	
Personnel Costs	160,236,992
Overhead Costs	1,004,745,149
Sub-Total	1,164,982,141

Question,

That the Expenditure of One Billion, One Hundred and Sixty-Four Million, Nine Hundred and Eighty-Two Thousand, One Hundred and Forty-One Naira (₦1,164,982,141) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Procurement Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

11. FCT Directorate of Muslim Pilgrims Affairs	
Personnel Costs	144,729,113
Overhead Costs	1,014,919,389
Sub-Total	1,159,648,502

Question,

That the Expenditure of One Billion, One Hundred and Fifty-Nine Million, Six Hundred and Forty-Eight Thousand, Five Hundred and Two Naira (₦1,159,648,502) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Directorate of Muslim Pilgrims Affairs stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

12. FCT Directorate of Christian Pilgrims Affairs	
Personnel Costs	80,921,954
Overhead Costs	710,515,446
Sub-Total	791,437,400

Question,

That the Expenditure of Seven Hundred and Ninety-One Million, Four Hundred and Thirty-Seven Thousand, Four Hundred Naira (₦791,437,400) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Directorate of Christian Pilgrims Affairs stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

13. FCT Pension Department	
Personnel Costs	91,522,006
Overhead Costs	5,955,322,530
Sub-Total	6,046,844,536

Question,

That the Expenditure of Six Billion, Forty-Six Million, Eight Hundred and Forty-Four Thousand, Five Hundred and Thirty-Six Naira (₦6,046,844,536) only for the

purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Pension Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

14. FCT Archives and Historical Bureau	
Personnel Costs	109,629,648
Overhead Costs	233,407,000
Sub-Total	343,036,648

Question,

That the Expenditure of Three Hundred and Forty-Three Million, Thirty-Six Thousand, Six Hundred and Forty-Eight Naira (₦343,036,648) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Archives and Historical Bureau stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

15. FCT Urban and Regional Planning Tribunal	
Personnel Costs	54,466,069
Overhead Costs	48,561,454
Sub-Total	103,027,523

Question,

That the Expenditure of One Hundred and Three Million, Twenty-Seven Thousand, Five Hundred and Twenty-Three Naira (₦103,027,523) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Urban and Regional Planning Tribunal stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

16. Department of Outdoor Advertisement and Signages	
Personnel Costs	121,583,178
Overhead Costs	546,399,144
Sub-Total	667,982,322

Question,

That the Expenditure of Six Hundred and Sixty-Seven Million, Nine Hundred and Eighty-Two Thousand, Three Hundred and Twenty-Two Naira (₦667,982,322) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Outdoor Advertisement and Signages stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

17. Department of Information and Communication	
Personnel Costs	65,990,958
Overhead Costs	436,987,080
Sub-Total	502,978,038

Question,

That the Expenditure of Five Hundred and Two Million, Nine Hundred and Seventy-Eight Thousand and Thirty-Eight Naira (₦502,978,038) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Information and Communication stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

18. Department of Reform Coordination and Service Improvement	
Personnel Costs	48,553,513
Overhead Costs	503,872,877
Sub-Total	552,426,390

Question,

That the Expenditure of Five Hundred and Fifty-Two Million, Four Hundred and Twenty-Six Thousand, Three Hundred and Ninety Naira (₦552,426,390) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Reform Coordination and Service Improvement stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

19. FCDA Administration

Personnel Costs	0
Overhead Costs	78,342,640
Sub-Total	78,342,640

Question,

That the Expenditure of Seventy-Eight Million, Three Hundred and Forty-Two Thousand, Six Hundred and Forty Naira (₦78,342,640) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCDA Administration stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

20. Finance and Administration

Personnel Costs	1,109,839,752
Overhead Costs	354,312,237
Sub-Total	1,464,151,989

Question,

That the Expenditure of One Billion, Four Hundred and Sixty-Four Million, One Hundred and Fifty-One Thousand, Nine Hundred and Eighty-Nine Naira (₦1,464,151,989) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Finance and Administration stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

21. Engineering Services

Personnel Costs	936,908,127
Overhead Costs	33,969,050
Sub-Total	970,877,177

Question,

That the Expenditure of Nine Hundred and Seventy Million, Eight Hundred and Seventy-Seven Thousand, One Hundred and Seventy-Seven Naira (₦970,877,177) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Engineering Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

22. Public Building

Personnel Costs	652,776,355
Overhead Costs	42,063,073
Sub-Total	694,839,428

Question,

That the Expenditure of Six Hundred and Ninety-Four Million, Eight Hundred and Thirty-Nine Thousand, Four Hundred and Twenty-Eight Naira (₦694,839,428) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Public Building stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

23. Resettlement and Compensation Department	
Personnel Costs	190,484,081
Overhead Costs	54,972,995
Sub-Total	245,457,076

Question,

That the Expenditure of Two Hundred and Forty-Five Million, Four Hundred and Fifty-Seven Thousand and Seventy-Six Naira (₦245,457,076) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Resettlement and Compensation Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

24. Urban and Regional Planning	
Personnel Costs	205,638,152
Overhead Costs	50,817,500
Sub-Total	256,455,652

Question,

That the Expenditure of Two Hundred and Fifty-Six Million, Four Hundred and Fifty-Five Thousand, Six Hundred and Fifty-Two Naira (₦256,455,652) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Urban and Regional Planning stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

25. Survey and Mapping	
Personnel Costs	227,292,942
Overhead Costs	48,634,162
Sub-Total	275,927,104

Question,

That the Expenditure of Two Hundred and Seventy-Five Million, Nine Hundred and Twenty-Seven Thousand, One Hundred and Four Naira (₦275,927,104) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Survey and Mapping stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

26. Mass Housing Department	
Personnel Costs	55,301,560
Overhead Costs	51,749,972
Sub-Total	107,051,533

Question,

That the Expenditure of One Hundred and Seven Million, Fifty-One Thousand, Five Hundred and Thirty-Three Naira (₦107,051,533) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Mass Housing Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

27. FCDA Procurement Department	
Personnel Costs	108,243,991
Overhead Costs	45,514,230
Sub-Total	153,758,221

Question,

That the Expenditure of One Hundred and Fifty-Three Million, Seven Hundred and Fifty-Eight Thousand, Two Hundred and Twenty-One Naira (₦153,758,221) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCDA Procurement Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

28. FCDA Internal Audit	
Personnel Costs	35,066,344
Overhead Costs	38,404,940
Sub-Total	73,471,284

Question,

That the Expenditure of Seventy-Three Million, Four Hundred and Seventy-One Thousand, Two Hundred and Eighty-Four Naira (₦73,471,284) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCDA Internal Audit stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

29. Public Relations	
Personnel Costs	53,532,919
Overhead Costs	51,094,821
Sub-Total	104,627,741

Question,

That the Expenditure of One Hundred and Four Million, Six Hundred and Twenty-Seven Thousand, Seven Hundred and Forty-One Naira (₦104,627,741) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Public Relations stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

30. Engineering Design	
Personnel Costs	131,246,318
Overhead Costs	36,892,527
Sub-Total	168,138,845

Question,

That the Expenditure of One Hundred and Sixty-Eight Million, One Hundred and Thirty-Eight Thousand, Eight Hundred and Forty-Five Naira (₦168,138,845) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Engineering Design stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

31. FCDA Legal Services	
Personnel Costs	46,424,370
Overhead Costs	52,970,097
Sub-Total	99,394,467

Question,

That the Expenditure of Ninety-Nine Million, Three Hundred and Ninety-Four Thousand, Four Hundred and Sixty-Seven Naira (₦99,394,467) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCDA Legal Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

32. FCT Legal Secretariat	
Personnel Costs	498,950,115
Overhead Costs	1,307,572,085
Sub-Total	1,806,522,200

Question,

That the Expenditure of One Billion, Eight Hundred and Six Million, Five Hundred and Twenty-Two Thousand, Two Hundred Naira (₦1,806,522,200) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Legal Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

33. Area Council Secretariat	
Personnel Costs	155,401,568
Overhead Costs	511,171,500
Sub-Total	666,573,068

Question,

That the Expenditure of Six Hundred and Sixty-Six Million, Five Hundred and Seventy-Three Thousand and Sixty-Eight Naira (₦666,573,068) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Area Council Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

34. ACSS Inspectorate, Planning and Monitoring	
Personnel Costs	33,245,348
Overhead Costs	186,657,138
Sub-Total	219,902,485

Question,

That the Expenditure of Two Hundred and Nineteen Million, Nine Hundred and Two Thousand, Four Hundred and Eighty-Five Naira (₦219,902,485) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the ACSS Inspectorate, Planning and Monitoring stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

35. ACSS Chieftaincy and Community Development	
Personnel Costs	124,476,978
Overhead Costs	388,839,343
Sub-Total	513,316,321

Question,

That the Expenditure of Five Hundred and Thirteen Million, Three Hundred and Sixteen Thousand, Three Hundred and Twenty-One Naira (₦513,316,321) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the ACSS Chieftaincy and Community Development stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

36. ACSS Primary Health Care Department	
Personnel Costs	27,896,709
Overhead Costs	606,263,130
Sub-Total	634,159,839

Question,

That the Expenditure of Six Hundred and Thirty-Four Million, One Hundred and Fifty-Nine Thousand, Eight Hundred and Thirty-Nine Naira (₦634,159,839) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the ACSS Primary Health Care Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

37. ACSS Planning, Research and Statistics	
Personnel Costs	28,465,292
Overhead Costs	150,327,119
Sub-Total	178,792,411

Question,

That the Expenditure of One Hundred and Seventy-Eight Million, Seven Hundred and Ninety-Two Thousand, Four Hundred and Eleven Naira (₦178,792,411) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the ACSS Planning, Research and Statistics stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

38. Area Council Service Commission	
Personnel Costs	187,523,242
Overhead Costs	349,065,459
Sub-Total	536,588,701

Question,

That the Expenditure of Five Hundred and Thirty-Six Million, Five Hundred and Eighty-Eight Thousand, Seven Hundred and One Naira (₦536,588,701) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Area Council Service Commission stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

39. FCT Area Councils Staff Pension Board	
Personnel Costs	110,964,848
Overhead Costs	727,383,762
Sub-Total	838,348,609

Question,

That the Expenditure of Eight Hundred and Thirty-Eight Million, Three Hundred and Forty-Eight Thousand, Six Hundred and Nine Naira (₦838,348,609) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Area Councils Staff Pension Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

40. Office of the Auditor-General for FCT Area Councils	
Personnel Costs	285,898,214
Overhead Costs	503,223,911
Sub-Total	789,122,125

Question,

That the Expenditure of Seven Hundred and Eighty-Nine Million, One Hundred and Twenty-Two Thousand, One Hundred and Twenty-Five Naira (₦789,122,125) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Office of the Auditor-general for FCT Area Councils stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

41. Transport Secretariat	
Personnel Costs	132,410,204
Overhead Costs	115,850,000
Sub-Total	248,260,204

Question,

That the Expenditure of Two Hundred and Forty-Eight Million, Two Hundred and Sixty Thousand, Two Hundred and Four Naira (₦248,260,204) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Transport Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

42. Road Traffic Services	
Personnel Costs	1,567,793,268
Overhead Costs	847,599,000
Sub-Total	2,415,392,268

Question,

That the Expenditure of Two Billion, Four Hundred and Fifteen Million, Three Hundred and Ninety-Two Thousand, Two Hundred and Sixty-Eight Naira (₦2,415,392,268) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Road Traffic Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

43. Bus Rapid Transit and Transport Regulations (BRT&TR)	
Personnel Costs	38,550,071
Overhead Costs	17,757,021
Sub-Total	56,307,092

Question,

That the Expenditure of Fifty-Six Million, Three Hundred and Seven Thousand and Ninety-Two Naira (₦56,307,092) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Bus Rapid Transit and Transport Regulations (Brtandtr) stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

44. Department of Public Transportation	
Personnel Costs	80,948,617
Overhead Costs	5,808,960,000
Sub-Total	5,889,908,617

Question,

That the Expenditure of Five Billion, Eight Hundred and Eighty-Nine Million, Nine Hundred and Eight Thousand, Six Hundred and Seventeen Naira (₦5,889,908,617) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Public Transportation stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

45. Department of Transportation	
Personnel Costs	79,815,134
Overhead Costs	336,994,800
Sub-Total	416,809,934

Question,

That the Expenditure of Four Hundred and Sixteen Million, Eight Hundred and Nine Thousand, Nine Hundred and Thirty-Four Naira (₦416,809,934) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Transportation stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

46. Department of Transportation Planning, Research and Statistics	
Personnel Costs	68,192,420
Overhead Costs	215,000,000
Sub-Total	283,192,420

Question,

That the Expenditure of Two Hundred and Eighty-Three Million, One Hundred and Ninety-Two Thousand, Four Hundred and Twenty Naira (₦283,192,420) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Transportation Planning, Research and Statistics stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

47. Education Secretariat	
Personnel Costs	298,650,428
Overhead Costs	1,437,070,210
Sub-Total	1,735,720,638

Question,

That the Expenditure of One Billion, Seven Hundred and Thirty-Five Million, Seven Hundred and Twenty Thousand, Six Hundred and Thirty-Eight Naira (₦1,735,720,638) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Education Secretariat stands part of the Schedule to

the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

48. Agency for Mass Education	
Personnel Costs	828,923,704
Overhead Costs	601,170,668
Sub-Total	1,430,094,372

Question,

That the Expenditure of One Billion, Four Hundred and Thirty Million, Ninety-Four Thousand, Three Hundred and Seventy-Two Naira (₦1,430,094,372) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Agency for Mass Education stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

49. FCT Education Resource Centre	
Personnel Costs	427,909,783
Overhead Costs	780,568,641
Sub-Total	1,208,478,424

Question,

That the Expenditure of One Billion, Two Hundred and Eight Million, Four Hundred and Seventy-Eight Thousand, Four Hundred and Twenty-Four Naira (₦1,208,478,424) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Education Resource Centre stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

50. FCT Universal Basic Education	
Personnel Costs	17,223,121,269
Overhead Costs	773,625,065
Sub-Total	17,996,746,334

Question,

That the Expenditure of Seventeen Billion, Nine Hundred and Ninety-Six Million, Seven Hundred and Forty-Six Thousand, Three Hundred and Thirty-Four Naira (₦17,996,746,334) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Universal Basic Education stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

51. FCT Secondary Education Board	
Personnel Costs	11,560,281,586
Overhead Costs	2,466,497,532
Sub-Total	14,026,779,118

Question,

That the Expenditure of Fourteen Billion, Twenty-Six Million, Seven Hundred and Seventy-Nine Thousand, One Hundred and Eighteen Naira (₦14,026,779,118) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Secondary Education Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

52. FCT College of Education, Zuba	
Personnel Costs	1,544,537,560
Overhead Costs	384,207,494
Sub-Total	1,928,745,054

Question,

That the Expenditure of One Billion, Nine Hundred and Twenty-Eight Million, Seven Hundred and Forty-Five Thousand and Fifty-Four Naira (₦1,928,745,054) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT College of Education, Zuba stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

53.	FCT Agency for Science and Technology	
	Personnel Costs	695,364,440
	Overhead Costs	681,588,817
	Sub-Total	1,376,953,257

Question,

That the Expenditure of One Billion, Three Hundred and Seventy-Six Million, Nine Hundred and Fifty-Three Thousand, Two Hundred and Fifty-Seven Naira (₦1,376,953,257) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Agency for Science and Technology stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

54.	FCT Scholarship Board	
	Personnel Costs	150,893,428
	Overhead Costs	455,117,572
	Sub-Total	606,011,000

Question,

That the Expenditure of Six Hundred and Six Million Eleven Thousand Naira (₦606,011,000) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Scholarship Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

55.	Department of Quality Assurance	
	Personnel Costs	1,020,299,860
	Overhead Costs	100,738,496
	Sub-Total	1,121,038,356

Question,

That the Expenditure of One Billion, One Hundred and Twenty-One Million, Thirty-Eight Thousand, Three Hundred and Fifty-Six Naira (₦1,121,038,356) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Quality Assurance stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

56.	Department of Higher Education	
	Personnel Costs	142,808,779
	Overhead Costs	106,045,877
	Sub-Total	248,854,656

Question,

That the Expenditure of Two Hundred and Forty-Eight Million, Eight Hundred and Fifty-Four Thousand, Six Hundred and Fifty-Six Naira (₦248,854,656) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Higher Education stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

57.	Department of Policy, Planning, Research and Statistics	
	Personnel Costs	111,770,819
	Overhead Costs	231,720,812
	Sub-Total	343,491,631

Question,

That the Expenditure of Three Hundred and Forty-Three Million, Four Hundred and Ninety-One Thousand, Six Hundred and Thirty-One Naira (₦343,491,631) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Policy, Planning, Research and Statistics stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

58. Department of Special Needs Education	
Personnel Costs	46,115,889
Overhead Costs	117,919,046
Sub-Total	164,034,935

Question,

That the Expenditure of One Hundred and Sixty-Four Million, Thirty-Four Thousand, Nine Hundred and Thirty-Five Naira (₦164,034,935) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Special Needs Education stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

59. Health and Human Services Secretariat (HQ)	
Personnel Costs	713,491,383
Overhead Costs	4,361,500,000
Sub-Total	5,074,991,383

Question,

That the Expenditure of Five Billion, Seventy-Four Million, Nine Hundred and Ninety-One Thousand, Three Hundred and Eighty-Three Naira (₦5,074,991,383) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Health and Human Services Secretariat (Hq) stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

60. School of Nursing and Midwifery	
Personnel Costs	472,034,153
Overhead Costs	476,536,700
Sub-Total	948,570,853

Question,

That the Expenditure of Nine Hundred and Forty-Eight Million, Five Hundred and Seventy Thousand, Eight Hundred and Fifty-Three Naira (₦948,570,853) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the School of Nursing and Midwifery stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

61. Department of Nursing Services	
Personnel Costs	47,280,091
Overhead Costs	137,400,000
Sub-Total	184,680,091

Question,

That the Expenditure of One Hundred and Eighty-Four Million, Six Hundred and Eighty Thousand, Ninety-One Naira (₦184,680,091) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Nursing Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

62. Public Health Department	
Personnel Costs	590,074,636
Overhead Costs	290,390,102
Sub-Total	880,464,738

Question,

That the Expenditure of Eight Hundred and Eighty Million, Four Hundred and Sixty-Four Thousand, Seven Hundred and Thirty-Eight Naira (₦880,464,738) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Public Health Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

63. Health Planning, Research and Statistics Department	
Personnel Costs	108,503,047
Overhead Costs	169,035,852
Sub-Total	277,538,899

Question,

That the Expenditure of Two Hundred and Seventy-Seven Million, Five Hundred and Thirty-Eight Thousand, Eight Hundred and Ninety-Nine Naira (₦277,538,899) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Health Planning, Research and Statistics Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

64. Department of Pharmacy	
Personnel Costs	203,384,866
Overhead Costs	136,951,859
Sub-Total	340,336,725

Question,

That the Expenditure of Three Hundred and Forty Million, Three Hundred and Thirty-Six Thousand, Seven Hundred and Twenty-Five Naira (₦340,336,725) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Pharmacy stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

65. FCT Medical Diagnostics Department	
Personnel Costs	198,126,900
Overhead Costs	114,890,000
Sub-Total	313,016,900

Question,

That the Expenditure of Three Hundred and Thirteen Million, Sixteen Thousand, Nine Hundred Naira (₦313,016,900) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Medical Diagnostics Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

66. Health Management Board	
Personnel Costs	3,910,739,370
Overhead Costs	869,757,380
Sub-Total	4,780,496,750

Question,

That the Expenditure of Four Billion, Seven Hundred and Eighty Million, Four Hundred and Ninety-Six Thousand, Seven Hundred and Fifty Naira (₦4,780,496,750) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Health Management Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

67. Asokoro District Hospital	
Personnel Costs	1,939,021,976
Overhead Costs	194,074,000
Sub-Total	2,133,095,976

Question,

That the Expenditure of Two Billion, One Hundred and Thirty-Three Million, Ninety-Five Thousand, Nine Hundred and Seventy-Six Naira (₦2,133,095,976) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Asokoro District Hospital stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

68. Maitama District Hospital

Personnel Costs	1,644,144,098
Overhead Costs	194,074,000
Sub-Total	1,838,218,098

Question,

That the Expenditure of One Billion, Eight Hundred and Thirty-Eight Million, Two Hundred and Eighteen Thousand, Ninety-Eight Naira (₦1,838,218,098) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Maitama District Hospital stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

69. Wuse District Hospital

Personnel Costs	1,845,388,365
Overhead Costs	194,074,000
Sub-Total	2,039,462,365

Question,

That the Expenditure of Two Billion, Thirty-Nine Million, Four Hundred and Sixty-Two Thousand, Three Hundred and Sixty-Five Naira (₦2,039,462,365) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Wuse District Hospital stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

70. Kubwa District Hospital

Personnel Costs	1,324,420,198
Overhead Costs	194,074,000
Sub-Total	1,518,494,198

Question,

That the Expenditure of One Billion, Five Hundred and Eighteen Million, Four Hundred and Ninety-Four Thousand, One Hundred and Ninety-Eight Naira (₦1,518,494,198) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Kubwa District Hospital stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

71. FCT Semi-Urban District Hospitals

Personnel Costs	2,668,600,835
Overhead Costs	290,586,200
Sub-Total	2,959,187,035

Question,

That the Expenditure of Two Billion, Nine Hundred and Fifty-Nine Million, One Hundred and Eighty-Seven Thousand, Thirty-Five Naira (₦2,959,187,035) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Semi-urban District Hospitals stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

72. FCT Satellite District Hospitals

Personnel Costs	2,865,266,264
Overhead Costs	264,746,125
Sub-Total	3,130,012,389

Question,

That the Expenditure of Three Billion, One Hundred and Thirty Million, Twelve Thousand, Three Hundred and Eighty-Nine Naira (₦3,130,012,389) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Satellite District Hospitals stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

73. Primary Healthcare Development Board-	
Personnel Costs	1,602,164,093
Overhead Costs	569,089,616
Sub-Total	2,171,253,709

Question,

That the Expenditure of Two Billion, One Hundred and Seventy-One Million, Two Hundred and Fifty-Three Thousand, Seven Hundred Nine Naira (₦2,171,253,709) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Primary Healthcare Development Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

74. Agriculture and Rural Development Secretariat	
Personnel Costs	231,650,237
Overhead Costs	453,130,648
Sub-Total	684,780,885

Question,

That the Expenditure of Six Hundred and Eighty-Four Million, Seven Hundred and Eighty Thousand, Eight Hundred and Eighty-Five Naira (₦684,780,885) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Agriculture and Rural Development Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

75. FCT Agric Development Project	
Personnel Costs	467,037,723
Overhead Costs	117,584,552
Sub-Total	584,622,275

Question,

That the Expenditure of Five Hundred and Eighty-Four Million, Six Hundred and Twenty-Two Thousand, Two Hundred and Seventy-Five Naira (₦584,622,275) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Agric Development Project stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

76. Department of Agric Services	
Personnel Costs	181,966,413
Overhead Costs	34,070,000
Sub-Total	216,036,413

Question,

That the Expenditure of Two Hundred and Sixteen Million, Thirty-Six Thousand, Four Hundred and Thirteen Naira (₦216,036,413) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Agric Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

77. Department of Agricultural Planning, Research and Statistics	
Personnel Costs	82,763,065
Overhead Costs	94,170,932
Sub-Total	176,933,997

Question,

That the Expenditure of One Hundred and Seventy-Six Million, Nine Hundred and Thirty-Three Thousand, Nine Hundred and Ninety-Seven Naira (₦176,933,997) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Agricultural Planning, Research and Statistics stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

78. Department of Veterinary Services	
Personnel Costs	507,817,326
Overhead Costs	28,450,000
Sub-Total	536,267,326

Question,

That the Expenditure of Five Hundred and Thirty-Six Million, Two Hundred and Sixty-Seven Thousand, Three Hundred and Twenty-Six Naira (₦536,267,326) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Veterinary Services stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

79. Department of Animal Husbandry	
Personnel Costs	120,559,672
Overhead Costs	35,540,000
Sub-Total	156,099,672

Question,

That the Expenditure of One Hundred and Fifty-Six Million, Ninety-Nine Thousand, Six Hundred and Seventy-Two Naira (₦156,099,672) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Animal Husbandry stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

80. Department of Forestry	
Personnel Costs	64,911,174
Overhead Costs	49,050,000
Sub-Total	113,961,174

Question,

That the Expenditure of One Hundred and Thirteen Million, Nine Hundred and Sixty-One Thousand, One Hundred and Seventy-Four Naira (₦113,961,174) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Forestry stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

81. Department of Cooperative and Rural Development	
Personnel Costs	81,364,378
Overhead Costs	62,690,000
Sub-Total	144,054,378

Question,

That the Expenditure of One Hundred and Forty-Four Million, Fifty-Four Thousand, Three Hundred and Seventy-Eight Naira (₦144,054,378) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Cooperative and Rural Development stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

82. Department of Fisheries	
Personnel Costs	44,477,378
Overhead Costs	68,540,396
Sub-Total	113,017,774

Question,

That the Expenditure of One Hundred and Thirteen Million, Seventeen Thousand, Seven Hundred and Seventy-Four Naira (₦113,017,774) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Fisheries stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

83. Social Development Secretariat	
Personnel Costs	252,344,264
Overhead Costs	880,522,010
Sub-Total	1,132,866,274

Question,

That the Expenditure of One Billion, One Hundred and Thirty-Two Million, Eight Hundred and Sixty-Six Thousand, Two Hundred and Seventy-Four Naira (₦1,132,866,274) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Social Development Secretariat stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

84. Welfare Department	
Personnel Costs	104,316,548
Overhead Costs	662,779,872
Sub-Total	767,096,420

Question,

That the Expenditure of Seven Hundred and Sixty-Seven Million, Ninety-Six Thousand, Four Hundred and Twenty Naira (₦767,096,420) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Welfare Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

85. Sports Department	
Personnel Costs	84,753,060
Overhead Costs	159,988,828
Sub-Total	244,741,888

Question,

That the Expenditure of Two Hundred and Forty-Four Million, Seven Hundred and Forty-One Thousand, Eight Hundred and Eighty-Eight Naira (₦244,741,888) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Sports Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

86. Tourism Department	
Personnel Costs	68,557,220
Overhead Costs	86,183,647
Sub-Total	154,740,867

Question,

That the Expenditure of One Hundred and Fifty-Four Million, Seven Hundred and Forty Thousand, Eight Hundred and Sixty-Seven Naira (₦154,740,867) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Tourism Department stands part of the Schedule to the Federal Capital Territory

Statutory Appropriation Bill, 2022 — *Agreed to.*

87. Gender Development Department	
Personnel Costs	49,922,407
Overhead Costs	200,895,409
Sub-Total	250,817,816

Question,

That the Expenditure of Two Hundred Fifty Million, Eight Hundred and Seventeen Thousand, Eight Hundred and Sixteen Naira (₦250,817,816) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Gender Development Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

88. Arts and Culture	
Personnel Costs	130,837,105
Overhead Costs	189,685,423
Sub-Total	320,522,528

Question,

That the Expenditure of Three Hundred and Twenty Million, Five Hundred and Twenty-Two Thousand, Five Hundred and Twenty-Eight Naira (₦320,522,528) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Arts and Culture stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

89. Youth Department	
Personnel Costs	57,061,125
Overhead Costs	175,349,738
Sub-Total	232,410,863

Question,

That the Expenditure of Two Hundred and Thirty-Two Million, Four Hundred and Ten Thousand, Eight Hundred and Sixty-Three Naira (₦232,410,863) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Youth Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

90. Abuja Metropolitan Management Council	
Personnel Costs	315,939,070
Overhead Costs	1,367,204,738
Sub-Total	1,683,143,808

Question,

That the Expenditure of One Billion, Six Hundred and Eighty-Three Million, One Hundred and Forty-Three Thousand, Eight Hundred and Eight Naira (₦1,683,143,808) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Abuja Metropolitan Management Council stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

91. Parks And Recreation	
Personnel Costs	435,177,705
Overhead Costs	744,337,400
Sub-Total	1,179,515,105

Question,

That the Expenditure of One Billion, One Hundred and Seventy-Nine Million, Five Hundred and Fifteen Thousand, One Hundred and Five Naira (₦1,179,515,105) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Parks and Recreation stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

92. Facilities Maintenance and Management

Personnel Costs	316,668,825
Overhead Costs	5,494,195,566
Sub-Total	5,810,864,391

Question,

That the Expenditure of Five Billion, Eight Hundred and Ten Million, Eight Hundred and Sixty-Four Thousand, Three Hundred and Ninety-One Naira (₦5,810,864,391) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Facilities Maintenance and Management stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

93. FCT Urban Affairs

Personnel Costs	18,221,193
Overhead Costs	185,191,499
Sub-Total	203,412,692

Question,

That the Expenditure of Two Hundred and Three Million, Four Hundred and Twelve Thousand, Six Hundred and Ninety-Two Naira (₦203,412,692) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Urban Affairs stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

94. Development Control Department

Personnel Costs	966,356,107
Overhead Costs	285,837,970
Sub-Total	1,252,194,077

Question,

That the Expenditure of One Billion, Two Hundred and Fifty-Two Million, One Hundred and Ninety-Four Thousand, Seventy-Seven Naira (₦1,252,194,077) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Development Control Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

95. FCT Water Board

Personnel Cost	1,403,256,259
Overhead Costs	3,606,322,518
Sub-Total	5,009,578,777

Question,

That the Expenditure of Five Billion, Nine Million, Five Hundred and Seventy-Eight Thousand, Seven Hundred and Seventy-Seven Naira (₦5,009,578,777) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Water Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

96. FCT Rural Water Supply and Sanitation Agency

Personnel Costs	91,552,420
Overhead Costs	631,969,600
Sub-Total	723,522,020

Question,

That the Expenditure of Seven Hundred and Twenty-Three Million, Five Hundred and Twenty-Two Thousand, Twenty Naira (₦723,522,020) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Rural Water Supply and Sanitation Agency stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

97. Abuja Environmental Protection Board	
Personnel Costs	1,880,981,354
Overhead Costs	8,789,462,902
Sub-Total	10,670,444,256

Question,

That the Expenditure of Ten Billion, Six Hundred and Seventy Million, Four Hundred and Forty-Four Thousand, Two Hundred and Fifty-Six Naira (₦10,670,444,256) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Abuja Environmental Protection Board stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

98. Abuja Geographic Information Systems	
Personnel Costs	348,093,637
Overhead Costs	970,379,140
Sub-Total	1,318,472,777

Question,

That the Expenditure of One Billion, Three Hundred and Eighteen Million, Four Hundred and Seventy-Two Thousand, Seven Hundred and Seventy-Seven Naira (₦1,318,472,777) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Abuja Geographic Information Systems stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

99. Satellite Towns Development Department	
Personnel Costs	491,223,624
Overhead Costs	2,727,427,500
Sub-Total	3,218,651,124

Question,

That the Expenditure of Three Billion, Two Hundred and Eighteen Million, Six Hundred and Fifty-One Thousand, One Hundred and Twenty-Four Naira (₦3,218,651,124) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Satellite Towns Development Department stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

100. Abuja Infrastructure Investment Centre (AIIC)	
Personnel Costs	74,604,636
Overhead Costs	359,155,770
Sub-Total	433,760,406

Question,

That the Expenditure of Four Hundred and Thirty-Three Million, Seven Hundred and Sixty Thousand, Four Hundred and Six Naira (₦433,760,406) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Abuja Infrastructure Investment Centre (AIIC) stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

101. FCT Emergency Management Agency	
Personnel costs	235,403,094
Overhead costs	976,222,995
Sub-Total	1,211,626,089

Question,

That the Expenditure of One Billion, Two Hundred and Eleven Million, Six Hundred and Twenty-Six Thousand, Eighty-Nine Naira (₦1,211,626,089) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the FCT Emergency Management Agency stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

102. Department of Fire Service	
Personnel Costs	1,009,626,623
Overhead Costs	370,889,920
Sub-Total	1,380,516,543

Question,

That the Expenditure of One Billion, Three Hundred and Eighty Million, Five Hundred and Sixteen Thousand, Five Hundred and Forty-Three Naira (₦1,380,516,543) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs of the Department of Fire Service stands part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

General Summary:

Total Personnel	76,569,904,857
Total Overhead	127,603,382,310
Total Recurrent	204,173,287,168

Question,

That the Expenditure of Two Hundred and Four Billion, One Hundred and Seventy-Three Million, Two Hundred and Eighty-Seven Thousand, One Hundred and Sixty-Eight Naira (₦204,173,287,168) only for the purposes set out under Recurrent for the Personnel Costs and Overhead Costs stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

PART B — CAPITAL EXPENDITURE

1. Federal Capital Territory Administration	14,667,920,348
2. Protocol Department	34,002,187
3. Security Services Department	1,321,924,222
4. FCT Treasury	3,521,231,616
5. Department of Economic Planning	160,228,410
6. Department of Human Resource Management	139,126,330
7. FCT Audit Department	136,131,508
8. Department of Monitoring and Inspection	52,000,000
9. Land Administration Department	195,003,035
10. FCT Procurement Department	375,251,387
11. FCT Directorate of Muslim Pilgrims Affairs	311,184,004
12. FCT Directorate of Christian Pilgrims Affairs	117,257,010
13. FCT Pension Department	6,854,795
14. FCT Archives and Historical Bureau	199,824,870
15. FCT Urban and Regional Planning Tribunal	44,951,750
16. Department of Outdoor Advertisement and Signages	612,491,876
17. Department of Information and Communication	117,553,638
18. Department of Reform and Service Improvement	68,685,156
19. FCDA Administration	0
20. Finance and Administration	0

21.	Engineering Services	181,190,369,826
22.	Public Buildings	2,199,601,961
23.	Resettlement and Compensation Department	1,541,328,001
24.	Urban and Regional Planning	192,886,896
25.	Survey and Mapping	1,066,297,380
26.	Mass Housing Department	79,216,825
27.	FCDA Procurement Department	185,470,336
28.	Internal Audit	0
29.	Public Relations	0
30.	Engineering Design	1,087,986,178
31.	FCDA Legal Services	0
32.	FCT Legal Secretariat	182,435,500
33.	Area Council Secretariat	91,829,857
34.	ACSS Inspectorate, Planning and Monitoring	257,158,360
35.	ACSS Chieftaincy and Community Development	706,726,943
36.	ACSS Primary Health Care Department	44,601,624
37.	ACSS Planning, Research And Statistics	80,268,956
38.	Area Councils Service Commission	637,428,830
39.	FCT Area Councils Staff Pension Board	254,024,161
40.	Office of the Auditor-General for FCT Area Councils	406,482,400
41.	Transport Secretariat	838,765,200
42.	Road Traffic Services	1,983,139,018
43.	Bus Rapid Transit and Transport Regulations (BRT&TR)	31,708,832
44.	Department of Traffic Management	1,031,296,206
45.	Department of Transportation	68,881,092,985
46.	Department of Transportation, Planning Research and Statistics	212,994,400
47.	Education Secretariat	5,467,432,564
48.	Agency for Mass Education	813,372,179
49.	FCT Education Resource Centre	398,924,967
50.	FCT Universal Basic Education	2,952,070,947
51.	FCT Secondary Education Board	1,411,343,195
52.	FCT College of Education, Zuba	479,467,440
53.	FCT Agency for Science and Technology	605,826,854
54.	FCT Scholarship Board	88,822,386
55.	Department of Quality Assurance	128,837,112
56.	Department of Higher Education	79,690,442
57.	Department of Policy, Planning, Research and Statistics	144,426,024
58.	Department of Special Needs Education	76,994,800
59.	HHS Secretariat	2,165,206,744
60.	School of Nursing and Midwifery	789,830,257
61.	Department of Nursing Services	97,208,800
62.	Public Health Department	50,973,285
63.	Health Planning Research and Statistics	22,992,772
64.	Department of Pharmacy	132,087,139
65.	FCT Medical and Diagnostics	44,000,000
66.	Health Management Board	2,177,520,941
67.	Asokoro District Hospital	0
68.	Maitama District Hospital	0
69.	Wuse District Hospital	0
70.	Kubwa District Hospital	0
71.	FCT Semi-Urban Districts Hospital	0
72.	FCT Satellite District Hospitals	0
73.	Primary Health Care Development Board	273,390,490
74.	Agriculture and Rural Development Secretariat	790,502,037
75.	FCT Agric Development Project	184,359,520
76.	Department of Agric Services	2,834,732,480
77.	Department of Agricultural Planning, Research and Statistics	13,743,107
78.	Department of Veterinary Services	84,587,280
79.	Department of Animal Husbandry	1,278,158,229

80.	Department of Forestry and Rural Development	371,852,343
81.	Department of Cooperative and Rural Development	117,366,240
82.	Department of Fisheries	357,103,941
83.	Social Development Secretariat	375,986,856
84.	Welfare Department	61,867,138
85.	Sports Department	141,044,428
86.	Tourism Department	18,311,089
87.	Gender Development Department	248,733,270
88.	Arts and Culture	22,848,467
89.	Youth Department	51,476,000
90.	Abuja Metropolitan Management Council	998,750,240
91.	Parks and Recreation	673,851,596
92.	Facilities Maintenance and Management	12,241,009,368
93.	FCT Urban Affairs	405,935,420
94.	Development Control Department	1,580,476,190
95.	FCT Water Board	4,498,693,697
96.	FCT Rural Water Supply and Sanitation Agency	853,809,200
97.	Abuja Environmental Protection Board	441,402,932
98.	Abuja Geographic Information Systems	668,733,433
99.	Satellite Towns Development Department	69,825,754,575
100.	Abuja Infrastructure Investment Centre (AIIC)	103,880,761
101.	FCT Emergency Management Agency	318,982,508
102.	Department of Fire Service	549,631,914

Total Capital **403,778,736,413**

Question:

That the Expenditure of Four Hundred and Three Billion, Seven Hundred and Seventy-Eight Million, Seven Hundred and Thirty-Six Thousand, Four Hundred and Thirteen Naira (₦403,778,736,413) only for the purposes set out under Capital Cost do stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

Grand Total Recurrent and Capital **607,952,023,580**

Main Question:

That the Expenditure of Six Hundred and Seven Billion, Nine Hundred and Fifty-Two Million, Twenty-Three Thousand, Five Hundred and Eighty Naira (₦607,952,023,580) only for the purposes set out under Capital Cost do stand part of the Schedule to the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Agreed to.*

Clause 1: Issue a Bill of ₦607,952,023,580.00 from Federal Capital Territory Administration Statutory Revenue Fund.

- (1) The Director of Treasury of the Federal Capital Territory Administration shall, when authorized to do so by warrants signed by the Minister Federal Capital Territory Administration with responsibility to pay out of the Federal Capital Territory Administration Statutory Revenue Fund of the Federal Capital Territory Administration during the financial year 2022 the sum specified by the warrants, not exceeding in the aggregate ₦607,952,023,580.00 (Six Hundred and Seven Billion, Nine Hundred and Fifty Two Million, Twenty Three Thousand, Five Hundred and Eighty Naira) Only; and
- (2) The amount mentioned in Clause (1) of this Bill shall be appropriated to heads of Expenditure as indicated in the schedule to this Bill.

Committee's Recommendation:

That the provisions in Clause 1 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 1 do stands part of the Bill — Agreed to.

Clause 2: Release of Funds.

All amounts appropriated under this Bill shall be made from the Federal Capital Territory Administration Statutory Revenue Fund only for the purposes specified in the schedule to this Bill.

Committee's Recommendation:

That the provisions in Clause 2 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 2 do stands part of the Bill — Agreed to.

Clause 3: Payment of Revenue into the Statutory Account.

(1) All revenues accruing to the Federal Capital Territory Administration, including the Statutory Revenue distribution shall be paid into the Federal Capital Territory Administration's Statutory Revenue Account; and

(2) No monies shall be withdrawn from the Account mentioned in Clause 3(1) above without appropriation by the National Assembly.

Committee's Recommendation:

That the provisions in Clause 3 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 3 do stands part of the Bill — Agreed to.

Clause 4: Virement.

In the event that the implementation of any of the projects intended to be undertaken under this Bill cannot be completed without virement, such virement shall only be effected with the prior approval of the National Assembly.

Committee's Recommendation:

That the provisions in Clause 4 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 4 do stands part of the Bill — Agreed to.

Clause 5: Quarterly Report.

The Minister of Federal Capital Territory and the Director of Treasury Federal Capital Territory Administration shall immediately upon the coming into force of this Bill furnish the National Assembly, on a quarterly basis, the status of the records of the Federal Capital Territory Statutory Accounts.

Committee's Recommendation:

That the provisions in Clause 5 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 5 do stands part of the Bill — Agreed to.

Clause 6: Waiver not to incur Expenditure.

Where, due to revenue shortfall, amounts appropriated under this Bill cannot be funded, the Minister of Federal Capital Territory shall seek from the National Assembly a waiver not to incur such expenditure.

Committee's Recommendation:

That the provisions in Clause 6 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 6 do stands part of the Bill — Agreed to.

Clause 7: Concurrent Expenditure.

Without prejudice to anything contained in this Bill, the FCT 2022 Statutory Appropriation shall run Concurrently with the FCT 2023 Statutory Appropriation Bill till June 30th, 2023.

Committee's Recommendation:

That the provisions in Clause 7 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 7 do stands part of the Bill — Agreed to.

Clause 8: Short Title.

This Bill may be cited as the Federal Capital Territory Statutory Appropriation Bill, 2022.

Committee's Recommendation:

That the provisions in Clause 8 be retained (*Senator Smart Adeyemi — Kogi West*).

Question that Clause 8 do stands part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of Supply considered the Report of the Committee on Federal Capital Territory on the Federal Capital Territory Statutory Appropriation Bill, 2022 and approved as follows:

Part A - Recurrent Non-Debt Expenditure	—	As Recommended.
Part B - Capital Expenditure	—	As Recommended.
Clauses 1 - 8	—	As Recommended

Question: That the Senate do approve the Report of the Committee of Supply on the Federal Capital Territory Statutory Appropriation Bill, 2022 — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Committee on Trade and Investment:

Report on the Financial Reporting Council of Nigeria Act, 2011 (Amendment) Bill, 2022 (SB. 824):

Motion made: That the Senate do receive and consider the Report of the Committee of Whole to Consider the Report of the Committee on Trade and Investment on the Financial Reporting Council of Nigeria Act, 2011 (Amendment) Bill, 2022 (SB. 824) (*Senator Saidu A. Alkali— (Gombe North)*).

Question put and agreed to.

Report Laid and Presented.

Motion Made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT ON THE SENATE COMMITTEE ON TRADE AND INVESTMENT ON A BILL FOR AN ACT TO AMEND FINANCIAL REPORTING COUNCIL OF NIGERIA ACT, 2011 TO AMONG OTHER THINGS, STREAMLINE THE MEMBERSHIP OF THE GOVERNING BOARD TO STRENGTHEN THE COUNCIL TO DISCHARGE EFFECTIVE REGULATORY RESPONSIBILITIES ON FINANCIAL REPORTING AND CORPORATE GOVERNANCE IN NIGERIA AND FOR RELATED MATTERS, 2022

PART I - ESTABLISHMENT OF THE FINANCIAL REPORTING COUNCIL OF NIGERIA

Clause 1: Establishment of the Financial Reporting Council of Nigeria.
Amendment of Section 2 of the Principal Act
The Financial Reporting Council of Nigeria Act, 2011 in this Bill referred to as ("the Principal Act") is amended as set out in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Saidu A. Alkali — Gombe North*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment and Membership of the Board.
Amendment of Section 2 of the Principal Act
Section 2 of the Principal Act is amended by substituting for subsection (2), a new subsection "(2)" -

- "(2) The Board shall consist of -
- (a) a Chairman who shall be a professional accountant with cognate experience of not less than 10 years";
 - (b) one representative from each of the following:
 - (i) Association of National Accountants of Nigeria;
 - (ii) Institute of Chartered Accountants of Nigeria
 - (iii) Office of the Accountant General of the Federation;
 - (iv) Chartered Institute of Stockbrokers;
 - (v) Chartered Institute of Taxation of Nigeria;
 - (vi) Ministry charged with the responsibility of supervising the activities of the Council;
 - (vii) Ministry charged with the responsibility for Finance;
 - (viii) Nigerian Accounting Association;
 - (ix) Nigerian Institution of Estate Surveyors and Valuers;
 - (x) Institute of Directors of Nigeria
 - (xi) Office of the Accountant General of the Federation".

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Functions of the Council.

Amendment of Section 8 of the Principal Act

Section 8 of the Principal Act is amended -

(a) in subsection (1) (d), by substituting for the word, "Board", the word, "board";

"(d) receive copies of annual reports and financial statements of public interest entities within 60 days of the approval of the board;

(e) Advise the Federal Government on matters relating to accounting and financial reporting standards;

(f) Maintain a register of professional accountants and other professionals engaged in the financial reporting process and corporate governance;

(b) by substituting for paragraphs (g), (i) and (r), new paragraphs "(g), (i) and (r)" -

(g) maintain a national repository for electronic submission of General Purpose Financial Statements by public interest entities;

(h) monitor compliance with the reporting requirements specified in the adopted code of corporate governance;

(i) promote compliance with the adopted standards issued by the International Federation of Accountants (IFAC), International Financial Reporting Standards Foundation (IFRS), International Public Sector Accounting Standards Board (IPSASB) or any other body that may be designated as such and any other setting body relating to the mandate of the Council;

(j) monitor and promote education, research and training in the fields of accounting, auditing, financial reporting and corporate governance;

(k) conduct practice reviews of registered professionals;

(l) review financial statements and reports of public interest entities;

(m) enforce compliance with the Bill and the rules of the Council on registered professionals and the affected public interest entities;

(n) establish such systems, schemes or engage in any relevant activity, either alone or in conjunction with any other organization or agency, whether local or international, for the discharge of its functions;

- (o) receive copies of all qualified reports together with detailed explanations for such qualifications from auditors of the financial statements within a period of 30 days from the date of such qualification and such reports shall not be announced to the public until all accounting issues relating to the reports are resolved by the Council;
 - (p) adopt and keep up-to-date accounting and financial reporting standards, and ensure consistency between standards issued and the International Financial Reporting Standards;
 - (q) specify, in the accounting and financial reporting standards, the minimum requirements for recognition, measurement, presentation and disclosure in annual financial statements, group annual financial statements or other financial reports which every public interest entity shall comply with, in the preparation of financial statements and reports;
 - (r) develop or adopt and keep up-to-date auditing standards issued by relevant professional bodies and ensure consistency between the standards issued and the auditing standards and pronouncements of the International Auditing and Assurance Standards Board, International Organization of Supreme Audit Institutions or any other body that may be designated as such and any other international standards setting body relating to the mandate of the Council;
 - (s) perform such other functions which in the opinion of the Board are necessary or expedient to ensure the efficient performance of the functions of the Council; and
- (c) in subsection (2), by inserting after the word, "implementing" in line 2, the words "financial reporting and corporate governance standards".

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4:

Objects of the
Amendment of Section 11 of the Principal Act
Section 11 of the Principal Act is amended by deleting the letter "s" in the "sections" in paragraph (b) -

The objects of the Council shall be to:

- (a) protect investors and other stakeholders interest;
- (b) give guidance on issues relating to financial reporting and corporate governance to bodies listed in section 2 (2) (b) of this Bill;
- (c) ensure good corporate governance practices in the public and private sectors of the Nigerian economy;
- (d) ensure accuracy and reliability of financial reports and corporate disclosures, pursuant to the various laws and regulations currently in existences; and

- (e) harmonize activities of relevant professional and regulatory bodies as relating to Corporate Governance and Financial Reporting.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Establishment of Committees for the Council

Amendment of Section 15 of the Principal Act

Section 15 of the Principal Act is amended -

There is established for the Council 3 Standing Committees and any other committee the Board may deem necessary:

- (a) in subsection (1), paragraph (a), by deleting the words, "and oversight".
- (b) Finance and General Purposes Committee; and
- (b) in subsection (1), paragraph (c), by inserting after the word, "Audit", the words, "and Risk Management";
- (c) in subsection (2) by deleting the word, "and oversight" in lines 1 and 2;
- (a) to receive and review regular reports from the Council on breaches observed;
- (b) to receive and deliberate on all appeals against sanctions and make recommendations to the Board; and
- (c) to consider reports from the Council and make recommendations to the Governing Board on:
- (i) new issues to be addressed by the standard setting directorates; and
- (ii) convergence of local and international standards and other related matters.
- (d) in subsection (3), paragraph (a), by substituting for the word "account" the words "financial statement" and in paragraph (b), the word "spending", the word "expenditure"-
- (a) to consider the annual budgets and financial statements and make recommendations to the Board;
- (b) to appraise financial implication of Council's proposed capital expenditure;
- (c) to review the Executive Secretary's and management's regular reports on performance against budget for a financial year;
- (d) to consider the Council's staff establishment, salaries and conditions of service, staff training and development, approval of staff terminal benefits and make recommendations to the Board; and
- (e) to make recommendations to the Board on the:
- (i) income and expenditure policies;

- (ii) level of fines, penalties and other fees.
- (e) in subsection (4), by inserting after the word "Audit", in line 1, the words "and Risk Management".
 - (a) to oversee the systems of internal controls regarding finance, accounting, and legal compliance;
 - (b) to fix the fees of external auditors of the Council;
 - (c) to review Council's financial statements and other financial information; and
 - (d) to review Council compliance with other regulatory requirements.
- (5) Membership of a Standing, Committee shall be 5 persons who are experts in the relevant fields, and the Committee shall elect one of them to be the Chairman of the Committee.
- (f) in subsection (6), by substituting for the words "at least once a month", in line 1, the words and figure, "once every 3 months"; and
- (7) In the absence of the Chairman, members of the committee shall elect one of them to act as Chairman for the meeting.
- (9) ~~Without prejudice to other provisions of this Bill, the Board~~ may appoint such other standing or ad-hoc committees as it deems fit to consider and report on any matter with which the Board is concerned.
 - (g) in subsection (10), by substituting for the word "approved", in line 2, the word "approved".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

- PART II - STAFF OF THE COUNCIL

Clause 6: Executive Secretary and other Staff of the Council.

Amendment of Section 20 of the Principal Act
Section 20 of the Principal Act is amended in subsection (3) by inserting after the word "appointment", in line 2, the words, "promotion, discipline and welfare" -

"(3) The Board shall be responsible for the appointment, promotion, discipline and welfare of senior management staff from grade level 15 and above for the Council as it may deem necessary and expedient from time-to-time for the proper and efficient performance of the functions of the Council".

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Directorate of Inspection and Monitoring.

Amendment of Section 28 of the Principal Act

Section 28 of the Principal Act is amended in subsection (1) (a), by inserting after the word, "actuarial", in line 2, a comma and the words, "corporate governance".

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Saidu A. Alkali — Gombe North*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

PART IV - FINANCIAL PROVISIONS

Clause 8: Establishment of Fund of the Council.

Amendment of Section 33 of the Principal Act

Section 33 of the Principal Act is amended -

"(1) The Council shall establish and maintain a Fund into which shall be paid -

(a) in paragraph (a) by substituting for the word "levies" in line 1, the word "dues" -

(a) all incomes accruing from annual dues from-

(i) all registered professionals;

(ii) all registered firms of professionals;

(iii) Public Interest Entities; and

(iv) Other Entities as prescribed by the Council and approved by the Minister.

(b) every registered professional, not less than ₦10,000.00 annually;

(b) in paragraph (c) (i) - (v), by substituting for existing figures and words, the followings -

(i) an amount equal to 0.10% of market capitalization or ₦500,000 whichever is higher, where the market capitalization of a company is not more than ₦1 Billion;

(ii) an amount equal to 0.04% of market capitalization or ₦2 million whichever is higher, where the market capitalization of a company is greater than ₦1 billion but not more than ₦50 billion;

(iii) an amount equal to 0.04% of market capitalization or ₦3.5 million whichever is higher, where the market capitalization of a company is greater than ₦5 billion but not more than ₦100 billion;

(iv) an amount equal to 0.04% of market capitalization or ₦10 million whichever is lower, where the market capitalization of a company is greater than ₦100 billion but not more than ₦250 billion;

(v) an amount equal to 0.003% of market capitalization or ₦15 million whichever is lower, where the market capitalization of a company is greater than ₦250 billion but not more than ₦500 billion;

- (c) by inserting new sub-paragraphs "(vi) and (vii)" -
- (vi) an amount equal to 0.0025 % of market capitalization or ₦20 million whichever is lower, where the market capitalization of a company is greater than ₦500 billion but not more than ₦1 trillion; and
 - (vii) an amount equal to 0.002 % of market capitalization or ₦25 million whichever is lower, where the market capitalization of a company is greater than ₦1 trillion.
- (d) every public interest entity other than those covered by paragraph (b), an amount based on its annual turnover as follows:
- (i) an amount equal to 0.02% of annual turnover, where the annual turnover of the entity is not more than ₦25 million;
 - (ii) an amount equal to 0.025 % of annual turnover, where the annual turnover of the entity is greater than ₦25 million but not more than ₦50 million;
 - (iii) an amount equal to 0.03 % of annual turnover, where the annual turnover of the entity is greater than ₦50 million but not more than ₦500 million;
 - (iv) an amount equal to 0.04 % of annual turnover, where the annual turnover of the entity is greater than ₦500million but not more than ₦1 billion;
 - (v) an amount equal to 0.045 % of annual turnover, where the annual turnover of the entity is greater than ₦1.00 billion but not more than ₦10 billion; and
 - (vi) an amount equal to 0.05 % of annual turnover, where the annual turnover of an entity is greater than ₦10 billion.
- (e) budgetary allocations and subventions from the Federal Government;
- (f) fines and penalties imposed by the Council;
- (g) fees charged for services rendered by the Council;
- (h) rents, fees and other internally generated revenues from services provided by the Council;
- (i) gift, loans, grant-in-aid from national, bilateral and multilateral organizations and agencies; and
- (j) all other sums accruing to the Council from time-to-time.
- (d) in subsection (2) by substituting for the word "levies" in line 1, the word "dues" -
- "(2) The dues referred to, in subsection (1) shall:
 - (a) for individual professionals and professional firms, be payable not

- later than 60 days from 1st January of every year;
- (b) for public interest entities, be payable not later than 120 days of the financial year; and
- (c) for other entities be payable not later than 120 days of the Financial year.
- (e) by inserting after the existing subsection (2), a new subsection "(3)" -
- "(3) Where a person or an entity fails to pay the dues as prescribed in sub-section (2) as and when due, the person or entity shall:
- (a) pay a penalty equivalent to 10% of the amount due for every month of default cumulatively until payment is made;
- (b) an entity shall be liable to sanctions as may be prescribed by the Council for any default of its agents, officers or personnel engaged in the financial reporting process for failure to comply with the provisions of this Bill;
- (c) the Council may also prosecute such person or entity for default in payment as prescribed in this section;
- (d) in addition, in the case of a company, the chief executive officer of the company shall be liable to a penalty as may be prescribed by the Council; and/or imprisonment for a term not exceeding 6 months upon conviction".

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Registration of Professionals.

Amendment of Section 41 of the Principal Act

Section 41 of the Principal Act is amended by substituting for subsection (6), a new subsection "(6)" -

- "(6) A person who contravenes sub-section (2) of this section shall be liable to a fine of ₦5,000,000 or any other amount as may be prescribed by the Council through regulation from time to time and/or imprisonment for a term not exceeding 6 months upon conviction".

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Duration of Registration.

Amendment of Section 42 of the Principal Act

Section 42 of the Principal Act is amended -

- (a) in subsection (1) by substituting for the words and figure, "valid for a period of 2 years" in line 1, the words "shall be renewed annually"; and
- (b) by deleting subsection (2).

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Practice by suspended professional.

Amendment of Section 48 of the Principal Act

Section 48 of the Principal Act is amended by inserting the words "suspend or" after the word "may" in subsection (1):

- "(1) The Council may suspend or deregister a professional registered under section 41 where the professional - "

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Functions of the Directorate of Corporate Governance.

Amendment of Section 51 of the Principal Act

Section 51 of the Principal Act is amended in paragraph (a), by inserting a new letter "s" to the word "asses", in line 1.

- "(a) asses the need for corporate governance in the public and private sector."

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Review and monitoring of auditing standards:

Amendment of Section 53 of the Principal Act

Section 53 of the Principal Act is amended in subsection (1) by inserting after the word "Board" the words "or any other body that may be designated as such and any other international standards setting body relating to the mandate of the Council" to read thus:

- "(1) The Council shall develop or adopt and keep up-to-date auditing standards issued by relevant professional bodies and ensure consistency between the standards issued and the auditing standards and pronouncements of the International Auditing and Assurance Standards Board or any other body that may be designated as such and any other international standard setting body relating to the mandate of the Council."

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Preparation of Financial Reports in accordance with Standards.

Amendment of Section 59 of the Principal Act

Section 59 of the Principal Act is amended in subsection (1) by -

- (a) substituting for the words and figures "Cap. B3 LFN, 2004", in paragraph (a) the figures "2020";
- (b) Substituting for the words and figures "Cap. F124 LFN, 2004", in paragraph (c), the figures "2020";
- (c) Investments and Securities Act, No. 29, 2007;
- (d) Nigerian Investment Promotion Commission Act Cap. N117, 2004;
- (e) Insurance Act Cap. I17 LFN, 2004;
- (c) substituting for the figures, "2010", in paragraph (f), the figures "2014"; and
- (g) Federal Mortgage Bank of Nigeria Act, Cap. F16 LFN, 2004.
- (d) by inserting new paragraphs (h)-(j) -
 - "(h) Finance Act, 2020";
 - (i) Fiscal Responsibility Act, 2007;
 - (j) Finance Control and Management Act, 1958".

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Practice review of professional accountants.

Amendment of Section 60 of the Principal Act

Section 60 of the Principal Act is amended in paragraph (a), by deleting immediately after the word "investigation", in line 4, the words "subject to the consent of the public interest entity".

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Frequency of practice reviews.

Amendment of Section 61

Section 61 of the Principal Act is amended by renumbering the existing section 61 as 61A and a new section 61B introduced, as follows:

"(61A) Execution of warrant of distraint

"61A (1) Annual quality reviews (inspections) shall be conducted for professional accountants that audit more than 20 public interest entities; all others shall be conducted every three years and the Council may order a special inspection of any professional accountant at any time.

- (2) The Council shall require registered professional accounting firms and other professionals to maintain for a period of not less than 6 years, audit work papers and other information related to any audit report, in sufficient detail to support the conclusion reached in the report.
- (3) The Council shall require evidence of a second partner review and audit approach that registered professional accountants adopted on quality control (*Senator Saidu A. Alkali — Gombe North*).

Committee's Recommendation:

Leave out the provision in clause 16.

Clause 17: Insert a new clause "61A" after section 61 of the principal Act - "Execution of warrant of distraint"

- (1) The Council may co-opt the assistance and co-operation of any of the law enforcement agencies in the discharge of its duties under this Bill.
- (2) The law enforcement officers shall aid and assist an authorised officer in the execution of any warrant of distraint and the levying of distraint.
- (3) Any official of the Council armed with the warrant issued by a judicial officer and accompanied by a number of law enforcement officers as may be determined by the Executive Secretary shall:
 - (a) enter any premises covered by such warrant and seal off the premises, search for, seize and take possession of any book, document or other article used or suspected to have been used in the commission of an offence;
 - (b) inspect, make copies of, or take extracts including digital copies from any book, record, document or computer, regardless of the medium used for their storage or maintenance;
 - (c) search any person who is in or on such premises;
 - (d) open, examine and search any article, container or receptacle;
 - (e) open any outer or inner door or window of any premises and enter or otherwise forcibly enter the premises and every part thereof; or
 - (f) remove by reasonable force any obstruction to such entry, search, seizure or removal as he is empowered to effect.
- (4) No person shall be bodily searched under this section except by a person who is of the same gender as the person to be bodily searched".

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Obstruction of an Inspector.

Amendment of Section 63 of the Principal Act

Section 63 of the Principal Act is amended in subsection (2), by inserting after the word "Act", in line 2, the words and figures "shall be liable to a fine

and/or penalty of ₦5,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and/or imprisonment for a term not exceeding 6 months upon conviction".

"(2) A person who obstructs an Inspector in the execution of his powers or duties under the provisions of this Act shall be liable to a fine and/or penalty as the Council shall prescribe by regulation; and/or imprisonment for a term not exceeding 6 months or to both upon conviction."

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Sanctions for Non-compliance.

Amendment of Section 64 of the Principal Act

Section 64 of the Principal Act is amended -

- (a) in subsection (1), by substituting for the words "on the conviction to a fine of not exceeding ₦10, 000,000.00 or imprisonment for a term not exceeding 2 years or both, in lines 6 and 7, the words and figures "to a fine and/or penalty of ₦10,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and/or imprisonment for a term not exceeding 2 years upon conviction"; and
- (b) in subsection (3), by substituting for the words, and figures "on conviction to a fine of not exceeding ₦20,000,000.00 and", in lines 3 and 4, the words and figures, "shall be liable to a fine of ₦25,000,000 or any other amount as may be prescribed by the Council through regulations from time to time, and shall".

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Sanctions on Public Interest entities.

Amendment of Section 65 of the Principal Act

Section 65 of the Principal Act is amended in subsection (3), by substituting for the words and figures, "and shall on conviction be liable to a fine not exceeding ₦10,000,000.00", in lines 2 and 3, the words and figures, "shall be liable to a fine of ₦50,000,000 or any other amount as may be prescribed by the Council through regulations from time to time" -

- "(3) Any public interest entity which fails to comply with the notice referred to in sub-section (2) of this section, commits an offence and shall be liable to a fine of ₦50,000,000 or any other amount as may be prescribed by the Council through regulations from time to time and be required to restate the said financial statements within 30 days thereafter and the Council shall require such entity to disclose same in the following year's financial statements."

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

PART VIII - LEGAL PROCEEDINGS

Clause 21: Limitation of suits against the officers of the Council.

Amendment of Section 68 of the Principal Act

Section 68 of the Principal Act is substituted for a new section "68" -

"(1) Subject to the provisions of this Bill, the provision of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Council.

(2) No suit shall be commenced against the Council before the expiration of 30 days after a written notice of intention to commence the suit is served upon the Council by the intending plaintiff or his agent.

(3) The notice referred to, in subsection (2) of this section shall clearly and explicitly state:

(a) the cause of action;

(b) the particulars of the claim;

(c) the name and place of abode of the intending plaintiff; and the relief sought.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

PART IX - MISCELLANEOUS

Clause 22: Publication of Official Bulletin.

Amendment of Section 72 of the Principal Act

Section 72 of the Principal Act is amended in subsection (2), by substituting for the words and figures, "sections 60 and 61 of this Act", in lines 2 and 3, the words, "any relevant provisions of this Bill".

(1) The Council shall:

(a) periodically publish an Official Bulletin, which shall contain:

(i) the rules made by the Council; and

(ii) such other information as the Council may deem necessary;

(b) cause to be published in the Gazette, national daily newspapers and electronic media, notices relating to the rules of the Council which have been altered or revoked.

(2) The Council may cause to be published in the Gazette, national daily newspapers and electronic media its findings or decisions under any relevant provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Power to make Regulations.

Amendment of Section 73 of the Principal Act

Section 73 of the Principal Act is amended by substituting for a new section "73"-

"The Council may make regulations to give effect to the provisions of this Bill subject to approval of the Minister".

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

PART X - INTERPRETATIONS

Clause 24: Interpretations.
Amendment of Section 77

Section 77 of the Principal Act is amended as follows:

"Annual report" means the documents that an entity issues on an annual basis on its affairs, including its financial statements together with the audit report thereon, and the report from the Board of Directors;

"Audit" has the same meaning as in the International Federation of Accountants (IFAC) Code of Ethics for Professional Accountants;

"Audit firm" means a firm which provides audit services;

"Auditor" means a professionally qualified Accountant or firm of Accountants appointed to conduct an examination of the records of an enterprise and to form an opinion as to whether the accounts have been prepared in accordance with generally accepted accounting principles.

"Board" means the governing body of the Financial Reporting Council of Nigeria established under section 2 (1) of this Act;

"code of corporate governance" means the Code of Corporate Governance issued by the Directorate of Corporate Governance in this Act;

"Director" has the same meaning given to it under the Companies and Allied Matters Act, 2004;

"Entity" means any person or body of persons, whether incorporated or unincorporated;

"Financial reporting standards" mean accounting, auditing, actuarial and valuation standards issued by the Council under this Act;

- (a) by substituting for the words, "to be included in a financial statements, as required under Companies and Allied Matters Act, 2020 whether interim or final, and any other relevant accounting standards" after the word, "documents", the words, "as may be prescribed by the Council under this Bill" in the interpretation of Financial Statements;

"Financial statements" means the Statement of Financial Position or balance sheet, income statements or profit or loss account, statement of changes in equity, statement of cash flows, notes, statements and explanatory materials thereon and other documents, as may be prescribed by the Council under this Bill;

"Functions" include powers and duties;

"IASB" means the International Accounting Standards Board or its successor body;

- (b) by substituting the words "International Accounting Standards Boards (IFRS)" the words "International Financial Standards Foundation (IFRS)" after the interpretation of "IFAC"

"IFAC" means the International Federation of Accountants or its successor body;

"material irregularity" includes fraud, deliberate misstatements of financial statements, falsifications, defalcations, etc.;

- (c) by inserting the words "IPSASB" means the International Public Sector Accounting Standards Board" after the interpretation of "IFRS";

- (d) by inserting the words "material irregularity" means fraud, deliberate misstatements of financial statements, falsification, defalcations, etc." after the interpretation of "IPSASB";

"Minister" means the Minister charged with responsibility of supervising the activities of the Council;

- (e) by inserting the words,
"Offence" includes but not limited to default in payment of annual dues, submission of returns and other infractions, irregularities committed by entity or individual against the provisions of this Bill" after the interpretation of "Minister";

"Official Bulletin" means the official journal of the Council;

"Practice" in relation to an auditor, means the practice of the auditor or the audit firm;

"Public Interest Entities" means:

- (f) by substituting for "Public Interest Entities", a new interpretation-
- (a) Governments and government organizations;
 - (b) Listed entities on any recognized exchange in Nigeria;
 - (c) Non-listed entities that are regulated;
 - (d) Public liability Companies;
 - (e) Concession entities;
 - (f) Privatized entities in which government retains an interest;
 - (g) Entities engaged by any tier of government in public works with annual contract sum of ₦1billion and above, and settled from public funds;
 - (i) Listed entities on any recognized exchange in Nigeria;
 - (j) All other entities with an annual turnover of ₦30 billion and above" after the interpretation of "Professional Accountants".

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Citation.

This Bill may be cited as Financial Reporting Council of Nigeria Act, (Amendment) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Saidu A. Alkali — Gombe North*) — Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Trade and Investment on a Bill for an Act to Amend Financial Reporting Council of Nigeria Act, 2011 to among Other Things, Streamline the Membership of the Governing Board to Strengthen the Council to Discharge Effective Regulatory Responsibilities on Financial Reporting and Corporate Governance in Nigeria and for Related Matters, 2022 and approved as follows:

Clauses 1- 25 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Committee on Trade and Investment:

Report on the Approval of Promissory Note Programme to settle outstanding claims in respect of Export Expansion Grant (EEG) Scheme:

Motion made: That the Senate do receive and consider the Report of the Committee on Trade and Investment on the Approval of Promissory Note Programme to settle outstanding claims in the sum of Three Hundred and Seventy Five Billion, Four Hundred and Eighty Six Million, Eight Hundred and Seventy Four Thousand, Five Hundred and Sixty Nine Naira and Eighty Kobo (₦375,486,874,569.80) only owed to various exporters from 2007-2020 in respect of Export Expansion Grant (EEG) Scheme (*Senator Saidu A. Alkali — Gombe North*).

Question put and agreed to.

Report Laid and presented.

Extension of Time:

Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Order 8) (*Senate Leader*).

Question put and agreed to.

*Debate:****Proposed Resolution (i)***

Question: That the Senate do approve for the release of the sum of Three Hundred and Eight Billion, Four Hundred and Fifty-Eight Million, One Hundred and Sixty Thousand, Five Hundred and Forty-Six Naira, Forty-One Kobo (₦308,458,160,546.41) only for One Hundred and Ninety-Four (194) beneficiary companies whose claims have been reviewed and validated. This total sum comprises of the following categories of claims:

- (a) One Hundred and Ninety-Three Billion, Four Hundred and Fifty-Six Million, Two Hundred and Thirty-Nine Thousand, Three Hundred and Eighty-Six Naira, Forty Kobo (₦193,456,239,386.40) only for One Hundred and Thirty-Three (133) beneficiaries in respect EEG outstanding claims for 2017 - 2020;
- (b) One Hundred and Eight Billion, Three Hundred and Seventeen Million, Two Hundred and Sixty-Nine Thousand, and Eight Naira, Seventy-Six Kobo (₦108,317,269,008.76) only for Thirty-Five (35) beneficiaries in respect of EEG backlog claims for 2007 - 2016;
- (c) Sixty-Eight Million, Three Hundred and Eighty-Nine Thousand, Naira, (₦68,389,000.00) only for Thirteen (13) beneficiaries in respect of stock of outstanding Negotiable Duty Credit Certificates (NDCCs);
- (d) Six Billion, Six Hundred and Seventeen Million, Seven Hundred and Eighty-One Thousand, and One Hundred and Fifty-One Naira, Twenty-Five Kobo (₦6,617,781,151.25) only for Sixty-Nine (69) beneficiaries only in respect of shortfall in the approved claims by the 8th National Assembly — *Agreed to.*

Proposed Resolution (ii)

Question: That the Senate do approve the step down of the release of the total sum of Sixty Billion, Six Hundred and Thirty-Five Million, Eighty-Eight Thousand, Nine Hundred and Forty Naira, Sixty-Three Kobo (₦60,635,088,940.63) only, outstanding to Thirty-Four (34) companies due to the inability of the affected companies to provide necessary documentation to validate their claims. The claims for the affected companies have not been validated after verification and therefore not recommended for the issuance of Promissory Note — *Agreed to.*

Resolved:

- (i) That the Senate do approve for the release of the sum of Three Hundred and Eight Billion, Four Hundred and Fifty-Eight Million, One Hundred and Sixty Thousand, Five Hundred and Forty-Six Naira, Forty-One Kobo (₦308,458,160,546.41) only for One Hundred and Ninety-Four (194) beneficiary companies whose claims have been reviewed and validated. This total sum comprises of the following categories of claims:
 - (a) One Hundred and Ninety-Three Billion, Four Hundred and Fifty-Six Million, Two Hundred and Thirty-Nine Thousand, Three Hundred and Eighty-Six Naira, Forty Kobo (₦193,456,239,386.40) only for One Hundred and Thirty-Three (133) beneficiaries in respect EEG outstanding claims for 2017 - 2020;
 - (b) One Hundred and Eight Billion, Three Hundred and Seventeen Million, Two Hundred and Sixty-Nine Thousand, and Eight Naira, Seventy-Six Kobo (₦108,317,269,008.76) only for Thirty-Five (35) beneficiaries in respect of EEG backlog claims for 2007 - 2016;
 - (c) Sixty-Eight Million, Three Hundred and Eighty-Nine Thousand, Naira, (₦68,389,000.00) only for Thirteen (13) beneficiaries in respect of stock of outstanding Negotiable Duty Credit Certificates (NDCCs);

(d) Six Billion, Six Hundred and Seventeen Million, Seven Hundred and Eighty-One Thousand, and One Hundred and Fifty-One Naira, Twenty-Five Kobo (₦6,617,781,151.25) only for Sixty-Nine (69) beneficiaries only in respect of shortfall in the approved claims by the 8th National Assembly — *Agreed to.*

(ii) That the Senate do approve the step down of the release of the total sum of Sixty Billion, Six Hundred and Thirty-Five Million, Eighty-Eight Thousand, Nine Hundred and Forty Naira, Sixty-Three Kobo (₦60,635,088,940.63) only, outstanding to Thirty-Four (34) companies due to the inability of the affected companies to provide necessary documentation to validate their claims. The claims for the affected companies have not been validated after verification and therefore not recommended for the issuance of Promissory Note (*S/Res/045/04/22*).

12. Committee on Health (Secondary & Tertiary):

Report on the Federal Medical Centre Obukpa, Nsukka Enugu State (Establishment) Bill, 2022 (SB. 599):

Motion made: That the Senate do receive and consider the Report of the Committee on Health (Secondary & Tertiary) on the Federal Medical Centre Obukpa, Nsukka Enugu State (Establishment) Bill, 2022 (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question put and agreed to.

Report Laid and Presented.

Motion Made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON HEALTH (SECONDARY & TERTIARY) ON A BILL FOR AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE FEDERAL MEDICAL CENTRE OBUKPA NSUKKA, ENUGU STATE AND FOR RELATED MATTERS, 2022

PART I — ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE, OBUKPA NSUKKA

Clause 1: Establishment of the Federal Medical Centre Obukpa, Nsukka.

- (1) There is established the Federal Medical Centre Obukpa, Nsukka (in this Bill referred to as "the Medical Centre").
- (2) The Medical Centre —
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment of the Board of Management of the Medical Centre.

There is established for the management of the Medical Centre a Board of Management (in this Bill referred to as "Board") which shall be constituted and have the functions and powers set out in this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —
Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Membership of the Board.

- (1) The Board shall consist of —
 - (a) a Chairman;
 - (b) the Medical Director of the Medical Centre;
 - (c) the Head of Clinical Services;
 - (d) the Director of Administration; who shall be the Secretary of the Board;
 - (e) three persons nominated by the Minister to represent a wide variety of community interests in health matters;
 - (f) one representative of the Federal Ministry of Health;
 - (g) one representative of the medical profession not being a person who is a member of Federal Medical Centre Obukpa Nsukka;
 - (h) one representative from allied health professionals; not being a staff of Federal Medical Centre Obukpa Nsukka;
 - (i) One representative of Enugu State Ministry of Health;
- (2) The Chairman and members of the Board, other than ex-officio members, shall be —
 - (a) appointed by the President; and
 - (b) be persons of proven integrity and ability.
- (3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —
Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Tenure of Office.

- Subject to the provisions of section 5 of this Bill, a member of the Board, other than ex-officio members, shall each hold office —
- (a) for a term not exceeding fours (4) years;

- (b) on such terms and conditions as may be specified in his letter of appointment.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Cessation of membership.

- (1) Notwithstanding the provisions of section 4 of this Bill a person shall cease to hold office as a member of the Board if—
- (a) he becomes bankrupt, suspends payment of principal loan with his creditors;
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind or is incapable of carrying out his duties;
 - (d) he is guilty of a serious misconduct in relation to his duties; or
 - (e) in the case of a possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or
 - (f) he resigns his appointment by a letter addressed to the President.
- (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.
- (3) A member of the Board may be removed by the President if he is satisfied that it is not in the interest of the Medical Centre or the interest of the public that the member continues in office.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Allowances of members.

There shall be paid to every member of the Board such allowances and expenses as the Revenue Mobilization Allocation and Fiscal Commission may from time to time, direct.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

PART II — FUNCTIONS AND POWERS OF THE BOARD, ETC.

Clause 7: Functions of the Board.

- (1) The Board shall —
 - (a) equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;
 - (b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary;
 - (c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the Medical Centre.
- (2) The Board shall ensure that the standards of teaching provided at all establishments under its control and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of international repute.
- (3) Subject to this Bill, the Board shall perform such other functions which in its opinion are calculated to facilitate the carrying out of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Powers of the Board.

- The Board shall have power to —
- (a) provide the general policies and guidelines relating to major expansion programmes of the Medical Centre;
 - (b) manage and superintend the affairs of the Medical Centre;
 - (c) subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Medical Centre;
 - (d) fix terms and conditions of service, including remuneration of the employees of the Medical Centre subject to the approval of National Salaries Incomes and Wages Commission; and
 - (e) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Medical Centre.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Medical Director of the Medical Centre.

- (1) There shall be for the Medical Centre a Medical Director who shall be appointed by the President on the recommendation of the Board and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the National Salaries Income and Wages Commission.
- (2) The Medical Director shall —
 - (a) be the Chief Executive and Accounting Officer of the Medical Centre;
 - (b) be responsible to the Board for the day-to-day administration of the Medical Centre;
 - (c) be appointed for a term of four year in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;
 - (d) be a person who is a medical practitioner and shall have been so qualified for a period of not less than 15 years;
 - (e) have considerable administrative experience in matters of health;
 - (f) hold a post-graduate specialist qualification obtained not less than ten years prior to the appointment as Medical Director.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) —
Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Appointment of Directors and other staff of the Medical Centre.

- (1) The Board shall appoint for the Medical Centre —
 - (a) a Director of Administration, who shall —
 - (i) be responsible to the Medical Director for the effective functioning of all the administrative divisions of the Medical Centre;
 - (ii) conduct the correspondence of the Board and keep the records of the Medical Centre; and
 - (iii) perform such other functions as the Board or the Medical Director, as the case may be, may, from time to time, assign to him,
 - (b) a Director of Clinical Services;
 - (c) a Director of Finance;
 - (d) a Director of Maintenance.
- (2) The Directors appointed under paragraphs (b), (c) and (d) of subsection (1) of this section shall each be responsible to the Medical Director for the effective running of the clinical services, the finance

and accounts and the co-ordination of the maintenance of the Medical Centre, as the case may be.

- (3) The Board shall appoint for the Medical Centre such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Medical Centre.
- (4) Notwithstanding the provisions of subsections (1) and (2) of this section the Board shall have power to appoint for the Medical Centre either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Medical Centre in the discharge of any of its functions under this Bill.
- (5) Nothing in subsection (4) of this section shall preclude the Board from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.
- (6) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Medical Centre shall be as determined by the National Salaries Income and Wages Commission.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Service in the Medical Centre to be pensionable.

- (1) Service in the Medical Centre shall be approved service for the purposes of the Pensions Reforms Act.
- (2) The officers and other persons employed in the Medical Centre shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Establishment of the Medical Advisory Committee, etc.

- (1) There shall be for the Medical Centre a Medical Advisory Committee which shall —
 - (a) consist of a Chairman who shall be the Director, Clinical Services and such number of other members as may be determined from time to time;

- (b) be responsible to the Medical Director for all the clinical and training activities of the Medical Centre; and
 - (c) be appointed by the Board;
- (2) Subject to this Bill, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Medical Centre.
- (3) Notwithstanding anything to the contrary, the Board may, from time to time, appoint consultants outside the hospital to perform such medical duties as the Board or the Medical Director may assign to such consultants.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

PART IV — FINANCIAL PROVISIONS

Clause 13: Fund of the Medical Centre.

There shall be established and maintained for the Medical Centre a fund into which shall be paid and credited —

- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) all fees and funds accruing from the sale of drugs and other services;
- (c) all sums accruing to the Medical Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
- (d) foreign aid and assistance from bilateral agencies; and
- (e) all other sums which may, from time to time, accrue to the Medical Centre.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Expenditure of the Medical Centre.

The hospital shall, from time to time, apply the funds at its disposal to —

- (a) the cost of administration and maintenance of the Medical Centre;
- (b) publicize and promote the activities of the Medical Centre;
- (c) pay allowances, expenses and other benefits of members of the Board and Committees of the Board;

- (d) pay the salaries, allowances and benefits of employees of the Medical Centre;
- (e) pay other overhead allowances, benefits and other administrative costs of the Medical Centre; and
- (f) undertake such other activities as are connected with all or any of the functions of the Medical Centre under this Bill.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Power to accept gifts.

- (1) The Medical Centre may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Medical Centre shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Medical Centre under this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Annual estimates and expenditure.

- (1) The Board shall, not later than 30th September in each year, submit to the Minister an estimate of the expenditure and income of the Medical Centre during the next succeeding year.
- (2) The Board shall cause to be kept proper accounts of the Medical Centre in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Annual report.

The Board shall prepare and submit to the Minister, not later than 30th June in each year, a report in such form as the Minister may direct on the activities of the Medical Centre during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Federal Medical Centre for that year and the auditor's report thereon.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Power to borrow.

- (1) The Medical Centre may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Bill.
- (2) The Medical Centre shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Medical Centre shall not borrow the sum without the prior approval of the President.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Exemption from tax.

- (1) The Medical Centre shall not pay income tax on any income derived by the Federal Medical Centre under this Bill or accruing to it from any of its investments.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Exemption from customs duties, etc.

The Medical Centre shall not pay customs duty on or be restricted or prohibited from importing any equipment, material, supply and any other thing required by the Medical Centre for the purposes of this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

PART V — GENERAL

Clause 21: Discipline of students.

- (1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the Medical Centre has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct;
 - (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;

- (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) that the student be rusticated for such period as may be specified in the direction; or.
 - (d) that the student be expelled from the Medical Centre.
- (2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.
 - (3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.
 - (4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Medical Centre otherwise than on the ground of misconduct.
 - (5) A direction issued under subsection (1) (a) of this section may be combined with a direction issued under subsection (1) (b) of this section.
 - (6) Nothing in this Act shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Removal and discipline of clinical, administrative and technical staff.

- (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Medical Centre, other than the Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to —
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter to the Board; and
 - (c) if the person in question so requests within a period of 1 month beginning with the date of the notice, make arrangements for—
 - (i) a committee to investigate the matter and report on it to the Board; and
 - (ii) the person in question to be afforded an opportunity of appearing before and being heard by an investigating committee set up with respect to the matter, and if the Board, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid,

the Board may so remove him by a letter signed on the direction of the Board.

- (2) The Medical Director may, in a case of misconduct by a member of the staff which in the opinion of the Medical Director is prejudicial to the interest of Medical Centre, suspend any such member and any such suspension shall forthwith be reported to the Board.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated or he may be dismissed by the Board and for the purposes of this section, "good cause" means —
 - (a) a conviction for any offence which the Board considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Board, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Board considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (d) conduct which the Board considers to be such as to constitute a failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.
- (4) Any person suspended shall, subject to subsections (2) and (3) of this section be on half pay and the Board shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to —
 - (a) whether to continue the person's suspension and if so, on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to reinstate the person, in which case the Board shall restore his full emoluments to him with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned, in which case he shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against the person (including the restoration of his emoluments that might have been withheld) as the Board may determine, and in any case where the Board, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Board shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.

- (5) It shall be the duty of the person by whom a letter of removal is signed in pursuance of subsection (1) of this section to use his best endeavors to cause a copy of the letter to be served as soon as reasonably practicable on the person to whom it relates.
- (6) Nothing in foregoing provisions of this section shall preclude the Board from making such regulations not inconsistent with the provisions of this Bill for the discipline of students and all other categories of employees of the hospital as the Board may prescribe.
- (7) Regulations made under subsection (6) of this section need not be published in the Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Discipline of junior staff.

- (1) If any junior staff is accused of misconduct or inefficiency, the Medical Director may suspend him for not more than a period of 3 months and shall direct a committee to —
 - (a) consider the case; and
 - (b) make recommendations as to be the appropriate action to be taken by the Medical Director.
- (2) In all cases under this section of this Bill, the officer shall be informed of the charge against him and given a reasonable opportunity to defend himself.
- (3) The Medical Director may, after considering the recommendation made pursuant to subsection (1) (b) of this section, dismiss, or take such other disciplinary action against the officer concerned.
- (4) Any person aggrieved by a decision of the Medical Director made under subsection (3) of this section may, within a period of 21 days from the date of the letter communicating the decision to him, address a petition to the Board to reconsider his case.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

PART VI — MISCELLANEOUS

Clause 24: Regulations.

- (1) The Board may, with the approval of the President, make regulations —
 - (a) as to the access of members of the public either generally or of a particular class, to premises under the control of the

Board and as to the orderly conduct of members of the public on those premises; and

- (b) for safeguarding any property belonging to or controlled by the Board from damage by members of the public.

- (2) By-laws under this section shall not come into force until they are confirmed (with or without modification) by the National Assembly and published in such manner as he may direct.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Power to give directives

The President may give to the Board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Bill, and it shall be the duty of the Board to comply with the directions; but no direction shall be given which is inconsistent with the duties of the Board under this Bill.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Transition and savings provision.

- (1) On the commencement of this Bill, any person employed by or serving in, the Medical Centre shall be deemed to have been employed or serving in the Medical Centre established under this Bill.
- (2) All Assets or liabilities belonging to the Medical Centre shall be deemed to belong to the Medical Centre established under this Act.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*) — Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Interpretation.

In this Bill, unless the context otherwise requires —

"Board" means the Board of Management of the Medical Centre;

"Chairman" means the chairman of the Board;

"Functions" include powers and duties;

"Junior staff" means staff of such grade as may be determined, from time to time, by the Board;

"Minister" means the Minister charged with responsibility for matters relating to health;

"Ministry" shall be construed accordingly; and

"Student" means a person enrolled at an institution controlled by the Board for the purpose of pursuing a course of instruction at the institution.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Short Title.

This Bill may be cited as the Federal Medical Centre, Obukpa Nsukka, Enugu State (Establishment) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Yahaya I. Oloriegbe — Kwara Central*)
— Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting and 3 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.
2. (1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 5 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

- (2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on ~~as determined by the Board and a person shall hold office on~~ ~~in accordance with the terms of his appointment.~~
- (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

4. (1) The fixing of the seal of the Medical Centre shall be authenticated by the signatures of the Chairman, the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Medical Centre by the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Medical Centre shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a Committee shall not be adversely affected by —
- a vacancy in the membership of the Board or Committee;
 - a defect in the appointment of a member of the Board or Committee; or
 - reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

Question that the Provision in this Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Health (Secondary & Tertiary) on the Federal Medical Centre Obukpa, Nsukka Enugu State (Establishment) Bill, 2022 and approved as follows:

Clauses 1-28	—	As Recommended
Schedule	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

13. **Committee on Judiciary, Human Rights & Legal Matters:**
Report on the Administration of Criminal Justice Act (Repeal and Re-enactment) Bill, 2022 (SB. 920):

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights & Legal Matters on the Administration of Criminal Justice Act (Amendment) Bill, 2022 (*Senator Michael O. Bamidele — Ekiti Central*).

Question put and agreed to.

Report Laid and Presented.

Motion Made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF THE REPORT ON THE COMMITTEE ON JUDICIARY, HUMAN RIGHTS AND LEGAL MATTERS ON A BILL FOR AN ACT TO REPEAL THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015 AND ENACT THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2022 TO AMONG OTHER THINGS, PROVIDE FOR THE ESTABLISHMENT OF ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COUNCIL FOR EFFECTIVE AND EFFICIENT ADMINISTRATION OF JUSTICE IN NIGERIA; AND FOR RELATED MATTERS, 2022.

PART 1 — PRELIMINARY

Clause 1: Purpose

- (1) The purpose of this Bill is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim.
- (2) The courts, law enforcement agencies and other authorities or persons involved in criminal justice administration shall ensure compliance with the provisions of this Act for the realisation of its purposes.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Application

- (1) Without prejudice to section 87 of this Bill, the provisions of this Bill shall apply to criminal trials for offences established by an Act of the National Assembly and other offences punishable in the Federal Capital Territory, Abuja.
- (2) The provisions of this Bill shall not apply to a Court Martial.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

PART 2 — ARREST, BAIL AND PREVENTIVE JUSTICE

Clause 3: Arrest generally

A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly shall be investigated, arrested, inquired into, tried or dealt with according to the provisions of this Bill, except otherwise provided under this Bill.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: **Communication of arrest in suspect's language**

Where a Police Officer or any other person makes an arrest, he shall immediately inform the suspect of the reason for the arrest in the language the suspect understands best and where he or any law enforcement agent present does not speak a language which the suspect best understands, inform the most senior officer present of the police station or facility to which the suspect is taken of the language barrier, and the most senior officer of the station or facility shall immediately take reasonable steps to communicate the reason for the arrest to the suspect in the language he understands best.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: **Mode of arrest**

In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: **No unnecessary restraint**

A suspect or defendant may not be handcuffed, bound or be subjected to restraint except —

- (a) there is reasonable apprehension of violence or an attempt to escape;
- (b) the restraint is considered necessary for the safety of the suspect or defendant; or
- (c) by order of a court.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: **Notification of cause of arrest and rights of suspect**

- (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other

persons making the arrest shall inform the suspect immediately of the reason for the arrest.

(a) The police officer or the person making the arrest or the person in charge of a police station shall inform the suspect of his rights to —
 (i) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;

(b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and

(c) free legal representation by the Legal Aid Council of Nigeria where applicable:

Provided the authority having custody of the suspect shall have the responsibility of notifying the next of kin or relative of the suspect of the arrest at no cost to the suspect.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
 Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Arrest in lieu prohibited
 A person shall not be arrested in place of a suspect.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
 Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Humane treatment of arrested suspect

- (1) A suspect shall —
 - (a) be accorded humane treatment, having regard to his right to the dignity of his person; and
 - (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.
- (2) A suspect shall not be arrested merely on a civil wrong or breach of contract.
- (3) A suspect shall be brought before the court as prescribed by this Act or any other written law or otherwise released conditionally or unconditionally.
- (4) The arraignment and trial of a suspect for a crime shall be in accordance with the provisions of this Bill and the Constitution of Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —
 Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Search of arrested suspect

- (1) Where a suspect is arrested by a police officer or a private person, the officer making the arrest or to whom the private person hands over the suspect —
 - (a) may search the suspect, using such force as may be reasonably necessary for the purpose; and
 - (b) shall place in safe custody all articles other than necessary wearing apparel found on the suspect.
- (2) Where an arrested suspect is admitted to bail and bail is furnished, he shall not, subject to the provisions of section 11 of this Bill, be searched unless there are reasonable grounds for believing that he has on his person any —
 - (a) stolen article;
 - (b) instrument of violence or poisonous substance;
 - (c) tools connected with the kind of offence which he is alleged to have committed; or
 - (d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.
- (3) Where it is necessary to search a suspect, the search shall be made decently and by a person of the same sex unless the urgency of the situation or the interest of due administration of justice makes it impracticable for the search to be carried out by a person of the same sex.
- (4) Notwithstanding the provisions of this section, a police officer or any other person making an arrest may in any case take from the suspect any instrument of violence or poisonous substance which he has on his person.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Inventory of property of arrested suspect

- (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.
- (2) An inventory recorded under subsection (1) of this section shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory shall not invalidate it.
- (3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.

- (4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, ~~release~~ such property on bond pending the arraignment of the arrested suspect before a court.
- (5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4) of this section, the police officer shall make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.
- (6) The court to which a report is made under subsection (5) of this section, may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.
- (7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of offence.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Examination of arrested suspect

Where a suspect is in lawful custody on a charge of committing an offence of such a nature and alleged to have been committed in such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the offence, a qualified medical practitioner or any certified professional with relevant skills, acting at the request of a police officer, may make such an examination of the suspect in custody as is reasonably necessary in order to ascertain the facts which may afford the evidence, and to use such force as is reasonably necessary for that purpose.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Search of place entered by suspect sought to be arrested

- (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.

- (2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.
- (3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall —
- (a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and
- (b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Power to break out of a house or place for the purpose of liberation

A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Arrested suspect to be taken immediately to police station

- (1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.
- (2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.
- (3) Notwithstanding the provision of subsection (2) of this section, any such communication or legal advice shall be done within a sighting distance of an officer who has custody of the arrested suspect.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Recording of arrests

- (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested —
 - (a) the alleged offence;
 - (b) the date and circumstances of his arrest;
 - (c) his full name, occupation and residential address; and
 - (d) for the purpose of identification his —
 - (i) height,
 - (ii) photograph,
 - (iii) full fingerprint impressions,
 - (iv) national identity number,
 - (v) telephone number, and
 - (vi) such other means of identification.
- (2) The process of recording in subsection (1) of this section shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours, except where there are reasonable grounds, which make it impracticable to conclude same within 48 hours.
- (3) Any further action in respect of the suspect arrested pursuant to subsection (1) of this section shall be entered in the record of arrests.
- (4) The police shall not parade a suspect before the media.

Committee's Recommendation:

That the provision in Clause 16 be retained (Senator Michael O. Bamidele — Ekiti Central) — Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Central Criminal Records Registry

- (1) There shall be established at the Nigeria Police Force a Central Criminal Records Registry.
- (2) The Central Criminal Record Registry shall maintain both electronic and manual forms of record of all persons arrested, discharged, acquitted or convicted in Nigeria.
- (3) For the purposes of subsection (1) of this section, there shall be established at every state police command a Criminal Records Registry which shall keep and transmit all such records to the Central Criminal Records Registry.

- (4) The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgment.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Recording of statement of suspect

- (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.
- (2) Such statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice. Provided that the Legal Practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his role as a legal practitioner.
- (3) Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video compact disc or such other audio-visual means, where such audio-visual recording is not practicable, the confessional statement may be taken subject to subsection (2) of this section.
- (4) Notwithstanding the provision of subsection (3) of this section, an oral confession of arrested suspect shall be admissible in evidence.
- (5) A prosecutor who seeks to rely on a confessional Statement allegedly made voluntarily by a suspect shall, while presenting the prosecution's case adduce evidence to show the voluntariness of the said Statement
- (6) Any objection to the admissibility to such confessional statement shall be recorded and shall be ruled upon by the Court while delivering judgment in the case or while ruling on a no case submission.
- (7) The conduct of trial-within-trial to prove the voluntariness or involuntariness of a confessional statement is prohibited.
- (8) Where a suspect does not understand or speak or write in the English language, an interpreter shall be provided for the suspect at no cost to him and the interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.
- (9) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.

- (10) The suspect referred to in subsection (1) of this section shall also endorse the statement with his full particulars.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Arrest by police officer without warrant

- (1) A police officer may, without an order of a court and without a warrant, arrest a suspect —
- (a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;
 - (b) who commits any offence in his presence;
 - (c) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;
 - (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;
 - (e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces of Nigeria;
 - (f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside of Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;
 - (g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;
 - (h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;
 - (i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;
 - (j) whose arrest a warrant has been issued or whom he is directed to arrest by a Judge, Magistrate, Justice of the Peace or superior police officer;
 - (k) whom he reasonably suspects to be designing to commit an offence for which the police may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented; or

- (1) required to appear by a public summons issued under this Bill or any other Act.
- (2) The authority given to a police officer to arrest a suspect who commits an offence in his presence shall be exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Refusal to give name and residence

- (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses on demand of the officer to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.
- (2) Where the true name and residential address of the suspect have been ascertained, he shall be released on his executing a recognizance, with or without sureties, to appear before a Magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.
- (3) Where the true name and address of the suspect cannot be ascertained within 24 hours from the time of arrest, or if he fails to execute recognizance, or, where so required, to furnish sufficient sureties, he shall forthwith be brought before the nearest Magistrate having jurisdiction.
- (4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Bill.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Arrest by private person

A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest without a warrant.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Arrest by owner of property

A person found committing an offence involving injury to property may be arrested without a warrant by the owner of the property or his servants, agent or persons authorised by him or any other person.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Arrest of suspect doing damage to public property

A private person may arrest any suspect found damaging public property.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Handing over of an arrested suspect by private person

- (1) A private person who arrests a suspect without a warrant shall immediately hand over the suspect so arrested to a police officer, or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.
- (2) Where there is reason to believe that the arrested suspect comes under the provisions of section 19 (1) of this Bill, a police officer shall re-arrest him.
- (3) Where there is reason to believe that the suspect has committed an offence, and he refuses on the demand of a police officer to give his name and address, or gives a name or address which the officer reasonably believes to be false, he shall be dealt with under the provisions of section 20 of this Bill.
- (4) Where a suspect so arrested by a private person is handed over to a police officer or to an official of an agency authorized by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the charge room officer shall make the entries in the crime diary.
- (5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.
- (6) Where there is sufficient reason to believe that the suspect handed over has committed an offence, he shall immediately be re-arrested but if there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.
- (7) The provisions of section 16 of this Bill do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with sub section (2) of this section.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Offence committed in presence of Judge or Magistrate

Where an offence is committed in the presence of a Judge or Magistrate within the division or district in which the Judge is sitting or to which the Magistrate is assigned, the Judge or Magistrate may himself arrest or order a person to arrest the suspect and may thereupon, subject to the provisions contained in this Bill as to bail, commit the suspect to custody.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Arrest by Magistrate

- (1) A Magistrate may arrest or direct the arrest in his presence of a suspect whose arrest on a warrant he could have lawfully ordered if the facts known to him at the time of making or directing the arrest had been stated before him on oath by some other person.
- (2) Where a suspect is arrested in accordance with the provisions of either section 24 or 25 of this Bill, the Judge or Magistrate making or directing the making of such arrest may deal with the suspect so arrested in the same manner as if the suspect had been brought before him by or under the directions of any other person.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Arrest for offence committed in presence of Judge, Magistrate or Justice of the Peace

A Judge, Magistrate, or Justice of the Peace may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: When public is bound to assist in arrest

A person is bound to assist a Judge, Magistrate, Justice of the Peace, police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the Judge, Magistrate, Justice of the Peace, police officer or other person is authorised to arrest.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Pursuit of suspect into other jurisdictions

A person authorised to effect the arrest of any suspect may, for the purpose of effecting the arrest, pursue him into any part of Nigeria.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Quarterly report of arrests to the Attorney-General

- (1) The Inspector-General of Police and the head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to federal offences within Nigeria.
- (2) The Commissioner of Police in a State and head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.
- (3) The report shall contain the full particulars of arrested suspects as prescribed by section 16 of this Bill.
- (4) A register of arrests containing the particulars prescribed in section 16 of this Bill shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.
- (5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Release on bail of a suspect arrested without warrant

- (1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within 24 hours after the arrest.
- (2) The officer in charge of a police station shall release the suspect on bail on his entering into a recognizance with or without sureties for a

reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.

- (3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer shall refer the matter to the Attorney-General of the Federation and the suspect shall be taken before a court having jurisdiction with respect to the offence within a reasonable time.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Power to release on bail before charge is accepted

- (1) Where a suspect is taken into custody, and it appears to the officer that the inquiry into the case cannot be completed forthwith, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.
- (2) A recognizance under subsection (1) of this section may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a Magistrate's court or the place in which the police station named in the recognizance is situate.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Remedy of suspect detained in custody

- (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.
- (2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.
- (3) An application for bail under this section may be made orally or in writing.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Police to report to supervising Magistrates

- (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of

every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

- (2) The report shall contain the particulars of the suspects arrested as prescribed in section 16 of this Bill.
- (3) The Magistrate shall on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.
- (4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization, make the report available to them.
- (5) Where no report is made in accordance with subsection (1) of this section, the Magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.
- (6) With respect to the Federal Capital Territory, Abuja such report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja, or President of the National Industrial Court and the Attorney-General of the Federation for remedial action.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Chief Magistrate to visit police stations every month

- (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the correctional centre.
- (2) During a visit, the Magistrate may —
 - (a) call for, and inspect, the record of arrests;
 - (b) direct the arraignment of a suspect;
 - (c) where bail has been refused, grant bail to any suspect where appropriate if the offence for which the suspect is held is within the jurisdiction of the Magistrate.
- (3) An officer in charge of a police station or official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated Magistrate exercising his powers under subsection (1) of this section —
 - (a) the full record of arrest and record of bail;
 - (b) applications and decisions on bail made within the period; and

- (c) any other facility the Magistrate requires to exercise his powers under that subsection.
- (4) With respect to other Federal Government agencies authorised to make an arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.
- (5) Where there is default by an officer in charge of a police station or official in-charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant Police Regulation under the Police Act, or pursuant to any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

PART 3 — WARRANTS

Clause 36: General authority to issue warrant

- (1) Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued.
- (2) Before a court issues a warrant of arrest upon application made to it, it shall satisfy itself that from the evidence on oath before it, there is a probable cause for its issue.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Form and requisites of warrant of arrest

- (1) A warrant of arrest issued under this Bill, unless the contrary is expressly provided under any other law, shall —
- (a) bear the date of the day of issue;
 - (b) contain all necessary particulars; and
 - (c) be signed by the Judge or Magistrate by whom it is issued.
- (2) A warrant shall state concisely the offence or matter for which it is issued and shall name or otherwise describe the suspect to be arrested, and it shall order the police officer or officers to whom it is directed to arrest the suspect and bring him before the court to answer the complaint or statement, or to testify or be dealt with according to the circumstances of the case, and to be further dealt with according to law.

Provided that without further order of court the suspect shall not be kept arrested beyond the period a person may be detained without being charged to court.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Warrant to be issued on complaint only if on oath

- (1) A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.
- (2) Where a court is satisfied by affidavit that a suspect has refused to answer an invitation, and there is ground to believe that unless the suspect is arrested he may not be available to assist in on-going investigation, the court may issue a warrant for the arrest of the suspect provided that without further order of court the suspect shall not be kept arrested beyond the period a person may be detained without being charged to court.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Warrant may be issued on any day

A warrant of arrest may be issued on any day, including a Sunday or public holiday.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Warrant, to whom directed and duration

- (1) A warrant of arrest may be directed to a police officer by name or to all police officers.
- (2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.
- (3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Warrant of arrest may in exceptional cases be directed to other persons

- (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available,

direct it to some other person or persons and the person or persons shall execute the same.

- (2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement placed by law on a police officer.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Public summons for person absconding

Where a court has reason to believe, whether after evidence or not, that a suspect, against whom a warrant of arrest has been issued by itself or by any court or Justice of the Peace, has absconded or is concealing himself so that the warrant cannot be executed, the court may publish a public summons in writing requiring that person to appear at a specific place and a specific time not less than 30 days from the date of publishing the public summons.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Publication of public summons

- (1) A public summons shall be published —
- (a) in a newspaper that enjoys wide circulation or circulated in any other medium as may be appropriate;
 - (b) by affixing it to some conspicuous part of the house or premises or to some conspicuous place in the town or village, in which the person ordinarily resides; or
 - (c) by affixing a copy to some conspicuous part of the High Court or Magistrate's court building.
- (2) A statement in writing from the Judge of the High Court or a Magistrate to the effect that the public summons was duly published on a specified day, shall be conclusive evidence that requirements of this section have been complied with and that the public summons was published on such day.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

Clause 44: Execution of warrant and procedure

- (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.

- (2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.
- (3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.
- (4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria, sections 45 and 46 of this Bill, be brought before the court that issued the warrant of arrest.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: Power to arrest on warrant but without the warrant

A warrant of arrest may be executed notwithstanding that it is not in the possession at the time of the person executing the warrant but the warrant shall, on the demand of the suspect, be shown to him as soon as practicable after his arrest.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Court may direct particulars of security to be taken on execution of warrant.

- (1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it thinks fit by endorsement on the warrant, direct that the suspect named in the warrant be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.
- (2) The endorsement shall specify the —
 - (a) number of sureties, if any;
 - (b) amount in which they and the suspect named in the warrant are, respectively, to be bound; or are to provide as cash security on the request of the surety or suspect;
 - (c) court before which the arrested suspect is to attend; and
 - (d) time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.
- (3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the

endorsement, conditioned for his appearance before the court and at the time and place named in the recognizance.

- (4) Where security is taken under this section the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.
- (5) Subject to the provisions of section 47 of this Bill, the provisions of subsections (3) and (4) of this section shall not have effect with respect to a warrant executed outside Nigeria.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Procedure on arrest of suspect outside division or district of court issuing warrant

- (1) Where a warrant of arrest is executed in a State outside the division or district of the court by which it was issued, the suspect shall, unless security is taken under section 46 of this Bill, be taken before the court within the division or district in which the arrest was made.
- (2) The court shall, if the suspect, on such inquiry as the court considers necessary, appears to be the suspect intended to be arrested by the court which issued the warrant, direct his removal in custody to that court, but if the suspect has been arrested in respect of any matter other than an offence punishable with death and —
 - (a) is ready and willing to give bail to the satisfaction of the court within the division or district of which he was arrested; or
 - (b) where a direction had been endorsed under section 46 of this Bill on the warrant and the suspect is ready and willing to give the security required by the direction, the court shall take bail or security, as the case may be, and shall forward the recognizance, if such be entered into, to the court which issued the warrant.
- (3) Nothing in this section is deemed to prevent a police officer from taking security under section 31 of this Bill.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Warrant issued by the Federal High Court

- (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.
- (2) A warrant issued under this section may be executed in accordance with section 45 of this Bill.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: Re-arrest of suspect escaping

Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escapes or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: Provisions of sections 13 and 14 to apply to arrests under section 49

The provisions of sections 13 and 14 of this Bill shall apply to arrests under section 49 of this Bill, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 50 do stand part of the Bill, put and agreed to.

PART 4 — PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR

Clause 51: Police to prevent offences and injury to public property

- (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.
- (2) A police officer may on his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 51 do stand part of the Bill, put and agreed to.

Clause 52: Information of design to commit offence

A police officer receiving information of a design to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: Arrest by police to prevent offences

Notwithstanding the provisions of this Bill or any other law relating to arrest, a police officer upon a reasonable suspicion of a design to commit an offence may arrest, without orders from a Magistrate and without warrant, the suspect

where it appears to the officer that the commission of the offence cannot otherwise be prevented.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Prevention by other public officers of offences and injury to public property

- (1) A Judge, Magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene for the purpose of preventing and shall, to the best of his ability, prevent the commission of an offence, for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable.
- (2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid —
 - (a) in preventing, and shall to the best of his ability, prevent the commission of an offence for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable;
 - (b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or
 - (c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 54 do stand part of the Bill, put and agreed to.

Clause 55: Power of Magistrate to require execution of recognizance for keeping peace

- (1) Where a Magistrate is informed on oath that a suspect is likely to —
 - (a) commit a breach of the peace or disturb the public tranquility, or
 - (b) do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility, the Magistrate may, in the manner provided in this Part, require the suspect to show cause why he should not be ordered to enter into a recognizance, with or without sureties, for keeping the peace for such period, not exceeding one year, as the Magistrate deems fit.
- (2) Proceeding shall not be taken under this section unless the suspect is —
 - (a) in the Federal Capital Territory, Abuja, and

- (b) subject of the information under subsection (1) of this section within the jurisdiction of the Magistrate, or the place where the breach of the peace or disturbance has occurred or where the suspect is, is within the jurisdiction of the Magistrate.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Security for good behaviour for suspected persons

Where a Magistrate is informed on oath that —

- (a) a suspect is taking precautions to conceal his presence within the local limits of the Magistrate's jurisdiction; and
- (b) there is reason to believe that the suspect is taking the precautions with a view to committing an offence, the Magistrate may, in the manner provided in this Part, require the suspect to show cause why he should not be ordered to enter into a recognizance, with sureties, for his good behaviour for such period not exceeding 1 year, as the Magistrate deems fit.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Security for good behaviour for habitual offenders

Where a Magistrate is informed on oath that a suspect within the local limits of his jurisdiction —

- (a) is by habit an armed robber, a housebreaker, or a thief;
- (b) is by habit a receiver of stolen property, knowing the same to have been stolen;
- (c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property;
- (d) habitually commits or attempts to commit, or aids or abets the commission of any offence relating to property;
- (e) habitually commits or attempts to commit, or aids or abets in the commission of, offence involving a breach of the peace; or
- (f) is so desperate or dangerous as to render his being at large without security hazardous to the community, such Magistrate may, in the manner provided in this Bill, require such suspect to show cause why he should not be ordered to enter into a recognizance with sureties for his good behaviour for such period, not exceeding 3 years, as the Magistrate deems fit.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: Order to be made

Where a Magistrate acting under sections 55, 56 or 57 of this Bill considers it necessary to require a suspect to show cause under the section, he shall make an order in writing setting out —

- (a) the substance of the information received;
- (b) the amount of the recognizance to be executed;
- (c) the term for which it is to be in force; and
- (d) the number, character, and class of sureties, if any, required.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 58 do stand part of the Bill, put and agreed to:

Clause 59: Procedure in respect of suspect present in court

Where the suspect in respect of whom an order is made is present in court, it shall be read over to him or, if he so desires, the substance of the information shall be explained to him.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 59 do stand part of the Bill, put and agreed to.

Clause 60: Summons or warrant in case of suspect not present

- (1) Where the suspect is not present in court, the Magistrate shall issue a summons requiring him to appear, or, where the suspect is in custody, a warrant directing the officer in whose custody he is to bring him before the court.
- (2) Where it appears to the Magistrate, on the report of a police officer or on other information, the substance of which report or information shall be recorded by the Magistrate, that there is reason to fear the commission of a breach of the peace, and that the breach of the peace cannot be prevented otherwise than by the immediate arrest of the suspect, the Magistrate may at any time issue a warrant for his arrest.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 60 do stand part of the Bill, put and agreed to.

Clause 61: Copy of order under section 59 to accompany summons or warrant

A summons or warrant of arrest issued under section 60 of this Bill shall be accompanied by a copy of the order made under section 58 of Bill Act, and the copy shall be delivered by the officer serving or executing the summons or warrant to the suspect served with or arrested under it.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 61 do stand part of the Bill, put and agreed to.

Clause 62: Power to dispense with personal attendance
The Magistrate may, where he sees sufficient cause, dispense with the personal attendance of a suspect called on to show cause why he should not be ordered to enter into a recognizance for keeping the peace, and may permit him to appear by a legal practitioner.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 62 do stand part of the Bill, put and agreed to.

Clause 63: Inquiry as to truth of information

- (1) Where an order under section 57 of this Bill has been read or explained under section 58 of this Bill to a suspect in court, or where the suspect appears or is brought before a Magistrate in compliance with or in execution of a summons or warrant issued under section 59 of this Bill, the Magistrate shall proceed to inquire into the truth of the information upon which the action has been taken, and to take such further evidence as may appear necessary.
- (2) The inquiry shall be made, as nearly as may be practicable, in the manner prescribed in this section for conducting trials, and recording evidence, except that the standard of proof shall be that of preponderance of evidence.
- (3) Pending the completion of the inquiry under subsection (1) of this section, the Magistrate, if he considers that immediate measures are necessary for the prevention of —
 - (a) a breach of the peace or disturbance of the public tranquility;
or
 - (b) the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the suspect in respect of whom the order under section 57 of this Bill has been made, to enter into a recognizance, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain the suspect in custody until the recognizance is entered into or, in default of execution, until the inquiry is concluded.
- (4) For the purposes of subsection (3) of this section —
 - (a) a suspect against whom proceedings are not being taken under section 55 of this Bill shall not be directed to enter into a recognizance for maintaining good behaviour;
 - (b) the conditions of the recognizance, whether as to the amount or as to the provisions of sureties or the number of sureties or the pecuniary extent of their liability shall not be more onerous than those specified in the order under section 59 of this Bill; and

- (c) a suspect shall not be remanded in custody under the powers conferred by this section for a period exceeding 15 days at a time.
- (5) For the purposes of this section, the fact that a suspect comes within the provisions of section 56 of this Bill may be proved by evidence of general repute or otherwise.
- (6) Where two or more suspects have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate thinks fit.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: Order to give security

- (1) Where on an inquiry it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the suspect in respect of whom the inquiry is made should enter into a recognizance, with or without sureties, the Magistrate shall make an order accordingly, but —
 - (a) a suspect shall not be ordered to give security of a nature different from or of an amount larger than or for a period longer than that specified in the order made under section 58 of this Bill;
 - (b) the amount of a recognizance shall be fixed with due regard to the circumstances of the case and shall not be excessive; and
 - (c) where the suspect in respect of whom the inquiry is made is a child, the recognizance shall be entered into as provided in section 169 of this Bill.
- (2) A suspect ordered to give security for good behaviour under this section may appeal to the High Court.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 64 do stand part of the Bill, put and agreed to.

Clause 65: Discharge of suspect informed against

Where on an inquiry under section 60 of this Bill it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the suspect in respect of whom the inquiry is made should enter into a recognizance, the Magistrate shall make an entry on the record to that effect, and shall, if the suspect —

- (a) is in custody only for the purpose of the inquiry, release him; or
- (b) is not in custody, discharge him.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 65 do stand part of the Bill, put and agreed to.

PART 5 — PROCEEDING IN ALL CASES SUBSEQUENT
TO ORDER TO FURNISH SECURITY

Clause 66: Commencement of period for which security is required

- (1) Where a suspect in respect of whom an order requiring security is made under section 58 of this Bill is, at the time the order is made, sentenced to or undergoing a sentence of imprisonment, the period for which the security is required shall commence on the expiration of the sentence.
- (2) In other case, the period shall commence on the date of the order unless the Court, for sufficient reason, fixes a later date.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 66 do stand part of the Bill, put and agreed to.

Clause 67: Conditions of recognizance

The recognizance to be entered into by a suspect under section 58 of this Bill shall bind him to keep the peace or be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit or the aiding, abetting, counseling, or procuring the commission, anywhere within Nigeria, of an offence punishable with imprisonment, wherever it may be committed, any time during the continuance of the recognizance, shall be a breach of the recognizance.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 67 do stand part of the Bill, put and agreed to.

Clause 68: Power to reject sureties

A court may refuse to accept a surety offered under any of the preceding sections on the ground that, for reasons to be recorded by the Court, the surety is an unfit person.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 68 do stand part of the Bill, put and agreed to.

Clause 69: Procedure on failure of suspect to give security

Where a suspect ordered to give security does not give the security on or before the date on which the period for which the security is to be given commences, he shall, except in the case mentioned in of this section, be committed to correctional centre until the period expires or until within the period he gives the security to the court that made the order requiring it.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70: Power to release suspect imprisoned for failure to give security

Where a court is of the opinion that a suspect imprisoned for failing to give security may be released without hazard to the community, the Court may, if it deems fit, order the suspect to be discharged.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Power of High Court to cancel recognizance

The High Court may at any time, for sufficient reasons to be recorded in writing, cancel any recognizance for keeping the peace or for good behaviour executed under any of the preceding sections by order of any lower court.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Discharge of sureties

- (1) A surety for the peaceable conduct or good behaviour of another suspect may at any time apply to a court to discharge a recognizance executed under any of the preceding sections within the district or division to which the Court is assigned.
- (2) On an application being made, the Magistrate shall, if he is satisfied that there is good reason for the application, issue such summons or warrant, as he thinks fit, requiring the suspect for whom the surety is bound to appear or to be brought before him.
- (3) Where the suspect appears or is brought before a Magistrate, the Magistrate after hearing the suspect may discharge the recognizance and order the suspect to give, for the unexpired portion of the term of the recognizance, fresh security for the unexpired portion of the same description as the original security.
- (4) An order made under subsection (3) of this section shall, for the purposes of sections 66, 67, 68 and 69 of this Bill, be deemed to be an order under section 58 of this Bill.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

PART 6 — PUBLIC NUISANCE

Clause 73: Conditional order for removal of nuisance

Where a court considers, on receiving a police report or other information and on taking such evidence, if any, as it deems fit, that an offence relating to public nuisance is being committed, the court may make a conditional order requiring the suspect —

- (a) within a time fixed in the order to cease committing the offence and to amend or remove the cause of the nuisance in such manner as is specified in the order; or
- (b) to appear before the court at a time and place to be fixed by the order and apply to have the order set aside or modified in the manner hereinafter provided.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: Service of order

- (1) An order made under section 73 of this Bill shall, if practicable, be served on the suspect against whom it is made in the manner provided for the service of a summons.
- (2) Where an order referred to in subsection (1) cannot be served in the manner laid down in that subsection, it may be served by registered letter through the post, addressed to the suspect against whom it is made at his last known address or, where his last address is not known, then by affixing a notice in some conspicuous place in the town or village or near which the nuisance or offence is being committed.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Suspect to whom order is addressed to obey or appear before court

A suspect against whom an order under section 73 of this Bill is made shall —

- (a) perform, within the time and in the manner specified in the order, the act directed by the order; or
- (b) appear in accordance with the order and apply to have the order set aside or modified.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: Consequences of failure to obey order or to appear

Where a suspect against whom an order under section 73 of this Bill is made does not perform the act specified in the order or appear and apply to have the order set aside or modified, he is liable, where the act —

- (a) offends public safety, to a fine of not less than N100,000.00 for individual and not less than N1,000,000.00 in case of a corporate body or imprisonment for a term of six months; or

- (b) threatens human life, to a fine of not less than N200,000.00 for individual and not less than N2,000,000.00 in case of a corporate body or imprisonment for a term of 12 months.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 76 do stand part of the Bill, put and agreed to.

Clause 77: Procedure where suspect appears

- (1) Where a suspect against whom an order under section 73 of this Bill is made to appear applies to have the order set aside or modified, the court shall take evidence in the matter in the same manner as in a summary trial.
- (2) Where the court is —
- (a) satisfied that the order, with or without modification, is reasonable and proper, the court shall make it absolute with such modification, if any, as the court thinks fit; and
- (b) not satisfied, it shall cancel the order.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 77 do stand part of the Bill, put and agreed to.

Clause 78: Consequences of disobedience to order made absolute

Where the acts directed by an order under section 73 of this Bill which is made absolute under section 76 or 77 (2)(a) of this Bill is not performed within the time fixed and in the manner specified in the order, the court may cause it to be performed and may recover the cost of performing it either by

- (a) the sale of any building, goods or other property removed by its order;
or
- (b) seizure and sale of any other movable property of the person against whom the order under section 73 of this Bill was made in the manner prescribed in this Bill for the recovery of a fine.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: Order pending inquiry

- (1) Where the court making an order under section 73 of this Bill considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, it may issue such further order to the suspect against whom the order was made as is required to obviate or prevent the danger or injury pending the determination of the matter.
- (2) In default of the suspect referred to in subsection (1) of this section immediately disobeying the further order referred to in that subsection

or if notice of the order cannot, by the exercise of due diligence, be served on him immediately, the court may use or cause to be used such means as it thinks fit to obviate the danger or to prevent the injury.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 79 do stand part of the Bill, put and agreed to.

Clause 80: Prohibition of repetition or continuance of nuisance

A court may, in any proceeding under this Part or in any criminal proceeding in respect of a public nuisance, order any suspect not to repeat or continue the public nuisance.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 80 do stand part of the Bill, put and agreed to.

PART 7— ATTACHMENT WHERE A PERSON DISOBEYS
SUMMONS OR WARRANT

Clause 81: Attachment of property of suspect absconding

A Judge or a Magistrate may, at any time after action has been taken under section 42 of this Bill or on an application made in that regard after summons or warrant has been issued but disobeyed, order the attachment of any property, movable or immovable or both, belonging to a suspect the subject of the public summons or warrant.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 81 do stand part of the Bill, put and agreed to.

Clause 82: Order to attach property

- (1) An order under section 81 of this Bill shall authorize a public officer named in it to attach any property belonging to a suspect named in the order as the owner of the property within the area of jurisdiction of the Judge or Magistrate by seizure or in any other manner by which for the time being the property may be attached by way of civil process.
- (2) Where, a suspect who is the subject of an order does not appear within the time specified in the public summons, the property under attachment shall be at the disposal of the court.
- (3) Any property under attachment shall not be sold until the expiration of three months from the date of the attachment unless it is subject to speedy decay or the Judge or Magistrate considers that the sale would be for the benefit of the owner, in either of which cases the Judge or Magistrate may cause it to be sold whenever he thinks.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 82 do stand part of the Bill, put and agreed to.

Clause 83: Restoration of attached property

- (1) Where within one year from the date of the attachment, a suspect, whose property is or has been at the disposal of the Court under section 81 of this Bill, appears voluntarily or being arrested is brought before the Court and proves to its satisfaction that he —
 - (a) did not abscond or conceal himself for the purpose of avoiding execution of the warrant; and
 - (b) had no notice of the public summons or warrant as to enable him to attend within the time specified therein, that property, so far as it has not been sold, and the net proceeds of any part of it which has been sold shall, after satisfying from the proceeds all costs incurred in consequence of the attachment, be delivered to him.
- (2) Where, after one year from the date of attachment, the suspect whose property is attached or has been at the disposal of the court does not appear voluntarily, the property or the net proceed of its sale shall be forfeited to the Federal or State Government as the case may be.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: Issue of warrant in lieu of or in addition to summons

- (1) A court empowered by this Bill to issue a summons for the appearance of a suspect may, after recording reasons in writing, issue a warrant for his arrest in addition to or instead of the summons where —
 - (a) whether before or after the issue of the summons, the Court or Justice of the Peace sees reason to believe that the suspect has absconded or will not obey the summons; or
 - (b) at the time fixed for his appearance, the suspect fails to appear and the summons is proved to have been duly served in time to allow for his appearance and no reasonable excuse is offered for his failure to appear.
- (2) A court or Justice of the Peace empowered by this Bill to issue a warrant for the arrest of a suspect may issue a summons in place of a warrant where he thinks fit.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 84 do stand part of the Bill, put and agreed to.

Clause 85: Power to take bond for appearance

Where a suspect for whose appearance or arrest a summons or warrant may be issued is present before a court or Justice of the Peace, the court or Justice

of the Peace may require him to execute a bond, with or without sureties, for his appearance before a court.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Provisions of this Part generally applicable to summons and warrant
The provisions contained in this Part relating to summonses and warrants and their issue, service and execution shall, so far as may be, apply to every summons and every warrant issued under this Bill.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 86 do stand part of the Bill, put and agreed to.

**PART 8 — PROVISIONS RELATING TO CRIMINAL TRIALS
AND INQUIRIES IN GENERAL**

Clause 87: Application of Part 8
The provisions of this Part and Parts 9 to 30 of this Bill shall apply to all criminal trials and proceedings unless express provision is made in respect of any particular court or form of trial or proceeding.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: General authority to bring suspect before a court
A court has authority to compel the attendance before it of a suspect who is within the jurisdiction and is charged with an offence committed within the State, Federation or the Federal Capital Territory, Abuja, as the case may be, or which according to law may be dealt with as if the offence had been committed within the jurisdiction and to deal with the suspect according to law.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: Right of making complaint

- (1) A person may make a complaint directly to the court against any other person alleged to have committed or to be committing an offence.
- (2) Notwithstanding anything to the contrary contained in any other law, a police officer may make a complaint in a case of assault even though the party aggrieved declines or refuses to make a complaint.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: Form of complaint

- (1) It is not necessary that a complaint shall be in writing, unless it is required to be so by the law on which it is founded, or by some other law, and where a complaint is not made in writing, the court or registrar shall reduce it into writing.
- (2) Subject to the provisions of section 55 of this Bill, a complaint may, unless some law otherwise requires, be made without oath.
- (3) A complaint may be made by the complainant in person, or by a legal practitioner representing him, or by any person authorized in writing in that behalf.
- (4) A complaint may contain several offences and they shall arise from the same transaction or state of affairs but the complaint shall not be voided by describing the offence, or any material act relating to it in alternative words according to the language of the law constituting such offence.
- (5) All complaints made to the court directly under this section may first be referred to the police for investigation before cognizance is taken of the offence by the court.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 90 do stand part of the Bill, put and agreed to.

Clause 91: Court may refuse to proceed

- (1) A court taking cognizance of an alleged offence may refuse to proceed with the case if, after examining the complaint, and considering the result of any investigation it may have further ordered, there is in its opinion, no sufficient ground for proceeding; and it shall record briefly its reasons for refusing.
- (2) Where the defendant is in custody or on bail, he shall be discharged when the court refuses under subsection (1) of this section to proceed.
- (3) A person aggrieved by a refusal of the court to proceed with a case may apply to the appropriate appeal court with an affidavit setting out the facts for an order directing the transfer to another court with jurisdiction to hear and determine the cause or matter.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 91 do stand part of the Bill, put and agreed to.

Clause 92: Form of documents in criminal proceedings

A complaint, summons, warrant or any other document laid, issued or made for the purpose of or in connection with any proceedings before a court for an

offence, shall be sufficient if it contains a statement of the specific offence with which the suspect is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 92 do stand part of the Bill, put and agreed to.

Clause 93: Rule as to statement of exception

Any exception, exemption, proviso, condition, excuse, or qualification, whether it does or does not in any enactment creating an offence accompany in the same section, the description of the offence, may be proved by the defendant, but need not be specified or refuted in the complaint, and where so specified or refuted, no proof in relation to the matter so specified or refuted shall be required on the part of the complainant.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 93 do stand part of the Bill, put and agreed to.

Clause 94: Limitation of period for making a private complaint

In every case where no time is specially limited for making a complaint for a summary conviction of an offence in the law relating to such offence, such complaint, if made other than by a person in his official capacity, shall be made within six years from the time when the matter of such complaint arose or when the person became aware of the offence.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 94 do stand part of the Bill, put and agreed to.

PART 9 — PLACE OF TRIAL OR INQUIRY

Clause 95: Venue generally

- (1) An offence shall ordinarily be inquired into and tried by a court within the local limits of whose jurisdiction —
 - (a) the offence was wholly or in part committed, or some act forming part of the offence was done;
 - (b) the consequence of the offence has ensued;
 - (c) an offence was committed by reference to which the offence is denied; or
 - (d) a person against whom, or property in respect of which, the offence was committed is found, having been transported there by the suspect or by a person knowing of the offence.
- (2) A criminal charge shall be filed and tried in the division where the alleged offence was committed unless it can be shown that it is convenient to do otherwise for security reasons.

- (3) The Commissioner of Police shall ensure that one or more armed policemen are posted to provide security during every criminal trial.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 95 do stand part of the Bill, put and agreed to.

Clause 96: Offence at sea or outside of Nigeria

An offence committed at sea or outside the territory of Nigeria, may be tried or inquired into at any place in Nigeria to which the suspect is first brought, or to which he may be taken thereafter.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 96 do stand part of the Bill, put and agreed to.

Clause 97: Offence committed on a journey

An offence committed while the suspect is in the course of performing a journey or voyage may be tried or inquired into by a court in the State or division or district of whose jurisdiction the suspect or the person against whom or the thing in respect of which the offence was committed resides, is or passed in the course of that journey or voyage.

Committee's Recommendation:

That the provision in Clause 97 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 97 do stand part of the Bill, put and agreed to.

Clause 98: Offence commenced and completed in different States

Where an offence —

- (a) is commenced in a State and completed in another State, or
- (b) is completed in the Federal Capital Territory, Abuja after being commenced in another State, the suspect may be dealt with, tried and punished as if the offence had been actually or wholly committed in any of the States, or Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 98 do stand part of the Bill, put and agreed to.

Clause 99: Chief Judge to decide question as to court of inquiry or place of trial

Where a question arises as to which of the two or more courts of the Federal Capital Territory, Abuja ought to inquire into or try any offence, it shall be decided by the Chief Judge of the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 99 do stand part of the Bill, put and agreed to.

Clause 100: Chief Judge may transfer a case

- (1) The Chief Judge of a High Court may, where it appears to him that the transfer of a case will promote the ends of justice or will be in the interest of the public peace, transfer any case from one court to another.
- (2) The power of the Chief Judge referred to in subsection (1) of this section shall not be exercised where the prosecution has called witnesses unless there is cause to do so upon receipt of the report in subsection (3) justifying such a transfer.
- (3) Where the Chief Judge is to exercise this power subsequent to a petition, the Chief Judge shall cause the petition to be investigated by an independent body of not more than three reputable legal practitioners within one week of receipt of such petition.
- (4) The investigating body shall submit its report within two weeks of appointment except otherwise specified.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 100 do stand part of the Bill, put and agreed to.

Clause 101: When cases may be remitted to another court

A court before which a person charged with having committed an offence is brought shall, where —

- (a) the offence ought to be properly inquired into or tried by another court; or
- (b) in the opinion of the court, the offence ought to be conveniently inquired into or tried by another court, within a reasonable period not exceeding 7 days, send the case and all processes relating to the case to the head of court for re-assignment to that other court, and where appropriate, remand the suspect charged in custody or require him to give security for his attendance before that other court to answer the charges and to be dealt with accordingly.

Committee's Recommendation:

That the provision in Clause 101 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 101 do stand part of the Bill, put and agreed to.

Clause 102: Removal under warrant

- (1) Where a suspect is to be remanded in custody, a warrant shall be issued by the remitting court and that warrant shall be sufficient authority to any person to whom it is directed to —
 - (a) receive and detain the suspect named in the warrant; and
 - (b) produce him to the court to which the suspect charged is remitted.

- (2) The person to whom the warrant is directed shall execute it according to its terms without any delay.

Committee's Recommendation:

That the provision in Clause 102 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 102 do stand part of the Bill, put and agreed to.

Clause 103: Transfer of case where cause of complaint has arisen out of jurisdiction of court

Retained as in the Bill —

- (a) in custody and the court directing a transfer thinks it expedient that the custody should be continued, or
- (b) not in custody, that he should be placed in custody, the court shall, by its warrant, commit the suspect to a correctional centre, subject to such security as it may deem appropriate in the circumstances, until he can be taken before a court wherein the cause of complaint arose.

Committee's Recommendation:

That the provision in Clause 103 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 103 do stand part of the Bill, put and agreed to.

Clause 104: Court may assume jurisdiction under certain conditions

- (1) Notwithstanding the provisions of sections 95 and 100 of this Bill, a Judge or Magistrate of a division or district in which a suspect —
- (a) is arrested and charged with an offence, alleged to have been committed in another division or district;
- (b) is in custody on the charge; or
- (c) has appeared in answer to summons lawfully issued charging the offence, may, where he considers that justice would be better served and having regards to the accessibility and convenience of the witnesses, proceed to hear the charge, try and punish the suspect as if the offence had been committed in the division or district.
- (2) The offence referred to in subsection (1) of this section shall, for all purposes, be deemed to have been committed in that division or district.
- (3) Where a Judge or Magistrate has taken cognisance of a criminal matter in one division or district of the court and having started to hear evidence he was subsequently transferred or posted to another division or district of the court, such Judge or Magistrate shall continue to hear the case whether in the previous division or district or in the new division or district depending on which division or district is the most convenient having regard to the prevailing circumstances.

Committee's Recommendation:

That the provision in Clause 104 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 104 do stand part of the Bill, put and agreed to.

Clause 105: Assumption of jurisdiction after commencement of proceedings
Where a case is commenced in any other division or district than that in which it ought to have been commenced, the court may assume jurisdiction in accordance with the provisions of section 103 of this Bill and all acts performed and all decisions given by the court during the trial or any other proceeding shall be deemed to be valid in all respect as if the jurisdiction had been assumed prior to the performance of the acts and the giving of the decisions.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 105 do stand part of the Bill, put and agreed to.

PART 10 — POWERS OF THE ATTORNEY-GENERAL.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 105 do stand part of the Bill, put and agreed to.

Clause 106: Information or charge by the Attorney-General
(1) The Attorney-General of the Federation may prefer information or charge in any court in respect of an offence created by an Act of the National Assembly.
(2) The Attorney-General of the Federation may authorize any other person to exercise any or all the powers conferred on him under this section.

Committee's Recommendation:

That the provision in Clause 106 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 106 do stand part of the Bill, put and agreed to.

Clause 107: Issuance of legal advice and other directives to police
(1) The Attorney-General of the Federation may upon request issue legal advice or such other directive to the Police or any other law enforcement agency in respect of an offence created by an Act of the National Assembly.
(2) Where any proceeding is pending in respect of the offence for which legal advice or other direction referred to in subsection (1) of this section is given, a copy of the legal advice or direction may be forwarded by the Attorney General of the Federation or Director of Public Prosecutions to the court before whom the proceeding is pending.

Committee's Recommendation:

That the provision in Clause 107 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 107 do stand part of the Bill, put and agreed to.

Clause 108: Prosecution of offences

- (1) Subject to the provisions of the Constitution, relating to the powers of prosecution by the Attorney-General of the Federation, prosecution of all offences in any court shall be undertaken by —
 - (a) the Attorney-General of the Federation or a Law Officer in his Ministry or Department;
 - (b) a legal practitioner authorised by the Attorney-General of the Federation; or
 - (c) a legal practitioner authorized to prosecute by this Bill or any other Act of the National Assembly.
- (2) Without prejudice to the powers of the Attorney-General of the Federation or any other authority vested with prosecutorial powers, the victim of an act which is the subject of a criminal trial before a court may retain a legal practitioner to watch the proceedings on his behalf and offer assistance to the prosecution.

Committee's Recommendation:

That the provision in Clause 108 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 108 do stand part of the Bill, put and agreed to.

Clause 109: Reward for supporting law enforcement

- (1) The Attorney-General of the Federation may recommend to the Federal Executive Council for an appropriate reward in cash or in kind any person who provides —
 - (a) information leading to recovery of illicit weapons, prevention of violence, social unrest, communal or religious conflicts or clashes between groups of persons in Nigeria.
 - (b) information or other assistance to the law enforcement agencies for preventing serious crimes, injury to communal relations or social harmony, or damage to public property.
 - (c) other forms of support or aid to the law enforcement agencies towards peace and social harmony in Nigeria.
- (2) The Attorney-General of the Federation shall provide easily accessible facilities for the reception of such assistance from the informant.
- (3) Where necessary, the Attorney-General of the Federation shall advise or work with the law enforcement agencies to provide protection for any person who provides the assistance referred to in subsection (1) of this section.
- (4) Any person who discloses the identity or otherwise exposes an informant to danger of reprisal attack or victimization, is guilty of an offence and shall be punishable to a term of imprisonment of not less than five years without an option of fine.

Committee's Recommendation:

That the provision in Clause 109 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 109 do stand part of the Bill, put and agreed to.

PART 11 — CONTROL OF CRIMINAL PROCEEDINGS BY THE ATTORNEY-GENERAL

Clause 110: Discontinuance of criminal cases

- (1) In any criminal proceeding for an offence created by an Act of the National Assembly, and at any stage of the proceeding before judgment, the Attorney-General of the Federation may discontinue the proceedings either by stating in court or informing the court in writing that the Attorney-General of the Federation intends that the proceeding shall not continue and based on the notice the suspect shall immediately be discharged in respect of the charge or information for which the discontinuance is entered.
- (2) Where the suspect —
 - (a) has been committed to a correctional centre, he shall be released; or
 - (b) is on bail, the recognizance shall be discharged.
- (3) Where the suspect is not —
 - (a) before the court when the discontinuance is entered, the registrar or other proper officer of the court shall immediately cause notice in writing of the entry of the discontinuance to be given to the officer in charge of the correctional centre or other place in which the suspect may be detained and the notice shall be sufficient authority to discharge the suspect; or
 - (b) in custody, the court shall immediately cause notice in writing to be given to the suspect and his sureties and shall in either case cause a similar notice in writing to be given to any witness bound over to prosecute.
- (4) Where discontinuance is entered in accordance with the provisions of this section, the discharge of a suspect shall not operate as a bar to any subsequent proceeding against him on account of the same facts.

Committee's Recommendation:

That the provision in Clause 110 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 110 do stand part of the Bill, put and agreed to.

Clause 111: Withdrawals from prosecution in trials and inquiries before a court

- (1) In any trial or proceeding before a court, a prosecutor may, or on the instruction of the Attorney-General of the Federation, in case of offence against an Act of the National Assembly, at any stage before judgment is pronounced, withdraw the charge against any defendant either generally or in respect of one or more of the offences with which the defendant is charged.
- (2) On the withdrawal, where it is made —
 - (a) before the defendant is called upon to make his defence, he shall be discharged of the offence; and
 - (b) after the defendant is called upon to make his defence, he shall be acquitted of the offence.
- (3) In any trial before a court in which the prosecutor withdraws in respect of the prosecution of an offence before the defendant is called

upon to make his defence, the court may, in its discretion, order the defendant to be acquitted if it is satisfied, on the merits of the case, that the order is a proper one, and when an order of acquittal is made, the court shall endorse its reasons for making the order on the record.

- (4) Where a private prosecutor withdraws from a prosecution for an offence under the provisions of this section, the court may, in its discretion, award costs against the prosecutor.
- (5) A discharge of a defendant under this section does not operate as a bar to subsequent proceedings against him on account of the same facts, except as otherwise provided under this section.

Committee's Recommendation:

That the provision in Clause 111 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 111 do stand part of the Bill, put and agreed to.

PART 12 — INSTITUTION OF PROCEEDINGS

Clause 112: Different methods of instituting criminal proceedings

Subject to the provisions of any other law, criminal proceedings may, in accordance with the provisions of this Bill, be instituted —

- (a) in a Magistrates court, by a charge or a complaint whether or not on oath or upon receiving a First Information Report;
- (b) in the High Court, by charge or information of the Attorney-General of the Federation, subject to section 106 of this Bill;
- (c) by information or charge filed in the court after the defendant has been summarily committed for perjury by a court under the provisions of this Bill;
- (d) by information or charge filed in the court by any other prosecuting authority; or
- (e) by information or charge filed by a private prosecutor subject to the provision of this Bill.

Committee's Recommendation:

That the provision in Clause 112 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 112 do stand part of the Bill, put and agreed to.

Clause 113: Mode of instituting criminal proceedings in a Magistrate court

- (1) Criminal proceedings instituted in a Magistrate court may be —
 - (a) by bringing a suspect arrested without a warrant before the court on a charge contained in a charge sheet specifying the name, address, age, sex and occupation of the suspect charged, the charge against him and the time and place where the offence is alleged to have been committed; and the charge sheets shall be signed by any of the persons mentioned in section 108 of this Bill;
 - (b) upon receiving a First Information Report for the commission of an offence for which the police are authorised to arrest

without a warrant and which may be tried by the court within the jurisdiction where the police station is situate, the particulars in the report shall disclose the offence for which the complaint is brought and shall be signed by the police officer in charge of the case; or

- (c) subject to the provision of section 90 of this Bill, by complaint to the court, whether or not on oath, that an offence has been committed by a suspect whose presence the Magistrate has power to compel, and an application to the Magistrate, in the manner set out in this section for the issue of either a summons directed to, or a warrant to arrest, the suspect.
- (2) The charge sheet filed by the prosecution shall be served on the defendant within seven days of its being filed or such time as the court may allow.
- (3) The trial of a charge preferred under subsection (1) (a) and (b) of this section shall commence not later than 30 days from the date of filing the charge, and the trial of the person brought under the charge shall be completed within a reasonable time.
- (4) Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.
- (5) A Court seized of criminal proceedings shall make quarterly returns of the particulars of all cases, including charges, remand and other proceedings commenced and dealt with in his Court within the quarter, to the Chief Judge.
- (6) In reviewing the returns made by a Court under subsections (4) and (5) of this section, the Chief Judge shall ensure that —
- (a) criminal matters are speedily dealt with;
 - (b) congestion of cases in courts is drastically reduced;
 - (c) congestion of correctional centres is reduced to the barest minimum; and
 - (d) persons awaiting trial are, as far as possible, not detained in correctional centre for a length of time beyond that prescribed in section 300 of this Bill.
- (7) The Administration of Criminal Justice Monitoring Council shall have power to consider all returns made to the Chief Judge under subsections (4) and (5) of this section for the purpose of ensuring expeditious disposal of cases, and the National Human Rights Commission set up under the National Human Rights Commission Act shall have access to the returns on request to the Chief Judge.

Committee's Recommendation:

That the provision in Clause 113 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 113 do stand part of the Bill, put and agreed to.

Clause 114: Returns by Comptroller-General of Nigerian Correctional Service

- (1) The Comptroller-General of the Nigerian Correctional Service shall make returns every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the Federal Capital Territory, the President of the National Industrial Court, the Chief Judge of the State in which the correctional centre is situated and to the Attorney-General of the Federation of all persons awaiting trial held in custody in Nigerian Correctional Service for a period beyond 180 days from the date of arraignment.
- (2) The returns referred to in subsection (1) of this section shall be in a prescribed form and shall include —
 - (a) the name of the suspect held in custody or Awaiting Trial Persons;
 - (b) passport photograph of the suspect;
 - (c) the date of his arraignment or remand;
 - (d) the date of his admission to custody;
 - (e) the particulars of the offence with which he was charged;
 - (f) the courts before which he was arraigned;
 - (g) name of the prosecuting agency; and
 - (h) any other relevant information.
- (3) Upon receipt of such return, the recipient shall take such steps as are necessary to address the issues raised in the return in furtherance of the objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 114 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 114 do stand part of the Bill, put and agreed to.

PART 13 — FIRST INFORMATION REPORT

Clause 115: Procedure for receiving complaint and First Information Report

- (1) Where a complaint is brought before a police officer in charge of a police station concerning the commission of an offence and is —
 - (a) one for which the police are authorised to arrest without a warrant, and
 - (b) triable by a magistrate court within which jurisdiction the police station is situated, the police shall, if the complaint is made orally, reduce the complaint or cause it to be reduced into writing in the Police Diary.
- (2) The complaint, whether given in writing or orally shall be reduced in writing into the Police Diary and read or cause to be read over to the complainant and every such complaint shall be signed by the officer receiving the complaint.

- (3) where on any other ground the officer in charge of a police station has reason to suspect the commission of an offence referred to in subsection (1), he shall enter or cause to be entered the grounds of his suspicion in a Police Diary.
- (4) Where the officer is satisfied that no public interest may be served by prosecuting, he may refuse to accept the complaint provided that he notifies the complainant of his right to complain to a court under section 109 (a) of this Bill.
- (5) Notwithstanding the provision of subsection (2) of this section, the officer in charge of a police station may, if in his opinion the matter might more conveniently be inquired into by an officer in charge of another police station, refer the complaint to such other police station.
- (6) After complying with the provisions of subsection (3) of this section, the officer in charge of the police formation shall act as follows —
 - (a) he shall forthwith proceed to the scene and investigate the case and if the suspect is not in custody, take such steps as may be necessary for the discovery and arrest of the suspect or he may direct a police officer subordinate to him to do so and report to him;
 - (b) in cases involving death or serious injury to any person, the officer in charge of the police station shall arrange, if possible, for the person to be taken to the nearest hospital for such further examination as may be necessary;
 - (c) where the complaint is given against a person by name and the alleged offence is not of a serious nature, the officer in charge of a police formation need not make or direct investigation on the spot;
 - (d) in the cases mentioned in paragraph (c) of this subsection, the officer in charge of the police station shall record in the book referred to in subsection (2) and in the First Information Report to the court his reason for not entering on an investigation or for not making or directing investigation on the spot or not investigating the case;
 - (e) where after the investigation, it appears that the complaints against the suspect are unfounded, the investigation shall be terminated and this fact shall be recorded in the Police Diary mentioned in subsection (2) of this section; and
 - (f) where the officer considers that the prosecution of the alleged offence will serve the public interest, the officer shall reduce the complaint into the prescribed form called First Information Report and the officer shall take the alleged suspect with the First Information Report before a Magistrate within whose jurisdiction the police station is situated.
- (7) Where the suspect appears or is brought before the Magistrate court, the particulars of the offence of which he is accused shall be read to him and he shall be asked if he has any cause to show why he should not be tried by the Magistrate.

- (8) Where upon hearing the information, the alleged suspect admits the commission of the offence contained in the First Information Report, or any other, his admission shall be recorded as near as possible in the words used by him and if he shows no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly and in that case it shall not be necessary to frame a formal charge.
- (9) Where the suspect denies the allegation against him and states that he intends to show cause why he should not be convicted, the Magistrate shall proceed to hear the complainant and take such evidence as may be produced in support of the prosecution and the suspect shall be at liberty to cross-examine the witnesses for the prosecution and if he so does, the prosecutor may re-examine the witnesses where necessary.
- (10) Where the evidence referred to in subsection (9) of this section has been taken or at any stage of the case, the Magistrate is of the opinion that there is ground that the suspect has committed an offence triable under this part, which such Magistrate court is competent to try and which, in the opinion of the Magistrate, could be adequately punished, the Magistrate shall frame a charge stating the offence for which the suspect will either be tried by the court or direct that the suspect be tried in another Magistrate court.
- (11) Where the evidence referred to in subsection (9) of this section has been taken but the court is satisfied that there is no admissible evidence before the court, or the evidence before the court has not shown the existence of any offence in a written law triable by the court or any other court, or any precondition in law required to be satisfied before the case may be filed was not satisfied, or the defendant was not implicated as a participant in the offence shown to have been committed, the defendant shall be discharged by the court.
- (12) Where the court has framed a charge pursuant to subsection (11), and it has directed that the defendant shall be tried by the same court, the defendant shall thereupon be called upon to enter his defence, without prejudice to the right of the defendant to recall for further cross-examination the witnesses called by the prosecution if the offence or offences framed in the charge is materially different from the offence or offences alleged in the First Information Report.
- (13) Where in the proceeding before a Magistrate court, the court, at any stage before judgment, is of the opinion that the case is one which ought to be tried by the High Court, he shall transfer the case along with the suspect to a High Court for trial upon a charge or information in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 115 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 115 do stand part of the Bill, put and agreed to.

PART 14 — ENFORCING APPEARANCE OF SUSPECT

Clause 116: Compelling appearance of a suspect

A court may issue a summons or warrant as provided in this Bill to compel the appearance before it of a suspect accused of having committed an offence in

any place, whether within or outside Nigeria, triable in a State or in the Federal Capital Territory, Abuja.

Committee's Recommendation:

That the provision in Clause 116 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 116 do stand part of the Bill, put and agreed to.

Clause 117: Summons and warrants

In every case, the court may proceed either by way of summons to the defendant or by way of warrant for his arrest in the first instance according to the nature and circumstances of the case.

Committee's Recommendation:

That the provision in Clause 117 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 117 do stand part of the Bill, put and agreed to.

Clause 118: Making of complaint and issue of process

- (1) Subject to the provisions of section 90 of this Bill, a person who believes from a reasonable or probable cause that an offence has been committed by another person whose appearance a Magistrate has power to compel, may make a complaint of the commission of the offence to a Magistrate who shall consider the allegations of the complainant and may —
 - (a) in his discretion, refuse to issue process and shall record his reasons for such refusal; or
 - (b) issue a summons or warrant as he shall deem fit to compel the attendance of the defendant before a Magistrate Court in the district.
- (2) The Magistrate shall not refuse to issue a summons or warrant only because the alleged offence is one for which a suspect may be arrested without warrant.

Committee's Recommendation:

That the provision in Clause 118 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 118 do stand part of the Bill, put and agreed to.

PART 15 — ISSUE, FORM AND SERVICE OF SUMMONS

Clause 119: Issue and service

A summons may be issued or served on any day, including a Sunday or public holiday.

Committee's Recommendation:

That the provision in Clause 119 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 119 do stand part of the Bill, put and agreed to.

Clause 120: Issue of summons and its contents

Where a complaint is made before a Magistrate as provided in section 118 of this Bill and the Magistrate decides to issue a summons, the summons shall be directed to the suspect, stating concisely the substance of the complaint and requiring him to appear at a certain time and place not less than 48 hours after the service of the summons before the court to answer to the complaint and to be further dealt with according to law.

Committee's Recommendation:

That the provision in Clause 120 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 120 do stand part of the Bill, put and agreed to.

Clause 121: Hearing by consent before return date of summons

The court may, if it deems fit and with the consent of the parties, hear and determine a complaint notwithstanding that the time within which the defendant was required to appear may not have elapsed.

Committee's Recommendation:

That the provision in Clause 121 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 121 do stand part of the Bill, put and agreed to.

Clause 122: Summons with immediate return date in special circumstances

Where, on a complaint being made before a Magistrate as provided in section 118 of this Bill, the Magistrate decides to issue a summons, the defendant may be directed to appear immediately in cases where an affidavit is made by the complainant either at the time of making the complaint or subsequently that the defendant is likely to leave the district within 48 hours.

Committee's Recommendation:

That the provision in Clause 122 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 122 do stand part of the Bill, put and agreed to.

Clause 123: Discretion in ex parte application

Nothing contained in section 120, 121 or 122 of this Bill shall oblige any magistrate to issue any such summons in any case where the application for an order may by law be made ex parte.

Committee's Recommendation:

That the provision in Clause 123 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 123 do stand part of the Bill, put and agreed to.

Clause 124: Summons to be in duplicate

A summons issued by a court under this Bill shall be in writing, made in duplicate, signed by the presiding officer of the court or by such other officer as the Chief Judge may specify, from time to time.

Committee's Recommendation:

That the provision in Clause 124 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 124 do stand part of the Bill, put and agreed to.

Clause 125: Service of summons

A summons shall be served by a police officer or by an officer of the court issuing it or other public officer, or by electronic means or through a courier service company duly registered with the Chief Judge as a process service agent of the court under this Bill. Provided always that the magistrate shall be satisfied that the suspect was duly served before proceeding further with the hearing.

Committee's Recommendation:

That the provision in Clause 125 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 125 do stand part of the Bill, put and agreed to.

Clause 126: Normal methods of effecting service

The person effecting service of a summons shall effect it by delivering it on

- (a) an individual, to him personally; or
- (b) a firm or corporation —
 - (i) to one of the partners,
 - (ii) to a director,
 - (iii) to the secretary,
 - (iv) to the chief agent within the jurisdiction,
 - (v) by leaving it at the principal place of business in Nigeria of the firm or corporation, or
 - (vi) to anyone having, at the time of service, control of the business of the firm;
- (c) a Local Government Council, then in accordance with the Local Government Act or Law;
- (d) the Nigeria Police Force, or the office of the Inspector-General of Police, to the Commissioner of Police of the Federal Capital Territory, Abuja or of the State;
- (e) any Federal Government Ministry, Department or Agency, to the Attorney-General of the Federation or to the Legal Department of such Ministry, Department or Agency;
- (f) any state Government Ministry, Department or Agency, to the Attorney-General of the State or to the Legal Department of such Ministry, Department or Agency; or
- (g) any arm of the armed forces, to the Director of Legal Services of the Service or Command concerned.

Committee's Recommendation:

That the provision in Clause 126 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 126 do stand part of the Bill, put and agreed to.

Clause 127: Service where person summoned cannot be found

Where service in the manner provided by section 126 (a) of this Bill cannot, by the exercise of due diligence, be effected, the serving officer may, with leave of the court, affix one of the duplicates of the summons to some conspicuous part of the premises or place in which the individual to be served ordinarily resides or works, and on doing so the summons shall be deemed to have been duly served.

Committee's Recommendation:

That the provision in Clause 127 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 127 do stand part of the Bill, put and agreed to.

Clause 128: Service on public officers

(1) Where a public officer is to be served with a summons, the court issuing the summons may send it in duplicate to the officer in charge of the department in which the person is employed for the purpose of being served on the person, if it appears to the court that it may be most conveniently so served.

(2) The officer in charge of the department shall, on receiving the summons, cause it to be served in the manner provided by section 126 (a) of this Bill and shall return the duplicate to the court under his signature, with the endorsement required by section 130 of this Bill, which signature shall be evidence of the service.

Committee's Recommendation:

That the provision in Clause 128 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 128 do stand part of the Bill, put and agreed to.

Clause 129: Service outside jurisdiction of court

Where a court issues a summons to a person outside its jurisdiction, the summons shall be sent in duplicate to a court in whose jurisdiction the person resides or works.

Committee's Recommendation:

That the provision in Clause 129 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 129 do stand part of the Bill, put and agreed to.

Clause 130: Proof of service when serving officer not present

Where the officer who served a summons is not present at the hearing of the case, proof of service may be done by endorsement on a duplicate of the summons and by an affidavit showing when and how the service was effected.

Committee's Recommendation:

That the provision in Clause 130 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 130 do stand part of the Bill, put and agreed to.

Clause 131: Receipt of service of summons

(1) Where a summons has been served on the person to whom it is addressed or is delivered to any other person, the person to whom it

is addressed or the person to whom it is delivered, as the case may be, shall acknowledge receipt at the back of the duplicate.

- (2) Where service is not effected by delivering the summons to an individual but by some other method approved by this Bill, the person effecting service shall endorse on the duplicate particulars of the method by which he effected service.

Committee's Recommendation:

That the provision in Clause 131 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 131 do stand part of the Bill, put and agreed to.

Clause 132: Person refusing to sign receipt may be arrested

A person who is required to sign a receipt on the back of a duplicate summons to the effect that he has received the summons and fails to sign the receipt may be—

- (a) arrested by the person serving the summons or any other person with powers of arrest under this Bill and taken before the court which issued the summons; and
- (b) detained in custody or committed to a correctional centre for such time not exceeding 14 days as the court may deem fit.

Committee's Recommendation:

That the provision in Clause 132 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 132 do stand part of the Bill, put and agreed to.

Clause 133: Proof of service

An affidavit or declaration made before a court by the serving officer or by a witness to the service or return slip of a registered courier service company that a summons has been served and a duplicate of the summons endorsed, by the person to whom it was delivered or tendered or with whom it was left is admissible in evidence and the statements made in it is deemed to be correct unless the contrary is proved.

Committee's Recommendation:

That the provision in Clause 133 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 133 do stand part of the Bill, put and agreed to.

Clause 134: Summons disobeyed, warrant may be issued

Where the court is satisfied that the suspect has been served with a summons and the suspect does not appear at the time and place appointed in and by the summons and his personal attendance has not been dispensed with under section 138 of this Bill, the court may issue a warrant for his arrest and production before the court.

Committee's Recommendation:

That the provision in Clause 134 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 134 do stand part of the Bill, put and agreed to.

Clause 135: Issue of warrant for suspect in the first instance

Where a complaint is before a Magistrate as provided in this Act, and the Magistrate decides to issue a warrant, he shall issue a warrant to arrest the suspect and bring him before the court to answer the complaint and be dealt with according to law.

Committee's Recommendation:

That the provision in Clause 135 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 135 do stand part of the Bill, put and agreed to.

Clause 136: Application of sections 36 to 48 to such warrant

Where a warrant of arrest is issued in consequence of a complaint on oath as provided under section 135 of this Bill, the provisions of sections 36 to 48 of this Bill shall apply to such warrant.

Committee's Recommendation:

That the provision in Clause 136 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 136 do stand part of the Bill, put and agreed to.

Clause 137: Warrant may be issued before or after return date of summons

Notwithstanding the issue of a summons as in section 179 of this Bill, a warrant may be issued at any time before or after the time appointed for the appearance of the suspect.

Committee's Recommendation:

That the provision in Clause 137 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 137 do stand part of the Bill, put and agreed to.

Clause 138: Power to dispense with personal attendance of defendant in certain cases

(1) Where a Magistrate issues a summons in respect of any offence for which the penalty is a fine not exceeding N10,000.00 or imprisonment for a term not exceeding six months or both, the Magistrate, on application of the defendant —

(a) may dispense with the personal attendance of the defendant where the offence is punishable by fine or imprisonment or both; and

(b) shall dispense with personal attendance of the defendant where the offence is punishable by fine only if the defendant pleads guilty in writing or appears and so pleads by his legal practitioner.

(2) The Magistrate trying a case in which the presence of the defendant has been dispensed with, may in his discretion, at any subsequent stage of the proceedings, direct the personal attendance of the defendant and where necessary, enforce the attendance by means of the issuance of a warrant to arrest the defendant and bring him before the court.

(3) Where a Magistrate imposes a fine on a defendant whose personal attendance has been dispensed with under this section, the Magistrate may at the same time direct that if the fine is not paid within a stated

time, the amount shall be recovered by distress or that the defendant shall be imprisoned for a period calculated in accordance with the provisions contained in this Bill for the non-payment of a fine.

- (4) Where the attendance of a defendant is dispensed with and previous convictions are alleged against him not admitted in writing or through his legal practitioner, the court may adjourn the proceedings and direct the personal attendance in the same manner as provided in subsection (2) of this section.
- (5) Where the attendance of a defendant has been dispensed with, and his attendance is subsequently required, the cost of any adjournment for that purpose shall be borne by the defendant.

Committee's Recommendation:

That the provision in Clause 138 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 138 do stand part of the Bill, put and agreed to.

PART 16 — MISCELLANEOUS PROVISIONS REGARDING PROCESS

Clause 139: Irregularities in summons, warrant, service, or arrest

Where a defendant is before a court, whether voluntarily, or on summons, or after being arrested with or without warrant, or while in custody for the same or any other offence, the trial may be held notwithstanding —

- (a) any irregularity, defect, or error in the summons or warrant, or the issuing, service, or execution of the summons or warrant;
- (b) the want of any complaint on oath; or
- (c) any defect in the complaint, or any irregularity in the arrest or custody of the defendant.

Committee's Recommendation:

That the provision in Clause 139 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 139 do stand part of the Bill, put and agreed to.

Clause 140: Irregularities which vitiate proceedings

Where a court or Justice of the Peace, who is not empowered by law does any of the following things —

- (a) attaches and sells property under section 81 of this Bill;
- (b) demands security to keep the peace;
- (c) demands security for good behaviour;
- (d) discharges a person lawfully bound to be of good behavior;
- (e) cancels a bond to keep the peace;
- (f) makes an order under section 73 of this Bill as to a public nuisance;
- (g) prohibits, under section 80 of this Bill, the repetition or continuance of a public nuisance;

- (h) tries an offender; or
- (i) decides an appeal, the proceedings shall be void.

Committee's Recommendation:

That the provision in Clause 140 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 140 do stand part of the Bill, put and agreed to.

Clause 141: Variance between charge and complaint

A variance between the charge contained in the summons or warrant and the offence alleged in the complaint, or between any of them and the evidence adduced on the part of the prosecution, shall not affect the validity of any proceeding.

Committee's Recommendation:

That the provision in Clause 141 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 141 do stand part of the Bill, put and agreed to.

Clause 142: Process valid notwithstanding death or vacation of office of person issuing

A summons, warrant of any description or other process issued under a law shall not be invalidated by reason of the person who signed the summons or warrant being dead, ceasing to hold office or have jurisdiction.

Committee's Recommendation:

That the provision in Clause 142 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 142 do stand part of the Bill, put and agreed to.

PART 17 — SAVING OF VALIDITY OF PROCESS

Clause 143: Validity of process: warrant of commitment and warrant of distress

- (1) A warrant of commitment shall not be held void by reason of any defect in it, where it is alleged that the defendant has been convicted or ordered to do or abstain from doing an act or a thing required to be done or left undone and there is a good and valid order to sustain the warrant.
- (2) A warrant of distress shall not be held void by reason of any defect, where it is alleged that an order has been made and there is a good and valid ground to sustain the order, and a person acting under a warrant of distress is not deemed a trespasser from the beginning by reason of any defect in the warrant or of any irregularity in the execution of the warrant.
- (3) This Bill shall not prejudice the right of a person to compensation for any special damage caused by defect or irregularity in the execution of a warrant of distress.

Committee's Recommendation:

That the provision in Clause 143 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 143 do stand part of the Bill, put and agreed to.

Clause 144: General addressee of process for issue and execution

- (1) In addition to the provisions of sections 37 and 41 of this Bill in respect of warrants of arrest, all summonses, warrant of every description and process of whatever description shall be sufficiently addressed for service or execution by being directed to the Sheriff.
- (2) Notwithstanding the provisions of subsection (1) of this section, a warrant or summons may be addressed to a person by name or to an officer by his official designation.
- (3) Where a warrant of arrest is addressed to the Sheriff the warrant may be executed by a police officer or officer of a court.

Committee's Recommendation:

That the provision in Clause 144 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 144 do stand part of the Bill, put and agreed to.

Clause 145: Certain provisions applicable to all summonses and warrants in criminal matters

The provisions contained in this Bill in respect of warrants of arrest, and the provisions contained in this Part relating to summonses, warrants of any description and other process and their issuance, service, enforcement and execution shall, so far as may be, apply to every summons, warrant of any description and other process issued in respect of matters within the criminal jurisdiction of the court.

Committee's Recommendation:

That the provision in Clause 145 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 145 do stand part of the Bill, put and agreed to.

PART 18 — SEARCH WARRANTS

Clause 146: Application for search warrant

Where an investigation under this Bill is being made by a police officer, he may apply to a court or Justice of the Peace within the local limits of whose jurisdiction he is for the issue of a search warrant.

Committee's Recommendation:

That the provision in Clause 146 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 146 do stand part of the Bill, put and agreed to.

Clause 147: Cases in which search warrants may be issued

- (1) Where a court or Justice of the Peace is satisfied by information on oath and in writing that there is reasonable ground for believing that there is in any building, ship, carriage, receptacle, motor vehicle, aircraft or place —
 - (a) anything upon or in respect of which any offence has been or is suspected to have been committed,
 - (b) anything which there is reasonable ground for believing will provide evidence as to the commission of an offence, or

- (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing an offence, the court or Justice of the Peace may at any time issue a warrant authorising an officer of the court, member of the police force, or other person named to act in accordance with subsection (2) of this section.
- (2) A search warrant issued under subsection (1) of this section shall authorize the officer of the court, a police officer, or other person named to —
- (a) search such building, ship, carriage, receptacle, motor vehicle, aircraft or place for any such thing, and to seize any such thing until further trial proceeding before the court issuing the search warrant or some other court to be dealt with according to law; and
- (b) arrest the occupier of the house or place where the thing was found where the court deems fit to direct on the warrant.

Committee's Recommendation:

That the provision in Clause 147 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 147 do stand part of the Bill, put and agreed to.

Clause 148: Discharge of suspected person

Where the occupier of any building or the person in whose possession a thing named in a search warrant is found and is brought before a court or Justice of the Peace and a complaint is not made that he has committed an offence, the court or Justice of the Peace shall immediately discharge him.

Committee's Recommendation:

That the provision in Clause 148 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 148 do stand part of the Bill, put and agreed to.

Clause 149: Search warrant to be signed by Magistrate or Justice of the Peace

- (1) A search warrant shall be under the hand by of the Judge, Magistrate or Justice of the Peace issuing it.
- (2) A warrant shall remain in force until it is executed or cancelled by the court which issued it.

Committee's Recommendation:

That the provision in Clause 149 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 149 do stand part of the Bill, put and agreed to.

Clause 150: Search warrant to whom directed

A search warrant may be directed to one or more persons and, where directed to more than one, it may be executed by all or by any one or more of them.

Committee's Recommendation:

That the provision in Clause 150 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 150 do stand part of the Bill, put and agreed to.

Clause 151: Time when search warrant may be issued and executed

A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.

Committee's Recommendation:

That the provision in Clause 151 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 151 do stand part of the Bill, put and agreed to.

Clause 152: Person in charge of closed place to allow access

- (1) Where any building or other thing or place liable to search is closed, a person residing in or being in charge of the building, thing or place shall, on demand of the police officer or other person executing the search warrant, allow him free and unhindered access to it and afford all reasonable facilities for its search.
- (2) Where access into the building, thing or place cannot be so obtained, the police officer or other person executing the search warrant may proceed in the manner prescribed by sections 10, 11, 13 and 14 of this Bill.
- (3) Where a suspect in or about the building, thing or place is reasonably suspected of concealing on his person an article for which search should be made, the suspect may be searched and where the suspect to be searched is a woman she shall be searched by another woman and may be taken to a police station for that purpose.
- (4) A search under this Part shall, except the court or Justice of the Peace owing to the nature of the case otherwise directs, be made in the presence of two witnesses and the person to whom the search warrant is addressed may also provide a witness within the neighbourhood.
- (5) A list of all things found on his person and seized shall be drawn up by the person carrying out the search and shall be signed or sealed by the person to whom the search warrant is addressed, the person executing the search warrant, the witnesses and a witnessed copy of the list shall be delivered to the person searched.

Committee's Recommendation:

That the provision in Clause 152 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 152 do stand part of the Bill, put and agreed to.

Clause 153: Occupant of place searched may attend

The occupant of a place searched or some person on his behalf shall be permitted to be present at the search and shall, if he so requires, receive a copy of the list of things seized there, signed or sealed by the witnesses, if any.

Committee's Recommendation:

That the provision in Clause 153 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 153 do stand part of the Bill, put and agreed to.

Clause 154: Execution of search warrant outside jurisdiction

A person executing a search warrant beyond the jurisdiction of the court or Justice of the Peace issuing it shall, before doing so, apply to the court within whose jurisdiction search is to be made and shall act under its directions.

Committee's Recommendation:

That the provision in Clause 154 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 154 do stand part of the Bill, put and agreed to.

Clause 155: Magistrate may direct search in his presence

A Magistrate or Justice of the Peace may direct a search to be conducted in his presence of any place for the search of which he is competent to issue a search warrant.

Committee's Recommendation:

That the provision in Clause 155 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 155 do stand part of the Bill, put and agreed to.

Clause 156: Detention of articles recovered

(1) Where upon the execution of a search warrant anything referred to in section 147 of this Bill is recovered, it may be detained by the police, taking reasonable care that it is preserved until the trial or any further proceeding.

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- (2) A list of all things recovered in the course of search and of the places in which they are found shall be drawn up by the person carrying out the search in accordance with section 152 (5) of this Bill and a copy of the list forwarded to the Judge, Magistrate or Justice of the Peace who issued the warrant for his information with indication as in the prescribed form set out in the First Schedule to this Bill on the search warrant of the things—
- (a) seized that are detained or caused to be detained; and
 - (b) that were seized but have been released to the owners.
- (3) Where a defendant is charged to court with an offence or no appeal or further proceedings is pending in relation to an item recovered during a search, the police shall —
- (a) restore to the person who appears to be entitled to them; and
 - (b) where he is the defendant, cause to be restored to him or to his legal practitioner or to such other person as the defendant may direct.
- (4) Where the police or any other agency carrying out the search is authorised or required by law to dispose of the items seized in accordance with the provisions of section 153 of this Bill, the police or agency shall release the proceeds of the disposal of the seized items to the person entitled to it.

- (5) Any property or a part of the property may be applied to the payment of any cost or compensation directed by the court to be paid by the defendant, or person entitled to the property.

Committee's Recommendation:

That the provision in Clause 156 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 156 do stand part of the Bill, put and agreed to.

Clause 157: Perishable articles may be disposed of by court

Where a thing seized under a search warrant is of a perishable or noxious nature, it may be disposed of in such manner as the court may direct.

Committee's Recommendation:

That the provision in Clause 157 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 157 do stand part of the Bill, put and agreed to.

Clause 158: Search for and disposal of gunpowder

Where the thing to be searched for under a search warrant is gunpowder, arms, ammunition or any other explosive, dangerous or noxious substance or thing, the person making the search has powers and protection as are given by a law for the time being in force to a person lawfully authorised to search for the thing, the thing shall be disposed of in the same manner as directed by the law, or in the absence of the direction, as the court may either generally or in any particular instance order.

Committee's Recommendation:

That the provision in Clause 158 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 158 do stand part of the Bill, put and agreed to.

Clause 159: Disposal of counterfeit currency and certain other thing

Where, in consequence of the execution of a search warrant, there is brought before a court any forged banknote, banknote paper, counterfeit currency, instrument, or other thing for forgery or counterfeiting, the possession of which, in the absence of lawful excuse, is an offence, the court may cause the thing to be defaced or destroyed.

Committee's Recommendation:

That the provision in Clause 159 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 159 do stand part of the Bill, put and agreed to.

Clause 160: Transmission to court of other State

Where a search warrant is issued in respect of an offence against the law of any State of Nigeria and a summons has been issued for that offence by, or any person has been charged with that offence before a court of that State, the Court issuing the search warrant may, except he has disposed of the thing in accordance with section 153 of this Bill, transmit anything seized and brought before him to that court and in relation to anything so transmitted, the functions conferred on a Magistrate by this Bill shall be exercised by that court instead of the Magistrate who issued the search warrant.

Committee's Recommendation:

That the provision in Clause 160 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 160 do stand part of the Bill, put and agreed to.

PART 19 — BAIL AND RECOGNIZANCES: GENERALLY

Clause 161: General entitlement to bail

When a person who is suspected to have committed an offence or is accused of an offence is arrested or detained, or appears or is brought before a court, he shall, subject to the provisions of this Part, be entitled to bail.

Committee's Recommendation:

That the provision in Clause 161 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 161 do stand part of the Bill, put and agreed to.

Clause 162: Power of court to order person in custody to be brought before it

- (1) Where a suspect or defendant is detained in a correctional centre, police station or any other place of detention, the court may issue an order to the officer in charge of the correctional centre, police station or other place of detention to produce the suspect or defendant at the time and date specified in the order before the court.
- (2) The court may, on production of the person or subsequently, make such order or give such directives, as it considers appropriate in the circumstances in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 162 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 162 do stand part of the Bill, put and agreed to.

Clause 163: Recognizance by parent or guardian of a child

- (1) Where a child is arrested with or without warrant and cannot be brought forthwith before a court, the police officer in immediate charge for the time being of the police station to which the child is brought, shall inquire into the case and shall except —
 - (a) the charge is one of homicide;
 - (b) the offence charged is punishable with imprisonment for a term exceeding three years;
 - (c) it is necessary in the interest of the child to remove him from association with any reputed criminal or prostitute, release the child on a recognizance entered into by his parent or guardian, with or without sureties.
- (2) The parents or guardian of the child shall execute a bond for such an amount as will in the opinion of the officer secure the attendance of the child for the hearing of the charge.

Committee's Recommendation:

That the provision in Clause 163 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 163 do stand part of the Bill, put and agreed to.

Clause 164: Bail where a suspect is charged with capital offence

- (1) A suspect arrested, detained or charged with an offence punishable with death shall only be admitted to bail by a Judge of the High Court, under exceptional circumstances.
- (2) For the purpose of exercise of discretion in subsection (1) of this section, "exceptional circumstance" includes —
 - (a) ill health of the applicant which shall be confirmed and certified by a qualified medical practitioner employed in a Government hospital, provided that the suspect is able to prove that there are no medical facilities to take care of his illness by the authority detaining him;
 - (b) extraordinary delay in the investigation, arraignment and prosecution for a period exceeding one year; or
 - (c) any other circumstances that the Judge may, in the particular facts of the case, consider exceptional.

Committee's Recommendation:

That the provision in Clause 164 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 164 do stand part of the Bill, put and agreed to.

Clause 165: Bail where a defendant is charged with offence exceeding three years imprisonment

- (1) A defendant charged with an offence punishable with imprisonment for a term exceeding three years shall, on application to the court either orally or by a motion on notice or on its own motion, be released on bail by the court except in any of the following circumstances —
 - (a) where there is reasonable ground to believe that the defendant will, where released on bail, commit another offence;
 - (b) attempt to evade his trial;
 - (c) attempt to influence, interfere with, intimidate witnesses, and or interfere in the investigation of the case;
 - (d) attempt to conceal or destroy evidence;
 - (e) prejudice the proper investigation of the offence; or
 - (f) undermine or jeopardize the objectives or the purpose or the functioning of the criminal justice administration, including the bail system.

Provided that nothing in this section shall preclude the judge from granting bail to the defendant on his own motion.

- (2) The burden shall be on the prosecutor or any person claiming the existence of the circumstances in subsection (1) to satisfy the court that those circumstances exist.

Committee's Recommendation:

That the provision in Clause 165 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 165 do stand part of the Bill, put and agreed to.

Clause 166: Bail where a defendant is charged with offence not exceeding three years imprisonment

In any other circumstance other than those referred to in sections 164 and 165 of this Bill, the defendant shall be admitted to bail, with or without any application unless the court sees reasons to the contrary.

Committee's Recommendation:

That the provision in Clause 166 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 166 do stand part of the Bill, put and agreed to.

Clause 167: Bail in respect of matters in other offences

Where a defendant is brought before a court on any process in respect of any matter not included within Sections 161 to 166 of this Bill, the person may, at the discretion of the court, be released on his entering into recognizance, in the manner provided in this Bill, for his appearance before the court or any other court at the time and place mentioned in the recognizance.

Committee's Recommendation:

That the provision in Clause 167 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 167 do stand part of the Bill, put and agreed to.

Clause 168: Conditions for bail

- (1) The conditions for bail in any case shall be at the discretion of the court with due regard to the circumstances of the case and shall not be excessive.
- (2) The court may require the deposit of a sum of money or other security as the court may specify from the defendant or his surety before the bail is approved.
- (3) The money or security deposited shall be returned to the defendant or his surety or sureties, as the case may be, at the conclusion of the trial or on an application by the surety to the court to discharge his recognizance.
- (4) If at the expiration of two months after the defendant was admitted to bail, the defendant is unable to meet the conditions of bail imposed by a Magistrate, whether on application by the defendant or on his own motion, the Magistrate may review and vary the conditions upon which the defendant was earlier admitted to bail.

Committee's Recommendation:

That the provision in Clause 168 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 168 do stand part of the Bill, put and agreed to.

Clause 169: Recognizance in respect of a child

Where in any case the defendant in respect of whom the court makes an order requiring that a recognizance be entered into is a child, the child shall not execute the recognizance but the court shall require a parent, legal guardian or other fit person, with or without sureties, to enter into a recognizance that the child shall do what is required under the court's order.

Committee's Recommendation:

That the provision in Clause 169 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 169 do stand part of the Bill, put and agreed to.

Clause 170: Sureties

- (1) A defendant admitted to bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance as and when required.
- (2) The defendant or his surety or sureties may be required to enter into recognizance, accordingly.
- (3) Where a defendant is granted bail, the registrar shall cause to be taken in the prescribed form, the following records of the surety —
 - (a) his full name, occupation, residential and e-mail address; and
 - (b) for the purpose of identification his —
 - (i) height,
 - (ii) passport photograph,
 - (iii) full-fingerprint impressions,
 - (iv) telephone number,
 - (v) National Identification Number (NIN), and
 - (vi) such other means of identification.
- (4) The court in conjunction with the prosecutor shall verify the information supplied by the defendant or surety.
- (5) Where ownership of a landed property is stipulated as one of the bail conditions for bail, the title document submitted by the surety or defendant to the court may be forwarded to the land registry for necessary verification.
- (6) A person shall not be denied, prevented or restricted from entering into a recognizance or standing as surety for any defendant or applicant on the ground only that the person is a woman.

Committee's Recommendation:

That the provision in Clause 170 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 170 do stand part of the Bill, put and agreed to.

Clause 171: Judge may vary bail fixed by Magistrate or police

- (1) A Judge of a High Court may direct that the —

- (a) bail conditions required by a Magistrate's court or police officer be reviewed; or
 - (b) defendant in custody in a State or in the Federal Capital Territory, Abuja be admitted to bail.
- (2) Where the High Court has exercised any of its powers under subsection (1) above, the order of the Court shall be transmitted to the Magistrate Court or police station seised of the matter for enforcement.

Committee's Recommendation:

That the provision in Clause 171 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 171 do stand part of the Bill, put and agreed to.

Clause 172: Reconsideration of bail

Where a defendant has been admitted to bail and circumstances arise which, in the opinion of the Attorney-General of the Federation would justify the court in cancelling the bail or requiring a greater amount, a court may, on application being made by the Attorney-General of the Federation, issue a warrant for the arrest of the defendant and, after giving the defendant an opportunity of being heard, may commit him to correctional centre to await trial, or admit him to bail for the same or an increased amount.

Committee's Recommendation:

That the provision in Clause 172 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 172 do stand part of the Bill, put and agreed to.

Clause 173: Before whom recognizance may be executed

- (1) The terms of recognizance fixed by the court in respect to any surety or sureties shall be processed in that court.
- (2) The recognizance as mentioned in subsection (1) of this section may be entered into by the parties before any other court, any registrar, superior police officer, officer in charge of a police station or any official in charge of a correctional centre.
- (3) Recognizance entered into as prescribed in subsection (2) of this section shall have the same effect as if they have been entered into before that court.

Committee's Recommendation:

That the provision in Clause 173 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 173 do stand part of the Bill, put and agreed to.

Clause 174: Release on execution of recognizance

- (1) As soon as recognizance has been entered into in accordance with the provisions of section 167 of this Bill or money or other security deposited in the registry of the court —
 - (a) the defendant for whose appearance it has been entered into or security executed shall be released; and

- (b) where he is in correctional centre or police station or other place of detention, the court admitting him to bail shall immediately issue a written order of release to the official in charge of the correctional centre or such other place of detention and the official on receipt of the order shall immediately release him.
- (2) The release order or any process in relation to it may be served in accordance with the relevant law regulating service of processes in the court, or by such person or courier company as the Chief Judge may authorize to serve criminal processes of the court.
- (3) Nothing in this section or in any other section relating to bail is deemed to require the release of a defendant liable to be detained for some matter other than that in respect of which the recognizance was entered into or to which the bail relates.

Committee's Recommendation:

That the provision in Clause 174 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 174 do stand part of the Bill, put and agreed to.

Clause 175: Mode of entering into recognizance

Where as a condition for the release of any defendant, he is required to enter into a recognizance with sureties, the recognizance of the sureties may be taken separately and either before or after the recognizance of the principal, and if so taken, the recognizance of the principal and sureties shall be as binding as if they had been taken together and at the same time.

Committee's Recommendation:

That the provision in Clause 175 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 175 do stand part of the Bill, put and agreed to.

Clause 176: Continuous bail

- (1) Where a defendant is released on bail, the recognizance may be conditioned for his appearance at every time and place to which, during the course of the proceedings, the hearing may from time to time be adjourned.
- (2) The court may, where the circumstances appear just —
- (a) vary the order of release on bail of the defendant at any subsequent hearing; and
- (b) at any subsequent stage of any proceeding, cause a defendant who has been released on bail to be arrested and be committed to custody:

Provided that the Judge shall state in his record the reason for the variation of the order or committal of the defendant.

- (3) Nothing in this section or in any other section relating to bail is deemed to require the release of a defendant liable to be detained for some matter other than that in respect of which the recognizance was entered into or to which the bail relates.

Committee's Recommendation:

That the provision in Clause 176 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 176 do stand part of the Bill, put and agreed to.

Clause 177: Defendant bound by recognizance to appear before a court or police may be committed to correctional centre

Where an application is made before the Court by information on oath by a complainant, surety or other person that a defendant bound by recognizance to appear before a court or police officer —

- (a) is about to leave Nigeria, or
- (b) for the purpose of evading justice, is about to leave or has left the division or district of the court before which he is to appear or in which he normally resides, the court may cause him to be arrested and may commit him to correctional centre until the trial, unless the court considers it fit to admit him to bail on further recognizance.

Committee's Recommendation:

That the provision in Clause 177 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 177 do stand part of the Bill, put and agreed to.

Clause 178: Reconsideration of amount of bail on application by law officer or police

Where a defendant has been admitted to bail and circumstances arise which, if the defendant had not been admitted to bail would, in the opinion of a law officer or police officer, justify the court in refusing bail or in requiring bail of greater amount, a court, may —

- (a) on the circumstances being brought to its notice by a law officer or police officer, issue a warrant for the arrest of the defendant; and
- (b) after giving him an opportunity of being heard, commit him to correctional centre to await trial or admit him to bail for the same or an increased amount as the court may deem just.

Committee's Recommendation:

That the provision in Clause 178 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 178 do stand part of the Bill, put and agreed to.

Clause 179: Variation of a recognizance if surety unsuitable

Where at any time after a recognizance has been entered into, it appears to the court that for any reason the surety or sureties are unsuitable, the court may —

- (a) issue a summons or warrant for the appearance of the principal; and
- (b) on his coming to the court, order him to execute a fresh recognizance with other surety or sureties, as the case may be.

Committee's Recommendation:

That the provision in Clause 179 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 179 do stand part of the Bill, put and agreed to.

Clause 180: Discharge of sureties

- (1) All or any of the sureties to a recognizance may at any time apply to the court which caused the recognizance to be taken to discharge the bond either wholly or so far as relates to the applicant.
- (2) On an application under subsection (1) of this section, the court shall issue a warrant for the arrest of the defendant on whose behalf the recognizance was executed and on his appearance shall discharge the recognizance either wholly or so far as relates to the applicant and shall require the defendant to find other sufficient sureties or meet some other conditions and if he fails to do so, may make such order as it considers fit.

Committee's Recommendation:

That the provision in Clause 180 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 180 do stand part of the Bill, put and agreed to.

Clause 181: Order of fresh security upon original order

Where a surety to a recognizance becomes insolvent or dies or where a recognizance is forfeited, the court may order the defendant from whom the recognizance was demanded to furnish fresh security in accordance with the directions of the original order and, if the security is not furnished, the court may proceed as if there had been default in complying with the original order.

Committee's Recommendation:

That the provision in Clause 181 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 181 do stand part of the Bill, put and agreed to.

Clause 182: Forfeiture of recognizance

- (1) Where it is proved to the satisfaction of the court by which a recognizance has been taken or, when the recognizance bond is for appearance before a court and it is proved to the satisfaction of the court that a recognizance has been forfeited, the court shall record the grounds of proof and may call on any person bound by the bond to pay the penalty thereof or to show cause why it should not be paid.
- (2) Where sufficient cause is not shown and the penalty is not paid, the court may proceed to recover the penalty from a person bound, or from his estate if he is dead, in the manner laid down in this Bill for the recovery of fines.
- (3) A surety's estate shall only be liable under this section if the surety dies after the recognizance is forfeited.
- (4) When the penalty is not paid and cannot be recovered in the manner provided in this Bill, the person bound shall be liable to imprisonment for a term not exceeding six months.
- (5) The court may at its discretion remit any portion of the penalty and enforce payment in part only.

Committee's Recommendation:

That the provision in Clause 182 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 182 do stand part of the Bill, put and agreed to.

Clause 183: Mitigation of forfeiture

The court may at any time cancel or mitigate the forfeiture, on the person liable under the recognizance applying and giving security to the satisfaction of the court, for the future performance of the condition of the recognizance and paying, or giving security for the payment of the costs incurred in respect of the forfeiture or on such other conditions as the court may consider just.

Committee's Recommendation:

That the provision in Clause 183 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 183 do stand part of the Bill, put and agreed to.

Clause 184: Where defendant fails to find surety

Where a defendant required by a court to find sufficient sureties fails to do so, the court, shall, unless it is just and proper in the circumstances, make some other order in the case of a defendant —

- (a) charged with an offence and released on bail, an order committing him to correctional centre until he is brought to trial, discharged or finds sufficient sureties, or meets such other conditions as the court may direct in the circumstances; or
- (b) ordered to give security for good behaviour, an order committing him to correctional centre for the remainder of the period for which he was originally ordered to give security or until he finds sufficient sureties.

Committee's Recommendation:

That the provision in Clause 184 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 184 do stand part of the Bill, put and agreed to.

Clause 185: Forfeiture on conviction

- (1) Where a recognizance to keep the peace and be of good behaviour or not to do or commit some act or thing, has been entered into by a defendant as principal or as surety before a court, a court, on proof that the person bound by the recognizance as principal has been convicted of an offence which is by law a breach of the condition of the recognizance, may order that the —

- (a) recognizance be forfeited; and
 - (b) persons bound by it, whether as principal or as sureties or any of those persons, shall pay the sums for which they are respectively bound.
- (2) A certified copy of the judgment of the court by which the defendant was convicted of the offence may be used as evidence in proceedings under this section and, where the certified copy is so used, the court shall presume the defendant committed the offence until the contrary is proved.

Committee's Recommendation:

That the provision in Clause 185 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 185 do stand part of the Bill, put and agreed to.

Clause 186: Where recognizance forfeited warrant may be issued

Where a recognizance is ordered to be forfeited, the court having jurisdiction over the matter, may, immediately or at any time after the order, issue a warrant of commitment against a person liable, whether as principal or surety under the recognizance, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in this Bill except the amount due under the recognizance is paid.

Committee's Recommendation:

That the provision in Clause 186 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 186 do stand part of the Bill, put and agreed to.

Clause 187: Arrest on failure to appear

Where a defendant who is bound by a recognizance or bond to appear before a court or police station does not so appear, the court may issue a warrant for his arrest.

Committee's Recommendation:

That the provision in Clause 187 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 187 do stand part of the Bill, put and agreed to.

Clause 188: Payment on recognizance

All sums paid or recovered in respect of a recognizance order by a court in pursuance of section 181 of this Bill to be forfeited shall be paid to the Treasury and a receipt issued which shall be produced in court as evidence of payment.

Committee's Recommendation:

That the provision in Clause 188 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 188 do stand part of the Bill, put and agreed to.

Clause 189: Appeal

An order of forfeiture made under this Bill shall be subject to appeal.

Committee's Recommendation:

That the provision in Clause 189 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 189 do stand part of the Bill, put and agreed to.

Clause 190: Registration of bonds persons

- (1) The Chief Judge of the Federal High Court or of the High Court of the Federal Capital Territory, Abuja or of or the President of the National Industrial Court may make regulation for the registration and licensing of corporate bodies or persons to act as bondspersons within the jurisdiction of the court in which they are registered.
- (2) A person shall not engage in the business of bail bond services without being duly registered and licensed in accordance with the subsection (1) of this section.

- (3) A person who engages in bail bond services without registration and licence or in contravention of the regulation or terms of his licence is liable to a fine of five hundred thousand naira or imprisonment for a term not exceeding 12 months or to both fine and imprisonment.
- (4) On conviction under this section, the court shall forward a report to the Chief Judge and in instances of gross violation of the terms of the licence and revoke the licence.
- (5) A bondsperson registered under subsection (1) of this section may undertake recognizance, act as surety, or guarantee the deposit of money as required by the bail condition of a defendant granted bail by the court within the division or district in which the bondsperson is registered.
- (6) A person or organisation shall not be registered as a bondsperson unless the person is, or the organisation is composed of persons of unquestionable character and integrity and deposits with the Chief Judge sufficient bank guarantee in such amount as may be determined by the Chief Judge in the regulation, having regard to the registered class or limit of the bondsperson's recognizance.
- (7) A registered bonds person shall maintain with a bank or insurance company designated in his licence, such fully paid deposit to the limit of the amount of bond or recognizance to which his licence permits him to undertake.
- (8) The Chief Judge may withdraw the registration of a bondsperson who contravenes the terms of his licence.

Committee's Recommendation:

That the provision in Clause 190 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 190 do stand part of the Bill, put and agreed to.

Clause 191: Bondsperson may arrest absconding defendant or suspect.

Where a bondsperson arrests a defendant or suspect who is absconding or who he believes is trying to evade or avoid appearance in court he shall —

- (a) immediately hand him over to the nearest police station; and
- (b) the defendant arrested shall be taken to the appropriate court within 12 hours.

Committee's Recommendation:

That the provision in Clause 191 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 191 do stand part of the Bill, put and agreed to.

PART 20 — PROPERTY AND PERSONS

Clause 192: Methods of stating multiple ownership of property.

Where in a complaint, summons, warrant of any description, charge sheet, information or any document issued by a court in the exercise of its criminal jurisdiction it is necessary to refer to the ownership of any property, whether movable or immovable, which belongs to or is in the possession of more than one person, the following provisions shall apply —

- (a) if the property belongs to, or is in the possession of more than one person whether as partners in trade or otherwise, joint tenants, tenants in common or other joint owners or possessors, be described in the name of any one of those persons and another or persons;
- (b) if the property belongs to a company, association, club or society, be described, subject to the provisions of any other law, as the property of the official of the company, association, club or society, or as belonging to the company, association, club or society by its legal or registered title;
- (c) if the property belongs to, or is provided for the use of a public establishment, service or department, be described as the property of the Federation or of the State, as the case may be;
- (d) where it is necessary to state the ownership of a church, chapel, mosque or building or place set apart for religious worship or of anything belonging to or being in the place, be stated as the property of a person in charge of or officiating in the church, chapel, mosque, or building or place, or thing, without naming him or them;
- (e) where it is necessary to state the ownership of any money or other property in the charge, custody, or under the control of, a public officer, be stated to be the money or property of the Federation or of the State, as the case may be;
- (f) where it is necessary to state the ownership of —
 - (i) any work or building made, erected or maintained, either wholly or in part, at the expense of the public revenue or of any part of it,
 - (ii) any township, town, or village or any Local Government, or of anything belonging to or being in or used in relation to the same,
 - (iii) anything provided for the use of any part or of any public institution or establishment, or of any materials or tools provided or used for repairing any work or building or any public road or highway, or
 - (iv) any other property whatsoever, whether movable or immovable, as aforesaid, be sufficient to state as the property of the Federation or of the State or of the town, or village, or of any Local Government, as the case may be, without naming any of the inhabitants of the area or jurisdiction, or
- (g) the property belongs to a woman who has contracted a marriage under the Marriage Act or a marriage recognised as a valid marriage under any law in force in Nigeria, be stated as belonging to the married woman.

Committee's Recommendation:

That the provision in Clause 192 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 192 do stand part of the Bill, put and agreed to.

Clause 193: Description of persons in criminal process.

- (1) Where in a complaint, summons, warrant of any description, charge sheet, information or any document issued by a court in the exercise of its criminal jurisdiction, it is necessary to refer to a person, the description or designation of that person shall be such as is reasonably sufficient to identify him except as provided under sections 234 and 235 of this Bill.
- (2) It shall not be necessary to state the person's correct name, or his residence, degree, or occupation, so far as the person has been reasonably described to identify him.
- (3) Where it is impracticable to give the person's correct and exact description or designation because the name or the description or designation of the person is not known or for any other reason, the description or designation shall be given as is reasonably practicable in the circumstances, or the person may, subject to subsection (4) of this section, be described as "Person Unknown".
- (4) A defendant who is accused of an offence shall not be described as "a person unknown" except in the case of a verdict found on a coroner's inquisition.

Committee's Recommendation:

That the provision in Clause 193 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 193 do stand part of the Bill, put and agreed to.

Clause 194: Remedies of married woman against her husband and others in respect of her person or property

A woman who has contracted a valid marriage shall have in her own name against all persons, including the husband of the marriage, the same remedies and redress by way of criminal proceeding for the protection and security of her person or her own separate property as if such property belonged to her as an unmarried woman.

Committee's Recommendation:

That the provision in Clause 194 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 194 do stand part of the Bill, put and agreed to.

Clause 195: Husband and wife competent as witnesses

In any proceeding taken under the provisions of section 194 of this Bill, the husband and wife shall be competent and compellable witnesses in accordance with the provisions of the Evidence Act, 2011.

Committee's Recommendation:

That the provision in Clause 195 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 195 do stand part of the Bill, put and agreed to.

PART 21 — THE CHARGE

Clause 196: Forms of charges in Second Schedule to be used and adapted

A charge may be as in the forms set out in the Second Schedule of this Bill, with such modification as may be necessary in the circumstances of each case.

Committee's Recommendation:

That the provision in Clause 196 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 196 do stand part of the Bill, put and agreed to.

Clause 197: Offence to be stated in charge

- (1) A charge shall state the offence with which the defendant is charged.
- (2) Where the law creating the offence —
 - (a) gives it a specific name, the offence shall be described in the charge by that name only; and
 - (b) does not give it a specific name, so much of the definition of the offence shall be stated as to give the defendant notice of the facts of the offence with which he is charged.
- (3) The law, the section of the law and the punishment section of the law against which the offence is said to have been committed, shall be set out in the charge.

Committee's Recommendation:

That the provision in Clause 197 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 197 do stand part of the Bill, put and agreed to.

Clause 198: Legal presumption of charge

The fact that a charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

Committee's Recommendation:

That the provision in Clause 198 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 198 do stand part of the Bill, put and agreed to.

Clause 199: Particulars in charge

- (1) The charge shall contain such particulars as to the time and place of the alleged offence and the defendant, if any, against whom or the thing, if any, in respect of which it was committed as are reasonably sufficient to give the defendant notice of the offence with which he is charged.
- (2) A charge sheet shall be filed with the photograph of the defendant and his finger print impression, provided that where the photograph and finger print impression are not available, it shall not invalidate the charge.

Committee's Recommendation:

That the provision in Clause 199 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 199 do stand part of the Bill, put and agreed to.

Clause 200: Charge of criminal breach of trust

Where a defendant is charged with criminal breach of trust or fraudulent appropriation of property, it is sufficient to specify the gross sum in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of a single offence.

Committee's Recommendation:

That the provision in Clause 200 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 200 do stand part of the Bill, put and agreed to.

Clause 201: Charge of criminal falsification of accounts

When a defendant is charged with falsification of accounts, fraudulent falsification of accounts or fraudulent conversion, it shall be sufficient to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud or any particular day on which the offence was committed.

Committee's Recommendation:

That the provision in Clause 201 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 201 do stand part of the Bill, put and agreed to.

Clause 202: Charge may contain the manner in which the offence was committed

Where the nature of the offence is such that the particulars required by sections 197 and 199 of this Bill do not give the defendant sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the offence was committed as will be sufficient for that purpose.

Committee's Recommendation:

That the provision in Clause 202 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 202 do stand part of the Bill, put and agreed to.

Clause 203: Sense of words used in charge

- (1) In a charge, words used in describing an offence are deemed to have been used in the sense attached to them, respectively, in the law creating the offence.
- (2) Figures, expressions and abbreviation may be used for expressing anything which is commonly expressed by those figures, expression or abbreviation.

Committee's Recommendation:

That the provision in Clause 203 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 203 do stand part of the Bill, put and agreed to.

Clause 204: Description of property and joint owners

- (1) The description of property in a charge shall be in ordinary language indicating with reasonable clearness the property referred to and where the property is so described it is not necessary, except when required for the purpose of describing an offence depending on any special ownership of property or special value of property, to name the person to whom the property belongs or the value of the property.
- (2) Where property is vested in more than one person and the owners of that property are referred to in the charge, the property may be described as being owned in accordance with the appropriate provision set out in section 192 of this Bill.
- (3) Where the owner of any property is a company, association, club or society, proof of the registration of the company, association, club or society shall not be required unless the court decides that proof shall be given, in which case, the further hearing may be adjourned for the purpose or the court may, in its discretion, amend the proceedings by substituting the name of some person or persons for the registered title.

Committee's Recommendation:

That the provision in Clause 204 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 204 do stand part of the Bill, put and agreed to.

Clause 205: Description of bank or currency notes

- (1) Any bank or currency note may be described as money, and any averment as to money, regarding the description of the property, shall be sustained by proof of any amount of any bank or currency note, although the particular species of currency of which the amount was composed or the particular nature of the bank or currency note need not be proved.
- (2) In a case of stealing and defrauding by false pretences, the bank or currency note may be described by proof that the defendant dishonestly appropriated or obtained any bank or currency note, or any portion of its value, although the bank or currency note may have been delivered to him in order that some part of its value should be returned to the party delivering it or to any other person, and that part should have been returned accordingly.

Committee's Recommendation:

That the provision in Clause 205 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 205 do stand part of the Bill, put and agreed to.

Clause 206: Provision as to statutory offences

- (1) Any bank or currency note may be described as money, and any averment as to money, regarding the description of the property, shall be sustained by proof of any amount of any bank or currency note, although the particular species of currency of which the amount was composed or the particular nature of the bank or currency note need not be proved.
- (2) In a case of stealing and defrauding by false pretences, the bank or currency note may be described by proof that the defendant

dishonestly appropriated or obtained any bank or currency note, or any portion of its value, although the bank or currency note may have been delivered to him in order that some part of its value should be returned to the party delivering it or to any other person, and that part should have been returned accordingly.

Committee's Recommendation:

That the provision in Clause 206 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 206 do stand part of the Bill, put and agreed to.

Clause 207: Description of persons

The description or designation of the defendant in a charge or of any other person to whom reference is made therein may be in the manner set out in section 193 of this Bill.

Committee's Recommendation:

That the provision in Clause 207 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 207 do stand part of the Bill, put and agreed to.

Clause 208: Description of document

Where it is necessary to refer to a document or an instrument in a charge, it is sufficient to describe it by any name or designation by which it is commonly known, or by the purport of the document without setting out the content or attaching a copy of such document to the charge.

Committee's Recommendation:

That the provision in Clause 208 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 208 do stand part of the Bill, put and agreed to.

Clause 209: General rule as to description

Subject to any other provision of this Bill, it is sufficient to describe any place, time, thing, matter, act, or omission to which it is necessary to refer in a charge in ordinary language in such a manner as to indicate with reasonable clarity the place, time, thing, matter, act or omission referred to.

Committee's Recommendation:

That the provision in Clause 209 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 209 do stand part of the Bill, put and agreed to.

Clause 210: Statement of intent

It is not necessary in stating an intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person, where the law creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

Committee's Recommendation:

That the provision in Clause 210 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 210 do stand part of the Bill, put and agreed to.

Clause 211: Defendants who may be charged jointly

The following defendants may be charged and tried together, defendant accused of —

- (a) the same offence committed in the course of the same transaction;
- (b) an offence and another of abetting or being accessory to or attempting to commit the same offence;
- (c) more than one offence of the same or similar character, committed by them jointly;
- (d) different offences committed in the course of the same transaction;
- (e) offences which include theft, extortion or criminal misappropriation and another accused of receiving or retaining or assisting in the disposal or concealment of property, the possession of which has been transferred by offences committed by the first named persons, or of abetment of or attempting to commit any of the last named offences; and
- (f) dishonestly receiving stolen property or assisting in concealment of stolen property, or in respect of stolen property the possession of which has been transferred by one offence, and another accused of offences committed during a fight or series of fights arising out of another fight, and persons accused of abetting any of these offences.

Committee's Recommendation:

That the provision in Clause 211 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 211 do stand part of the Bill, put and agreed to.

Clause 212: Separate charges for distinct offences

For every distinct offence with which a defendant is accused, there shall be a separate charge and every charge shall be tried separately except in the following circumstances —

- (a) any three offences committed by a defendant within 12 months whether or not they are of the same or similar character or whether or not they are in respect of the same person or persons;
- (b) any number of the same type of offence committed by a defendant;
- (c) any number of offence committed by a defendant in the course of the same transaction having regard to the proximity of the time and place, continuity of action and community of purpose; or
- (d) cases mentioned in sections 213 to 218 of this Bill.

Committee's Recommendation:

That the provision in Clause 212 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 212 do stand part of the Bill, put and agreed to.

Clause 213: Attempt same as substantive offences

An offence is deemed to be an offence of the same kind as an attempt to commit that offence where the attempt is itself an offence.

Committee's Recommendation:

That the provision in Clause 213 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 213 do stand part of the Bill, put and agreed to.

Clause 214: Trial for more than one offence

Where in one series of acts or omissions so connected together as to form the same transaction or which form or are part of a series of offences of the same or a similar character, more offences than one are committed by the same defendant, charges for the offences may be joined and the defendant accused tried for the offences at one trial.

Committee's Recommendation:

That the provision in Clause 214 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 214 do stand part of the Bill, put and agreed to.

Clause 215: Offences falling within two definitions

Where the acts or omissions alleged constitute an offence falling within two or more separate definitions in any law for the time being in force under which offences are or are to be punished, the defendant accused of them may be charged with and tried at one trial for each of those offences.

Committee's Recommendation:

That the provision in Clause 215 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 215 do stand part of the Bill, put and agreed to.

Clause 216: Acts constituting one offence but constituting a different offence when combined

Where several acts or omissions, of which one or more than one would by itself or themselves constitute an offence, constituted when combined with a different offence, the defendant accused of them may be charged with and tried at one trial for the offence constituted by those acts or omission when combined or for any offence constituted by any one or more of those acts.

Committee's Recommendation:

That the provision in Clause 216 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 216 do stand part of the Bill, put and agreed to.

Clause 217: Where it is doubtful which offence has been committed

Where a single act or omission or series of acts or omissions is of such a nature that it is doubtful which of several offences, the facts of which can be proved, will constitute the offence with which the defendant may be charged with having committed all or any of those offences and any number of those charges may be tried at once or he may be charged in the alternative with having committed any of those offences.

Committee's Recommendation:

That the provision in Clause 217 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 217 do stand part of the Bill, put and agreed to.

Clause 218: Incidental offences in the same transaction

Where a single act or omission the fact or combination of facts constitutes more than one offence, the defendant may be charged and tried at one trial for one or more of those offences.

Committee's Recommendation:

That the provision in Clause 218 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 218 do stand part of the Bill, put and agreed to.

PART 22 — ALTERATION OR AMENDMENT OF CHARGES

Clause 219: Alteration and amendment of charge by permission of court

- (1) A court may permit an alteration or amendment to a charge or framing of a new charge at any time before judgment is pronounced.
- (2) An alteration or amendment of a new charge shall be read and explained to the defendant and his plea to the amended or new charge shall be taken.
- (3) Where a defendant is arraigned for trial on an imperfect or erroneous charge, the court may permit or direct the framing of a new charge, or an amendment to, or the alteration of the original charge.
- (4) Where any defendant is committed for trial without a charge or with an imperfect or erroneous charge, the court may frame a charge or add or alter the charge as the case may be having regard to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 219 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 219 do stand part of the Bill, put and agreed to.

Clause 220: Procedure on alteration of charge

- (1) Where a new charge is framed or alteration made to a charge under the provisions of section 219 of this Bill, the court shall call on the defendant to plead to the new or altered charge as if he has been arraigned for the first time.
- (2) The court shall proceed with the trial as if the new or altered charge had been the original charge.

Committee's Recommendation:

That the provision in Clause 220 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 220 do stand part of the Bill, put and agreed to.

Clause 221: When court may proceed with trial immediately after altering, adding to or framing charge

- (1) Where the charge as revised under section 219 or 220 of this Bill is such that proceeding immediately with the trial is not likely in the opinion of the court, to prejudice the defendant in his defence or the

prosecutor, as the case may be, in the conduct of the case, the court may in its discretion forthwith proceed with the trial as if the charge so revised had been the original charge.

- (2) Where a charge is so amended, a note of the order for amendment shall be endorsed on the charge, and the charge shall be treated, for the purpose of all proceedings in connection therewith, as having been filed in the amended form.

Committee's Recommendation:

That the provision in Clause 221 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 221 do stand part of the Bill, put and agreed to.

Clause 222: Recall of witnesses when charge is revised

Where a charge is altered, amended or substituted after the commencement of the trial, the prosecutor and the defendant shall be allowed to recall or re-summon and examine any witness who may have been examined and to call any further witness, provided that such examination shall be limited to the alteration, amendment or substitution made.

Committee's Recommendation:

That the provision in Clause 222 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 222 do stand part of the Bill, put and agreed to.

Clause 223: Effect of error

An error in stating the offence or the particulars required to be stated in a charge or an omission to state the offence or those particulars, or any duplicity, mis-joinder or non-joinder of the particulars of the offence shall not be regarded at any stage of the case as material unless the defendant was in fact misled by the error or omission.

Committee's Recommendation:

That the provision in Clause 223 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 223 do stand part of the Bill, put and agreed to.

Clause 224: Effect of material error

- (1) Where an appellate court is of the opinion that a defendant convicted of an offence was misled in his defence by the absence of a charge, or by an error in the charge, which has occasioned a miscarriage of justice, it may direct that the trial be recommenced on another charge.
- (2) Where the appellate court is of the opinion that the facts of the case are such that no valid charge could have been preferred against the defendant in respect of the facts proved, it shall quash the conviction.

Committee's Recommendation:

That the provision in Clause 224 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 224 do stand part of the Bill, put and agreed to.

SEVERAL OFFENCES OR OF ANOTHER OFFENCE

Clause 225: Where defendant charged with one offence may be convicted of another
Where a defendant is charged with one offence and it appears in evidence that he committed a similar offence with which he might have been charged under the provisions of this Bill, he may be convicted of the offence, which he is shown to have committed although he was not charged with it. Provided that the element of the similar offence proved by the evidence led are fully embedded in the offence charged so as to deem it that the defendant has sufficient knowledge of the offence proved but not charged.

Committee's Recommendation:

That the provision in Clause 225 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 225 do stand part of the Bill, put and agreed to.

Clause 226: Full offence charged, attempt proved
Where a defendant 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.

Committee's Recommendation:

That the provision in Clause 226 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 226 do stand part of the Bill, put and agreed to.

Clause 227: Attempt charged-full offence proved
Where a defendant is charged with an attempt to commit an offence but the evidence establishes the commission of the full offence he shall not be entitled to an acquittal but he may be convicted of the attempt and punished accordingly.

Committee's Recommendation:

That the provision in Clause 227 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 227 do stand part of the Bill, put and agreed to.

Clause 228: Liability as to further prosecution
Where a defendant has been convicted of an attempt under either section 226 or 227 of this Bill, he shall not subsequently be liable to be prosecuted for the offence for which he was convicted of attempting to commit.

Committee's Recommendation:

That the provision in Clause 228 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 228 do stand part of the Bill, put and agreed to.

Clause 229: On charge of an offence conviction as accessory after the fact to that or connected offence may follow
Where a defendant is charged with an offence and the evidence establishes that he is an accessory after the fact to that offence or to some other offence of which a defendant charged with the first-mentioned offence, may be convicted by virtue of any of the provisions of this Bill, he may be convicted as an

accessory after the fact to that offence or that other offence, as the case may be and be punished accordingly.

Committee's Recommendation:

That the provision in Clause 229 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 229 do stand part of the Bill, put and agreed to.

Clause 230: Defendant tried for lesser offence but a higher offence is proved

- (1) Where on the trial of a defendant for a lesser offence it appears that the facts proved in evidence amount in law to a higher offence not charged, the defendant shall not by this reason be acquitted of the lesser offence.
- (2) The defendant referred to in subsection (1) of this section is not liable afterwards to be prosecuted for the higher offence proved, but the court may in its discretion stop the trial of the lesser offence or direct that the defendant be charged and tried for the higher offence, in which case, the defendant may be dealt with in all respects as if he had not been put to trial for the lesser offence.
- (3) Where a charge is brought for the higher offence pursuant to this section, the defendant shall be tried before another court.

Committee's Recommendation:

That the provision in Clause 230 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 230 do stand part of the Bill, put and agreed to.

Clause 231: Conviction of kindred offences relating to property

Where a defendant is charged with an offence relating to property and the evidence establishes the commission by him with respect to the same property of another offence, he may be convicted of that other offence although he was not charged with it.

Committee's Recommendation:

That the provision in Clause 231 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 231 do stand part of the Bill, put and agreed to.

Clause 232: Defendant charged with burglary may be convicted of kindred offence

Where on trial for burglary, housebreaking or related offence, the facts proved in evidence justify a conviction for some other offences and not the offence with which the defendant is charged, he may be convicted of the other offence and be punished as if he had been convicted on a charge or an information charging him with the offence.

Committee's Recommendation:

That the provision in Clause 232 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 232 do stand part of the Bill, put and agreed to.

Clause 233: On charge of rape conviction under defilement, incest, unnatural or indecent assault may follow

Where on a trial for rape, defilement, incest, unnatural or indecent offences against a person, the facts proved in evidence can ground conviction for an indecent assault and not the offence with which the defendant is charged, he may be convicted of the offence of indecent assault and be punished as if he had been convicted on a charge or an information charging him with the offence of indecent assault.

Committee's Recommendation:

That the provision in Clause 233 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 233 do stand part of the Bill, put and agreed to.

Clause 234: Procedure for trial on charge for certain offences

- (1) The trial court may determine that the offences listed in subsection (2) of this section may not be tried in an open court.
- (2)
 - (a) offences under the Terrorism (Prevention and Prohibition) Act, 2022;
 - (b) offences relating to Economic and Financial Crimes;
 - (c) Trafficking in Persons and Related Offences; and
 - (d) any other offence in respect of which an Act of the National Assembly permits the use of such protective measures or as the Judge may consider appropriate in the circumstance.
- (3) Where in any proceeding the court deems it necessary to protect the identity of the victim or witness, to prevent disclosure to the public or the media of the identity or whereabouts of a victim or witness, or of persons related or associated with a victim or witness, the court may hold in camera proceedings to determine whether to order any or all of the following measures —
 - (a) receive evidence by video link or closed circuit television;
 - (b) permit the witness to be screened or masked;
 - (c) receive written deposition of an expert witness;
 - (d) order non-disclosure to the public of any records identifying the victim or witness;
 - (e) permit the giving of testimony through image or voice altering devices,
 - (f) permit assignment of a pseudonym;
 - (g) order closed session; and
 - (h) any other measure that the court considers appropriate in the circumstance.
- (4) Without prejudice to sub-section (3) in the determination of protective measures for victims and witnesses, the trial court may consult the

office responsible for Witness Support and/or Protection of the prosecuting agency.

- (5) Any contravention of the provisions of subsection (3) of this section shall be an offence and liable on conviction to a minimum term of one year imprisonment.

Committee's Recommendation:

That the provision in Clause 234 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 234 do stand part of the Bill, put and agreed to.

Clause 235: Protection of victims and witnesses and participation in trial

- (1) In exceptional circumstances, either of the parties may apply to the court to order the non-disclosure of the identity of a victim or witness who may be in danger or at risk, until the trial court decides otherwise.
- (2) For the purpose of this section the names, addresses, telephone numbers and identity of the victim or witness of such offences or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.
- (3) A court may, on its volition or at the request of either party, or of the body or unit in charge of victim or witness concerned, order appropriate measures for the privacy and protection of victims and witnesses: provided that the measures are consistent with the rights of the defendant.
- (4) For the purpose of this section, the Federal Government of Nigeria may set up the Victim of Crime and Witness Assistance and Protection Trust Fund to provide assistance or relief to victims of crime in deserving cases in line with this Bill.
- (5) The Courts, law enforcement agencies and other authorities or other persons involved in criminal justice administration shall recognise, protect and promote the rights and entitlements of victims of crime and witnesses under this Bill.

Committee's Recommendation:

That the provision in Clause 235 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 235 do stand part of the Bill, put and agreed to.

Clause 236: Sex Offender Register

- (1) For the purpose of this section, there shall be established in the Federal Capital Territory, a Sex Offender Register.
- (2) Upon the conviction of a sex offender, the offender's particulars shall be entered into the Sex Offenders Registry, which shall be published and kept in the public domain.

Committee's Recommendation:

That the provision in Clause 236 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 236 do stand part of the Bill, put and agreed to.

Clause 237: On charge of defilement conviction of indecent assault may follow
Where on a trial for an offence of defilement, the facts proved in evidence warrant a conviction for an indecent assault and not the offence with which the defendant is charged, the defendant may be convicted of indecent assault although he was not charged with that offence.

Committee's Recommendation:

That the provision in Clause 237 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 237 do stand part of the Bill, put and agreed to.

Clause 238: Where murder or infanticide is charged and concealment of birth is proved
Where a defendant is charged and tried for the murder of child or for infanticide and it appears on the evidence that the defendant was not guilty of murder or of infanticide, as the case may be, but was guilty of the offence of concealment of birth, the defendant may be convicted of that offence.

Committee's Recommendation:

That the provision in Clause 238 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 238 do stand part of the Bill, put and agreed to.

Clause 239: Where murder is charged and infanticide proved

- (1) Where a defendant is charged and tried for the murder of a newly-born child and it appears on the evidence that the defendant was not guilty of murder but was guilty of infanticide, the defendant may be convicted of infanticide.
- (2) Nothing in subsection (1) of this section prevents a defendant who is tried for the murder of a newly-born child from being —
 - (a) convicted of manslaughter;
 - (b) found guilty of concealment of birth; or
 - (c) acquitted on the ground that by virtue of an applicable law he was not criminally responsible, and dealt with accordingly or in accordance with this Bill or any other law.

Committee's Recommendation:

That the provision in Clause 239 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 239 do stand part of the Bill, put and agreed to.

Clause 240: Where offence proved is not included in offence charged

- (1) Where a defendant is charged with an offence consisting of several particulars, a combination of some of which constitutes a lesser offence in itself and the combination is proved but the remaining particulars are not proved, he may be convicted of, or plead guilty to the lesser offence although he was not charged with it.

- (2) Where a defendant is charged with an offence and facts are proved which reduce it to a lesser offence, he may be convicted of the lesser offence although he was not charged with it.

Committee's Recommendation:

That the provision in Clause 240 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 240 do stand part of the Bill, put and agreed to.

Clause 241: Withdrawal of remaining charges on conviction on one of several charges

- (1) Where more than one charge is made against a defendant and a conviction has been had on one or more of them, the prosecutor may, with the consent of the court, withdraw the remaining charge or charges or the court, of its own motion, may stay the trial of the charge or charges.
- (2) A withdrawal has the effect of an acquittal on the charge or charges unless the conviction which has been had is set aside, in which case, subject to any order of the court setting aside such conviction, the court before which the withdrawal was made may, on the request of the prosecutor, proceed on the charge or charges withdrawn.

Committee's Recommendation:

That the provision in Clause 241 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 241 do stand part of the Bill, put and agreed to.

PART 24 — PREVIOUS ACQUITTALS OR CONVICTION

Clause 242: Defendant convicted or acquitted not to be tried again for same or kindred offence

- (1) Without prejudice to section 228 of this Bill, a defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been —
- (a) convicted or acquitted of the same offence by a competent court;
 - (b) convicted or acquitted by a competent court on a charge on which he might have been convicted of the offence charged; or
 - (c) convicted for or acquitted of an offence by a competent court other than the offence charged, being an offence for which, apart from this section, he might be convicted by virtue of being charged with the offence charged.
- (2) Nothing in subsection (1) of this section shall prejudice the operation of a law giving power to a court, on an appeal, to set aside a verdict or finding of another court and order a re-trial.

Committee's Recommendation:

That the provision in Clause 242 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 242 do stand part of the Bill, put and agreed to.

Clause 243: A defendant may be tried again on separate charge in certain cases
A defendant acquitted or convicted of an offence may afterwards be tried for a distinct offence for which a separate charge might have been made against him on the previous trial under the provisions of section 214 of this Bill.

Committee's Recommendation:

That the provision in Clause 243 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 243 do stand part of the Bill, put and agreed to.

Clause 244: Consequences supervening or not known at previous trial

A defendant acquitted or convicted of an offence constituted by an act or omission causing consequences which together with that act or omission constitute a different offence from that for which he was acquitted or convicted, may afterwards be tried for the last-mentioned offence if the consequences had not happened or were not known to the court to have happened at the time when he was acquitted or convicted when the consequences create the offence of murder or manslaughter.

Committee's Recommendation:

That the provision in Clause 244 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 244 do stand part of the Bill, put and agreed to.

PART 25 — WITNESSES: COMPELLING ATTENDANCE AND
TAKING OF OATH OR MAKING OF AFFIRMATION

Clause 245: Issue of summons for witness

- (1) The court may, on an application of the prosecution or the defence, issue a summons or writ of subpoena on a witness requiring him to attend court to give evidence in respect of the case, and to bring with him any specified documents or things and any other document or thing relating to them which may be in his possession or power or under his control.
- (2) Where the prosecutor is not a public officer the person to whom the summons is addressed is not bound to attend unless his traveling expenses are paid to him.

Committee's Recommendation:

That the provision in Clause 245 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 245 do stand part of the Bill, put and agreed to.

Clause 246: Service of summons and other processes on witnesses

- (1) A court with criminal jurisdiction shall have a process server specifically assigned to it.
- (2) The process server has the responsibility to effect due efficient service of witness summons, defendant's production orders, writs and all other processes issued in the court in respect of all criminal matters.
- (3) A summons shall be served on the person to whom it is directed in the same manner as is set out in section 125 or 126 of this Bill or, with

leave of the court, section 127 and sections 129 to 133 of this Bill shall apply to the summons.

- (4) Service of processes may be effected by registered reputable courier companies, recognised and authorised by the Chief Judge or President of the National Industrial Court in accordance with the provisions of this Bill, and the registered courier companies may be assigned to a court with criminal jurisdiction as a process server in accordance with subsection (1) of this section.
- (5) The Attorney-General of the Federation or a person so authorized by him or the police, may serve on a person whom the prosecutor wishes to call as witness, a witness summons or writ of subpoena.
- (6) Proof of service of a process or document shall be endorsed by the process server effecting the service and shall be filed in the court's file.

Committee's Recommendation:

That the provision in Clause 246 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 246 do stand part of the Bill, put and agreed to.

Clause 247: Warrant for witness after summons

Where a witness summoned to give evidence does not —

- (a) attend court at the time and place indicated on the summons, and
- (b) provide any reasonable excuse for his non-attendance, then after proof that the summons was duly served on him, or that the person to be served willfully avoids service, the court may issue a warrant to arrest and bring him before the court.

Committee's Recommendation:

That the provision in Clause 247 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 247 do stand part of the Bill, put and agreed to.

Clause 248: Issue of warrant for witness

Where the court is satisfied in the first instance, by proof on oath, that a person likely to give material evidence, either for the prosecution or for the defence, will not attend to give evidence without being compelled to do so, then, instead of issuing a summons, it may issue a warrant for the arrest of the person.

Committee's Recommendation:

That the provision in Clause 248 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 248 do stand part of the Bill, put and agreed to.

Clause 249: Mode of dealing with witness arrested under warrant

- (1) A witness arrested under a warrant shall, if practicable and where the hearing of the case for which his evidence is required is fixed for a time which is more than 24 hours after the arrest, be taken before a Magistrate and the Magistrate —

- (a) may, on the witness furnishing security by recognizance to the satisfaction of the Magistrate for his appearance at the hearing, order him to be released from custody; or
 - (b) shall, on the witness failing to furnish the security, order him to be detained for production at the hearing.
- (2) The provisions of this Bill relating to bail, summons and warrants in respect of the defendant shall apply to witnesses.
 - (3) A witness arrested or detained under this section shall not be kept in the same room or place as the defendant, if the defendant is in custody and the defendant shall not be allowed to make any contact with the witness.

Committee's Recommendation:

That the provision in Clause 249 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 249 do stand part of the Bill, put and agreed to.

Clause 250: Penalty on witnesses refusing to attend

- (1) A witness who —
 - (a) refuses or neglects, without reasonable cause, to attend court in compliance with the requirements of a summons duly served in the manner prescribed by law, or
 - (b) departs from the premises of the Court without the leave of the Judge or Magistrate hearing the case, is liable on summary conviction, to a fine not exceeding ₦10,000.00 or to imprisonment for a term not exceeding two months.
- (2) A complaint shall not be made for an offence under this section except by the order of the court made during the hearing of the case for which the evidence of the witness is required.

Committee's Recommendation:

That the provision in Clause 250 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 250 do stand part of the Bill, put and agreed to.

Clause 251: Non-attendance of witness on adjourned hearing.

A witness who is present when the hearing or further hearing of a case is adjourned, or who has been duly notified of the time and place to which the hearing or further hearing is so adjourned, shall attend any subsequent hearing and if he defaults, he may be dealt with in the same manner as if he had refused or neglected to attend the court in obedience to a witness summons.

Committee's Recommendation:

That the provision in Clause 251 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 251 do stand part of the Bill, put and agreed to.

Clause 252: Persons in court may be required to give evidence though not summoned.

A person present in court and compellable as a witness, whether a party or not in a cause, may be compelled by a court to give evidence, and produce any

document in his possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce the document and may be punished in like manner for any refusal to obey the order of the court.

Committee's Recommendation:

That the provision in Clause 252 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 252 do stand part of the Bill, put and agreed to.

Clause 253: Manner of taking oath or affirmation.

A witness shall take an oath or make a solemn affirmation in such a manner as the court considers binding on his conscience.

Committee's Recommendation:

That the provision in Clause 253 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 253 do stand part of the Bill, put and agreed to.

Clause 254: Witness refusing to be sworn, or produce documents.

- (1) When a person attending court and who is required to give evidence, without any sufficient excuse or reason:
- (a) refuses to be sworn or to affirm as a witness;
 - (b) having been sworn or having taken affirmation refuses to answer any question put to him; or
 - (c) refuses or neglects to produce any document or anything which he is required by the court to produce,

the court may adjourn the hearing of the case and may in the meantime by warrant, commit the person to a correctional centre or other place of safe custody for a period not exceeding 30 days.

- (2) Nothing in this section shall:
- (a) affect the liability of the person to any other punishment for refusing or neglecting to do what is so required of him; or
 - (b) prevent the court from disposing of the case in the meantime according to any other sufficient evidence taken by it.

Committee's Recommendation:

That the provision in Clause 254 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 254 do stand part of the Bill, put and agreed to.

PART 26 - WITNESSES: EXPENSES

Clause 255: Expenses of witnesses for the prosecution.

Where a person attends court as a state witness, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.

Committee's Recommendation:

That the provision in Clause 255 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 255 do stand part of the Bill, put and agreed to.

Clause 256: Expenses of witnesses for the defence.

Where a person attends court as a witness to give evidence for the defence, the court may in its discretion on application, order payment by the Registrar to such witness of court such sums of money, as it may deem reasonable and sufficient to compensate the witness for the expenses he reasonably incurred in attending the court.

Committee's Recommendation:

That the provision in Clause 256 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 256 do stand part of the Bill, put and agreed to.

Clause 257: Adjournment may be granted subject to witnesses' costs.

The court may permit on application of a party for an adjournment of the proceedings and in so doing, may order the party seeking the adjournment to pay to a witness present in court and whose evidence it has not been possible to take owing to the adjournment, such sum in the amount payable to a witness in accordance with section 255 and 256 of this Bill, or such sum as the court may fix.

Committee's Recommendation:

That the provision in Clause 257 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 257 do stand part of the Bill, put and agreed to.

Clause 258: Ascertainment of witnesses expenses.

- (1) The amount of the expenses payable to a witness pursuant to sections 255 and 256 of this Bill shall be processed and paid to the witness by the Registrar of the Court to the witness out of the relevant votes of the Judiciary.
- (2) Without prejudice to subsection (1) of this section, every prosecuting agency shall for the purpose of section 255 of this Bill establish a Witness Protection Fund for payment of witness expenses.
- (3) The Attorney-General of the Federation shall ensure that budgetary allocations are made to the Witness Protection Fund.
- (4) The Chief Registrar of the Court make arrangements for the provisions of funds for payment of witness expenses.

Committee's Recommendation:

That the provision in Clause 258 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 258 do stand part of the Bill, put and agreed to.

PART 27 - EXAMINATION OF WITNESSES

Clause 259: Application of the Evidence Act.

Subject to the provisions of any other law, the examination of witnesses shall be in accordance with the provisions of the Evidence Act.

Committee's Recommendation:

That the provision in Clause 259 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 259 do stand part of the Bill, put and agreed to.

Clause 260: Power to call or recall witnesses.

The court may, at any stage of a trial, inquiry or other proceedings under this Bill, either of its own motion or on application of either party to the proceeding, call a person as a witness or recall and re-examine a person already examined where his evidence appears to the court to be essential to the just decision of the case.

Committee's Recommendation:

That the provision in Clause 260 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 260 do stand part of the Bill, put and agreed to.

Clause 261: Certificates of certain Government technical officers.

A certificate signed by any of the officers named in section 55 of the Evidence Act, shall be admissible in evidence in accordance with the provisions of that Bill.

Committee's Recommendation:

That the provision in Clause 261 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 261 do stand part of the Bill, put and agreed to.

Clause 262: Right of reply.

In a case where the right of reply depends on the question whether evidence has been called for the defence, the fact that the defendant charged has been called as a witness shall not of itself confer on the prosecution the right of reply, but a law officer for the prosecution shall in all cases have the right of reply.

Committee's Recommendation:

That the provision in Clause 262 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 262 do stand part of the Bill, put and agreed to.

Clause 263: Public to have access to hearing.

- (1) Subject to the provisions of sections 234 and 264 to 266 of this Bill and of any other law specifically relating thereto, the room or place in which a trial is to take place under this Bill shall be an open court to which the public generally may have access as far as it can conveniently contain them.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Judge or Magistrate presiding over a trial may, in his discretion and subject to the provisions of section 264 of this Bill, exclude the public at any stage of the hearing on the grounds of public policy, decency or expedience.
- (3) Where the court is sitting in a place other than in a building, the authority given in subsection (2) of this section to exclude the public

shall be construed as being authority to prevent the public approaching so near to where the court is sitting, as in the opinion of the Judge or Magistrate, to be able to hear what is taking place at the trial or be able to communicate with a person allowed to be present.

Committee's Recommendation:

That the provision in Clause 263 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 263 do stand part of the Bill, put and agreed to.

Clause 264: Court may exclude certain persons while taking evidence of a child or young person.

Where a person who, in the opinion of the court has not attained the age of 18 is called as witness in any proceeding in relation to an offence against or any conduct contrary to decency or morality, the court may direct that all or any person not being:

- (a) members or officers of the court, or
- (b) parties to the case, their legal representatives or persons otherwise directly concerned in the case,

be excluded from the court during the taking of the evidence of such person.

Committee's Recommendation:

That the provision in Clause 264 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 264 do stand part of the Bill, put and agreed to.

Clause 265: Order under section 263 or 264 not to apply to press and certain others.

(1) An order made under section 263 or 264 of this Bill excluding the public from a court shall not unless specifically stated:

- (a) authorise the exclusion of bona fide representatives of a newspaper or news agency;
- (b) apply to messengers, clerks and other persons required to attend the court for purposes connected with their employment.

(2) Where an order is made, the Court shall record the grounds on which the order is taken.

Committee's Recommendation:

That the provision in Clause 265 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 265 do stand part of the Bill, put and agreed to.

Clause 266: Prohibition on children being present in court during the trial of other persons.

An infant, other than an infant in the arms of parent or guardian, or child shall not be permitted to be present in court during the trial of a defendant charged with an offence or during any proceeding preliminary to the trial except:

- (a) he is the defendant charged with the alleged offence; or

- (b) his presence is required as a witness or otherwise for the purposes of justice in which event he may remain for so long as his presence is necessary.

Committee's Recommendation:

That the provision in Clause 266 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 266 do stand part of the Bill, put and agreed to.

Clause 267: Visit by court to locus.

- (1) Where it appears to the court that in the interest of justice, the court should have a view of any place, person or thing connected with the case, the court may, where the view relates to a place, either adjourn the court to that place and there continue the proceedings or adjourn the case and proceed to view the place, person or thing concerned.
- (2) The defendant shall be present at the viewing of the place, person or thing concerned.
- (3) At the locus, the court shall give directions as it may deem fit for the purpose of preventing communication between the witnesses and the defendant.
- (4) A breach of a direction given under subsection (3) of this section shall not affect the validity of the proceedings unless the court otherwise directs.

Committee's Recommendation:

That the provision in Clause 267 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 267 do stand part of the Bill, put and agreed to.

Clause 268: Determination of age.

- (1) Where the age of a person is in issue in any criminal proceeding, the court may determine the question by taking into account one or both of the following:
 - (a) the apparent physical appearance of the person concerned;
 - (b) any evidence, in relation to the age of the person concerned, received by the court in accordance with the provisions of the Evidence Act, the Child Rights Act, or any other law in force.
- (2) The evidence of a witness, who is not an expert within the meaning of section 68 of the Evidence Act, 2011, shall be admissible for the purpose of this section.
- (3) An order or judgment of the court shall not be invalidated by any subsequent proof that the age of the person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of that person shall, for the purpose of this Bill, be deemed to be the true age of that person.

Committee's Recommendation:

That the provision in Clause 268 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 268 do stand part of the Bill, put and agreed to.

Clause 269: Age in relation to offences.

Where in a charge for an offence, it is alleged that the person by or in respect of whom the offence was committed, was a child under or above a specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child under or above the specified age, as the case may be, he shall, for the purposes of this Bill, be presumed at that date to have been a child or to have been under or above that age, as the case may be, unless the contrary is proved.

Committee's Recommendation:

That the provision in Clause 269 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 269 do stand part of the Bill, put and agreed to.

Clause 270: Presence of defendant at trial.

- (1) A defendant shall, subject to the provisions of section 138 of this Bill, be present in court during the whole of his trial unless:
 - (a) he misconducts himself in such a manner as to render his continuing presence impracticable or undesirable; or
 - (b) at the hearing of an interlocutory application.
 - (c) he disregards the court orders, fails to surrender to the order of court or fails to attend court without reasonable explanation, the court shall continue with the trial in his absence and convict him unless the court sees reasons otherwise, provided that proceedings in the absence of the defendant shall take place after two adjournments or as the court may deem fit.
- (2) The Court shall impose a sentence only when the defendant is arrested or surrenders to the custody of the court in subsection 1 (c) of this section, sentence of the convict shall commence immediately upon his arrest.

Committee's Recommendation:

That the provision in Clause 270 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 270 do stand part of the Bill, put and agreed to.

Clause 271: Conduct of cases by legal practitioner for complainant or for defendant.

- (1) The complainant and defendant shall be entitled to conduct their cases by a legal practitioner or in person except in a trial for a capital offence or an offence punishable with life imprisonment.
- (2) Where the defendant is in custody or on remand, he shall be allowed access to his legal practitioner at all reasonable times.
- (3) Where the defendant elects to defend himself in person, the court shall inform him of his rights within the trial and the consequences of his election.

- (4) The Court shall ensure that the defendant is represented by a counsel in capital offences provided that a defendant who refuses to be represented by counsel shall, after being informed under section 354 (6) of this Bill of the risks of defending himself in person, be deemed to have elected to defend himself in person and this shall not be a ground to void the trial.

Committee's Recommendation:

That the provision in Clause 271 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 271 do stand part of the Bill, put and agreed to.

Clause 272: General control of prosecution by the Attorney-General.

- (1) Where a private legal practitioner prosecutes on behalf of the Attorney-General of the Federation or a public officer prosecuting in his official capacity in any criminal proceeding, the private legal practitioner or public officer shall prosecute subject to such direction as may be given by the Attorney-General of the Federation.
- (2) Where proceedings in respect of an offence are instituted by a police officer, it shall be in the name of the Inspector-General of Police or Commissioner of Police, as the case may be.
- (3) Where a proceeding in respect of an offence is instituted on behalf of the Attorney-General of the Federation, it shall be in the name of the Federal Republic of Nigeria.
- (4) The Attorney-General of the Federation may delegate to the Attorney-General of a State the powers conferred on him by this section either generally or with respect to any offence or class of offences and such offence shall be prosecuted in the name of the Federal Republic of Nigeria.
- (5) Such powers so delegated to the Attorney-General of a State may be exercised directly by him or any officer in his Ministry or department.

Committee's Recommendation:

That the provision in Clause 272 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 272 do stand part of the Bill, put and agreed to.

Clause 273: Position in court of person summoned.

Where a defendant appears before a court on a summons, he shall be required to enter the dock, to standing or sit in it, except where circumstances do not permit, as may be directed by the court.

Committee's Recommendation:

That the provision in Clause 273 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 273 do stand part of the Bill, put and agreed to.

PART 28 - PLEA BARGAIN AND PLEA GENERALLY

Clause 274: Plea bargain guidelines.

- (1) Notwithstanding anything in this Bill or in any other law, the Prosecutor may:
 - (a) receive and consider a plea bargain from a defendant charged with an offence either directly from that defendant or on his behalf; or
 - (b) offer a plea bargain to a defendant charged with an offence.
- (2) The prosecution may enter into plea bargaining with the defendant after service of the charge on the defendant but before presentation of the evidence of the defence, provided that in any offence affecting the human body, the consent of the victim must first be sought and obtained before entering into a plea bargain.
- (3) Where the prosecutor is of the view that the offer or acceptance of a plea bargain is in the interest of justice, the public interest, public policy and the need to prevent abuse of legal process, he may offer or accept the plea bargain.
- (4) The prosecutor and the defendant or his legal practitioner may, before the plea to the charge, enter into an agreement in respect of:
 - (a) the terms of the plea bargain which may include the sentence recommended within the appropriate range of punishment stipulated for the offence or a plea of guilty by the defendant to the offence charged or a lesser offence of which he may be convicted on the charge; and
 - (b) an appropriate sentence to be imposed by the court where the defendant is convicted of the offence to which he intends to plead guilty.
- (5) The prosecutor may only enter into an agreement contemplated in subsection (4) of this section:
 - (a) after consultation with the police responsible for the investigation of the case and the victim or his representative; and
 - (b) with due regard to the nature of and circumstances relating to the offence, the defendant and public interest;

Provided that in determining whether it is in the public interest to enter into a plea bargain, the prosecution shall weigh all relevant factors, including:

- (i) the defendant's willingness to cooperate in the investigation or prosecution of others by providing relevant information for the prosecution of other defendants,
- (ii) the defendant's history with respect to criminal activity,
- (iii) the defendant's remorse or contrition and his willingness to assume responsibility for his conduct,
- (iv) the desirability of prompt and certain disposition of the case,

- (v) the likelihood of obtaining a conviction at trial and the probable effect on witnesses,
 - (vi) the probable sentence or other consequences if the defendant is convicted,
 - (vii) the need to avoid delay in the disposition of other pending cases,
 - (viii) the expense of trial and appeal, and
 - (ix) the defendant's willingness to make restitution or returns the proceeds of the crime or pay compensation to the victim where appropriate.
- (6) The requirement of subsection (5)(a) of this section may be dispensed with if the prosecutor is satisfied that consultation with the police responsible for the investigation of the case will delay the proceeding to such an extent that it could:
- (a) cause substantial prejudice to the prosecution, the defendant, the victim or his representatives; and
 - (b) affect the administration of justice adversely.
- ~~(7) The prosecution shall afford the victim or his representative the opportunity to make representations to the prosecutor regarding:~~
- ~~(a) the content of the agreement; and~~
 - ~~(b) the inclusion in the agreement of a compensation or restitution order.~~
- (8) An agreement between the parties contemplated in subsection (4) of this section shall be reduced to writing and shall:
- (a) state that, before conclusion of the agreement, the defendant has been informed:
 - (i) that he has a right to remain silent,
 - (ii) of the consequences of not remaining silent, and
 - (iii) that he is not obliged to make any confession or admission that could be used in evidence against him;
 - (b) state fully, the terms of the agreement and any admission made;
 - (c) be signed by the prosecutor, the defendant, the legal practitioner and the interpreter, as the case may be; and
 - (d) a copy of the agreement forwarded to the Attorney-General of the Federation.
- (9) The presiding judge or magistrate before whom the criminal proceedings are pending shall not participate in the discussion contemplated in subsection (4) of this section.
- (10) Where a plea agreement is reached by the prosecution and the defence, the prosecutor shall inform the court that the parties have

reached an agreement and the presiding judge or magistrate shall then inquire from the defendant to confirm the terms of the agreement.

- (11) The trial judge shall ascertain whether the defendant admits the allegation in the charge to which he has pleaded guilty and whether he entered into the agreement voluntarily and without undue influence and may where:
- (a) he is satisfied that the defendant is guilty of the offence to which he has pleaded guilty, convict the defendant on his plea of guilty to that offence, and shall award the compensation to the victim in accordance with the term of the agreement which shall be delivered by the court in accordance with section 312 of this Bill; or
 - (b) he is for any reason of the opinion that the defendant cannot be convicted of the offence in respect of which the agreement was reached and to which the defendant has pleaded guilty or that the agreement is in conflict with the defendant's right referred to in subsection (8) (a) of this section, he shall record a plea of not guilty in respect of such charge and order that the trial proceed.
- (12) Where a defendant has been convicted under subsection (11) (a), the presiding judge or magistrate shall consider the sentence as agreed upon and where he is:
- (a) satisfied that such sentence is an appropriate sentence, impose the sentence;
 - (b) of the view that he would have imposed a lesser sentence than the sentence agreed, impose the lesser sentence; or
 - (c) of the view that the offence requires a heavier sentence than the sentence agreed upon, he shall inform the defendant of such heavier sentence he considers to be appropriate and the provision of subsection 17 shall apply.
- (13) The trial judge shall make an order that any money, asset or property agreed to be forfeited under the plea bargain shall be transferred to and vest in the victim or his representative or any other person as may be appropriate or reasonably feasible.
- (14) Notwithstanding the provisions of the Sheriffs and Civil Process Act, the prosecutor shall take reasonable steps to ensure that any money, asset or property agreed to be forfeited or returned by the offender under a plea bargain are transferred to or vested in the victim, his representative or other person lawfully entitled to it.
- (15) Any person who, willfully and without just cause, obstructs or impedes the vesting or transfer of any money, asset or property under this Bill, commits an offence and is liable on conviction to imprisonment for 5 years without an option of fine.
- (16) Where the prosecutor has been informed of the lesser sentence in subsection (11) (b) of this section, the prosecutor may:
- (a) accept the lesser sentence subject to the prosecutor's right to lead evidence and to present argument relevant to the sentencing, in which event the trial judge shall proceed with the sentencing; or

- (b) withdraw from the plea agreement, in which event the trial shall proceed de novo before another judge.
- (17) Where the defendant has been informed of the heavier sentence as contemplated in subsection (12) (c) of this section, the defendant may:
- (a) abide by his plea of guilty as agreed upon and agree that, subject to the defendant's right to lead evidence and to present argument relevant to sentencing, the presiding judge or magistrate proceed with the sentencing; or
- (b) withdraw from his plea agreement, in which event the trial shall proceed de novo before another judge.
- (18) Where a trial proceeds as contemplated under subsections (16) or (17) of this section -
- (a) no references shall be made to the agreement;
- (b) no admission contained therein or statements relating thereto shall be admissible against the defendant; and
- (c) the prosecutor and the defendant may not enter into a similar plea and sentence agreement.
- (19) Where a person is convicted and sentenced under the provisions of subsection (1) of this section, he shall not be charged or tried again on the same facts for the greater offence earlier charged to which he had pleaded to a lesser offence.
- (20) The judgment of the court contemplated in subsection 11 (a) of this section may be appealed against with the leave of the court.

Committee's Recommendation:

That the provision in Clause 274 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 274 do stand part of the Bill, put and agreed to.

Clause 275: Plea to information or charge.

- (1) Before a defendant adopts his plea, the court shall inform him of his rights under the provisions of section 271 of this Bill.
- (2) The defendant to be tried on a charge or an information shall be brought before the court unfettered unless the court sees cause otherwise to order.
- (3) The court shall record the fact that it is satisfied that the defendant understands the charge or information read over and explained to him in the language he understands, and shall record the plea of the defendant to the charge or information as nearly as possible in the words used by him.

Committee's Recommendation:

That the provision in Clause 275 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 275 do stand part of the Bill, put and agreed to.

Clause 276: Proof of previous conviction.

Where the fact of a previous conviction of a defendant is a fact in issue, the prosecution shall prove the same in accordance with the provisions of the Evidence Act.

Committee's Recommendation:

That the provision in Clause 276 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 276 do stand part of the Bill, put and agreed to.

Clause 277: Effect of plea of not guilty.

A defendant who pleads not guilty shall be deemed to have put himself to trial.

Committee's Recommendation:

That the provision in Clause 277 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 277 do stand part of the Bill, put and agreed to.

Clause 278: Effect of plea of guilty.

- (1) Where a defendant pleads guilty to an offence with which he is charged, the court shall:
 - (a) record his plea as nearly as possible;
 - (b) invite the prosecution to state the fact of the case; and
 - (c) enquire from the defendant whether his plea of guilty is to the fact as stated by the prosecution;
- (2) Where the court is satisfied that the defendant intends to admit the truth of all the essential elements of the offence for which he has pleaded guilty, the court shall convict and sentence him or make such order as may be necessary, unless there shall appear sufficient reason to the contrary.
- (3) Where the defendant pleads guilty to a capital offence, a plea of not guilty shall be recorded for him.

Committee's Recommendation:

That the provision in Clause 278 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 278 do stand part of the Bill, put and agreed to.

Clause 279: Amending charge where defendant pleads guilty to offence not charged.

Without prejudice to other provisions of this Bill, where the defendant pleads guilty to an offence not contained in the charge or information on which he was arraigned, the Court shall direct the prosecution to amend the charge or information accordingly to include the admitted offence, in which case, a fresh plea of the defendant shall be taken on the amended charge or information.

Committee's Recommendation:

That the provision in Clause 279 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 279 do stand part of the Bill, put and agreed to.

Clause 280: Failure to plead due to malice or otherwise.

- (1) Where the defendant, when called upon to plead remains silent or refuses to answer, the Court shall enter a plea of not guilty on his behalf.
- (2) A plea entered under subsection (1) of this section shall have the same effect as if the defendant actually pleaded to the charge.
- (3) The Court may inquire into the mental state of the defendant, and if the court is satisfied that the defendant is of sound mind, the court shall proceed with his trial.
- (4) Where the court finds that the defendant is of unsound mind, the provisions of this Bill in relation to persons of unsound mind shall apply.

Committee's Recommendation:

That the provision in Clause 280 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 280 do stand part of the Bill, put and agreed to.

Clause 281: Pleas: autrefois acquit or convict, pardon.

- (1) A defendant against whom a charge or information is filed may plead that:
 - (a) by virtue of section 242 of this Bill he is not liable to be tried for the offence with which he is charged; or
 - (b) he has obtained a pardon for his offence.
- (2) Where either of the pleas under subsection (1) of this section is raised in any case and denied to be true in fact, the court shall determine whether such plea is true in fact or not.
- (3) Where the Court holds that the facts alleged by the defendant do not prove the plea, or if it finds that it is false in fact, the defendant shall be required to plead to the charge or information.
- (4) Nothing in this section shall prevent a defendant from pleading that, by virtue of some other provision of law, he is not liable to be prosecuted or tried for an offence with which he is charged.

Committee's Recommendation:

That the provision in Clause 281 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 281 do stand part of the Bill, put and agreed to.

PART 29 - PERSONS OF UNSOUND MIND**Clause 282: Procedure when defendant is suspected to be of unsound mind.**

- (1) Where in the course of a criminal trial, the court has reason to suspect the mental capacity or soundness of mind of a defendant, by virtue of which he is unable to stand trial or defend himself, the Court shall order the medical examination of the defendant's mental state or soundness of mind.

- (2) An investigation under subsection (1) of this section may be held in the absence of the defendant where the court is satisfied that owing to the state of the defendant's mind it would be in the interests of the defendant or of other persons or in the interests of public decency that he should be absent.
- (3) Where the Court is not satisfied that the defendant is capable of making his defence, the Court shall adjourn the trial or proceedings and shall remand the person for a period not exceeding 1 month to be detained for observation in some suitable place.
- (4) A defendant detained in accordance with subsection (3) of this section shall be kept under observation by a medical officer during the period of his remand and before the expiration of that period, the medical officer shall:
 - (a) give to the court his opinion in writing as to the state of mind of that person; and
 - (b) where he is unable within the period to form any definite opinion, he shall so certify to the court and ask for a further remand and such further remand may extend to a period of 3 months.
- (5) Where further period of remand is granted under subsection (4) of this section, the case shall be fixed returnable by the court at the expiration of the period granted under subsection 4 (b) of this section.
- (6) A court, before which a defendant suspected to be of unsound mind is accused of any offence may, on the application of the Attorney-General of the Federation or a law officer made at any stage of the proceedings prior to the trial, order that the person be sent to an asylum or such other suitable place for observation.
- (7) The medical officer in charge of the asylum or such other suitable place shall, within a period not exceeding 1 month in the first instance or on application to the court for a further period of 3 months, submit to the court a report in writing containing his opinion on the soundness of mind of the defendant.

Committee's Recommendation:

That the provision in Clause 282 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 282 do stand part of the Bill, put and agreed to.

Clause 283: Report from medical officer.

Where the medical officer or such officer in charge of the asylum or other suitable place to which the defendant is referred for observation under the provisions of this section fails to submit a report as provided in section 282 (4) and (7) of this Bill within the period stipulated in those sub sections, the court may discharge the person, or shall release him on bail in accordance with the provisions of this Bill relating to bail.

Committee's Recommendation:

That the provision in Clause 283 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 283 do stand part of the Bill, put and agreed to.

Clause 284: Certificate of medical officer.

- (1) Where the medical officer certifies that the defendant is of:
 - (a) sound mind and capable of making his defence, the court shall, unless it is satisfied by the defence that the defendant is of unsound mind, proceed with the trial; or
 - (b) unsound mind and incapable of making his defence, the court shall, where it is satisfied of the fact, postpone the proceeding.
- (2) The trial of the issue as to whether or not the defendant is of unsound mind and incapable of making his defence shall, where the finding is that he is of sound mind and capable of making his defence, be deemed to be part of his trial before the court.
- (3) The certificate of the medical officer who issued the certificate shall be admissible under this section even in the absence from court of the medical officer provided there is sufficient explanation for his absence.
- (4) Where the defendant is certified to be of unsound mind and incapable of making his defence, it shall not be necessary for him to be present in court during proceedings under this section.

Committee's Recommendation:

That the provision in Clause 284 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 284 do stand part of the Bill, put and agreed to.

Clause 285: Release of defendant of unsound mind pending investigation or trial.

- (1) Where a defendant is found to be of unsound mind and incapable of making his defence, if the offence charged is bailable by the court, it may in its discretion, release him on sufficient security being given:
 - (a) that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person; and
 - (b) for his appearance when required before the court or such officer as the court appoints in that behalf.
- (2) Where a defendant is before a Magistrate charged with an offence which is bailable by a Judge but not by a Magistrate or where the offence is bailable by a Magistrate but the Magistrate refused to grant bail, the Magistrate shall inform the defendant of his right to apply to a Judge for bail.
- (3) Where the offence charged is not bailable by the High Court or where a Judge has refused bail under subsection (1) of this section or after an application made under subsection (2) of this section or where sufficient security is not given or where no application is made for bail, the Judge shall report the case to the Attorney-General of the Federation, who, after consideration of the report may, in his discretion, order the defendant to be confined in a lunatic asylum or other suitable place of safe custody and the Judge shall give effect to the order.

- (4) Where the order is not given within 2 months, the court may discharge the defendant or release him on bail on satisfaction that doing so will not endanger the life of the defendant or the life of anyone else.
- (5) Pending the order of the Attorney-General of the Federation, the defendant, ~~may be~~ committed to an asylum or other suitable place of custody for safe custody.

Committee's Recommendation:

That the provision in Clause 285 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 285 do stand part of the Bill, put and agreed to.

Clause 286: Resumption of proceedings or trial.

Where a proceeding or trial is postponed under section 282 or 283 of this Bill, the court may at any time re-open the proceeding or re-commence the trial and require the defendant to appear or be brought before the court.

Committee's Recommendation:

That the provision in Clause 286 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 286 do stand part of the Bill, put and agreed to.

Clause 287: Resumption of proceedings after release under section 285.

Where the defendant has been released under section 285 of this Bill, the court may at any time require the defendant to appear or be brought before it and may again proceed with the proceeding or trial.

Committee's Recommendation:

That the provision in Clause 287 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 287 do stand part of the Bill, put and agreed to.

Clause 288: Where defendant appears to have been of unsound mind.

Where the defendant appears to be of unsound mind at the time of any remand or similar pre-trial proceedings before a court, and the issue of the state of soundness of mind of the defendant is in issue, being a defence to the main offence for which he is arrested relating to insanity or intoxication, the court shall proceed to deal with the defendant in accordance with sections 282 to 295 of this Bill and shall not make any finding of fact in relation to such defence that the defendant is open to plead at his trial for the offence.

Committee's Recommendation:

That the provision in Clause 288 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 288 do stand part of the Bill, put and agreed to.

Clause 289: Safe custody of defendant discharged.

Where the finding states that the defendant committed the act alleged, the court before which the trial has been held shall, where the act would have but for the finding of incapacity constituted an offence, order the person to be kept in safe custody in such place and manner as the court thinks fit and shall,

within 31 days of the order, report the case for an order of the Attorney-General of the Federation.

Committee's Recommendation:

That the provision in Clause 289 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 289 do stand part of the Bill, put and agreed to.

Clause 290: Order of the Attorney-General in pursuance to section 289.

- (1) The Attorney-General of the Federation may at his discretion order the defendant to be confined pursuant to section 289 of this Bill in a mental health asylum, correctional centre or other suitable place of safe custody.
- (2) In exercising this discretion, the Attorney-General of the Federation shall ensure that the defendant is placed in such facility as to afford him adequate care at the expense of the State.

Committee's Recommendation:

That the provision in Clause 290 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 290 do stand part of the Bill, put and agreed to.

Clause 291: Observation of prisoners of unsound mind.

Where a defendant is confined under sections 285 (3) and (5), 289 or 290 of this Bill, the medical officer of the correctional centre, where such defendant is confined in a correctional centre, or the medical officer attached to the asylum or other facility, where he is confined in any asylum or such facility shall keep him under observation in order to ascertain his state of mind and such medical officer shall make a special report for the information of the Attorney-General of the Federation as to the state of mind of such defendant at that time or times as the Attorney-General of the Federation shall require.

Committee's Recommendation:

That the provision in Clause 291 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 291 do stand part of the Bill, put and agreed to.

Clause 292: Procedure when defendant of unsound mind is reported to be able to make his defence.

Where a defendant is, under the provisions of section 283 of this Bill, confined in a correctional centre, asylum or other facility and is certified by the medical officer to whom the case is referred for his report to be capable of making his defence, the defendant shall be taken before the court at such time as the court appoints, and the court shall proceed with the trial or proceeding, as the case may be, and the certificate shall be receivable as evidence.

Committee's Recommendation:

That the provision in Clause 292 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 292 do stand part of the Bill, put and agreed to.

Clause 293: Procedure where defendant of unsound mind is reported fit for discharge.

- (1) Where the medical officer of a correctional centre or the medical officer attached to an asylum or other facility in which a defendant is confined under sections 285, 289 or 290 of this Bill certifies that the defendant in his judgment may be discharged without the danger of him causing injury to himself or to any other person, the Attorney-General of the Federation may, on the receipt of that report, order the defendant to be discharged or to be detained in custody or in correctional centre or to be in custody or be transferred to an asylum where he has not already been sent to an asylum.
- (2) Where the Attorney-General of the Federation orders a defendant to be transferred to an asylum, he may appoint two medical officers to report on the state of mind of the defendant and on any other facts the court may require, and on receipt of the report, the court may order his discharge or detention as it thinks fit.

Committee's Recommendation:

That the provision in Clause 293 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 293 do stand part of the Bill, put and agreed to.

Clause 294: Transfer from one place of custody to another.

Where a defendant is confined in a correctional centre or an asylum, the Attorney-General of the Federation may direct his transfer from one correctional centre or asylum to any other correctional centre or asylum as often as may be necessary or may at any time order for his release from detention as he may consider necessary.

Committee's Recommendation:

That the provision in Clause 294 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 294 do stand part of the Bill, put and agreed to.

Clause 295: Delivery of defendant of unsound mind to care of relative.

- (1) Where a relative or friend of a defendant confined under section 285 or 290 of this Bill desires that the defendant be delivered over to his care and custody, the court may, on the application of the relative or friend and on his giving security to the satisfaction of the court that the defendant delivered shall be:
 - (a) properly taken care of; and
 - (b) prevented from doing injury to himself or to any other person,

in its discretion,
order the defendant
to be delivered to
the relative or friend
on condition that the
defendant shall be
produced for the
inspection of such
officer and at such
times as the court
may direct.
- (2) Where a defendant delivered to a relative or friend under subsection (1) of this section is confined under the provisions of section 289 of

this Bill, the court may further require the relative or friend to give satisfactory security that if at any time it appears to the court that the defendant is capable of making his defence, the relative or friend shall produce the defendant for trial.

- (3) Sections 285 and 291 of this Bill shall apply, with necessary modifications, to a defendant delivered to the care and custody of a relative or friend under this section.

Committee's Recommendation:

That the provision in Clause 295 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 295 do stand part of the Bill, put and agreed to.

Clause 296: Removal to another State.

Where it is necessary to remove a prisoner to a correctional centre or asylum under the provisions of this Part, an order for the removal given under the provisions of this Part shall be sufficient authority for the removal and the detention of the prisoner in any correctional centre or such other place of detention within the Federation.

Committee's Recommendation:

That the provision in Clause 296 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 296 do stand part of the Bill, put and agreed to.

PART 30 - DETENTION TIME LIMITS

Clause 297: Application for remand or other interlocutory proceedings.

- (1) A suspect arrested for an offence which a Magistrate Court has no jurisdiction to try shall within a reasonable time of the arrest be brought before a magistrate court for remand where it is impracticable to take the suspect directly to the court with jurisdiction to try him.
- (2) Upon taking cognizance of the offence, the Magistrate may order the remand of the suspect in custody.
- (3) An application for remand under this section shall be made ex parte and shall:

First Schedule

- (a) be made in the prescribed "Report and Request for Remand Form" as contained in Form 8, in the First Schedule to this Bill; and
- (b) be verified on oath and contain reasons for the remand request.
- (4) Under no circumstances shall a Magistrate or Judge issue or sign a blank warrant of arrest.

Committee's Recommendation:

That the provision in Clause 297 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 297 do stand part of the Bill, put and agreed to.

Clause 298: A court may remand in correctional centre.

- (1) Where the Court, after examining the reason for the arrest and for the request for remand in accordance with the provisions of section 297 of this Bill, is satisfied that there is probable cause to remand the suspect pending the receipt of a copy of the legal advice from the Attorney-General of the Federation and arraignment of the suspect before the appropriate court, as the case may be, may remand the suspect in custody.
- (2) In considering whether "probable cause" has been established for the remand of a suspect pursuant to subsection (1) of this section, the court may take into consideration the following:
 - (a) the nature and seriousness of the alleged offence;
 - (b) reasonable grounds to suspect that the suspect has been involved in the commission of the alleged offence;
 - (c) reasonable grounds for believing that the suspect may abscond or commit further offence where he is not committed to custody; and
 - (d) any other circumstance of the case that justifies the request for remand.

Committee's Recommendation:

That the provision in Clause 298 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 298 do stand part of the Bill, put and agreed to.

Clause 299: Court may grant bail in remand proceedings.

The court may, in considering an application for remand brought under section 297 of this Bill, grant bail to the suspect brought before it, taking into consideration the provisions of sections 161 to 191 of this Bill relating to bail.

Committee's Recommendation:

That the provision in Clause 299 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 299 do stand part of the Bill, put and agreed to.

Clause 300: Time and protocol for remand orders.

- (1) Where an order of remand of the suspect is made pursuant to section 297 of this Bill, the order shall be for a period not exceeding 14 days in the first instance, and the case shall be returnable within the same period.
- (2) Where, on application in writing, good cause is shown why there should be an extension of the remand period, the court may make an order for further remand of the suspect for a period not exceeding 14 days and make the proceedings returnable within the same period.
- (3) Where the suspect is still in custody on remand at the expiration of the period provided for under subsection (1) or (2) of this section, the court may, on application of the suspect, grant bail in accordance with the provisions of sections 158 to 188 of this Bill.

- (4) At the expiration of the remand order made pursuant to subsection (1) or (2) of this section, and where the suspect is still remanded with his trial having not commenced, or charge having not been filed at the relevant court having jurisdiction, the court shall issue a hearing notice on:
- (a) the Inspector-General of Police and the Attorney-General of the Federation,
 - (b) the Commissioner of Police of the state or of the Federal Capital Territory or the Attorney-General of the Federation, as the case may be, or
 - (c) any relevant authority in whose custody the suspect is or at whose instance the suspect is remanded, and adjourn the matter within a period not exceeding 14 days of the expiration of the period of remand order made under subsection (1) or (2) of this section, to inquire as to the position of the case and for the Inspector-General of Police or the Commissioner of Police and the Attorney-General of the Federation to show cause why the suspect remanded should not be unconditionally released.
- (5) Where the Inspector-General of Police or the Commissioner of Police and the Attorney-General of the Federation show good cause pursuant to subsection (4) of this section and make a request to that effect, the court:
- (a) may extend the remand of the suspect for a final period not exceeding 14 days for the suspect to be arraigned for trial before an appropriate court; and
 - (b) shall make the case returnable within the said period of 14 days from the date the hearing notice was issued pursuant to subsection (4) of this section.
- (6) Where a good cause is not shown for the continued remand of the suspect pursuant to subsection (4) of this section, or where the suspect is still on remand custody after the expiration of the extended period under subsection (5), the court shall, with or without an application to that effect, discharge the suspect and the suspect shall be immediately released from custody.
- (7) No further application for remand shall be entertained by any court after the proceeding in subsection (6) of this section.

Committee's Recommendation:

That the provision in Clause 300 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 300 do stand part of the Bill, put and agreed to.

Clause 301: When court may exercise power of remand.

- (1) The powers conferred on the court under this Part may be exercised by the court:
- (a) whether the suspect remanded is present in court or not; and
 - (b) on its own motion or on application, including an application by a person in charge of the correctional centre or other place of custody where the suspect remanded is detained.

- (2) The legal advice of the Attorney-General of the Federation shall in all cases be copied to the court, and the court may act only on the copy of the advice to make any order that may be necessary in the circumstances.
- (3) Where the legal advice of the Attorney-General of the Federation indicates that the suspect remanded has no case to answer, the court shall release the suspect immediately.

Committee's Recommendation:

That the provision in Clause 301 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 301 do stand part of the Bill, put and agreed to.

Clause 302: Court may bring up person remanded or make any order during remand.

- (1) During remand, the court may nevertheless order the suspect remanded to be brought before it.
- (2) The court may order that the suspect remanded be transferred to a hospital, asylum or any suitable place for the purpose of giving him medical treatment, or may make any order that it considers necessary to make at any time during the remand period.

Committee's Recommendation:

That the provision in Clause 302 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 302 do stand part of the Bill, put and agreed to.

Clause 303: Place of remand.

- (1) A suspect committed to prison under this Bill shall be remanded in prison or other place of safe custody.
- (2) The place for remand pending legal advice shall be at the Nigerian Correctional Centre.

Committee's Recommendation:

That the provision in Clause 303 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 303 do stand part of the Bill, put and agreed to.

PART 31 - PRESENTATION OF CASE BY PROSECUTION AND DEFENCE

Clause 304: Presentation of case for prosecution.

- (1) After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the defendant stating shortly by what evidence he expects to prove the guilt of the defendant.
- (2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the defendant or his legal practitioner and thereafter re-examined by the prosecutor, where necessary.

Committee's Recommendation:

That the provision in Clause 304 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 304 do stand part of the Bill, put and agreed to.

Clause 305: Defendant's case.

After the case of the prosecution is concluded, the defendant or the legal practitioner representing him, if any, is entitled to address the court to present his case and to adduce evidence where so required.

Committee's Recommendation:

That the provision in Clause 305 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 305 do stand part of the Bill, put and agreed to.

Clause 306: No case submission at the instance of the Court

Where a criminal proceeding is instituted by way of a charge or information, the court may, on its own motion or on application by a defendant after hearing the evidence for the prosecution, where it considers that the evidence against the defendant or any of several defendants is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of the defendant without calling on him or them to enter his or their defence and the defendant shall accordingly be discharged and the court shall then call on the remaining defendant, if any, to enter his defence.

Committee's Recommendation:

That the provision in Clause 306 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 306 do stand part of the Bill, put and agreed to.

Clause 307: No case submission by the defence and replies

- (1) Where the defendant or his legal practitioner makes a no case submission in accordance with the provisions of this Bill, the court shall call on the prosecutor to reply.
- (2) The defendant or his legal practitioner has the right to reply to any new point of law raised by the prosecutor, after which, the court shall give its ruling.
- (3) In considering the application of the defendant under section 306, the court shall, in the exercise of its discretion, have regard to whether:
 - (a) an essential element of the offence has been proved;
 - (b) there is evidence linking the defendant with the commission of the offence with which he is charged;
 - (c) the evidence so far led is such that no reasonable court or tribunal would convict on it; and
 - (d) any other ground on which the court may find that a prima facie case has not been made out against the defendant for him to be called upon to answer.

Committee's Recommendation:

That the provision in Clause 307 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 307 do stand part of the Bill, put and agreed to.

Clause 308: Defence and prosecutor's right of reply

- (1) After the case for the prosecution is concluded, the defendant or the legal practitioner representing him, if any, is entitled to address the court at the commencement or conclusion of his case, as he deems fit, and if no witnesses have been called for the defence than the defendant himself or witnesses solely as to character of the defendant and no document is put in as evidence for the defence, the prosecution shall not be entitled to address the court a second time but if, in opening the case for the defence, the legal practitioner appearing for the defendant introduced a new matter without supporting it by evidence, the court in its discretion may allow the prosecution to reply.
- (2) Where any witness, other than the defendant himself or witnesses solely as to the defendant's character, is called or any document is put in as evidence for the defence, the legal practitioner appearing for the defendant is entitled after evidence has been adduced to address the court a second time on the whole case and the prosecution shall have a right of reply.
- (3) The provisions of this section shall not affect the right of reply by a law officer.

Committee's Recommendation:

That the provision in Clause 308 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 308 do stand part of the Bill, put and agreed to.

Clause 309: Reference to the Court of Appeal

- (1) Where a question as to the interpretation of the Constitution of the Federal Republic of Nigeria arises in the course of a trial and is referred to the Court of Appeal under the provisions of the Constitution, the court before which the question arose may in its discretion:
 - (a) conclude the trial and postpone the verdict until such time as the question has been considered and decided, or
 - (b) conclude the trial and pass sentence but suspend execution until such time as the question has been considered and decided,and in any such case the court in its discretion shall commit the defendant or convict to correctional centre or admit him to bail in accordance with the provisions of Part 19 of this Bill.
- (2) When the question referred to in subsection (1) of this section has been decided by the Court of Appeal, the Court shall:
 - (a) continue the trial or discharge the defendant;
 - (b) acquit or convict the defendant; or
 - (c) order the execution of the sentence as the circumstance may require.

Committee's Recommendation:

That the provision in Clause 309 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 309 do stand part of the Bill, put and agreed to.

Clause 310: Stay of proceedings

An application for stay of proceedings in respect of a criminal matter before the court shall not be entertained.

Committee's Recommendation:

That the provision in Clause 310 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 310 do stand part of the Bill, put and agreed to.

Clause 311: Consideration of case by court and announcement of finding

- (1) When the case for both sides is closed, the court shall consider its verdict and for this purpose may retire or adjourn the trial.
- (2) After the court has made its finding, the court shall pronounce that finding in the open court.

Committee's Recommendation:

That the provision in Clause 311 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 311 do stand part of the Bill, put and agreed to.

Clause 312: Judgment to be in writing

- (1) The Judge or Magistrate shall record his judgment in writing and every judgment shall contain the point or points for determination, the decision and the reasons for the decision and shall be dated and signed by the Judge or Magistrate at the time of pronouncing it.
- (2) The Magistrate, instead of writing the judgment, may record briefly in the book his decision or finding and his reason for the decision or finding, and then deliver an oral judgment.

Committee's Recommendation:

That the provision in Clause 312 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 312 do stand part of the Bill, put and agreed to.

Clause 313: Defendant to be discharged where found not guilty

Where the court finds the defendant not guilty, it shall immediately discharge him and record an order of discharge and acquittal accordingly.

Committee's Recommendation:

That the provision in Clause 313 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 313 do stand part of the Bill, put and agreed to.

Clause 314: Procedure on finding of guilty

- (1) Where the finding is guilty, the convict shall, where he has not previously called any witness to character, be asked whether he wishes to call any witness and, after the witness, if any, has been heard, he shall be asked whether he desires to make any statement or produce any necessary evidence or information in mitigation of punishment in accordance with section 316 (3) of this Bill.

- (2) After the defendant has made his statement, if any, in mitigation of punishment the prosecution shall, unless such evidence has already been given, produce evidence of any previous conviction of the defendant.

Committee's Recommendation:

That the provision in Clause 314 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 314 do stand part of the Bill, put and agreed to.

Clause 315: Sentence and sentencing hearing

- (1) Where the provisions of section 315 of this Bill have been complied with, the court may pass sentence on the convict or adjourn to consider and determine the sentence and shall then announce the sentence in open court.
- (2) The court shall, in pronouncing sentence, consider the following factors in addition to sections 243 and 244 of this Bill.
- (a) the objectives of sentencing, including the principles of reformation and deterrence;
- (b) the interest of the victim, the convict and the community;
- (c) appropriateness of non-custodial sentence or treatment in lieu of imprisonment; and
- (d) previous conviction of the convict.
- (3) A court, after conviction, shall take all necessary aggravating and mitigating evidence or information in respect of each convict that may guide it in deciding the nature and extent of sentence to pass on the convict in each particular case, even though the convicts were charged and tried together.

Committee's Recommendation:

That the provision in Clause 315 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 315 do stand part of the Bill, put and agreed to.

Clause 316: Recommendation for mercy

The court may, in any case in recording sentence, make a recommendation for mercy and shall give the reasons for its recommendation.

Committee's Recommendation:

That the provision in Clause 316 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 316 do stand part of the Bill, put and agreed to.

Clause 317: Conviction on other charges pending

- (1) Where a defendant is found guilty of an offence, the court may, in passing sentence, take into consideration any other charge then pending against him, where the defendant admits the other charge and desires that it be taken into consideration and if the prosecutor of the other charge consents.

- (2) Where a desire is expressed under subsection (1) of this section and consent given, the court shall:
 - (a) make an entry to that effect on the record book;
 - (b) the prosecution shall state the facts of the case in accordance with section 304 of this Bill.

- (3) Where the other charge pending against the defendant is considered in accordance with subsections (1) and (2) of this section and sentence passed on the defendant with consideration or in respect of the other pending charge, the defendant shall not, subject to the provisions of sections 240 to 241 of this Bill, or unless the conviction has been set aside, be liable to be charged or tried in respect of any such offence so taken into consideration.

Committee's Recommendation:

That the provision in Clause 317 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 317 do stand part of the Bill, put and agreed to.

Clause 318: Compensation to victim in judgment

- (1) Notwithstanding the limit of its civil or criminal jurisdiction, a court has power, in delivering its judgment, to award to a victim commensurate compensation by the defendant or any other person or the Federal Government of Nigeria.

- (2) The Court in considering the award of compensation to the victim may call for additional evidence to enable it determine the quantum of compensation to award in subsection (1) of this section.

Committee's Recommendation:

That the provision in Clause 318 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 318 do stand part of the Bill, put and agreed to.

Clause 319: Delivery of judgment when Judge or Magistrate is unavoidably absent

Where a Judge or Magistrate having tried a case is prevented by illness or other unavoidable cause from delivering his judgment or sentence, the judgment or the sentence, if it has been reduced into writing and signed by the Judge or Magistrate, may be delivered and pronounced in open court by any other Judge or Magistrate in the presence of the defendant.

Committee's Recommendation:

That the provision in Clause 319 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 319 do stand part of the Bill, put and agreed to.

Clause 320: Warrant of commitment

Where a sentence or conviction does not order the payment of money but orders the convict to be imprisoned, the court shall issue a warrant of commitment accordingly.

Committee's Recommendation:

That the provision in Clause 320 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 320 do stand part of the Bill, put and agreed to.

Clause 321: Authority for carrying out sentence other than of death

A warrant under the hand of the Judge or Magistrate by whom a convict has been sentenced or committed to a correctional centre for non-payment of a penalty or fine grants full authority to the officer in charge of any correctional centre and to all other persons for carrying into effect the sentence described in the warrant not being a sentence of death.

Committee's Recommendation:

That the provision in Clause 321 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 321 do stand part of the Bill, put and agreed to.

Clause 322: Error or omission not to affect legality of act

The court may, at any time, amend any defect in an order or warrant of commitment and no:

- (a) omission or error as to time and place; or
- (b) defect in form in any order or warrant of commitment given under this Bill,

shall be held to render void or unlawful an act done or intended to be done by virtue of the order or warrant if it is mentioned, or may be inferred, that it is founded on a conviction or judgment sufficient to sustain it.

Committee's Recommendation:

That the provision in Clause 322 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 322 do stand part of the Bill, put and agreed to.

PART 32 - COSTS, COMPENSATION, DAMAGES AND RESTITUTION

Clause 323: Power of court to order payment of expenses or compensation

- (1) A court may, within the proceedings or while passing judgment, order the defendant or convict to pay a sum of money:
 - (a) as compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is imposed on the defendant or convict, where substantial compensation is in the opinion of the court recoverable by civil suit;
 - (b) in compensating a bona fide purchaser for value without notice of the defect of the title in any property in respect of which the offence was committed and has been compelled to give it up; and
 - (c) in defraying expenses incurred on medical treatment of a victim injured by the convict in connection with the offence.
- (2) Where the fine referred to in subsection (1) of this section is imposed in a case which is subject to appeal, no payment additional to the fine shall be made before the period allowed for presenting the appeal has elapsed or, where an appeal is presented, before the decision on the appeal.

- (3) Order for cost or compensation may be made under this section irrespective of the fact that no fine has been imposed on the defendant in the judgment.

Committee's Recommendation:

That the provision in Clause 323 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 323 do stand part of the Bill, put and agreed to.

Clause 324: Payment to be taken into consideration in subsequent civil suit

- (1) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into consideration any sum paid or recovered as compensation under this section.
- (2) The pendency of criminal proceedings shall not be a bar to a civil action in respect of the same subject matter.

Committee's Recommendation:

That the provision in Clause 324 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 324 do stand part of the Bill, put and agreed to.

Clause 325: Power of court to order restitution

A court after conviction may adjourn proceedings to consider and determine sentence appropriate for each convict:

- (a) in addition to or in lieu of any other penalty authorised by law, order the convict to make restitution or pay compensation to any victim of the crime for which the offender was convicted, or to the victim's estate; or
- (b) order for the restitution or compensation for the loss or destruction of the Victim's property and in so doing the court may direct the convict:
- (i) to return the property to the owner or to a person designated by the owner,
- (ii) where the return of the property is impossible or impracticable, to pay an amount equal to the value of the property, or

where the property to be returned is inadequate or insufficient, to pay an amount equal to the property calculated on the basis of what is fair and just.

Committee's Recommendation:

That the provision in Clause 325 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 325 do stand part of the Bill, put and agreed to.

Clause 326: Cost against private prosecutor

- (1) The court may, in a proceeding instituted by a private prosecutor or on a summons or complaint of a private person, on acquittal of the defendant, order the private prosecutor or person to pay to the defendant such reasonable costs as the court may deem fit.

- (2) In this section, "private prosecutor" does not include a person prosecuting on behalf of the State, a public officer prosecuting in his official capacity and a police officer.

Committee's Recommendation:

That the provision in Clause 326 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 326 do stand part of the Bill, put and agreed to.

Clause 327: Compensation in cases of false and vexatious accusation

- (1) Where a person causes the arrest, or arrest and charge of a defendant or defendants and it appears to the court that there was no sufficient ground for causing the arrest, or that the accusation is false, vexatious or frivolous, it may for reason recorded, order the person to pay reasonable compensation to the defendant or defendants arrested or charged.
- (2) The court may, in default of payment of such compensation or any part of it, award a term of imprisonment against the person against whom the order was made, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in this Bill or the court may sentence the person to Community Service in accordance with section 462 of this Bill.
- (3) Subject to the provisions of the Constitution relating to appeals, a person against whom an order for payment of compensation is made under this section may appeal against the order as if he had been convicted after trial by the court that issued the order.

Committee's Recommendation:

That the provision in Clause 327 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 327 do stand part of the Bill, put and agreed to.

Clause 328: Injured person may refuse to accept compensation, but payment of compensation is bar to further liability

- (1) A person to whom compensation is awarded may refuse to accept the compensation.
- (2) Where the person receives the compensation or where the convict, having been ordered to pay compensation, suffers imprisonment for non-payment, the receipt of the compensation, or the undergoing of the imprisonment, as the case may be, shall act as a bar to any further action for the same injury.
- (3) Before making an order for compensation under this Bill, the court shall explain the full effect of this section to the person to whom compensation is payable.

Committee's Recommendation:

That the provision in Clause 328 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 328 do stand part of the Bill, put and agreed to.

Clause 329: Monies paid as compensation, recoverable as fines

Any compensation ordered to be paid under this Bill or any other Act, relating to any criminal proceeding, may be enforced as if it were a fine.

Committee's Recommendation:

That the provision in Clause 329 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 329 do stand part of the Bill, put and agreed to.

Clause 330: Warrant for levy of fine

(1) Where a convict is ordered to pay a fine, or a defendant is ordered to pay compensation to another person under section 323 of this Bill, or a person is subject to recovery of penalty for forfeiture of a bond under this Bill, the Court passing the sentence or making the order may, notwithstanding that, in default of the payment of the fine or compensation or penalty, the convict or defendant may be imprisoned, issue a warrant for the levy of the amount by any means permitted by law, including:

(a) the seizure and sale of any movable property belonging to the defendant or convict;

(b) the attachment of any debt due to the defendant or convict;
and

(c) subject to the provisions of the Land Use Act, the attachment and sale of any immovable property of the convict situated within the jurisdiction of the court.

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(2) A warrant for seizure and sale of the movable property of a person under this section shall be addressed to the court within whose jurisdiction it is to be executed.

(3) Where execution of a warrant is to be enforced by attachment of debts or sale of immovable property, the warrant shall be sent for execution to any court competent to execute orders for the payment of money in civil suits and the court shall follow the procedure for the time being in force for the execution of such orders.

Committee's Recommendation:

That the provision in Clause 330 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 330 do stand part of the Bill, put and agreed to.

Clause 331: Powers of court when convict is sentenced to only fine

(1) Where a convict has been ordered by the Court to pay a fine with or without a sentence of imprisonment in default of payment of the fine, the Court authorised by section 331 of this Bill to issue a warrant may, exercise any of the following powers:

(a) allow time for payment of the fine;

(b) direct that the fine be paid by installments;

(c) postpone the issue of a warrant under section 331 of this Bill;

(d) without postponing the issue of a warrant under section 331 of this Bill, postpone the sale of any property seized under the warrant; or

- (e) postpone the execution of the sentence of imprisonment in default of payment of the fine.
- (2) An order made in the exercise of the powers referred to in subsection (1) of this section may be made subject to the convict giving such security as the court may consider fit, by means of a bond with or without sureties, in which case, the bond may be conditioned either for the payment of the fine in accordance with the order or for the appearance of the convict as required in the bond or both.
- (3) The Court may also, in the exercise of the powers referred to in subsection (1) of this section, order that the execution of the sentence of imprisonment on a convict who has been committed to a correctional centre in default of payment of a fine, be suspended and, that he be released but only subject to the convict giving security as specified in subsection (2) of this section.
- (4) Where the fine or any installment of the fine is not paid in accordance with an order under this section, the authority making the order may enforce payment of the fine or of the balance outstanding, by any means authorised in this Bill and may cause the offender to be arrested and may commit or recommit him to a correctional centre under the sentence of imprisonment in default of payment of the fine.

Committee's Recommendation:

That the provision in Clause 331 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 331 do stand part of the Bill, put and agreed to.

Clause 332: Wrongful conversion or detention of property and award of damages

- (1) Where in a charge of an offence relating to property and the Court is of the opinion that the evidence is insufficient to support the charge, but that it establishes wrongful conversion or detention of property, the court may order that such property be restored and may also award reasonable damages to the person entitled to the property.
- (2) The damages awarded under this section, shall be recovered in like manner, as prescribed in section 329 of this Bill.

Committee's Recommendation:

That the provision in Clause 332 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 332 do stand part of the Bill, put and agreed to.

PART 33 - CUSTODY, DISPOSAL, RESTORATION OF PROPERTY

Clause 333: Meaning of "property"

In this Part, "property" in the case of property regarding which an offence appears to have been committed, includes not only the property as has been originally in the possession or under the control of a party, but also any property into or for which that same has been converted or exchanged and anything acquired by the conversion or exchange, whether immediately or otherwise.

Committee's Recommendation:

That the provision in Clause 333 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 333 do stand part of the Bill, put and agreed to.

Clause 334: Order for custody and disposal of property pending trial

Where any property regarding which an offence appears to have been committed or which appears to have been used for the commission of an offence is produced before a court during an inquiry or a trial, the court:

- (a) may make such order as it thinks fit for the proper custody of that property pending the conclusion of the proceedings or trial; and
- (b) where the property is subject to speedy decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of, and the proceeds dealt with as the court may direct.

Committee's Recommendation:

That the provision in Clause 334 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 334 do stand part of the Bill, put and agreed to.

Clause 335: Order for disposal of property after trial

- (1) Where any proceeding or trial in a criminal case is concluded, the court may make such order as it thinks fit, for the disposal by destruction, confiscation or delivery to a person appearing to be entitled to the possession or otherwise, of any movable property or document produced before it or in its custody or regarding which an offence appears to have been committed or which has been used for the commission of an offence.
- (2) Notwithstanding that the trial, proceeding or an appeal is pending in respect of the case, the court may, in any case, make an order under the provisions of subsection (1) of this section for the delivery of any property, to a person appearing to be entitled to the possession of the property, on his executing a bond, with or without sureties, to the satisfaction of the court, undertaking to restore the property to the court.
- (3) An order made under this section may be appealed against as if it is a decision in the final judgment of the court giving the direction.

Committee's Recommendation:

That the provision in Clause 335 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 335 do stand part of the Bill, put and agreed to.

Clause 336: Custody or sale of property

- (1) Where the court orders the forfeiture or confiscation of any property but does not make an order for its destruction or for its delivery to any person, the court may direct that the property shall be kept or sold and that the property, if sold, the proceeds of the sale be held as it directs until some person establishes to the court's satisfaction, a right to the property.
- (2) Where no person establishes a right within six months from the date of forfeiture or confiscation of the property, the proceeds of the sale

shall be paid into the Consolidated Revenue Fund of the Federation, Consolidated Revenue Fund of the State or any other appropriate account, as the case may be.

- (3) Where an order is made under this section in a case which an appeal lies, the order shall not, except when the property is livestock or is subject to speedy and natural decay, be carried out until the period allowed for presenting the appeal has passed or when the appeal is entered, until the disposal of the appeal.

Committee's Recommendation:

That the provision in Clause 336 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 336 do stand part of the Bill, put and agreed to.

PART 34 - SEIZURE, FORFEITURE, CONFISCATION AND DESTRUCTION OF
INSTRUMENTALITY OF CRIME

Clause 337: Seizure of things intended to be used in commission of crime

The court may:

- (a) order the seizure of any instrument, material or thing which there is reason to believe is provided or prepared, or being prepared, with a view to the commission of an offence triable by the court; and
- (b) direct the instrument, material or thing to be forfeited, confiscated, held or otherwise dealt with in the same manner as property under section 341 of this Bill.

Committee's Recommendation:

That the provision in Clause 337 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 337 do stand part of the Bill, put and agreed to.

Clause 338: Destruction of seditious, prohibited or obscene publications and of obscene objects

- (1) Upon a conviction for an offence relating to obscene publication, the court may order the confiscation and destruction of all the copies of the publication or thing, including those that remain in the possession or power of the convict.
- (2) Upon arrest for an offence relating to adulterated or unfit food, drink or drug, the court may order the confiscation and destruction of the food, drink or drug, including such other adulterated or unfit items in the possession or power of the defendant.

Committee's Recommendation:

That the provision in Clause 338 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 338 do stand part of the Bill, put and agreed to.

Clause 339: Search warrant may be used to search for things subject to section 338 or 339

Where a court is satisfied, by information on oath, that there is reasonable ground for believing that there is in the Federal Capital Territory, Abuja in any building, ship, carriage, receptacle or place, anything in respect of which an order may be made under section 338 or 339 of this Bill, the court may

issue a search warrant to search for the thing and where the thing is found, it shall be brought before a court and dealt with as that court may deem proper.

Committee's Recommendation:

That the provision in Clause 339 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 339 do stand part of the Bill, put and agreed to.

Clause 340: Restoration of possession of immovable property

- (1) Where a defendant is convicted of an offence carried out by criminal force, and it appears to the court that by that force a victim has been dispossessed of any immovable property, the court may, where it deems fit, order the possession of the property to be restored to the victim.
- (2) An order under this section shall not prejudice any right or interest to or in the immovable property which a victim, including the convict, may be able to establish in a civil suit.

Committee's Recommendation:

That the provision in Clause 340 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 340 do stand part of the Bill, put and agreed to.

Clause 341: Procedure on seizure of property taken during arrest or investigation or stolen

- (1) The seizure by the police of property taken during arrest or investigation under this Bill, or alleged or suspected to have been stolen or found in circumstances which create a suspicion of the commission of an offence, shall, within a period not exceeding 48 hours of the taking of the property or thing, be reported to a court, and the court shall make an order in respect of the disposal of the property or its delivery to the person entitled to its possession or such other orders as it may deem fit in the circumstances.
- (2) Where the person entitled to the possession of property referred to in subsection (1) of this section is unknown, the court may detain it and shall issue a public notice specifying the articles of which the property consists and requiring any person who may have a claim to it, to appear before the court and establish his claim within six months from the date of the notice.

Committee's Recommendation:

That the provision in Clause 341 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 341 do stand part of the Bill, put and agreed to.

Clause 342: Procedure where owner of property seized is unknown

- (1) Where no person within the period referred to in section 341 of this Bill establishes his claim to property referred to in that section and where the person in whose possession the property was found is unable to show that it was lawfully acquired by him, the property shall be at the disposal of the court and may be sold in accordance with the order of the court and proceed forfeited to the Federal Government of Nigeria.

- (2) At any time within six years from the date of the property coming into the possession of the police, the court may direct the property or the proceeds of the sale of the property to be delivered to any person proving his title to it, on payment by him, of any expenses incurred by the court in the matter.

Committee's Recommendation:

That the provision in Clause 342 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 342 do stand part of the Bill, put and agreed to.

Clause 343: Power to sell perishable property

Where the person entitled to the possession of property referred to in section 341 of this Bill is unknown or absent and the property is subject to speedy decay or, for the benefit of the owner, the court may, at any time, direct it to be sold and the provisions of sections 341 and 342 of this Bill shall, as nearly as may be practicable, apply to the net proceeds of the sale.

Committee's Recommendation:

That the provision in Clause 343 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 343 do stand part of the Bill, put and agreed to.

Clause 344: Payment to innocent person of money found on defendant

Where a defendant is convicted of an offence relating to property and it is proved that a person has bought the stolen property from him without knowing or having reason to believe that the property was stolen, and that money has, on the arrest of the convict been taken out of his possession, the court may:

- (a) on the application of the purchaser; and
- (b) on the restitution of the stolen property to the person entitled to the possession,

order that out of the money a sum not exceeding the price paid by the purchaser, shall be delivered to him.

Committee's Recommendation:

That the provision in Clause 344 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 344 do stand part of the Bill, put and agreed to.

Clause 345: Restitution and disposition of property found on defendant

Where, on the arrest of a defendant charged with an offence, any property, other than that used in the commission of the offence, is taken from him, the court before which he is charged may order that the property or any part of it be:

- (a) restored to the person who appears to the court to be entitled to it, and, where he is the person charged, that it be restored either to him or to such other person as he may direct; or
- (b) applied to the payment of any costs or compensation directed to be paid by the defendant charged.

Committee's Recommendation:

That the provision in Clause 345 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 345 do stand part of the Bill, put and agreed to.

Clause 346: Restitution of stolen property

- (1) Where a defendant is convicted of an offence relating to property, the court convicting him may order that the property or any part of it be restored to the person who appears to it to be the owner of it, either on payment or without payment by the owner, to the person in whose possession the property or any part of it then is, of any sum named in the order.
- (2) This section does not apply to:
 - (a) a valuable security which has been paid or discharged in good faith by a person liable to pay or discharge the instrument; or
 - (b) a negotiable instrument which has been received in good faith by transfer or delivery by a person for a just and valuable consideration without notice or without any reasonable cause to suspect that it had been stolen.

Committee's Recommendation:

That the provision in Clause 346 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 346 do stand part of the Bill, put and agreed to.

Clause 347: Destruction of articles relating to counterfeiting where charge is laid

Where a defendant is charged with an offence relating to counterfeit currency and in that defendant's possession, actual or constructive, was found a counterfeit currency or thing intended to be used for the purpose of making counterfeit currency, then, whether the charge proceeds to conviction or not, the currency or thing shall not be returned to the defendant charged or to the person from whom it was taken but shall be destroyed in such a manner as the court may order.

Committee's Recommendation:

That the provision in Clause 347 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 347 do stand part of the Bill, put and agreed to.

Clause 348: Destruction of articles relating to counterfeiting where no charge is laid

- (1) Where a person comes into possession of a currency, which he believes to be counterfeit or which, in his opinion, is to be used for the purpose of making counterfeit currency, he may hand the currency or thing to any officer of the Central Bank of Nigeria designated by the Bank to receive it, or to any police officer not below the rank of an Inspector, and the officer of the Central Bank of Nigeria, or police officer if satisfied that the currency:
 - (a) is not counterfeit, or is not intended to be used for the purpose of making counterfeit currency shall return the currency or thing, as the case may be, to the person purporting to be the owner of it, if known, and
 - (b) is counterfeit or is intended to be used for the purpose of making counterfeit currencies and if no charge is to be

preferred against a person in connection with the currency or thing,

may destroy, or cause to be destroyed the currency or thing in such manner and by such persons as may be approved by the Central Bank of Nigeria.

- (2) Notice of an action to be taken under subsection (1) (a) of this section shall have been given to the person who appears to be the owner of a currency, matter or thing, where the person is known and can easily be found, that the coin or thing will be destroyed at the end of a specified number of days unless the owner shows that the currency is not counterfeit or that the thing is not intended to be used for the purpose of making counterfeit currency.
- (3) A reasonable time shall be allowed for the person to provide proof that the currency is not counterfeit or that the thing is not intended to be used for the purpose of making counterfeit currency and the person who alleges that he is the owner of or otherwise entitled to the currency or thing shall have no claim against the officer of the Central Bank of Nigeria, police officer or the Federal Government in respect of the coin or thing so destroyed.

Committee's Recommendation:

That the provision in Clause 348 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 348 do stand part of the Bill, put and agreed to.

Clause 349: Detention and destruction of counterfeit currency, etc.

- (1) Subject to the provisions of this section, sections 347 and 348 of this Bill shall apply in relation to notes purporting to be legal tender in Nigeria as those sections apply in relation to currency.
- (2) Any currency, matter or thing shall not be destroyed by virtue of the provisions of this Part except:
 - (a) a court orders its destruction, in connection with a conviction for an offence;
 - (b) it appears to a magistrate court having jurisdiction in the place where the currency, matter or thing is for the time being situated, on an application made in accordance with rules of court, that the existence of the currency, matter or thing involves a breach of the law and the court makes an order for its forfeiture and destruction accordingly; or
 - (c) in the absence of a conviction for an offence in respect of the currency, matter or thing and any pending prosecution for the offence, and of an order or pending application for an order for its forfeiture, the currency, matter or thing:
 - (i) has been voluntarily surrendered by the person having possession of it, to the proper official of the Central Bank of Nigeria or a superior police officer, or
 - (ii) is discovered in a lodgment made with the Central Bank by a commercial bank.

Committee's Recommendation:

That the provision in Clause 349 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 349 do stand part of the Bill, put and agreed to.

Clause 350: Mode of dealing with forfeiture not pecuniary

Subject to the express provisions of any law, an article, not pecuniary, forfeited in respect of a summary conviction offence or the seizure, forfeiture or disposition of which may be enforced by the court may be sold or disposed of in such manner as the court may direct, and the proceeds of the sale shall be applied in the like manner as if the proceeds were a penalty imposed under the law on which the proceedings for the forfeiture is founded.

Committee's Recommendation:

That the provision in Clause 350 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 350 do stand part of the Bill, put and agreed to.

PART 35 - SUMMARY PROCEDURE IN PERJURY

Clause 351: Summary procedure in perjury

- (1) Where it appears to a court that a person has committed perjury in any proceeding before it, the court, subject to the provisions of subsection (2) of this section and in addition, in the case of a Magistrate, to subsection (3) of this section, may:
- (a) commit him for trial on information of perjury and bind any person by recognizance to give evidence at his trial; or

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- (b) try him summarily for contempt of court and where he is found guilty, commit him to prison for a period not exceeding 6 months or fine him in such sum in accordance with the scale of fine in the Fourth Schedule to this Bill.
- (2) Where a court decides to try a person summarily, under subsection (1) of this section, for contempt of court, the court shall:
- (a) specify the perjury alleged and shall direct the attention of the person to be charged to the inconsistencies on which the charge is based; and
- (b) require him to give his explanation to the inconsistencies and record the explanation.
- (3) Where a court orders a person to be imprisoned or to pay a fine under subsection (1) of this section, it shall:
- (a) not issue a warrant of commitment or make an order for imprisonment for non-payment of the fine but shall either remand the person or release him on a recognizance with or without sureties, to come up before the court when called upon; and
- (b) immediately forward to the Chief Judge or such Judge as the Chief Judge may direct, a certified copy of the proceedings.
- (4) The Chief Judge or Judge to whom a certified copy of the proceedings is forwarded pursuant to subsection (3) of this section:

- (a) may, without hearing argument and in the absence of the person concerned, set aside or confirm the order or reduce the sentence of imprisonment or the amount of the fine; and
 - (b) shall inform the court immediately of his decision.
- (5) Where the Chief Judge or Judge does not wholly set aside the court's order, the court shall immediately issue its warrant of commitment or make the necessary order for payment of the fine in accordance with the terms of the Chief Judge or Judge's order.
- (6) An imprisonment or a fine ordered or imposed under this section is a bar to any other proceeding for the same offence except where the order of the court has been wholly set aside.

Committee's Recommendation:

That the provision in Clause 351 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 351 do stand part of the Bill, put and agreed to.

PART 36 - TRIALS AND SUMMARY TRIALS GENERALLY

Clause 352: Trials

- (1) Trials shall be held in the High Court on information filed:
- (a) by the Attorney-General of the Federation or a law officer in his office;
 - (b) by the Attorney General of the State or a law officer in his office;
 - (c) by a Legal Officer of any prosecuting agency;
 - (d) by a private prosecutor; or
 - (e) summarily, in accordance with the provisions of this Bill.
- (2) Trials shall be held in the Magistrate Court or any other court or tribunal exercising criminal jurisdiction in accordance with the provisions of this Bill relating to summary trials.

Committee's Recommendation:

That the provision in Clause 352 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 352 do stand part of the Bill, put and agreed to.

Clause 353: Non-appearance and non-representation of legal practitioner

- (1) Where a defendant charged before the court is not represented by a legal practitioner, the court shall:
- (a) inform him of his rights to a legal practitioner of his choice; and
 - (b) enquire from him, whether he wishes to engage his own legal practitioner, or a legal practitioner engaged for him by way of legal aid.

- (2) Where the legal practitioner who had appeared on behalf of the defendant ceases to appear in court in two consecutive sessions of the Court, the Court shall enquire from the defendant if he wishes to engage on his own another legal practitioner or a legal practitioner engaged for him by way of legal aid.
- (3) Where the defendant wishes to engage another legal practitioner of his choice, the court shall allow him reasonable time but not exceeding 30 days to do so.
- (4) Where the defendant fails or is unable to engage a legal practitioner for himself within a reasonable time, the Court may direct that the defendant be represented by a legal practitioner engaged by way of legal aid.
- (5) The Court may assign to any legal practitioner whose place of practice is within the jurisdiction of the court, any case of a defendant who has no legal representation, and the legal practitioner shall undertake the defence of the defendant with all due diligence, in which case, the legal practitioner shall not pay any filing fee or service fee in respect of the case so assigned.
- (6) A legal practitioner so engaged shall be paid such reasonable sum as may be determined by the Attorney-General of the Federation.
- (7) Where the defendant chooses to represent himself, the court shall:
 - (a) inform him of all his rights under the Constitution of the Federal Republic of Nigeria, 1999 and under this Bill; and
 - (b) indicate the fact of having so informed the defendant on the record, but a defendant charged with a capital offence or an offence punishable with life imprisonment shall not be allowed to represent and defend himself.
- (8) A legal practitioner, other than a law officer, engaged in any matter shall be bound to conduct the case on behalf of the prosecution or defendant until final judgment, unless allowed for any special reason to cease from acting by the court of its own motion or upon application by the legal practitioner.
- (9) Where a legal practitioner intends to disengage from a matter, he shall notify the court, not less than 3 days before the date fixed for hearing and such notice shall be served on the court and all parties.
- (10) Where a legal practitioner fails to comply with the provisions of subsection 9 of this section, he shall be liable to pay cost to the extent of the expenses incurred by the witnesses present in court.

Committee's Recommendation:

That the provision in Clause 353 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 353 do stand part of the Bill, put and agreed to.

Clause 354: When summary trials shall be held

- (1) Trial shall be held summarily in:
 - (a) the High Court in respect of perjury;

- (b) respect of an offence which by an Act of the National Assembly is triable summarily; and
 - (c) respect of a trial for an offence punishable with less than 3 years imprisonment in the Magistrate Court or tribunal.
- (2) In a trial in the High Court or Magistrate Court or Tribunal, the prosecution shall, provide the defendant all materials that the prosecution intends to rely on at the trial, before or at the commencement of the trial.

Committee's Recommendation:

That the provision in Clause 354 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 354 do stand part of the Bill, put and agreed to.

Clause 355: Non-appearance of complainant

- (1) When the case is called, the defendant appears voluntarily in obedience to the summons or is brought before the court under a warrant, and the complainant having, to the satisfaction of the court, had due notice of the time and place of hearing, does not appear in person or in the manner authorised by a written law, the court may dismiss the complaint.
- (2) Where the court receives a reasonable excuse for the non-appearance of the complainant or his representative or for other sufficient reason, it shall adjourn the hearing of the complaint to some future day on such terms as the Court may deem just.

Committee's Recommendation:

That the provision in Clause 355 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 355 do stand part of the Bill, put and agreed to.

Clause 356: Non-appearance of defendant

- (1) Where a case is called in which summons has been issued and the defendant does not appear, or pleads guilty under the provisions of section 138 of this Bill, and no sufficient excuse is offered for his absence, then the court where it is:
 - (a) satisfied that the summons, if any, has been duly served, may issue a warrant, called bench warrant for his arrest; or
 - (b) not satisfied that the summons has been duly served or where a warrant had been issued, in the first instance, for the arrest of the defendant,

shall adjourn the hearing of the case to some future day, in order that proper service may be effected or, until the defendant is arrested, as the case may be.

- (2) Where the defendant is afterward arrested on a bench warrant, he shall be brought before the court immediately which may then commit him by warrant to a correctional centre or to such other place of safe custody as it deems fit, and order him to be brought before the court at a certain time and place.

- (3) The complainant shall, by direction of the court, be served due notice of the time and place ordered under subsection (2) of this section.

Committee's Recommendation:

That the provision in Clause 356 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 356 do stand part of the Bill, put and agreed to.

Clause 357: Non-appearance of both parties

- (1) Where the case is called and neither the prosecutor nor the defendant appears, or the defendant appears and the prosecutor does not appear, the court shall make such order as the justice of the case requires.
- (2) The court may, in the order, include such direction as to the payment of costs as the court considers fit, and the payment of the costs may be as if it were a fine.

Committee's Recommendation:

That the provision in Clause 357 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 357 do stand part of the Bill, put and agreed to.

Clause 358: Appearance of both parties

When the case is called and both the complainant and the defendant appear, the court shall proceed to hear and determine the case.

Committee's Recommendation:

That the provision in Clause 358 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 358 do stand part of the Bill, put and agreed to.

Clause 359: Withdrawal of complaint

Subject to the provision of section 111, where a complainant, at any time before a final order is made in a case, satisfies the court that there are sufficient grounds for permitting him to withdraw his complaint, the court may permit him to withdraw the complaint.

Committee's Recommendation:

That the provision in Clause 359 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 359 do stand part of the Bill, put and agreed to.

Clause 360: Manner of hearing

Where a complainant, at any time before a final order is made in a case, satisfies the court that there are sufficient grounds for permitting him to withdraw his complaint, the court may permit him to withdraw the complaint and may thereupon acquit the defendant.

Committee's Recommendation:

That the provision in Clause 360 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 360 do stand part of the Bill, put and agreed to.

Clause 361: Discharge of defendant when no case to answer

Where at the close of the evidence in support of the charge, it appears to the court that a case is not made out against the defendant sufficiently to require him to make a defence, the court shall, as to that particular charge, discharge him being guided by the provisions of section 307 of this Bill.

Committee's Recommendation:

That the provision in Clause 361 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 361 do stand part of the Bill, put and agreed to.

Clause 362: Defence

- (1) At the close of the evidence in support of the charge, where it appears to the court that a prima facie case is made out against the defendant sufficiently to require him to make a defence, the court shall call on him for his defence and where the defendant is not represented by a legal practitioner, the court shall inform him of the alternatives open to him that he may:
 - (a) make a statement, without being sworn, from the place where he then is, in which case he will not be liable to cross-examination; or
 - (b) give evidence in the witness box, after being sworn as a witness; in which case he will be liable to cross-examination; or
 - (c) call any witness or adduce any other evidence in his defence.
- (2) Where the defendant is represented by a legal practitioner, the court shall call on the legal practitioner to proceed with the defence.
- (3) At the close of the evidence in support of the charge or information by the prosecution if the defence chooses to open his case or where the court decides that a prima facie case is made out against the defendant sufficiently to require him to make a defence, the defendant shall file and serve within seven (7) days, the witness statement on oath of his witness or witnesses together with photocopies of documents he intends to rely on during trial.

Committee's Recommendation:

That the provision in Clause 362 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 362 do stand part of the Bill, put and agreed to.

Clause 363: Process for compelling production of evidence at instance of defendant

- (1) The defendant may apply to the court to issue a process for compelling the attendance of a witness for the purpose of examination or the production of a document or any other thing.
- (2) On an application by the defendant under subsection (1) of this section, the court shall issue the process unless for reasons to be recorded by it in writing it considers that the application is made for the purpose of vexation or delay or of defeating the aims of justice.

Committee's Recommendation:

That the provision in Clause 363 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 363 do stand part of the Bill, put and agreed to.

Clause 364: Saving as to section 362(1) (a).

Failure to comply with the requirements of section 362(1) (a) of this Bill shall not of itself vitiate the trial where the court:

- (a) called on the defendant for his defence;
- (b) asked the defendant if he had any witness; and
- (c) heard the defendant and his witnesses and other evidence, if any.

Committee's Recommendation:

That the provision in Clause 364 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 364 do stand part of the Bill, put and agreed to.

Clause 365: Evidence in reply

Where the defendant adduces in his defence a new matter, which the prosecution could not foresee, the prosecution may, with the leave of the court, adduce evidence to rebut the new matter or evidence.

Committee's Recommendation:

That the provision in Clause 365 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 365 do stand part of the Bill, put and agreed to.

Clause 366: Power to take deposition in certain cases

- (1) In certain exceptional circumstances, where the evidence of a technical, professional or expert witness would not ordinarily be contentious as to require cross-examination, the court may grant leave for the evidence to be taken in writing or by electronic recording device, on oath or affirmation of the witness, and the deposition shall form part of the record of the court.
- (2) Where it appears to the court that a person who is seriously ill or hurt may not recover, but is able and willing to give material evidence relating to an offence and it is not practicable to take the evidence in accordance with the provisions of this Bill, the Judge or Magistrate shall:
 - (a) take in writing the statement on oath or affirmation of the person and subscribe the statement and certify that it contains accurately the whole of the statement made by the person; and
 - (b) add a statement of his reason for taking the statement, the date and place when and where the statement was taken, and shall preserve the statement and file it for record.
- (3) The court shall cause reasonable notice of the application to take the deposition in accordance with subsections (1) and (2) of this section and of the time and place where it is to be taken to be served on the prosecutor and defendant and if the defendant, is in custody and his presence is required for the deposition, he shall be brought by the person in whose custody he is, to the place where the statement is to be taken, under an order in writing of the court.

Committee's Recommendation:

That the provision in Clause 366 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 366 do stand part of the Bill, put and agreed to.

Clause 367: When statement may be used in evidence

- (1) A statement taken under section 366 of this Bill may afterwards be used in evidence on the trial of a defendant accused of an offence to which the statement relates in accordance with the provisions of section 46 of the Evidence Act.
- (2) The signature and attestation of the Judge or Magistrate shall be sufficient prima facie proof of the content of the statement, and that the statement was taken in all respects according to law and the attestation and signature shall be admitted without further proof unless the court sees reason to doubt the genuineness.

Committee's Recommendation:

That the provision in Clause 367 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 367 do stand part of the Bill, put and agreed to.

Clause 368: Notes of evidence to be recorded electronically or in writing

- (1) Without prejudice to section 367 of this Bill, court proceedings may be recorded electronically and verbatim such that a transcript of such recording may be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings.
- (2) Where court proceedings are not recorded as stated in subsection (1) of this section, the court shall in every case take notes in writing of the oral evidence it considers material, in a file to be kept for that purpose and the file shall be signed by the Judge at the conclusion of each day's proceedings.
- (3) When a presiding Judge or Magistrate has recorded the evidence of a witness, he shall also record such remarks (if any) as he thinks material relating to the demeanor of such witness whilst under examination.
- (4) A person is not entitled, as of right, to inspection of or to a copy of the record so kept except as may be expressly provided for by the rules of the court or by any other law.
- (5) The record so kept or a copy of it purporting to be signed and certified as a true copy by the court shall, at all times, without further proof, be admitted as evidence of the proceedings as statement made by the witnesses.
- (6) The Court may conduct proceedings either in whole or in part through audio and video conference platform and members of the public may take part through the same means without the necessity of physical attendance in the courtroom.

Committee's Recommendation:

That the provision in Clause 368 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 368 do stand part of the Bill, put and agreed to.

Clause 369: Local inspection

A court trying a case summarily shall make or cause to be made such local inspection as the circumstances of the case may require.

Committee's Recommendation:

That the provision in Clause 369 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 369 do stand part of the Bill, put and agreed to.

Clause 370: Cross complaints

Where a complaint is made by one or more parties against another party or parties and there is a cross-complaint by the defendant or defendants in the first named case, the court may, where it deems fit, hear and determine the complaints in the same proceeding.

Committee's Recommendation:

That the provision in Clause 370 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 370 do stand part of the Bill, put and agreed to.

Clause 371: Joinder of complaints

Where two or more complaints are made by one or more parties against another party or parties and the complaints refer to the same matter, the court may, where it deems fit, hear and determine the complaints in the same proceedings.

Committee's Recommendation:

That the provision in Clause 371 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 371 do stand part of the Bill, put and agreed to.

Clause 372: Giving of decision upon conclusion of hearing

On the conclusion of the hearing, the court shall either at the same or at an adjourned sitting give its decision on the case either by dismissing or convicting the defendant and may make such other orders as may seem just.

Committee's Recommendation:

That the provision in Clause 372 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 372 do stand part of the Bill, put and agreed to.

Clause 373: Power to bind parties to be of good behavior

- (1) In a summary trial, the court may, whether the complaint is dismissed or not, by order bind over either the complainant or defendant, or both, with or without a surety or sureties, to be of good behaviour.
- (2) A person who breaches an order made, pursuant to subsection (1) of this section, may be imprisoned for a term not exceeding three months in addition to any other punishment to which the person is liable.
- (3) Before a binding order pursuant to subsection (1) of this section or an order for imprisonment or any other punishment under subsection (2)

of this section is made, the person to be affected by the order shall be given an opportunity to be heard.

Committee's Recommendation:

That the provision in Clause 373 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 373 do stand part of the Bill, put and agreed to.

Clause 374: Effect of judgment of dismissal on merits, not on merits and without prejudice

- (1) Where a charge is dismissed on merits, the dismissal has the same effect as an acquittal.
- (2) Where a charge is dismissed but not on merits, or stated to be dismissal without prejudice, the dismissal does not have the same effect as an acquittal.

Committee's Recommendation:

That the provision in Clause 374 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 374 do stand part of the Bill, put and agreed to.

Clause 375: Summary trial of child by Magistrate

Where a child is proceeded against before a court for an offence, the court shall have regard to the provisions of the Child Rights Act.

Committee's Recommendation:

That the provision in Clause 375 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 375 do stand part of the Bill, put and agreed to.

Clause 376: Power to remand

Without prejudice to any other power which a Magistrate may possess, he may, for the purposes of ascertaining whether it is expedient to deal with a case summarily, either before or during the hearing of the case, adjourn the case and remand the person charged for a period not exceeding 48 hours or release him on bail.

Committee's Recommendation:

That the provision in Clause 376 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 376 do stand part of the Bill, put and agreed to.

Clause 377: Law officer may require case to be adjourned or dealt with specially

- (1) A law officer, in a case where a charge of an offence is being proceeded with summarily by a Magistrate, may, at any time before judgment, request the Magistrate to deal with the case as one for trial on information.
- (2) On receipt of the request, the Magistrate shall adjourn the proceeding until such a time as information or charge is filed in the High court, provided that the information shall be filed within a period of 30 days of the date the order granting the request.

- (3) The Magistrate shall make the case returnable for a period not exceeding 32 days from the date of the grant of the request.
- (4) Where at the end of the period of 30 days provided in subsection (2) of this section, the information or charge against the defendant has not been filed at the High Court, the Magistrate shall proceed on the return date to try the charge summarily where he has jurisdiction, or may make an order releasing the defendant on bail pending his arraignment on the information or charge as requested by the law officer.

Committee's Recommendation:

That the provision in Clause 377 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 377 do stand part of the Bill, put and agreed to.

Clause 378: Adjournment for law officer's decision

- (1) Where a charge for an offence is being tried summarily by a Magistrate, he shall, at the request of a person in charge of the prosecution made at any time before judgment, adjourn the hearing of the charge for consultation with a law officer with a view to obtaining a request to proceed in accordance with section 373 of this Bill.
- (2) The request of the law officer so consulted shall be filed within 14 days of the date the Magistrate grants the request of the person prosecuting, failing which the Magistrate shall proceed to try and conclude the case summarily.
- (3) Where the Magistrate grants an adjournment at a request under subsection (1) of this section, the adjournment shall not be for a period exceeding 15 days, and the Magistrate may grant the defendant bail.

Committee's Recommendation:

That the provision in Clause 378 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 378 do stand part of the Bill, put and agreed to.

Clause 379: Security for peace in cases tried summarily

- (1) A defendant convicted of an offence tried summarily may, instead of, or in addition to any prescribed punishment, be ordered to enter into his own recognizance, with or without sureties, in such amount as the court thinks fit that he shall keep the peace and be of good behaviour for a reasonable period fixed by the court.
- (2) The convict may be ordered to be imprisoned until the recognizance is entered into, but the imprisonment shall not:
 - (a) extend for a term longer than 1 year; and
 - (b) together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine for the offence which he was convicted.

Committee's Recommendation:

That the provision in Clause 379 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 379 do stand part of the Bill, put and agreed to.

Clause 380: Case files, legal advice, and related proceedings

- (1) Where an offence for which the Magistrate Court has no jurisdiction to try is preferred against a defendant, the police shall at the conclusion of investigation submit the case file to the office of the Attorney-General of the Federation.
- (2) The Attorney-General of the Federation shall, within 14 days of receipt of the police case, file, issue and serve his legal advice indicating whether or not there is a prima facie case against the defendant for which he can be prosecuted.
- (3) ~~Where the Attorney-General of the Federation~~ is of the opinion, as contained in the legal advice, that the suspect has no prima facie case to answer, he shall serve a copy of the legal advice on the:
 - (a) police or the head of the police legal unit through whom the police case file was sent to the Attorney-General of the Federation;
 - (b) court before whom the suspect was remanded in correctional centre, where he is in remand custody, or before whom the suspect was granted bail, where he is on bail; and
 - (c) suspect in respect of whom legal advice is preferred through the correctional centre authority, where the suspect is remanded in custody, or through his legal representative, if any.
- (4) Where the offence is one for which a magistrate court has jurisdiction to try, the prosecutor shall file the charge at the magistrate court, accompanied with:
 - (a) the list of witnesses;
 - (b) the list of exhibits;
 - (c) written dispositions on oath of the testimonies of the prosecution's witnesses in the matter; and
 - (d) any report, document or material that the prosecution intends to rely on at the trial of the offence, but the prosecution may, with leave of the court, file and serve any additional document.
- (5) The defendants shall file written dispositions on oath of the testimonies of his witnesses in the matter.
- (6) The police or the officer in charge of the Correctional Centre in which the suspect is remanded in custody shall on receipt of the legal advice, release the suspect immediately from detention where there is no case to answer.
- (7) The court referred to in subsection (3) (b) of this section, shall, on receipt of the legal advice, dismiss the charge against the suspect and accordingly discharge the suspect.

- (8) The Attorney-General of the Federation shall send a Law Officer in his office to the court where the order of remand was made and ensure the discharge of the remand order and of the suspect.
- (9) Where the Attorney-General of the Federation is of the opinion, as contained in the legal advice, that the suspect has a prima facie case to answer, he shall file and serve the charge or information in accordance with the provisions of this Bill.
- (10) A form as prescribed in the First Schedule to this Bill, indicating a desire to be represented by legal practitioner of his choice or by a legal practitioner from the Legal Aid Council or any other organisation providing free legal representation to defendants shall be attached to each legal advice for the purpose of endorsement by the person in respect of whom legal advice is preferred and against whom the information is filed.
- (11) Where the defendant indicates in the form referred to in subsection (9) of this section that, he wishes to be represented by a legal practitioner of the Legal Aid Council or any other organisation providing free legal representation, he shall forward the form to the Chief Registrar of the court before whom the charge or information for his trial has been filed and the Chief Registrar shall, within 14 days of receipt of the form, ensure that a legal practitioner of the Legal Aid Council as stipulated under this subsection or any other organization providing free legal representation for the defendant, and by notice in writing inform the defendant of the particulars of the legal representation arranged for him.
- (12) The Chief Register shall, upon getting the form, forward same to the Director-General of the Legal Aid Council or to the nearest Legal Aid Council office where the court is located.

Committee's Recommendation:

That the provision in Clause 380 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 380 do stand part of the Bill, put and agreed to.

PART 37 - TRIALS BY WAY OF INFORMATION

Clause 381: Form of information

An information shall be in the form set out in Form No. 11 in the First Schedule to this Bill with such modifications as may be necessary to adapt it to the circumstances of each case.

Committee's Recommendation:

That the provision in Clause 381 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 381 do stand part of the Bill, put and agreed to.

Clause 382: Contents of information

- (1) An information shall contain:
 - (a) a description of the offence charged in the information or, where more than one offence is so charged, of each offence so charged, and each offence charged shall be set out in a separate paragraph known as count;

- (b) a count of an information shall commence with a statement of offence charged.
 - (c) the statement of offence which shall, briefly describe the offence charged in ordinary language, avoiding where possible the use of technical terms and all the essential elements of the offence, and, where the offence charged is one created by a law, shall contain a reference to that law;
 - (d) the particulars of offence, which shall be set out in ordinary language;
 - (e) the law and section of the law against which the offence is alleged to have been committed; and
 - (f) where the law that creates the offence does not give it any specific name, such definition of the offence may be made to give the defendant notice of the offence with which he is charged.
- (2) A charge is presumed to have fulfilled every condition required by law to constitute an offence but, where a law limits the particulars of an offence which are required to be given in an information, nothing in this subsection shall require any more particulars to be given than those so required.
- (3) Where an information contains more than one count, the counts shall be numbered consecutively.

Third Schedule

- (4) The forms set out in the Third Schedule to this Bill or forms conforming to them as nearly as possible may be used in the cases to which they are applicable.
- (5) In other cases, forms to the like effect or conforming to them as nearly as may be used, where applicable.
- (6) A statement of offence and the particulars of the offence may be varied according to the circumstances of each case.

Committee's Recommendation:

That the provision in Clause 382 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 382 do stand part of the Bill, put and agreed to.

Clause 383: Contents of information, charge, proof of evidence, etc.

- (1) An information or a charge shall be filed in the registry of the High Court before which the prosecution seeks to prosecute the offence, and shall include:
 - (a) the proof of evidence, consisting of:
 - (i) the list of witnesses,
 - (ii) written disposition on oath of the testimonies of the witnesses,
 - (iii) the list of exhibits to be tendered,
 - (iv) summary of statements of the witnesses,
 - (v) copies of statement of the defendant,

- (vi) plea form,
 - (vii) any other document, report, or material that the prosecution intends to use in support of its case at the trial,
 - (viii) particulars of bail or any recognizance, bond or cash deposit, if defendant is on bail,
 - (ix) particulars of place of custody, where the defendant is in custody,
 - (x) particulars of any plea bargain arranged with the defendant;
 - (xi) particulars of any previous interlocutory proceedings, including remand proceedings, in respect of the charge, and
 - (xi) a deposition on oath by the investigator stating that all investigation into the matter had been concluded.
 - (xii) any other relevant document as may be directed by the court; and
- (b) a copy of the form for information on legal representation as provided under section 380(9) of this Bill.
- (2) The prosecution may, at any time before judgment, file and serve notice of additional evidence.
 - (3) The information or charge and all accompanying processes shall be served on the defendant or his legal representative, if any.
 - (4) The defendant shall file written dispositions on oath testimonies of his witnesses in the matter.

Committee's Recommendation:

That the provision in Clause 383 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 383 do stand part of the Bill, put and agreed to.

Clause 384: Application of rules relating to charges

The provisions relating to charges in this Bill shall apply to the counts of an information.

Committee's Recommendation:

That the provision in Clause 384 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 384 do stand part of the Bill, put and agreed to.

Clause 385: Filing of charge or complaints' information

An information or a charge may be filed by:

- (a) the Attorney-General of the Federation or officers in his office;
- (b) a public officer acting in his official capacity;
- (c) a private legal practitioner authorised by the Attorney-General of the Federation; or

- (d) a private person, provided the information or charge is endorsed by a law officer that he has seen such information or charge and declined to prosecute at the public instance and the private person enters into a bond to prosecute diligently and to a logical conclusion.

Committee's Recommendation:

That the provision in Clause 385 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 385 do stand part of the Bill, put and agreed to.

Clause 386: Assignment of information and issuance of notice of trial

- (1) Where an information or a charge has been filed in the court, the Chief Judge shall take appropriate steps to ensure that the information or charge filed is assigned to a court for trial within 15 working days of its filing.
- (2) On assigning the information or charge, the court to which the information or charge is assigned shall within 10 working days of the assignment issue notice of trial to the witnesses and defendants and a production warrant properly endorsed by the Judge in respect of the defendant charged, where he is in custody, for the purpose of ensuring his appearance on the date of arraignment, and the Chief Registrar shall ensure the prompt service of the notice and information or charge not more than 3 days from the date they are issued.
- (3) Where the defendant named in the information or charge is in custody, the notice of trial and the information or charge shall be delivered to him through the officer in charge of the correctional centre in which he is detained, and the warrant for his production shall be served on the officer of the correctional centre.
- (4) Where the defendant is not in custody, the notice of trial and the information or charge shall be served on him personally.
- (5) Where it is impossible or impracticable to effect personal service of the notice of trial and information or charge on the defendant, they may be served on him, with leave of court, through his legal practitioner, if any, or on his surety or sureties, or on an adult in his household or in such other manner as the court shall deem fit and the information or charge shall be deemed to be duly served on the defendant.
- (6) Nothing in this section shall prevent the defendant from being tried by reason only that the notice of trial and the information charge were served on him less than 3 days before the date of trial, where he consents to being so tried.

Committee's Recommendation:

That the provision in Clause 386 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 386 do stand part of the Bill, put and agreed to.

Clause 387: Information by private person

- (1) The registrar shall receive an information from a private legal practitioner where:

- (a) the information is endorsed by the Attorney-General of the Federation or a law officer acting on his behalf stating that he has seen the information and has declined to prosecute the offence set out in the information; and
 - (b) the private legal practitioner shall enter into a recognizance in:
 - (i) such sum as may be fixed by the court, with a surety, to prosecute the information or charge to conclusion from the time the defendant shall be required to appear,
 - (ii) pay such costs as may be ordered by the court, or
 - (iii) deposit in the registry of the court, such sum of money as the court may fix.
- (2) Where an application for consent to prosecute is made to the Attorney-General of the Federation by a private legal practitioner and the Attorney-General declines to grant such consent, he shall give his reasons for doing so in writing within 15 working days from the date of the receipt of the application.

Committee's Recommendation:

That the provision in Clause 387 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 387 do stand part of the Bill, put and agreed to.

Clause 388: Conditions for private prosecutors

Where a private legal practitioner has complied with the provisions of section 388 of this Bill, the information or charge shall be signed by such private legal practitioner who shall be entitled to prosecute the information.

Committee's Recommendation:

That the provision in Clause 388 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 388 do stand part of the Bill, put and agreed to.

Clause 389: Venue

The place of trial shall be determined in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 389 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 389 do stand part of the Bill, put and agreed to.

Clause 390: Change of venue

Notwithstanding the provisions of section 389 of this Bill:

- (a) where a cause is commenced in any other division than that in which it ought to have been commenced, it may, notwithstanding, be tried in that division in which it was commenced, but where the defendant objects, the court may, where it considers the objection reasonable, transfer the case to the proper division in which it ought to have been commenced;

- (b) the prosecutor or the defendant may, whenever he considers that the ends of justice so require in any case, apply to the court either to transfer the hearing from one division to another or from one part of the division to another part of the same division; and
- (c) no appeal shall lie from any order of transfer made under this section.

Committee's Recommendation:

That the provision in Clause 390 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 390 do stand part of the Bill, put and agreed to.

Clause 391: Effect of change of venue

Where a case is transferred from one place in a division to another place in the same division or to another division, the case shall be tried and determined at the place or in the division to which it has been transferred; and all recognizance, subpoenas, and proceedings in or relating to the case are deemed to be returnable at the latter place or division and all witnesses who are or summoned to attend the trial shall be informed accordingly and shall attend at such latter place or division.

Committee's Recommendation:

That the provision in Clause 391 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 391 do stand part of the Bill, put and agreed to.

Clause 392: Form of notice of trial

The Registrar or any other person directed by the court, shall endorse on, or annex to, every information or charge delivered to the sheriff or proper officer, for service, a notice of trial and such notice shall specify the particular sessions at which the party is to be tried on the information or charge and shall be in the following form or as near to it as may be.

Committee's Recommendation:

That the provision in Clause 392 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 392 do stand part of the Bill, put and agreed to.

Clause 393: Copy of information or charge and notice of trial to be delivered to Sheriff

The Registrar or other proper officer shall deliver, or cause to be delivered, to the Sheriff or proper officer serving the information or charge, a copy, with the notice of trial endorsed on or annexed to it, and where there are more parties charged than one, then as many copies as there are parties, together with a similar notice for service on each witness bound to attend the trial.

Committee's Recommendation:

That the provision in Clause 393 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 393 do stand part of the Bill, put and agreed to.

Clause 394: Time and mode of summoning parties on information or charge

The Sheriff or other proper officer shall, on receipt of the information or charge and notice of trial, serve the person named in the notice at least 7 working days before the date specified on the notice.

Committee's Recommendation:

That the provision in Clause 394 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 394 do stand part of the Bill, put and agreed to.

Clause 395: Service of notice of trial on witnesses

Notice of trial at the same time shall be served on all the witnesses, and the service of the notice on the witnesses shall be in the like manner as service on a defendant who is not in custody.

Committee's Recommendation:

That the provision in Clause 395 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 395 do stand part of the Bill, put and agreed to.

Clause 396: Registered courier companies may serve processes

The Chief Judge may engage the services of a reputable courier company for the purpose of undertaking service of criminal processes, and such company shall serve processes in accordance with this Bill.

Committee's Recommendation:

That the provision in Clause 396 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 396 do stand part of the Bill, put and agreed to.

Clause 397: Return of service

The officer of such courier company serving the copy of information and notices shall immediately make to the registrar or other proper officer a return of the mode of service with the necessary endorsement of service on the person named for service on the notice or information.

Committee's Recommendation:

That the provision in Clause 397 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 397 do stand part of the Bill, put and agreed to.

Clause 398: Warrant where defendant does not appear

Where a defendant against whom an information or charge has been duly preferred, and on whom the information or charge and notice of trial have been duly served, does not file plea and appear to adopt his plea to the information or charge, whether he is under recognizance to appear or not, the court may issue a warrant for his arrest.

Committee's Recommendation:

That the provision in Clause 398 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 398 do stand part of the Bill, put and agreed to.

Clause 399: Law officer or legal practitioner for State and defence in capital cases

Where a defendant is accused of a capital offence or offence punishable by life imprisonment, the State shall be represented by a law officer, or a legal practitioner, and where the defendant is not defended by a legal practitioner, the court shall assign a legal practitioner for his defence.

Committee's Recommendation:

That the provision in Clause 399 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 399 do stand part of the Bill, put and agreed to.

Clause 400: Time for raising certain objections, day-to-day trial and adjournments

- (1) The defendant to be tried on an information or charge shall be arraigned in accordance with the provisions of this Bill relating to the taking of pleas and the procedure on it.
- (2) After the plea has been adopted, the defendant may raise objection to the validity of the charge or information at any time before judgment,

Provided that such objection shall only be considered along with the substantive issues and a ruling thereon made at the time of delivery of judgment.
- (3) Such objection made under subsection (2) of this section shall be brought by way of a Motion or Notice to the Court.
- (4) Upon arraignment, the trial court shall set-out a case management plan for speedy conduct of the trial.
- (5) Subject to subsection (4) of this section, the trial shall proceed from day-to-day until the conclusion of the trial.
- (6) Where day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.
- (7) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends.
- (8) In all circumstances, the court may award reasonable costs in order to discourage frivolous adjournments.
- (9) A Judge who has been elevated to the Court of Appeal shall have dispensation to continue to sit as a High Court Judge only for the purpose of concluding any part-heard criminal matter pending before him at the time of his elevation and shall conclude the same within a reasonable time, provided that this subsection shall not prevent him from resuming duty as a Justice of the Court of Appeal.
- (10) Notwithstanding the provision of subsection (9), where it is impracticable for the elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.
- (11) Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if

satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.

Committee's Recommendation:

That the provision in Clause 400 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 400 do stand part of the Bill, put and agreed to.

Clause 401: Attendance of witness bound by recognizance to attend

A person who is summoned as a witness, whether for the prosecution or for the defence, shall be bound to attend the court on the day fixed for the trial of the case and on subsequent dates until the conclusion of the case or until he has been discharged by the court from further attendance.

Committee's Recommendation:

That the provision in Clause 401 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 401 do stand part of the Bill, put and agreed to.

Clause 402: Warrant for arrest of witness not attending on recognizance

Where a person who has been summoned to attend as a witness, whether for the prosecution or for the defence, does not attend the court on the day fixed for the trial of the case or on any further adjourned date, and he offers no reasonable excuse for his absence, despite the fact that he was duly served with the notice of the trial, the court may issue a bench warrant that the person be arrested and be brought before the court, at a time to be mentioned in the warrant, in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Committee's Recommendation:

That the provision in Clause 402 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 402 do stand part of the Bill, put and agreed to.

Clause 403: Warrant for arrest of witness disobeying summons

Where a person named on a summons or writ of subpoena willfully refused to accept service of the summons or writ of subpoena, the court shall issue a warrant for the person to be arrested and be brought before the court at a time to be mentioned in the warrant in accordance with the summons or writ of subpoena.

Committee's Recommendation:

That the provision in Clause 403 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 403 do stand part of the Bill, put and agreed to.

Clause 404: Fine for non-attendance of witness

A person who fails to attend as witness in either of the cases mentioned in sections 402 and 403 of this Bill is liable, on the summary order of the court, to a fine in a reasonable sum to be fixed by the court, but not less than N5,000.00 and, in default of payment, to imprisonment for a term

corresponding to the fixed sum, but the period of imprisonment shall not exceed a period of one month.

Committee's Recommendation:

That the provision in Clause 404 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 404 do stand part of the Bill, put and agreed to.

PART 38 - PROVISIONS RELATING TO SENTENCE OF DEATH

Clause 405: Construction of provisions relating to punishments

- (1) Subject to the provisions of a law relating to a specific offence or class of offence and to the jurisdiction conferred on any court or on a person presiding over the court, the provisions in this part shall apply to sentences of death, imprisonment, fine, and non-custodial sentences.
- (2) In determining a sentence, the court shall have the following objectives in mind, and may decide in each case the objectives that are more appropriate or even possible:
 - (a) prevention, that is, the objective of persuading the convict to give up committing offence in the future, because the consequences of crime is unpleasant;
 - (b) restraint, that is, the objective of keeping the convict from committing more offence by isolating him from society;
 - (c) rehabilitation, that is, the objective of providing the convict with treatment or training that will make him into a reformed citizen;
 - (d) deterrence, that is, the objective of warning others not to commit offence by making an example of the convict;
 - (e) education of the public, that is, the objective of making a clear distinction between good and bad conduct by punishing bad conduct;
 - (f) retribution, that is, the objective of giving the convict the punishment he deserves, and giving the society or the victim revenge; and
 - (g) restitution, that is, the objective of compensating the victim or family of the victim of the offence.

Committee's Recommendation:

That the provision in Clause 405 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 405 do stand part of the Bill, put and agreed to.

Clause 406: Death

- (1) Punishment of death is inflicted by hanging the convict by the neck till he is dead or by lethal injection.
- (2) Sentence of death shall be pronounced by the court in the following form:

"The sentence of the court upon you is that you be hanged by the neck until you are dead or by lethal injection."

Committee's Recommendation:

That the provision in Clause 406 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 406 do stand part of the Bill, put and agreed to.

Clause 407: How death sentence is to be carried out
Where sentence of death has been passed, the sentence shall only be carried out in accordance with the provisions of this Part.

Committee's Recommendation:

That the provision in Clause 407 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 407 do stand part of the Bill, put and agreed to.

Clause 408: Sentencing in the case of pregnancy

- (1) Where a woman found guilty of a capital offence is pregnant, the sentence of death shall be passed on her but its execution shall be suspended until the baby is delivered and weaned.
- (2) After delivery, the baby shall be in the care of the mother in a designated section of the correctional centre for nursing mothers.
- (3) It is only after the baby has been weaned and united with a responsible family member or to the social welfare where there is no responsible member.
- (4) The period for weaning the child shall be three years.

Committee's Recommendation:

That the provision in Clause 408 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 408 do stand part of the Bill, put and agreed to.

Clause 409: Sentencing in the case of a child offender

- (1) Where a convict who, in the opinion of the court, had not attained the age of 18 years at the time the offence was committed is found guilty of a capital offence, sentence of death shall not be pronounced or recorded but in lieu of it, the court shall decide such sentence that the justice of the case may allow in accordance with section 401 or to such other term as the court may deem appropriate in consideration of the principles in section 406 of this Bill and the Child's Rights Act.
- (2) Imprisonment of a child as stated under this section shall be at a facility for juvenile.

Committee's Recommendation:

That the provision in Clause 409 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 409 do stand part of the Bill, put and agreed to.

Clause 410: Authority for detention of convict
A certificate under the hand of the registrar, or other officer of the court, that a sentence has been passed, and naming the convict against whom it has been passed, shall be sufficient authority for the detention of the convict.

Committee's Recommendation:

That the provision in Clause 410 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 410 do stand part of the Bill, put and agreed to.

Clause 411: Judge's certificate of death sentence to be sufficient and full authority for execution of convict, unless he is pardoned or reprieved

A Judge who pronounces a sentence of death shall issue, under his hand and the seal of the court, a certificate to the effect that sentence of death has been pronounced upon the convict named in the certificate, and the certificate shall be sufficient and full authority in law for the detention of the convict in safe custody until the sentence of death pronounced upon him can be carried into effect and for carrying the sentence of death into effect in accordance with and subject to the provisions of this Part.

Committee's Recommendation:

That the provision in Clause 411 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 411 do stand part of the Bill, put and agreed to.

Clause 412: Steps to be taken by the Registrar

The Registrar of the Court by which the convict is sentenced to death shall, as soon as practicable after the sentence has been pronounced:

- (a) hand two copies of the certificate issued by the Judge under the provisions of section 411 of this Bill to the Commissioner of Police, one copy of which shall be retained by the Commissioner of Police and the other handed to the superintendent or other officer in charge of the correctional centre in which the convict is to be confined;
- (b) transmit to the Sheriff one copy of the certificate; and
- (c) file one copy of the certificate with the record of the proceedings in the case.

Committee's Recommendation:

That the provision in Clause 412 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 412 do stand part of the Bill, put and agreed to.

Clause 413: Convict may send request to committee on prerogative of mercy

- (1) Where a convict:
 - (a) has been sentenced to death and has exercised his legal rights of appeal against the conviction and sentence, and the conviction and sentence have not been quashed or the sentence, has not been reduced, or has failed to exercise his legal rights of appeal or having filed an application for leave to appeal, or an appellant has failed to perfect or prosecute the application or appeal within the time prescribed by law; or
 - (b) desires to have his case considered by the Committee on Prerogative of Mercy, he shall forward his request through his legal practitioner or officer in charge of the Correctional Centre in which he is confined to the Committee on Prerogative of Mercy.

- (2) The Committee on Prerogative of Mercy shall consider the request and make their report to the Council of State which shall advise the President.

Committee's Recommendation:

That the provision in Clause 413 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 413 do stand part of the Bill, put and agreed to.

Clause 414: State at which President is to consider report

- (1) The President shall, after considering the report made under section 414 of this Bill, if any, and after obtaining the advice of the Council of State, decide whether or not to recommend that the sentence should be commuted to imprisonment for life, or that the sentence should be commuted to any specific period, or that the convict should be otherwise pardoned or reprieved.
- (2) Where, for the purposes of subsection (1) of this section, the Council of State is required to advise the President in relation to any person sentenced to death, the Attorney-General of the Federation shall cause a record of the case to be prepared and submitted to the Council of State, and the Council of State shall, in giving its advice, have regard to the matters set out in that record.

Committee's Recommendation:

That the provision in Clause 414 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 414 do stand part of the Bill, put and agreed to.

Clause 415: Where a pardon or reprieve is granted

- (1) Where the President decides that the sentence should be commuted or that the convict should be otherwise pardoned or reprieved, he shall issue an order, one copy of which shall be sent to the superintendent or other officer in charge of the correctional centre in which the convict is confined, and another copy of which shall be sent to the Sheriff, directing that the execution shall not be carried out.
- (2) The recommendation may be that the convict shall be imprisoned or be released, subject in either case to such conditions, if any, as may be specified.
- (3) The Sheriff and the superintendent or other officer in charge of the prison in which the convict is confined shall comply with, and give effect to every order issued under the provisions of subsections (1) and (2) of this section.

Committee's Recommendation:

That the provision in Clause 415 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 415 do stand part of the Bill, put and agreed to.

Clause 416: Copy of order to be sent to Judge

The Attorney-General of the Federation shall communicate the decision referred to in section 416 (1) and (2) of this Bill to the Judge who presided over the trial or to his successor in office sending to such Judge a copy of his

order and such Judge shall cause the order to be entered in the record of the court.

Committee's Recommendation:

That the provision in Clause 416 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 416 do stand part of the Bill, put and agreed to.

Clause 417: Where pardon or reprieve is not granted.

- (1) Where the President decides that the sentence should not be commuted or that the convict should not be pardoned or reprieved, the order of the President shall be duly signed by him and sealed as in one of the forms set out in the Fourth Schedule to this Bill or as near to it as circumstances permit.
- (2) The order of the President:
 - (a) shall state the place and time, where and when the execution is to be and give directions as to the place of burial of the body; or
 - (b) may direct that the execution shall take place at such time and such place and the body of the convict executed shall be buried at such place as shall be appointed by some officer specified in the order.
- (3) When the place or time of execution or the place of burial is appointed by some person and is not stated in the order of the President, the specified officer shall endorse on the order over his signature the place and time of execution and place of burial.

Committee's Recommendation:

That the provision in Clause 417 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 417 do stand part of the Bill, put and agreed to.

Clause 418: Copy of order to be sent to correctional centre official

A copy of the order issued by the President shall be forwarded to the official in charge of the correctional centre in which the person sentenced is confined, and the official in charge of the correctional centre shall give effect to the order of execution.

PART 39 - PROCEDURE WHERE WOMAN CONVICTED OF CAPITAL OFFENCE IS ALLEGED TO BE PREGNANT

Committee's Recommendation:

That the provision in Clause 418 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 418 do stand part of the Bill, put and agreed to.

Clause 419: Procedure where woman convicted of capital offence is alleged to be pregnant or who becomes pregnant

- (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, the court shall, before sentence is passed on her, determine the question whether or not she is pregnant.

- (2) The question whether the woman is pregnant or not shall be determined by the court on such evidence as may be presented to the court by the woman or on her behalf or by the prosecutor.
- (3) Where in proceedings under this section the court finds that the woman in question is not pregnant, the court shall pronounce sentence of death upon her.
- (4) Where in the proceedings under this section, the court finds the woman in question to be pregnant, the court shall sentence her to death subject to the provision of section 408 of this Bill.

Committee's Recommendation:

That the provision in Clause 419 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 419 do stand part of the Bill, put and agreed to.

PART 40 - SENTENCING GENERALLY OTHER THAN CAPITAL SENTENCE

Clause 420: Court to determine term of imprisonment

- (1) On conviction, a court may sentence the convict to a term of imprisonment as prescribed by the law.
- (2) In exercising its discretion of sentencing or review of sentence, the court shall take into consideration the following factors, in addition to the provisions of section 406 of this Bill:
 - (a) each case shall be treated on its own merit;
 - (b) the objectives of sentencing, including the principles of reformation, shall be borne in mind in sentencing a convict;
 - (c) an appeal court may, in a proper case, reduce the sentence imposed by the trial court, especially where it is excessive or based on wrong principles, or an appeal court may increase the sentence imposed by the trial court especially where it is inadequate;
 - (d) a trial court may not pass the maximum sentence on a first offender;
 - (e) the period spent in custody in a correctional centre awaiting or undergoing trial shall be considered and computed in sentencing a convict;
 - (f) trial court shall conduct an inquiry into the convict's antecedents before sentencing;
 - (g) it may be desirable to adjourn for sentencing in order to have time to consider any evidence adduced at the sentencing hearing in accordance with section 316 of this Bill;
 - (h) where there is doubt as to whether the defendant or convict has attained the age of 18, the court should resolve the doubt in favour of the defendant;
 - (i) a defendant may not be given consecutive sentences for two or more offences committed in the same transaction;

- (j) an appeal court may not increase the sentence of a lower court beyond the maximum number of years the lower court has power to impose; and
- (k) sentencing to a term of imprisonment shall apply only to those offenders who should be isolated from society and with whom other forms of punishment have failed or is likely to fail.

Committee's Recommendation:

That the provision in Clause 420 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 420 do stand part of the Bill, put and agreed to.

Clause 421: Power to order detention for one day in precincts of the court

- (1) Where the court has power to pass a sentence of imprisonment, it may, in lieu of passing sentence of imprisonment, order the convict to be detained within the precincts of the court or at a police station till such hour not later than eight in the evening on the day on which he is convicted, as the court may direct.
- (2) The court shall, before making an order of detention under this section, take into consideration the distance between the place of detention and the convict's abode, where his abode is known to or ascertained by the court, the court shall not make an order of detention under this section as will deprive the convict of a reasonable opportunity of returning to his abode on the day on which the order of detention is made.

Committee's Recommendation:

That the provision in Clause 421 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 421 do stand part of the Bill, put and agreed to.

Clause 422: Consecutive sentence of imprisonment

- (1) Where a sentence of imprisonment is passed on a convict by a court, it may order that the sentence shall commence at the expiration of any term of imprisonment to which that convict has been previously sentenced by a competent court in Nigeria.
- (2) Where two or more sentences passed by a magistrate court are ordered to run consecutively, the aggregate term of imprisonment shall not exceed 4 years of the limit of jurisdiction of the adjudicating Magistrate.

Committee's Recommendation:

That the provision in Clause 422 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 422 do stand part of the Bill, put and agreed to.

Clause 423: Date from which sentence commences

A sentence of imprisonment takes effect from and includes the whole of the day of the date on which it was pronounced.

Committee's Recommendation:

That the provision in Clause 423 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 423 do stand part of the Bill, put and agreed to.

Clause 424: Default in payment of fine

- (1) In the case of a conviction in the High Court, where no amount of fine is stipulated, the amount of the fine shall be at the discretion of the court, and any term of imprisonment imposed in default of payment of the fine shall not exceed 2 years.
- (2) In the case of a conviction in a magistrate court:
 - (a) the amount of the fine shall be at the discretion of the court but shall not exceed the maximum fine authorised to be imposed by the Magistrate or under the law by virtue of which he was appointed a Magistrate; and

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- (b) a term of imprisonment imposed in default of payment of the fine shall not exceed the maximum fixed in relation to the amount of the fine by the scale specified in the Fourth Schedule of this Bill.
- (3) In no case shall any term of imprisonment imposed in default of payment of a fine which has been imposed by virtue of the power in that behalf contained in subsection (1) of this section, exceed the maximum term authorised as a punishment for the offence by the law.
- (4) The provisions of this section do not apply in a case where a law provides a minimum period of imprisonment to be imposed for the commission of an offence.

Committee's Recommendation:

That the provision in Clause 424 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 424 do stand part of the Bill, put and agreed to.

Clause 425: Execution of sentence on escaped convict

Where sentence of imprisonment is passed on an escaped convict, the sentence shall take effect after he has served imprisonment for a further period equal to that which at the time of his escape remained unexpired of his former sentence.

Committee's Recommendation:

That the provision in Clause 425 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 425 do stand part of the Bill, put and agreed to.

Clause 426: Fine in default of imprisonment

A defendant convicted of an offence punishable by:

- (a) imprisonment as well as fine, and sentenced to pay a fine, whether with or without imprisonment, or
- (b) imprisonment or fine, and sentenced to pay a fine,

may be ordered to serve imprisonment, in default of payment of the fine, for a certain term, which imprisonment shall be in addition to any other imprisonment to which he may have been sentenced.

Committee's Recommendation:

That the provision in Clause 426 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 426 do stand part of the Bill, put and agreed to.

Clause 427: General provision on review of sums of amount

- (1) The Chief Judge of the Federal High Court or of the High Court of the Federal Capital Territory, Abuja and the President of the National Industrial Court shall jointly review, from time to time, the provisions for the amount of fines, compensation or other sums of money prescribed under this Bill.
- (2) Such provisions as may be reviewed and effective date shall be published in the Gazette.

Committee's Recommendation:

That the provision in Clause 427 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 427 do stand part of the Bill, put and agreed to.

Clause 428: General power of awarding imprisonment in default of payment of penalty

Where by any law, the court is empowered to impose a penalty for a summary conviction offence, it may, in the absence of express provisions to the contrary in the same or any other law, order a defendant who is convicted of such offence, in default of payment of the sum of money adjudged to be paid under the order, either immediately or at the time specified in the order, as the case may be, to be imprisoned, in accordance with the scale set out in the Fourth Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 428 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 428 do stand part of the Bill, put and agreed to.

Clause 429: Scale of imprisonment for non-payment of money ordered to be paid.

Subject, in every case, to the provisions of the law on which the order is founded, the period of imprisonment, which is imposed by the court in respect of the non-payment of a sum of money ordered to be paid by an order, shall be such period as, in the opinion of the court, will satisfy the justice of the case but shall not exceed the maximum fixed in the scale set out in the Fourth Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 429 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 429 do stand part of the Bill, put and agreed to.

Clause 430: Limitation of imprisonment in default of payment of fine

A commitment for non-payment of a fine shall not be for a longer period than two years, except where the law under which the conviction has taken place prescribes or allows a longer period.

Committee's Recommendation:

That the provision in Clause 430 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 430 do stand part of the Bill, put and agreed to.

Clause 431: Payment and allocation of fines and fees

- (1) A court, in fixing the amount of a fine to be imposed on a convict, shall take into consideration, amongst other things, the means of the convict.
- (2) Where a fine is imposed, the payment of the court fees and other legal expenses payable in the case, up to and including conviction, shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine or of such part as may be paid or recovered, shall be applied as follows:
 - (a) in the first instance, in the payment to the informant or complainant of any court or other fees paid by him and ordered by the court to be repaid to him;
 - (b) in the second instance, the payment of any outstanding court fee not already paid by the informant or complainant which may be payable under rules of court; and
 - (c) the balance, if any, remaining after the payments have been made shall be paid into general revenue of the Federation.

Committee's Recommendation:

That the provision in Clause 431 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 431 do stand part of the Bill, put and agreed to.

Clause 432: Power to commit defendant in certain cases

In a case where an order is made against a defendant for the payment of a sum of money and the defendant is in default of payment and liable to be imprisoned, the court may:

- (a) issue a warrant of commitment;
- (b) allow time for the payment of the said sum; and
- (c) direct that the defendant liable to pay the said sum shall be at liberty to give, to the satisfaction of the court, security, either with or without a surety or sureties, for the payment of the said sum or any installment.

Committee's Recommendation:

That the provision in Clause 432 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

Question that Clause 432 do stand part of the Bill, put and agreed to.

Clause 433: Allowance of further time and payment by installments

- (1) Where time has been allowed for the payment of a sum adjudged to be paid upon conviction or order, further time may, on an application by or on behalf of the convict liable to pay the sum, be allowed by a

court having jurisdiction to issue a warrant of commitment in respect of the non-payment of that sum, the court may, subject as aforesaid, direct payment by installments of the sum so adjudged to be paid.

- (2) Where a sum of money is directed to be paid by installments and default is made in the payment of any one installment, the same proceedings may be taken as if default has been made in the payment of all the installments then remaining unpaid.
- (3) Where before the expiration of the time allowed, the convict surrenders himself to the court having jurisdiction to issue a warrant of commitment in respect of the non-payment of the sum and states that he prefers immediate committal to awaiting the expiration of the time allowed, the court may, if it thinks fit, issue a warrant committing him to a correctional centre.
- (4) A warrant of commitment issued under the provisions of this section may be executed on any day, including a Sunday or a public holiday.

Committee's Recommendation:

That the provision in Clause 433 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 433 do stand part of the Bill, put and agreed to.

Clause 434: Payment of penalty to person executing warrant

In all cases where a convict, against whom a warrant of commitment for non-payment of a sum of money adjudged to be paid by an order is issued, pays or tenders to the person having the execution of the warrant the sum or sums mentioned in the warrant together with the amount of the expenses of the warrant up to the time of the payment or tender, the person having the execution of the warrant shall not execute the warrant.

Committee's Recommendation:

That the provision in Clause 434 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 434 do stand part of the Bill, put and agreed to.

Clause 435: Commencement of imprisonment pursuant to a warrant

Where a convict is brought to a correctional centre to be imprisoned by virtue of a warrant of commitment, there shall be endorsed on the warrant the day on which the convict was arrested by virtue of it and the imprisonment shall be computed from that day and inclusive.

Committee's Recommendation:

That the provision in Clause 435 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 435 do stand part of the Bill, put and agreed to.

Clause 436: Varying or discharging order for sureties

Where a person has been committed to a correctional centre by the court for default in finding a surety or sureties, the court may, on application made to it by the person or by some person acting on his behalf, inquire into the case of the person, and if on new evidence produced to the court or proof of a change of circumstances the court deems fit, having regard to all the circumstances of the case that it is just to do so, the court may:

- (a) reduce the amount for which it was ordered that the surety or sureties should be bound;
- (b) dispense with the surety or sureties; or
- (c) otherwise deal with the case as the court may think just.

Committee's Recommendation:

That the provision in Clause 436 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 436 do stand part of the Bill, put and agreed to.

Clause 437: Right of person imprisoned in default to be released on paying sum and effect of part payment

- (1) Where a person has been committed to a correctional centre by the court for non-payment of a sum of money adjudged to be paid by an order, the person may pay or cause to be paid to the officer in charge of the correctional centre the sum mentioned in the warrant of commitment together with the amount of the costs, charges and expenses, if any, and the officer in charge of the correctional centre shall receive the sums and discharge the person, unless he is in custody for some other matter.
- (2) In a case where under subsection (1) of this section a sum has been received in part satisfaction of a sum due from a prisoner in consequence of the conviction of the court, the sum shall be applied:
 - (a) firstly, towards the payment in full or in part of any cost or damages or compensation which the court may have ordered to be paid to the complainant; and
 - (b) secondly, towards the payment of the fine, if any, imposed on the prisoner.
- (3) Subject to the provisions of subsection (2) of this section, where an amount is paid towards a fine:
 - (a) the imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the person is committed as the sum so paid towards the fine bears to the amount of the fine for which the person is liable; and
 - (b) the superintendent or other officer in charge of a prison in which a person who has made the part payment is confined shall, as soon as practicable thereafter, take the person before a court which shall:
 - (i) certify the amount by which the term of imprisonment originally awarded is reduced by such payment in part satisfaction, and
 - (ii) make such order as the circumstances require.
- (4) Where, in the opinion of the superintendent or other officer, the delay occasioned by taking the person before a court is such that the person will be detained beyond the date on which he should, by reason of the part payment, be released, the superintendent or other officer may release the person on the day which appears to the superintendent or other officer to be the correct day, endorse the warrant accordingly and shall, as soon as practicable thereafter, inform the court of the

action taken and the court shall make such order or record as the court may consider to be required in the circumstances.

- (5) In reckoning:
- (a) the number of days by which a term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account; and
 - (b) the sum which will secure the reduction of a term of imprisonment, fractions of a naira shall be omitted.

Committee's Recommendation:

That the provision in Clause 437 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 437 do stand part of the Bill, put and agreed to.

Clause 438: Fines may be ordered to be recoverable by distress

Where, under the authority of a law, the court imposes a fine or a pecuniary penalty, whether or not that fine or penalty is accompanied by a power to impose imprisonment, and no special provision other than recovery by distress is made for the recovery of the fine or penalty, the court may:

- (a) order the fine or penalty to be recoverable by distress; and

Fourth Schedule

- (b) in default of the distress satisfying the amount of the fine or penalty, order that the convict be imprisoned, in accordance with the scale set out in the Fourth Schedule to this Bill.

Committee's Recommendation:

That the provision in Clause 438 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 438 do stand part of the Bill, put and agreed to.

Clause 439: Warrant of distress

Where the court orders a sum to be recoverable by distress, it shall issue a warrant which shall be in writing and signed by the court authorising the person charged with the execution of the warrant to take any money as well as any goods of the person against whom distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant.

Committee's Recommendation:

That the provision in Clause 439 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 439 do stand part of the Bill, put and agreed to.

Clause 440: Procedure on the execution of distress warrant

In the execution of a distress warrant the following provisions shall have effect:

- (a) a warrant of distress shall be executed by or under the direction of the Sheriff;
- (b) where the person charged with the execution of the warrant is prevented from executing the warrant by the fastening of doors or otherwise, the Magistrate may, by writing under his hand endorsed on

the warrant, authorize him to use such force as may be reasonably necessary to enable him execute the warrant;

- (c) the wearing apparel and bedding of the person and of his family, and to the value of N20,000.00, the tools and implements of his trade, shall not be taken;
- (d) except as provided in paragraph (e) of this subsection and so far as the person on whose movable property the distress is levied consents in writing to an earlier sale, the goods distrained on shall be sold at public auction not less than 5 days and not more than 14 days after the making of the distress, but where consent in writing is so given, the sale may be in accordance with the consent;
- (e) subject to paragraph (d) of this section; the goods distrained shall be sold within the time fixed by the warrant, unless the sum or charges, if any, of taking and keeping the goods distrained, for which the warrant was issued are sooner paid;
- (f) where a person charged with the execution of a warrant of distress:
 - (i) willfully retains from the proceeds any property sold to satisfy the distress, or
 - (ii) otherwise exacts any greater costs or charges than those to which he is, for the time being, entitled by law or makes any improper charge,

he is liable, on summary conviction before a Magistrate, to a penalty not exceeding N20,000.00, but nothing in this paragraph shall affect the liability of the person to be prosecuted and punished for extortion, or for the return of the sum of money or value of the item extorted, by the person;
- (g) a written account of the costs and charges incurred in respect of the execution of a warrant of distress shall, as soon as practicable, be delivered by the person charged with the execution of the warrant to the court, and the convict on whose movable property the distress was levied may, at any time within one month after the making of the distress, inspect the account, without payment of any fee or reward, at any time during office hours, and to take a copy of the account;
- (h) a person charged with the execution of a warrant of distress shall sell the distress or cause the distress to be sold, and may deduct out of the amount realized by the sale all costs and charges actually incurred in effecting the sale, and shall pay to the court or to some person specified by the court, the remainder of the amount, in order that:
 - (i) the amount may be applied in payment of the sum for which the warrant was issued, and of the proper costs and charges of the execution of the warrant, and
 - (ii) the surplus, if any, may be rendered to the person on whose movable property the distress was levied.

Committee's Recommendation:

That the provision in Clause 440 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 440 do stand part of the Bill, put and agreed to.

Clause 441: Part payment to reduce period of imprisonment in proportion

Where a part only of the amount ordered to be recovered by distress is so recovered, the period of imprisonment ordered to be suffered in default of recovery of the amount imposed shall be reduced accordingly and shall bear the same proportion to the full period as the amount recovered bears to the total amount ordered to be recovered, and the warrant of commitment under the provisions of section 433 of this Bill, shall apply.

Committee's Recommendation:

That the provision in Clause 441 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 441 do stand part of the Bill, put and agreed to.

PART 41 - DETENTION IN A SAFE CUSTODY OR SUITABLE PLACE OTHER THAN CORRECTIONAL FACILITY OR MENTAL HEALTH ASYLUM**Clause 442: Conditions attached to detention in a safe custody or suitable place other than correctional facility or mental asylum**

- (1) Where a person is ordered to be detained in a safe custody or suitable place other than correctional centre or mental health asylum, he is, notwithstanding anything in this Bill or in any other law, liable to be detained in a correctional centre or asylum or such other place as provided under this Bill or any law as the Attorney-General of the Federation may direct and whilst so detained shall be deemed to be in legal custody.
- (2) A person detained in a safe custody or suitable place other than prison or mental health asylum may at any time be discharged by the Attorney-General of the Federation on licence.
- (3) The Attorney-General of the Federation may at any time revoke or vary a licence and where a licence has been revoked, the person to whom the licence relates shall proceed to such place as the Attorney-General of the Federation may direct and if he fails to do so may be arrested without warrant and taken to the place.

Committee's Recommendation:

That the provision in Clause 442 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 442 do stand part of the Bill, put and agreed to.

PART 42- DEPORTATION**Clause 443: Meaning of "deport"**

In this Part, "deport" with its grammatical variations and cognate expressions, means the legal expulsion or removal from Nigeria of a person not being a citizen, to his country.

Committee's Recommendation:

That the provision in Clause 443 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 443 do stand part of the Bill, put and agreed to.

Clause 444: Court may recommend deportation for offences punishable by imprisonment without option

Where a defendant is convicted of an offence punishable by imprisonment without the option of a fine, the court may, in addition to, or instead of any other punishment, make a recommendation to the Minister of Interior that the convict be deported, where it appears to the court to be in the interest of peace, order and good governance.

Committee's Recommendation:

That the provision in Clause 444 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 444 do stand part of the Bill, put and agreed to.

Clause 445: Deportation in default of security for the peace

Where, on a sworn information, it appears to a court that there is reason to believe that a person in Nigeria who is not a citizen of Nigeria is about to commit a breach of the peace, or that his conduct is likely to produce or excite a breach of the peace, the court, after due inquiry at which the defendant concerned shall be present, may order him to give security in two or more sureties for peace and good behaviour, and in default, may recommend to the Minister of Interior that the defendant be deported.

Committee's Recommendation:

That the provision in Clause 445 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 445 do stand part of the Bill, put and agreed to.

Clause 446: Deportation in case of dangerous conduct

Where it is shown by evidence on oath to the satisfaction of a court that a defendant in Nigeria who is not a citizen:

- (a) is conducting or has conducted himself so as to be dangerous to peace and good order,
- (b) is endeavouring or has endeavoured to excite enmity between any section of the people of the Federal Republic of Nigeria, or
- (c) is intriguing or has intrigued against constituted power and authority in Nigeria,

the court may recommend to the Minister of Interior that he be deported.

Committee's Recommendation:

That the provision in Clause 446 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 446 do stand part of the Bill, put and agreed to.

Clause 447: Procedure prior to court recommending deportation under sections 445 and 446

- (1) Where a defendant required to give security under sections 445 and 446 of this Bill, default in so doing and the court contemplates on recommending to the Minister of Interior, the deportation of a defendant to whom section 446 of this Bill relates, before making any such recommendation, the court shall require the defendant concerned to attend before the court and being informed of the allegations made against him, be given an opportunity to show cause why he should not be deported.

- (2) After considering the representation, if any, of the person concerned and the facts on which the proceedings are founded, the court shall decide whether or not to recommend to the Minister of Interior that the person concerned be deported.

Committee's Recommendation:

That the provision in Clause 447 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 447 do stand part of the Bill, put and agreed to.

Clause 448: Procedure for recommendation of deportation under sections 445, 446 and 447

Where the court decides to recommend to the Minister of Interior the deportation of any defendant under sections 445, 446 and 447 of this Bill, the court shall forward to the Minister of Interior the recommendation together with a report setting out the reasons why the court considers it necessary to make the recommendation and a certified true copy of any of the proceedings relating to it.

Committee's Recommendation:

That the provision in Clause 448 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 448 do stand part of the Bill, put and agreed to.

Clause 449: Detention of person concerned

Where a recommendation for deportation has been made in respect of a defendant to whom sections 445 to 447 of this Bill relates, such defendant may be detained in custody pending the decision of the Minister of Interior and during such time shall be deemed to be in lawful custody.

Committee's Recommendation:

That the provision in Clause 449 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 449 do stand part of the Bill, put and agreed to.

Clause 450: Order of deportation

Subject to sections 444, 448, 449, the Minister of Interior shall, in the interest of peace, order and good governance make an order of deportation and issue a written order directing that the defendant be deported to his country.

Committee's Recommendation:

That the provision in Clause 450 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 450 do stand part of the Bill, put and agreed to.

Clause 451: Minister of Interior may withhold Order and remit case to court

Where the Minister of Interior decides that no order of deportation shall be made, he shall inform the Court, and the Court shall then proceed to make such order of imprisonment or other punishment as may be authorised by law.

Committee's Recommendation:

That the provision in Clause 451 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 451 do stand part of the Bill, put and agreed to.

Clause 452: Citizens of Nigeria not to be deported

Nothing in the provisions of this Part shall authorise a person or authority to deport a citizen of Nigeria to a place outside Nigeria.

Committee's Recommendation:

That the provision in Clause 452 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 452 do stand part of the Bill, put and agreed to.

Clause 453: Provisions as to sentence of deportation

Where a defendant ordered to be deported is sentenced to a term of imprisonment, the sentence of imprisonment shall be served before the order of deportation is carried into effect.

Committee's Recommendation:

That the provision in Clause 453 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 453 do stand part of the Bill, put and agreed to.

Clause 454: Deportation order may be limited

An order of deportation may be expressed to be in force for a limited time or for an unlimited time or may require the defendant to report himself to the nearest Immigration office or police station at intervals of not less than 30 days.

Committee's Recommendation:

That the provision in Clause 454 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 454 do stand part of the Bill, put and agreed to.

Clause 455: Execution of deportation order

- (1) An order of deportation shall be sufficient authority to all persons to whom it is directed or delivered for execution to receive and detain the defendant named in the order and to take him to the place named in the order.
- (2) Where a defendant leaves or attempts to leave the district or place to which he has been confined prior to deportation while the order of deportation is still in force, without the written consent of the Minister of Interior which consent shall be given subject to any term as to security for good behaviour or otherwise as the Minister of Interior shall deem fit, or willfully neglects or refuses to report himself as ordered, such person is liable to imprisonment for 6 months and to be again deported on a fresh warrant under the original order or under a new order.

Committee's Recommendation:

That the provision in Clause 455 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 455 do stand part of the Bill, put and agreed to.

Clause 456: Procedure for trying child offenders

- (1) Where a child is alleged to have committed an offence, the provisions of the Child Rights Act shall apply.
- (2) Notwithstanding subsection (1) of this section, the provisions of this Bill relating to bail shall apply to bail proceedings of a child offender.

Committee's Recommendation:

That the provision in Clause 456 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 456 do stand part of the Bill, put and agreed to.

PART 44 - PROBATION AND NON-CUSTODIAL ALTERNATIVES**Clause 457: Meaning of probation order**

- (1) In this Part, "probation order" means an order containing a condition specified in section 459 of this Bill.
- (2) Execution of probation order shall also be in accordance with the Nigerian Correctional Service Act.

Committee's Recommendation:

That the provision in Clause 457 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 457 do stand part of the Bill, put and agreed to.

Clause 458: Conditional release of defendant and payment of compensation for loss or injury and of costs

- (1) Where a defendant is charged before a court with an offence punishable by law and the court thinks that the charge is proved but is of opinion that having regard to:
 - (a) the character, antecedents, age, health, or mental condition of the defendant charged,
 - (b) the trivial nature of the offence, or
 - (c) the extenuating circumstances under which the offence was committed,

it is inexpedient to inflict a punishment or any order than a nominal punishment or that it is expedient to release the defendant on probation, the court may, without proceeding to conviction, make an order specified in subsection (2) of this section.

- (2) The court may make an order under subsection (1) of this section:
 - (a) dismissing the charge; or
 - (b) discharging the defendant conditionally on his entering into a recognizance, with or without sureties or on such other terms as the court may deem fit, to be of good behaviour and to appear at any time during such period not exceeding 3 years as may be specified in the order.
- (3) Before making a probation order under subsection (1) or (2), the court shall explain to the offender in simple language the effect of the order

and that, if he fails in any respect to comply or commits another offence, he will be liable to be sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

- (4) Where any offender against whom a probation order has been made commits a subsequent offence or fails to comply with any of the terms of the probation order, any sum the subject of any recognizance entered into by or on behalf of the offender may, in the discretion of the court, be forfeited.
- (5) The court may, in addition to an order under subsection (2) of this section, order:
 - (a) the defendant to pay such damages for injury or compensation for any loss suffered by a person by reason of the conduct or omission of the defendant, and to pay such costs of the proceedings as the court thinks reasonable; and
 - (b) the parent or guardian of the defendant to pay the damages and costs specified in paragraph (a) of this subsection, where the defendant has not attained the age of 18 years and it appears to the court that the parent or guardian of the defendant has conduced to the commission of the offence.
- (6) Where an order is made under this section, the order:
 - (a) for the purpose of reinvesting or restoring stolen property and of enabling the court to make orders as to the restitution or delivery of property to the owner, and
 - (b) as to the payment of money upon, or in connection with, such restitution or delivery,

shall have the like effect as a conviction.

Committee's Recommendation:

That the provision in Clause 458 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 458 do stand part of the Bill, put and agreed to.

Clause 459: Probation orders and conditions of recognizance

- (1) A recognizance ordered to be entered into under this Part shall, where the court so orders, contain a condition that the probationer be under the supervision of such person or persons of the same sex, called a probation officer, as may, with the consent of the probation officer, be named in the order during the period specified in the order.
- (2) A recognizance under this Part may contain such additional conditions with respect to residence, abstention from intoxicating substance and any other matter as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.
- (3) The court by which a probation order is made shall furnish to the probationer a notice in writing stating in simple terms the conditions he is required to observe.

Committee's Recommendation:

That the provision in Clause 459 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 459 do stand part of the Bill, put and agreed to.

Clause 460: Relieving probation officer of his duties

A probation officer may at any time be relieved of his duties or in case of the death of the probation officer named, another person may by consent be substituted by the court before which the probationer is bound by his recognizance to appear for conviction or sentence.

Committee's Recommendation:

That the provision in Clause 460 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 460 do stand part of the Bill, put and agreed to.

Clause 461: Duties of probation officers

- (1) The probation officer who is to be responsible for the supervision of any probationer shall be selected by the principal probation officer.
- (2) A probation officer shall, subject to the directions of the court —
 - (a) where the probationer is not actually with the probation officer, visit or receive reports on the probationer under supervision at such reasonable intervals as may be specified in the probation order or subject as the probation officer may think fit;
 - (b) see that the probationer observes the conditions of his recognizance;
 - (c) report to the court as to his behaviour; and
 - (d) advise, assist, and befriend him and when necessary to endeavour to find him suitable employment.

Committee's Recommendation:

That the provision in Clause 461 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 461 do stand part of the Bill, put and agreed to.

Clause 462: Variation of terms and conditions of probation

The court before which a probationer is bound by a recognizance under this Part to appear for conviction and sentence or for sentence may —

- (a) at any time where it appears to it on the application of the probation officer that it is expedient that the terms or conditions of the recognizance should be varied, summon the probationer bound by the recognizance to appear before it and if he fails to show cause why the variation should not be made —
 - (i) vary the terms of the recognizance by extending or reducing the duration, which shall not exceed 3 years from the date of the original order, or
 - (ii) alter the conditions or insert additional conditions, or
- (b) on application being made by the probation officer, and on being satisfied that the conduct of the probationer bound by the recognizance

has been such as to make it unnecessary for him to be under supervision, discharge the recognizance.

Committee's Recommendation:

That the provision in Clause 462 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 462 do stand part of the Bill, put and agreed to.

Clause 463: Provisions in case of convict failing to observe conditions of release

- (1) Where the court before which a probationer is bound by his recognizance under this Part to appear for conviction or sentence is satisfied by information on oath that the probationer has failed to observe any of the conditions of his recognizance, it may issue a warrant for his arrest or may, where it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the probationer and his sureties, if any, requiring him or them to appear in court at such time as may be specified in the summons.
- (2) The probationer where arrested shall, if not brought before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before another court.
- (3) The court before which a probationer on arrest is brought or before which he appears in pursuance of the summons may, where it is not the court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court.
- (4) A probationer so remanded in custody may be committed during remand to a correctional centre to which the court having power to convict or sentence him has power to commit prisoners.
- (5) A court before which a probationer is bound by his recognizance to appear for conviction and sentence on being satisfied that he has failed to observe a condition of his recognizance may, without further proof of his guilt, convict and sentence him for the original offence.

Committee's Recommendation:

That the provision in Clause 463 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 463 do stand part of the Bill, put and agreed to.

Clause 464: Suspended sentence and community service

- (1) Notwithstanding the provision of any other law creating an offence, where the court sees reason, the court may order that the sentence it imposed on the convict be, with or without conditions, suspended, in which case, the convict shall not be required to serve the sentence in accordance with the conditions of the suspension.
- (2) The court may, with or without conditions, sentence the convict to perform specified service in his community or such community or place as the court may direct.
- (3) A convict shall not be sentenced to suspended sentence or to community service for an offence involving the use of arms, offensive

weapon, sexual offences or for an offence which the punishment exceeds imprisonment for a term of 3 years.

- (4) A court shall not make an order under this section in respect of an offender unless the offender is present, and the court is satisfied that —
- (a) the offender consents to the order being made; and
 - (b) adequate arrangements exist for the execution of the order;
- (5) Where a court makes an order under this section in respect of two or more offences committed by the same offender, the court may direct that the period of community service specified in any of those orders shall be concurrent with or in addition to that specified in any other order.
- (6) The court, in exercising its power under subsection (1) or (2) of this section shall have regard to the need to —
- (a) reduce congestion in correctional facilities;
 - (b) rehabilitate prisoners by making them to undertake productive work; and
 - (c) prevent convicts who commit simple offences from mixing with hardened criminals.

Committee's Recommendation:

That the provision in Clause 464 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 464 do stand part of the Bill, put and agreed to.

Clause 465: Arrangements for community service

- (1) Execution of community service orders shall be in accordance with the Nigerian Correctional Service Act, 2019.
- (2) Where the court has made an order committing the convict to render community service, the community service shall comprise unpaid public work within a community, for the benefit of that community, for a period to be fixed by the court.
- (3) Public work shall include but not be limited to —
- (a) environmental sanitation, including cutting grasses, washing drainages, cleaning the environment and washing public places;
 - (b) construction or maintenance of public roads;
 - (c) afforestation works;
 - (d) maintenance work in public schools, hospitals and other public social service amenities;
 - (e) work of any nature of a foster home or orphanage; or

- (f) any other type of service which in the opinion of the court would have a beneficial effect to the community and reformatory effect on the character of the convict.
- (4) The community service sentence shall be performed as close as possible to the place where the convict ordinarily resides to ensure that the community can monitor his movement.
- (5) Before passing a community service order, the court shall consider the circumstances, character, antecedents of the convict and other factors that may be brought to its attention by the Controller-General of Correctional Service.
- (6) A convict sentenced to community service shall not at the same time be sentenced to a term of imprisonment for the same offence, but may, in default of performing his community service diligently and to the satisfaction of the court, be sentenced to a term of imprisonment for the remaining part of his community service to which he is in default or neglect.
- (7) Upon sentence to community service, a convict may be required to produce a guarantor who shall undertake to produce the convict if he absconds from community service.
- (8) The guarantor shall be a relation of the convict or any other responsible person of adequate means or substance who shall produce the convict when required by the court, failing which the guarantor shall be liable to a fine of such amount as the circumstances of each case may require.

Committee's Recommendation:

That the provision in Clause 465 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 465 do stand part of the Bill, put and agreed to.

Clause 466: Performance of community service order

- (1) The community service order shall be performed for a period of not more than 6 months and the convict shall not work for more than 5 hours a day.
- (2) The convict shall be under the supervision of a supervising officer or officers or Non-Governmental Organizations as may be designated by the Controller-General of the Correctional Service.
- (3) The community service order shall contain such directives as the court may consider necessary for the supervision of the convict.
- (4) The Registrar of the court making the community service order shall forward to the Nigerian Correctional Service a copy of the order together with any other document and information relating to the case.

Committee's Recommendation:

That the provision in Clause 466 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 466 do stand part of the Bill, put and agreed to.

Clause 467: Default of convict in complying with community service order

- (1) Where at any time during the community service period, the Nigerian Correctional Service informs the court of the default of the convict in complying with the directives of the community service order, the court may issue a summons requiring the convict to appear before it.
- (2) Where the convict fails, refuses or neglects to appear in obedience to the summons, the court may issue a warrant of arrest.
- (3) Where it is proved to the satisfaction of the court that the convict has failed to comply with any of the requirements of the community service order, the court may —
 - (a) vary the order to suit the circumstances of the case; or
 - (b) impose on him a fine of such an amount as the circumstances of each case may require or cancel the order and sentence the convict to any punishment which could have been imposed in respect of the offence, but the period of community service already performed may count in the reduction of the sentence.
- (4) A supervising officer shall not employ the convict for his or her personal benefit.
- (5) Where a supervising officer employs the convict for his or her personal benefit, the officer is liable to a fine of such an amount, or such other punishment as the court considers fit.

Committee's Recommendation:

That the provision in Clause 467 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 467 do stand part of the Bill, put and agreed to.

Clause 468: Commission of further offence

Where a convict has been ordered to undergo community service or on probation on conviction by an original court but has committed another offence during the period of community service or probation, the following rules shall apply —

- (a) the subsequent court may add to the sentence or impose a term of imprisonment which might have been passed by the original court and cancel the order of community service or probation;
- (b) the subsequent court may take into account the period of community service served in reduction of the term of imprisonment;
- (c) where the original court is a High Court and the subsequent court is a subordinate court, the subordinate court shall send the copy of the proceedings to the High Court and, on receipt of the proceedings from the subordinate court, the High Court shall proceed under paragraphs (a) and (b) of this section; and
- (d) where the original court is a subordinate court and the subsequent court is a High Court dealing with the matter at first instance or on appeal, the High Court shall proceed under paragraphs (a) and (b) of this section.

Committee's Recommendation:

That the provision in Clause 468 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 468 do stand part of the Bill, put and agreed to.

Clause 469: Amendment, review and discharge of community service orders

- (1) A convict undergoing community service who intends to change his or her place of residence shall inform the supervising officer of his intention to do so.
- (2) On receipt of the information, the supervising officer shall furnish the Controller-General of Correctional Service with the information giving the details of the case.
- (3) On application by the Nigerian Correctional Service, the court shall make appropriate amendment in the community service order and inform the court having jurisdiction for the area where the convict intends to reside.
- (4) The court shall give the convict a copy of the amended community service order which the convict shall present to the subsequent Community Service Centre.
- (5) An offender shall be entitled to make a request or complaint to the court on matters affecting his individual rights in the implementation of non-custodial measures.
- (6) In the application of non-custodial measures, the offender's right to privacy shall be respected.

Committee's Recommendation:

That the provision in Clause 469 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 469 do stand part of the Bill, put and agreed to.

Clause 470: Discharge of community service order

- (1) Where a convict has been ordered to undergo community service for a period of more than 4 months, the supervising officer shall, from time to time, give a report to the Controller-General of the Correctional Service and the supervising court on the convict's performance and general conduct.
- (2) The supervising court based on the report made by the supervising officer, may reduce the period of the community service specified in the community service order by not more than one-third where the convict is of good conduct.
- (3) The Controller-General of the Correctional Service shall make a report to the supervising court on the termination of a community service order.
- (4) The supervising officer who is to be responsible for the supervision of a convict shall be the officer designated by the Controller-General of the Correctional Service and if that supervising officer dies or is unable for any reason to carry out his duties, another supervising officer shall be appointed by the Controller-General of the Correctional Service.

- (5) Where the convict is a female, the supervising officer shall be a female.

Committee's Recommendation:

That the provision in Clause 470 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 470 do stand part of the Bill, put and agreed to.

Clause 471: Confinement in Rehabilitation and Correctional Centre

- (1) A defendant convicted of an offence triable summarily may be sentenced and ordered to serve the sentence at a Rehabilitation and Correctional Centre established by the Federal Government in lieu of imprisonment.
- (2) A court in making an order of confinement at a Rehabilitation and Correctional Centre shall have regard to —
- (a) the age of the convict;
 - (b) the fact that the convict is a first offender; and
 - (c) any other relevant circumstance necessitating an order of confinement at a Rehabilitation and Correctional Centre.
- (3) A court may make an order directing that a child standing criminal trial be remanded at Rehabilitation and Correctional Centre.

Committee's Recommendation:

That the provision in Clause 471 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 471 do stand part of the Bill, put and agreed to.

PART 45 — PAROLE

Clause 472: Eligibility and conditions for parole

- (1) Implementation of parole shall be in accordance with the provisions of the Nigerian Correctional Service Act, 2019.
- (2) A prisoner whose sentence has not been commuted shall be eligible for parole if he —
- (a) is sentenced and serving his sentence in a correctional centre and he is of good behaviour;
 - (b) has served at least one-third of his sentence, or where he is sentenced to life imprisonment, he has served a minimum of 15 years;
 - (c) complies with conditions of his parole; and
 - (d) has fulfilled other conditions as may be provided in the Nigerian Correctional Service Act,
- (3) The Comptroller-General of Nigerian Correctional Service may where he is satisfied that a prisoner meets the conditions stipulated in subsection (2) of this section, recommend to the Parole Board as established in the Nigerian Correctional Service Act that a prisoner be considered for release on parole.

- (4) A prisoner who meets the conditions stipulated in subsection (2) of this section, may make application for release on parole to the Parole Board as established in the Nigerian Correctional Service Act.
- (5) Upon receiving a request, where the Parole Board finds that there is a reasonable probability that, if released, the prisoner will be law-abiding and that the release will not be incompatible with the interest and welfare of society, the board will initiate the process for the inmate's release from the correctional centre on parole.
- (6) The Parole Board shall assign a Parole officer to supervise the parolee towards the successful completion of the remaining prison term in the society.
- (7) A prisoner released under subsection (5) of this section shall undergo a rehabilitation programme in a government facility or any other appropriate facility to enable him to be properly reintegrated to the society and shall be under the supervision of the Non-custodial Service of the Nigerian Correctional Service.
- (8) The Comptroller-General of Nigerian Correctional Service shall make adequate arrangement, including budgetary provision, for the facility.
- (9) Where a parolee has breached the conditions for his parole, the parole officer shall make an application to the Parole Board for the revocation of the parole.

Committee's Recommendation:

That the provision in Clause 472 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 472 do stand part of the Bill, put and agreed to.

**PART 46 — THE ADMINISTRATION OF CRIMINAL JUSTICE
MONITORING COUNCIL**

Clause 473: Establishment of the Administration of Criminal Justice Monitoring Council

- (1) There is established the Administration of Criminal Justice Monitoring Council (in this Bill referred to as "the Council").
- (2) The Headquarters of the Council shall be located in the Federal Capital Territory, Abuja with offices at such locations in Nigeria as may be determined by the Council.
- (3) The Council shall consist of —
 - (a) the Chief Judge of the Federal High Court shall serve as the Chairman of the Council, while the Chief Judge of the High Court of the Federal Capital Territory shall serve as the Deputy Chairman.
 - (b) the Solicitor-General of the Federation or his representative not below the rank of a Director in the Ministry;
 - (c) the Inspector-General of Police or his representative not below the rank of Commissioner of Police;

- (d) the Controller-General of Correctional Service or his representative not below the rank of Controller of Corrections;
 - (e) the Director-General of Department of State Services or his representative not below the rank of a Director;
 - (f) the heads of two law enforcement agencies/security agencies other than the Nigeria Police Force or their representatives not below the rank of Director to serve on the Council for three years;
 - (g) the Executive Secretary of the National Human Rights Commission or representative not below the rank of Director;
 - (h) the Director-General of the Legal Aid Council of Nigeria or representative not below the rank of Director;
 - (i) the Chief Registrars of the Federal High Court and the High Court of the Federal Capital Territory or their representatives not below the ranks of Director;
 - (j) the Executive Secretary of the Monitoring Council who shall be the Secretary;
 - (k) the Chairman of any of the local branch of the Nigeria Bar Association in the FCT to serve for two years only;
 - (l) a representative of the Civil Society working on human rights and access to justice or women rights to be appointed by the Council to serve for a period of two years only.
- (4) A member not being a public officer may resign his appointment by a letter to the Chairman.
- (5) the Chairman in consultation with member of the Council may co-opt any person with relevant expertise to assist the Council;
- (6) Members of the Council shall be paid such allowances as are applicable to Federal Boards, Commissions and Agencies.
- (7) The Council shall meet every quarter or such other time as the Secretary may request with the consent of the Chairman.

Committee's Recommendation:

That the provision in Clause 473 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 473 do stand part of the Bill, put and agreed to.

Clause 474: Powers of the Council

- (1) The Council shall be responsible for —
- (a) setting out the general policy guidelines for the operation of the Council;
 - (b) approving the plans and programmes of the Council to ensure the delivery of the functions of the Council under this Bill;

- (c) appoint such number of staff as it considers necessary for the efficient performance of the running of the affairs of the Council under this Bill; and
- (d) generally overseeing the activities of the Secretariat in line with the principles and objectives of this Bill.

Committee's Recommendation:

That the provision in Clause 474 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 474 do stand part of the Bill, put and agreed to.

Clause 475: Functions of the Council

- (1) The Council shall be charged with the responsibility of ensuring effective and efficient application of this Bill by the relevant agencies.
- (2) Without prejudice to the generality of subsection (1) of this section, the Council shall ensure that —
 - (a) criminal matters are speedily dealt with;
 - (b) congestion of criminal cases in courts is drastically reduced;
 - (c) congestion in a correctional centres is reduced to the barest minimum;
 - (d) persons awaiting trial are, as far as possible, not detained in a correctional centre custody;
 - (e) the relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exists maximum co-operation amongst the organs in the administration of justice in Nigeria;
 - (f) coordinate and assist other criminal justice oversight in the country towards efficient and effective administration of criminal justice;
 - (g) collate, analyse and publish information in relation to the administration of criminal justice sector in Nigeria; and
 - (h) submit quarterly report to the Chief Justice of Nigeria to keep him abreast of developments towards improved criminal justice delivery and for necessary action; and
 - (i) carry out such other activities as are necessary for the effective and efficient administration of criminal justice.

Committee's Recommendation:

That the provision in Clause 475 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 475 do stand part of the Bill, put and agreed to.

Clause 476: Secretariat and Staff of the Council

- (1) The Council shall establish and maintain a Secretariat with such number of staff as it considers necessary for the efficient running of its affairs.

- (2) The Secretariat shall carry out such duties as may be conferred on it under this Bill and under the overall supervision and directions of the Council.
- (3) The Attorney-General of the Federation shall appoint, on the recommendation of the Council, an Executive Secretary for the Council, who shall —
 - (a) be a legal practitioner of not less than twelve (12) years post call experience; and
 - (b) possess sound knowledge of the practical functioning of the criminal justice system and adequate experience in justice system administration.
- (4) The Executive Secretary shall be responsible for the execution of the plans and policies of the Council, including the day-to-day running of the affairs of the Council.
- (5) The Executive Secretary shall hold office for a term of four years in the first instance and may, subject to satisfactory performance of his functions, be re-appointed for another term of four years and no more.
- (6) The Executive Secretary shall hold office on such terms as to emoluments as provided under the Certain Political, Public and Judicial Office Holders (Salaries and Allowances, etc.) Amendment Act, 2008 or as otherwise specified in his letter of appointment.

Committee's Recommendation:

That the provision in Clause 476 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 476 do stand part of the Bill, put and agreed to.

Clause 477: Other Staff of the Council

- (1) The Council shall have the power to appoint for the Council either directly, on transfer or secondment from any public office of the Federation such number and category of employees as it may require to assist the Council in the effective performance of its functions under this Bill.
- (2) The Council shall be responsible for determining the job description, title, terms, qualifications and salaries, including allowances of the employees of the Council, subject to the approval of the National Income, Salaries and Wages Commission in the case of remunerations.
- (3) The Council shall make rules relating generally to the conditions of service of employees of the Council, including rules providing for the appointment, promotion, advancement, determination of appointment, and disciplinary control, of those employees.
- (4) Service in the Council shall be subject to the Pension Reform Act (Act No. 4, 2014), provided that nothing in this section shall exclude the Council from employing staff on non-pensionable terms and conditions.

Committee's Recommendation:

That the provision in Clause 477 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 477 do stand part of the Bill, put and agreed to.

Clause 478: Powers of the Council

- (1) The Council has powers —
 - (a) to set up Departments, special units, technical committees, working groups and task forces to assist it in the performance of its functions under this Bill;
 - (b) request law officers on secondment to assist the Council in the performance of its functions under this Bill; and
 - (c) to make changes to its structure, with the approval of the Council.
- (2) There is appointed for each of the Departments and special units, a principal officer who shall be known by such designation as the Council may determine.

Committee's Recommendation:

That the provision in Clause 478 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 478 do stand part of the Bill, put and agreed to.

Clause 479: Cooperation with other relevant organisations or agencies

In the performance of its functions under this Bill, the Council shall cooperate with relevant organisations and any other person or authority involved in the administration of criminal justice under this Bill or any other law relating to administration of criminal justice.

Committee's Recommendation:

That the provision in Clause 479 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 479 do stand part of the Bill, put and agreed to.

Clause 480: Funds of the Council

- (1) There is established for the Council a fund (in this Part referred to as "the Fund") into which shall be paid —
 - (a) take off grants, annual subventions and other budgetary allocations received from the Federal Government;
 - (b) such monies as maybe granted to the Council by the Government of the Federation;
 - (c) gifts, grants, aids, and testamentary disposition, if the terms and conditions attached to any of them are not inconsistent with the functions of the Council; and
 - (d) such other sums of monies as may be received by the Council from other sources.
- (2) The Executive Secretary shall be the accounting officer for the purpose of controlling and disbursing monies from the Fund established under this section.

Committee's Recommendation:

That the provision in Clause 480 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 480 do stand part of the Bill, put and agreed to.

Clause 481: Expenditure of the Council

The Executive Secretary, under the direction of the Council, shall apply the funds at the disposal for the Council to —

- (a) the cost of administration of the Council;
- (b) pay the salaries, allowances and benefits of employees of the Council;
- (c) pay other overhead allowances and benefits, charges and expenses of the Council; and
- (d) undertake such other activities as are connected with the functions of the Council under this Bill.

Committee's Recommendation:

That the provision in Clause 481 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 481 do stand part of the Bill, put and agreed to.

Clause 482: Annual estimates of the Council

- (1) The Executive Secretary shall not later than 30th September in each financial year prepare and present to the Council, a statement of the estimated income and expenditure for the succeeding financial year and the Councils shall forward it to the Attorney-General of the Federation for onward transmission to the National Assembly.
- (2) Notwithstanding the provisions of subsection (1), the Executive Secretary may, submit supplementary or adjusted statements of estimated income and expenditure to the Council who shall forward to the Attorney-General of the Federation for onward transmission to the National Assembly for approval.

Committee's Recommendation:

That the provision in Clause 482 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 482 do stand part of the Bill, put and agreed to.

Clause 483: Accounts and audit

- (1) The Council shall —
 - (a) keep proper and regular accounts and other records of monies received and paid by the Council and of the several purposes for which the monies have been received or paid, and of its assets, credits and liabilities;
 - (b) do all things necessary to ensure that all payments out of its funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditures incurred by the Council; and

- (c) within the first four months of each financial year, submit its accounts to auditors appointed by the Council from the list and in accordance with guidelines approved by the Auditor-General for the Federation, its accounts for audit.
- (2) As soon as the accounts and the financial statements of the Council have been audited in accordance with the requirement of this Bill, the Council shall forward a copy of the audited financial statements to the Attorney-General for onward transmission to the National Assembly, together with any report or observations made by the auditors and the Auditor-General on the statement of accounts.
- (3) The remuneration of the auditor shall be paid out of the funds of the Council.
- (4) The audited accounts of the Council and the Auditor-General's report on those accounts shall form part of the Auditor-General's overall annual report to the National Assembly.

Committee's Recommendation:

That the provision in Clause 483 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 483 do stand part of the Bill, put and agreed to.

Clause 484: Annual report

- (1) The Executive Secretary shall, not later than 30th June in each financial year, submit to the Council in respect of the preceding financial year an annual report on the activities of the Council in such form as the Council may direct.
- (2) The report under subsection (1) of this Bill shall include—
 - (a) information with regard to the activities of the Council in that year;
 - (b) a copy of the audited accounts of the Council in respect of that year together with the Auditor-General's report on the accounts; and
 - (c) such other information as the Council may request.
- (3) The Council shall, on receiving the annual report, cause it to be submitted to the Attorney-General for onward transmission to the National Assembly within the financial year.
- (4) The Executive Secretary shall provide the Council with such information relating to the affairs of the Council as the Council may request.

Committee's Recommendation:

That the provision in Clause 484 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 484 do stand part of the Bill, put and agreed to.

Clause 485: Power to obtain information

- (1) For the purpose of carrying out the functions conferred on the Council under this Bill, the Council —

- (a) shall have a right of access to all the records of any of the organs in the administration of justice sector to which this Bill applies; and
 - (b) may, by notice in writing served on any person in charge of any such organs require that person to furnish information on such matters as may be specified in the notice.
- (2) A person required to furnish information under subsection (1) of this section shall comply with the notice within a stipulated time.

Committee's Recommendation:

That the provision in Clause 485 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 485 do stand part of the Bill, put and agreed to.

Clause 486: Protection against institution of court actions

- (1) The provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Council.
- (2) No suit shall be commenced against a member of the Council, the Executive Secretary, officer or employee of the Council before the expiration of one month after written notice of intention to commence the suit shall have been served upon the Council.

Committee's Recommendation:

That the provision in Clause 486 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 486 do stand part of the Bill, put and agreed to.

Clause 487: Proceedings and quorum of the Council

- (1) The Council may make standing orders regulating its proceedings.
- (2) The quorum at a meeting of the Council shall consist of the Chairman or the Deputy Chairman, or their representatives and three other members of the Council.
- (3) Subject to the provisions of the applicable standing order, the Council shall meet at least once a quarter.
- (4) At a meeting of the Council, the Chairman, or in his absence, the Deputy Chairman or one of their representatives who shall be a Judge shall preside at that meeting.
- (5) Where the Council desires to obtain advice for any particular purpose it may co-opt other persons for that purpose; and the persons co-opted may take part in the deliberations of the Council for that purpose only and shall not be entitled to vote.
- (6) The validity of proceedings of the Council is not affected by a —
 - (a) vacancy in the membership of the Council; or
 - (b) defect in the appointment of a member of the Council.

- (7) A member of the Council who has a personal interest in any arrangement entered into or proposed to be considered by the Council shall disclose his interest to the Council and shall not vote on any question relating to the arrangement.

Committee's Recommendation:

That the provision in Clause 487 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 487 do stand part of the Bill, put and agreed to.

PART 47 — TRIAL OF CORPORATION

Clause 488: Interpretation under this Part

- (1) In this Part "corporation" means anybody corporate, incorporated in Nigeria or elsewhere.
- (2) In this Part "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Part authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.
- (3) A representative for the purposes of this Part need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Part, shall be admissible without further proof as prima facie evidence that the person has been so appointed.

Committee's Recommendation:

That the provision in Clause 488 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 488 do stand part of the Bill, put and agreed to.

Clause 489: Plea by corporation

Where a corporation is called upon to plead to any charge or information including a new charge or information framed under the provisions of this Bill or charge or information added to or altered under the provisions of this Bill, it may—

- (a) enter in writing by its representative a plea of guilty or not guilty or any plea which may be entered under this Bill; or
- (b) if the corporation is not represented or is represented but fails to enter any plea; or
- (c) where the corporation fails to send a representative or enter its plea in writing and the court is satisfied that the corporation is duly served, the court shall enter a plea of not guilty.

Committee's Recommendation:

That the provision in Clause 489 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 489 do stand part of the Bill, put and agreed to.

Clause 490: Information or charge against a corporation

An information or charge may be preferred against a corporation after the preparation of the proofs of evidence relating to the charge.

Committee's Recommendation:

That the provision in Clause 490 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 490 do stand part of the Bill, put and agreed to.

Clause 491: Joinder of counts in same information

An information or charge under section 490 of this Bill may include, either in substitution for or in addition to counts charging the offence for which proofs of evidence have been prepared, counts which may be lawfully joined in the same information and are founded on facts or evidence disclosed in the proofs of evidence.

Committee's Recommendation:

That the provision in Clause 491 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 491 do stand part of the Bill, put and agreed to.

Clause 492: Power of representative

A representative may, on behalf of a corporation —

- (a) state, whether the corporation is ready to be tried on a charge or information or altered charge or, information to which the corporation has been called on to plead;
- (b) consent to the hearing and determination of a complaint before the return date of a summons;
- (c) express assent to the trial of the corporation on information, notwithstanding that a copy of the information and notice of trial has not been served on the corporation 3 days or more before the date on which the corporation is to be tried.

Committee's Recommendation:

That the provision in Clause 492 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 492 do stand part of the Bill, put and agreed to.

Clause 493: Matters to be read, said or explained to representative

Where a representative appears, any requirement of this Bill that anything shall be done in the presence of the defendant, or shall be read or said or explained to the defendant, shall be construed as a requirement that, that thing shall be done in the presence of the representative or read or said or explained to the representative.

Committee's Recommendation:

That the provision in Clause 493 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 493 do stand part of the Bill, put and agreed to.

Clause 494: Non-appearance of representative

Where a representative does not appear, any such requirement as is referred to in section 489 of this Bill, shall not apply.

Committee's Recommendation:

That the provision in Clause 494 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 494 do stand part of the Bill, put and agreed to.

Clause 495: Saving under this Part and joint charge against corporation and individual

- (1) Subject to the preceding provisions of this part, the provisions of this Bill relating to the inquiry into and trial of offences shall apply to a corporation as they apply to an adult.
- (2) A corporation may be charged jointly and tried with an individual for any offence.

Committee's Recommendation:

That the provision in Clause 495 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 495 do stand part of the Bill, put and agreed to.

PART 48 — APPEALS FROM MAGISTRATE COURTS TO HIGH COURTS**Clause 496: Appeals from magistrates' courts**

- (1) Appeals from a magistrate court to the High Court of the Federal Capital Territory in criminal matters shall be in accordance with the High Court Act of the Federal Capital Territory or any rule made under any such Bill.
- (2) Where a defendant has been acquitted or an order of dismissal made by a magistrate court the prosecutor may appeal to the High Court from such acquittal or dismissal on the ground that it is erroneous in law or that the proceedings or any part thereof were in excess of the jurisdiction of the magistrate court.
- (3) An appeal, in accordance with the provisions of this Part, shall be commenced by the appellant by giving notice to the registrar of the court from which the appeal is brought and such notice of appeal shall be signed by the appellant.
- (4) The notice of appeal shall be given in every case before the expiration of the 30th day after the day on which the court has made the decision appealed against.
- (5) An appellant shall file many copies of his notice of appeal as there are parties to be served, in addition to the copies for the court.
- (6) An appellant, in an appeal brought in accordance with the provisions of this Part, shall, within 30 days of the pronouncing of the decision appealed against, file with the registrar of the court from which the appeal is brought a brief setting forth the grounds of his appeal which shall be signed by the appellant or the legal practitioner representing him.

- (7) An appellant, shall file as many copies of his brief of grounds of appeal, as there are parties to be served, in addition to the copies for the court.
- (8) In his brief of grounds of appeal the appellant shall set forth in separate ground of appeal each error, omission, irregularity or other matter on which he relies or of which he complains with particulars sufficient to give the respondent due notice thereof.
- (9) Without prejudice to the generality of subsection (8), the brief of ground of appeal may set forth all or any of the following grounds —
- (a) that the lower court has no jurisdiction in the case;
 - (b) that the lower court has exceeded its jurisdiction in the case;
 - (c) that the decision has been obtained by fraud;
 - (d) that the case has already been heard or tried and decided by or forms the subject of a hearing or trial pending before a competent court;
 - (e) that admissible evidence has been rejected, or inadmissible evidence has been admitted by the lower court and that in the latter case there is no sufficient admissible evidence to sustain the decision after rejecting such inadmissible evidence;
 - (f) that the decision is unreasonable or cannot be supported having regard to the evidence;
 - (g) that the decision is erroneous in point of law;
 - (h) that some other specific illegality, not mentioned and substantially affecting the merits of the case, has been committed in the course of the proceedings in the case; or
 - (i) that the sentence passed on conviction is excessive or in-adequate, unless the sentence is one fixed by law.
- (10) Where the appellant relies upon the grounds of appeal mentioned in subsection (9) (d), the name of the court shall be stated and, if it is alleged that a decision has been made, date of such decision.
- (11) Where the appellant relies upon the ground of appeal mentioned in subsection (9) (g), the nature of the error shall be stated and, where he relies upon the ground of appeal mentioned in subsection (9) (h), the illegality complained of shall be clearly specified.
- (12) A sentence by a magistrate court shall take effect notwithstanding an appeal unless —
- (a) a warrant has been issued under section 331 of this Bill when no sale of property shall take place until the sentence has been confirmed or the appeal decided; or
 - (b) an order for release on bail pending any further proceeding has been made by a competent court when the time during which the convicted person had been so released shall be excluded in computing the period of any sentence which he has ultimately to undergo.

- (13) A High Court exercising appellate jurisdiction shall not, in the exercise of such jurisdiction, interfere with the finding or sentence or other order of the lower court on the ground only that evidence has been wrongly admitted or that there has been a technical irregularity in procedure, unless it is satisfied that a failure of justice has been occasioned by such admission or irregularity.

Committee's Recommendation:

That the provision in Clause 496 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 496 do stand part of the Bill, put and agreed to.

PART 48 — FEES AND MISCELLANEOUS PROVISIONS

Clause 497: Payment of fees

Subject to the provisions of this Bill, such fees as may be prescribed under this Bill shall be paid in any proceeding before a court.

Committee's Recommendation:

That the provision in Clause 497 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 497 do stand part of the Bill, put and agreed to.

Clause 498: Suspension of payment of fees

A court may, in any proceeding in which good cause appears to the court for so doing, suspend payment of any fee payable until the conclusion of the proceedings and the court may then direct the fees to be paid as costs by a party to the proceedings by whom the court has power to order costs to be paid or remit the payment of the fees.

Committee's Recommendation:

That the provision in Clause 498 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 498 do stand part of the Bill, put and agreed to.

Clause 499: State not required to pay fees

The provisions of this Bill relating to fees and to the giving of security shall not apply to the State or to a public officer acting in his official capacity.

Committee's Recommendation:

That the provision in Clause 499 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— Agreed to.

Question that Clause 499 do stand part of the Bill, put and agreed to.

Clause 500: Use of forms in Schedules

Subject to the express provisions, if any, of the Rules of Court, the forms and precedents contained in the Schedules to this Bill may, in accordance with any instructions contained in the forms, and with such variations as the circumstances of the particular case may require, be used in the cases to which they apply.

Committee's Recommendation:

That the provision in Clause 500 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 500 do stand part of the Bill, put and agreed to.

Clause 501: Power to make Rules of Court

The Chief Judge of the Federal High Court or of the Federal Capital Territory or the President of the National Industrial Court may make rules in respect of any or all of the following matters —

- (a) fees, costs or compensations to be paid under this Bill and periodic review of the same;
- (b) forms to be used for the process and procedure of the courts;
- (c) accounts to be rendered of monies received by any person under this Bill;
- (d) the method of issue of process under this Bill, and the manner of receipt of and accounting for fees in respect of such process;
- (e) prescribing anything or any person required to be prescribed under the provisions of this Bill;
- (f) regulation and management of non-custodial punishments provided under this Bill; and
- (g) generally carrying into effect the purposes of this Bill.

Committee's Recommendation:

That the provision in Clause 501 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 501 do stand part of the Bill, put and agreed to.

Clause 502: Non-compliance

- (1) Where no other sanction is provided for in this Act, failure on the part of a person to discharge his responsibility under this Act without reasonable cause shall be treated as misconduct by the appropriate authority.
- (2) Except for clear cases of error of judgment committed in good faith, where any duty is imposed by this Bill on a law enforcement authority or the manner of doing anything has been prescribed under this Bill but any particular officer of such law enforcement authority is shown to have intentionally, deliberately or recklessly ignored such duty or procedure, without prejudice to any liability that may attach to such law enforcement agency, personal liability may be imposed on such an officer for cost in favour of any person who has suffered a detriment as a result and such officer shall also be subject to the disciplinary procedures applicable to his employment.

Committee's Recommendation:

That the provision in Clause 502 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 502 do stand part of the Bill, put and agreed to.

Clause 503: Saving as to other forms and procedure

- (1) Nothing in this Bill shall affect the use or validity of any form in respect of a procedure or an offence specified under the provisions of a written law or the validity of any other procedure provided by any other written law.
- (2) Nothing in this Bill shall affect the validity of any charge, information or proceeding initiated or commenced under any other law in so far as the proceeding was initiated or commenced before this Bill came into force.
- (3) Pre-trial, trial and post-trial proceedings may be conducted with the aid of electronic recording facilities, which recording shall be admissible in evidence.
- (4) Where there are no express provisions in this Bill, the Court may apply any procedure that will meet the justice of the case.

Committee's Recommendation:

That the provision in Clause 503 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 503 do stand part of the Bill, put and agreed to.

Clause 504: Repeals

- (1) The Criminal Procedure Act CAP. C41 Laws of the Federation of Nigeria, 2004, and the Administration of Justice Commission Act Cap. A3 Laws of the Federation of Nigeria, 2004 are repealed.
- (2) The provisions of the Criminal Procedure Code Act Cap. 491 LFN, 1990 (Abuja) shall continue to apply provided they are not inconsistent with any provision of this Bill.

Committee's Recommendation:

That the provision in Clause 504 be retained (*Senator Michael O. Bamidele — Ekiti Central*)
— *Agreed to.*

Question that Clause 504 do stand part of the Bill, put and agreed to.

Clause 505: Interpretation

- (1) In this Bill —
 - "adult" means a person who has attained the age of 18 years or above;
 - "asylum" includes a lunatic asylum, a mental or other hospital, a correctional centre and any other suitable place of safe custody of person of unsound mind for medical observation;
 - "charge" means the statement of offence or statement of offences with which a defendant is charged in a trial whether by way of summary trial or trial by way of information before a court;
 - "Chief Judge" means a Chief Judge of a High Court and the President of the National Industrial Court; where applicable;
 - "child" means a person who has not attained the age of 18 years;
 - "complainant" includes any informant or prosecutor in a private capacity in any case relating to summary trial;

"complaint" means the allegation that any named person has committed an offence made before a court or police officer for the purpose of moving him to issue process under this Bill;

"Council" means the Administration of Criminal Justice Monitoring Council established under this Bill;

"court" includes Federal Courts, the Magistrates' Court and Area Courts presided by legal practitioners in the Federal Capital Territory;

"currency" means coins, notes and other legal tender;

"defendant" means any person against whom a complaint, charge or information is made;

"district" means a district into which the Federal Capital Territory divided for the purposes of any Bill or law under which a Magistrate's court is established;

"division" means a judicial division of the High Court;

"Federation" means the Federal Republic of Nigeria;

"Federal law" means any Act enacted by the National Assembly having effect with respect to the Federation or any part thereof and any Act enacted prior to 1st October, 1960, which under the Constitution of the Federal Republic of Nigeria has effect with respect to the Federation or any part thereof;

"felony" means an offence on conviction for which a person can, without proof of his having been previously convicted of an offence, be sentenced to death or to imprisonment for three years or more, or which is declared by law to be a felony;

"fine" includes any pecuniary penalty or pecuniary forfeiture or pecuniary compensation payable under this Bill;

"functions" includes powers and duties;

"future enactment" means any enactment passed after the commencement of this Bill;

"guardian" in relation to a child or young person means the parent or other person having lawful custody of such child or young person, and includes any person who, in the opinion of the court having cognizance of any case in which such child or young person is concerned, has, for the time being, the custody, control over, or charge of such child or young person;

"High Court" means the Federal High Court, or the High Court of the Federal Capital Territory;

"indictable offence" means an offence which on conviction may be punished by —

(a) a term of imprisonment exceeding two years; or

(b) a fine exceeding N40,000.00 not being an offence declared by the law creating it to be punishable on summary conviction;

"indictment" means the filing of an information against a person in the High Court;

"infant" means a person who has not attained the age of seven years;

"Judge" includes a Judge of a High Court or a Judge of the National Industrial Court and Area Court presided by legal practitioners;

"Justice of the Peace" means a person appointed to be a Justice of the Peace under any enactment inclusive of the Federal Capital Territory;

"law officer" means the Attorney-General of the Federation and the Solicitor-General of the Federation and includes the Director of Public Prosecutions and such other qualified officers, by whatever names designated, to whom any of the powers of a law officer are delegated to by law and a private legal practitioner authorised by the Attorney-General of the Federation to appear for and on behalf of the Attorney-General of the Federation;

"legal guardian" in relation to an infant, child, young person, or juvenile offender, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

"Magistrate" means a Magistrate appointed in accordance with the law of a State or of the Federal Capital Territory;

"Magistrates' Court" means Magistrates' Court established under the law of a State or of the Federal Capital Territory;

"medical officer" means a medical doctor attached to an asylum or a medical doctor from whom a court requires an opinion;

"member" means a member of the Council and includes the Chairman;

"misdemeanour" is an offence punishable by imprisonment for not less than 6 months, but less than 3 years or which is declared by law to be a misdemeanour;

"offence" means an offence against an Act of the National Assembly;

"officer in charge" includes, the officer in charge of a police station or the officer in charge of a unit in any other law enforcement agency or other officer who acts in the absence of the officer in charge;

"open court" means a room or place in which a court sits to hear and determine a matter within its jurisdiction and to which room or place the public may have access so far as the room or space can conveniently contain them;

"order" includes any conviction in respect of a summary conviction offence;

"Part-heard criminal matter" means a trial which has not been concluded by the court;

"penalty" includes any pecuniary fine, forfeiture, costs, or compensation recoverable or payable under an order;

"place of safety" includes a suitable place, the occupier of which is willing temporarily to receive an infant, child, or young person;

"Police" means the Nigeria Police established by the Constitution or where the context so admits, shall include any officer of any law enforcement agency established by an Act of the National Assembly;

"police officer" includes any member of the Nigeria Police Force established by the Police Act or where the context so admits, shall include any officer of any law enforcement agency established by an Act of the National Assembly;

"prescribed" means as provided by rules made under the authority of this Bill;

"private prosecutor" does not include a person prosecuting on behalf of the State or a public officer prosecuting in his official capacity;

"reasonable time" is as defined in section 35 (5) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);

"registrar" includes the Chief Registrar and a registrar of a court;

"rules" or "the rules" means rules of court relating to the practice and procedure of the High Court or of the Magistrates' Courts in the exercise of their criminal jurisdiction;

"sentenced to imprisonment" shall include cases where imprisonments imposed by a court on any person either with or without the option of a fine, or in respect of the non-payment of any sum of money, or for failing to do or abstaining from doing any act or thing required to be done or left undone, and the expression "sentence of imprisonment" shall be construed accordingly;

"sheriff" means a Sheriff within the meaning of the Sheriffs and Civil Process Act and includes a deputy sheriff and any person authorised by the sheriff or a deputy sheriff to execute process of a court;

"summary conviction offence" means an offence punishable by a High Court or a magistrates' court on summary conviction and includes any matter in respect of which a High Court or a magistrate's court can make an order in the exercise of its summary jurisdiction;

"summary court" means unless the same is expressly or by necessary implication qualified —

(a) a Judge of the High Court when sitting in court and presiding over a summary trial, and

(b) a Magistrate when sitting in court to hear and determine any matters within his power and jurisdiction either under the provisions of this Act or any other written law, and the Judge when so sitting and presiding, and the Magistrate when so

sitting, shall be deemed to be a "court" or "summary court" within the meaning of this Bill;

"summary trial" means any trial by a Magistrate or a trial by a High Court commenced without filing an information;

"Superintendent of Correction" has the same meaning as in the Nigerian Correctional Service Act;

"superior police officer" has the same meaning as in the Police Act;

"suspect" means a person who has been arrested on the suspicion of committing any offence, and who is yet to be formally charged for that offence;

"victim" —

- (a) means any person or persons, who, individually or collectively, have suffered harm, including —
- (i) physical or mental injury,
 - (ii) emotional suffering,
 - (iii) economic loss, or
 - (iv) substantial impairment of their fundamental rights, through acts or omissions that are in violation of the criminal laws of the country; and
- (b) includes the immediate family or dependants of the direct victim and any other person who has suffered harm in intervening to assist victims in distress;

"young person" means a person who has attained the age of 14 and has not attained the age of 17 years.

- (2) In this Bill, all words and expressions used in this Bill and defined in the Criminal Code or the Penal Code shall have the meanings attributed to them by those Codes.

Committee's Recommendation:

That the provision in Clause 505 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 505 do stand part of the Bill, put and agreed to.

Clause 506: Citation

This Bill may be cited as the Administration of Criminal Justice Act (Repeal and Enactment) Bill, 2022.

Committee's Recommendation:

That the provision in Clause 506 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — *Agreed to.*

Question that Clause 506 do stand part of the Bill, put and agreed to.

FORMS

FORM NO. I — GENERAL FORM OF TITLE OF PROCEEDINGS

(For use in the High Court)

In the High Court of

In the Judicial Division

Holden at

Charge No.....20.....

Between

.....Complainant,

and

.....Defendant.

Complaint

(For use in Magistrates' Court or other Courts)

IN THE MAGISTRATE'S COURT

In the Magistrate's Court of

In the Magisterial District

Holden at

Charge No.....20.....,

Between

.....Complainant,

and

..... Defendant.

Complaint

Section 56

FORM NO. 2 — ORDER OF RECOGNIZANCE TO KEEP THE PEACE, AND BE OF GOOD BEHAVIOUR

(General Title-Form No. 1)

Before the.....High/Magistrate Court of the.....

In the Judicial Division/Magisterial District sitting at.....The.....day of..... 20.....

A.B., having made a complaint that C.D., hereinafter called the defendant, on the.....day of 20.....at, in the above-mentioned, did

.....It is ordered that the defendant do forthwith to the satisfaction of.....enter

into a recognizance in the sum of.....with.....surety.....in the sum of.....[each] to keep the peace and be of good behaviour towards the State and all persons, and especially towards the complainant, for the term of.....now next ensuing:

And it is ordered that if the defendant fails to comply with this order he shall be imprisoned in the correctional centreat.....for the space of unless he complies with the order.

If costs are ordered, add-

And it is ordered that the defendant pay to the said..... the sum of.....for costs [by instalments of..... for every.....days, the first instalment to be paid] forthwith [or on the.....day of 20....]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the said correctional centre, for the space of.....commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the (said distress and) commitment] be sooner paid.

Judge [or Magistrate]

FORM NO 3

Section 90

COMPLAINT

(General Title-Form NO. 1)

The complaint of C.D (address and description), who upon oath (or affirmation) states that A. B of (address and description) on the..... day of....., 20.....at..... in the.....above-mentioned, did*.....

taken before me this.....day of.....

Judge [or Magistrate]

FORM NO. 4

Section 120

SUMMONS TO DEFENDANT

(General Title-Form NO. 1)

To A.B of.....

Complaint has been made this day by..... that you on the.....day of 20..... at.....in the above-mentioned did*

*State concisely the substance of the compliant

You are hereby summoned to appear before the..... High/magistrate's court sitting at.....on theday of..... 20....., at the hour of..... in the.....noon to answer to the said complaint.

Dated this.....day of..... 20.....

.....
Judge [or Magistrate]

FORM NO. 5

Section 134

WARRANT FOR ARREST OF DEFENDANT WHO HAS DISOBEYED SUMMONS
(General Title-Form NO. 1)

To.....Police Officer or To each and all Police Officers.
Complaint has been made on the.....day of.....20..... that A.B hereinafter called the defendant on the.....day of.....20.....in the above-mentioned did*

*State concisely the substance of the complaint
And the defendant was thereupon summoned to appear before the High/Magistrate's Court of the in the Judicial Division/Magistrate District sitting at.....on the.....day of.....at the hour of.....in the noon, to answer to the said charge:

An oath has been made that the defendant was duly served with the summons, but did not appear, and that such complaint is true.

You are hereby commanded to bring the defendant before High/Magistrate's Court of the.....in the Judicial Division/Magisterial District sitting at.....forthwith to answer to the said complaint or be further dealt with according to law

Dated the.....day of.....20.....

.....
Judge [or Magistrate]

FORM NO. 6

Section 135

WARRANT FOR ARREST OF DEFENDANT IN FIRST INSTANCE

(General Title-Form No. 1)

To.....Police Officer
Complaint on oath has been made on the.....day of....., by.....that A.B., hereinafter called the defendant on the.....day of..... at.....in the.....above-mentioned did*

*State concisely the substance of the complaint

You are hereby commanded to bring the defendant before High/Magistrate Court of thein the Judicial Division/ Magisterial Division sitting atto forthwith answer the said complaint and be dealt with according to law.

Dated the.....day of..... 20.....

.....
Judge [or Magistrate]

FORM NO. 7

Section 146

FORM D

SEARCH WARRANT

(TITLE OF PROCEEDING)

In the Magistrate Court of Magistrate District

To and

Whereas information on oath and in writing this day has been made that there is reasonable ground for believing that there is in (state the place to be searched and state what is to be searched for in the terms of (a), (b) or (c) of 144(1) of this Act.)

You are hereby commanded in the name of the Federal Republic of Nigeria, with proper assistance, to enter the above-named (state the place to be searched) and there diligently search for the things aforesaid and where the same or any part thereof found on search, to bring the things found, and also the said (name the occupier of the place to be searched) before this Court to be dealt with according to law.

This warrant may be executed at any time on any day, including a Sunday or public holiday and may also be executed at any hour during day or night.

Issued at this day of 20.....

.....
Magistrate

INVENTORY OF ITEMS RECOVERED DURING EXECUTION OF
SEARCH WARRANT IN TERMS OF SECTION 147

A. LIST OF ITEMS DETAINED AND PLACE OF SUCH DETENTION

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

B. LIST OF ITEMS RELEASED TO THE OWNER(S)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

WITNESSES

.....
 NAME/RANK/FORCE NO. OF OFFICER
 EXECUTING THE WARRANT.

.....
 NAME/TITLE OF THE OCCUPIER
 OF THE PLACE SEARCHED

.....
 NAME/RANK/FORCE NO OF
 ACCOUNTING OFFICER

.....
 NAME, TITLE OF AN
 INDEPENDENT WITNESS

Dated theday of..... 20.... ..

FORMS FOR REMAND PROCEEDINGS

(General Title Form No.1)

FORM NO. 8

Section 297

REPORT AND REQUEST FORM FOR REMAND

BETWEEN

COMMISSIONER OF POLICE
 DIRECTOR OF PUBLIC PROSECUTIONS

Applicant

AND

XYZ

Respondent

To: The Registrar of the Court

The Court is hereby informed that there is a probable cause to order the remand of XYZ (state particulars of the Respondent, namely age, sex, occupation) of (state details of the Respondent's street address or where there is no precise street address, as near and close description as possible of the location of the Respondent's last known place of abode) in remand custody in _____ (state the exact place of custody in which the applicant proposes to remand the Respondent such as the name and location of the correctional centre, or other detention place) who is reasonably suspected to have committed the offence of _____ contrary to section _____ of the _____

_____ within _____
 _____ High Division/Magisterial District on or about _____
 _____ (state the date or approximate date or the _____

period of commission of the alleged offence) on grounds stated below: _____

Dated this _____ day of _____ 20__

· GROUND(S) FOR THE REQUEST FOR REMAND

1. Place, time and circumstance of arrest: _____

2. Arrested with Exhibit(s) _____ Yes _____ No (Tick appropriately)
(disregard (3) and (4) below if the Respondent was not arrested with Exhibit(s))

3. If arrested with Exhibit(s), state clearly the particulars of the Exhibit(s) _____

4. If arrested with Exhibit(s), state clearly how the items are related to or linked with the committal of the alleged offence: _____

5. State particulars of other evidence or report linking the Respondent to the committing of the offence such as forensic evidence, marks or finger prints, etc.

6. Confessional statement _____ Yes _____ No

7. Any previous conviction for the same or similar offence _____ Yes _____ No

8. If (7) above is Yes, state the particulars of previous conviction(s)

Found in custody or possession of offensive weapon, object or substance: _____ Yes _____
No

9. Identification by victim(s) or witness(es) _____ Yes _____ No

(State the particulars of such victim(s) or witness(es))

(i) Name:

Age

Sex

Address:

Occupation:

(ii) Name:

Age

Sex

Address:

Occupation:

(iii) Name:

Age

Sex

Address:

Occupation:

(iv) Name:

Age

Sex

Address:

Occupation:

(v) Name:

Age

Sex

Address:

Occupation:

(vi) Name:

Age

Sex

Address:

Occupation:

10. Need for further investigation _____ Yes _____ No

11. Period/duration required for further investigation _____ (state approximate days/weeks/months required to complete investigation)

12. Any further relevant information _____

Signed.....
(Commissioner of Police/ Director of Public Prosecution /Law officer/Police officer)

FORM NO. 9

Section 380 (9)

INFORMATION ON LEGAL REPRESENTATION

The office of the Director of Public Prosecutions has determined that proceeding shall continue against you as per the attached legal advice.

Indicate whether you wish to be represented by a legal practitioner arranged by you or by the Legal Aid Council or any organisation providing free legal representation.

(1) If you wish to be represented by a legal practitioner arranged by you, please indicate below the particulars of such legal practitioner:

Name of Legal Practitioner: _____

Address of Legal Practitioner: _____

Telephone Number of Legal Practitioner: _____

E-mail of Legal Practitioner: _____

Signature of the Defendant: _____

Signature of the Correctional official or police official in charge of place of custody of Defendant: _____

(2) If you wish to be represented by a legal practitioner arranged by way of legal aid, please provide the relevant information below. If you do not know any organisation you wish to apply to provide legal practitioner to represent you, kindly enter the "Legal Aid Council" as the name of organisation:

Name of the Organisation: _____

Address of the Defendant (or Place of custody is on remand) _____

Signature of the Defendant: _____

Signature of the Correctional official or police official in charge of place of custody of Defendant: _____

FORM NO. 10

Section 245

SUMMONS TO WITNESS
(General Title-Form No. 1)

To E.F.....
A.B has been charged byfor that he on
the.....day of.....20....., at.....in the
..... above-mentioned, did*

*State concisely the substance of the complaint.
and it appears to me by the oath of..... that you are likely to give
material evidence therein on behalf of the informant [or complainant or defendant], and will
not voluntarily appear for that purpose.

You are therefore hereby summoned to appear before the High/Magistrate's Court of
the.....in the Judicial Division/Magisterial Division
sitting at....., onday of..... 20....., at the hour
of.....in the.....noon, to testify what you know in such matter.

Dated the.....day of.....20.....

.....
Judge [or Magistrate]

FORM OF INFORMATION

FORM NO. 11

Section 381

The Federal Republic of Nigeria v C.D

In the High Court of

In the Judicial Division of

The Federal Republic of Nigeria v. C D

The day of20....

At the sessions holding at

On theday of20....., the court is informed by the Attorney- General of the Federation on behalf of the Federal Republic that C.D Is charged with the following offence. [or offences]. (and statement of offence [offences].

FORM NO. 12

Section 185

FORFEITURE ON CONVICTION

(General Title-Form No. 1)

Before the.....High/Magistrates Court of the
in the Judicial Division/ Magistrate District sitting on the.....day
of.....20.....

A.B., hereinafter called the defendant, was by his recognizance entered into the.....day of....., bound in the sum of....., and his sureties C.D and F.F. in the sum ofeach, the condition of the recognizance being that the said defendant should.....

And it being now proved that the defendant was on the..... day of.....convicted of the offence of having the same being a breach of the said condition:

It is therefore adjudged that the said recognizance be forfeited, and that the said.....pay to.....the sum of.....and the further sum of.....for costs [by instalments of.....for every.....days, the first instalment to be paid] forthwith [or on the.....day of.....]:

And in default of payment it is ordered that the sum due from the saidunder this order be levied by distress and sale of his goods, and in default of sufficient distress that he be imprisoned in the correctional centre, at.....for the peace of.....unless the said sums [and all costs and charges of the (said distress and) committed] be sooner paid.

.....

Judge [or Magistrate]

FORM NO. 13

Section 245

WARRANT FOR APPREHENSION OF A WITNESS

(General Title-Form No.1)

To.....Police officers or other officials. Complaint E.F. was duly summoned to appear before the High/Magistrate's Court of the.....Judicial Division/Magisterial District sitting at..... on.....day of.....at the hour of.....in the.....noon, to testify what he should know concerning a certain complaint against A.B.

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

And it has been proved on oath that 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 hereby commanded to bring him before the High Court of thein the Judicial Division/Magisterial District sitting at.....forthwith to testify what he knows concerning the said matter.

Dated the.....day of..... 20.....

.....
Judge [or Magistrate]

FORM NO.14

Section 248

WARRANT FOR ARREST OF WITNESS IN FIRST INSTANCE

(General Title-Form No.1)

To.....
A.B has been charged by.....for on the.....day of.....at.....in theaforesaid, did*.....

*State concisely the substance of the complaint

.....
And it appearing to me by 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 so to do:

You are hereby commanded to bring him before the High Court/Magistrate of thein the Judicial Division/Magisterial District sitting at.....forthwith to testify what he knows concerning the said matter.

Dated the.....day of.....20....

.....
Judge [or Magistrate]

Section 254

FORM NO. 15

WARRANT TO COMMIT A WITNESS

(General Title-Form No. 1)

To.....and to the Superintendent ofCorrectional Centre E.F..... having appeared or being brought before the High /Magistrate Court of thein the Judicial Division/Magisterial District sitting at.....on day the.....day of to testify what he should know concerning a certain case against A.B., refused to take an oath [or having taken an oath] refused to answer any [or a certain] question put to him concerning the case and did not offer any just excuse for his refusal.

You, the said Police Officer are hereby commanded to convey the said E.F safely to the said Correctional Centre, and there deliver him to the Superintendent thereof, together with this Warrant, and you, the Superintendent of the said Correctional Centre, to receive him into your custody, and keep him for the space of....., unless he in the meantime consents to be examined and to answer questions concerning the case.

Dated the.....day of..... 20.....

.....
Judge [or Magistrate]

FORM NO 16

Section 320

CONVICTION (IMPRISONMENT)

(General Title- Form No. 1)

Before the High/ Magistrate Court of thein the Judicial Division/ Magisterial District sitting at..... on the..... Day of 20.....

A. B hereinafter called the defendant, is this day convicted for..... that he, on the day of 20..... at within the above-mentioned, did.....

And it is ordered that the defendant, for his said offence, be imprisoned in the correctional centre at.....and kept for the period of.....

If costs are ordered, add-

And it is ordered that the defendant pay to the said..... sum of.....for costs [by instalments of.....for everydays, the first instalment to be paid] forthwith [or on theday of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the

correctional centre at..... for the space of..... commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the (said distress and) commitment be paid]

.....
Judge [or Magistrate]

FORM NO. 17

Section 319, 323 and 330

ORDER FOR MONEY (NOT A CIVIL DEBT)

(General Title- Form No. 1)

Before the High/Magistrates' Court of thein the Judicial Division/Magisterial District sitting at.....theday of..... 20.....

A. B having made a complaint that C.D hereinafter called the defendant, on the.....day of.....at..... within the.....above-mentioned, did.....

On hearing the said complaint, it is ordered that the defendant pay to said..... the sum of..... and also the sum of.....for costs [by installments of.....for everydays, the first installment to be paid] forthwith [or on theday of.....]:

And in default of payment it is ordered that the said sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be remanded in the correctional centre at..... for the space of unless the said sums and all costs and charges of the said distress and commitment be paid.

.....
Judge [or Magistrate]

FORM NO. 18

Section 458

ORDER OF DISMISSAL WITH DAMAGES

(General Title- Form No. 1)

Before the High/Magistrate's Court of thein the Judicial Division/Magisterial District sitting at.....

The.....day of.....20.....Complaint having been made by A.B that C.D hereinafter called the defendant, on the.....day of..... 20..... , at.....in the.....above-mentioned, did.....

And the Court being of opinion that though the said charge is proved, the offence is of trivial nature that it is inexpedient to impose any punishment, hereby dismiss the said information.

But order that the defendant do pay the complainant for damages and.....for costs [by installments of..... for everydays, the first installment to be paid] forthwith [or on theday of..... 20.....]:

And in default of payment it is ordered that the said sums levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be remanded in the correctional centre at..... for the space of..... unless the said sums [and all costs and charges of the (said distress and) commitment be paid]

.....
Judge [or Magistrate]

FORM NO.19

ORDER FOR OTHER MATTERS

(General Title- Form No. 1)

Before the High/ Magistrate's Court of thein the Judicial Division/Magisterial District sitting at..... on the.....day of..... 20.....

A. B., having made a complaint that C.D hereinafter called the defendant, on the.....day of..... at..... in the.....above mentioned, did.....

On hearing the said complaint, it is ordered that the defendant.....

If imprisonment is ordered, add-

And it is adjudged that if the defendant neglect or refuse to obey this order, he be imprisoned in the correctional centre at..... for the space of.....days [or unless the said order be sooner obeyed].

If costs are ordered, add-

And it is ordered that the defendant pay to the said.....sum offor costs [by installments of.....for everydays, the first installment to be paid] forthwith [or on theday of.....]:

And in default of payment it is ordered that the sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the said correctional centre for the space of..... commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the (said distress and) commitment] be paid.

.....
Judge [or Magistrate]

FORM NO.20

(General Title- Form No. 1)

Before the High/ Magistrate's Court of thein the Judicial Division/ Magisterial District sitting at..... The.....day of.....20... Complaint having been made by that A.B hereinafter called the defendant, on the.....day of.....,at.....in the.....above-mentioned, did.

This Court having heard and determined the said complaint do dismiss same:* *on its merits or without prejudice to it being brought again

If costs are ordered, add-

And it is ordered that the complainant pay to the defendant the sum of.....for costs [by installments of.....for everydays, the first installment to be paid] forthwith [or on theday of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale of the defendant's goods, and in default of sufficient distress that the defendant be imprisoned in the correctional centre at..... for the space of....., unless the said sum [and all costs and charges of the (said distress and) commitment be paid]

.....
Judge [or Magistrate]

FORM NO. 21

Section 439

WARRANT OF DISTRESS (FOR PENALTY)

(General Title- Form No. 1)

To..... A.B., hereinafter called the defendant, was on the day of.....convicted before the High/Magistrate's Court sitting at.....for that he on the.....day of.....at..... in the above-mentioned, did.....

And it was adjudged that the defendant for the said offence should be imprisoned [or forfeit and pay the sum of.....] and should also pay the sum of.....[for compensation and] for costs [by instalments of..... for every.....days, the first instalment to be paid] forthwith [or on the.....day of.....], and that in default the said sum [or sums] should be levied by distress,.....and default having been made in payment.

You are hereby commanded forthwith to make distress of the goods of the defendant (expect the wearing apparel and bedding of him and his family, and, the tools and implements of his trade) and if within the space of five clear days next after the making of such distress, unless he consents in writing to an earlier sale, the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then to sell the said goods, and pay the money arising therefrom to the registrar of that court, and if no such distress can be found, to certify the same to that court.

Dated the.....day of..... 20.....

.....

Judge [or Magistrate]

N K

Amount ordered.....

Paid.....

Remaining due.....

Cost of issuing this warrant.....

Total amount to be levied.....

NOTICE OF TRIAL

A. B. Take notice that you will be tried on the information of which this is a true copy, at the session to be held at.....on theday of..... 20.....

Also find attached is the "Information on Legal Representation" Form which you must complete and return to the Registry of this court within 14 days of service on you of this notice of trial.

Question that the provision in the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

Sections 196

CHARGES

FORM OF CHARGE UNDER THE PENAL CODE

A: CHARGES WITH ONE HEAD

Charge on section 115

- (1) (a) I..... [name of presiding officer of court] hereby charge you [name of the defendant] as follows -
- (b) That you on or about theday of....., 20.....at.....being a public servant in the Ministry of.....directly accepted from A. B. for yourself [or for another person named C.D.] a gratification other than lawful remuneration as a motive for forbearing to do an official act and thereby committed an offence punishable under section 115 of the Penal Code and triable by the High Court.
- (c) And I hereby direct that you be tried by such court on the said charge.

.....
Signature or seal of the
Presiding officer of court

To be substituted for (b) -

- (2) That you on or about the day of,20..... at.....in the course of the trial of A.B. before.....stated in evidence that which

statement you either knew or believed to be false or did not believe to be true and thereby committed an offence punishable under section 158 of the Penal Code.

Charge on section 224

- (3) That you on or about theday of, 20.....at.....committed culpable homicide not punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 224 of the Penal Code.

Charge on section 227

- (4) That you on or about theday of, 20.....at.....abetted the commission of suicide by A. B. while the said A. B. was in a state of intoxication and thereby committed an offence punishable under section 227 of the Penal Code.

Charge on section 217

- (5) That you on or about theday of20.....at.....voluntarily caused grievous hurt to A. B by.....[state details of grievous hurt] and thereby committed an offence punishable under section 247 of the Penal Code.

Charge on section 312

- (6) That you between theday of, 20.....and theday of.....being entrusted with.....did commit criminal breach of trust by dishonestly misappropriating a sum of N.....and thereby committed an offence punishable under section 312 of the Penal Code.

Charge on section 324

- (7) That you on or about theday of, 20.....atcheated A. B. by falsely pretending to be in the Government Service and thereby dishonestly induced him to deliver.....[as the case may be] and thereby committed an offence punishable under section 324 of the Penal Code.

B: CHARGES WITH TWO OR MORE HEADS

Charges on section 221 and 224

- (1) (a) I [name of presiding officer of court] hereby charge you [name of the defendant] as follows -
- (b) First - That you on or about the.....day of.....,20.....at..... committed culpable homicide punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 221 of the Penal Code.

Secondly - That you on or about theday of.....20..... atcommitted culpable homicide not punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 224 of the Penal Code.

Alternative charges on section 158

- (2) That you on or about the.....day of....., 20.....at.....in the course of the inquiry into..... before.....stated in evidence that.....and that you on or about theday of.....,

20.....in the course of the trial of..... before..... stated in evidence that....., one of which statements you either knew or believed to be false or did not believe to be true, and thereby committed an offence punishable under section 158 of the Penal Code

Alternative charges on section 287, 312 or 317

(3) That you on or about the.....day of.....,at.....committed theft by stealing a horse the property of A. B. and thereby committed an offence punishable under section 287 of the Penal Code.

(or)

That you on or about the.....day of....., 20.....at.....being entrusted with the said horse committed criminal breach of trust dishonestly misappropriating it and thereby committed an offence punishable under section 312 of the Penal Code (or)

That you on or about the.....day of....., 20.....at.....dishonestly received the said horse knowing or having reason to believe that it was stolen property and thereby committed an offence punishable under section 317 of the Penal Code.

UNDER CRIMINAL CODE WITH ONE HEAD

Criminal Code section 118

1. That you.....on the.....day of.....at.....being a witness upon the trial of a case in the Magistrate's Court of the..... Magisterial District sitting at..... in which one was complainant and one was defendant, knowingly falsely swore that you saw one M.N. snatch a leather wallet from one Y. Z. in the..... on the..... day of....., and thereby committed an offence punishable under section 118 of the Criminal Code/Penal Code

Criminal Code Section 120(1)

2. That you, on the.....day of.....at..... with intent to mislead the court in the course of the trial of.....fabricated evidence by means other than perjury to wit: and thereby committed an offence against section 120(1) of the Criminal Code.

Criminal Code Section 249(a)(i)

3. That you, being a prostitute, on the.....day of.....,.....at.....behaved in an indecent manner by exposing your naked person in Broad Street and thereby committed an offence punishable under section 249(a)(i) of the Criminal Code.

Criminal Code Section 325

4. That you on the.....day of.....,at.....unlawfully killed C.D and thereby committed an offence punishable under section 325 of the Criminal Code.

5. That you on the.....day of.....at.....aided A.B in killing himself and thereby committed an offence punishable under section 326(3) of the Criminal Code

Section 332(1)

6. That you on the.....day of.....at.....unlawfully wounded C.D with intent to maim, disfigure or disable or to do some grievous harm or to resist the lawful arrest of yourself and thereby committed an offence punishable under section 332(1) of the Criminal Code

Section 338(1)

7. That you on the.....day of.....at .unlawfully wounded C.D and thereby committed an offence punishable under section 338(1) of the Criminal Code

Section 360

8. That you, on the.....day of.....at...unlawfully and indecently assaulted M.S and thereby committed an offence punishable under section 360 of the Criminal Code

Section 402

9. That you, on the.....day of..... at.....robbed C.D of (state the thing and thereby committed an offence punishable under section 402 of the Criminal Code

Section 419

10. That you, on the day of..... at.....with intent to defraud, obtained from S.P five yards of cloth by falsely pretending that you were a servant to J.S and that you had then been sent by the said J.S to S.P for the said cloth, and that you were then authorised by the said J.S to receive the cloth on behalf of the said J.S and thereby committed an offence punishable under section 419 of the Criminal Code

11. That you, on the.....day of20..... at....., with intent to defraud, obtained from A.Bby falsely pretending that you were able to double money.

Section 430(1)

12. That you.....on the.....day of, at....., had in your possession one gold watch reasonably suspected of having been stolen or unlawfully obtained and thereby committed an offence punishable under section 430(1) of the Criminal Code

Section 443

13. That you, on the.....day of....., at....., wilfully and unlawfully set fire to a house and thereby committed an offence punishable under section 443 of the Criminal Code

Section 467(2)(i)

- 14 That you, on the.....day of..... at....., forged an accountable receipt purporting to be the receipt of C.D., and thereby committed an offence contrary to section 467 (2) (i) of the Criminal Code

CHARGES WITH TWO OR MORE HEADS

Section 230

15. First-That you, on the.....day of....., at.....unlawfully supplied to C.D (state thing supplied) knowing that it was intended to be unlawfully used to procure the miscarriage of a woman and thereby committed an offence punishable under section 230 of the Criminal Code/Section Penal Code.

Secondly -That you, on or about the.....day of....., at.....unlawfully procured for C.D (state thing procured) knowing that it was intended to be unlawfully used to procure the miscarriage of a woman and thereby committed an offence punishable under section 230 of the Criminal Code

Section 248

16. First - That you, on the.....day of....., at....., sold matches made with white (yellow) phosphorus and thereby committed an offence punishable under section 248(a) of the Criminal Code

Secondly - That you, on the.....day of....., at.....had in your possession for the purposes of sale of matches made with white (yellow) phosphorus and thereby committed an offence punishable under section 248(a) of the Criminal Code

Section 390

17. First - That you, on the.....day of..... at.....stole (state the thing stolen) the property of C.D and thereby committed an offence punishable under section 390 of the Criminal Code

Secondly - That you, on the.....day of.....at.....stole (state the thing stolen) which had been entrusted to you by C.D for you to retain in safe custody and thereby committed an offence punishable under section 390(8) (b) of the Criminal Code.

Thirdly - That you, on the.....day of..... at.....stole (state the thing stolen) which had been received by you for and on account of C.D and thereby committed an offence punishable under section(8) (c) of the Criminal Code.

Question that the provision in the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

INFORMATION PRECEDENT

Section 382 (4)

1. STATEMENT OF OFFENCE

Perjury, contrary to section 118 of the Criminal Code/Section Penal Code

Particulars of offence

A.B., on the day of 20, in the division of, being a witness upon the trial of an action in the High Court in which one was plaintiff, and one was defendant, knowingly gave false testimony that he saw one M.W in the street called the Marina, Lagos, on the day of, 20.....

2. STATEMENT OF OFFENCE

Uttering counterfeit coin, contrary to section 151 of the Criminal Code/

Particulars of offence

A.B., on the day of 20, a t market in the division of uttered a counterfeit Naira coins/notes, knowing the same to be counterfeit.

3. STATEMENT OF OFFENCE

Murder, contrary to section 319 of the Criminal Code/

Particulars of offence

A.B., on the day of 20 in the division of murdered J.S.

4. STATEMENT OF OFFENCE

Accessory after the fact to murder, contrary to section 322 of the Criminal Code

Particulars of offence

A.B., well knowing that one, H.C, did on the day of, 20, in the division of murdered C.C., did on the day of 20' and on other days thereafter receive, comfort, harbour, assist and maintain the said H.C.

5. STATEMENT OF OFFENCE

Manslaughter, contrary to section 325 of the Criminal Code

Particulars of offence

A.B., on the day of, 20 in the division of unlawfully killed J.S.

6. STATEMENT OF OFFENCE-FIRST COUNT

Wounded with intent, contrary to section 332, subsection (1) of the Criminal Code

Particulars of offence

A.B., on the day of 20 in the division of wounded C.D., with intent to maim, disfigure or disable, or to do some grievous harm, or to resist the lawful arrest of him the said A.B

STATEMENT OF OFFENCE-SECOND COUNT

Wounding, contrary to section 338, subsection (1), of the Criminal Code

Particulars of offence

A.B., on theday of, 20 in the division of, unlawfully wounded C.D.

7. STATEMENT OF OFFENCE

Rape, contrary to section 358 of the Criminal Code/Penal Code

Particulars of offence

A.B., on the day of, 20in the division of, had carnal knowledge of E.F without her consent.

8. STATEMENT OF OFFENCE

Publishing defamatory matter,, contrary to section 375, of the Criminal Code

Particulars of offence

A.B., on the day of, 20..... in the division of..... published defamatory matter affecting E.F., in the form of a letter [book, pamphlet, picture, or as the case may be] [Innuendo should be stated where necessary]

9. STATEMENT OF OFFENCE-FIRST COUNT

Stealing contrary to section 390, Criminal Code

Particulars of offence

A.B., on the day of, 20.....in the division of, stole a bag, the property of the C.D.

STATEMENT OF OFFENCE-SECOND COUNT

Receiving stolen goods, contrary to section 427 of the Criminal Code/Penal Code

Particulars of offence

A.B., on theday of, 20..... in the division of, did receive a bag, the property of C.D., knowing the same to have been stolen.

10. STATEMENT OF OFFENCE-FIRST COUNT

Stealing by clerks contrary to section 390(6) of the Criminal Code

Particulars of offence

A.B., on the.....day of....., 20..... in the division of, stole ₦200.00 which had been entrusted to him by H.S., for him, the said A.B., to retain in safe custody.

STATEMENT OF OFFENCE-SECOND COUNT

Stealing by agents and others, contrary to section 390(8)(b) of the Criminal Code/.....Penal Code

Particulars of offence

A.B., on theday of, 20.....in the division of, stole ₦200.00 which had been received by him for and on account of L.M.

11. STATEMENT OF OFFENCE

Robbery with violence, contrary to section 402 of the Criminal Code

Particulars of offence

A.B., on theday of, 20.....in the division of, robbed C.D of a watch, and at, or immediately before or immediately after, the time of such robbery did use violence to the said C.D.

12. STATEMENT OF OFFENCE

Demanding property by written threats, contrary to section 402 of the Criminal Code

Particulars of offence

A.B., on theday of, 20.....in the division of, with intent to extort money from C.D., caused the said C.D. to receive a letter containing threats of injury or detriment to be caused to E.F.

13. STATEMENT OF OFFENCE

Attempt to extort by threats contrary to section 408, of the Criminal Code

Particulars of offence

A.B., on theday of, 20..... in the division of with intent to extort money from C.C., accused or threatened to accuse the said C.D of an unnatural offence.

14. STATEMENT OF OFFENCE

Obtaining goods by false pretences, contrary to section 419, of the Criminal Code

Particulars of offence

A.B., on theday of, 20..... in the division of, with intent to defraud, obtained from S.P. five yards of cloth by falsely pretending that he, the said A.B., was a servant to J.S., and that he, the said A.B., had then been sent by the said J.S. to S.P. for the said cloth, and that he, the said A.B., was then authorised by the said J.S. to receive the said cloth on behalf of the said J.S.

15. STATEMENT OF OFFENCE

Burglary, contrary to section 411, and stealing, contrary to 390(4)(b) of the Criminal Code

Particulars of offence

A.B., on the..... day of..... 20....., in the division of did break and enter the dwelling-house of C.D., with intent to commit a felony therein, namely to steal therein, and did steal therein one watch, the property of S.T.

16. STATEMENT OF OFFENCE

Conspiracy to defraud, contrary to section 422 of the Criminal Code

Particulars of offence

A.B., on the..... day of....., 20....., and on different days between that day and the day of....., 20....., in the division of..... conspired together with intent to defraud by means of an advertisement inserted by them, the said A.B. and C.D., in the H.S. newspaper, falsely representing that A.B. and C.D. were then carrying on a genuine business as jewellers at , in the division of and that they were then able to supply certain articles of jewelry to whomsoever would remit to them the sum of

17. STATEMENT OF OFFENCE FIRST COUNT

Fraudulent false accounting, contrary to section 438 of the Criminal Code

Particulars of offence

A.B., on the..... day of....., 20..... in the division of, and on different days between that day and the day of 20....., being clerk or servant to C.D., with intent to defraud, made, or was privy to making a false entry in a cash book belonging to the said C.D., his employer, purporting to show that on the said day two N200.00 had been paid to L.M

STATEMENT OF OFFENCE-SECOND COUNT

Fraudulent false accounting, contrary to section 438 of the Criminal Code/Penal Code

Particulars of offence

A.B., on the day of, 20..... in the division of, being clerk or servant to C.D., with intent to defraud, omitted or was privy to omitting from a cash book belonging to the said C.D., his employer, a material particular, that is to say, the receipt on the said day of N100.00 from H.S.

18. STATEMENT OF OFFENCE

Arson, contrary to section 443, of the Criminal Code

Particulars of offence

A.B., on the day of, 20..... in the division of, wilfully and unlawfully set fire to a house.

19. STATEMENT OF OFFENCE-

A.B., arson, contrary to section 443, of the Criminal Code.C.D., accessory before the fact to same offence.

Particulars of offence

A.B., on the..... day of, 20..... in the division of, wilfully and unlawfully set fire to a house. C.D., on the same day, in the division of, did counsel or procure the said A.B. to commit the said offence.

20. STATEMENT OF OFFENCE-FIRST COUNT

Offence under section 449, subsection (1), of the Criminal Code

Particulars of offence

A.B., on theday of....., 20..... in the division of, with intent to obstruct the use of the Nigerian Railway, displaced a sleeper belonging to the said railway.

STATEMENT OF OFFENCE-SECOND COUNT

Obstructing railway, contrary to section 459, of the Criminal Code

Particulars of offence

A.B., on the..... day of....., 20 in the division of....., by unlawfully displacing a sleeper belonging to the Nigerian Railway, caused an engine or vehicle in use upon the said railway to be obstructed in its passage.

21. STATEMENT OF OFFENCE

Damaging trees, contrary to section 451 of the Criminal Code

Particulars of offence

A.B., on theday of 20 in the division of..... wilfully and unlawfully damaged a cocoa tree from growing.

22. STATEMENT OF OFFENCE-FIRST COUNT

Forgery, contrary to section 467(2), of the Criminal Code

Particulars of offence

A.B., on the day of, 20in the division of....., forged a certain will purporting to be the will of C.D.

STATEMENT OF OFFENCE-SECOND COUNT

Uttering a false document, contrary to section 468 of the Criminal Code

Particulars of offence

A.B., on theday of, 20.....in the division of....., knowingly and fraudulently uttered a certain forged will purporting to be the will of C.D.

23. STATEMENT OF PREVIOUS CONVICTION*

Prior to the commission of the said offence, the said A.B. has been previously convicted of burglary on theday of 20....., at the Sessions held at.....

PLEA FORM

FORM TO BE USED FOR PLEA ARRAIGNMENT

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

TODAY, THIS DAY OF20.....

BEFORE:

CHARGE NO: FCT/HC/CR/...../20....

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

AND

1.

2.

3.

DEFENDANTS

Do you understand English Language?

Where a defendant does not understand English Language, the Charge shall be read over and explained to him in the language he understands. The Interpreter shall endorse his particular and the defendant shall sign or thump print at the jurat section.

1st DEFENDANT:

2nd DEFENDANT:.....

3rd DEFENDANT:.....

COUNT ONE (1)

.....

.....

.....

Do you understand Count One?

1st DEFENDANT:

2nd DEFENDANT:.....

3rd DEFENDANT:.....

Are you guilty or not guilty?

1st DEFENDANT:

2nd DEFENDANT:.....

3rd DEFENDANT:.....

COUNT TWO (2)

.....
.....
.....

Do you understand Count One?

1st DEFENDANT:

2nd DEFENDANT:.....

3rd DEFENDANT:.....

Are you guilty or not guilty?

1st DEFENDANT:

2nd DEFENDANT:.....

3rd DEFENDANT:.....

Signed this Day of 202.....

Jurat:

Name of interpreter:

Position:

Signature:

Date:

Phone Number:.....

Defendant's signature or thump print:

Question that the provision in the Third Schedule stand part of the Bill — Agreed to.

FOURTH SCHEDULE

Section 424 (2) (b), 351 (1) (b), 417 (1), 428 and 438 (b)

Item 1

SCALE OF IMPRISONMENT FOR NON-PAYMENT OF MONEY ORDERED TO BE PAID

(Section 428)

Where the fine does not; — The period of imprisonment shall not exceed;

exceed ₦2,000.00 — 7 days

exceed ₦2,000.00 and does not exceed ₦5,000.00	—	14 days;
exceed ₦5,000.00 and does not exceed ₦20,000.00	—	1 month;
exceed ₦20,000.00 and does not exceed ₦60,000.00	—	2 months;
exceed ₦60,000.00 and does not exceed ₦100,000.00	—	3 months;
exceed ₦100,000.00 and does not exceed ₦200,000.00	—	4 months;
exceed ₦200,000.00 and does not exceed ₦400,000.00	—	5 months;
exceed ₦400,000.00 but does not exceed ₦600,000.00	—	6 months
exceed ₦600,000.00 and does not exceed ₦1,000,000.00	—	7 months
exceed ₦1,000,000.00 and does not exceed ₦2,000,000.00	—	8 months
exceeds ₦2,000,000.00 and does not exceed ₦5,000,000.00	—	9 months
exceed ₦5,000,000.00 and does not exceed ₦10,000,000.00	—	10 months
exceed ₦10,000,000.00	—	To the discretion of the Judge from 18 months and above

Section 417

Order for Sentence of Death to be Carried Out

ORDER FOR EXECUTION

WHEREAS at the..... holding at..... on the day of 20....., one was duly convicted of a capital offence and was sentenced to death:

AND WHEREAS information derived from the record of the case or elsewhere, having been duly taken into consideration at a meeting of the council of State designated for the purpose in his own deliberate judgment thereafter has decided to recommend to me that I should exercise my powers in relation to the person so convicted:

AND WHEREAS I have decided in accordance with the advice of the said Attorney-General of the Federation to confirm the sentence:

NOW THEREFORE I hereby order that the sentence be carried out according to the law and that the said..... be executed at..... at a time and by the person appointed by you and that the body of the said..... be buried in the usual place for internment for condemned criminals executed at the place of execution.

AND FOR SO DOING this shall be your Warrant.

GIVEN under my hand and the Public Seal of the Federal Republic of Nigeria this.....day of.....20.....

.....
President

To the Sheriff at.....

Section 415

ORDER FOR COMMUNICATION OF SENTENCE

WHEREAS on the.....day of.....20....., one..... was duly convicted of a capital offence and was sentenced to death by the.....holding at.....

AND WHEREAS information derived from the record of the case or elsewhere, having been duly taken into consideration at a meeting of the Council of State thereafter has decided to recommend to me that I should exercise my powers in relation to the person so convicted:

AND WHEREAS I have decided in accordance with the advice of the appropriate authority to confirm the sentence:

NOW THEREFORE I do hereby commute the sentence and direct that the said sentence be not carried out, and that in lieu thereof the said..... be imprisoned for.....

GIVEN under my hand and the Public Seal of the Federal Republic of Nigeria this.....day of.....20.....

.....
President

To the Sheriff at.....
(for transmission to the appropriate correctional authority).

Section 37

ENDORSEMENT ON WARRANT OF ARREST

Whereas proof has this day been made before me that the name subscribed to the within warrant is in the handwriting of the within mentioned.....

I hereby authorise..... who brings me this warrant and all other persons to whom this warrant was originally directed and also all police officers of the to execute this warrant within..... and to bring the said if arrested within before me or before some Magistrate of the..... to be dealt with according to law.

GIVEN under my hand this.....20.....

.....
Magistrate

ENDORSEMENT ON WARRANT OF DISTRESS

Section 439

Whereas proof has this day been made before me that the name of subscribed to the within warrant is in the handwriting of the within mentioned..... you.....are hereby ordered forthwith to make distress of the goods of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of Naira the tools and implements of his trade); and if within the space of the 5 clear days next after making of such distress unless he consents in writing to an earlier sale, the sum stated in the within warrant, together with the reasonable cost and charges of making and keeping of the said distress, be not paid, then to sell the said goods, and pay the money arising therefrom to the registrar of this court, and if no such distress can be found, to certify the same to this court.

Dated the....., 20.....

.....
Judge [or Magistrate].

FORM E

Section 187

WARRANT TO ARREST A PERSON FAILING TO APPEAR
PURSUANT TO RECOGNIZANCE

(TITLE OF PROCEEDINGS)

To.....
and.....
Whereas.....of..... is bound by recognizance to appear before this court on..... (state when) but has failed so to appear:

You are hereby commanded to arrest the said.....and bring him before me atwithout delay.

.....
Judge (or Magistrate)

FORM F

Section 321

WARRANT TO CARRY OUT SENTENCE

(TITLE OF PROCEEDINGS)

To.....and to the Superintendent of Correction:

The defendant.....was on the..... day of....., 20....., sentenced as follows-

No	Offence	Term, Fine, Compensation, Costs, or Strokes	Term in default

The defendant has made default in payment of the above sum (or sums, or 1st and 2nd above-named sums, or as the case may be.)

The imprisonment is to commence forthwith [upon the expiration of any other term of imprisonment which the defendant may be now serving]

The terms are to run concurrent [or consecutive, or concurrent as to the and....., and consecutive as to, or as the case may be.]

You are hereby commanded to take the said defendant and imprison him in accordance with the above sentence and the Law.

Dated the.....day of.....,20.....

.....
Judge (or Magistrate)

FORM G

Section 249

RECOGNIZANCE OF WITNESS

In the Magistrate's Court of..... C.D. of.....(address and occupation or profession) acknowledges that he/she owes to the Federal Government the sum ofpayment thereof to be enforced against him/her by due process of law if he/she fails to comply with the conditions endorsed hereon.

Signature of C.D.....

Taken before me this.....day of....., 20.....

.....
Magistrate (Judge)

(Endorsement)

Conditions

The condition of this recognizance is that whereas A.B (hereinafter called the accused) was this day charged before me (name of Magistrate), the above-mentioned Magistrate, with (state shortly particulars of offence):

If therefore the said C.D. appears at the High Court of the State on a date to be notified to him later and there gives evidence upon the trial of any information against the accused and in all respects compiles with the requirements of any notice which he/she may subsequently receive relating to this recognizance, then this recognizance shall be void but otherwise shall remain in full force.

FORM GI

RECOGNIZANCE OF WITNESS CONDITIONALLY BOUND OVER

In the Magistrate's Court of..... C.D
(address and occupation or profession)

Signature of C.D.....

Taken before me this.....day of....., 20.....

.....
Magistrate

(Endorsement)

Conditions

Whereas A.B (hereinafter called the defendant) was this day charged before me (name of Magistrate), the above-mentioned Magistrate, with (state shortly particulars of offence); and

Whereas C.D has been informed that he/she is only conditionally bound over to give evidence at the trial of A.B but that, after receiving a notice that he/she will be required to give evidence at the said trial, he/she will then be firmly bound by the following conditions:

If therefore the said C.D. appears at the High Court of State on a date to be notified to him/her later and there gives evidence upon the trial of any information against the defendant and in all respects complies with the requirements of any notice which he may subsequently receive relating to this recognizance, then this recognizance shall be void but otherwise shall remain in full force.

FORM H

Notice to Witness that Defendant has not been Committed for Trial

In the Magistrate' court of.....

Whereas you C.D of..... were on the.....day of....., 20....., bound by a recognizance in the sum of..... to appear on a date to be notified to you at the High Court of..... State and give evidence upon the trial of A.B:

This is to give you notice that the Magistrate has determined not to commit the said A.B for trial and that consequently you will not be required to appear at the High Court for the purpose above-mentioned.

Dated the.....day of.....,20.....

.....
Judge (or Magistrate)

FORM E

Notice to Witness bound over that he is to be treated as having been bound over conditionally

In the Magistrate' court of.....

Whereas you, C.D of..... were on the.....day of....., 20....., bound by a recognizance in the sum of..... to appear at the High Court of..... State on a date to be notified to you and there give evidence upon the trial of A.B:

And whereas the Magistrate has since committed the said A.B for trial at the High Court of..... State and has directed that you are to be treated as having been bound over to attend the trial conditionally upon notice being given to you:

This is to give you notice that you are not bound by the recognizance entered into by you until and unless you subsequently receive notice that you will be required to give evidence at the trial of the accused A.B.

Dated the.....day of.....,20.....

.....
Judge (or Magistrate)

FORM K

NOTICE TO WITNESS BOUND OVER OR TREATED AS BOUND
OVER CONDITIONALLY

In the High/Magistrate' court of.....

Whereas you C.D of..... were on the.....day of....., 20....., bound over conditionally in the sum of..... to appear upon being given to you to give evidence upon the trial of A.B (or, whereas you C.D were given notice, after entering into a recognizance to give evidence upon the trial of A.B., that you would not be bound by such recognizance until and unless you subsequently receive notice that you will be required to give at the trial of A.B):

This is to give you notice that you are required to appear and give evidence at the High Court of..... at the trial of A.B on the.....(or on a date to be subsequently notified) and that unless you do so the said recognizance will be forthwith enforced against you.

Dated the.....day of.....,20.....

.....
Registrar of High/Magistrate's Court

FORM L

Section 114

CONTROLLER-GENERAL OF CORRECTIONAL SERVICE RETURNS
OF PERSON(S) AWAITING TRIAL

(Complete form in triplicate per individual)

To the: The Chief Judge of and to the Attorney-General of the Federation.

The Chief Judge of and the Attorney-General of the Federation are hereby informed that these are the records of all persons awaiting trial held in custody within the Federal Capital Territory/ the Federation for a period beyond 180 days from the date of arraignment.

1. Name of person in custody:
2. Date of Arraignment.....
3. Court where arraigned:.....

3. Particulars of the offence charged with:
4. Date of his Admission to custody:
5. Name of the Prosecuting Agency:.....
6. Any other relevant information.....

.....
Controller-General of Correctional Service

Question that the provision in the Fourth Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on A Bill for an Act to Repeal the Administration of Criminal Justice Act, 2015 and Enact the Administration of Criminal Justice Act, 2022 to among Other Things, Provide for the Establishment of Administration of Criminal Justice Monitoring Council for Effective and Efficient Administration of Justice in Nigeria; and for Related Matters, 2022 and approved as follows:

Clauses 1- 506 — As Recommended

Schedule 1 - 4 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. **Pharmaceutical Technologists and Pharmacy Regulatory Council Bill, 2022 (HB. 459) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

15. **Federal College of Agriculture, Ijebu Jesa (Establishment) Bill, 2022 (HB. 322) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

16. **Federal Polytechnic, Garko (Establishment) Bill, 2022 (HB. 820) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

17. **Federal College of Medical Laboratory Science and Technology Jos Bill, 2022 (HB. 1421) — Concurrence:**

Consideration of Bill deferred to another Legislative Day.

18. Adjournment:

And it being 3:09 *p.m.* the President of the Senate adjourned the Senate till Tuesday, 6th December, 2022 at 10:00 a.m.

Senate adjourned accordingly at 3:09 p.m.

Ahmad Ibrahim Lawan Ph.D, GCON
President,
Senate of the Federal Republic of Nigeria