

The Laws of Eastern Nigeria, 1963

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CHAPTER 31

A Law to make provision for the Procedure to be followed in Criminal Cases in the High Court and in Magistrates' Courts.

L. of N. 1948
Cap. 43.
N.—22 of
1952,
13 of 1953,
24 of 1954.
N.L.N. 131
of 1954.
E.R.N. 5 of
1955.
N.L.N.—
1 of 1955,
47 of 1955,
107 of 1955.
E.R.N.—
12 of 1956,
11 of 1957.
N.L.N.—
65 of 1958,
155 of 1960.

[1st June, 1945]

CHAPTER I

PRELIMINARY, ARRESTS, BAIL AND PREVENTIVE JUSTICE

PART I.—PRELIMINARY

1. This Law may be cited as the Criminal Procedure Law.
2. (1) In this Law, unless the context otherwise requires—
 “Act” means an enactment of Parliament, of Federal application, or any other enactment which has effect as such;
 “adult” means a person who has attained the age of seventeen years or over;
 “charge” means the statement of offences with which an accused is charged in a summary trial before a court;
 “Chief Justice” and “judge” mean the Chief Justice and judge, respectively, of the High Court for the Region established by the Constitution;
 “child” means any person who has not attained the age of fourteen years;
 “complainant” includes any informant or prosecutor in any case relating to a summary conviction offence;
 “complaint” means the allegation that any named person has committed an offence made before a magistrate for the purpose of moving him to issue process under this Law;

Short title.
Interpretation.

- “Court” includes the High Court and a Magistrate’s Court;
- (Cap. 25) “Constitution” means the Constitution of Eastern Nigeria; set out in the Schedule to the Constitution of Eastern Nigeria Law;
- “defendant” means any person against whom a complaint is made;
- (Cap. 82) “district” means a magisterial district created under the provisions of Part II of the Magistrates’ Courts Law;
- (Cap. 61) “division” means a judicial division created under the provisions of Part IV of the High Court Law;
- “Federal Law” means any Act;
- “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 a conviction;
- “future Law” means any Law passed after the commencement of this Law;
- “High Court” means the High Court established for the Region by the Constitution;
- “indictable offence” means any offence—
- (a) which on conviction may be punished by a term of imprisonment exceeding two years, or
 - (b) which on conviction may be punished by imposition of a fine exceeding two hundred pounds, or
 - (c) which is not declared by the written law creating the offence to be punishable on summary conviction;
- “indicted” means the filing of an information against a person who is committed for trial to the High Court after preliminary inquiry by a magistrate;
- “infant” means a person who has not attained the age of seven years;
- “judge” means a judge of the High Court;
- “justice of the peace” means any person appointed under any written law to be a justice of the peace for Eastern Nigeria;

- “juvenile offender” means an offender who has not attained the age of seventeen years;
- “Law” means an enactment of the Legislature of the Region or any other enactment which has effect as such an enactment;
- “magistrate” means a Chief Magistrate or a magistrate appointed under the Magistrates’ Courts Law;
- “magistrate’s court” means a magistrate’s court established under the Magistrates’ Courts Law; (Cap. 82)
- “offence” means an offence against any Law or Act including any regulation, order, rule or proclamation made under any Law or Act.
- “officer in charge of a police station” includes, when the officer in charge of the police station is absent from the station building or unable for any reason to perform his duties, the police officer present at the station building who is next in seniority to, or who in the absence of such officer in charge performs the duty of, such officer;
- “open court” means any room or place in which any court shall be sitting to hear and determine any matters within its jurisdiction and to which room or place the public may have access so far as the same can conveniently contain them;
- “order” includes any conviction in respect of a summary conviction offence;
- “penalty” includes any pecuniary fine, forfeiture, costs, or compensation recoverable or payable under an order;
- “police officer” includes any member of the police force established by the Police Act; (Fed. Cap. 154)
- “preliminary inquiry” means an investigation of a criminal charge held by a magistrate’s court with a view to the committal of an accused person for trial before the High Court;
- “prescribed” means prescribed by rules made under the authority of this Law;
- “the Region” means Eastern Nigeria and “a Region” means any other Region of the Federation or the Federal territory;

“registrar” includes the Chief Registrar and a registrar of the High Court and of a magistrate’s court;

“rules” or “rules of court” means any 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 imprisonment is 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;

(Cap. 118) “sheriff” means a sheriff within the meaning of the Sheriffs and Enforcement of Judgments and Orders Law and includes a deputy sheriff and any person authorized by the sheriff or a deputy sheriff to execute process of a court;

“summary conviction offence” means any offence punishable by a magistrate’s court on summary conviction, and includes any matter in respect of which 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) any magistrate when sitting in open court to hear and determine any matters within his power and jurisdiction either under the provisions of this Law or any other written law, and such judge when so sitting and presiding and such magistrate when so sitting as aforesaid shall be deemed to be a “court” or “summary court” within the meaning of the Law;

“summary trial” means any trial by a magistrate and a trial by a judge in which the accused has not been committed for trial after a preliminary inquiry;

“superior police officer” has the same meaning as in the Police Act;

(Fed. Cap. 154)

“young person” means a person who has attained the age of fourteen and has not attained the age of seventeen years.

(2) Nothing in Chapters I to XI inclusive of this Law shall be construed to authorize—

- (a) the service outside the Region of a summons to enforce the appearance before a court of an accused person, surety, or parent of an accused person;
- (b) the service outside the Region of a subpoena, summons or notice of hearing to compel the attendance of a witness before a court;
- (c) the execution outside the Region of a warrant for the arrest of any person or of a search warrant;
- (d) the issue of an order to compel the production of any person confined in a prison outside the Region;
- (e) the execution outside the Region of a warrant of distress, or
- (f) the execution outside the Region of a warrant of committal issued in accordance with section 392 of this Law.

“Supreme Court” means the Supreme Court established under the Constitution of the Federation.

PART II.—ARREST

Generally

3. In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. Arrest, how made.

4. A person arrested shall not be handcuffed, otherwise bound or be subjected to unnecessary restraint except by order of the court, a magistrate or justice of the peace or unless there is reasonable apprehension of violence or of an attempt to escape or unless the restraint is considered necessary for the safety of the person arrested. No unnecessary restraint.

5. Except when the person arrested is in the actual course of the commission of a crime or is pursued immediately after the commission of a crime or escape from lawful custody, the police officer or other person making the arrest shall inform the person arrested of the cause of the arrest. Notification of cause of arrest.

Search of
arrested
persons.

6. (1) Whenever a person is arrested by a police officer or a private person, the police officer making the arrest or to whom the private person makes over the person arrested may search such person, using such force as may be reasonably necessary for such purpose, and place in safe custody all articles other than necessary wearing apparel found upon him:

Provided that whenever the person arrested is admitted to bail and bail is furnished, such person shall not, subject to the provisions of subsection (6), be searched unless there are reasonable grounds for believing that he has about his person any—

- (a) stolen articles, or
- (b) instruments of violence or poisonous substance, or
- (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.

(2) Whenever it is necessary to cause a woman to be searched the search shall be made by another woman.

(3) Notwithstanding the other provisions of this section, any police officer or other person making an arrest may in any case take from the person arrested any offensive weapons which he has about his person.

(4) Where any property has been taken under this section from a person charged before a court of competent jurisdiction with any offence, a report shall be made by the police to such court of the fact of such property having been taken from the person charged and of the particulars of such property, and the court shall, if of opinion that the property or any portion thereof can be returned consistently with the interests of justice and with the safe custody of the person charged, direct such property or any portion thereof to be returned to the person charged or to such other person as he may direct.

(5) Where any property has been taken from a person under this section, and the person is not charged before any court but is released on the ground that there is no sufficient reason to believe that he has committed any offence, any property so taken from him shall be restored to him.

(6) When a person is in lawful custody upon a charge of committing any 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 it shall be lawful for a qualified medical practitioner, acting at the request of a police officer, or if no such practitioner is procurable, then for such police officer, and for any person acting in good faith in aid and under the direction of such practitioner or police officer, as the case may be, to make such an examination of the person so in custody as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

7. (1) If any person or police officer acting under a warrant of arrest or otherwise having authority to arrest has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of such person acting as aforesaid or such police officer, allow him free ingress thereto and afford all reasonable facilities to search therein for the person sought to be arrested.

Search of
place en-
tered by
person
sought to be
arrested.

(2) If ingress to such place cannot be obtained under subsection (1), any such person or police officer may enter such place and search therein for the person to be arrested, and in order to effect an entrance into such place, may break open any outer or inner door or window of any house or place, whether that of the person 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 otherwise obtain admittance.

8. Any police officer or other person authorized to make an arrest may break out of any 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 therein.

Power to
break out of
any house for
purpose of
liberation.

9. Any person who is arrested, whether with or without a warrant, shall be taken with all reasonable despatch to a police station, or other place for the reception of arrested persons, and shall without delay be informed of the charge against him.

Arrested
persons to be
taken at once
to police
station.

Any such person while in custody shall be given reasonable facilities for obtaining legal advice, taking steps to furnish bail, and otherwise making arrangements for his defence or release.

Arrest without Warrant and Procedure thereon

Arrest by
police
officer with-
out warrant.

10. (1) Any police officer may, without an order from a magistrate and without a warrant, arrest—

- (a) any person whom he suspects upon reasonable grounds of having committed an indictable offence against a Federal law or against the law of the Region or against the law of any other Region, unless the written law creating the offence provides that the offender cannot be arrested without warrant;
- (b) any person who commits any offence in his presence;
- (c) any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;
- (d) any person 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 such thing;
- (e) any person whom he suspects upon reasonable grounds of being a deserter from the Nigerian Army or the Nigerian Navy;
- (f) any person whom he suspects upon reasonable grounds of having been concerned in any act committed at any place out of Nigeria which, if committed in Nigeria, would have been punishable as an offence, and for which he is, under any written law in force in Nigeria liable to be apprehended and detained in the Region;
- (g) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;
- (h) any person for whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;
- (i) any person who has no ostensible means of subsistence and who cannot give a satisfactory account of himself, and

(j) any person found in the Region 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 which is a felony or misdemeanour.

(2) The authority given to a police officer to arrest a person who commits an offence in his presence shall be exercisable in respect of offences committed in such officer's presence notwithstanding that the written law creating the offence provides that the offender cannot be arrested without a warrant.

11. (1) When any person who in the presence of a police officer has committed or has been accused of committing a non-indictable offence refuses on demand of such officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

Refusal to
give name
and resi-
dence.

(2) When the true name and residence of such person have been ascertained he shall be released on his executing a recognizance, with or without sureties, to appear before a magistrate if so required:

Provided that if such person is not resident in Nigeria the recognizance shall be secured by a surety or sureties resident in Nigeria.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute the recognizance or, if so required to furnish sufficient sureties, he shall forthwith be forwarded to the nearest magistrate having jurisdiction.

12. Any private person may arrest any person in the Region who in his view commits an indictable offence, or whom he reasonably suspects of having committed an offence which is a felony or of having committed by night an offence which is a misdemeanour.

Arrest by
private
persons.

13. Persons found committing any offence involving injury to property may be arrested without a warrant by the owner of the property or his servants or persons authorized by him.

Arrest by
owners of
property.

Disposal of person arrested by private person.

14. (1) Any private person arresting any other person without a warrant shall without unnecessary delay make over the person so arrested to a police officer, or in the absence of a police officer shall take such person to the nearest police station.

(2) If there is reason to believe that such person comes under the provisions of subsection (1) of section 10, a police officer shall re-arrest him.

(3) If there is reason to believe that he has committed an indictable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 11. If there is no sufficient reason to believe that he has committed any offence he shall be at once released.

Offence committed in presence of judge or magistrate.

15. When any offence is committed in the presence of a judge or magistrate within the division or district in which such judge is sitting or to which such magistrate is assigned such judge or magistrate may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by magistrate.

16. (1) Within the district to which he is assigned any magistrate may arrest or direct the arrest in his presence of any person whose arrest upon 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 person is arrested in accordance with the provisions of either section 15 or 16 the judge or magistrate making or directing the making of such arrest may deal with the person so arrested in the same manner as if such last named person had been brought before him by or under the directions of any other person.

Bail on Arrest without Warrant

Release on bail of a person arrested without warrant.

17. When any person has been taken into custody without a warrant for an offence other than an offence punishable with death, any officer in charge of a police station may, in any case, and shall, if it will not be practicable to bring such person before a magistrate or justice of the peace having jurisdiction with respect to the offence charged within twenty-four hours after he was so taken into custody, inquire

into the case, and, unless the offence appears to such officer to be of a serious nature, discharge the person upon his entering into a recognizance with or without sureties for a reasonable amount to appear before a court at the time and place named in the recognizance, but where such person is retained in custody he shall be brought before a court or justice of the peace having jurisdiction with respect to the offence or empowered to deal with such person as soon as practicable whether or not the police inquiries are completed.

18. If, on a person being so taken into custody as aforesaid, it appears to the officer aforesaid that the inquiry into the case cannot be completed forthwith, he may discharge the said person on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at such police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the officer of police in charge of that police station that his attendance is not required, and any such recognizance may be enforced as if it were a recognizance conditional for the appearance of the said person before a magistrate's court for the place in which the police station named in the recognizance is situate.

Power to release on bail before charge is accepted.

19. When any person has been taken into custody without a warrant, for an offence other than an offence punishable with death, the officer in charge of the police station or other place for the reception of arrested persons to which such person is brought shall, if after the inquiry is completed he is satisfied that there is no sufficient reason to believe that the person has committed any offence, forthwith release such person.

Discharge of person for want of evidence.

20. Officers in charge of police stations shall report to the nearest magistrate the cases of all persons arrested without warrant within the limits of their respective stations whether such persons have been admitted to bail or not.

Police to report apprehensions.

WARRANTS OF ARREST

General Authority to issue

21. Where under any written law, whether passed before or after the commencement of this Law there is power to arrest a person without warrant a warrant for his arrest may be issued.

General Authority to issue warrant.

Warrants, in general

Form and
requisites of
arrest.

22. (1) Every warrant of arrest issued under this Law or, unless the contrary is expressly provided, under any other written law shall bear the date of the day of issue, shall contain all necessary particulars and shall be signed by the judge or magistrate by whom it is issued.

(2) Every such warrant shall state concisely the offence or matter for which it is issued and shall name or otherwise describe the person to be arrested, and it shall order the police officer or officers to whom it is directed to apprehend such person and bring him before the court to answer the complaint or statement, or to testify or otherwise according to the circumstances of the case, and to be further dealt with according to law.

Warrant
issued on
complaint
only if on
oath.

23. No warrant of arrest shall be issued in the first instance in respect of any complaint or statement unless such complaint or statement be on oath either by the complainant himself or by a material witness.

Warrant may
issue on any
day.

24. A warrant of arrest may be issued on any day including a Sunday or public holiday.

Warrants, to
whom
directed, and
duration.

25. (1) A warrant of arrest may be directed to a police officer by name or to all police officers or to a police officer by name and to all police officers.

(2) It shall not be necessary to make any such warrant returnable at any particular time and a warrant shall remain in force until it is executed or until it is cancelled by a judge or a magistrate, as the case may be.

(26. *Spent*).

Warrant of
arrest may in
exceptional
cases be
directed to
other
persons.

27. (1) Any court issuing a warrant of arrest may, if its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and such person or persons shall execute the same.

(2) Any such 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 requirements placed by law on such a police officer.

*See also section 105.

Execution of, in general

28. (1) Every warrant of arrest may be executed on any day including a Sunday or public holiday.

Execution of
warrant and
procedure
thereon.

(2) Every such warrant may be executed by any police officer at any time and in any place in Eastern Nigeria other than within the actual court room in which a court is sitting.

(3) The person executing any such warrant shall, before making the arrest, inform the person to be arrested that there is a warrant for his apprehension unless there is reasonable cause for abstaining from giving such information on the ground that it is likely to occasion escape, resistance, or rescue.

(4) Every person arrested on any such warrant shall, subject to the provisions of sections 30 and 31 be brought before the court which issued the warrant as soon as is practicable after he is so arrested.

29. 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 person apprehended, be shown to him as soon as practicable after his arrest.

Power to
arrest on
warrant but
without the
warrant.

Bail by Order of Court on Execution of Warrant of Arrest

30. (1) Any court, on issuing a warrant for the arrest of any person in respect of any matter other than an offence punishable with death may, if it thinks fit, by endorsement on the warrant, direct that the person named in the warrant be released on arrest on his entering into such a recognizance for his appearance as may be required in the endorsement.

Court may
direct parti-
culars of
security to
be taken on
execution of
warrant.

(2) The endorsement shall specify—

- (a) the number of sureties, if any;
- (b) the amount in which they and the person named in the warrant are respectively to be bound;
- (c) the court before which the person arrested is to attend; and
- (d) the time at which he 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 such an endorsement is made, the officer in charge of any police station to which on arrest the person named in the warrant is brought, shall discharge him upon 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 person named in the recognizance is bound to appear.

(5) The provisions of subsections (3) and (4) shall not have effect with respect to a warrant executed outside Eastern Nigeria.

*Execution of Warrant out of Division or District
in which issued*

Procedure on
arrest of
persons out-
side division
or district of
court issuing
warrant.

31. (1) Where a warrant of arrest is executed in Eastern Nigeria outside the division or district of the court by which it was issued, the person arrested shall, unless security is taken under section 30, be taken before the court within the division or district in which the arrest was made.

(2) Such court shall if the person arrested, upon such inquiry as the court deems necessary, appears to be the person intended to be arrested by the court which issued the warrant, direct his removal in custody to such court:

Provided that if such person has been arrested in respect of any matter other than an offence punishable with death—

(a) and 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) if a direction had been endorsed under section 30 on the warrant and such person is ready and willing to give the security required by such 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 shall be deemed to prevent a police officer taking security under section 30.

*There is a Federal provision that subsections (3) and (4) shall not have effect with respect to a warrant executed outside the Region of the warrant's issue. See Federal Cap. 43 section 30 (5).

PART III.—ESCAPE AND RETAKING

32. If a person in lawful custody escapes or is rescued, the person from whose custody he escapes or is rescued may pursue and arrest him in any place in Nigeria.

Recapture of
person
escaping.

33. The provisions of sections 7 and 8 shall apply to arrests under the last preceding section, although the person making any such arrest is not acting under a warrant and is not a police officer having authority to arrest.

Provisions of
sections 7
and 8 to
apply to
arrests under
section 32.

34. Every person is bound to assist a judge or magistrate or police officer reasonably demanding his aid—

Assistance to
judge,
magistrate or
police officer.

(a) in the taking or preventing the escape of any other person whom such magistrate or police officer is authorized to arrest;

(b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any telegraph or public property.

PART IV.—PREVENTION OF OFFENCES

Security for keeping the peace and for good behaviour

35. (1) Whenever a magistrate is informed on oath that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, the magistrate may in manner hereinafter provided, require such person 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 thinks fit.

Power of
magistrate to
require
execution of
recognizance
for keeping
the peace.

(2) Proceedings shall not be taken under this section unless—

(a) the person informed against is in Eastern Nigeria; and

(b) such person is within the district to which the magistrate is assigned or the place where the breach of the peace or disturbance is apprehended is within the district to which the magistrate is assigned.

36. Whenever a magistrate is informed on oath that any person is taking precautions to conceal his presence within the local limits of such magistrate's jurisdiction, and that there is reason to believe that such person is taking such

Security for
good beha-
viour for
suspected
persons.

precautions with a view to committing any offence, such magistrate may, in manner hereinafter provided, require such person 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 one year, as the magistrate thinks fit.

Security for good behaviour for habitual offenders.

37. Whenever a magistrate is informed on oath that any person within the local limits of his jurisdiction—

- (a) is by habit a robber, housebreaker, or thief; or
- (b) is by habit a receiver of stolen property, knowing the same to have been stolen; or
- (c) habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property; or
- (d) habitually commits or attempts to commit, or aids or abets in the commission of, any offence punishable under Chapter XXXIV, XXXV, XXXVI or XLI of the Criminal Code; or
- (e) habitually commits or attempts to commit, or aids or abets in the commission of, offences 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,

(Cap. 30)

such magistrate may, in manner hereinafter provided, require such person 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 three years, as the magistrate thinks fit.

Order to be made.

38. When a magistrate acting under section 35, 36 or 37 deems it necessary to require any person to show cause under such section, he shall make an order in writing setting forth—

- (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.

Procedure in respect of person present in court.

39. If the person in respect of whom such order is made is present in court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

40. If such person is not present in court, the magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him before the court:

Summons or warrant in case of person not so present.

Provided that whenever it appears to such magistrate, upon the report of a police officer or upon 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 such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the magistrate may at any time issue a warrant for his arrest.

41. Every summons or warrant issued under the last preceding section shall be accompanied by a copy of the order made under section 38, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with or arrested under the same.

Copy of order under section 38 to accompany summons or warrant.

42. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon 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.

Power to dispense with personal attendance.

43. (1) When an order under section 38 has been read or explained under section 39 to a person in court or when any person appears or is brought before a magistrate in compliance with or in execution of a summons or warrant issued under section 40, 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.

Inquiry as to truth of information.

(2) Such inquiry shall be made, as nearly as may be practicable, in the manner hereinafter prescribed for conducting trials and recording evidence in trials before magistrates' courts.

(3) Pending the completion of the inquiry under subsection (1), the magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be

recorded in writing, direct the person in respect of whom the order under section 38 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 him in custody until such recognizance is entered into or, in default of execution, until the inquiry is concluded:

Provided that—

- (a) no person against whom proceedings are being taken under section 35 shall be directed to enter into a recognizance for maintaining good behaviour; and
- (b) the conditions of such recognizance, whether as to the amount thereof or as to the provisions of sureties or the number thereof or the pecuniary extent of their liability shall not be more onerous than those specified in the order under section 38; and
- (c) no person shall be remanded in custody under the powers conferred by this section for a period exceeding fifteen days at a time.
- (4) For the purposes of this section the fact that a person comes within the provisions of section 37 may be proved by evidence of general repute or otherwise.
- (5) Where two or more persons 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.

Order to give security.

44. (1) If upon such inquiry it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should enter into a recognizance, with or without sureties, the magistrate shall make an order accordingly:

Provided that—

- (a) no person shall 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 38;
- (b) the amount of every recognizance shall be fixed with due regard to the circumstances of the case and shall not be excessive;

(c) when the person in respect of whom the inquiry is made is a minor, the recognizance shall be entered into as provided in section 121.

(2) Any person ordered to give security for good behaviour under this section may appeal to the High Court whose decision shall be final.

45. If on an inquiry under section 43 it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person 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, if such person is in custody only for the purpose of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

Discharge of person informed against.

Proceedings in all cases subsequent to Order to furnish Security

46. (1) If any person in respect of whom an order requiring security is made under section 44 is, at the time such order is made, sentenced to or undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

(2) In other cases such period shall commence on the date of such order unless the magistrate, for sufficient reason, fixes a later date.

47. The recognizance to be entered into by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit or the aiding, abetting, counselling, or procuring the commission anywhere within Eastern Nigeria at any time during the continuance of the recognizance of any offence punishable with imprisonment, wherever it may be committed, shall be a breach of the recognizance.

Conditions of recognizance.

48. A magistrate may refuse to accept any surety offered under any of the preceding sections on the ground that, for reasons to be recorded by the magistrate, such surety is an unfit person.

Power to reject sureties.

49. (1) If any person ordered to give security as aforesaid does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case mentioned in subsection (2), be

Procedure on failure of person to give security.

committed to prison, or, if he is already in prison, be detained in prison until such period expires or until within such period he gives the security to the court or magistrate who made the order requiring it.

(2) When such person has been ordered by a magistrate to give security for a period exceeding one year, such magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the High Court, and the proceedings shall be laid as soon as conveniently may be before such court.

(3) The High Court, after examining such proceedings and requiring from the magistrate any further information or evidence which it thinks necessary, may make such order in the case as it thinks fit.

(4) The period, if any, for which any person is imprisoned for failure to give security in any specified amount shall not exceed the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 390.

(5) If the security is tendered to the officer in charge of the prison, he shall forthwith refer the matter to the court or magistrate who made the order and shall await the order of such court or magistrate.

Power to release persons imprisoned for failure to give security.

50. Whenever a magistrate is of opinion that any person imprisoned for failing to give security may be released without hazard to the community, such magistrate shall make an immediate report of the case for the order of the High Court, and such court may, if it thinks fit, order such person to be discharged.

Power of High Court to cancel recognizance.

51. 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 court.

Discharge of sureties.

52. (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a magistrate to discharge any recognizance executed under any of the preceding sections within the district to which the magistrate is assigned.

(2) On such application being made, the magistrate shall if satisfied there is good reason for the application issue his

summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

(3) When such person appears or is brought before the magistrate, such magistrate after hearing such person may discharge the recognizance and in such event order such person to give, for the unexpired portion of the term of such recognizance, fresh security of the same description as the original security. Every such order shall for the purposes of sections 47, 48, 49 and 50 be deemed to be an order under section 44.

PART V.—PREVENTIVE ACTION OF THE POLICE

53. (1) Every police officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any offence.

Police to prevent offences and prevent injury to public property.

(2) A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

54. Every police officer receiving information of a design to commit any offence shall communicate such 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 any such offence.

Information of design to commit such offences.

55. Notwithstanding the provisions of this or any other written law relating to arrest a police officer knowing of a design to commit any offence may arrest, without orders from a magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot otherwise be prevented.

Arrest to prevent such offences.

CHAPTER II

PROVISIONS RELATING IN GENERAL TO ALL CRIMINAL TRIALS AND INQUIRIES

PART VI.—APPLICATION AND GENERAL

56. The provisions of this Chapter shall apply, save when express provision is made therein in respect of any particular court or form of trial, to all criminal trials; inquiries and other criminal proceedings in the High and Magistrates' Courts.

Application of Chapter II.

General authority to bring persons before courts.

57. Every court has authority to cause to be brought before it any person who is within the jurisdiction and is charged with an offence committed within Eastern Nigeria, or which according to law may be dealt with as if such offence had been committed within the jurisdiction and to deal with such person according to law.

(Part VII.—Offences by Foreigners within the Territorial Waters of Nigeria)

58. *The law as to the conditions precedent to the trial of foreigners for offences committed in Territorial waters are to be found in section 58 of the Criminal Procedure Act, Chapter 43 of the Laws of the Federation of Nigeria and Lagos, 1958 Revision.)*

PART VIII.—THE COMPLAINANT, FORM OF COMPLAINT AND TIME WITHIN WHICH THE COMPLAINT MUST BE MADE

Right of making complaint.

59. (1) Any person may make a complaint against any other person alleged to have committed or to be committing an offence, unless it appears from the enactment on which the complaint is founded that any complaint for such offence shall be made only by a particular person or class of persons, in which case only the particular person or a person of the particular class may make such a complaint.

(2) Notwithstanding anything to the contrary contained in any Ordinance a police officer may make a complaint in a case of assault even though the party aggrieved declines or refuses to make a complaint.

Form and requisites of complaint.

60. (1) It shall not be necessary that any complaint shall be in writing, unless it is required to be so by the enactment on which it is founded, or by some other enactment. If a complaint is not made in writing, the court or registrar shall reduce it into writing.

(2) Subject to the provisions of section 23, every complaint may, unless some enactment otherwise requires, be made without oath.

(3) Every such 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, and shall be heard in private.

(4) Every such complaint shall be for one offence only, but such complaint shall not be avoided by describing the offence or any material act relating thereto in alternative words according to the language of the enactment constituting such offence.

61. Every complaint, summons, warrant or other document laid, issued or made for the purpose of or in connexion with any proceedings before a court for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

Form of documents in criminal proceedings.

62. 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 negatived in the complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the complainant.

Rule as to statement of exception.

63. In every case where no time is specially limited for making a complaint for a summary conviction 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 months from the time when the matter of such complaint arose, and not after.

Limitation of period for making a private complaint.

PART IX.—PLACE OF TRIAL OR INQUIRY

Venue

64. Subject to the powers of transfer contained in the Law constituting any court the place for the trial or investigation of offences by such court shall be—

*Venue.

(a) an offence shall be tried or inquired into by a court having jurisdiction in the division or district where the offence was committed;

Place where offence committed.

*Section 64A of the Criminal Procedure Act, Chapter 43 of the Laws of the Federation of Nigeria and Lagos, provides as follows:—

Offences against Federal laws. 64A. Where an offence against a Federal law—
(a) is begun in the Region and completed in another Region; or
(b) is completed in the Region after being begun in another Region, the offender may be dealt with, tried and punished as if the offence had been actually or wholly committed in the Region.

Where act done or where consequence ensues.

(b) when a person is accused of the commission of any offence by reason of anything which has been done, or of anything which has been omitted to be done, and of any consequence which has ensued, such offence may be tried or inquired into by a court having jurisdiction in the division or district in which any such thing has been done or omitted to be done, or any such consequence has ensued;

When offence constituted by relation to another offence.

(c) when an act is an offence by reason of its relation to any other act which is also an offence, a charge of the first mentioned offence may be tried or inquired into by a court having jurisdiction in the division or district either in which it happened, or in which the offence, with which it was so connected happened;

When place uncertain or offence distributed.

(d) (i) when it is uncertain in which of several divisions or districts an offence was committed; or
(ii) when an offence is committed partly in one division or district and partly in another; or
(iii) when an offence is a continuing one, and continues to be committed in more divisions or districts than one; or
(iv) when it consists of several acts committed in different divisions or districts, it may be tried or inquired into by a court having jurisdiction in any of such divisions or districts;

Offence committed on a journey.

(e) an offence committed while the offender is in the course of performing a journey or voyage may be tried or inquired into by a court in or through or into the division or district of whose jurisdiction the offender 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;

Offence at sea or out of Nigeria.

(f) an offence committed at sea or elsewhere out of Nigeria, which according to law may be tried or inquired into in Nigeria, may be so tried or inquired into at any place in Eastern Nigeria to which the accused person is first brought, or to which he may be taken thereafter.

(64A. *Venue for offences against Federal Laws*).

*If the offence is committed by a foreigner in Nigerian territorial waters, certain conditions precedent have to be complied with. See section 58 of the Criminal Procedure Act (Fed. Cap. 43).

65. Whenever any doubt arises as to the magistrate's court in which any offence shall be inquired into or tried, a judge shall, upon the application of a magistrate or the accused, decide in which magistrate's court the offence shall be inquired into or tried. Any such decision of a judge shall be final and conclusive except that it shall be open to an accused person to show that no magistrate's court in the Region has jurisdiction in the case.

Judge to decide in case of doubt of venue.

66. The Chief Justice may, by order under his hand, direct that a preliminary inquiry shall be held by a magistrate into any criminal charge in respect of an offence subject to the jurisdiction of the High Court or committed by a person who is subject to the jurisdiction of the High Court but which is alleged to have been committed outside the limits of the magisterial district of such magistrate.

Chief Justice may change venue by order.

Remitting Magistrates

67. (1) A magistrate, in this and in the next succeeding section referred to as the remitting magistrate, before whom any person who is within the magisterial district of such magistrate and is charged with having committed an offence within the magisterial district of another magistrate is brought shall, unless himself authorized to proceed in the case, send him in custody to the court within the magisterial district in which the offence was committed, or require him to give security for his surrender to such last mentioned court, there to answer the charge and to be dealt with according to law.

Accused person to be remitted in certain cases to another magistrate.

(2) If such offence as is mentioned in subsection (1) shall have been committed in a district within which one or more courts shall have concurrent jurisdiction, the remitting magistrate shall, unless himself authorized to proceed in the case, send the person charged in custody to such one of the courts having concurrent jurisdiction as can most conveniently deal with the case, or require him to give security for his surrender to such last mentioned court, there to answer the charge and to be dealt with according to law.

Courts having concurrent jurisdictions.

(3) The remitting magistrate shall send to the court to which the person charged is remitted for trial an authenticated copy of the information, summons, warrant, and all other process or documents in his possession, relative to such person.

Transmission of documents.

Removal
under
warrant.

68. Where any person is to be sent in custody, a warrant shall be issued by the remitting magistrate, and that warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him and deliver him up to the court to which the person charged is remitted for preliminary inquiry or trial. The person to whom the warrant is directed shall execute it according to its tenor without any delay.

Transfer of
case where
cause of
complaint
has arisen
out of
district of
court.

69. (1) If the defendant is in custody and the magistrate directing such transfer thinks it expedient that such custody should be continued, or, if he is not in custody, that he should be placed in custody, the magistrate shall, by his warrant, commit the defendant to prison until he can be taken before a magistrate of the district wherein the cause of complaint arose.

(2) The complaint and recognizance, if any, taken by such first named magistrate under the provisions of this Law shall be by him transmitted to the magistrate before whom the defendant is to be taken; and such complaint and recognizance, if any, shall be treated to all intents and purposes as if they had been taken by such last mentioned magistrate.

(3) If the defendant is not retained or placed in custody as aforesaid, the magistrate shall inform him that he has directed the transfer of the case as aforesaid, and thereupon the provisions of the last preceding subsection relating to the transmission and use of the documents in the case shall apply.

Assumption of Jurisdiction

Courts may
assume juris-
diction under
certain con-
ditions.

70. (1) Notwithstanding the provisions of sections 64, 65 and 67, a judge or magistrate of a division or district in which a person is apprehended who is charged with an offence, alleged to have been committed in another division or district, may, if he considers that the ends of justice would be better served by hearing the charge against such person in the division or district in which he has been apprehended and having regard to the accessibility and convenience of the witnesses, proceed to hear the charge and the person charged may be proceeded against, tried and punished in any division or district in which he was apprehended, or is in custody on a charge for the offence, or has appeared in answer to a

summons lawfully issued charging the offence, as if the offence had been committed in that division or district, and the offence shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that division or district:

Provided that, if at any time during the course of any proceedings taken against any person before any court in pursuance of this subsection it appears to the court that the accused would suffer hardship if he were proceeded against and tried in the division or district aforesaid, the court shall forthwith, but without prejudice to a magistrate's powers under section 67, cease to proceed further in the matter under this subsection.

(2) Where any person is charged with two or more offences, he may be proceeded against, tried and punished in respect of all those offences in any division or district in which he could be proceeded against, tried or punished in respect of any one of those offences, and all the offences with which that person is charged shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that division or district.

71. In case any cause is commenced in any other division or district than that in which it ought to have been commenced, the judge or magistrate, as the case may be, may assume jurisdiction in accordance with the provisions of section 70 and all acts performed and all decisions given by the judge or magistrate during the trial or inquiry shall be deemed to be valid in all respects as if the jurisdiction had been assumed prior to the performance of the said acts and the giving of the said decisions.

Assumption
of juris-
diction after
commence-
ment of
proceedings.

PART X.—PROCEDURE IN PUBLIC PROSECUTIONS

Powers of the Attorney-General

72. Notwithstanding anything in this Law contained the Attorney-General may exhibit to the High Court information for all purposes for which Her Majesty's Attorney-

Information
by the
Attorney-
General.

*The Attorney-General's powers may be exercised either by him in person or through the Director of Public Prosecutions or through any other officers of the department of the Attorney-General. See section 49 of the Constitution of Eastern Nigeria Law, Chapter 25.

General for England might have, before the enactment of the Crown Proceedings Act, 1947, exhibited informations in the High Court of Justice in England.

(2) Such proceedings may be taken upon every such information as could lawfully be taken in the case of similar information filed in England by the Attorney-General of England so far as the circumstances of the case and the practice and procedure of the High Court will admit.

Control of Criminal Proceedings

*Nolle
prosequi in
criminal
proceedings.*

73. (1) In any criminal proceedings and at any stage thereof before judgment the Attorney-General may enter a *nolle prosequi*, either by stating in court or informing the court in writing that the State intends that the proceedings shall not continue and thereupon the accused shall be at once discharged in respect of the charge or information for which the *nolle prosequi* is entered.

(2) If the accused has been committed to prison he shall be released, or if on bail the recognizances shall be discharged, and, where the accused is not before the court when such *nolle prosequi* is entered, the registrar or other proper officer of the court shall forthwith cause notice in writing of the entry of such *nolle prosequi* to be given to the officer in charge of the prison or other place in which the accused may be detained and such notice shall be sufficient authority to discharge the accused or if the accused be not in custody shall forthwith cause such notice in writing to be given to the accused and his sureties and shall in either case cause a similar notice in writing to be given to any witnesses bound over to prosecute.

(3) Where a *nolle prosequi* is entered in accordance with the provisions of this section the discharge of an accused person shall not operate as a bar to any subsequent proceedings against him on account of the same facts.

*Nolle
prosequi in
committal
cases.*

74. (1) In any inquiry with respect to an offence against a Law of Eastern Nigeria before a magistrate and at any stage before an order of committal is made the Attorney-General may enter a *nolle prosequi* by either stating in court or by informing the magistrate in writing that he intends that the proceedings shall not continue and thereupon the accused

*See footnote to section 72.

shall be at once discharged in respect of the charge for which the *nolle prosequi* is entered.

(2) Where, following an inquiry before a magistrate, an accused person is committed for trial the Attorney-General may at any time after such committal and before the trial of such accused person enter a *nolle prosequi* by informing, in writing, the court before which such accused has been committed for trial that he intends that the proceedings shall not continue and thereupon the accused shall be at once discharged in respect of the charges for which the *nolle prosequi* is entered.

(3) Where a *nolle prosequi* is entered under this section the provisions of subsection (2) of section 73 shall apply and the court shall cause the appropriate action to be taken.

(4) Where a *nolle prosequi* is entered in accordance with the provisions of this section the discharge of an accused person shall not operate as a bar to any subsequent proceedings against him on account of the same facts.

75. (1) In any trial or inquiry before a magistrate's court any prosecutor with the consent of the court, may, or on the instruction of the Attorney-General in the case of any offence against a Law of Eastern Nigeria shall, at any time before judgment is pronounced or an order of committal is made, withdraw from the prosecution of any person either generally or in respect of one or more of the offences with which such person is charged and upon such withdrawal—

(a) if it is made in the course of any inquiry the accused person shall be discharged in respect of such offence; or

(b) if it is made in the course of a trial—

(i) before the accused person is called upon to make his defence, he shall be discharged in respect of such offence; or

(ii) after the accused person is called upon to make his defence, he shall be acquitted in respect of such offence:

Provided that in any trial before a magistrate in which the prosecutor withdraws in respect of the prosecution of any offence before the accused is called upon to make his defence the magistrate may in his discretion order the accused to be acquitted if he is satisfied upon the merits of the case that

With-
drawals from
prosecution
in trials and
inquiries
before a
magistrate's
court.

*See footnote to section 72.

such order is a proper one and when any such order of acquittal is made the magistrate shall endorse his reasons for making such order on the record.

(2) Where any private prosecutor withdraws from a prosecution for any offence under the provisions of this section the magistrate may, in his discretion, award costs against such prosecutor.

(3) A discharge of an accused person under this section shall not operate as a bar to subsequent proceedings against him on account of the same facts.

(76. Deleted by L.N. 65 of 1958).

PART XI.—PROCEEDINGS IN GENERAL

Institution of Proceedings

77. Subject to the provisions of any Act or other Law, criminal proceedings may in accordance with the provisions of this Law be instituted—

(a) in magistrates' courts on a complaint whether or not on oath, and

(b) in the High Court—

(i) by information of the Attorney-General in accordance with the provisions of section 72, and

(ii) by information filed in the court after the accused has been summarily committed for perjury by a judge or magistrate under the provisions of Part XXXI, and

(iii) by information filed in the court after the accused has been committed for trial by a magistrate under the provisions of Part XXXVI, and

(iv) on complaint whether on oath or not.

78. Where proceedings are instituted in a magistrate's court they may be instituted in either of the following ways—

(a) upon complaint to the court, whether or not on oath, that an offence has been committed by any person whose presence the magistrate has power to compel, and an application to such magistrate, in the manner hereinafter set forth for the issue of either a summons directed to, or a warrant of arrest to apprehend, such person, or

(b) by bringing a person arrested without a warrant before the court upon a charge contained in a charge sheet specifying the name and occupation of the person

Different methods of instituting criminal proceedings.

Particulars of instituting criminal proceedings in magistrates' courts.

charged, the charge against him and the time and place where the offence is alleged to have been committed. The charge sheet shall be signed by the police officer in charge of the case.

79. A magistrate may issue a summons or warrant as hereinafter provided to compel the appearance before him of any person accused of having committed in any place, whether within or without Nigeria, any offence triable in Eastern Nigeria.

Compelling appearance of an accused person.

80. In every case the court may proceed either by way of summons to the defendant or by way of warrant for his apprehension in the first instance according to the nature and circumstances of the case.

Summons and warrant.

81. (1) Subject to the provisions of section 59 any person who believes from a reasonable or probable cause that an offence has been committed by any person whose appearance a magistrate has power to compel may make a complaint thereof to a magistrate who shall consider the allegations of the complainant and may, in his discretion, refuse to issue process recording his reasons for such refusal, or may issue a summons or warrant as he shall deem fit to compel the attendance of the accused person before a magistrate's court in the district.

Making of complaint and issue of process thereon.

(2) The magistrate shall not refuse to issue such summons or warrant only because the alleged offence is one for which an offender may be arrested without warrant.

82. A summons may be issued or served on any day including a Sunday or public holiday.

Issue and service on any day.

ENFORCING APPEARANCE OF DEFENDANT

Issue of Summons

83. Where upon a complaint being made before a magistrate as provided in section 81 and the magistrate decides to issue a summons in the first instance such magistrate shall issue a summons directed to the person complained against, stating concisely the substance of such complaint and requiring him to appear at a certain time and place being not less than forty-eight hours after the service of such summons before the court to answer to the said complaint and to be further dealt with according to law.

Issue of summons and contents thereof.

Hearing by consent before return date of summons.

84. The court may, if it thinks 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.

Summons with immediate return date in special circumstances.

85. Where upon a complaint being made before a magistrate as provided in section 81 and the magistrate decides to issue a summons in the first instance the accused may be directed to appear forthwith in cases where an affidavit is made by the complainant either at the time of making the complaint or subsequently that such defendant is likely to leave the district within forty-eight hours.

Discretion in *ex parte* applications.

86. Nothing contained in sections 83, 84 or 85 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*.

Form and Service of Summons

Summons to be in duplicate.

87. Every summons issued by a court under this Law shall be in writing, in duplicate, signed by the presiding officer of such court or by such other officer as the Chief Justice may from time to time prescribe.

Service of summons.

88. Every summons shall be served by a police officer or by an officer of the court issuing it or other public servant.

Normal methods of effecting service.

89. The person effecting service of a summons shall effect it by delivering it—

On an individual.
On a firm or corporation.

- (a) if on an individual, to him personally; or
- (b) if on a firm or corporation—
 - (i) to one of the partners, or
 - (ii) to a director, or
 - (iii) to the secretary, or
 - (iv) to the chief agent within the jurisdiction, or
 - (v) by leaving the same 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 or corporation;
- (c) if on a local government council, then in accordance with section 205 of the Local Government Law.

(Cap. 79)

90. If service in the manner provided by paragraph (a) of section 89 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, and thereupon the summons shall be deemed to have been duly served.

Service where person summoned cannot be found.

91. Where the person summoned is in the service of Government, the court issuing the summons may send it in duplicate to the head officer of the department in which such person is employed for the purpose of being served on such person, if it shall appear to the court that it may be most conveniently so served, and such head officer shall thereupon cause the summons to be served in the manner provided by paragraph (a) of section 89 and shall return the duplicate to the court under his signature, with the endorsement required by section 93. Such signature shall be evidence of the service.

Service on Government servant.

92. Where a court desires that a summons issued by it shall be served at any place outside the division or district in which it is issued the court shall send such summons in duplicate to a court within the division or district in which the person summoned resides or is to be there served.

Service outside local division or district.

93. (1) Where the officer who served a summons is not present at the hearing of the case proof of such service, if within the division or district of the court issuing the summons, may be by endorsement on the duplicate of such summons and when service has been effected without the division or district of the issuing court proof of service shall be by affidavit made before a magistrate or other prescribed person and such endorsement and affidavit shall form part of the record.

Proof of service when serving officer not present.

(2) Such endorsement and affidavit shall show the manner in which such summons was served and in the case of an affidavit may be attached to the duplicate of the summons and returned to the issuing court.

94. Where a summons has been served upon 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 handed, as the case may be, shall sign a receipt thereof on the

Receipt of service of summons.

back of the duplicate. Where service is not effected by handing the summons to an individual but by some other method approved by this Law, the person effecting service shall endorse on the duplicate particulars of the method by which he has effected service.

Person refusing to give receipt may be apprehended.

95. Every 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 such receipt may be arrested by the person serving the summons and taken before the court which issued the summons and may be detained in custody or committed to prison for such time not exceeding fourteen days as the court may think necessary.

Warrant issued if Summons disobeyed

Summons disobeyed warrant may issue.

96. If the court is satisfied that the accused has been served with a summons and the accused 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 100 the court may issue a warrant to apprehend him and cause him to be brought before such court.

Issue of Warrant of Arrest on Complaint on Oath

Issue of warrant for defendant in the first instance.

97. Where upon a complaint being made before a magistrate as provided in section 23 and such magistrate decides to issue a warrant in the first instance such magistrate shall issue a warrant to apprehend the person complained against and to bring him before the court to answer the said complaint and be dealt with according to law.

Application of sections 22-31 to such warrant.

98. Where a warrant of arrest is issued in consequence of a complaint on oath as aforesaid the provisions of sections 22 to 31 shall apply to such warrant.

Warrant may issue before or after return date of summons.

99. Notwithstanding the issue of a summons as in section 81 provided a warrant may be issued at any time before or after the time appointed for the appearance of the accused.

Dispensing with Presence of Accused

Power to dispense with personal attendance of accused in certain cases.

100. (1) Whenever a magistrate issues a summons in respect of any offence to which there is annexed a penalty not exceeding fifty pounds or imprisonment not exceeding six months or both such penalty and imprisonment the magistrate may, on the application of the accused and if he sees reason

to do so and shall, on such application when the offence with which the accused is charged is punishable only by a penalty not exceeding fifty pounds, dispense with the personal attendance of the accused provided that the accused pleads guilty in writing or appears and so pleads by a legal practitioner.

(2) The magistrate trying any case in which the presence of the accused has been dispensed with may, in his discretion, at any subsequent stage of the proceedings, direct the personal attendance of the accused and, if necessary, enforce such attendance by means of the issue of a warrant to apprehend the accused and bring him before the court.

(3) If a magistrate imposes a fine on an accused person whose personal attendance has been dispensed with under this section the magistrate may at the same time provide either that if the fine be not paid within a stated time the amount shall be recovered by distress or that the accused shall be imprisoned for a period calculated in accordance with the provisions contained in section 390 for the non-payment of a fine.

(4) If, in any case in which under this section the attendance of an accused person is dispensed with, previous convictions are alleged against such person and are not admitted in writing or through such person's legal practitioner, the magistrate may adjourn the proceedings and direct the personal attendance of the accused and, if necessary, enforce such attendance in the same manner as in subsection (2).

(5) Whenever the attendance of an accused has been so dispensed with and his attendance is subsequently required the cost of any adjournment for such purpose shall be borne in any event by the accused.

PART XII.—MISCELLANEOUS PROVISIONS REGARDING PROCESS

Irregularities

101. When any accused person is before a magistrate whether voluntarily, or upon summons, or after being apprehended with or without warrant, or while in custody for the same or any other offence, the preliminary inquiry or

Irregularity in summons, warrant, service, or arrest.

trial may be held notwithstanding any irregularity, illegality, defect, or error in the summons or warrant, or the issuing, service, or execution of the same, and notwithstanding the want of any complaint upon oath, and notwithstanding any defect in the complaint, or any irregularity or illegality in the arrest or custody of the accused person.

Variation between charge and complaint.

102. No 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 affect the validity of any proceedings at or subsequent to the trial or preliminary inquiry.

Process valid notwithstanding death or vacation of office of person issuing.

103. A summons, warrant of any description or other process issued under any written law shall not be invalidated by reason of the person who signed the same dying, ceasing to hold office or have jurisdiction.

Saving of Validity of Process

Validity of process.

104. The following provisions shall have effect in respect of warrants of commitment and warrants of distress—

Warrant of commitment.

(a) a warrant of commitment shall not be held void by reason only of any defect therein, if it is therein alleged that the offender has been convicted, or ordered to do or to abstain from doing any act or thing required to be done or left undone, and there is a good and valid order to sustain the same;

Warrant of distress.

(b) a warrant of distress shall not be held void by reason only of any defect therein, if it is therein alleged that an order has been made, and there is a good and valid order to sustain the same; and a person acting under a warrant of distress shall not be deemed a trespasser from the beginning by reason only of any defect in the warrant or of any irregularity in the execution of the warrant; but this enactment shall not prejudice the right of any person to satisfaction for any special damage caused by any defect in or irregularity in the execution of a warrant of distress.

General addressee of process for issue and execution.

105. (1) In addition to the provisions of sections 25 and 27 in respect of warrants of arrest, all summonses, warrants 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) any such document 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 such warrant may be executed by any police officer or officer of a court.

106. The provisions contained in sections 22, 24, and 28 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 issue, 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 under any written law.

Certain provisions applicable to all summonses and warrants in criminal matters.

PART XIII.—SEARCH WARRANT

Issue and Execution

107. (1) Where a magistrate is satisfied by information upon oath and in writing that there is reasonable ground for believing that there is in Eastern Nigeria in any building, ship, carriage, receptacle or place—

Cases in which search warrants may be issued.

- (a) anything upon or in respect of which any offence has been or is suspected to have been committed; or
- (b) anything which there is reasonable ground for believing will afford evidence as to the commission of any offence; or
- (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence,

the magistrate may at any time issue a warrant, called a search warrant, authorizing an officer of the court, member of the police force, or other person therein named—

(i) to search such building, ship, carriage, receptacle or place for any such thing, and to seize and carry such thing before the magistrate issuing the search warrant or some other magistrate to be dealt with according to law; and

(ii) to apprehend the occupier of the house or place where the thing was found if the magistrate thinks fit so to direct on the warrant.

(2) In this section and section 108 "offence" includes an offence against a law of any other Region of Nigeria, which would be punishable in Eastern Nigeria if it had been therein committed.

Discharge of suspected person.

108. If the occupier of any building or the person in whose possession any thing named in a search warrant is found is brought before a magistrate and complaint is not made that he has committed an offence, he shall forthwith be discharged by such magistrate.

Search warrant to be signed by magistrate.

109. (1) Every search warrant shall be under the hand of the magistrate issuing the same.

Duration.

(2) Every such warrant shall remain in force until it is executed or until it is cancelled by the court which issued it.

Search warrants to whom directed.

110. A search warrant may be directed to one or more persons and when directed to more than one it may be executed by all or by any one or more of them.

Time when search warrant may be issued and executed.

111. (1) A search warrant may be issued and executed on any day including a Sunday or public holiday. It shall be executed between the hours of five o'clock in the forenoon and eight o'clock at night but the court may, in its discretion, authorize by the warrant the execution of the warrant at any hour.

(2) Where a magistrate authorizes the execution of a search warrant at any hour other than between the hours of five o'clock in the forenoon and eight o'clock at night such authorization may be contained in the warrant at the time of issue or may be endorsed thereon by any magistrate at any time thereafter prior to its execution.

Person in charge of closed place to allow ingress.

112. (1) Whenever any building or other thing or place liable to search is closed, any person residing in or being in charge of such building, thing or place shall, on demand of the police officer or other person executing the search warrant, allow him free ingress thereto and afford all reasonable facilities for a search therein.

(2) If ingress into such 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 7 and 8.

(3) When any person in or about such building, thing or place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If the person to be searched is a woman she shall if practicable be searched by another woman and may be taken to a police station for that purpose.

Detention and Disposal of Articles Seized

113. When upon the execution of a search warrant anything referred to in section 107 is seized and brought before any magistrate, he may detain or cause it to be detained, taking reasonable care that it is preserved until the conclusion of the trial and if any person is committed for trial, or if any appeal is made, he may order it further to be detained in such manner and place and by such person as he may direct for the purpose of the trial or pending the hearing of the appeal. If no person is committed for trial or no appeal is made, the magistrate shall, except in the cases hereinafter mentioned, unless he is authorized or required by law to dispose of it otherwise, direct—

Detention of articles seized.

- (a) that the property or a part thereof be restored to the person who appears to the magistrate to be entitled thereto, and if he be the person charged, that it be restored either to him or to such other person as the person charged may direct; or
- (b) that the property or a part thereof be applied to the payment of any costs or compensation directed to be paid by the person charged.

114. Where anything seized under a search warrant and brought before a magistrate is of a perishable or noxious nature such thing may be disposed of forthwith in such manner as the court may direct.

Perishable articles may be disposed of by court.

115. If the thing to be searched for under a search warrant is gunpowder or any other explosive or dangerous or noxious substance or thing, the person making the search shall have the powers and protection as are given by any written law for the time being in force to any person lawfully authorized to search for any such thing, and the thing itself shall be disposed of in the same manner as directed by any such written law, or, in default of such direction, as the Commissioner of Police may either generally or in any particular instance order.

Search for and disposal of gunpowder.

Destruction of forged bank-notes.

116. If, in consequence of the execution of a search warrant, there is brought before any magistrate any forged bank-note, bank-note paper, instrument, or other thing, the possession of which, in the absence of lawful excuse, is an indictable offence according to any enactment for the time being in force the judge, if such person is committed for trial, or, if there is no commitment for trial, the magistrate may cause such thing to be defaced or destroyed.

Disposal of counterfeit coin and certain other things.

117. If, under any such warrant, there is brought before any magistrate any counterfeit coin or other thing, the possession of which, with knowledge of its nature and without lawful excuse, is an indictable offence according to any law for the time being in force, every such thing shall be delivered up to the Commissioner of Police or to any person authorized by him to receive the same, as soon as it has been produced in evidence and is no longer required as such or as soon as it appears that it will not be required to be so produced:

Provided that a magistrate may in his discretion instead of so delivering up such coins or things order that they be destroyed in his presence.

Trans-mission to court of another Region.

117A. Where a search warrant is issued in respect of an offence against the law of any other Region and a summons has been issued for that offence by, or any person has been charged with that offence before, a court of that Region, the magistrate issuing the search warrant may unless he has disposed of the thing in accordance with section 114, transmit anything seized and brought before him to that court and in relation to anything so transmitted the functions conferred upon a magistrate by sections 113, 114, 116 and 117 shall be exercised and performed by that court instead of by the magistrate who issued the search warrant.

PART XIV.—PROVISIONS AS TO BAIL AND RECOGNIZANCES GENERALLY

When bail may be granted by High Court only.

118. (1) A person charged with any offence punishable with death shall not be admitted to bail, except by a judge of the High Court.

When discretionary.

(2) Where a person is charged with any felony other than a felony punishable with death, the court may, if it thinks fit, admit him to bail.

(3) When a person is charged with any offence other than those referred to in the two last preceding subsections, the court shall admit him to bail, unless it sees good reason to the contrary.

When to be ordinarily granted.

119. Where any person is brought before a court on any process in respect of any matter not included within section 118, such person may, in the discretion of the court, be released upon his entering, in the manner hereinafter provided, into a recognizance conditioned for his appearing before such court or any other court at the time and place mentioned in the recognizance.

Bail in respect of matters other than offences.

120. The amount of bail to be taken in any case shall be in the discretion of the court by whom the order for the taking of such bail is made, shall be fixed with due regard to the circumstances of the case and shall not be excessive.

Amount of bail.

121. Where in any case the person in respect of whom the court makes an order requiring that a recognizance be entered into is a minor, the minor 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 minor shall do what is required under the court's order.

Recognizance in respect of minors.

122. An accused admitted to bail may be required to produce such surety or sureties as, in the opinion of the court admitting him to bail, will be sufficient to ensure his appearance as and when required and shall with him or them enter into a recognizance accordingly.

Sureties.

123. A judge of the High Court may, if he thinks fit, admit any person charged before a court in Eastern Nigeria subject to the jurisdiction of the High Court to bail although the court before whom the charge is made has not thought fit to do so.

Admission to bail after its refusal.

124. Where a magistrate, after a preliminary inquiry commits a person for trial and does not admit him to bail the magistrate shall inform the person so committed of his right to apply for bail to a judge of the High Court.

Notice of right to apply for bail.

125. Notwithstanding the provisions of sections 119 and 120 a judge of the High Court may in any case direct that any person in custody in Eastern Nigeria be admitted to bail or that the bail required by a magistrate's court or police officer be reduced.

Judge may vary bail fixed by magistrate or police.

Before whom
recognizance
may be
executed.

126. When as respects any recognizance the court has fixed the amount in which the sureties, if any, are to be bound, the recognizance need not be entered into before the said court, but may be entered into by the parties before any other court, or before any registrar, or before any superior officer of police or officer in charge of a police station, or where any of the parties is in a Government prison before the superintendent or other person in charge of such prison, and thereupon all the consequences of law shall ensue and the provisions of this Law with respect to recognizances before a court shall apply as if the recognizance had been entered into before the said court.

Mode of
entering into
recognizance.

127. Where as a condition of the release of any person he is required to enter into a recognizance with sureties, the recognizances of the sureties may be taken separately and either before or after the recognizance of the principal, and if so taken the recognizances of the principal and sureties shall be as binding as if they had been taken together and at the same time.

Continuous
bail.

128. Where a person is remanded 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 be from time to time adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

Discharge
from
custody.

129. (1) Where the entering into of a recognizance is a condition of the release of any person, that person shall be released as soon as the recognizance has been entered into and if he is in prison or police custody, the court shall issue an order of release to the officer in charge of the prison or other place of detention and such officer on receipt of the order shall release him.

(2) Nothing in this section or in any other section relating to bail shall be deemed to require the release of any person 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.

130. If it is made to appear to any court by information on oath by a complainant, surety or other person that any person bound by recognizance to appear before any court or police officer is about to leave Eastern Nigeria or, 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 prison until the trial or preliminary inquiry unless the court shall see fit to admit him to bail upon further recognizance.

Person
bound by
recognizance
absconding
may be
committed to
prison.

131. Where an accused person has been admitted to bail and circumstances arise which, if the accused person had not been admitted to bail would, in the opinion of a law officer, State counsel or police officer, justify the court in refusing bail or in requiring bail of greater amount, a judge or magistrate, as the case may be, on the circumstances being brought to his notice by a law officer or State counsel or police officer, issue his warrant for the arrest of the accused person and, after giving the accused person an opportunity of being heard, may either commit him to prison to await trial or admit him to bail for the same or an increased amount as the judge or magistrate may think just.

Reconsideration of amount of bail on application by State counsel or police.

132. (1) When an accused person who has been admitted to bail by a magistrate is indicted by a law officer or State counsel for an offence which is not bailable by a magistrate, the magistrate shall, on being informed of the fact by any superior police officer, issue his warrant for the arrest of the accused person and commit him to prison in the same manner as if he had been originally committed for trial for the offence for which he is indicted.

Power to revoke or require higher bail.

(2) For the purposes of this section, a person shall be deemed to be indicted when the information against him has been filed in the High Court.

133. If 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, such court may issue a summons or warrant for the appearance of the principal, and upon his coming to the court may order him to execute a fresh recognizance with other surety or sureties, as the case may be.

Variation of a recognizance if surety unsuitable.

Discharge of sureties for appearance of another.

134. (1) Any surety for the appearance of a person may at any time apply to the court to discharge the recognizance either wholly or so far as it applies to the applicant.

(2) On such application being made the court shall issue a warrant of arrest directing that the principal to the recognizance be brought before the court.

(3) On the appearance of such principal pursuant to the warrant, or on his voluntary surrender, the court shall direct the recognizance to be discharged either wholly or so far as it relates to the applicant or applicants and shall call upon the person previously bound to find other sufficient surety or sureties and enter into a fresh recognizance and if he fails to do so may deal with him in the same manner as if he were a person who has failed to comply with an order to enter into a recognizance, with or without sureties, as the case may be.

Order of fresh security upon original order.

135. When any surety to a recognizance becomes insolvent or dies or when any recognizance is forfeited under the provisions of section 137, the court may order the person from whom such recognizance was demanded to furnish fresh security in accordance with the directions of the original order and, if such security is not furnished, such court may proceed as if there has been default in complying with such original order.

Surety dying, estate discharged.

136. Where a surety to a recognizance dies before the recognizance is forfeited his estate shall be discharged from all liability in respect of the recognizance.

Forfeiture of recognizance.

137. Where it is proved to the satisfaction of a court that a recognizance entered into under Chapters I to XI inclusive of this Law has been forfeited the court shall record the facts and by order declare the recognizance to be forfeited.

Mitigation of forfeiture.

138. The court may at any time cancel or mitigate the forfeiture, upon 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 upon such other conditions as the court may think just.

139. (1) Where a recognizance to keep the peace and to be of good behaviour or not to do or commit some act or thing has been entered into by any person as principal or as surety before a court, a court may, upon proof of the conviction of the person bound as principal by such recognizance of any offence which is by law a breach of the condition of the same, by order, adjudge such recognizance to be forfeited and adjudged the persons bound thereby, whether as principal or as sureties, or any of such persons to pay the sums for which they are respectively bound.

Forfeiture on conviction.

(2) A certified copy of the judgment of the court by which such person was convicted of such offence may be used as evidence in proceedings under this section and, if such certified copy is so used, the court shall presume such offence was committed by such person until the contrary is proved.

140. Where any recognizance is declared or adjudged to be forfeited, the court having jurisdiction over the matter of the complaint may, forthwith or at any time after such declaration, issue a warrant of commitment against any person liable, whether as principal or surety under such recognizance, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 390 with or without hard labour, unless the amount due under such recognizance is sooner paid.

Where recognizance forfeited warrant may issue.

141. All sums paid or recovered in respect of any recognizance declared or adjudged by a court in pursuance of section 140 to be forfeited shall be paid to the proper officer of the court.

Payment on recognizance.

142. Any order of forfeiture made under section 137 or 139 shall be subject to appeal in the case of a magistrate's order to the High Court and in the case of a judge's order to the Supreme Court.

Appeal.

143. When any person who is bound by any recognizance entered into under this Law to appear before a court does not so appear, the officer presiding in such court may issue a warrant directing that such person be arrested and brought before him.

Arrest on breach of recognizance for appearance.

PART XV.—BRINGING BEFORE COURT OF
PERSON IN CUSTODY

Power of court to order prisoner to be brought before it.

144. (1) Where any person for whose appearance or arrest a court is empowered to issue a summons or warrant is confined in any prison the court may issue an order to the officer in charge of such prison requiring him to cause such prisoner to be brought in proper custody at a time to be named in the order before such court.

(2) The officer so in charge, on receipt of such order, shall act in accordance therewith and shall provide for the safe custody of the prisoner during his absence from the prison for the purpose aforesaid.

PART XVI.—FORMS IN RESPECT OF
SUMMONSES, WARRANTS, RECOGNIZANCES
AND OTHER SIMILAR PROCESS

Use of forms in First Schedule.

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

PART XVII.—PROVISIONS RELATING TO
PROPERTY AND PERSONS

Ownership of Property

Methods of stating ownership of property.

146. Where in any complaint, summons, warrant of any description, charge sheet, information or any document whatsoever 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—

Joint owners;

(a) if the property belonged to or was 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 it may be described in the name of any one of such persons and another or others;

- (b) property of a joint-stock company, company, association, club or society having a recognized manager, agent or secretary in Nigeria may, subject to the provisions of any other written law, be described as the property of such manager, agent or secretary without naming such manager, agent or secretary, or alternatively the property of any joint-stock company, company, association, club or society which has a legal or registered title may be declared as belonging to such joint-stock company, company, association, club or society by its legal or registered title;
- (c) property belonging to or provided for the use of any public establishment, service or department may be described as the property of the State; public department;
- (d) where it is necessary to state the ownership of any church, chapel, mosque or building or place set apart for religious worship or of anything belonging to or being in the same, it may be stated that such church, chapel, mosque, or building or place, or such thing is the property of any clergyman, minister or other person officiating therein or of the churchwarden or churchwardens of such church; chapel or building, or place, without its being necessary to name him or them; places of worship;
- (e) where it is necessary to state the ownership of any money or other property whatsoever in the charge, custody, or under the control of any public officer such money or property may be stated to be the money or property of the State; the control of public offices;
- (f) where it is necessary to state the ownership of any work or building made, erected or maintained either wholly or in part at the expense of the public revenue of Nigeria or of any part thereof, or of any local government council, or of anything belonging to or being in or used in relation to the same, or of 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 such work or building or any public road or highway, or of any other property whatsoever, whether movable or immovable as aforesaid, it shall be sufficient to state that such property is the property of the State or of the town, or village, or of any local government council as the case may be, public building, works or institutions;

without naming any of the inhabitant^s of any such areas or jurisdictions;

married women's property. (Fed. Cap. 115)

(g) property belonging to a woman who has contracted a marriage under the Marriage Act or a marriage recognized as a valid marriage under the law of any country may be stated as belonging to such married woman.

Description of Persons

Description of persons in criminal process.

147. Where in any complaint, summons, warrant of any description, charge sheet, information or any document whatsoever issued by a court in the exercise of its criminal jurisdiction it is necessary to refer to any person the description or designation of that person shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree, or occupation, and if, owing to the name of the person not being known or for any other reason it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as "a person unknown":

Provided that no person who is accused of an offence shall be described as "a person unknown" except in the case of a verdict found upon a coroner's inquisition.

Rights of Married Women in respect of Separate Estate

Remedies of married woman against her husband and others in respect of property. (Fed. Cap. 115)

148. Every woman who has contracted a marriage under the Marriage Act or a marriage recognized as a valid monogamous marriage under the law of any country shall have in her own name against all persons whatsoever, including the husband of such marriage, subject as regards her husband to the proviso hereinafter contained, the same remedies and redress by way of criminal proceedings for the protection and security of her own separate property as if such property belonged to her as an unmarried woman:

Provided that any proceeding by one spouse against the other shall be governed by the provisions of section 36 of the Criminal Code.

(Cap. 30)

Husband and wife competent witnesses. (Cap. 49)

149. In any proceedings taken under the provisions of section 148 the husband and wife shall be competent and compellable witnesses in accordance with the provisions of Part IX of the Evidence Law.

PART XVIII.—THE CHARGE

Form of and Joinder of Offences and Persons

150. Charges may be as in the form set out in the Second Schedule and may be modified in such respects as may be necessary to adapt them to the circumstances of each case.

Form of charges in Second Schedule to be used and adapted.

151. (1) Every charge shall state the offence with which the accused is charged and if the written law creating the offence gives it any specific name the offence may be described in the charge by that name only.

Form of charge.

(2) If the written law which creates the offence does not give it any specific name so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

(3) The written law and the section of the written law against which the offence is said to have been committed shall be set out in the charge.

(4) 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.

(5) If the accused has previously been convicted of any offence and it is intended to prove such previous conviction for the purpose of affecting the punishment which the court may award the subsequent offence shall first be charged and then, if the previous offence is one, which under the provisions of any written law, may be so charged a statement of such previous offence containing the fact, date and place of such previous conviction shall be added:

Provided that when the trial is had before a judge and jury or a judge with assessors the statement of such previous offence shall not be read out or charged save in accordance with the provisions of section 216.

152. (1) The charge shall contain such particulars as to the time and place of the offence and the person, if any, against whom or the thing, if any, in respect of which it was committed as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars in charge.

(2) Where the accused is charged with criminal breach of trust, fraudulent appropriation of property, fraudulent falsification of accounts or fraudulent conversion it shall be 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 one offence within the meaning of section 156.

(3) The particulars in the charge shall describe the offence shortly in ordinary language avoiding as far as possible the use of technical terms.

(4) Where the nature of the offence is such that the particulars required by section 151 and subsections (1) to (3) of this section do not give the accused 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.

Sense of words used in charge.

153. (1) In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively in the written law creating such offence.

(2) Figures and abbreviations may be used for expressing anything which is commonly expressed thereby.

Ownership or description of property. Owner and value of property need not be named unless specifically required.

154. (1) The description of property in a charge shall be in ordinary language and such as to indicate with reasonable clearness the property referred to and if the property is so described it shall not be 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.

Joint owners.

(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 146.

Coin and bank or currency notes.

(3) Coin and bank or currency notes may be described as money, and any averment as to any money, so far as regards the description of the property, shall be sustained by proof of

any amount of coin or of any bank or currency note, although the particular species of coin of which such amount was composed or the particular nature of the bank or currency note shall not be proved, and in cases of stealing and defrauding by false pretences, by proof that the accused dishonestly appropriated or obtained any coin or any bank or currency note, or any portion of the value thereof, although such coin or bank or currency note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly.

(4) Where the ownership of any property is described under paragraph (b) of section 146 as being in any joint-stock company, company, association, club or society by its registered title, proof of the registration of the company, association, or society shall not be required unless the court decides that such 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 such registered title.

Proof of registered title.

(5) (a) Where a written law constituting an offence states the offence to be the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omission, capacities, or intentions, or other matters stated in the alternative in the written law, may be stated in the alternative in the charge.

Provision as to statutory offences.

(b) It shall not be necessary in any charge where the offence is one constituted by a written law to negative any exception or exemption from or qualification to the operation of the written law creating the offence.

(6) The description or designation of the accused in a charge or of any other person to whom reference is made therein may be described in the manner set forth in section 147.

Description of persons.

(7) Where it is necessary to refer to any document or instrument in a charge, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

Description of document.

General rule as to description. Indictment.

(8) Subject to any other provisions of this Law, it shall be sufficient to describe any place, time, thing, matter, act, or omission whatsoever to which it is necessary to refer in any charge in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act, or omission referred to.

Statement of intent.

(9) It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person, where the written law creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

When persons may be charged jointly.

155. When more persons than one are accused of the same offence or of different offences committed in the same transaction or when a person is accused of committing an offence and another of abetting or being accessory to or attempting to commit such offence or when a person is accused of any offence of theft, criminal misappropriation, criminal breach of trust and another of receiving or retaining or assisting in the disposal or concealment of the subject matter of such offence, they may be charged and tried together or separately as the court thinks fit.

Separate charges for distinct offences.

156. For every distinct offence with which any person is accused there shall be a separate charge and every such charge shall be tried separately except in the cases mentioned in sections 157 to 161.

Three offences of the same kind within twelve months may be charged together.

157. (1) When a person is accused of more offences than one committed within the period of twelve months from the first to the last of such offences whether in respect of the same person or thing or not he may be charged with and tried at one trial for any number of them not exceeding three.

(2) Any offence shall be deemed to be an offence of the same kind as an attempt to commit such an offence where such attempt is itself an offence.

Trial for more than one offence.

158. If 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 person charges for such offences, whether felonies, misdemeanours or simple offences, may be joined and the person accused tried therefor at one trial.

159. If the acts or omissions alleged constitute an offence falling within two or more separate definitions in any written law for the time being in force under which offences are defined or punished the person accused of them may be charged with and tried at one trial for each of such offences.

Offences falling within two definitions.

160. If several acts or omissions, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence the person accused of them may be charged with and tried at one trial for the offence constituted by such acts or omissions when combined or for any offence constituted by any one or more of such acts.

Acts constituting one offence but constituting when combined a different offence.

161. If 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 which can be proved will constitute, the accused may be charged with having committed all or any of such offences and any number of such charges may be tried at once or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful which offence has been committed.

Variations of Charge

162. When any person is arraigned for trial on an imperfect or erroneous charge the court may permit or direct the framing of a new charge or add to or otherwise alter the original charge.

Procedure on commitment on imperfect charge.

163. Any court may alter or add to any charge at any time before judgment is given or verdict returned and every such alteration or addition shall be read and explained to the accused.

Court may alter charge.

164. (1) If a new charge is framed or alteration made to a charge under the provisions of section 162 or section 163 the court shall forthwith call upon the accused to plead thereto and to state whether he is ready to be tried on such charge or altered charge.

Procedure on alteration of charge.

(2) If the accused declares that he is not ready the court shall consider the reasons he may give and if proceeding immediately with the trial is not likely in the opinion of the court to prejudice the accused in his defence or the prosecutor in his conduct of the case the court may proceed with the trial as if the new or altered charge had been the original charge.

(3) If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the accused or the prosecutor the court may either direct a new trial or adjourn the trial for such period as the court may consider necessary.

(4) 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 connexion therewith as having been filed in the amended form.

Recall of witnesses when charge altered.

165. When a charge is altered by the court after the commencement of the trial the prosecutor and the accused shall be allowed to recall or resummon any witness who may have been examined and examine or cross-examine such witness with reference to such alteration.

Effect of error.

166. No error in stating the offence or the particulars required to be stated in the charge and no omission to state the offence or those particulars shall be regarded at any stage of the case as material unless the accused was in fact misled by such error or omission.

Objection to charge to be taken at plca.

167. Any objection to a charge for any formal defect on the face thereof shall be taken immediately after the charge has been read over to the accused and not later.

Objections cured by verdict.

168. No judgment shall be stayed or reversed on the ground of any objection which if stated after the charge was read over to the accused or during the progress of the trial might have been amended by the court nor—

- (a) because of any error committed in summoning or swearing the jury or assessors or any of them, nor
- (b) because any person who has served upon the jury or as an assessor was not qualified to sit as a juror or assessor, nor
- (c) because of any objection which might have been stated as a ground of challenge of any juror, nor for any informality in swearing a juror or witness or any of them, nor
- (d) because of any variance between the charge or any process relating thereto and the evidence adduced in support of the charge as to the time at which the cause of complaint is alleged to have arisen if it is proved

that such complaint was in fact made within the time, if any, limited by law for making the same, nor

- (e) because of any variance between the charge or any process relating thereto and the evidence adduced in support of the charge as to the place in which the cause of complaint is alleged to have arisen, nor
- (f) because of any alleged defect in substance or in form between any complaint, warrant or other process relating to the charge and the evidence adduced in respect of the charge.

Conviction of one of several Offences and of Offences not specifically charged

169. Where a person is charged with an offence but the evidence establishes an attempt to commit the offence he may be convicted of having attempted to commit that offence although the attempt is not separately charged.

Full offence charged—attempt proved.

170. Where a person is charged with an attempt to commit an offence but the evidence establishes the commission of the full offence the accused person shall not be entitled to an acquittal but he may be convicted of the attempt and punished accordingly.

Attempt charged—full offence proved.

171. Where a person has been convicted of an attempt under either section 169 or 170 such person shall not subsequently be liable to be prosecuted for the offence for which he was convicted of attempting to commit.

Liability as to further prosecution.

172. If upon the trial of any person for any misdemeanour or simple offence it shall appear that the facts proved in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanour or simple offence and no person tried for such misdemeanour or simple offence shall be liable to be afterwards prosecuted for felony on the same facts, unless the court shall think fit, in its discretion, to stop the trial and if it is a case tried with a jury to discharge the jury from giving any verdict and to direct such person to be indicted or charged for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanour or simple offence.

Person tried for misdemeanour not to be acquitted if felony proved, unless court so direct.

When stealing is charged and receiving proved. (Cap. 30)

173. When a person is charged with stealing anything and it is proved that he received the thing knowing the same to have been stolen, he may be convicted of receiving stolen property under section 427 of the Criminal Code although he was not charged with that offence.

Persons charged with burglary may be convicted of kindred offence. (Cap. 30)

174. (1) If on any trial for any of the offences mentioned in Chapter XXXVII of the Criminal Code the facts proved in evidence justify a conviction for some other of the said offences and not the offence wherewith the defendant is charged he may be found guilty of the said other offence and thereupon he shall be punished as if he had been convicted on a charge or an information charging him with such offence.

Conviction of false pretences on charge of stealing. (Cap. 30)

(2) When a person is charged with stealing anything and it is proved that he obtained the thing in any such manner as would amount under the provisions of the Criminal Code to obtaining it by false pretences with intent to defraud he may be convicted of obtaining it by false pretences with intent to defraud although he was not charged with that offence.

Conviction of stealing on charge of false pretences.

(3) When a person is charged with obtaining anything by false pretences with intent to defraud and such thing is capable of being stolen and it is proved that the defendant stole the thing he may be convicted of stealing it although he was not charged with that offence.

On charge of rape conviction under section 221 of Chapter 30 or of indecent assault may follow.

175. If on any trial for rape or for defilement of a girl under the age of eleven years the facts proved in evidence authorize a conviction under section 221 of the Criminal Code or for an indecent assault and not the offence wherewith the accused is charged, he may be convicted of an offence under section 221 of the Criminal Code or of indecent assault, as the case may be, and thereupon he shall be punished as if he had been convicted on a charge or an information charging him with such offence or indecent assault.

On charge under section 221 of Chapter 30, conviction of indecent assault may follow.

176. If on any trial for an offence under section 221 of the Criminal Code the facts proved in evidence warrant a conviction for an indecent assault and not the offence wherewith the accused is charged the accused may be convicted of indecent assault although he was not charged with that offence.

177. Where upon the trial of any person for the murder of any child or for infanticide it appears upon the evidence that such person was not guilty of murder or of infanticide, as the case may be, but was guilty of the offence specified in section 329 of the Criminal Code, such person may be found guilty of that offence.

Where murder or infanticide is charged and concealment of birth is proved. (Cap. 30)

178. (1) Where upon the trial of a woman for the murder of her newly-born child it appears upon the evidence that having regard to the provisions of section 327A of the Criminal Code she was not guilty of murder but was guilty of infanticide she may be found guilty of infanticide.

Where murder is charged and infanticide proved. (Cap. 30)

(2) Nothing in this section shall be deemed to preclude a woman who is tried for the murder of her newly-born child from being convicted of manslaughter, or being found guilty but insane, or being found guilty of concealment of birth, in pursuance of section 177.

179. (1) In addition to the provisions hereinbefore specifically made whenever a person is charged with an offence consisting of several particulars a combination of some only of which constitutes a complete lesser offence in itself and such combination is proved but the remaining particulars are not proved he may be convicted of such lesser offence or may plead guilty thereto although he was not charged with it.

Where offence proved is included in offence charged.

(2) When a person 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.

Withdrawal of remaining Charges

180. (1) When more charges than one are made against a person 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 such charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

(2) Such withdrawal shall have effect of an acquittal on such 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 upon the charge or charges so withdrawn.

PART XIX.—PREVIOUS ACQUITTALS OR
CONVICTIONS

Interpreta-
tion.

180A. In this Part "offence" includes an offence against the law of any other Region of Nigeria.

Person once
convicted or
acquitted
not to be
tried again
for offence
on the same
facts.

181. In addition to the provisions of section 171 a person who has once been tried by a court of competent jurisdiction for an offence and acquitted or convicted of such offence shall not, while such acquittal or conviction remains in force, be liable to be tried again for the same offence nor on the same facts for any other offence for which a different charge from the one made against him might have been made before the court by which he was acquitted or convicted under the provisions of subsection (1) of section 161 or for which he might have been convicted under subsection (2) thereof.

May be
tried again
on separate
charge in
certain cases.

182. A person acquitted or convicted of any offence may afterwards be tried for any distinct offence for which a separate charge might have been made against him on the previous trial under the provisions of section 158.

Conse-
quences
supervening
or not
known at
previous
trial.

183. A person acquitted or convicted of any offence constituted by any act or omission causing consequences which together with such act or omission constitute a different offence from that for which he was acquitted or convicted may afterwards be tried for such 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 such consequences create the offence of murder or manslaughter.

Where court
at first trial
was not
competent.

184. A person acquitted or convicted of any offence constituted by any act or omission may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for the same or any other offence constituted by the same acts or omissions if the court by which he was first tried was not competent to try the offence with which he was first charged.

Dismissal of
discharge.

185. The dismissal of a complaint or the discharge of the accused is not an acquittal for the purposes of sections 181 to 184.

PART XX.—WITNESSES

Enforcing Attendance of Witnesses

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

Issue of
summons
for witness.

(2) If the prosecutor is not a public officer the person to whom such summons is addressed shall not be bound to attend unless his travelling expenses are tendered to him.

187. Every such summons shall be served upon the person to whom it is directed in the same manner as is set out in section 89 or 91 or, with leave of the court, section 90 and the provisions of sections 92 to 95 shall apply to such summons.

Service of
summons
on witness.

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

Warrant for
witness after
summons.

189. If the court is satisfied in the first instance, by proof upon oath, that any person likely to give material evidence, either for the prosecution or for the defence, will not attend to give evidence without being compelled so to do, then instead of issuing a summons, it may issue a warrant in the first instance for the apprehension of such person.

Issue of
warrant for
witness in
first instance.

190. (1) Every witness arrested under a warrant issued in the first instance shall, if practicable and the hearing of the case for which his evidence is required is appointed for a time which is more than twenty-four hours after the arrest, be taken before a magistrate, and the magistrate may, on his

Mode of
dealing with
witness
arrested
under
warrant.

furnishing security by recognizance to the satisfaction of the magistrate for his appearance at such hearing, order him to be released from custody, or shall, on his failing to furnish such security, order him to be detained for production at such hearing.

(2) The provisions of sections 30 and 31 relating to bail of accused persons and of section 106 and 144 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:

Provided that non-compliance with this subsection shall not vitiate any proceedings.

Penalty on witnesses refusing to attend.

191. Any witness who—

- (a) refuses or neglects, without reasonable cause, to attend at a court in compliance with the requirements of a summons duly served in the manner prescribed by law; or
- (b) departs from the precincts of the court without the leave of the judge or magistrate holding the same, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds, or to imprisonment for any term not exceeding two months:

Provided that no complaint shall be made for any 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.

Non-attendance of witness on adjourned hearing.

192. Every 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 such hearing or further hearing is so adjourned, shall be bound to attend at such time and place, and, in default of so doing, may be dealt with in the same manner as if he had refused or neglected to attend before the court in obedience to a summons to attend and give evidence.

Persons in court may be required to give evidence though not summoned.

193. Any person present in court and compellable as a witness, whether a party or not in a cause, may be compelled by the 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 such document and may be punished in like manner for any refusal to obey the order of the court.

Refractory Witnesses

194. (1) When any person attending either in obedience to a summons or after notification as in section 193 mentioned or by virtue of a warrant or being present in court and being verbally required by the court to give evidence in any case—

Witness refusing to be sworn, or produce documents.

- (a) refuses to be sworn as a witness; or
- (b) having been so sworn, refuses to answer any question put to him by the sanction of the court; or
- (c) refuses or neglects to produce any documents which he is required by the court to produce,

without in any such case offering any sufficient excuse for such refusal or neglect, the court may, if it thinks fit, adjourn the hearing of the case for any period not exceeding eight days where practicable, and may in the meantime, by warrant, commit such person to prison or other place of safe custody, unless he sooner consents to do what is so required of him.

(2) If such person, upon being brought before the court at or before such adjourned hearing again refuses to do what is so required of him, the court may, if it thinks fit, again adjourn the hearing of the case, and commit him for the like period, and so again from time to time until such person consents to do what is so required of him.

(3) Nothing herein contained shall affect the liability of any such person to any other punishment or proceeding for refusing or neglecting to do what is so required of him, or shall prevent the court from disposing of the case in the meantime according to any other sufficient evidence taken by it.

Expenses of Witnesses

195. Where any person appears before the court on summons, recognizance or by virtue of a warrant to give evidence against any person accused of any offence the court may order payment, in accordance with the provisions of any rules of court, of the costs and expenses of such witness together with compensation for his trouble and loss of time.

Expenses of witnesses for the prosecution.

196. The court may in its discretion, at the request of any person who appears before such court on summons, recognizance or by virtue of a warrant to give evidence on behalf of

Expenses of witnesses for accused.

an accused person, order payment in accordance with the provisions of any rules of court to such witness of such sum of money as to the court seems reasonable and sufficient to compensate him for the expenses, trouble and loss of time which he incurred or sustained in attending before the court.

Adjournment may be granted subject to witnesses' costs.

197. In addition to any other power conferred on a court the court may, if it considers it proper so to do on adjournment granted at the request of either or any party, direct that the amount payable to any witnesses in accordance with the provisions of this Law and any rules of court, or such sum not exceeding such amount aforesaid as the court may fix, shall be paid by the party requesting the adjournment to such witnesses as may be present and whose evidence it has not been possible to take owing to the granting of the adjournment.

Ascertainment of witness's expenses.

198. The amount of the expenses and compensation payable to any witness attending before the court shall be ascertained by the registrar, certified under his hand and shall be paid out of general revenue to the witness by the Accountant-General.

Examination of Witnesses

Application of the Evidence Law. (Cap. 49) Power to call or recall witnesses.

199. Subject to the provisions of any other written law the examination of witnesses shall be in accordance with the provisions of Parts IX and X of the Evidence Law.

200. The court at any stage of any trial, inquiry or other proceedings under this Law may call any person as a witness or recall and re-examine any person already examined and the court shall examine or recall and re-examine any such person if his evidence appears to the court to be essential to the just decision of the case.

Certificates of certain Government technical officers.

201. Certificates signed by a Government chemist, a Government pathologist or entomologist or superintendent of a forensic science laboratory, or the Accountant-General shall be admissible in evidence in accordance with the provisions of sections 41 to 43 of the Evidence Law.

(Cap. 49) Right of reply.

202. In cases where the right of reply depends upon the question whether evidence has been called for the defence the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply:

Provided that a law officer when appearing personally as counsel for the prosecution shall in all cases have the right of reply.

PART XXI.— PUBLICITY AND VIEW

203. Subject to the provisions of sections 204 and 223 and of any other written law specifically relating thereto the room or place in which any trial is to take place under this Law shall be an open court to which the public generally may have access as far as it can conveniently contain them:

Public to have access to hearing.

Provided that the judge or magistrate presiding over such trial may, in his discretion and subject to the provisions of section 205, exclude the public at any stage of the hearing on the grounds of public policy, decency or expedience:

Public may be excluded.

Provided further that where the court is sitting in a place other than in a building the authority given 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 any person allowed to be present thereat.

204. In addition to and not in mitigation of any powers which a court may possess to hear proceedings *in camera* the court may, where a person who in the opinion of the court has not attained the age of seventeen is called as witness in any proceedings in relation to an offence against or any conduct contrary to decency or morality, direct that all or any persons not being members or officers of the court or parties to the case, their legal practitioners or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of such person.

Court may be cleared whilst child or young person is giving evidence in certain cases.

205. (1) An order made under either section 203 or 204 excluding the public from a court shall not unless specifically stated—

Order under sec. 203 or 204 not to apply to press and certain others.

- (a) authorize the exclusion of *bona fide* representatives of a newspaper or news agency, or
- (b) apply to messengers, clerks and other persons required to attend at the said court for purposes connected with their employment.

(2) Where such an order is made the judge or magistrate, as the case may be, shall record the grounds upon which such decision is taken.

Prohibition on children being present in court during the trial of other persons.

206. No infant, other than an infant in arms, or child shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto and if so present, shall be ordered to be removed unless he is the person charged with the alleged offence or 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.

View by court of locus.

207. (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 accused shall be present at the view.

(3) In the case of any such view being had the court shall give such directions as may seem requisite for the purpose of preventing communication between the witnesses and the accused:

Provided that a breach of any such directions shall not affect the validity of the proceedings unless the court otherwise directs.

(4) If the trial is with assessors the assessors shall accompany the judge on the view and if the trial is with a jury the provisions of section 70 of the Jury Law shall be complied with.

(Cap. 68)

PART XXII.—DETERMINATION OF AGE

Presumption and determination of age.

208. Where a person is before any court and it appears to the court that such person is an infant, or a child, or a young person, or an adult, the court may make due inquiry as to the age of that person and for that purpose may take such evidence as may be forthcoming at the time, or at the time to which the inquiry may be adjourned but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that 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 purposes of this Law be deemed to be the true age of that person.

*Children and young persons are, ordinarily, to be tried in juvenile courts under the provisions of the Children and Young Persons Law (Cap. 19). If, during a trial in any court, an accused person appears to be under seventeen years of age, the trial can be proceeded with, only if the court thinks it undesirable to adjourn it (*ibid* section 6 (3)). See also section 416 of this Law.

209. Where in a charge for any offence, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or above any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or above the specified age, as the case may be, he shall for the purposes of this Law be presumed at that date to have been a child or young person or to have been under or above that age, as the case may be, unless the contrary is proved.

Age in relation to offences.

PART XXIII.—PRESENCE OF PARTIES AND CONDUCT OF TRIALS

210. Every accused person shall, subject to the provisions of section 100 and of subsection (2) of section 223, be present in court during the whole of his trial unless he misconducts himself by so interrupting the proceedings or otherwise as to render their continuance in his presence impracticable.

Presence of accused at trial.

211. (1) Both the complainant and defendant shall be entitled to conduct their respective cases in person or by a legal practitioner.

Counsel for complainant and for defendant.

(2) Where the defendant is in custody or on remand he shall be allowed the access of such legal practitioner at all reasonable times.

(212. Deleted by L.N. 47 of 1955).

213. (1) Where any person other than the Attorney-General prosecutes, in any criminal proceedings for an offence against a law of Eastern Nigeria, on behalf of the State, or any public officer prosecutes in his official capacity in any such criminal proceedings, such person or public officer shall prosecute such case subject to such general or specific directions as may be given by the Attorney-General.

General control of prosecutions by the Attorney-General.

(2) Where proceedings in respect of any offence against a law of Eastern Nigeria within the criminal jurisdiction of a court are brought by a police officer in the exercise of his official duty and it is not provided by any written law that

* Section 213 (3) and (4) of the Criminal Procedure Act (Fed. Cap. 43) apply the provisions of this section 213 (1) and (2) to prosecutions in a Regional Court for offences against Federal laws, substituting the Federal Attorney-General for the Regional Attorney-General. See footnote to section 72 as to how the Attorney-General exercises his powers.

such proceedings shall only be brought by or in the name of some specified person, such proceedings may, subject to any special or general directions given by the Attorney-General, be brought in the name of the public officer or police officer instituting the proceedings or making the arrest if any, or in the case of a member of the police force in the name of the Commissioner of Police.

Position in court of person summoned.

214. Where an accused person appears before a court on a summons he may be required to enter the dock or to stand or sit adjacent thereto as may be ordered by the court.

PART XXIV.—RECORDING OF PLEA

Pleading to indictment or charge.

215. The person to be tried upon any charge or information shall be placed before the court unfettered unless the court shall see cause otherwise to order, and the charge or information shall be read over and explained to him to the satisfaction of the court by the registrar or other officer of the court, and such person shall be called upon to plead instantly thereto, unless where the person is entitled to service of a copy of the information he objects to the want of such service and the court finds that he has not been duly served therewith.

Proceeding on charge or count of previous conviction.

216. (1) Where an accused person is charged with having previously been convicted he shall not when called upon to plead to the other charges or counts be required to plead to such charges unless he pleads guilty to the rest of the charges or counts on which he is to be tried or is found guilty on one or more of such charges or counts.

(2) Where the trial is with a jury or with assessors a charge or count of a previous conviction shall not be read out or charged until a verdict has been returned or a decision given in respect of the charge relating to the subsequent offence and if such verdict or decision is one of not guilty he shall not be called upon to plead in respect of the previous conviction.

(3) Where a person may properly be called upon to plead to a charge or count of a previous conviction he shall be asked if he has been previously convicted as charged or not and if he admits that he has been so previously convicted the court may find him guilty and proceed to sentence him but if he denies that he has been previously so convicted

or stands mute of malice or does not answer directly to such question the court shall inquire concerning such previous conviction.

(4) A previous conviction may be proved in the manner set out in Part XI of the Evidence Law or otherwise to the satisfaction of the court. (Cap. 49)

217. Every person by pleading generally the plea of not guilty shall without further form be deemed to have put himself upon his trial. Effect of plea of not guilty.

218. If the accused pleads guilty to any offence with which he is charged the court shall record his plea as nearly as possible in the words used by him and if satisfied that he intended to admit the truth of all the essentials of the offence of which he has pleaded guilty the court shall convict him of that offence and pass sentence upon or make an order against him unless there shall appear sufficient cause to the contrary. Effect of plea of guilty.

219. If the accused when called upon to plead to a charge or information for any offence can lawfully be convicted on such charge or information of some other offence not stated in such charge or information he may plead not guilty of the offence stated in the charge or information but guilty of such other offence and the court, if satisfied as in the last preceding section provided, shall record his admission as nearly as possible in the words used by him, and may in its discretion, convict the accused of the offence of which he has pleaded guilty and proceed as in the last preceding section provided, unless the prosecution states its desire to proceed with the trial of the accused for any offence stated in the charge or information. Plea when offence admitted is included in offence charged.

220. If the accused person when called upon to plead shall stand mute of malice or will not or cannot answer directly when called upon to plead to the charge the court shall enter or cause to be entered a plea of not guilty on behalf of such person and the plea so entered shall have the same force and effect as if such person had actually pleaded the same, or else the court shall thereupon proceed to try whether the accused person be of sound or unsound mind in accordance with the provisions of Part XXV and if he shall be found to be of sound mind shall proceed with his trial. Failure to plead due to malice or otherwise.

Pleas:
autrefois
acquitted or
convicted,
pardon.

221. (1) Any accused person against whom a charge or information is filed may plead—

- (a) that he has been previously convicted or acquitted, as the case may be, of the same offence; or
- (b) that he has obtained a pardon for his offence.

(2) If either of such pleas is pleaded in any case and denied to be true in fact, the court shall try whether such plea is true in fact or not.

(3) If the court holds that the facts alleged by the accused do not prove the plea, or if it finds that it is false in fact, the accused shall be required to plead to the charge or information.

PART XXV.—PERSONS OF UNSOUND MIND

Interpreta-
tion.

222. For the purposes of this Part, unless the context otherwise requires—

“asylum” includes a lunatic asylum, a mental or other hospital, a prison and any other suitable place of safe custody for medical observation;

“medical officer” means the medical officer attached to any asylum or any medical officer from whom a court requires an opinion.

Procedure
when
accused is
suspected
to be of
unsound
mind.

223. (1) When a judge holding a trial or a magistrate holding a trial or an inquiry has reason to suspect that the accused is of unsound mind and consequently incapable of making his defence the judge, jury or magistrate, as the case may be, shall in the first instance investigate the fact of such unsoundness of mind.

(2) Such investigation may be held in the absence of the accused person if the court is satisfied that owing to the state of the accused's mind it would be in the interests of the safety of the accused or of other persons or in the interests of public decency that he should be absent, and the court may receive as evidence a certificate in writing signed by a medical officer to the effect that such accused person is in his opinion of unsound mind and incapable of making his defence or is a proper person to be detained for observation in an asylum, or the court may if it sees fit, take oral evidence from a medical officer on the state of mind of such accused person.

(3) If the judge, jury or magistrate, as the case may be, is not satisfied that such person is capable of making his defence, the court shall postpone the trial or inquiry and shall discharge the jury, if any, and shall remand such person for a period not exceeding one month to be detained for observation in an asylum.

(4) The medical officer shall keep such person under observation during the period of his remand and before the expiry of such period shall certify under his hand to the court his opinion as to the state of mind of such person, and if he is unable within the period to form any definite conclusion, shall so certify to the court and shall ask for a further remand. Such further remand may extend to a period of two months.

(5) Any court before which a person suspected to be of unsound mind is accused of any offence may, on the application of a law officer or State counsel, made at any stage of the proceedings prior to the trial, order that such person be sent to an asylum for observation. The medical officer may, notwithstanding any other provision of law, detain any such accused person for such period, not exceeding one month, as may be necessary to enable him to form an opinion as to the state of mind of such person, and shall forward a copy of his opinion, in writing, to the court.

224. (1) If such medical officer shall certify that the accused person is of sound mind and capable of making his defence, the court shall, unless satisfied by the defence that the accused person is of unsound mind, proceed with the inquiry or trial, as the case may be.

Certificate
of medical
officer.

(2) If such medical officer shall certify that such person is of unsound mind and incapable of making his defence, the judge, jury or magistrate shall, if satisfied of the fact, find accordingly, and thereupon the inquiry or trial, as the case may be, shall be postponed, and the jury, if any, shall be discharged. If the judge, jury or magistrate is satisfied that the accused person is of sound mind and capable of making his defence the court shall proceed with the trial or inquiry as the case may be.

(3) The trial of the issue as to whether or not the accused person is of unsound mind and incapable of making his

defence shall, if 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.

(4) The certificate of such medical officer shall be receivable as evidence under this section.

(5) If the accused person 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.

Release of person of unsound mind pending investigation or trial.

225. (1) (a) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the court, if the offence charged is bailable by the court, may, in its discretion, release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the court or such officer as the court appoints in that behalf.

(b) If such an accused person is before a magistrate charged with an offence which is bailable by a judge but not by a magistrate or if the offence is bailable by a magistrate but the magistrate refuses to grant bail such magistrate shall inform the accused of his right to apply to a judge for bail and report such fact to a judge.

(2) If the offence charged is not bailable by the High Court or if a judge has refused bail under paragraph (a) of subsection (1) or after an application made under paragraph (b) thereof or if sufficient security is not given or if no application is made for bail the judge shall report the case to the Minister of Justice who after consideration of the report may, in his discretion, order the accused to be confined in a lunatic asylum or other suitable place of safe custody and the judge shall give effect to such order.

(3) Pending the order of the Minister of Justice the accused may be committed to prison or other suitable place of safe custody for safe custody.

Resumption of inquiry or trial.

226. Whenever an inquiry or trial is postponed under section 223 or 224 the court may at any time reopen the inquiry or commence the trial *de novo* and require the accused to appear or be brought before such court.

227. When the accused has been released under section 225 the court may at any time require the accused to appear or be brought before it and may again proceed under section 223. Resumption of proceedings under section 223.

228. When the accused appears to be of sound mind at the time of any preliminary inquiry before a magistrate and the magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which if he had been of sound mind would have been an offence and that he was at the time when the act was committed by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the magistrate shall proceed with the case and, if the accused ought otherwise to be committed to the High Court, send him for trial. When accused appears to have been of unsound mind.

229. Whenever any person is acquitted upon the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act alleged as constituting the offence or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not. Judgment of acquittal on ground of mental disorder.

230. (1) Whenever the finding states that the accused person committed the act alleged, the court before which the trial has been held shall, if such act would but for incapacity found have constituted an offence, order such person to be kept in safe custody in such place and manner as the court thinks fit and shall report the case for the order of the Minister of Justice. Safe custody of person acquitted.

(2) The Minister may order such person to be confined in a lunatic asylum, prison or other suitable place of safe custody.

231. When any person is confined under section 225 or 230, the medical officer of the prison if such person is confined in a prison, or the medical officer attached to the asylum if he is confined in any asylum, shall keep him under observation in order to ascertain his state of mind and such medical officer shall make a special report to the Minister of Justice as to the state of mind of such person at such time or times as the Minister shall require. Observation of prisoners of unsound mind.

Procedure when person of unsound mind reported able to make defence.

232. When any person is, under the provisions of section 225, confined in a prison or asylum and is certified by the medical officer thereof to be capable of making his defence such person shall be taken before the court at such time as the court appoints, and the court shall proceed with the trial or inquiry, as the case may be, and the aforesaid certificate shall be receivable as evidence.

Procedure where person of unsound mind reported fit for discharge.

233. If the medical officer of a prison or the medical officer attached to an asylum in which a person is confined under section 225 or section 230 shall certify that such person in his judgment may be discharged without danger of his doing injury to himself or to any other person, the Minister of Justice may thereupon order him to be discharged or to be detained in custody or in prison or to be transferred to an asylum if he has not already been sent to such an asylum, and in case he orders him to be transferred to such an asylum may require the Chief Medical Officer to appoint two medical officers to report on the state of mind of such person and upon any other facts the Minister may require and on receipt of such report the Minister may order his discharge or detention as he thinks fit.

Transfer from one place of custody to another.

234. Where a person is confined in a prison or an asylum the Minister may direct his transfer from one prison or asylum to any other prison or asylum as often as may be necessary.

Delivery of person of unsound mind to care of relative.

235. (1) Whenever any relative or friend of any person confined under section 225 or 230 desires that such person shall be delivered over to his care and custody, the Minister, upon the application of such relative or friend and on his giving security to the satisfaction of the Minister that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may in his discretion order such person to be delivered to such relative or friend:

Provided that if such person is confined under the provisions of section 225, the Minister may further require such relative or friend to give security to the satisfaction of the Minister that if at any time it shall appear to the Minister that such person is capable of making his defence, such relative or friend shall produce such person for trial.

(2) Whenever such person is so delivered to the care and custody of any person it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Minister directs.

(3) Sections 231 and 232 shall *mutatis mutandis* apply to persons delivered to the care and custody of persons under this section.

(235A. *Removal to and detention in another Region. Federal * subject matter*).

PART XXVI.—REMAND

236. If during any proceedings before a court it becomes necessary to adjourn the hearing of the same, the court may from time to time adjourn such proceedings after or without hearing the evidence, if it thinks fit, to a certain time and place, to be then appointed in the hearing of the parties or the legal practitioners representing them and if the defendant is in custody the court may admit him to bail, as in this Law provided, or by its warrant remand him to prison or other suitable place of security for any time not normally exceeding eight days but if necessary for such longer period as the court may consider advisable, and if such remand shall not be for longer than three clear days the court may order the person in whose custody the person remanded is, or any other fit officer or person, to continue to keep the accused in his custody, and to bring him again before the court at the time appointed for continuance of the case.

Court may remand defendant for eight days.

237. During remand the court may nevertheless order the accused to be brought before it.

Court may bring up prisoner during remand.

*The corresponding Chapter of the Criminal Procedure Act (Fed. Cap. 43) contains the following provision about orders for removal to a prison or asylum outside a Region:—

"235A. Whenever it shall be necessary to remove a prisoner to a prison or asylum under the provisions of this Part an order for such removal given under the provisions of this Part shall be sufficient authority for such removal and the detention of such prisoner notwithstanding that such prison or asylum is situate in another Region."

Magistrate may adjourn where accused cannot appear.

238. If a court is satisfied that an accused person who has been remanded is, by reason of illness or accident, unable to appear personally before the court at such adjournment as in section 236 mentioned, such court may, in the absence of the accused person, order him to be further remanded for such time as may be deemed reasonable and cause him to be so informed in writing.

Place of Commitment

Place of commitment.

239. All persons committed to prison under this Law shall be committed to a Government prison or other place of safe custody.

PART XXVII.—ADDRESSES

Opening of Case for the Prosecution

Opening of case for the prosecution.

240. After the accused person has pleaded not guilty to the charge or information the person appearing for the prosecution may open the case against the accused person and then adduce evidence in support of the charge.

Defence and Reply

In certain cases prosecution has no right of reply.

241. After the case for the prosecution is concluded the accused or the legal practitioner representing him, if any, shall be entitled to address the court at the commencement or conclusion of his case, as he thinks fit, and if no witnesses have been called for the defence, other than the accused himself or witnesses solely as to the character of the accused and no document is put in as evidence for the defence, the person appearing for the prosecution shall not be entitled to address the court a second time but if in opening the case for the defence the person appearing for the accused has in addressing the court introduced new matter without supporting it by evidence the court, in its discretion, may allow the person appearing for the prosecution to reply.

Cases in which prosecution may reply.

242. If any witness, other than the accused himself or witnesses solely as to the character of the accused, is called or any document is put in as evidence for the defence, the person appearing for the accused shall be entitled after evidence on behalf of the accused has been adduced to address the court a second time on the whole case and the person appearing for the prosecution shall have a right of reply.

243. The provisions* of sections 241 and 242 shall not affect the right of reply by a law officer. Reply by law officer.

(PART XXVIIA)

(PROCEDURE WHERE CONSTITUTIONAL QUESTIONS ARE REFERRED TO HIGHER COURT)

(243A. Procedure to be followed in a trial where a question as to the interpretation of the Constitution has been referred to the Supreme Court, a Federal subject matter).

PART XXVIII.—CONCLUSION OF TRIAL

244. When the case for both sides is closed the court shall consider its verdict and for this purpose may adjourn the trial. Deliberation by court.

245. The judge or magistrate shall record his judgment in writing and every such judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision and shall be dated and signed by the judge or magistrate at the time of pronouncing it: Judgment to be in writing.

Provided that in the case of a magistrate in lieu of writing such judgment it shall be a sufficient compliance under this section if the magistrate—

- (a) records briefly in the book his decision thereon and where necessary his reasons for such decision and delivers an oral judgment, or
- (b) records such information in a prescribed form.

246. If the court finds the accused not guilty the accused shall forthwith be discharged and an order of acquittal recorded. Accused to be discharged if found not guilty.

247. If the court convicts the accused person or if he pleads guilty, it shall be the duty of the registrar to ask the accused whether he has anything to say why sentence should not be passed on him according to law but the omission of the registrar so to ask him or his being so asked by a judge or magistrate instead of the registrar shall have no effect on the validity of the proceedings. Accused to be asked whether he has anything to say before sentence.

Sentence.

248. If the court finds the accused guilty the court shall either pass sentence on the accused or make an order or reserve judgment and adjourn the case to some future day.

Conviction on other charges pending.

249. (1) Where an accused person is found guilty of an offence the court may in passing sentence take into consideration any other charge then pending against the accused if the accused admits the other charge and desires that it be taken into consideration and if the prosecutor of the other charge consents.

(2) Where such a desire is expressed and consent given the court shall enter or cause an entry to that effect to be made on the record and upon sentence being pronounced the accused shall not, subject to the provisions of sections 182 to 184 or unless the conviction which has been had is set aside, be liable to be charged or tried in respect of any such offence so taken into consideration.

Security for coming up for judgment.

250. When a person is convicted of any offence the court may, instead of passing sentence, discharge the offender upon his entering into his own recognizance, with or without sureties, in such sum as the court may think fit, conditioned that he shall appear and receive judgment at some future sitting of the court or when called upon.

Delivery of judgment when judge or magistrate unavoidably absent.

251. Where a judge or magistrate having tried a case is prevented by illness or other unavoidable cause from delivering his judgment or sentence, such judgment and the sentence, if the same has been reduced into writing and signed by the judge or magistrate, may be delivered and pronounced in open court in the presence of the accused by any other judge or magistrate.

Warrant of Commitment

Direct imprisonment.

252. Where a sentence or conviction does not order the payment of money but orders that the offender be imprisoned the court shall issue a warrant of commitment accordingly.

Authority for carrying out sentences not capital.

253. A warrant under the hand of the judge or magistrate by whom any person shall have been sentenced or committed to prison for non-payment of a penalty or fine shall be full

authority to the superintendent of any prison and to all other persons for carrying into effect the sentence described in such warrant not being a sentence of death.

Defects in Order or Warrant

254. The court may at any time amend any defect in substance or in form in any order or warrant of commitment and no omission or error as to time and place and no defect in form in any order or warrant of commitment given under this Law, shall be held to render void or unlawful any act done or intended to be done by virtue of such order or warrant if it is therein mentioned, or may be inferred therefrom, that it is founded on a conviction or judgment sufficient to sustain the same.

Error or omission not to affect legality of act.

PART XXIX.—COSTS, COMPENSATION AND DAMAGES

255. (1) A court may order any person convicted before it of an offence to pay to the prosecutor in addition to any penalty imposed such reasonable costs as to the court may seem fit.

Costs—against accused;

(2) A court that acquits or discharges a person accused of an offence, if the prosecution for such offence was originally instituted on a summons or a warrant issued by a court on the complaint of a private prosecutor, may order such private prosecutor to pay to the accused such reasonable costs as to the court may seem fit and the payment of such costs or any part thereof may be ordered by the court to be made out of any moneys taken from such person on his apprehension or may be recovered by distress.

against private prosecutor.

(3) No order as to costs as aforesaid may be made if the court considers that the private prosecutor had reasonable grounds for making his complaint and the costs awarded shall not exceed fifty pounds in the case of an award by a judge or twenty-five pounds in the case of an award by a magistrate.

(4) Costs may be awarded under this section and may be in addition to any compensation awarded and accepted under section 256.

Meaning of "private prosecutor".

(5) In this section "private prosecutor" does not include any person prosecuting on behalf of the State, a public officer prosecuting in his official capacity or a police officer prosecuting in his official capacity.

Compensation in case of false and vexatious charge.

256. If in any case before a court one or more persons is or are accused of any offence and the court by whom the case is heard discharges or acquits any or all of the accused and the judge or magistrate presiding over the court is of opinion that the accusation against any or all of them was false and either frivolous or vexatious the judge or magistrate may for reasons to be recorded, direct that compensation, to such an amount not exceeding ten pounds as he may determine, be paid to the accused or to each or any of them by the person upon whose complaint the accused was or were charged.

Enforcement of award of compensation.

257. Any sum so awarded as compensation shall be specified in the order of discharge or acquittal, as the case may be, and the court may order that in default of payment within such time as to the court seems proper of any sum awarded for compensation, the person making default be imprisoned, with or without hard labour, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 390.

Saving of express procedure for awarding costs and compensation.

258. The provisions of sections 255 and 256 shall be subject to any express provision made in any written law relating to the procedure to be followed in the awarding of costs or compensation in respect of conditions specified in such written law.

Order to pay costs appealable.

259. An appeal shall lie against any order awarding costs under section 255, if made by a magistrate to the High Court and if made by a judge to the Supreme Court.

Injured person may refuse to accept compensation; but payment of compensation is bar to further liability.

260. (1) The person to whom compensation is awarded may refuse to accept any such order for compensation but where any person receives compensation for an injury under the award of the court as above mentioned, or where the offender, having been ordered to make compensation, suffers imprisonment for non-payment thereof, the receipt of such compensation, or the undergoing of such imprisonment, as the case may be, shall be a bar to any action for the same injury.

(2) Before making an order under subsection (1) the court shall explain the full effect of that subsection to the person to whom compensation would be payable.

Damages in Cases of Dishonesty

261. Where in a charge of stealing or receiving stolen property, the court shall be of opinion that the evidence is insufficient to support that charge, but that it establishes wrongful conversion or detention of property, the court may order that such property be restored, and may also award damages:

Wrongful conversion or detention of property.

Provided that the value of such property and the amount of damages awarded shall not together amount in value to ten pounds.

262. The damages awarded under section 261 shall be recoverable in like manner as a penalty.

Damages recoverable as penalty.

PART XXX.—SEIZURE, RESTITUTION, FORFEITURE AND DISPOSITION OF PROPERTY

263. (1) During or at the conclusion of any trial or inquiry the court may make such order as it thinks fit for the disposal whether by way of forfeiture, confiscation or otherwise of any property produced before it regarding which any offence appears to have been committed or which has been used for the commission of any offence.

Order for disposal of property regarding which offence committed.

(2) Where the court orders the forfeiture or confiscation of any property as provided in subsection (1) 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 same or, if sold, the proceeds thereof shall be held as it directs until some person establishes to the court's satisfaction a right thereto. If no person establishes such a right within six months from the date of forfeiture or confiscation such property or the proceeds thereof shall be paid into and form part of the general revenue.

(3) The power conferred by subsections (1) and (2) upon the court shall include the power to make an order for the forfeiture or confiscation or for the destruction or for the delivery to any person of such property, but shall be exercised subject to any special provisions regarding forfeiture,

confiscation, destruction, detention or delivery contained in the written law under which the conviction was had or in any other written law applicable to the case.

(4) When an order is made under this section in a case in which an appeal lies such order shall not, except when the property is live-stock or is subject to speedy and natural decay, be carried out until the period allowed for presenting such appeal has passed or when such appeal is entered until the disposal of such appeal.

Meaning of "property".

(5) In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same has been converted or exchanged and anything acquired by such conversion or exchange, whether immediately or otherwise.

Seizure of things intended to be used in commission of offence.

264. The court may order the seizure of any instruments, materials or things which there is reason to believe are provided or prepared, or being prepared, with a view to the commission of any offence triable by the court and may direct the same to be forfeited, confiscated, held or otherwise dealt with in the same manner as property under section 263.

Destruction of seditious, prohibited or obscene publications and of obscene objects. (Cap. 30)

265. (1) On a conviction under section 51, 58 or 232 of the Criminal Code the court may order the confiscation and destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the court and also all those which remain in the possession or power of the person convicted.

Unfit or adulterated food. (Cap. 30)

(2) The court may in like manner on a conviction for an offence under section 243 of the Criminal Code order the food or drink in respect of which the conviction was had and also all other unfit or adulterated food or drink which remain in the possession or power of the person convicted to be destroyed.

Search warrant may be used to search for things subject to sections 264 and 265.

266. Where a magistrate is satisfied by information on oath that there is reasonable ground for believing that there is in any building, ship, carriage, receptacle or place anything in respect of which an order may be made under section 264 or 265 such magistrate may issue a search warrant to search for any such thing and if such thing be found the same shall be

brought before any court and dealt with as the court may think proper.

267. (1) Whenever a person is convicted of an offence attended by criminal force and it appears to the court that by such force any person has been dispossessed of any immovable property the court may, if it thinks fit, order the possession of the same to be restored to such person.

Restoration of possession of immovable property.

(2) No such order shall prejudice any right or interest to or in such immovable property which any person, including the person convicted, may be able to establish in a civil suit.

268. When any person is convicted of any offence which includes or amounts to stealing or receiving stolen property and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen, and that any money has on the arrest of the convicted person been taken out of his possession, the court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser shall be delivered to him.

Payment to innocent person of money found on accused.

269. Where, upon the apprehension of a person 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—

Restitution and disposition of property found on person arrested.

- (a) that the property or a part thereof be restored to the person who appears to the court to be entitled thereto, and, if he be the person charged, that it be restored either to him or to such other person as he may direct; or
- (b) that the property or a part thereof be applied to the payment of any costs or compensation directed to be paid by the person charged.

270. (1) Where any person is convicted of having stolen or having received stolen property, the court convicting him may order that such property or a part thereof be restored to the person who appears to it to be the owner thereof, either on payment or without payment by the owner to the person in whose possession such property or a part thereof then is, of any sum named in such order.

Restitution of property stolen.

- (2) This section shall not apply to—
- (a) any valuable security which has been *bona fide* paid or discharged by any person liable to pay or discharge the same; or
- (b) any negotiable instrument which shall have been *bona fide* received by transfer or delivery by any person for a just and valuable consideration without notice or without any reasonable cause to suspect that it had been stolen.

Destruction of articles relating to counterfeiting where charge is laid.

271. Where any person is charged with an offence relating to counterfeit coin and in that person's possession, actual or constructive, was found any counterfeit coin or any matter or thing intended to be used for the purpose of making counterfeit coins then, whether such charge proceeds to conviction or not, such coin or matter or thing shall not be returned to the person charged or to the person from whom the same was taken but shall be destroyed in such manner as the court may order and failing any such order the same shall be delivered by the court to any administrative officer or to any officer of the Accountant-General's Department, not below the grade of an assistant accountant, or to a police officer not below the rank of superior police officer, to be destroyed in such manner as such officer may see fit.

Destruction of articles relating to counterfeiting where no charge is laid.

272. Where any person comes into possession of any coin which he believes to be counterfeit or of any matter or thing which in his opinion is to be used for the purpose of making counterfeit coins he may hand such coin, matter or thing to any administrative officer, officer of the Accountant-General's Department not below the grade of an assistant accountant or to any police officer not below the rank of sub-inspector, and such administrative officer, officer of the Accountant-General's Department or police officer—

- (a) if satisfied that such coin is not counterfeit, or that any of such articles are not intended to be used for the purpose of making counterfeit coins, shall return the coin or such articles, as the case may be, to the person purporting to be the owner thereof, if known; and
- (b) if satisfied that such coin is counterfeit or such matter or thing is intended to be used for the purpose of making counterfeit coins and if no charge is to be

- preferred against any person in connexion with any such coin, matter or thing, may destroy or cause to be destroyed such coin, matter or thing in such manner and by such persons as may be approved by the Minister of Finance:

Provided that—

(i) notice shall have been given to the person who appears to be the owner of such coin, matter or thing, if such person is known and can easily be found, that such coin, matter or thing will be destroyed at the end of a specified number of days unless such owner shows that the coin is not counterfeit or that the matter or thing is not intended to be used for the purpose of making counterfeit coin; and

(ii) a reasonable time was allowed such person for providing such proof as aforesaid,

and the person who alleges that he is the owner of or otherwise entitled to such coin, matter or thing shall have no claim against any such administrative officer, officer of the Accountant-General's Department, police officer or the Government in respect of any such coin, matter or thing so destroyed.

273. Subject to the express provisions of any written law relating thereto every 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 such sale shall be applied in the like manner as if the proceeds were a penalty imposed under the written law on which the proceeding for the forfeiture is founded.

Mode of dealing with forfeiture not pecuniary.

PART XXXI.—SUMMARY PROCEDURE IN PERJURY

274. (1) If it appears to a court that a person has been guilty of perjury in any proceeding before it, the court,

Perjury. Summary procedure.

subject to the provisions of subsection (2) and in addition in the case of a magistrate to subsection (3), may—

- (a) commit him for trial upon information of perjury and bind any person by recognizance to give evidence at his trial, or
- (b) try him summarily as for a contempt of court and if he is found guilty commit him to prison for six months or fine him—
 - (i) if in the High Court, a sum of fifty pounds, and
 - (ii) if in the magistrate's court, a sum of twenty-five pounds.

(2) Where a judge or magistrate decides to try a person summarily under subsection (1) as for a contempt of court such judge or magistrate shall record in the evidence book the fact of such decision, shall specify the perjury alleged and shall direct the attention of the person to be charged to the inconsistencies upon which such charge is based and shall require him to give his explanation thereof and shall record such explanation in the book aforesaid.

(3) (a) If a magistrate orders a person to be imprisoned or to pay a fine under subsection (1) he shall neither issue his warrant of commitment nor make an order for imprisonment for non-payment of the fine but shall either remand such person or release him on a recognizance with or without sureties to come up before the court when called upon and shall forthwith forward to the Chief Justice or such judge as the Chief Justice may direct a certified copy of the proceedings and the Chief Justice or judge as aforesaid may without hearing argument and in the absence of the person concerned set aside or confirm such order or reduce the sentence of imprisonment or the amount of the fine and shall inform the magistrate as soon as practicable thereafter of his decision.

(b) If the Chief Justice or judge does not wholly set aside the magistrate's order the magistrate shall forthwith issue his warrant of commitment or make the necessary order for payment of the fine in accordance with the terms of the Chief Justice's or judge's order.

(4) Any imprisonment or fine ordered or imposed under this section shall be a bar to any other proceedings for the same offence except where the order of a magistrate has been wholly set aside.

CHAPTER III

PART XXXII.—TRIALS GENERALLY

275. (1) Trials shall be held—

Trials.

(a) in the High Court—

(i) on information, after committal for trial by a magistrate under Part XXXVI such information being filed by the Attorney-General or private prosecutor in accordance with the provisions of Part XXXVII, or

(ii) on information, filed in the court after the accused has been summarily committed for trial by a judge or magistrate under the provisions of Part XXXI, or

(iii) on information exhibited by the Attorney-General under the provisions of section 72, or

(iv) summarily in accordance with the provisions of Part XXXIII; or

(b) in magistrates' courts summarily in accordance with the provisions of Part XXXIII.

(2) When trials are being held with a jury the provisions of the Jury Law so far as provided therein, shall apply.

(Cap. 68)

276. The Chief Justice may by rule direct that any offence or class of offence shall not be triable summarily by the High Court either throughout the whole of Eastern Nigeria or in any specified part thereof.

Summary trial may be limited to parts of Eastern Nigeria specified.

CHAPTER IV

PART XXXIII.—SUMMARY TRIAL

Application

277. The provisions of this Part shall apply to offences triable summarily, that is to say—

Summary trials.

(a) to all trials in the High Court other than on information, and

(b) to all trials in the High Court in respect of offences for which it is provided that a trial can be had in the High Court otherwise than on information and for which no special procedure is provided, and

(c) to all trials in any magistrate's court to the extent of the jurisdiction of the magistrate adjudicating, and

(d) for all offences declared by any written law to be triable summarily or on summary conviction or in a summary manner or by a magistrate.

Application of parts of the Law to processes under this Chapter.

278. The provisions of this Law, other than those relating to the committal of an accused person to the High Court for trial on information therein, shall apply to trials under this Chapter save that where the provisions of this Chapter conflict with the provisions so applied the provisions of this Chapter shall prevail.

Hearing of Complaint

Time and place of hearing.

279. On the day and at the place mentioned in the summons or on the day and at the place on and to which the defendant is brought before the court under a warrant, as the case may be, the case with respect to which the complaint has been made shall be called for hearing in the court.

Non-appearance of complainant.

280. If, subject to the provisions of section 100, 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 authorized by any written law the court shall dismiss the complaint unless the court, having received a reasonable excuse for the non-appearance of the complainant or his representative or for other sufficient reason, think fit to adjourn the hearing of the same to some future day upon such terms as the court may think just.

Non-appearance of defendant.

281. (1) If when a summons case is called the defendant does not appear, or plead guilty under the provisions of section 100, and no sufficient excuse is offered for his absence then the court, if satisfied that the summons, if any, has been duly served, may issue a warrant, called a bench warrant, for his arrest or if not satisfied that the summons has been duly served or if a warrant had been issued, in the first instance, for the apprehension of the defendant the court may adjourn the hearing of the case to some future day, in order that proper service may be effected or until the defendant be apprehended, as the case may be.

(2) If the defendant is afterwards apprehended on a bench warrant or other warrant as aforesaid, he shall be brought before the magistrate who shall thereupon commit him by warrant to prison or to such other place of safe custody as he may think fit, and order him to be brought at a certain time and place before the court; and of such time and place the complainant shall, by direction of the magistrate, be served with due notice.

282. (1) If, when the case is called neither the complainant nor the defendant appears, the court shall make such order as the justice of the case requires. Non-appearance of both parties.

(2) In such order the court may include such direction as to the payment of costs as to the court shall seem fit, and the payment of such costs may be enforced in the manner and subject to the conditions set forth in Part XLIII as if it were a fine.

283. If, when the case is called both the complainant and the defendant appear, the court shall proceed to hear and determine the case. Appearance of both parties.

284. If a complainant at any time before a final order is made in any case under this Chapter satisfies the court that there are sufficient grounds for permitting him to withdraw his complaint the court may permit him to withdraw the same and shall thereupon acquit the accused unless the court directs that the accused instead of being acquitted shall be discharged. Withdrawal of complaint.

285. (1) At the commencement of the hearing, the court shall state or cause to be stated to the defendant the substance of the complaint, and shall ask him whether he is guilty or not guilty. Manner of hearing.

(2) If the defendant says that he is guilty and the court is satisfied that he intends to admit the offence and shows no cause or no sufficient cause why sentence should not be passed the court shall proceed to sentence.

Witnesses in general to be out of hearing. (Cap. 49)

(3) If the defendant says that he is not guilty the court shall direct that all witnesses shall leave the court and upon such direction the provisions of section 186 of the Evidence Law shall apply:

Provided that the judge or magistrate may in his discretion permit professional and technical witnesses to remain in court:

Provided further that failure to comply with the provisions of this subsection shall not invalidate the proceedings.

(4) The court shall then proceed to hear the complainant and such witnesses as he may call and such other evidence as he may adduce in support of his complaint, and also to hear the defendant and such witnesses as he may call and such other evidence as he may adduce in his defence and also, if the court thinks fit, to hear such witnesses as the complainant may call in reply if the defendant has called any witnesses or given any evidence.

(5) The complainant and the defendant may put questions to each witness called by the other side and where the defendant gives evidence he may be cross-examined.

(6) If the defendant is not represented by a legal practitioner the court shall at the close of the examination of each witness for the prosecution ask the defendant whether he wishes to put any questions to that witness, and shall record his answer on the minutes.

Discharge of accused when no case to answer.

286. If 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.

Defence.

287. (1) At the close of the evidence in support of the charge if 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 upon him for his defence and—

(a) if the defendant is not represented by a legal practitioner, the court shall inform him that he has three alternatives open to him, namely—

(i) he may 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

(ii) he may give evidence in the witness box, after being sworn as a witness; in which case he will be liable to cross-examination, or

(iii) he need say nothing at all, if he so wishes, and in addition the court shall ask him if he has any witnesses to examine or other evidence to adduce in his defence and the court shall then hear the defendant and his witnesses and other evidence, if any; and

(b) if the defendant is represented by a legal practitioner, the court shall call upon the legal practitioner to proceed with the defence.

(2) If the defendant or his legal practitioner states that he has witnesses to call but that they are not present, the court may, in the circumstances set forth in sections 186 to 193 take the steps therein mentioned to compel their attendance.

288. Failure to comply with the requirements of paragraph (a) in section 287 shall not of itself vitiate the trial provided that the court called upon the defendant for his defence and asked him if he had any witnesses and heard the defendant and his witnesses and other evidence, if any. Saving as to section 287 (1) (a).

289. If the defendant adduces in his defence new matter which the complainant could not foresee the complainant may, with the leave of the court, adduce evidence to rebut such first mentioned evidence. Evidence in reply.

290. Whenever it appears to the court that any person who is so dangerously ill or hurt that there is a possibility he may not recover is able and willing to give material evidence relating to any offence triable summarily and it shall not be practicable to take the evidence in accordance with the provisions of this Law of the person so ill or hurt such magistrate may take in writing the statement on oath or affirmation of such person, shall subscribe the same and certify that it contains accurately the whole of the statement made by such person, and shall add a statement of his reason for taking the same and of the date and place when and where the same was taken, and shall preserve such statement and file it for record. Power to take evidence of persons dangerously ill.

291. The court shall cause reasonable notice of the intention to take the same and of the time and place where it is to be taken to be served upon the prosecutor and accused and Notices to be given to parties.

if the accused is in custody he shall be brought by the person in whose charge he is under an order in writing of the magistrate to the place where the statement is to be taken.

Trans-
mission of
statement.

292. If the statement relates to an offence for which any person is subsequently committed for trial under Part XXXVI it shall be transmitted to the court in which such person is to be tried and a certified copy shall be transmitted to a law officer, state counsel or Provincial Secretary as may be most convenient.

When state-
ment may be
used in
evidence.
(Cap. 49)

293. (1) Such statement so taken may afterwards be used in evidence on the trial of any person accused of an offence to which the same relates in accordance with the provisions of section 35 of the Evidence Law.

(2) The signature and attestation of the judge or magistrate shall be sufficient *prima facie* proof of any statement, and that the same was taken in all respects according to law and such attestation and signature shall be admitted without further proof unless the court shall see reason to doubt the genuineness thereof.

Notes of
evidence to
be taken.

294. (1) The court shall, in every case take notes in writing of the oral evidence, or so much thereof as it considers is material, in a book to be kept for that purpose and such book shall be signed by the judge or magistrate at the conclusion of each day's proceeding.

(2) No person shall be entitled, as of right, to inspection of or to a copy of the record so kept as aforesaid save as may be expressly provided for by the rules.

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

Local
inspection.

295. It shall be the duty of a court trying a case summarily to make or cause to be made such local inspection as the circumstances of the case may require.

Cross
complaints.

296. 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 such first named case either by himself or themselves or together with another person or persons against the complainant or complainants in the first named case either by himself or themselves or together with

another person or persons and such cross-complaints are with reference to the same matter the court may, if it thinks fit, hear and determine such complaints at one and the same time.

297. Where two or more complaints are made by one or more parties against another party or parties and such complaints refer to the same matter, such complaints may, if the court thinks fit, be heard and determined at one and the same time.

Joinder of
complaints.

298. If, in the course of the hearing, circumstances should appear which causes the court to be of the opinion that the offence, on account of its aggravated character or other sufficient reason, is not suitable to be disposed of by such court, then such court may, instead of adjudicating, commit the accused for trial before the High Court and shall follow the procedure in Part XXXVI in relation to preliminary inquiries.

Procedure
where
offence
appears
unsuitable
for determi-
nation by
court of
limited
jurisdiction.

Making of Order

299. Upon 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 accused and may make such other order as may seem just.

Giving of
decision
upon con-
clusion of
hearing.

Binding Over

300. On any summary trial the court may, whether the complaint be dismissed or not, bind over the complainant or defendant, or both or any of them, with or without a surety or sureties, to be of good behaviour, and may order any person so bound, in default of compliance with the order, to be imprisoned for any term not exceeding three months, with or without hard labour, in addition to any other punishment to which such person is liable.

Power to
bind parties
to be of good
behaviour.

Dismissal and Acquittal

301. (1) Where a complaint is dismissed and such dismissal is stated to be on the merits such dismissal shall have the same effect as an acquittal.

Effect of
judgment of
dismissal
"on merits",
"not on
merits" and
"without
prejudice"
Part XIX.

(2) Where a complaint is dismissed and such dismissal is stated to be not on the merits or to be without prejudice such dismissal shall not have the same effect as an acquittal.

PART XXXIV.—SUMMARY TRIAL BY
MAGISTRATE OF CHILD OR YOUNG PERSON
CHARGED WITH AN INDICTABLE OFFENCE

Summary
trial of child
by magistrate
for indictable
offence.

302. (1) Where a child or young person is charged before a magistrate with any indictable offence, other than a capital offence, the magistrate, if he thinks it expedient so to do, may, subject to the extent of his jurisdiction and without consulting the parent or guardian, deal summarily with the offence and, in case of the child or young person being found guilty, inflict the same description of punishment as might have been inflicted if the case had been tried on indictment:

Provided that in the case of a child—

- (a) where a penalty is awarded, the amount shall not in any case exceed two pounds;
- (b) when the child is a male, the court may, either in addition to or in lieu of any other punishment order the child to undergo corporal punishment, or to be sent to a Government establishment or an institution, or to both undergo corporal punishment and be sent to a Government establishment or an institution;
- (c) when the child is a female, the magistrate may, either in addition to or in lieu of any other punishment, order the child to be sent to a Government establishment or an institution.

(2) For the purpose of proceedings under this section the magistrate shall, at any time during the hearing of the case at which it becomes satisfied by the evidence that it is expedient to deal with the case summarily cause the charge to be reduced into writing if this has not been already done.

(3) Nothing in this section shall be construed as authorizing the trial of an infant.

Whipping.
In accord-
ance with
Part XLII.

303. Where a court orders a child or young person to undergo corporal punishment such punishment shall be carried out in accordance with the provisions of Part XLII relating to corporal punishment.

PART XXXV.—SUMMARY TRIAL BY MAGISTRATE
OF ADULT CHARGED WITH AN
INDICTABLE OFFENCE

304. (1) Where a person who is an adult is charged before a magistrate's court with any indictable offence other than a capital offence, the court may, subject to the extent of the jurisdiction of the magistrate adjudicating, deal summarily with the offence:

Summary
trial by
magistrate of
indictable
cases.

Provided that where the prosecution is conducted by a law officer the magistrate shall not deal with the case summarily without the consent of that law officer.

(2) If a magistrate at any time during the hearing of a charge for such an indictable offence as aforesaid against a person who is an adult becomes satisfied that it is expedient to deal with the case summarily the magistrate shall thereupon, for the purpose of proceedings under this section, cause the charge to be reduced into writing, if this has not been already done, and read to the accused and shall address to him a question to the following effect—

Procedure
for obtaining
consent to
summary
trial.

“Do you desire to be tried by a judge of the High Court or with a jury, as the case may be, or do you consent to the case being dealt with summarily by this court?”

with a statement, if the magistrate thinks such a statement desirable, of the meaning of the case being dealt with summarily and of the sitting of the High Court at which he is likely to be tried, if committed for trial and, if the accused consents to be tried summarily, shall forthwith ask him the following question—

“Do you plead guilty or not guilty?”

(3) If the magistrate shall not inform the accused of his right to be tried by a judge of the High Court or with a jury, as the case may be, the trial shall be null and void *ab initio* unless the accused consents at any time before being called upon to make his defence to be tried summarily by a magistrate in which case the trial shall proceed as if the accused had consented to being tried summarily by a magistrate before the magistrate proceeded to hear evidence in the case.

Trial without
consent void.

*There are no offences triable by jury at present.

- (4) Any written law in force at the commencement of this Law which relates to the summary trial by a magistrate of indictable offences or which refers to indictable offences which are triable summarily by a magistrate shall, subject to the provisions of this section, be construed, as the case may be, as applying to summary trial by a magistrate of indictable offences under this section or as referring to all indictable offences which are triable summarily by a magistrate thereunder.

Power to remand person charged.

305. (1) A magistrate, without prejudice to any other power which he may possess 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.

(2) A person may be remanded under this section in like manner in all respects as a person accused of an indictable offence may be remanded.

Law officer may require case to be adjourned or dealt with specially.

306. A law officer in the case where any charge of an indictable offence is being proceeded with summarily by a magistrate under the provisions of this Part may, at any time before the decision thereof, by order in writing under his hand, require such magistrate to deal with the same as one for trial on indictment and on receipt of such requisition the magistrate shall deal with such case accordingly.⁽¹⁾

Adjournment for law officer's decision.

307. Where an adult charged with an indictable offence is being tried summarily by a magistrate such magistrate shall, at the request of any person in charge of the prosecution made at any time before the decision in the case, adjourn the hearing of the charge in order that a law officer may be consulted with a view to obtaining an order as in the last immediately preceding section mentioned to have the case dealt with as one for trial on indictment.

General provisions as to dealing summarily with indictable offence.

308. Where an indictable offence is in the circumstances mentioned in this Part authorized to be dealt with summarily by a magistrate—

- (a) the procedure shall, until the court assumes the power to deal with the offence summarily be the same in all respects as if the offence were to be dealt with through-

⁽¹⁾ See section 298.

out as an indictable offence, but when and so soon as the court assumes the power to deal with such offence summarily, the procedure shall be the same from and after that period as if the offence were a summary conviction offence and not an indictable offence, and the other provisions of this Law shall apply accordingly:

Provided that nothing herein contained shall be construed to prevent the court from dealing thereafter with the offence as an indictable offence, if it thinks fit so to do;

- (b) the evidence of any witness taken before the court assumed the power to deal with the offence summarily need not be taken again but every such witness shall, if the defendant so requires, be recalled for the purpose of cross-examination;
- (c) the conviction for any such offence shall be of the same effect as a conviction on a trial on indictment for the offence;
- (d) where the court has assumed the power to deal with the offence summarily and dismisses the complaint on the merits it shall, if required, deliver to the person charged a copy, certified under the hand of the magistrate, of the order of dismissal, and such dismissal shall be of the same effect as an acquittal on a trial on indictment for the offence.

309. Any person convicted of any indictable offence tried summarily may, instead of or in addition to any punishment to which he is liable, 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 time to be fixed by the court and may be ordered to be imprisoned until such recognizance, with sureties if so directed, is entered into but so that the imprisonment for not entering into the recognizance shall not extend for a term longer than one year and shall not 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.

Security for keeping the peace, in indictable cases triable summarily.

CHAPTER V

PART XXXVI.—PRELIMINARY INQUIRY BY
A MAGISTRATE INTO AN INDICTABLE
OFFENCE*Place of Inquiry not an Open Court*Preliminary
inquiry not
an open
court.

310. The room or place in which a preliminary inquiry is held or in which a statement under section 319 is taken is not an open or public court for that purpose, and the court may, if it thinks that the ends of justice shall be best answered by so doing, order that no person have access to or be or remain in that room or place without the express permission of the court.

*Local Inspection and Medical Examination*Making of
local inspec-
tion and
examination
of injured
person.

311. (1) It shall be the duty of a magistrate holding a preliminary inquiry—

- (a) to make or cause to be made such local inspection as the circumstances of the case may require; and
- (b) if necessary in any case of homicide or serious injury to the person, to cause the body of the person killed or, if he consents, of the person injured to be examined by a qualified medical practitioner, if any such can be had, and if not then, if the court considers it necessary, by the most competent person that can be obtained, and the deposition of such medical officer or other person shall afterwards, if necessary, be taken.

(2) Every qualified medical practitioner or other person as aforesaid who refuses or neglects, without reasonable excuse, to comply with any order or direction of a magistrate given under this section shall be liable, on summary conviction, to a penalty of one hundred pounds.

Provisions
applicable to
the taking of
evidence in
an indictable
case.
Taking of
evidence for
prosecution.

312. Where under the provisions of this or any other Law or Act a magistrate holds a preliminary inquiry the following provisions shall apply—

- (a) When an accused person is before a magistrate, the magistrate shall cause the substance of the complaint to be stated to the accused who shall not be required to make any reply thereto; if any such reply is made it shall not be recorded by the magistrate.

- (b) The witnesses for the prosecution shall be examined apart from each other unless the magistrate thinks it is necessary or conducive to the ends of justice that any particular witness should be permitted or required to be present during the whole or any part of the examination of any other of the witnesses.
- (c) The evidence of such witnesses shall be given in the presence of the accused and the accused shall be entitled to cross-examine them and shall be informed of such right if not represented by a legal practitioner.
- (d) The evidence of every such witness shall be taken down in writing by the magistrate in the form of a deposition.
- (e) Such deposition shall be read over to the witness in the presence and hearing of the accused and shall be signed by the witness and the magistrate and by the interpreter, if any, or if the witness refuses to sign or is incapable of signing then by the magistrate and the magistrate shall as soon as practicable thereafter bind over the witness to attend the trial in manner hereinafter provided.
- (f) Any witness who refuses without reasonable excuse to sign his deposition may be committed by the magistrate holding the inquiry by warrant to prison or other place of safe custody there to be kept until after the trial or until the witness signs his deposition before a magistrate:

Provided that if the accused person is afterwards discharged, the magistrate may order any such witness to be discharged.

313. (1) The magistrate holding the preliminary inquiry shall bind over every witness for the prosecution whose deposition has been taken to attend to give evidence at the trial of the accused person before the High Court.

Binding over
of witnesses
for prosecu-
tion.

(2) Every witness so bound over shall enter into a recognizance and such recognizance shall specify the name and surname of the person entering into it, his occupation or profession, if any, and his address.

(3) Such recognizance may be either at the foot of the deposition or separate therefrom, and shall be acknowledged by the person entering into it, and be subscribed by the magistrate before whom it is acknowledged.

(4) Any witness who refuses, without reasonable excuse, to enter into such recognizance may be committed by the magistrate holding the inquiry by a warrant to prison or other place of safe custody, there to be kept until after the trial, or until the witness enters into such recognizance before a magistrate:

Provided that if the accused person is afterwards discharged, any magistrate may order any such witness to be discharged forthwith.

Provisions as to taking of depositions, and caution to and statement of accused on proceedings before magistrate.

314. (1) If at the close of the evidence for the prosecution a *prima facie* case has in the opinion of the magistrate been established against the accused, immediately after the last witness for the prosecution has been bound over to attend the trial the magistrate shall again read the charge or read the amended or substituted charge to the accused and explain the nature thereof to him in ordinary language and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf.

(2) After so doing the magistrate shall then address to him the following words or words to the like effect—

“Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial.”

(3) Before the accused makes any statement in answer to the charge, the magistrate shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatsoever he then says may be given in evidence on his trial notwithstanding the promise or threat.

(4) (a) Whatever the accused then states in answer to the charge shall be taken down in full and shall be read over to the accused who shall be at full liberty to explain or add to his statement which shall be signed by the magistrate and also, if the accused so desires, by him and shall be transmitted to the court of trial with the depositions of the witnesses in manner hereinafter provided.

(b) On the trial the statement of the accused taken down as aforesaid, and whether signed by him or not may be given in evidence without further proof thereof unless it is proved that the magistrate purporting to sign the statement did not in fact sign it.

(5) (a) Immediately after complying with the requirements of this section relating to the statement of the accused and whether the accused has or has not made a statement the magistrate shall ask the accused whether he desires to give evidence on his own behalf and whether he desires to call witnesses.

(b) If the accused in answer to the question states that he wishes to give evidence but not to call witnesses the magistrate shall proceed to take forthwith the evidence of the accused, and after the conclusion of the evidence of the accused the legal practitioner, if any, appearing for the accused shall be heard on his behalf if he so desires.

(c) If the accused in answer to the question states that he desires to give evidence on his own behalf and to call witnesses or to call witnesses only the magistrate shall proceed to take either forthwith, or if an address is to be made by a legal practitioner on behalf of the accused after the conclusion of that address, the evidence of the accused, if he desires to give evidence himself, and of any witness called by him who knows anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

(d) All statements made by the accused shall be taken down in writing and all evidence given by him or any such witness as aforesaid under this subsection shall be taken down in writing in the form of a deposition and the provisions of paragraph (e) of section 312 relating to the reading over and signing of depositions of witnesses for the prosecution shall apply to such depositions. Such statement and depositions shall be transmitted to the court of trial together with the other depositions of the witnesses for the prosecution.

315. If the accused person states that he has witnesses to call but that they are not present in court and the court is satisfied that the absence of the witnesses is not due to any fault or neglect of the accused and that there is a likelihood that they could if present give material evidence on his

Procedure where witnesses for defence not present.

behalf the court may adjourn the inquiry and issue process, or take other steps, to compel the attendance of such witnesses.

Binding over
of witness
for defence.

316. (1) The magistrate holding the preliminary inquiry shall bind over every witness for the defence whose evidence is, in the opinion of the magistrate, material, to give evidence at the trial of the accused person before the court.

(2) Every witness so bound over shall enter into a recognizance and such recognizance shall be in the same form and contain the same matters so far as may be applicable as the recognizance entered into under section 313.

Statement
generally
admissible.

317. Nothing contained in section 314 shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.

Court may
take further
evidence
after close of
case for pro-
secution.

318. Notwithstanding anything in sections 312, 314, 315 and 319 contained the magistrate may if he thinks fit and although the case for the prosecution has been closed take the evidence of further witnesses for the prosecution or recall any witness for further examination.

Deposition
of witness
unable to
attend.

319. (1) Where any person able to give material evidence in respect of an indictable offence in respect of which preliminary inquiry is proceeding is, from illness or injury, unable to attend at the place where the magistrate usually sits, any magistrate shall have power to take the deposition of such person at the place where such person is.

(2) The magistrate taking the deposition shall, where practicable, by an order in writing under his hand, cause reasonable notice to be served on the prosecutor and the accused, if not in custody, of his intention to take the same and of the time and place where it is to be taken; and if the accused is in custody, direct the officer in charge of the prison having the custody of the accused to cause him to be conveyed to the place where the examination is to be taken, for the purpose of being present when it is taken, and to be taken back to prison afterwards.

(3) The provisions of section 312 of this Law relating, subject to the provisions of section 310, to the persons who may be present at the taking of the deposition, to cross-examination, to the taking down of the evidence and to the

reading over and signing of the deposition shall, so far as the same are applicable, apply to depositions taken under this section.

(4) Every deposition taken under this section, if such deposition was taken by some other magistrate, shall be forwarded to the magistrate by whom the preliminary inquiry into such indictable offence is being or has been held and such deposition shall be treated in all respects in the same way and shall be considered for all purposes as a deposition taken upon the preliminary inquiry.

(5) In this section "magistrate" includes a magistrate of a court established for any other Region.

320. Should the magistrate initiating the preliminary inquiry be unable for any sufficient reason to continue it after an adjournment it shall not be necessary for his successor to recommence such inquiry, unless it appears to him that the case is one on which he should adjudicate finally, but he shall read over aloud in the presence of the parties the depositions already taken.

A magistrate
may continue
a preliminary
inquiry
begun by
another
magistrate.

321. The magistrate taking depositions shall cause all writings and other articles exhibited by the witnesses, or any of them, to be inventoried and labelled, or otherwise marked, in the presence of the person producing the same, so that the same may be identified at the trial.

Marking of
exhibits.

322. The signature of the magistrate shall be at the end of the deposition of each witness called for the prosecution and for defence and at the end of any statement made by the accused in answer to the charge and shall thereby authenticate the deposition of the witness and the statement made by the accused.

Magistrate to
authenticate
depositions
and state-
ment of the
accused.

323. The magistrate before determining whether he will or will not commit any accused person for trial shall take into consideration his statement or any such evidence as is given by him or his witnesses.

Magistrate
shall consi-
der defence
before com-
mitting.

324. Where there is a conflict of evidence, the magistrate shall consider the evidence to be sufficient to put the accused on his trial if the evidence against him is such as, if uncontradicted, would raise a probable presumption of his guilt.

Where
evidence
contradic-
tory.

Discharge or Committal for Trial

Discharge.

325. (1) If the court considers that the evidence against the accused is not sufficient to put him on his trial, the court shall forthwith order him to be discharged as to the particular charge under inquiry but such discharge shall not be a bar to any subsequent charge in respect of the same facts.

(2) If the accused is discharged any recognizance taken in respect of the charge shall then become void.

(3) Nothing contained in this section shall prevent the court from either forthwith, or after such adjournment of the investigation as may seem expedient in the interests of justice, proceeding to investigate any other charge upon which the accused may have been summoned or otherwise brought before the court, or which in the course of the charge so dismissed as aforesaid it may appear that the accused has committed.

Commitment.

326. If the magistrate considers the evidence sufficient to put the accused on his trial, he shall commit him for trial to the High Court and shall, until the trial, either admit him to bail or send him to prison for safe keeping. The warrant of the magistrate's court shall be sufficient authority to the person in charge of any prison appointed for the custody of prisoners committed for trial, although out of the district to which such magistrate is assigned.

Allegation at preliminary inquiry that accused was insane at time of offence.

327. When the accused appears to be of sound mind at the time of the preliminary inquiry, the court, notwithstanding that it is alleged that at the time when the act was committed, in respect of which the accused person is charged, he was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong and contrary to law, shall proceed with the case, and, if the accused ought to be committed for trial, the court shall so commit him.

Procedure when accused does not understand proceedings.

328. If the accused, though not insane, cannot be made to understand the proceedings, the magistrate may proceed with the preliminary investigation; and if such investigation results in a committal for trial, the proceedings shall be forwarded to the High Court with a report of the circumstances, and the High Court shall pass thereon such order as could have been made by the High Court of Justice in England under any powers vested therein immediately before the 1st of October, 1960.

Conditional Binding over of Witnesses

329. (1) Notwithstanding the provisions of sections 313 and 316 where any person charged before a magistrate with an indictable offence is committed for trial and it appears to the magistrate, after taking into account anything which may be said with reference thereto by the accused or the prosecutor, that the attendance at the trial of any witness who has been examined before him is unnecessary by reason of anything contained in any statement by the accused, or of the accused having pleaded guilty to the charge or of the evidence of the witness being merely of a formal nature the magistrate shall if the witness has not already been bound over, bind him over to attend the trial conditionally upon notice being given to him and not otherwise, or shall, if the witness has already been bound over, direct that he shall be treated as having been bound over to attend only conditionally as aforesaid, and shall transmit to the court of trial a statement in writing of the names, addresses and occupations of the witnesses who are, or who are to be treated as having been, bound over to attend the trial conditionally.

Binding over of witnesses conditionally.

(2) Where a witness has been, or is to be treated as having been, bound over conditionally to attend the trial, the prosecutor or the person committed for trial may give notice—

(a) at any time before the record of the preliminary inquiry is transmitted to the court of trial in accordance with the provisions of section 330, to the registrar of the magistrate's court; and

(b) at any time thereafter to the registrar of the court of trial, that he desires the witness to attend at the trial, and any such registrar to whom any such notice is given shall forthwith notify the witness that he is required so to attend in pursuance of the recognizance.

(3) The magistrate shall on committing the accused for trial inform him of his right to require the attendance at the trial of any such witness as aforesaid and of the steps which he must take for the purpose of enforcing such attendance.

(4) Where any person has been committed for trial for any offence, the deposition of a witness whose attendance at the trial is stated to be unnecessary in accordance with the foregoing provisions of this section may, if the conditions hereinafter set out are satisfied, without further proof be

read as evidence on the trial of that person, whether for that offence or for any other offence arising out of the same transaction, or set of circumstances, as that offence.

The conditions hereinbefore referred to are the following—

- (a) It must be proved at the trial, either by a certificate purporting to be signed by the magistrate before whom the deposition purports to have been taken, or by the oath of a credible witness, that the deposition was taken in the presence of the accused and that the accused or a legal practitioner on his behalf had full opportunity of cross-examining the witness.
- (b) The deposition must purport to be signed by the magistrate before whom it purports to have been taken:

Provided that the provisions of this subsection shall not have effect in any case in which it is proved—

- (i) that the deposition, or where the proof required by paragraph (a) of this subsection is given by means of a certificate, that the certificate, was not in fact signed by the magistrate by whom it purports to be signed; or
- (ii) that the witness by whom the deposition was made has been duly notified that he is required to attend the trial.

Transmission of Depositions, Recognizances and Exhibits

Returns to be made to court and Attorney-General.

330. The written charge, if any, the depositions, the statement of the accused, his answers recorded under subsection (5) (a) of section 314, if any, the recognizances of the prosecutor and witnesses and the recognizances of bail, if any, and any documents and exhibits which have been put in evidence, shall be transmitted in proper time to the registrar of the court before which the trial is to be held; and an authenticated copy of the depositions and statement and answer aforesaid and where practicable of any documents which have been put in evidence shall be transmitted to the Attorney-General.

Depositions free of charge for persons committed.

331. A person who has been committed for trial shall be furnished free of charge, before the trial with a copy of the depositions and where practicable of any documents which have been put in evidence:

Provided that if the person committed states he does not wish such copies it shall not be necessary to supply them.

Adjudication by Magistrate instead of Committal for Trial

332. If it shall appear to the magistrate in the course of a preliminary inquiry that the offence is one which the court has jurisdiction to try summarily and is of such a nature that it can be suitably dealt with under the powers in criminal cases possessed by the court, he may, subject to the provisions of Parts XXXIII and XXXV hear and finally determine the matter, and either convict the accused or dismiss the charge:

When court may adjudicate finally.

Provided that in every such case the accused shall be entitled to have recalled for cross-examination all witnesses for the prosecution whom he had not already cross-examined or fully cross-examined.

*Control of the Attorney-General in Proceedings in which an Accused has been committed for Trial**

333. (1) At any time after the receipt of the depositions and other documents mentioned in section 330 and before the indictment is filed, the Attorney-General may, if he thinks fit, refer back the case to the magistrate with directions to reopen the inquiry for the purpose of taking further evidence, and with such other directions as he thinks proper. If a case is referred back as herein provided the inquiry shall be reopened and the case shall be dealt with in all respects as if the accused person had not been committed for trial.

Attorney-General may refer back case for further evidence.

(2) Any directions given by the Attorney-General under this section shall be in writing signed by him, and shall be put into effect by the magistrate.

(3) The Attorney-General may at any time add to, alter or revoke any such directions.

(4) If upon receipt of the depositions, and other documents mentioned in section 330 whether or not the inquiry has been reopened under this section, the Attorney-General is of opinion that the accused person should not have been committed for trial but that the case should have been dealt with summarily, the Attorney-General may, if he thinks fit, refer back the case to the magistrate with directions to deal with the same accordingly, and with such other directions as he may think proper.

Attorney-General may refer back case to be dealt with summarily.

*See footnote to section 72.

- (d) after the statement of offence, particulars of that offence shall be set out in ordinary language:

Provided that where any written law limits the particulars of an offence which are required to be given in an information nothing in this paragraph shall require any more particulars to be given than those so required;

- (e) where an information contains more than one count, the counts shall be numbered consecutively.

Forms in Third Schedule.

(2) The forms set out in the Third Schedule hereto or forms conforming thereto as nearly as may be shall be used in the cases to which they are applicable and in other cases forms to the like effect or conforming thereto as nearly as may be shall be used, the statement of offence and the particulars of offence being varied according to the circumstances of each case.

Application of sections 151 to 180 to informations.

339. The provisions of section 151 to 180 shall apply *mutatis mutandis* to counts of an information save that no other charge shall be joined with a charge punishable with death and not more than one charge punishable with death shall be charged in the same information.

Proceedings preliminary to Trial

Procedure on information of offenders.

340. (1) Subject to the provisions of this section an information charging any person with an indictable offence may be preferred by any person before the High Court charging any person with an indictable offence for which that person may lawfully be indicted, and wherever an information has been so preferred the registrar shall, if he is satisfied that the requirements of the next following section have been complied with, file the information and it shall thereupon be proceeded with accordingly:

Provided that if the registrar shall refuse to file an information, a judge, if satisfied that the said requirements have been complied with, may, on the application of the prosecutor or on his own motion, direct the registrar to file the information and it shall be filed accordingly.

(2) Subject as hereinafter provided no information charging any person with an indictable offence shall be preferred unless either—

- (a) the person charged has been committed for trial; or
(b) the information is preferred by the direction or with the consent of a judge or pursuant to an order made under Part XXXI to prosecute the person charged for perjury:

Provided that—

(i) where the person charged has been committed for trial, the information against him may include, either in substitution for or in addition to counts charging the offence for which he was committed, any counts founded on facts or evidence disclosed in any examination or deposition taken before a magistrate in his presence, being counts which may lawfully be joined in the same information;

(ii) a charge of a previous conviction of an offence or of being an habitual criminal or of being an habitual drunkard may, notwithstanding that it was not included in the committal or in any such direction or consent as aforesaid, be included in the information.

(3) If an information preferred otherwise than in accordance with the provisions of the last foregoing subsection has been filed by the registrar the information shall be liable to be quashed:

Provided that—

- (a) if the information contains several counts, and the said provisions have been complied with as respects one or more of them, those counts only that were wrongly included shall be quashed under this section; and
(b) where a person who has been committed for trial is convicted on any information or on any count of an information, that information or count shall not be quashed under this section in any proceedings on appeal, unless application was made at the trial that it should be so quashed.

341. All informations shall, subject to the provisions of section 342, be signed by the Attorney-General.

*See footnote to section 72.

Provisions antecedent to preferring information.

Information liable to be quashed.

Signing of information.

Information
by private
person.

342. The registrar shall receive an information from a private person if—

- (a) it has endorsed thereon a certificate by the Attorney-General to the effect that he has seen such information and declines to prosecute at the public instance the offence therein set forth; and
- (b) such private person has entered into a recognizance in the sum of fifty pounds, together with one surety to be approved by the registrar in the like sum, to prosecute the said information to conclusion at the times at which the accused shall be required to appear and to pay such costs as may be ordered by the court, or, in lieu of entering into such recognizance shall have deposited fifty pounds in court to abide the same conditions.

Conditions
for private
prosecutors.

343. Where any private person has complied with the provisions of section 342 the information shall be signed by such person and not by the Attorney-General and such person shall be entitled to prosecute the information.

Venue

Venue.

344. The place of trial shall be determined in accordance with the provisions of section 64.

Change of
venue.
Cause
commenced
in wrong
division.

345. Notwithstanding the provisions of section 344—

- (a) where any cause is commenced in any other division than that in which it ought to have been commenced, it may, notwithstanding, be tried therein, unless the defendant shall object thereto at or before the time when he is called upon to plead or to state his answer in such cause, and
- (b) either the prosecutor or the accused, whenever he considers that the ends of justice so require, in any case may apply to the court either to transfer the hearing from one division to another or from one part of one division to another part of the same division.

Either party
may petition
for change of
venue.

346. Where any case shall be transferred from one place in a division to another place in the same division or to another division such case shall be tried and determined at the place or in the division to which it has been so transferred; and all recognizances, subpoenas, and proceedings in or relating to

Effect of
change of
venue.

*See footnote to section 72.

the case shall thereupon be deemed to be returnable at such latter place or division and all witnesses who are bound by recognizances or summoned to attend the trial shall be informed accordingly and shall attend at such latter place or division.

Notice of Trial

347. The registrar or his deputy, or any other person directed by the court, shall endorse on, or annex to, every information and every copy delivered to the sheriff or proper officer, for service thereof, a notice of trial, which notice shall specify the particular sessions at which the party is to be tried on the said information and shall be in the following form, or as near thereto as may be—

Form of
notice of
trial.

A.B. Take notice that you will be tried on the information whereof this is a true copy, at the sessions to be held at
on the _____ day of _____, 19 .

348. The registrar or other proper officer shall deliver, or cause to be delivered, to the sheriff or proper officer serving the information, a copy thereof, with the notice of trial endorsed on the same or annexed thereto, and if 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.

Copy of
information
and notice of
trial to be
delivered to
sheriff.

349. (1) The sheriff or other proper officer aforesaid shall, as soon as may be after having received a copy of the information and notice of trial, and three days at least before the day specified therein for trial, or within such lesser time as the court may for good cause order, by himself or his deputy or other officer, deliver to the party charged the said copy and notice and explain to him the nature thereof, and when the said party is not in custody or shall have been admitted to bail and cannot readily be found he shall leave a copy of the said information and notice of trial with some one of his household for him at his dwelling-house, or with some one of his bail, for him, and if none such can be found, shall affix the said copy and notice to the outer or principal door of the dwelling-house of the party charged or of any of his bail:

Time and
mode of
summoning
parties on
information.

Provided that nothing herein contained shall prevent any person in custody or awaiting trial at the opening of or during any sessions, from being tried thereat, if he shall have been

Prisoner may
be tried at
once.

served with a copy of the information and notice of trial not less than three days before the date on which he is to be tried:

Provided further that such last mentioned period of three days may be reduced to a shorter period if such person shall express his assent thereto and no special objection be made thereto on the part of the State.

(2) The sheriff or other proper officer shall in like manner deliver to each witness the said notice of trial.

Return of service.

350. The officer serving the copy of the said information and notices shall forthwith make to the registrar or other proper officer a return of the mode of service thereof.

Proceedings at Trial and subsequent Proceedings

Bench warrant where accused person does not appear.

351. Where any person against whom an information has been duly preferred, and who is then at large, does not appear to plead to such information, whether he is under recognizance to appear or not, the court may issue a warrant for his apprehension.

Counsel for State and defence in capital cases.

352. Where a person is accused of a capital offence the State shall, if practicable, be represented by a law officer, State counsel or legal practitioner and if the accused is not defended by a legal practitioner the court shall, if practicable, assign a legal practitioner for his defence.

Arraignment.

353. The person to be tried upon an information shall be arraigned in accordance with the provisions contained in Part XXIV relating to the taking of pleas and the procedure thereon.

Attendance of Witnesses

Attendance of witness bound by recognizance to attend.

354. Every person who is bound by recognizance to attend at any criminal sessions as a witness, whether for the prosecution or for the defence, in any case to be tried at such sessions, shall, if he has received a subpoena or notice, be bound to attend the court on the day appointed for the trial of such case, and on subsequent days of the sessions, until the case has been disposed of or until he has been discharged by the court from further attendance.

355. If any person who has been bound by recognizance to attend as a witness, whether for the prosecution or for the defence, at the trial of any case does not attend the court on the day appointed for the trial of such case after having been served with notice of the trial, and no reasonable excuse is offered for such non-attendance, the court may issue a warrant to apprehend such person, and to bring him, at a time to be mentioned in the warrant, before the court in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Warrant for apprehension of witness not attending on recognizance.

356. If any person to whom any writ of subpoena is directed does not attend the court at the time and place mentioned therein, and no reasonable excuse is offered for such non-attendance, then, upon the court being satisfied that the writ was duly served or that the person to whom the writ is directed wilfully avoids service and that such person is likely to give material evidence, the court may issue a warrant to apprehend such person, and to bring him, at a time to be mentioned in the warrant, before the court in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Warrant for apprehension of witness disobeying summons.

357. Every person who makes default in attending as a witness in either of the cases mentioned in the two last preceding sections shall be liable, on the summary order of the court, to a fine of twenty pounds, and in default of payment, to imprisonment for a term of two months.

Fine for non-attendance of witness.

358. Every person whose attendance as a witness, whether for the prosecution or for the defence, is required in any case, and who has not been bound by recognizance to attend as a witness at the criminal sessions at which such case is to be tried, may be summoned by a writ of subpoena.

Writs of subpoena.

359. The registrar, on being furnished with the names and places of abode of any witnesses on behalf of the prosecution or defence whose attendance is required to be secured by subpoena, shall prepare and deliver to the sheriff for service a writ or writs of subpoena directed to such witnesses, together with as many copies thereof as there may be witnesses named in such writ or writs and when application shall be made to postpone any trial by reason of the absence of any witness

Service of subpoena.

stated to be material it shall be taken as *prima facie* evidence that the party applying for such postponement has not exercised all due and necessary diligence to secure the attendance of such witness if it shall appear that no subpoena to such witness was sued out four clear days at the least before the first day of the criminal sessions.

Miscellaneous Provisions

Application of Part XX to trials under this Part.

360. In addition to the provisions hereinbefore in this Part provided in respect of witnesses the provisions contained in Part XX shall *mutatis mutandis* apply to witnesses required to give evidence in a case triable under this Part.

Application of Law to trials under this Part.

361. In addition to the provisions of this Part and to the other express provisions of this or any other Law relating to trials of indictable offences the provisions of this Law relating to evidence, adjournment, addresses, the discharge and sentencing of convicted persons, the awarding of compensation, costs and the directing and ordering of forfeitures and also all other incidental matters relating to the trial of a case other than those specifically applicable to trial with a jury, shall be applicable to a trial on information.

Recording of judgment and sentence.

362. The judgment and subsequent sentence of the court shall be endorsed by the registrar on the information.

Practice and procedure where no provision made in this Law.

363. In so far as this Law does not make provision for any matter of practice or procedure in any criminal proceeding or trial to which it applies, the practice and procedure therefor which was in force in the High Court of Justice in England on the 30th day of September, 1960, shall apply thereto.

(PART XXXVIII.—SUMMARY TRIAL AFTER COMMITTAL)

(364 and 365. Deleted).

CHAPTER VII

PROVISIONS RELATING TO SENTENCES OF DEATH, IMPRISONMENT, WHIPPING AND FINE

PART XXXIX.—GENERAL

366. Subject to the provisions of any written law relating to any specific offence or class of offence and to the jurisdiction conferred on any court or on any person presiding over such court the provisions hereinafter in this Chapter contained shall apply to sentences of death, imprisonment, and fine.

Construction of provisions relating to punishments.

PART XL.—CAPITAL SENTENCES

367. (1) The punishment of death is inflicted by hanging the offender by the neck till he be dead.

Death.

(2) Sentence of death shall be pronounced in the following form—

“The sentence of the court upon you is that you be hanged by the neck until you be dead and may the Lord have mercy on your soul.”

368. (1) Where sentence of death has been passed such sentence shall only be carried out in accordance with the provisions of this Part.

Prior formalities—generally;

(2) Where a woman found guilty of a capital offence is found in accordance with the provisions of section 376 to be pregnant the sentence of death shall not be passed on her but in lieu thereof she shall be sentenced to imprisonment for life.

where pregnancy is found;

(3) Where an offender who in the opinion of the court has not attained the age of seventeen years is found guilty of a capital offence sentence of death shall not be pronounced or recorded but in lieu thereof the court shall order such offender to be detained during the Governor's pleasure and if so ordered he shall be detained in accordance with the provisions of Part XLIV notwithstanding anything to the contrary in any written law.

where offender is a young person.

369. A certificate under the hand of the registrar, or other officer of the court, that such sentence has been passed, and naming the person condemned, shall be sufficient authority for the detention of such person.

Authority for detention.

Application of sections 370 to 375.

Judge to report to Governor.

Governor to make order.

Copy of order to be sent to the judge.

Form of Governor's order. Fourth Schedule.

Copy of order to be sent to sheriff.

369A. Sections 370 to 375 shall apply where the sentence of death has been passed for an offence in respect of which the power of pardon is vested in the Governor.

370. (1) After the sentence of death has been pronounced, the presiding judge shall, as soon as conveniently may be, forward to the Governor a copy of the finding and sentence and of his notes of evidence taken on the trial together with a report in writing signed by him containing any recommendation or observations on the case which he thinks fit to make.

(2) The presiding judge shall at the same time send a copy of the finding and sentence and of the notes of evidence and of his report to the member of the Executive Council designated under subsection (2) of section 46 of the Constitution of Eastern Nigeria (hereinafter called the designated Minister).

371. The Governor after receiving the advice of the designated Minister shall make such order as may be requisite.

372. The designated Minister shall send a copy of the Governor's order to the judge who presided over the trial or to his successor in office and such judge shall cause such order to be entered in the record of the court.

373. (1) The Governor's order shall be under his hand and the Public Seal and shall be as in one of the forms set out in the Fourth Schedule or as near thereto as circumstances permit and if the sentence is to be carried out shall state the place and time where and when the execution is to be had and give directions as to the place of burial of the body or may direct that the execution shall take place at such time and at such place and the body of the person executed be buried at such place as shall be appointed by some officer specified in the order.

(2) When the place or time of execution or the place of burial is appointed by some person and is not stated in the Governor's order the specified officer shall endorse on the order over his signature the place and time of execution and place of burial or some one or more of them according to the terms of the order.

374. A copy of the Governor's order under his hand and the Public Seal shall be sent to the sheriff of the province in which the execution is to be carried into effect and the sheriff shall have effect given thereto:

Provided that if for any reason a copy of the Governor's order be not received by the sheriff before the date fixed therein or endorsed thereon for execution, the said sheriff shall nevertheless have the order carried into effect upon the earliest convenient day after receipt thereof:

Provided further that the substance of the Governor's order may in the first instance be communicated by telegraph by the designated Minister to the sheriff of the province who shall then telegraph to the designated Minister for a confirmatory telegram, and on receipt of such confirmatory telegram, the sheriff shall issue directions to cause effect to be given to the terms of the Governor's order.

375. The said copy of the Governor's order under his hand and the Public Seal or the directions issued by the sheriff under the last preceding section shall be sufficient authority in law to all persons to carry the sentence into effect in accordance with the terms thereof.

Order to be sufficient authority. *

Procedure where Woman convicted of Capital Offence is alleged to be Pregnant

376. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before or by which a woman is so convicted thinks fit so to do, the court shall, before sentence is passed on her, determine the question whether or not she is pregnant.

Procedure where woman convicted of capital offence is alleged to be pregnant.

(2) The question whether the woman is pregnant or not shall be determined by the court on such evidence as may be laid before it on the part of the woman or on the part of the prosecution, and the court shall find that the woman is not pregnant unless it is proved affirmatively to the satisfaction of the court that she is pregnant.

(3) Where on proceedings under this section the court finds the woman in question is not pregnant the court shall pronounce sentence of death upon her.

*The Criminal Procedure Act (Fed. Cap. 43) provided in its section 375 (2) that the order of the Governor of a Region shall be sufficient authority in law notwithstanding that the place where the execution is to be had may be outside the Region of such Governor.

Sections 371 to 375 have been repealed by the Criminal Procedure (Capital Sentences) (Amendment) Act, 1961, (1961, No. 40) as regards convictions for capital offences in respect of which the power of pardon is vested in the President but the repeal is "without prejudice to the operation of such sections in respect of sentence for any offence other than one in respect of which the power of pardon is vested in the President."

(4) An appeal shall lie to the Supreme Court against such finding and that court, if satisfied that the finding should be set aside, shall quash the sentence passed on her and in lieu thereof pass on her a sentence of imprisonment for life.

(5) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to allege in stay of execution that she is quick with child the last mentioned right having ceased to exist.

(6) The court shall report to the designated Minister any case in which the court passes a sentence of imprisonment for life under this section.

PART XLI.—IMPRISONMENT

Imprisonment to be with hard labour unless otherwise ordered.

377. Imprisonment, subject to the express provisions of any written law providing imprisonment as a punishment for an offence, may be either with or without hard labour as the court may order and where no specific order is made the imprisonment shall be with hard labour.

(378. *Repealed*).

Power to order detention for one day in precincts of the court.

379. Where the court has power to pass a sentence of imprisonment the court, in lieu of passing sentence of imprisonment, may order that the offender be detained within the precincts of the court or at any 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:

Provided that the court shall, before making an order of detention under this section, take into consideration the distance between the place of detention and the offender's abode, if his abode is known to or ascertainable by, the court, and shall not make any such order of detention under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which such order of detention is made.

Consecutive sentences of imprisonment.

380. Where a sentence of imprisonment is passed on any person by a court the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced by

any competent tribunal in Nigeria so however that, where two or more sentences passed by a magistrate's court are ordered to run consecutively the aggregate term of imprisonment shall not exceed four years or the limit of jurisdiction of the adjudicating magistrate whichever is the greater.

381. A sentence of imprisonment takes effect from and includes the whole of the day of the date on which it was pronounced.

Date from which sentence commences.

382. (1) Subject to the other provisions of this section, where a court has authority under any written law to impose imprisonment for any offence and has not specific authority to impose a fine for that offence, the court may, in its discretion, impose a fine in lieu of imprisonment.

Power to inflict fine in lieu of imprisonment.

(2) In the case of a conviction in the High Court, the amount of the fine shall be in the discretion of the court, and any term of imprisonment imposed in default of payment of the fine shall not exceed two years.

(3) In the case of a conviction in a magistrate's court—

(a) the amount of the fine shall be in the discretion of the court but shall not exceed the maximum fine authorized to be imposed by the magistrate by or under the Magistrates' Courts Law; and

(Cap. 82)

(b) no term of imprisonment imposed in default of payment of the fine shall exceed the maximum fixed in relation to the amount of the fine by the scale specified in subsection (2) of section 390.

(4) 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) exceed the maximum term authorized by the written law.

(5) The provisions of this section shall not apply in any case where a written law provides a minimum period of imprisonment to be imposed for the commission of an offence.

383. A person who escapes from lawful custody while undergoing a sentence involving deprivation of liberty is liable upon recapture to undergo the punishment which he was undergoing at the time of his escape, for a term equal to that during which he was absent from prison, after the

Escaped prisoners: effect of escape on punishment.

escape and before the expiration of the term of his original sentence, whether at the time of his recapture the term of that sentence has or has not expired.

PART XLII.—WHIPPING

To be whipped once only.

384. No juvenile offender shall be sentenced to be whipped more than once for the same offence.

Persons who are not to be sentenced to whipping.

385. Notwithstanding the provisions of any written law, no sentence of whipping shall be passed on any female or on any male other than a juvenile offender.

Whipping with a light rod and not more than twelve strokes.

386. (1) Whipping shall be with a light rod or cane or birch or whip, and the number of strokes shall be specified in the sentence and shall not exceed twelve. A whip means a whip of a pattern approved by the Minister.

(2) Where a juvenile offender is convicted of one or more offences at one trial the total number of strokes awarded shall not exceed twelve.

(387. Spent).

Infliction of sentences of corporal punishment.

388. (1) In the case of a sentence or order involving corporal punishment such punishment shall be carried out at such place as the court may direct and as soon as practicable unless the juvenile offender convicted gives notice of appeal or of his intention to appeal or of his intention to apply for leave to appeal, as the case may be, in which case such punishment shall not be carried out until the determination of the appeal, or in cases where application for leave to appeal is finally refused of the application, and pending the determination of the application to appeal or the appeal, as the case may be, the accused shall be kept in custody or may be released on bail as the court may order.

(2) Where a sentence or order of corporal punishment as aforesaid has upon appeal been confirmed or varied the sentence or order of corporal punishment as confirmed or varied, as the case may be, shall be carried out as soon as practicable thereafter and if the juvenile offender upon whom the sentence or order is to be carried out is on bail and does not surrender to his bail, or if not in custody does not voluntarily surrender himself, the court which convicted such person may issue a warrant to arrest the said juvenile

offender who shall thereupon be apprehended and the sentence or order of corporal punishment shall thereafter be carried out as soon as practicable.

PART XLIII.—FINES

389. A person 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 suffer 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.

Fine, imprisonment in default of.

390. (1) Where by any written law the court is empowered to impose a penalty for a summary conviction offence it may, in the absence of express provision to the contrary in the same or any other written law, order a defendant who is convicted of such offence, in default of payment of the sum of money adjudged to be paid by the order, either forthwith or at the time specified in the order, as the case may be, to be imprisoned, with or without hard labour, in accordance with the scale set forth in this section.

General power of awarding imprisonment in default of payment of penalty.

(2) Subject in every case to the provisions of the written law on which the order is founded, the period of imprisonment, whether with or without hard labour, which is imposed by the court in respect of the non-payment of any sum of money adjudged 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 following scale, that is to say—

Scale of imprisonment for non-payment of money adjudged to be paid.

Where the fine—	The period of imprisonment shall not exceed—
does not exceed ten shillings... ..	seven days;
exceeds ten shillings and does not exceed one pound	fourteen days;
exceeds one pound and does not exceed ten pounds	one month;
exceeds ten pounds and does not exceed thirty pounds	two months;
exceeds thirty pounds and does not exceed fifty pounds	four months;

Where the fine—

The period of imprisonment shall not exceed—

exceeds fifty pounds and does not exceed one hundred pounds	six months;
exceeds one hundred pounds and does not exceed two hundred pounds	one year;
exceeds two hundred pounds	two years.

Limitation of imprisonment in default of payment of fine.

(3) No commitment for non-payment of a fine shall be for a longer period than two years, except where the law under which the conviction has taken place enjoins or allows a longer period.

Assessment of Fine

Payment and allocation of fines and fees.

391. A court in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court and where a fine is imposed the payment of the court fees and police fees 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 thereof as may be paid or recovered, shall be applied as follows—

- (a) in the first place in the repayment to the informant or complainant of any court or other fees paid by him and ordered by the court to be repaid;
- (b) in the second place the payment of any court fees not already paid by the informant or complainant which may be payable under rules of court;
- (c) the balance, if any, remaining after the aforesaid payments have been made shall be paid into general revenue.

Commitment of Defendant for non-payment of Fine or Penalty

Power to commit defendant in certain cases.

392. (1) In every case where an order is made against any person for the payment of a sum of money and such person is liable to be imprisoned for a certain term unless such sum shall be sooner paid the court may do all or any of the following therefor—

- (a) issue a warrant of commitment forthwith;
- (b) allow time for the payment of the said sum;
- (c) direct payment of the said sum to be made by instalments; or

(d) direct that the person 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 instalment thereof.

(2) Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order, further time may, on an application by or on behalf of the person liable to pay such sum, be allowed by a court having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or such court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

Allowance of further time and payment by instalments.

(3) Where a sum of money is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

Default in one payment renders all payable.

(4) If before the expiration of the time allowed the person convicted surrenders himself to the court having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, the court may if it thinks fit forthwith issue a warrant committing him to prison.

Surrender before committal date.

393. (1) If the person liable to pay any sum and to whom time has been given to pay either with or without a surety or sureties makes default in such payment or fails to enter into the security required by the court the court may issue its warrant of commitment requiring any police officer to take and convey such person to prison and there deliver him to the officer in charge of the prison, and requiring the officer in charge of the prison to receive such person into the prison and there to imprison him with or without hard labour, as the case may be, for such time as may be directed and appointed by the warrant of commitment, unless the sum of money adjudged to be paid by the order and also all other costs, charges, and expenses shall be sooner paid.

Power to postpone issue of warrant of commitment.

(2) Where application is made to the court for a warrant for committing a person to prison for non-payment of any sum of money adjudged to be paid by an order, the court may, if it

deems it expedient so to do, postpone the issue of such warrant until such time and on such conditions, if any, as to the court may seem just.

(3) When the court orders the imprisonment of any person, the court may, if it thinks fit, order that such imprisonment shall not commence forthwith, but shall commence on any day not more than three months after the date of such order as the court may fix, and in such case the court may either suffer the person to go at large until such day or discharge him upon his entering into a recognizance, with or without sureties, conditioned for his reappearance on such day to undergo such imprisonment.

(4) Any warrant of commitment issued under the provisions of this section may be executed on any day including a Sunday or a public holiday.

Payment of penalty to person executing warrant.

394. In all cases where any person against whom a warrant of commitment for non-payment of any sum of money adjudged to be paid by an order is issued, pays or tenders to the person having the execution of the same the sum or sums in such warrant mentioned together with the amount of the expenses of such warrant up to the time of such payment or tender, the person having the execution of such warrant shall cease to execute the same.

Commencement of imprisonment.

395. Where any person is brought to any prison to be imprisoned by virtue of a warrant of commitment there shall be endorsed on such warrant the day on which such person was arrested by virtue thereof and the imprisonment shall be computed from such day and inclusive thereof.

Varying of or discharging order for sureties.

396. Where any person has been committed to prison by the court for default in finding a surety or sureties the court may, on application made to it by such person or by some person acting on his behalf, inquire into the case of such person, and if, upon new evidence produced to the court or proof of a change of circumstances the court thinks having regard to all the circumstances of the case that it is just so to do, the court may reduce the amount for which it was ordered that the surety or sureties should be bound, or dispense with the surety or sureties, or otherwise deal with the case as the court may think just.

397. (1) Where any person has been committed to prison by the court for non-payment of any sum of money adjudged to be paid by an order, such person may pay or cause to be paid to the officer in charge of the prison the sum mentioned in the warrant of commitment together with the amount of the costs, charges and expenses, if any, also mentioned therein and the officer in charge of the prison shall receive the same and thereupon discharge such person, unless he is in his custody for some other matter.

Right of person imprisoned in default to be released on paying sum.

(2) In any case where under the last preceding subsection a sum has been received in part satisfaction of a sum due from a prisoner in consequence of the conviction of the court such sum shall be applied firstly, towards the payment in full or in part of any costs or damages or compensation which the court may have ordered to be paid to the complainant and, secondly, towards the payment of the fine, if any, imposed on the prisoner.

(3) Subject to the provisions of subsection (2) where an amount is paid towards a fine the procedure as hereunder in this subsection set forth shall be followed—

Part payment after commitment.

- (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 such person is committed as the sum so paid towards the fine bears to the amount of the fine for which such person is liable;
- (b) the superintendent or other officer in charge of a prison in which is confined a person who has made such part payment shall as soon as practicable thereafter take such person before a court and such court shall certify the amount by which the term of imprisonment originally awarded is reduced by such payment in part satisfaction and shall make such order as is required in the circumstances:

Provided that where in the opinion of the superintendent or other officer as aforesaid the delay occasioned by taking such person before a court shall be such that the person will be detained beyond the date upon which he should by reason of such part payment be released, such superintendent or other officer may release such person on the day which appears to such 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 such court shall thereupon make such order or record as the court may consider to be required in the circumstances.

(4) In reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account and in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a penny shall be omitted.

Distress

Fines may be ordered to be recoverable by distress.

398. Where under the authority of any written law the court imposes a fine or any 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 such fine or penalty, the court may order such fine or penalty to be recoverable by distress and, in default of such distress satisfying the amount of the fine or penalty as aforesaid, may order that the offender be imprisoned, with or without hard labour as the case may be, in accordance with the scale set forth in section 390.

Warrant of distress.

399. (1) Where the court orders a sum to be recoverable by distress the court shall issue its warrant of distress for the purpose of recovering the same, such warrant shall be in writing and signed by the court, it shall authorize the person charged with the execution thereof 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.

Procedure on the execution of distress warrants.

(2) 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) if the person charged with the execution of the warrant is prevented from executing the same 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 necessary to enable him to execute the warrant;

- (c) the wearing apparel and beddings of the person and of his family, and to the value of five pounds the tools and implements of his trade, shall not be taken;
- (d) except as provided in paragraph (e) and so far as the person upon 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 five days and not more than fourteen days after the making of the distress; but where consent in writing is so given as aforesaid the sale may be in accordance with such consent;
- (e) subject as aforesaid, the goods distrained on shall be sold within the time fixed by the warrant, unless the sum for which the warrant was issued and also the charges, if any, of taking and keeping the goods distrained on, are sooner paid;
- (f) if any person charged with the execution of a warrant of distress wilfully retains from the proceeds of any property sold to satisfy the distress, or 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 shall be liable, on summary conviction before a magistrate, to a penalty not exceeding ten pounds:

Provided that nothing herein contained shall affect the liability of any such person to be prosecuted and punished for extortion;
- (g) a written account of the costs and charges incurred in respect of the execution of any warrant of distress shall, as soon as practicable, be delivered by the person charged with the execution of the warrant to the magistrate; and it shall be lawful for the person upon whose movable property the distress was levied, at any time within one month after the making of the distress, to inspect such account, without payment of any fee or reward, at any time during office hours, and to take a copy of such account;
- (h) a person charged with the execution of a warrant of distress shall sell the distress or cause the same to be sold, and may deduct out of the amount realized by such sale all costs and charges actually incurred in

effecting such sale, and shall pay to the magistrate or to some person specified by him, the remainder of such amount, in order that the same 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 that the surplus, if any, may be rendered to the person upon whose movable property the distress was levied.

Part payment reduces period of imprisonment in proportion.

400. 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, the warrant of commitment shall be drawn up accordingly and after such committal the provision of section 397 shall apply.

CHAPTER VIII

DETENTION DURING THE GOVERNOR'S PLEASURE

PART XLIV.—DETENTION DURING THE GOVERNOR'S PLEASURE

Conditions attaching to detention during pleasure.

401. (1) When any person is ordered to be detained during the Governor's pleasure he shall notwithstanding anything in this Law or in any other written law contained be liable to be detained in such place and under such conditions as the Governor may direct and whilst so detained shall be deemed to be in legal custody.

(2) A person detained during the Governor's pleasure may at any time be discharged by the Governor on licence.

(3) A licence may be in such form and may contain such conditions as the Governor may direct.

(4) A licence may at any time be revoked or varied by the Governor and where a licence has been revoked the person to whom the licence relates shall proceed to such place as the Governor may direct and if he fails to do so, may be arrested without warrant and taken to such place.

(PART XLV.—DEPORTATION)

(The law as to deportation from Eastern Nigeria of any person, whether a citizen of Nigeria or not, is to be seen in sections 402 to 412 of the Criminal Procedure Act (Fed. Cap. 43)).

CHAPTER IX

JUVENILE OFFENDERS AND PROBATION

PART XLVI.—JUVENILE OFFENDERS

413. Where a child or young person is brought before the High Court or a magistrate's court charged with an offence and the court is situate in a place or area to which the Children and Young Persons Law applies such charge shall be inquired into in accordance with the provisions of that Law; otherwise the charge shall be inquired into in accordance with the provisions of this Part.

Procedure for trying juvenile offenders. (Cap 19)

414. The words "conviction" and "sentence" shall cease to be used in relation to children and young persons and any reference in any Law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

"Conviction" and "sentence" not to be used in relation to juveniles.

415. A court when inquiring into a charge against a child or young person or when hearing an application for an order that such a person be sent to a Government establishment or an institution, at which inquiry the attendance of the child or young person is required, shall, when practicable, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held.

Trial of children and young persons.

416. Where in the course of any proceedings in a court sitting as provided in section 415 it appears to the court that the person charged or to whom the proceedings relate has attained the age of seventeen years or upwards, or where in the course of any proceedings in a magistrate's court other

Special court may continue even if age incorrect.

than a court sitting as provided in section 415 it appears that the person charged or to whom the proceedings relate has not attained the age of seventeen years, nothing in section 415 shall be construed as preventing the court if it thinks it undesirable to adjourn the case from proceeding with the hearing and determination of the case.

Juveniles not to associate with adult accused.

417. Provisions shall be made, as far as practicable, for preventing persons who apparently have not yet attained the age of seventeen years whilst being conveyed to or from court or whilst waiting before or after their attendance in court from associating with adults charged with or convicted of any offence other than an offence with which the person who apparently has not yet attained the age of seventeen years is jointly charged or found guilty.

Public not to attend hearing.

418. In a court sitting as provided in section 415 no persons other than members and officers of the court and the parties to the case, the legal practitioners representing them, and other persons directly concerned in the case shall, except by leave of such court, be allowed to attend:

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded except by special directions of the court.

Restriction on punishment.

419. (1) No child shall be ordered to be imprisoned.

(2) No young person shall be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, fine, corporal punishment or otherwise.

(3) A young person ordered to be imprisoned shall not, so far as the same may be practicable, be allowed to associate with adult prisoners.

Juveniles found guilty of capital offence.

420. Where an offender found to have committed a capital offence has not attained the age of seventeen years the provisions of subsection (3) of section 368 shall apply.

Detention in the case of certain crimes committed by children or young persons.

421. Notwithstanding anything in this Law to the contrary where a child or young person is found guilty of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, the court may order the offender to be detained for such period as may be specified in the order, and where such an order is made the child or young

person shall, during the period, be liable to be detained in such place and on such conditions as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

422. Where a person who apparently has not attained the age of seventeen years is apprehended 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 such person is brought, shall inquire into the case and may in any case, and shall—

Bail of children and young persons arrested.

(a) unless the charge is one of homicide or other grave crime; or

(b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice, release such person on a recognizance being entered into by him or by his parent or guardian, with or without sureties, for such an amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge.

423. Where a person who apparently has not attained the age of seventeen years having been apprehended is not so released as aforesaid, the officer to whom such person is brought shall cause him to be detained in a suitable place, which is not a police station cell for detention of adult prisoners or a prison, until he can be brought before the court unless the officer certifies—

Custody of young persons not discharged on bail after arrest.

(a) that it is impracticable to do so; or

(b) that he is of so unruly a character that he cannot be safely so detained; or

(c) that by reason of the state of health or his mental or bodily condition it is inadvisable so to detain him, and the certificate shall be produced to the court before which the person is brought.

424. It shall be the duty of the police officer in immediate charge of a police station to make arrangements for preventing, so far as practicable, a person who apparently has not attained the age of seventeen years while being detained in a police station from associating with an adult charged with an offence.

Association with adult whilst in police custody.

Remand or
commitment to
custody in
place of
detention.

425. (1) A court on remanding or committing for trial a child or young person who is not released on bail shall, instead of committing him to prison, order him to be detained in a place deemed by the court to be a place of safe custody to be named in the commitment to be there detained for the period for which he is remanded or until he is thence delivered in due course of law:

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court is of opinion that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained or that no person can be found who will agree to undertake the custody of such child.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody or to be of so depraved a character that he is not a fit person to be so detained or the custody of whom no person can be found to agree to undertake, revoked by any court and if it is revoked the young person may be committed to prison.

Attendance
at court of
parent of
child or
young
person
charged
with an
offence.

426. (1) Where a child or young person is charged with any offence, or where a child is brought before a court on an application for an order to send him to a Government establishment or an institution, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the police officer by whom he is arrested or the police officer in immediate charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, the provisions of this Law for enforcing the attendance of an accused person

shall apply, with the necessary adaptations and modifications as appear appropriate for the purpose, and a summons to a child or young person may include a summons to his parent or guardian.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person:

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

427. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Law enabling the court to deal with the case, the case should be dealt with, namely whether—

- (a) by dismissing the charge; or
- (b) by discharging the offender on his entering into a recognizance; or
- (c) by so discharging the offender and placing him under the supervision of a probation officer; or
- (d) by committing the offender to the care of a relative or other fit person; or
- (e) by sending the offender to a Government establishment or an institution; or
- (f) by ordering the offender to be whipped; or
- (g) by ordering the offender to pay a fine, damages, or costs; or
- (h) by ordering the parent or guardian of the offender to pay a fine, damages, or costs; or
- (i) by ordering the parent or guardian of the offender to give security for his good behaviour; or
- (j) by committing the offender with the approval of the Governor, to custody in a place of detention established under the Children and Young Persons Law;

Methods of
dealing with
children and
young
persons
charged with
offences.

- (k) where the offender is apparently fourteen years old or upwards, by sentencing him to imprisonment; or
- (l) by dealing with the case in any other manner in which it may be legally dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Maximum fine on child forty shillings.

428. Where a child is charged before a magistrate's court with an offence and the court deals with the case summarily, the court may not inflict on him a fine exceeding forty shillings as punishment.

Power to order parent to pay fine etc., instead of child or young person.

429. (1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that the parent or guardian has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where the court thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress

or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order under this section to the High Court.

430. A child or young person found guilty of an offence which is a felony shall not be regarded as being convicted of felony for the purposes of any disqualification attaching to felony.

Removal of disqualifications attaching to felony.

431. Where a child or young person is himself ordered by the court to pay costs in addition to a fine the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine and, except in so far as the court may think fit expressly to order otherwise, all fees payable or paid by the complainant in excess of the amount of costs so ordered to be paid shall be remitted or repaid to him and the court may also order the fine or any part thereof to be paid to the complainant in or towards the payment of his costs.

Limitation of costs.

432. (1) A person who apparently has not attained the age of nine years shall not be sentenced to imprisonment for any offence, or committed to prison in default of payment of a fine, damages, or costs.

Restrictions on punishment of children and young persons.

(2) A person who apparently has attained nine years of age but who has not attained fourteen shall not be sentenced to imprisonment for an offence or committed to prison in default of payment of a fine, damages, or costs unless the court is of opinion that the individual in question is of so unruly a character that he cannot be detained in a convenient Government establishment or an institution or that he is of so depraved a character that he is not a fit person to be so detained.

433. Where a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment or would if he were an adult be liable to be imprisoned in default of payment of any fine, damages, or costs and the court considers that none of the other methods in which the case may legally be dealt with is suitable, the court may, in lieu of making an order upon such a finding and sending him to prison or committing him to prison order that he be committed to custody in a Government establishment or an

Substitution of custody in place of detention for imprisonment.

institution named in the order for such term as may be specified in the order.

Escape during detention.

434. A child or young person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody and if he escapes may be apprehended without warrant and brought back to the place in which he was detained.

PART XLVII.—PROBATION

Conditional release of offenders.

435. (1) Where any person is charged before a court with an offence punishable by such court, and the court thinks that the charge is proved but is of opinion that having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment or that it is expedient to release the offender on probation the court may without proceeding to conviction make an order either—

Dismissing the charge. Discharging offender on conditions.

- (a) dismissing the charge; or
- (b) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear at any time during such period not exceeding three years as may be specified in the order.

Compensation for loss or injury and costs may be awarded.

(2) The court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss, not exceeding ten pounds or if a higher limit is fixed by any enactment relating to the offence that higher limit, and to pay such costs of the proceedings as the court thinks reasonable and if the offender has not attained the age of seventeen years and it appears to the court that the parent or guardian of the offender has conduced to the commission of the offence the court may under and in accordance with the provisions of Part XLVI of this Law after hearing such parent or guardian, order payment of such damages and costs by such parent or guardian.

Restitution of stolen property.

(3) Where an order under this section is made the order shall, for the purpose of re-vesting or restoring stolen property and of enabling the court to make orders as to the restitution

or delivery of property to the owner and as to the payment of money upon or in connexion with such restitution or delivery, have the like effect as a conviction.

436. (1) A recognizance ordered to be entered into under this Part shall if the court so orders contain a condition that the offender be under the supervision of such person or persons of either sex, hereinafter called a probation officer, as may, with the consent of such probation officer, be named in the order during the period specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Part referred to as a probation order.

Probation orders and conditions of recognizances.

(2) A recognizance under this Part may contain such additional conditions with respect to residence, abstention from intoxicating liquor and any other matters 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 offender a notice in writing stating in simple terms the conditions he is required to observe.

437. The person named in a probation order may at any time be relieved of his duties and in any such case or in case of the death of the person so named another person may by consent be substituted by the court before which the offender is bound by his recognizance to appear for conviction or sentence.

Relieving probation officer of his duties.

438. It shall be the duty of a probation officer, subject to the directions of the court—

Duties of probation officers.

- (a) if the person on probation is not actually residing with the probation officer to visit or receive reports on the person under supervision at such reasonable intervals as may be specified in the probation order or subject thereto as the probation officer may think fit;
- (b) to see that he observes the conditions of his recognizance;
- (c) to report to the court as to his behaviour;
- (d) to advise, assist, and befriend him and when necessary to endeavour to find him suitable employment.

Variation of terms and conditions of probation.

439. The court before which any person is bound by a recognizance under this Part to appear for conviction and sentence or for sentence—

- (a) may at any time if it appears to it upon the application of the probation officer that it is expedient that the terms or conditions of the recognizance should be varied summon the person bound by the recognizance to appear before it and if he fails to show cause why such variation should not be made vary the terms of the recognizance by extending or diminishing the duration thereof, so, however, that it shall not exceed three years from the date of the original order, or by altering the conditions thereof or by inserting additional conditions; or
- (b) may on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognizance has been such as to make it unnecessary that he be any longer under supervision, discharge the recognizance.

Provisions in case of offender failing to observe conditions of release.

440. (1) If the court before which an offender is bound by his recognizance under this Part to appear for conviction or sentence is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension or may if it thinks fit instead of issuing a warrant in the first instance issue a summons to the offender and his sureties, if any, requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) The offender when apprehended shall if not brought forthwith 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 an offender on apprehension is brought or before which he appears in pursuance of such summons as aforesaid may if 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) An offender so remanded in custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners.

In the case of a child or young person he shall, if remanded, be dealt with wherever practicable in accordance with the provisions of Part XLVI of this Law.

(5) A court before which a person is bound by his recognizance to appear for conviction and sentence on being satisfied that he has failed to observe any conditions of his recognizance may forthwith, without further proof of his guilt, convict and sentence him for the original offence.

CHAPTER X

INQUIRIES BY DIRECTION OF THE ATTORNEY-GENERAL (PART XLVIII.—ASSESSORS)

(Part XLVIII, comprising sections 441 to 452 were deleted by Law 5 of 1955 as amended by Law 7 of 1957).

PART XLIX.—INQUIRIES BY DIRECTION OF ATTORNEY-GENERAL

453. Where a sworn information is made before any magistrate that an offence against a law of Eastern Nigeria has been committed, the Attorney-General may, whether or not any known person be charged with the commission of the offence, direct any magistrate to hold an inquiry under this Part and may, if he thinks fit, direct that such inquiry be held *in camera*.

Inquiries by direction of Attorney-General.

454. The officer so directed shall then examine on oath concerning such offence any person whom he has reason to believe to be able to give material evidence concerning it, other than a person confessing himself to be the offender, and shall take the deposition of such witness and, if he sees cause, bind such witness by his own recognizance to appear and give evidence at any place where, and at any time when, he may be called upon to do so.

Conduct of inquiry.

455. At the conclusion of an inquiry under this Part the said officer shall forward to the Attorney-General the original depositions and recognizances of the witnesses together with his report upon the proceedings, and shall state in such report his opinion as to the persons implicated in the commission of such offence.

Report.

*If the offence is against a Federal law, the provisions of section 458A of the Criminal Procedure Act (Fed. Cap. 43) apply.

Procedure.

456. The provisions contained in this Law, relating to summoning witnesses, and to compelling their attendance and to their examination on oath, and to binding them over to give evidence, shall apply for the purposes of an inquiry under this Part.

Person charged entitled to copy of deposition.

457. If a person is put upon his trial for an offence respecting which an inquiry under this Part has been held, he shall, if he so request, be supplied free of charge, at least three days before such trial, with an authenticated copy of all depositions taken at such inquiry.

Statements of witnesses privileged.

458. A witness examined at such inquiry shall not be excused from answering any question on the ground that the answer thereto may incriminate or tend to incriminate him but any confession or answer by a person to a question put at such examination shall not, except in the case of any criminal proceeding for perjury committed at or after the holding of such inquiry, be in any proceeding admissible in evidence against him.

(458A. *Application of this Part to offences against Federal Laws. Federal subject matter.*)

CHAPTER XI

PART L.—MISCELLANEOUS

CORONER'S WARRANT

No committal for trial by coroner.

459. From and after the coming into operation of this Law no person shall be committed for trial on a coroner's inquisition.

(460. *Deleted by L.N. 47 of 1955.*)

FEES

Payment of fees.

461. (1) Subject to the provision of section 462 in every proceeding had before any court such fees as may be prescribed under this Law shall be paid.

(2) A court may in any proceeding in which good cause appears to the court for so doing, suspend payment of any fees payable therein until the conclusion of such proceeding and the court may then direct such fees to be paid as costs by any party to the proceeding by whom the court has power to order costs to be paid or remit the payment of such fees.

462. The provisions of this Law relating to fees and to the giving of security shall not apply to the State or to any public officer acting in his official capacity.

State not required to pay fees.

FORMS

463. (1) Subject to the express provisions, if any, of the rules, the forms and precedents contained in the First, Second and Third Schedules may, in accordance with any instructions contained in the said forms, and with such variations as the circumstances of the particular case may require, be used in the cases to which they apply and, when so used, shall be good and sufficient in law.

Use of forms in First, Second and Third Schedules.

(2) The forms in the said Schedules may be added to, revoked, replaced or varied by the rules in all respects as if they had originally been so made.

RULES OF COURT

464. (1) The Chief Justice may, with the approval of the Governor, make rules in respect of any or all of the following matters—

Power to make rules of court.

- (a) fees to be paid under this Law;
- (b) forms to be used for the process and procedure of the courts;
- (c) accounts to be rendered of moneys received by any person under this Law;
- (d) the method of issue of process under this Law; and the manner of receipt of and accounting for fees in respect of such process;
- (e) regulating the procedure in connexion with informations filed by the Attorney-General under the provisions of section 72;
- (f) prescribing anything or any person required to be prescribed under the provisions of this Law, and
- (g) generally for carrying into effect the purpose of this Law.

(2) Where rules are made under this section separate rules shall be made in respect of the practice and procedure in the High Court and in Magistrates' Courts, save where the procedure prescribed by such rules applies equally to the High Court and to Magistrates' Courts.

* FORMS AND PROCEDURE UNDER OTHER WRITTEN LAWS

Saving as to other forms and procedure.

465. Nothing in this Law shall affect the use or validity of any special forms in respect of any procedure or offence specified under the provisions of any other written law or the validity of any other procedure provided by any other written law.

PART LI.—SPECIAL PROVISIONS RELATING TO CORPORATIONS

Application of Part.

466. The provisions of this Part shall apply to all trials and preliminary inquiries held under this Law and where there is a conflict between the provisions of this Part and any other provisions of this Law, the provisions of this Part shall prevail.

Inter-pretation.

467. (1) 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 authorized 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.

(2) 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 that person has been so appointed.

Plea by corporation.

468. Where a corporation is called upon to plead to any charge or information (including a new charge or information framed under the provisions of section 162, or a charge or information added to or altered under the provisions of section 162 or section 163) it may enter in writing by its representative a plea of guilty or not guilty or any plea which may be entered under the provisions of section 221, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and

the trial shall proceed as though the corporation had duly entered a plea of not guilty.

469. A magistrate may commit a corporation for trial to the High Court by an order in writing empowering the prosecutor to prefer an information in respect of the offence named in the order.

Committal of corporation for trial.

470. An order under section 469 shall not prohibit the inclusion in the information of counts that, under the proviso to subsection (2) of section 340, may be included in the information in substitution for or in addition to counts charging the offence named in the order.

Application of section 340 (2).

471. A representative may on behalf of a corporation—

Powers of representative.

- (a) make a statement before a magistrate holding a preliminary inquiry in answer to the charge;
- (b) consent or object to summary trial;
- (c) 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 under the provisions of subsection (1) of section 164;
- (d) consent to the hearing and determination of a complaint before the return date of a summons in accordance with section 84;
- (e) express assent to the trial of the corporation on information in accordance with the further proviso to subsection (1) of section 349, notwithstanding that a copy of the information and notice of trial have not been served on the corporation three days or more before the date on which the corporation is to be tried.

472. Where a representative appears, any requirement of this Law that anything shall be done in the presence of the accused, or shall be read or said or explained to the accused, 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:

Matters to be read or said or explained to representative.

Provided that paragraph (a) of subsection (1) of section 287 shall be sufficiently complied with if the representative is asked if he has any witnesses to examine or other evidence to adduce for the defence, and if the witnesses and other evidence if any are heard.

Non-
appearance
of repre-
sentative.

473. Where a representative does not appear, any such requirement as is referred to in section 472, and any requirement that the consent of the accused shall be obtained for summary trial, shall not apply.

Saving.

474. Subject to the preceding provisions of this Part, the provisions of this Law relating to the inquiry into and trial of offences shall apply to a corporation as they apply to an adult.

Joint
charge
against
corporation
and indivi-
dual.

475. Where a corporation is charged jointly with an individual with an offence before a magistrate then if the offence is not a summary conviction offence, but one that may be tried summarily with the consent of the accused, the magistrate shall not try either of the accused summarily unless each of them consents to be so tried.

Service on
corporation.

476. The provisions of paragraph (b) of section 89 shall apply to the service on a corporation of any information, notice or other document which is by this Law required to be served upon or delivered to a person charged as they do to the service of a summons.

(CHAPTER XII)

PART LII

(SERVICE AND EXECUTION THROUGHOUT
NIGERIA OF THE PROCESS OF THE COURTS
OF LAGOS AND THE REGIONS)

(This Chapter was added to the former Nigerian Criminal Procedure Ordinance (Cap. 43 of the 1948 Revision) by L.N. 47 of 1955 and amended by L.N. 107 of 1955. It comprises sections 477 to 486. These sections make provision for the service and process issuing from the courts of the Federal Territory or any Region to be effected and executed outside the Federal Territory or Region and in another Region or the Federal Territory. They are to be seen in the Criminal Procedure Act (Fed. Cap. 43)).

(PART LIII)

(487 and 488. Spent).

FIRST SCHEDULE

FORMS

Section 145.

FORM NO. 1

GENERAL FORM OF TITLE OF PROCEEDINGS

(For use in the High Court)

IN THE HIGH COURT OF EASTERN NIGERIA

In the High Court of the..... Judicial Division
Criminal Case No.....19.....
Between Prosecutor,
v.
..... Defendant.

(For use in Magistrates' Courts)

IN THE MAGISTRATE'S COURT

In the Magistrate's Court of the..... Magisterial District
Charge No.....19.....
Between Complainant,
and
..... Defendant.

FORM NO. 2

ORDER OF RECOGNIZANCE TO KEEP THE PEACE, AND BE OF GOOD BEHAVIOUR Section 35.

(General Title—Form No. 1)

Before the High/Magistrate's Court of the.....
Judicial Division/Magisterial District sitting at.....
The.....day of.....one thousand nine
hundred and

A.B., having made a complaint that C.D., hereinafter called the defendant,
on the.....day of.....at.....
in the.....aforesaid,
did.....

FIRST SCHEDULE — continued

FORM No. 2 — continued

It is adjudged that the defendant do forthwith to the satisfaction of enter into a recognizance in the sum of with suret in the sum of [each] to keep the peace and be of good behaviour towards the Governor and all persons, and especially towards the complainant, for the term of now next ensuing:

And it is adjudged that if the defendant fail to comply with this order he be imprisoned in the prison at for the space of, unless he sooner 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].

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 prison 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].

.....
Magistrate

FORM No. 3

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, 19....., at in the aforesaid, did*

*state concisely the substance of the complaint.

Taken before me this day of

.....
Judge (or Magistrate)

Section 59.

FIRST SCHEDULE—continued

FORM No. 4

SUMMONS TO DEFENDANT

Section 83.

(General Title—Form No. 1)

To A.B. of.....

Complaint has been made this day by for that you on the day of at in the aforesaid did*

*state concisely the substance of the complaint.

You are therefore hereby summoned to appear before the Magistrate's Court sitting at on the day of, at the hour of in the noon to answer to the said complaint.

Dated this day of, 19.....

.....
Magistrate

FORM No. 5

WARRANT FOR APPREHENSION OF DEFENDANT WHO HAS
DISOBEYED SUMMONS

Section 351/
Section 96.

(General Title—Form No. 1)

To Police Officer or To each and all Police Officers

Information has been filed/Complaint has been made on the day of that A.B. hereinafter called the defendant on the day of, at in the aforesaid, did*

*state concisely the substance of the complaint.

And the defendant was thereupon summoned to appear before the High/Magistrate's Court of the Judicial Division/Magisterial District sitting at on the day of at the hour of in the noon, to plead to the said information/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.

FIRST SCHEDULE — continued

FORM NO. 5 — continued

You are therefore hereby commanded to bring the defendant before the High/Magistrate's Court of the..... Judicial Division/ Magisterial District sitting at..... forthwith to plead to the said information/to answer to the said complaint and be further dealt with according to law.

Dated the..... day of..... one thousand nine hundred and.....

Judge (or Magistrate)

FORM NO. 6

Section 97. WARRANT FOR APPREHENSION 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..... aforesaid, did*

*state concisely the substance of the complaint.

You are therefore hereby commanded to bring the defendant before the Magistrate's Court of the..... Magisterial District sitting at..... forthwith to answer the said complaint and be dealt with according to law.

Dated the..... day of..... one thousand nine hundred and.....

Judge (or Magistrate)

FORM NO. 7

Section 354/ Section 186. SUMMONS TO WITNESS (General Title—Form No. 1)

To E.F.....

Information has been preferred against A.B./A.B. has been charged by..... for that he on the..... day of....., at..... in the..... aforesaid, did*

*state concisely the substance of the case.

FIRST SCHEDULE — continued

FORM NO. 7 — continued

and it appearing 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..... Judicial Division/ Magisterial District sitting at....., on..... day the..... day of....., at the hour of..... in the..... noon, to testify what you know in such matter.

Dated the..... day of..... one thousand nine hundred and.....

Judge (or Magistrate)

FORM NO. 8

CONVICTION (FORFEITED RECOGNIZANCE) (General Title—Form No. 1)

Section 139.

Before the High/Magistrate's Court of the..... Judicial Division/Magisterial District sitting at.....

The..... day of..... one thousand nine hundred and.....

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 E.F. in the sum of..... each, 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.....]:

FIRST SCHEDULE — *continued*FORM No. 8 — *continued*

And in default of payment it is ordered that the sum due from the said under this adjudication be levied by distress and sale of his goods, and in default of sufficient distress that he be imprisoned in the prison at for the space of unless the said sums [and all costs and charges of the (said distress and) commitment] be sooner paid.

.....
Judge (or Magistrate)

FORM No. 9

WARRANT FOR APPREHENSION OF A WITNESS

(General Title—Form No. 1)

To Police Constables or to each and all the constables of

E.F. was duly summoned to appear before the High Court/Magistrate's Court of the Judicial Division/Magisterial District sitting at on day the day of, at the hour of in the noon, to testify what he should know concerning a certain information preferred against A.B./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 the summons has been duly served on him [and that a reasonable sum has been paid (*or tendered*) to him for his costs and expenses in that behalf].

You are therefore hereby commanded to bring him before the High/Magistrate's Court of the Judicial Division/Magisterial District sitting at forthwith to testify what he knows concerning the said matter.

Dated the day of, one thousand nine hundred and

.....
Judge (or Magistrate)

Section 356/
 Section 188.

FIRST SCHEDULE — *continued*

FORM No. 10

WARRANT FOR APPREHENSION OF WITNESS IN FIRST INSTANCE

Section 189.

(General Title—Form No. 1)

To

Information has been preferred against A.B./A.B. has been charged by for that he on the day of at in the aforesaid did*

*state
 concisely the
 substance
 of the
 complaint.

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

You are therefore hereby commanded to bring him before the High/Magistrate's Court of the Judicial Division/Magisterial District sitting at forthwith, to testify what he knows concerning the said matter.

Dated the day of one thousand nine hundred and

.....
Judge (or Magistrate)

FORM No. 11

WARRANT OF COMMITMENT OF WITNESS

Section 360/
 Section 194.

(General Title—Form No. 1)

To and to the Superintendent of prison.

E.F. having appeared or being brought before the High/Magistrate's Court of the Judicial Division/Magisterial District sitting at on day the day of, to testify what he should know concerning a certain matter 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 premises and did not offer any just excuse for his refusal.

FIRST SCHEDULE — continued

FORM No. 11 — continued

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

Dated the.....day of.....one thousand nine hundred and.....

Judge (or Magistrate)

Section 361/ Section 236.

FORM No. 12

COMMITMENT ON REMAND

(General Title—Form No. 1)

To.....and to the Superintendent of.....prison.

A.B. hereinafter called the defendant being brought before the High/Magistrate's Court of the.....Judicial Division/Magisterial District sitting at....., information having been filed that/charged with having.....

The hearing of the case being adjourned:

You the said Police Officer are hereby commanded to convey the defendant to the said prison, and there to deliver him to the Superintendent thereof, together with this warrant, and you, the Superintendent of the said prison, to receive him into your custody, and keep him until the.....day of....., 19....., and on that day to convey him before the High/Magistrate's Court of the.....Judicial Division/Magisterial District sitting at.....at the hour of.....in the.....noon, to be further dealt with according to law.

Dated the.....day of.....one thousand nine hundred and.....

Judge (or Magistrate)

FIRST SCHEDULE — continued

FORM No. 12— continued

ENDORSEMENT WHERE BAIL IS ALLOWED

I hereby certify that I consent to the defendant being bailed, himself in.....pounds and.....sureties in.....pounds each.

Judge (or Magistrate)

FORM No. 13

CONVICTION (WITH SECURITY)

(General Title—Form No. 1)

Section 361/ Section 250.

Before the High/Magistrate's Court of the.....Judicial Division/Magisterial District sitting at.....

The.....day of.....one thousand nine hundred and.....

A.B. hereinafter called the defendant, is this day convicted for that he on the.....day of....., at.....in the.....aforesaid, did.....

But the court being of opinion that the said offence was of so trifling a nature that it is inexpedient to inflict any [or any other than a nominal] punishment, and the defendant having given security to the satisfaction of this Court to appear for sentence when called upon [or to be of good behaviour], he is discharged.

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.....]:

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 prison at.....for the space of.....unless the said sum [and all costs and charges of the (said distress and) commitment be sooner paid].

Judge (or Magistrate)

FIRST SCHEDULE — continued

FORM No. 14

Section 361/
Section 252.

CONVICTION (IMPRISONMENT)
(General Title—Form No. 1)

Before the High/Magistrate's Court of the.....
Judicial Division/Magisterial District sitting at.....
The.....day of.....one thousand nine
hundred and.....

A.B. hereinafter called the defendant, is this day convicted for that
he, on the.....day of....., at.....
within the.....aforesaid did.....

And it is adjudged that the defendant, for his said offence, be imprisoned
in the prison at.....and there kept to hard
labour [or without hard labour] for the space of.....

If costs are ordered, add:—

And it is ordered that the defendant pay to.....the
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 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 prison for the space
of.....commencing at the termination of the imprisonment
before adjudged, unless the said sum [and all costs and charges of the
(said distress and) commitment, be sooner paid].

.....
Judge (or Magistrate)

FORM No. 15

ORDER FOR MONEY (NOT A CIVIL DEBT)

Section 361/
Sections 255
and 257.

(General Title—Form No. 1)

Before the High/Magistrate's Court of the.....
Judicial Division/Magisterial District sitting at.....
The.....day of.....one thousand nine
hundred and.....

Information having been filed/A.B. having made a complaint that C.D.
hereinafter called the defendant, on the.....day of.....,
at.....within the.....aforesaid, did.....

FIRST SCHEDULE — continued

FORM No. 15 — continued

On trial of the said defendant/on hearing the said complaint, it is ordered
that the defendant pay to the said..... the sum
of....., and also the 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 said sums be levied
by distress and sale of the defendant's goods, and in default of sufficient
distress that] the defendant be imprisoned in the prison at.....
and there kept to hard labour [or without hard labour] for the space of
....., unless the said sums [and all costs and charges
of the (said distress and) commitment] be sooner paid.

.....
Judge (or Magistrate)

FORM No. 16

ORDER OF DISMISSAL WITH DAMAGES

Section 299.

(General Title—Form No. 1)

Before the Magistrate's Court of the.....
Magisterial District sitting at.....
The.....day of.....one thousand nine
hundred and.....

Complaint having been made by A.B. that C.D. hereinafter called
the defendant, on the.....day of.....
at.....in the.....aforesaid, did.....

..... :
And the Court being of opinion that, though the said charge is proved,
the offence is of so trifling a nature that it is inexpedient to inflict any
punishment, doth hereby dismiss the said information:

But doth order that the defendant do pay the complainant.....
for damages and..... 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 said sums be levied
by distress and sale of the defendant's goods, and in default of sufficient

FIRST SCHEDULE — continued

FORM NO. 16 — continued

distress that the defendant be imprisoned in the prison at.....
for the space..... unless the said sums [and all costs
and charges of the (said distress and) commitment] be sooner paid.

.....
Magistrate

FORM NO. 17

Section 299.

ORDER FOR OTHER MATTERS

(General Title—Form No. 1)

Before the High/Magistrate's Court of the.....
Judicial Division/Magisterial District sitting at.....

The..... day of..... one thousand nine
hundred and.....

Information having been preferred against C.D./A.B. having made a
complaint that C.D., hereinafter called the defendant, on the.....
day of..... at..... in
the..... aforesaid, did.....

On trial of the said defendant/on hearing the said complaint, it is ordered
that the defendant do..... :

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 prison 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.....
the 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 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 prison for the space
of..... commencing at the termination of the imprison-
ment before adjudged, unless the said sum [and all costs and charges of
the (said distress and) commitment] be sooner paid.

.....
Judge (or Magistrate)

FIRST SCHEDULE — continued

FORM NO. 18

ORDER OF DISMISSAL

Section 301.

(General Title—Form No. 1)

Before the Magistrate's Court of the.....Magisterial
District sitting at.....

The..... day of..... one thousand nine hundred
and.....

Complaint having been made by..... that A.B. hereinafter
called the defendant, on the..... day of..... at..... in
the..... aforesaid, did.....

This Court having heard and determined the said complaint doth
dismiss the same:*

If costs are ordered, add:—

And it is ordered that the complainant pay to the defendant the 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 sums due be levied by
distress and sale of the complainant's goods, and in default of sufficient
distress that the complainant be imprisoned in the prison at.....
for the space of....., unless the said sums [and all costs and
charges of the (said distress and) commitment] be sooner paid.

.....
Magistrate

FORM NO. 19

ORDER UPON FINDING CHILD OR YOUNG PERSON GUILTY
OF AN INDICTABLE OFFENCESection 361/
Section 302.

(General Title—Form No. 1)

Before the High/Magistrate's Court of the.....Judicial
Division/Magisterial District sitting at.....

The..... day of..... one thousand nine hundred
and.....

A.B. hereinafter called the defendant, being a child/young person
within the meaning of the Criminal Procedure Law and above the age (Cap. 31)

*on its merits
or without
prejudice
to its being
brought
again.

FIRST SCHEDULE — continued

FORM No. 19 — continued

of seven/fourteen years, is this day found guilty of the offence of
 without objection of the parent or guardian, for that he on
 the day of at in
 the aforesaid, did

And it is adjudged that [*proceed as in other forms of conviction, if whipping
 is ordered insert either in addition to or in substitution for any other punishment—*

And that the defendant being a male under the age of seventeen years be,
 as soon as practicable, privately whipped with strokes
 of a].

.....
Judge (or Magistrate)

FORM No. 20

Section 304.

SUMMARY CONVICTION (BY CONSENT) FOR INDICTABLE OFFENCE
 (General Title—Form No. 1)

Before the Magistrate's Court of the Magisterial District
 sitting at

The day of one thousand nine hundred
 and

(Cap. 31)

A.B. hereinafter called the defendant, within the meaning of the Criminal
 Procedure Law is this day charged for that he on the day
 of at in the aforesaid,
 did

The defendant, having consented to be dealt with summarily, is convicted
 of the said offence:

And it is adjudged that [*Proceed as in other forms of conviction*].

.....
Judge (or Magistrate)

FORM No. 21

Section 361/
Section 304.CONVICTION (ON PLEA OF GUILTY) FOR INDICTABLE OFFENCE
 (General Title—Form No. 1)

Before the High/Magistrate's Court of the Judicial Division/
 Magisterial District sitting at

FIRST SCHEDULE — continued

FORM No. 21 — continued

The day of one thousand nine hundred
 and

A.B. hereinafter called the defendant, is this day arraigned/charged for
 that he on the day of at in
 the aforesaid, did

And the defendant having pleaded guilty to such information/the charge,
 is convicted of the offence, and is adjudged to be imprisoned in the prison at
 and there kept to hard labour or without hard labour for
 the space of

If costs are ordered, add:--

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 prison for the space of
 commencing at the termination of the imprisonment before adjudged, unless
 the said sum [and all costs and charges of the (said distress and) commitment
 be sooner paid].

.....
Judge (or Magistrate)

FORM No. 22

CONVICTION FOR PENALTY, AND, IN DEFAULT OF PAYMENT,
 IMPRISONMENT

Section 392.

(General Title—Form No. 1)

Before the High/Magistrate's Court of the Judicial Division/
 Magisterial District sitting at

The day of one thousand nine hundred
 and

A.B. hereinafter called the defendant, is this day convicted for that he,
 on the day of, at within
 the aforesaid, did

And it is adjudged that the defendant for his said offence do forfeit and
 pay the sum of and do also pay the further 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 in default of payment it is adjudged that [the sums due under this
 adjudication be levied by distress and sale of the defendant's goods, and in

FIRST SCHEDULE — continued

FORM No. 22 — continued

default of sufficient distress that] the defendant be imprisoned in the prison at..... and there kept to hard labour [or without hard labour] for the space of..... unless the said sums [and all costs and charges of the (said distress and) commitment] be sooner paid.

Judge (or Magistrate)

ENDORSEMENT WHERE SECURITY FOR PAYMENT IS PERMITTED

It is ordered that the defendant be at liberty to give to the satisfaction of [this court] security in the sum of..... with..... surety..... in the sum of..... [each] for the due payment of the said sums as adjudged.

Judge (or Magistrate)

FORM No. 23

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 of summary jurisdiction sitting at..... for that he on the..... day of..... at..... in the..... aforesaid, 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 (except the wearing apparel and bedding of him and his family, and, to the value of five pounds, 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

Section 393.

FIRST SCHEDULE — continued

FORM No. 23 — continued

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..... one thousand nine hundred and.....

Judge (or Magistrate)

Table with columns for £, s, d and rows for Amount adjudged, Paid, Remaining due, Cost of issuing this warrant, Total amount to be levied.

SECOND SCHEDULE CHARGES

UNDER CRIMINAL CODE WITH ONE HEAD

1. That you on the..... day of..... at..... being employed in the public service, and being charged with the performance of a duty by virtue of such employment, not being a duty touching the administration of justice, *corruptly asked, received or obtained, or agreed or attempted to receive or obtain, any property or benefit of any kind for yourself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by you in the discharge of the duties of your office and thereby committed an offence punishable under section 98 (a) of the Criminal Code.

Sections 150 and 463.

Criminal Code section 98 (a).

2. 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 a street called Ogui Road, Enugu on the..... day of....., and thereby committed an offence punishable under section 118 of the Criminal Code.

Section 118.

*The words not applicable must be deleted and the nature of the property or benefit must be specified.

SECOND SCHEDULE — continued

- Section 120 (a). 3. 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 (a) of the Criminal Code.
- Section 249 (a) (i). 4. That you, being a common prostitute, on the.....day of....., at....., behaved in an indecent manner by exposing your naked person in Owerri Road and thereby committed an offence punishable under section 249 (a) (i) of the Criminal Code.
- Section 325. 5. That you, on the.....day of....., at....., unlawfully killed and thereby committed an offence punishable under section 325 of the Criminal Code.
- Section 326 (c). 6. That you, on the.....day of....., at....., aided A.B. in killing himself and thereby committed an offence punishable under section 326 (c) of the Criminal Code.
- Section 332 (a). 7. 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 (a) of the Criminal Code.
- Section 338 (a). 8. That you, on the.....day of....., at....., unlawfully wounded and thereby committed an offence punishable under section 338 (a) of the Criminal Code.
- Section 360. 9. 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. 10. 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. 11. That you, on the.....day of....., at....., with intent to defraud, obtained from S.P. 5 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 authorized 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.
12. That you, on the.....day of....., 19....., at....., with intent to defraud, obtained from A.B. by falsely pretending that you were able to double money.

SECOND SCHEDULE — continued

13. 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 430 (1).
14. 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 443.
15. 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) (a) of the Criminal Code. Section 467 (2) (a).
- CHARGES WITH TWO OR MORE HEADS
16. *First.* Section 230.
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.
- 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.
17. *First.* Section 248.
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 matches made with white (yellow) phosphorus and thereby committed an offence punishable under section 248 (a) of the Criminal Code.
18. *First.* Section 390.
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.

SECOND SCHEDULE — *continued**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 thing stolen) which had been received by you for and on account of C.D. and thereby committed an offence punishable under section 390 (8) (c) of the Criminal Code.

MISCELLANEOUS

Liquor Law
Cap. 114,
section 54 (a). 19. That you, being the holder of a retail liquor licence, on the.....day of....., permitted drunkenness to take place on your premises situate at.....and thereby committed an offence punishable under section 54 (a) of the Liquor Law.

Dogs Law
Cap. 36,
section 6. 20. That you, on the.....day of....., at....., kept a dog over the age of three months without a licence and thereby committed an offence against section 6 and punishable under section 19 of the Dogs Law.

Unlicensed
Guides
(Prohibition)
Law
Cap. 128,
section 5 (1). 21. That you, on the.....day of....., at....., being an unlicensed person, for or in the hope of obtaining a reward offered to act as a guide and thereby committed an offence against section 5 (1) and punishable under section 10 of the Unlicensed Guides (Prohibition) Law.

Motor
Traffic Law
Cap. 116,
section 11
(1). 22. That you, on the.....day of....., at....., drove a motor vehicle on the Marina recklessly, having regard to all the circumstances of the case and thereby committed an offence against section 11 (1) and punishable under section 19 of the Motor Traffic Law.

THIRD SCHEDULE

1

STATEMENT OF OFFENCE

Perjury, contrary to section 118 of the Criminal Code.

Particulars of Offence

A.B., on the.....day of....., 19....., in the province of....., being a witness upon the trial of an action in the Divisional Court of the High Court of Eastern Nigeria at Onitsha in which one.....was plaintiff, and one.....was defendant, knowingly gave false testimony that he saw one M.W. in the street called the New Market Road, Onitsha, on the day of....., 19......

Sections
338 (b) and
463.

THIRD SCHEDULE — *continued*

2

STATEMENT OF OFFENCE

Uttering counterfeit coin, contrary to section 151 of the Criminal Code.

Particulars of Offence

A.B., on the.....day of....., 19....., at market in the province of....., uttered a counterfeit shilling, 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....., 19....., in the province 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....., 19....., in the province of....., murder C.C., did on the.....day of....., 19....., in the province of....., 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....., 19....., in the province of....., unlawfully killed J.S.

6

STATEMENT OF OFFENCE—FIRST COUNT

Wounding with intent, contrary to section 332, subsection (a), of the Criminal Code.

THIRD SCHEDULE — *continued**Particulars of Offence*

A.B., on the day of , 19 , in the province 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 (a), of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , unlawfully wounded C.D.

7

STATEMENT OF OFFENCE

Rape, contrary to section 358 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province 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 , 19 , in the province 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 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , stole a bag, the property of C.D.

STATEMENT OF OFFENCE—SECOND COUNT

Receiving stolen goods, contrary to section 427 of the Criminal Code.

THIRD SCHEDULE — *continued**Particulars of Offence*

A.B., on the day of , 19 , in the province of , did receive a bag, the property of C.D., knowing the same to have been stolen.

10

STATEMENT OF OFFENCE

Stealing by clerks and servants, contrary to section 390 (6) of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , being clerk or servant to M.N., stole from the said M.N. ten yards of cloth.

11

STATEMENT OF OFFENCE—FIRST COUNT

Stealing by agents and others contrary to section 390 (8) (b) of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , stole one hundred pounds 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) (c) of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , stole one hundred pounds which had been received by him for and on account of L.M.

12

STATEMENT OF OFFENCE

Robbery with violence, contrary to section 402 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , robbed C.D. of a watch, and at, or immediately before or immediately after, the time of such robbery did use personal violence to the said C.D.

THIRD SCHEDULE — *continued*

13

STATEMENT OF OFFENCE

Demanding property by written threats, contrary to section 407 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province 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.

14

STATEMENT OF OFFENCE

Attempt to extort by threats, contrary to section 408 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , with intent to extort money from C.D., accused or threatened to accuse the said C.D. of an unnatural offence.

15

STATEMENT OF OFFENCE

Obtaining goods by false pretences, contrary to section 419 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province 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 authorized by the said J.S. to receive the said cloth on behalf of the said J.S.

16

STATEMENT OF OFFENCE

Burglary, contrary to section 411, and stealing, contrary to section 390 (4) (b) of the Criminal Code.

Particulars of Offence

A.B., in the night of the day of , 19 , in the province 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.

17

STATEMENT OF OFFENCE

Conspiracy to defraud, contrary to section 422 of the Criminal Code.

THIRD SCHEDULE — *continued**Particulars of Offence*

A.B. and C.D., on the day of , 19 , and on divers days between that day and the day of , 19 , in the province 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 province of , and that they were then able to supply certain articles of jewellery to whomsoever would remit to them the sum of two pounds.

18

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 , 19 , in the province of , 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 one hundred pounds had been paid to L.M.

STATEMENT OF OFFENCE—SECOND COUNT

Fraudulent false accounting, contrary to section 438 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province 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 fifty pounds from H.S.

19

STATEMENT OF OFFENCE

Arson, contrary to section 443 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , wilfully and unlawfully set fire to a house.

20

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 , 19 , in the province of , wilfully and unlawfully set fire to a house.

C.D., on the same day, in the province of , did counsel or procure the said A.B. to commit the said offence.

THIRD SCHEDULE — *continued*

21

STATEMENT OF OFFENCE—FIRST COUNT

Offence under section 449, subsection (1), of the Criminal Code, Chapter 42 of the Laws of the Federal Republic, 1958 Revision.

Particulars of Offence

A.B., on the day of , 19 , in the province of , with intent to obstruct the use of the railway, displaced a sleeper belonging to the Railway Corporation.

STATEMENT OF OFFENCE—SECOND COUNT

Obstructing railway, contrary to section 459 of the Criminal Code, Chapter 42 of the Laws of the Federal Republic, 1958 Revision.

Particulars of Offence

A.B. on the day of , 19 , in the province of , by unlawfully displacing a sleeper belonging to the Railway Corporation caused an engine or vehicle in use upon the said railway to be obstructed in its passage.

22

STATEMENT OF OFFENCE

Damaging trees, contrary to section 451 of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province of , wilfully and unlawfully damaged a cocoa tree there growing.

23

STATEMENT OF OFFENCE—FIRST COUNT

Forgery, contrary to section 467 (2) (f) of the Criminal Code.

Particulars of Offence

A.B., on the day of , 19 , in the province 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 the day of , 19 , in the province of , knowingly and fraudulently uttered a certain forged will purporting to be the will of C.D.

THIRD SCHEDULE — *continued*

24

STATEMENT OF PREVIOUS CONVICTION

Prior to the commission of the said offence, the said A.B. had been previously convicted of burglary on the day of , 19 , at the Sessions held at Enugu.

FOURTH SCHEDULE

Order for Sentence of Death to be Carried Out

Section 373,



ORDER FOR EXECUTION

WHEREAS at the session of the High Court holden at on the day of , 19 , one was duly convicted of a capital offence and was sentenced to death:

AND WHEREAS a copy of the finding and sentence and of his notes of evidence taken on the trial has been forwarded to me by the Presiding Judge, with a report in writing signed by him:

AND WHEREAS I have been advised by the member of the Executive Council designated in that behalf:

NOW THEREFORE I do hereby order that the said sentence be carried out according to law, and that the said be executed at

at a time to be appointed by the Sheriff of Province, and that the body of the said be buried in the usual place of interment 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 Eastern Nigeria, this day of , 19 .

.....
Governor of Eastern Nigeria

To the Sheriff of

Province.

FIRST SCHEDULE — continued.

substantial grounds for his taking the proceeding or asking for the service to be rendered: provided however that the court may, where the court so thinks fit, order any party to pay any fees so waived or remitted.

FEES PAYABLE

	£	s	d
1. On every summons (to include hearing fee)	0	10	0
2. On every warrant to arrest (unless specially directed by the court to be issued)	0	10	0
3. On search warrant	0	10	0
4. On warrant of distress	0	10	0
5. On every subpoena (unless specially directed by the court to be issued)	0	2	6
6. On warrant for prisoner to give evidence	0	5	0
7. For searching the archives, for each period of six months or part thereof	0	2	6
8. For preparing a copy where authorized: per folio of 72 words	0	0	5
9. Service of any document:			
Initial fee	0	1	6
Plus Mileage fee—			
(a) If within an English mile from the court	0	1	6
(b) If beyond one mile but not beyond five:			
(i) for the first mile... ..	0	1	6
(ii) for every subsequent mile or part thereof (one way)	0	0	8
(c) If beyond five miles: per day or part thereof of the time needed for travelling	0	4	0

Notes.—Where an officer serves more than one document or writ on the same route one mileage rate only is to be charged, and apportioned upon the documents or writs.

Where the sheriff, deputy sheriff or a registrar executes any duty in person by direction of the court he is entitled, instead of mileage fees, to his actual expenses and such travelling allowance as the court may allow.

When a service is rendered by a person who is not an officer of the court or in the service of the Government or of a local government council or a customary court the court may direct that the fee paid for such service be paid out of revenue to the person who has rendered the services.

In addition to the above fees, the party on whose behalf such services are to be performed shall be liable to pay such expenses of transport as the court may think reasonable. For the performing any other duty not herein expressly provided for the officer may receive such fee as the court may allow.

SECOND SCHEDULE

FORM A

RECOGNIZANCE

Rule 4.

(Title of Proceedings)

By this recognizance the undersigned principal party [and surety (or sureties)] acknowledges himself [or acknowledge themselves] bound to forfeit to the Governor the sum of £ : : , subject only to this condition, that if [here insert the condition of the recognizance] then this recognizance shall be thereby discharged.

..... Principal Party.
 } Sureties.

Taken before me at.....this.....day of....., 19.....

FORM B

WARRANT TO BRING A PRISONER BEFORE THE COURT

(Title of Proceedings)

To the Keeper of the Prison at.....

Whereas..... a prisoner under custody is required to be produced before the court:

You are hereby commanded to produce the said prisoner before the court at.....on the.....day of....., 19....., at eight o'clock in the forenoon.

Issued at.....on the.....day of....., 19.....

Court Fees: Warrant
 Hearing

Total

.....
 Judge (or Magistrate)

SECOND SCHEDULE — continued

FORM C

WARRANT REMITTING DEFENDANT TO ANOTHER COURT

(Title of Proceedings)

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

A.B.,.....hereinafter called the defendant, being brought before the above court charged with having committed the following offence within the Magisterial District of.....namely,.....(state the offence).

You are hereby commanded to receive and detain the defendant and to carry him and deliver him up to the.....court without any delay.

Dated the.....day of....., 19.....

Magistrate

(Cap. 31)

Note.—This form may be varied to suit the case in section 67 (2) of the Law.

FORM D

SEARCH WARRANT

In the Magistrate's Court of the.....Magisterial District.

To.....and.....

Whereas information on oath and in writing has this day 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 section 107 of the Law).

(Cap. 31)

You are hereby commanded in the Governor's name, with proper assistance, to enter the above-named (state the place to be searched) and there diligently search for the things aforesaid and if the same or any part thereof are found on search, to bring the things so 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 shall be executed between the hours of five o'clock in the forenoon and eight o'clock at night *and may also be executed at any hour during day or night.

Issued at.....this.....day of....., 19.....

Magistrate

Fees:

*Strike out if not authorized.

SECOND SCHEDULE — continued

FORM E

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 at.....without delay.

Judge (or Magistrate)

FORM F

WARRANT TO CARRY OUT SENTENCE

(Title of Proceedings)

To.....and to the Superintendent of Prison: The defendant.....was on the.....day of....., 19....., 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 be concurrent [or consecutive, or concurrent as to the.....and....., and consecutive as to, or as the case may be].

[The imprisonment is to be without hard labour].

SECOND SCHEDULE → *continued*

You are hereby commanded to take the said defendant [and imprison him] [and cause him to be whipped] in accordance with the above sentence and the law.

Dated the day of, 19.....

.....
Judge (or Magistrate)

CHAPTER 32

CUSTOMARY COURTS LAW

Arrangement of Sections

PART I.—PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II.—ESTABLISHMENT AND CONSTITUTION OF CUSTOMARY COURTS

3. Establishment of customary courts.
4. Personnel of customary courts.
5. Sitting Fees.
6. Constitution of customary courts and number of members required to be present at hearing.
7. Oath of court member.
8. Sessions.
9. Remuneration of members and officers and provision of facilities.
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11. Existing Native Courts.

PART III.—OFFICERS OF CUSTOMARY COURTS

12. Officers of the court.
13. Delegation of duties.
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16. Indemnity of members and officers of customary courts.
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22. Pending causes and matters.
23. Law to be administered in customary courts.
24. Jurisdiction of customary courts in relation to offences against customary law.

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FIRST SCHEDULE.—JURISDICTION OF DISTRICT COURT IN CRIMINAL AND CIVIL CASES

SECOND SCHEDULE.—FORM OF OATH OF COURT MEMBER

CHAPTER 32

A Law to make better Provision for the Administration of Justice and the Constitution of Customary Courts.

E.R.N.—
21 of 1956,
12 of 1957,
31 of 1958,
12 of 1960,
Sec. 8,
17 of 1960,
5th Sched.
20 of 1960.
E.N.
20 of 1961.
E.N.L.N.
79 of 1961.

[29th November, 1957]

PART I.—PRELIMINARY

1. This Law may be cited as the Customary Courts Law. Short title.

Interpretation.

2. In this Law—

- “cause” includes any action, suit or other original proceeding between a plaintiff and a defendant and also any criminal proceeding;
- “council” includes a local government council established or deemed to have been established in accordance with the provisions of a written law relating to local government in Eastern Nigeria, and a Municipality but does not include a village council;
- “County Court” means a County Court established or deemed to have been established under the provisions of this Law;
- “Customary Court” means a County Court and a District Court established or deemed to have been established under the provisions of this Law;
- “Customary Courts Adviser” includes—
- (a) the Customary Courts Adviser appointed under section 57, and
 - (b) a State Counsel attached to the Customary Courts Division of the Ministry of Customary Courts and Chieftaincy Affairs;
- “customary law” means a rule or body of rules regulating rights and imposing correlative duties, being a rule or body of rules which obtains and is fortified by established usage and which is appropriate and applicable to any particular cause, matter, dispute, issue or question;
- “District Court” includes a District Court Grade A and a District Court Grade B established or deemed to have been established under the provisions of this Law;
- “High Court” means the High Court of Eastern Nigeria;
- “land cause” and “land matter” mean a cause or matter relating to the ownership, occupation or possession of land;
- “legal practitioner” means a person entitled to practise in accordance with section 90 of the High Court Law;
- “Magistrate’s Court” means a Magistrate’s Court established under the Magistrates’ Courts Law;
- “matter” includes any proceeding in a court not in a cause;
- “the Minister” means the Minister for the time being charged with responsibility for Customary Courts;

(Cap. 61)

(Cap. 82)

“regional matter” means a matter other than a matter included in the Concurrent Legislative List or the Exclusive Legislative List contained respectively in Part II and Part I of the Schedule to the Constitution of the Federation.

PART II.—ESTABLISHMENT AND CONSTITUTION OF CUSTOMARY COURTS

3. (1) By warrant under his hand, the Minister may establish such District Courts as he shall think fit which shall be courts of record and which shall exercise jurisdiction in accordance with this Law, within such limits as may be defined by the warrant, over causes and matters in which all the parties belong to a class of persons who have ordinarily been subject to the jurisdiction of customary tribunals, and reside or are within the area of the jurisdiction of the court; and such warrant shall assign to any District Court thereby established such name as the Minister may think fit.

Establishment of customary courts.

(2) By warrant under his hand the Minister may establish such County Courts as he shall think fit which shall be courts of record and which shall be courts of appeal and which shall exercise jurisdiction in accordance with the provisions of this Law within such limits as may be defined by the warrant and any other written law.

(3) The Minister may at any time suspend, cancel or vary any warrant establishing a customary court or defining the limits within which the jurisdiction of the customary court may be exercised.

(4) The Minister shall cause (a) the jurisdiction and power set forth in the warrant of every District Court and any suspension, cancellation or variation thereof and (b) the County Court which shall be the appeal court for every District Court to be notified in the *Eastern Nigeria Gazette*.

(5) Unless and until disallowed by the Minister, a warrant has the force of law—

- (a) on the date the Minister may, in his discretion, appoint by the warrant as its commencement; or
- (b) where no date is so appointed, on the date of publication of the warrant in the *Eastern Nigeria Gazette*.

Personnel of
customary
courts.

4. (1) The Minister shall appoint the persons who are to be the *ex officio* or other members of any customary court established under section 3 or any customary court in respect of which a declaration has been made under section 11.

(2) The power to appoint such persons may be exercised from time to time as the Minister shall consider necessary.

(3) No person who has been sentenced by a court in Nigeria to death or to imprisonment for a term exceeding six months for any offence involving dishonesty and who has not received a free pardon shall be qualified to be appointed to be a member of a customary court within a period of five years from the date of such sentence.

(4) The Minister may dismiss or suspend any member of a customary court who shall appear to have abused his power or to be unworthy or incapable of exercising the same justly or for other sufficient reason. On such dismissal or for the period of his suspension the member shall be disqualified from exercising any powers or jurisdiction unless and until he be expressly reinstated by the Minister.

(5) Before making an appointment under this section the Minister may make such enquiries as he considers necessary and shall consider any advice or recommendation made to him by the Customary Courts Adviser.

(6) A person appointed under the provisions of this section shall hold office for such time as shall be stated in the instrument by which he is appointed.

Sitting Fees.

5. The Minister may by order fix the maximum amount or the rate of any sitting fee payable by a council to persons who are *ex officio* or otherwise members of a customary court.

Constitution
of
customary
courts and
number of
members
required to
be present
at hearing.

6. (1) A customary court shall consist of the persons appointed in accordance with section 4, sitting with or without assessors.

(2) The Minister may from time to time appoint a president and a vice-president of a customary court who shall be literate in the English language. Where no such appointment has been made or in the absence of the president and the vice-president the members of the court shall appoint one of themselves to preside for a period or session.

(3) For the purpose of hearing any case in a customary court it shall be sufficient if there be present at the hearing such number of members as the Minister may appoint as a quorum and in all causes before a customary court the opinion of the majority shall, in the event of the members disagreeing, be deemed and taken to be the decision of the court.

(4) The president or vice-president or other member presiding, if any, shall have a casting vote.

7. (1) No person who has been appointed under the provisions of section 4 to be a member of a customary court shall sit or in any way act as a member of such court until he shall have taken and subscribed the oath in the form contained in the Second Schedule.

Oath of
court
member.

Second
Schedule.

(2) The oaths shall be administered by the Customary Courts Adviser or by such person as the Minister may direct at a sitting of the court.

8. (1) A customary court shall hold sessions or shall sit at such times and places as may be necessary for the convenient and speedy despatch of the business of such court:

Sessions.

Provided that the Minister may direct that the sessions shall be held at such times and places as he shall think fit.

(2) The Minister may direct that for the more convenient despatch of business a customary court may sit in two or more divisions.

9. (1) No customary court shall be constituted unless the Minister is satisfied that proper provision shall be made by a council for—

Remunera-
tion of
members
and officers
and
provision
of facilities.

- (a) the payment of members of a customary court;
- (b) the remuneration of the customary court registrar and other officers; and
- (c) such accommodation and supply of equipment as the proper functioning of the customary court may require.

(2) All fees, fines and penalties payable in respect of or as a result of proceedings in any customary court and the proceeds of sale of any forfeiture ordered by such customary court shall be paid to and form part of the revenue of the council responsible for the maintenance of such court.

Adjudication without authority.

10. (1) Any person who shall exercise or attempt to exercise judicial powers within the area of the jurisdiction of a duly constituted customary court, except in accordance with the provisions of any Law or Ordinance, or who shall sit as a member of such court without due authority, shall be liable on conviction before the High Court, a Magistrate's Court or a District Court Grade A to imprisonment for a period not exceeding six months or to a fine not exceeding fifty pounds.

(2) Nothing in this section contained shall be deemed to prohibit any person from adjudicating as an arbitrator upon any civil matter in dispute where the parties thereto have agreed to submit the dispute to his decision.

(3) No prosecution under this section shall be instituted without the consent in writing of the Attorney-General.

Existing Native Courts. (L. of N. 1948 Cap. 142)

11. The Minister may declare that all or any courts established under the Native Courts Ordinance in any specified district or area shall be deemed to be District Courts Grade A or B or County Courts established under this Law, and thereupon the jurisdiction conferred upon such courts under the Native Courts Ordinance shall be deemed to have been conferred upon such courts under this Law and shall be exercised in all respects and may be determined or varied in accordance with this Law and nothing in the Native Courts Ordinance shall apply to any such courts.

PART III.—OFFICERS OF CUSTOMARY COURTS

Officers of the court.

12. A council may, with the approval of the Minister of Local Government, appoint a registrar, clerk or scribe to any customary court the maintenance for which it is responsible, and such registrar, clerk or scribe shall perform such duties in the execution of the powers and authorities of the court as may be assigned to him by rules of court or any special order of the court and in particular he shall prepare for issue all warrants and writs and shall record all proceedings of the customary court and shall register all orders and judgments of the customary court and shall enter an account of all moneys received or paid by the customary court.

Delegation of duties.

13. Subject to the control of the customary court, the registrar, clerk or scribe may delegate any of the duties assigned to him to any other officer or servant of the court,

and in every such case such officer or servant shall be governed in respect to his duties by the orders and directions of the registrar, clerk or scribe.

14. (1) Councils may appoint fit and proper persons as bailiffs or messengers as the business of a customary court may require and it shall be the duty of any person so appointed, in the area of jurisdiction of the court to which he is appointed, to receive writs and process from the customary courts and he shall be charged with the service and execution thereof and with making returns relating thereto and such other duties as may be prescribed by rules made under this Law; and he shall at all times when not engaged on such service or execution or duties attend the customary court and obey all directions of the court.

Bailiffs and messengers.

(2) Any person who assaults, obstructs, molests or resists, or aids or incites any other person to assault, obstruct, molest or resist, any person acting or proceeding to act in the execution of his duties under this section shall on conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

15. (1) No person appointed by a council under the provisions of sections 12, 13 and 14 shall be dismissed by a council for any reason without the approval of the Minister of Local Government in writing.

Control and dismissal of staff by Minister.

(2) Subject to any directions of the Minister of Local Government and to any regulations made under the provisions of section 106 of the Local Government Law or a similar section of a Law replacing that section, a council may pay to any person appointed under the provisions of sections 12, 13 and 14 such reasonable remuneration as it may determine.

(Cap. 79)

PART IV.—LIABILITY OF MEMBERS AND OFFICERS OF CUSTOMARY COURT

16. (1) No person shall be liable to be sued in any court for any act done or ordered to be done by him in the exercise of jurisdiction conferred by this Law, whether or not within the limits of his jurisdiction, provided that at the time of such act or order he believed in good faith that he had jurisdiction to do such act or to make such order.

Indemnity of members and officers of customary courts.

(2) No officer of any customary court or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Law shall be liable to be sued in any court for the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

No fees or fines in excess of those authorized to be exacted.

17. (1) No fees or fines in excess of those authorized by or under this or by some other written law shall be demanded or exacted from any person in respect of any cause or matter in a customary court and any member, officer or servant of a customary court concerned in any contravention of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, and the court may order the amount so exacted in excess to be refunded.

(2) If there shall be default by any person convicted under this section against whom an order to refund the excess amount exacted has been made, the amount may be levied by distress and in default of sufficient distress the person defaulting may be committed to prison for any term not exceeding six months in addition to any sentence imposed under subsection (1).

Corruption.

18. (1) Any member of any customary court or officer or servant of any customary court who accepts, claims or obtains or agrees or attempts to accept, claim or obtain for himself or for any other person, any gratification, advantage, bribe or reward whatsoever, whether in money or otherwise, for doing or for forbearing to do any act which he is authorized or required to do in the exercise of his jurisdiction, authority or function as a member of a customary court or as an officer or servant of a customary court as the case may be, or for corruptly showing favour or disfavour to any person, shall be guilty of an offence.

(2) Whoever gives or offers and whoever accepts or obtains, and whoever agrees to accept or obtain, for himself or for any other person, any gratification, advantage, bribe or reward whatsoever, whether in money or otherwise for inducing by any corrupt or illegal means or by corrupt personal influence any member or any officer or any servant of any customary court to do or to forbear to do any act which

the said member, officer or servant of a customary court as the case may be is authorized to do in the exercise of the jurisdiction, authority or function of such member, officer or servant of a customary court, or to show favour or disfavour to any person, shall be guilty of an offence.

(3) A magistrate's court shall have jurisdiction to try offences under this section and any person convicted before a court of such an offence shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding two years.

PART V.—JURISDICTION OF CUSTOMARY COURTS

(a) Persons subject to jurisdiction

19. The following persons or classes of persons shall be subject to the jurisdiction of customary courts—

Persons subject to jurisdiction of customary courts.

- (a) persons of African descent, provided that the mode of life of such persons is that of the general community and that such persons are in their country of origin subject to African customary law howsoever that customary law may be modified or applied;
- (b) persons or classes of persons whether of African or non-African descent whom or which the Executive Council direct to be subject to the jurisdiction of any particular customary court, or to be subject to such jurisdiction in certain causes or classes of causes only;
- (c) persons whether of African or non-African descent who have at any time instituted proceedings in any customary court.

(b) Criminal and Civil Jurisdiction

20. (1) Every District Court shall have jurisdiction and power to the extent set forth in the warrant of the Minister establishing it and, subject to the provisions of the Constitution of the Federation and this Law, in all civil and criminal cases in which all the parties belong to a class of persons subject to the jurisdiction of customary tribunals.

Criminal and civil jurisdiction.

(2) For the purposes of subsection (1) the Minister may grade District Courts as Grade A and Grade B and the jurisdiction and power of District Courts of these grades

First
Schedule.

shall not exceed that which is prescribed in paragraphs 1 and 2 of the First Schedule, unless the Minister by endorsement upon the warrant by which it is established directs that the jurisdiction and power of a District Court Grade A shall not exceed that which is prescribed for such grade in paragraph 3 of the First Schedule.

(3) The Minister may remove any District Court by endorsement on the warrant from the grade to which it has been assigned and re-assign it to another grade.

Place of
trial of
causes.

21. (1) All criminal causes shall be tried and determined by a District Court having jurisdiction over the area in which the offence was committed.

(2) All civil causes other than land causes shall be tried and determined by a District Court having jurisdiction over the area in which the defendant was at the time the cause of action arose.

(3) All land causes shall be tried and determined by a District Court having jurisdiction over the area in which the land which is the subject matter of the dispute is situated:

Provided that where a customary court has jurisdiction in causes or matters concerning land, and land the subject-matter of any proceedings is situated partly within the area of the jurisdiction of two or more customary courts, the Customary Courts Adviser, if all such courts are within the area under the jurisdiction of one Customary Courts Adviser, or the Minister if all such courts are not within the area under the jurisdiction of one Customary Courts Adviser, shall determine in which court the cause or action shall be heard and thereupon such court shall have the same jurisdiction over the land in question as it has over land lying wholly within its jurisdiction and may take such course with regard to the cause or matter which it considers justice requires.

Pending
causes and
matters.

22. In any warrant establishing a customary court the Minister may decide that any cause or matter begun and pending immediately prior to the commencement of this Law in any existing court constituted under the Native Courts Ordinance whether as of first instance or on appeal may be continued and concluded in such customary court and every judgment, order or sentence in any such cause or matter

may be enforced in the same manner and the same appeal, if any, shall lie therefrom as if it were a judgment, order or sentence in a cause or matter originally instituted in the appropriate customary court established under this Law.

(c) *Law to be administered*

23. (1) Subject to the provisions of this Law, a customary court shall administer—

Law to be
administered
in customary
courts.

(a) the customary law prevailing in the area of the jurisdiction of the court or binding between the parties, so far as it is not repugnant to natural justice, equity and good conscience nor incompatible either directly or by necessary implication with any Act or Law for the time being in force;

(b) the provisions of any Law which the court may be authorized to enforce by an order under section 26;

(c) the provisions of all rules or orders made under the repealed Native Authority Ordinance and the provisions of all rules, orders or bye-laws made by a native authority under any other Ordinance or Law, and in force in the area of the jurisdiction of the court;

(L. of N.
1948
Cap. 140)

(d) the provisions of a written law relating to local government in the Region and all orders, regulations and bye-laws made under—

- (i) a written law relating to local government, or
(ii) such a repealed law.

(2) For offences against any customary law a customary court may, subject to the provisions of this Law, impose a fine or imprisonment or both or may inflict any punishment authorized by customary law, provided it does not involve mutilation or torture, and is not repugnant to natural justice and humanity.

24. Subject to the provisions of this Law, but notwithstanding anything contained in the Criminal Code Law, where any person is charged with an offence against customary law, a customary court may try the case in accordance with customary law even though the act or omission constituting the offence may also constitute an offence under the provisions of the Criminal Code or of any other enactment:

Jurisdiction
of customary
courts in
relation to
offences
against
customary
law.

(Cap. 30)

Provided that where an act or omission constituting an offence against customary law also constitutes an offence

under the provisions of the Criminal Code or of any other enactment, a customary court shall not impose a punishment in excess of the maximum punishment permitted by the Criminal Code or such other enactment.

Guardian-
ship of
children.

25. (1) In any matter relating to the guardianship of children, the interest and welfare of the child shall be the first and paramount consideration.

(2) Whenever it shall appear to a customary court that an order made by such court shall, in the interests of a child, be reviewed, the court may, of its own motion or upon the application of any interested person, vary or discharge such order.

Executive
Council may
confer
jurisdiction
to enforce
laws.

26. The Executive Council may by order confer upon all or any customary courts jurisdiction to enforce within the local limits of their jurisdiction all or any of the provisions of any Law specified in such order and to impose penalties on persons subject to the jurisdiction of the court who offend against such provisions, subject to such restrictions and limitations, if any, as may be specified in the order.

Reconcilia-
tion in civil
cause or
matter.

27. In civil causes or matters a customary court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

Reconcilia-
tion in
criminal
causes.

28. In criminal causes a District Court may promote reconciliation and encourage and facilitate the settlement in an amicable way, of proceedings for common assault or for any other offence not amounting to a felony and not aggravated in degree, on any terms of payment or compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed.

Whipping.

29. Notwithstanding the provisions of any written law or of any customary law no sentence of whipping shall be passed on any female or on any male other than a juvenile offender.

Substantial
justice to
be done.

30. No proceedings in a customary court and no summons, warrant, process, order or decree issued or made thereby shall be varied or declared void upon appeal solely by reason of any defect in procedure or want of form but every court or authority exercising powers of appeal under this Law shall decide all matters according to substantial justice without undue regard to technicalities.

PART VI.—PROCEEDINGS IN CUSTOMARY COURTS

31. Subject to the provisions of this Law and to such rules as may be made under section 68, the procedure and practice of customary courts shall be regulated in accordance with customary law. Practice and procedure.

32. (1) No legal practitioner may appear or act for or assist any party before a customary court; but a customary court may permit the husband, or wife, or guardian, or any servant, or the master, or any inmate of the household of any party, who shall give satisfactory proof that he or she has authority in that behalf, or a relative of a person administering the estate of a person who was subject to the jurisdiction of a customary court, to appear for such party. Parties to appear in person.

(2) Subject to the provisions of subsection (1), in the case of a prosecution by or on behalf of a council or in any suit pending before an existing court or in any suit brought by or against a council, such council may be represented in a customary court at any stage of the proceedings by any councillor, officer or employee of the council who shall satisfy the customary court that he has the authority to represent such council.

33. The room or place in which a customary court sits to hear and determine any cause or matter shall be an open and public court to which the public generally may have access so far as it can conveniently contain them. Proceedings to be in open court.

34. (1) A customary court may adjourn its sitting from day to day or to any convenient day. Adjournment of the customary court.

(2) If the members of a customary court are not present at the time and place appointed for any sitting of the court, an officer of the customary court or any other person authorized in that behalf by the president of the court may adjourn the sitting until such time and to such place as may have been announced to be convenient and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at such time and place.

(3) In the absence of any announcement to the contrary, all such persons shall be bound to be present at the next succeeding time appointed as aforesaid or otherwise for the sitting of the court in the same place.

PART VII.—TRANSFERS

Power to transfer.

35. (1) The Customary Courts Adviser may, at any time or at any stage of the proceedings before final judgment either of his own motion or on the application of either party to a cause, by order stop the hearing of any cause or matter before a customary court on such terms as he may consider just and upon such order being made in his discretion may—

- (a) if the cause or matter appears to be within the jurisdiction of some other customary court, by the same or another order direct that the same be inquired of, tried or determined by such customary court as shall appear to have jurisdiction over the same;
- (b) direct in like manner that such cause or matter shall be inquired of, tried and determined by a Magistrate's Court;
- (c) if the cause or matter be a cause or matter which in his opinion ought for any reason to be transferred from a customary court to the High Court, by the same or another order may direct that the cause or matter be transferred to the High Court:

Provided that no cause or matter which has been transferred by the High Court or a Magistrate's Court to a customary court may be transferred under this section to the High Court or to the same or any other Magistrate's Court.

(2) The court to which the cause or matter is transferred shall be informed in writing of the reasons for making the order of transfer.

Effect of application for order of transfer.

36. Any application for an order of transfer made by either party shall operate as a stay of proceedings before a customary court. The Customary Courts Adviser shall, in exercise of powers under section 35 of this Law, make an order of transfer or refuse the application:

Provided that an aggrieved party may, within fifteen days from the date of notification of such refusal, appeal to a High Court against such refusal as if it were a decision of the customary court, and the decision of the High Court as to the transfer shall be final.

37. (1) Every order of transfer whether made under this Part or under the provisions of section 58 shall operate as a stay of proceedings before the customary court to which it may be addressed in any cause or matter to which the order extends or is applicable, and the process and proceedings in every such cause or matter and a certified copy of the record shall be transmitted to the court to which the same shall be transferred.

Effect of order of transfer.

(2) The Customary Courts Adviser may, if it appear expedient, telegraph in the first instance the contents of any such order made by him and such telegram shall, until receipt of the said order, have the same validity and effect as if it were the said order.

38. A customary court may order the transfer of any cause or matter either before trial or at any stage of the proceedings before judgment to any other customary court of competent jurisdiction and such other customary court may take any course with regard to the cause or matter which it considers justice requires.

Power of customary court to transfer to another customary court.

39. Whenever it shall appear to the High Court or to a Magistrate's Court that any cause or matter brought before it is one properly cognizable by a customary court, the High Court or the Magistrate's Court may stop the further progress of such cause or matter and refer the parties to a competent customary court and upon doing so may award such costs as to it shall seem fit:

Reference to customary court in certain cases.

Provided that this section shall not apply if the cause or matter is in the nature of a set-off, counter-claim or cross-action instituted in the High Court or Magistrate's Court in connexion with a cause or matter pending in the High Court or Magistrate's Court.

PART VIII.—ANCILLARY POWERS OF CUSTOMARY COURTS

40. Every person sentenced to imprisonment by a customary court or taken in execution of the process of such court may be detained in a prison established under any Act or Law.

Places of imprisonment.

Recovery of fines.

41. (1) A customary court may order that any fine which it may impose shall be paid at such time or times or by such instalments as it may think just; and in default of the payment of any fine or of any instalment of the same when due, the court may order that the amount of the fine or of the instalment, as the case may be, shall be levied by the sale of any property belonging to the offender and situated in Eastern Nigeria or the court may order the offender to be imprisoned:

Provided that the sentence of imprisonment passed upon the offender in default of payment of the fine or the total of such sentences passed in default of payment of instalments thereof, as the case may be, shall not exceed the maximum sentence of imprisonment which the court is empowered to inflict, and where a term of imprisonment is imposed with the fine such term together with either the sentence of imprisonment in default of the payment of the fine or the total of such sentences in default of the payment of instalments thereof, as the case may be, shall not exceed such maximum sentence of imprisonment.

(2) In every case in which imprisonment is ordered in default of payment of the fine inflicted, such imprisonment shall be according to the following scale:

Where the fine does not exceed 10s...	The period of imprisonment shall not exceed seven days;
exceeds 10s but does not exceed £1 ...	fourteen days;
exceeds £1 but does not exceed £10...	one month;
exceeds £10 but does not exceed £30	two months;
exceeds £30 but does not exceed £50	six months.

(3) In any case where a fine has been imposed by a customary court if, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid that the term of imprisonment suffered in default is not less than proportional to the part of the fine still unpaid the imprisonment shall terminate.

Restoration of property unlawfully obtained.

42. When any person is convicted by a customary court of having stolen or dishonestly or wrongfully obtained any property, the customary court convicting him may order that the property be restored to the person who appears to it to be the owner thereof or entitled to the possession thereof.

43. A customary court may direct any fine or such part thereof as it shall deem fit to be paid to the person injured or aggrieved by the act or omission in respect of which such fine has been imposed on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.

Compensation to aggrieved persons.

44. A customary court may order any persons convicted before it of an offence to pay to the prosecutor in addition to any penalty imposed such reasonable costs as the court may think fit.

Costs against accused.

45. Any person subject to the jurisdiction of a customary court who shall omit to produce or deliver up a document on the lawful order of any such court or who shall refuse to answer any question lawfully asked by such a court or to sign any statement lawfully required by the customary court or who insults a customary court or any member thereof during a sitting of a customary court or who intentionally interrupts the proceedings thereof at any stage shall be guilty of an offence and on conviction by a customary court shall be liable to a fine not exceeding twenty-five pounds and in default of payment, to imprisonment for a period not exceeding three months:

Refusal to give evidence and insulting behaviour.

Provided always that no person shall be compelled to answer any question which in the opinion of the customary court is likely to incriminate him.

46. (1) Every customary court shall have power to summon before the court for the purpose of giving evidence any person within the area of the jurisdiction of the court and, subject to the provision of any rules under section 69, any person outside such area and in Eastern Nigeria:

Power to summon witnesses.

Provided that where the person to whom the summons is directed is not subject to the jurisdiction of the court the summons shall not be deemed to be valid within the meaning of this section unless it is endorsed by a magistrate.

(2) Any person who, without reasonable excuse, shall fail to obey any valid summons issued under this section may be arrested and brought before the customary court or other court having jurisdiction over such person, and shall be liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment for fourteen days.

Person present may be required to give evidence.

47. If in the opinion of a customary court the justice of the cause or matter under trial so demands, any person present at the customary court, whether a party or not in such cause or matter, may be required by the customary court to give evidence as if he had been summoned to attend and give evidence, and may be punished in like manner for any refusal to obey the order of the customary court.

Evidence of person not subject to jurisdiction.

48. If in any cause or matter a customary court considers that the interests of justice require that the evidence of a person not subject to the jurisdiction of customary courts should be obtained, the customary court may make an application to a magistrate requesting that the evidence of such person not subject to the jurisdiction of customary courts may be taken before a magistrate or other officer of a magistrate's court in the district in which such person not being subject to the jurisdiction of customary courts is found; and if the magistrate to whom the application is made, in his discretion thinks fit so to do, he may make an order accordingly.

Penalty for giving false evidence.

49. Any person who in any proceedings before a customary court gives evidence whether on oath or otherwise which he knows to be false or believes to be false or does not believe to be true shall be liable on conviction to imprisonment for a period not exceeding three months or to a fine of twenty-five pounds or to both such imprisonment and fine.

Causing persons to refrain from giving evidence.

50. Any person who, with intent to defeat, obstruct or pervert the cause of justice in any cause or matter in a customary court, in any manner causes any person to delay to give or refrain from giving evidence or prevents any person from giving evidence before the customary court shall be guilty of an offence and shall on conviction by a customary court be liable to a fine not exceeding ten pounds or imprisonment for one month or to both such fine and imprisonment.

Division and consolidation.

51. (1) A plaintiff may not split or divide any cause of action for the purpose of bringing two or more actions in any customary court.

(2) Causes or matters pending in the same customary court may be consolidated by order of the customary court or on application of either party:

Provided that causes or matters may not be consolidated if the effect of such consolidation is to bring the total of the

consolidated actions or matters above the jurisdiction of the customary court adjudicating.

52. Any judgment or order given or made by a customary court in a civil cause or matter may be enforced by seizure and sale of the property of the person condemned therein, or by such other methods of enforcing judgments and orders as may be prescribed by rules made under section 69.

Execution of judgments.

53. Customary courts shall carry into execution any decrees or orders of the High Court, any magistrate's court or of any customary court established under this Law directed to them, and shall execute all warrants and serve all process issued by any such courts as aforesaid and directed to them for execution of service, and shall generally give such assistance to any of the aforesaid courts as may be required.

Executing orders of other courts.

54. If it shall appear at any stage of a cause before a customary court that any person other than the parties to that cause ought, by reason of his having an interest in, or of his being likely to be affected by the result of the cause, to be made a party to the cause, the customary court may either of its own motion or on the application of the said person order that he shall be made a party to the cause and on such order being made notification thereof shall be served on the said person and the customary court may make such order as to the costs and otherwise as it shall think fit.

Power to join party as co-plaintiff or co-defendant.

55. (1) In any cause before a customary court in which, pending final determination thereof, it shall be shown to the satisfaction of the customary court that any property which is in dispute in the cause is in danger of being wasted, damaged, alienated or otherwise injuriously dealt with, by any party to the cause, the customary court may issue an injunction to such party commanding him to refrain from doing the particular act complained of.

Power to grant interim orders.

(2) A customary court may, whenever it shall think it necessary so to do for the preservation, proper custody, or management of any property in dispute in a cause, appoint any person as a receiver or manager to receive and to take charge of the property and to deal with it in such manner as

shall be directed by the said customary court. Any person or persons thus appointed shall be responsible to the customary court for all things done as a receiver or manager, and shall account for or pay to the customary court all moneys received in respect of the said property; and a customary court may make such order as it shall think fit in regard to the remuneration of any such person and shall pay to the party entitled thereto the moneys in the custody of the said customary court due in respect of the said property.

Inspection.

56. In any cause or matter it shall be lawful for a customary court, on the application of either party, or on its own motion to make such order for the inspection by the customary court, the parties, or witnesses of any immovable or movable property, the inspection of which may be material to the proper determination of the question in dispute, and to give such direction respecting such inspection as the customary court may think fit.

PART IX.—CONTROL OF CUSTOMARY COURTS

Returns and reports of cases to be submitted.

57. (1) At the end of each month, every customary court shall forward to the Customary Courts Adviser in such form as rules made under section 69 may from time to time prescribe a list of all causes or matters decided by or brought before such customary court during such month.

(2) At such times and in such form as such rules shall direct, every customary court shall submit to the Customary Courts Adviser a report of any cases or of any class of cases tried in such court, as he may direct.

Customary Courts Adviser.

58. (1) For the purpose of this Law the Governor may appoint an officer to be known as the "Customary Courts Adviser."

(2) The Customary Courts Adviser shall have the right as *amicus curiae* to be heard in any cause or matter before a court by way of appeal from a customary court.

Power of Customary Courts Adviser.

59. (1) The Customary Courts Adviser shall at all times have access to District and County Courts and to the records and proceedings of such courts and may of his own motion, where a *prima facie* case of miscarriage of justice is disclosed or an obvious error is to be corrected, advise the court in respect of any proceedings of such court in any criminal or civil causes or matters as the justice of the case may appear to him to require.

(2) The Customary Courts Adviser shall report any case to the Minister where a District or County Court to whom he has given advice under the provisions of subsection (1) has rejected such advice and shall, in such a case, transfer such criminal or civil cause or matter in respect of which such advice was given and rejected from a District Court to the appropriate County Court or from a County Court to the appropriate Magistrate's Court.

(3) Upon such transfer being made the County Court or Magistrate's Court as the case may be shall proceed to hear and determine the cause or matter and the provisions of Part X shall apply in respect of the decision or judgment of any such court thereon.

(4) Notwithstanding the provisions of any written law or rule of court no fee shall be payable in respect of any transfer made under the provisions of this section and a County Court or Magistrate's Court shall make no order as to costs in any cause or matter transferred thereto under the provisions of this section.

PART X.—APPEALS

60. The Minister, by warrant under his hand, may appoint a County Court to be the court of appeal for all or any of the District Courts. Appointment of courts of appeals.

61. (1) Any party aggrieved by the decision or order of a Grade A or Grade B District Court may, within thirty days from the date of such order or decision appeal therefrom: Appeals.

(a) where a County Court has been appointed under section 60 to be the court of appeal for such District Court, to such County Court, or

(b) where no such County Court has been so appointed, to the Magistrate's Court which court shall have appellate jurisdiction to hear and determine such appeals.

(2) Any party aggrieved by the decision or order of a County Court may, not later than thirty days after the date of the decision or order, as the case may be, appeal to the Magistrate's Court which court shall have appellate jurisdiction to hear and determine such appeals.

(3) Any party aggrieved by the decision or order of a Magistrate's Court may appeal to the High Court which

court shall have appellate jurisdiction to hear and determine such appeals:

Provided always that there shall be no right of appeal to the High Court in any civil cause or matter from any order or decision of the Magistrate's Court without the leave of the High Court when the claim thereby determined shall not be of or above the value of ten pounds.

(4) Subject to the provisions of the Constitution of the Federal Republic, an appeal shall, in accordance with the provisions of the High Court Law, and the Supreme Court Act, lie to the Supreme Court from the order or decision of the High Court given in the exercise of its appellate jurisdiction.

(5) The Supreme Court shall, subject to the provisions of the Constitution of the Federal Republic, have jurisdiction to hear and determine such appeals.

(Cap. 61)
(Fed. 12 of
1960)

Appeals out
of time.

62. Leave to appeal out of time to any court may be given by such court upon such terms as to such court shall seem just.

Pending
appeals.

63. Any appeal proceedings in any cause or matter which shall immediately prior to the establishment of a customary court under the provisions of section 3 or to the making of a declaration under the provisions of section 11 be pending before any court within the area of the jurisdiction of such customary court or within the area to which such declaration relates from a court established under the provisions of the Native Courts Ordinance may be continued and concluded by such court in like manner as if the appeal were from a customary court, and every judgment, order or sentence given, issued or passed in such appeal proceedings may be enforced in such manner as if it were a judgment, order or sentence in an appeal from a customary court.

(L. of N.
1948
Cap. 142)

Powers of
appellate
courts in
criminal
matters.

64. (1) A County Court, a Magistrate's Court or the High Court exercising appellate jurisdiction in criminal matters under the provisions of this Law shall in the exercise of that jurisdiction—

(a) if such court considers that there is no sufficient ground for interfering with the decision appealed against, confirm that decision and dismiss the appeal;

(b) if such court considers that there is sufficient ground for interfering with the decision appealed against, set aside that decision, and either—

(i) acquit the appellant; or

(ii) retry the appellant on the same charge or on any charge which might have been laid on the facts as disclosed by the evidence, and make such order or pass such sentence as to the court may seem just; or

(iii) order the retrial of the appellant before a court of competent jurisdiction on the same charge or on any charge which might have been laid on the facts as disclosed by the evidence; or

(iv) substitute any other decision (whether as to guilt or punishment) which the court of first instance could have made on the facts disclosed by the evidence, but so that, by the decision so substituted, the appellant shall not be found guilty of any offence with which he was not charged before the court of first instance, unless the appellate court is satisfied that the defence of the appellant before the court of first instance would not have been substantially affected if he had been so charged; or

(v) substitute a special finding to the effect that the appellant was guilty of the act or omission charged, but was insane so as not to be responsible, by virtue of the provisions of section 28 of the Criminal Code, for his conduct at the time when he did the act or made the omission, and thereupon the appropriate provisions of Part XXV of the Criminal Procedure Law shall apply. (Cap. 30)

(2) Any powers conferred by subsection (1) of this section may be exercised notwithstanding that the verdict of the court of first instance was correct by customary Law.

(3) At any stage of the proceedings on an appeal, a County Court, a Magistrate's Court or the High Court may order evidence to be adduced.

65. A County Court or the High Court or the Magistrate's Court in the exercise of its appellate jurisdiction in civil matters under this Law, may—

Powers of
appellate
courts in
civil matters.

(a) after rehearing the whole case or not, reverse, vary or confirm the decision of the court from which the appeal is taken and may make any such order as the court of

the first instance could have made in such cause or matter or as it shall consider the justice of the case requires;

- (b) quash any proceedings and thereupon, where it is considered desirable, order any such cause or matter to be reheard *de novo* before the court of first instance or before any other customary court or before any other Magistrate's Court.

Powers of appellate court to inspect records.

66. Where an appeal lies from the order or decision of a District Court to a County Court or to the High Court or to the Magistrate's Court, the records or books of such customary court relative to the appeal may be inspected by the County Court or any judge of the High Court or by a magistrate of the Magistrate's Court.

PART XI.—MISCELLANEOUS

Jurisdiction of courts in criminal cases saved.

67. Nothing in this Law shall be deemed to affect either the powers or functions of the Magistrates' Courts or the High Court in the exercise of their criminal jurisdiction, or any right or power in any officer or person to institute criminal proceedings in those courts.

Rendering false returns.

68. Any registrar, clerk, scribe or member of a customary court who shall knowingly render false returns of the cases tried or the penalties inflicted by such court shall be liable on conviction to imprisonment for a period not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such fine and imprisonment.

Power to make rules.

69. (1) The Minister may make rules providing for any or all of the following matters:

- (a) prescribing and providing for—
- (i) the maximum fees which may be charged,
 - (a) in customary courts,
 - (b) for appeals from such customary courts and generally;
 - (ii) the reduction of such maximum fees in respect of all or any customary courts or proceedings, the application of such maximum or reduced fees to such

customary courts or proceedings and the manner in which and the persons by whom such reduction and application may be made;

(iii) the remission in whole or in part of any maximum or reduced fee and the manner in which and the persons or customary courts by whom or by which such remission may be made;

- (b) the disposal and application of fines and fees received by the customary courts;
- (c) the practice and procedure of customary courts in their original jurisdiction and on appeal;
- (d) the fixing of the number of members of a customary court which shall constitute a quorum;
- (e) the recording and perpetuation of the decisions of customary courts in land cases by reference to plans and the fixing of landmarks, and the fees which may be charged by surveyors for any work done for the purposes of any rules made under this paragraph;
- (f) providing for the carrying into execution of the decrees or orders of customary courts or any class of customary courts, whether such customary courts are established under this Law or under any other Law, and for the execution of the warrants and the service of the process of such courts or class of courts, where such decrees or orders are made or such warrants or process are issued in respect of persons or property within the Region and not within the area of the jurisdiction of the customary court making or issuing the same, and prescribing the courts or authority by which the same shall be carried into execution executed or served.
- (g) generally for the carrying into effect the provisions of this Law.
- (2) Any rules made under this section may apply to all customary courts or to any class of customary courts or to any particular customary court or to such customary courts or particular customary court as may be determined under the rules.

Repeal of the Native Courts Ordinance, and transitional provisions.

70. (1) Subject to the provisions of subsections (2) and (3) the Native Courts Ordinance shall cease to have effect within the area of the jurisdiction of any customary court established by the Minister under the provisions of section 3 or in any district or area with respect to which the Minister has made a declaration under the provisions of section 11.

(2) Upon the establishment of a customary court under the provisions of section 3 or upon the making of a declaration under the provisions of section 11, any cause or matter which is in accordance with the Native Courts Ordinance pending on appeal before—

- (a) a district officer having jurisdiction under such Ordinance within such district or area, shall be transferred by the district officer to such county court as the Minister shall direct which court shall have jurisdiction with respect to such causes or matter in accordance with this Law; or
- (b) a Resident having jurisdiction under such Ordinance within such district or area, shall be dealt with by the Resident in accordance with the provisions of the Native Courts Ordinance; or
- (c) the Governor, shall be dealt with by the Chief Justice in accordance with the provisions of the Native Courts Ordinance.

(3) Upon the establishment of a customary court under the provisions of section 3 or upon the making of a declaration under the provisions of section 11 any cause or matter which is in accordance with the Native Courts Ordinance pending on review before—

- (a) a district officer having jurisdiction under such Ordinance within such district or area, shall be transferred by the district officer to such county court as the Minister shall direct which court shall have jurisdiction in accordance with this Law; or
- (b) a Resident, shall be dealt with by the Resident in accordance with the provisions of the Native Courts Ordinance.

*The Native Courts Ordinance was Chapter 142 of the Laws of Nigeria, 1948 Edition. It has been omitted from this edition.

FIRST SCHEDULE

JURISDICTION OF DISTRICT COURT IN CRIMINAL AND CIVIL CASES (Section 20)

1. *Criminal Cases.**District Court Grade A:*

Criminal causes which can be adequately punished by imprisonment for six months or in the case of theft of farm produce or livestock by imprisonment for twelve months, twelve strokes in the case of juvenile offenders or a fine of fifty pounds or the equivalent by customary law.

District Court Grade B:

Criminal causes which can be adequately punished by imprisonment for three months, or in the case of theft of farm produce or livestock by imprisonment for six months, twelve strokes in the case of juvenile offenders or a fine of twenty-five pounds or the equivalent by customary law.

2. *Civil Causes and Matters.**District Court Grade A:*

- (i) Civil actions in which the debt, demand or damages do not exceed fifty pounds.
- (ii) Unlimited jurisdiction in causes and matters concerning the ownership, possession or occupation of land.
- (iii) Causes and matters relating to the succession to property and administration of estates under customary law where the value of the property does not exceed fifty pounds.
- (iv) Unlimited jurisdiction in matrimonial causes and matters between persons married under customary law or arising from or connected with a customary union and in suits relating to the custody of children under customary law.

District Court Grade B:

- (i) Civil actions in which the debt, demand or damages do not exceed twenty-five pounds.
- (ii) Unlimited jurisdiction in causes and matters concerning the ownership, possession or occupation of land.
- (iii) Causes and matters relating to the succession to property and administration of estates under customary law where the value of the property does not exceed twenty-five pounds.
- (iv) Unlimited jurisdiction in matrimonial causes and matters between persons married under customary law or arising from or connected with a customary union and in suits relating to the custody of children under customary law.

3. *Civil Causes and Matters.**District Court Grade A.*

- (i) Civil actions in which the debt, demand or damages do not exceed one hundred pounds.
- (ii) Unlimited jurisdiction in causes and matters concerning the ownership, possession or occupation of land.
- (iii) Causes and matters relating to the succession to property and administration of estates under customary law where the value of the property does not exceed one hundred pounds.
- (iv) Unlimited jurisdiction in matrimonial causes and matters between persons married under customary law or arising from or connected with a customary union and in suits relating to the custody of children under customary law.

SECOND SCHEDULE

(Section 7)

FORM OF OATH OF COURT MEMBER

I, being appointed the *President/a member of the Court do swear by Almighty God that I will well and truly serve as the *President/a member of the Court and will do right to all manner of people after the laws and usage of Eastern Nigeria without fear or favour, affection or ill-will and that I will not accept in respect of my service as *President/ member any bribe, or any unlawful recompenses, reward or benefit whatsoever.

(*Delete whichever is inapplicable).

CHAPTER 32
CUSTOMARY COURTS LAW
SUBSIDIARY LEGISLATION

Customary Courts Rules
made under section 68

E.R.L.N.
254 of 1957,
230 of 1958,
231 of 1958,
41 of 1959.
E.N.L.N.
82 of 1961,
22 of 1962.

PART I

1. These rules may be cited as the Customary Courts * Rules.
2. In these Rules—
 - “action” means a civil proceeding commenced by a “writ of summons” and includes a criminal proceeding.
 - “attachment” includes distress and seizure;
 - “cause” includes any action, suit or other original proceeding between a plaintiff and a defendant and any criminal proceeding;
 - “charge” means the statement of offence, or statement of offences with which an accused is charged in a Customary Court;
 - “civil proceedings” means all civil actions triable in a Customary Court and all proceedings in relation to the making of an order for the payment of any sum of money or for the doing or abstaining from doing of any act or thing not enforceable by fine or imprisonment in the first instance;
 - “claim” means any debt, demand, or damage, or relief claimed or any claim for the recovery of any chattel or

*For the convenience of those whose work has required them to become familiar with these Rules, the Rules have not been renumbered serially in this revision, but continue to have their former numbers. On the other hand the Schedule of Precedents and Forms has been rearranged so as to group together those which refer to the same proceedings or matters.

- thing sought to be recovered under the Customary Courts Law;
- “complainant” includes any informant or prosecutor in a case;
- “complaint” means the allegation that any named person has committed an offence made before a President or a Registrar for the purpose of moving the Customary Court to issue process;
- “criminal” includes quasi-criminal, and, with reference to matters of jurisdiction, comprehends all such matters not falling within the term “Civil”;
- “defendant” includes every person served with any writ of summons or process, or served with any notice of, or entitled to attend, any proceedings in a civil cause, and also every person charged under any process of the court with any crime or offence;
- “executed” “execution”, respectively, include “served” “service”;
- “judgment” includes the dismissal of a claim, as well as any other adjudication, order, or decision but does not include a non-suit;
- “judgment creditor” means any person for the time being entitled to enforce a judgment;
- “judgment debtor” means a person liable under a judgment, and includes every person ordered by a judgment or order in a civil cause to pay money or to do or abstain from doing an act;
- “juvenile offender” means a male offender who in the opinion of the Customary Court has not attained the age of seventeen years;
- (Cap. 32) “the Law” means the Customary Courts Law;
- “Lower Court” means a Customary Court from which an aggrieved person has lodged an appeal;
- “Minister” means the Minister for the time being charged with responsibility for Customary Courts;
- “non-suit” occurs where the plaintiff has closed his case by giving evidence and his witnesses have given evidence and the Customary Court considers that the plaintiff has not made a case for the defendant to answer;

- “order” includes an injunction, an order for the payment of costs by any party, and an order for the payment of a counter-claim by a plaintiff and any conviction of an offence;
- “plaintiff” includes every person asking for any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether writ, petition or otherwise;
- “prescribed” means prescribed by these rules;
- “President” means President of a Customary Court;
- “process” means formal written authority addressed to the bailiff of a Customary Court for the enforcement of a judgment and includes “writ of execution” and warrant, and order of arrest, commitment or imprisonment;
- “quorum” means the minimum number of Customary Court members including the President that may try any case;
- “Registrar” means Registrar of a Customary Court;
- “writ of execution” includes writ of attachment and sale.

INSTITUTION OF CIVIL PROCEEDINGS

3. On the application of any person desirous of instituting civil proceedings under the Customary Courts Law and on payment of the prescribed fees, the Registrar shall enter in a book to be kept for this purpose in his office and called the Civil Cause Book, a statement in writing, hereinafter called a plaint stating the names and last known places of abode of the parties and the substance of the claim intended to be brought. Every plaint shall be numbered in order in each year as it is entered in the Civil Cause Book. The Registrar shall deliver a plaint note to the applicant.

4. Upon entering a plaint the District Court shall thereupon issue a summons directed to the defendant, requiring him to appear at a certain time, being not less than seven days from the date of the service of such summons, and at a certain place, before the court to answer to the plaint.

5. In all cases the value of the property involved or the amount of the damages claimed must be stated in the summons; such value or such damages shall not be more than the jurisdiction of the District Court (Grade A, £50 or by endorsement £100; Grade B, £25).

6. The summons shall be served personally on the defendant by delivery of a copy to him.

7. Where it appears to the Customary Court that for any reason a party is evading service in respect of any process other than a warrant and that such service cannot conveniently be effected, the court after being satisfied by the bailiff that it is necessary so to do, may order that service be effected in the following ways—

- (a) by delivery thereof to some person on it being proved that there is reasonable probability that the document would in the ordinary course, through that person come to the knowledge of the person to be served, and
- (b) by notice put up at the Customary Court House or some other place of public resort of the district or county wherein the proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or of business of the person to be served, or
- (c) in such other manner as the Customary Court may direct, and upon compliance with such order such service shall be deemed to be good and sufficient service of the said document upon the person to be served.

8. Service of any process other than a warrant of arrest shall not be made on a Sunday.

9. A book shall be kept at every Customary Court for recording service of process; in which shall be entered by the Registrar, the names of the plaintiff or complainant and defendant, the particular Customary Court issuing the process, the method of service, and the manner in which the person serving ascertained that he served the process on the right person, and where any process shall not have been duly served, then the cause of failure shall be fully stated. Every entry in such book or a certified true copy of an entry shall be sufficient evidence of the several matters therein stated.

10. Where any summons or process issued from a Customary Court is served by the bailiff or such other person as is appointed by the court, the service may be proved by endorsement on a copy of the summons or process under the hand of the person showing the fact and the mode of service. Where the person to whom the service is required to be

served is outside the jurisdiction of the Customary Court, it shall be sufficient if it is endorsed by a Magistrate or a Justice of the Peace or the President.

11. In case a summons issued for the commencement of an action or matter is not served within a year from the date thereof, the same shall become void; but the Customary Court, may, at any time before the expiration of the current period, from time to time renew the same for a further period and not exceeding three months at any one time.

PART II.—PARTIES

12. Where after action brought any change or transmission of interest or liability occurs in relation to any party to the action, or any party to the suit dies, or the action in any way becomes incapable of being carried on, any person interested may obtain from the Customary Court any order enabling or compelling proper parties to carry on the proceedings.

Any person served with such an order may within the period specified by the court in the order, apply to the court to discharge the order.

13. Where a plaintiff sues, or any defendant is sued in a representative capacity it shall be expressed in the summons. The Customary Court may order any of the persons represented to be made parties either in lieu of or in addition to the previously existing parties:

Provided that before the summons is issued, the plaintiff shall file before the Registrar a written authority to sue duly signed or thumb-impressed by the person or persons whom he is representing.

14. A Civil Record Book dealing with all civil matters other than land cases shall be kept by the Customary Courts wherein the daily proceedings of the courts shall be recorded.

15. At the close of each day's sitting, the President and the Registrar shall sign at the last line of the day's proceeding their names and the date.

16. All cases shall be called up for mention or otherwise on the day for which the hearing was fixed.

If, owing to lack of time or for any other good reason, the court is unable to proceed with the hearing of a particular action or matter, the same may be adjourned and a fresh hearing date given to the parties before the adjournment. A record of the adjournment and the fresh hearing date shall be recorded immediately in the Record Book and signed by the President and the Registrar.

17. At the sitting of the Customary Court not less than three members of the bench shall form a quorum. No trial shall be proceeded in the absence of a quorum, otherwise the purported trial shall be void.

18. At the opening of each day's sitting the Registrar shall note at the top of the page in which the proceedings are to be recorded the name of the President and each member of the bench, and on the next line immediately after, the names of the parties to the action, the claim or charge, and after, the plea.

PART III.—TRIAL

19. On the date endorsed on the summons for the appearance, both parties shall be present at the Customary Court at the time specified.

20. Where the plaintiff fails to appear, the Customary Court may, after calling aloud the name of the plaintiff three times, strike out the action from the list with costs to the defendant. Where a satisfactory explanation of the plaintiff's absence is received by the court, the court may adjourn the action with or without costs. The plaintiff may within seven days thereafter apply to the court to relist the action after payment of the costs.

21. Where the defendant is absent and his name called aloud thrice, the court may order the plaintiff to prove his case and thereafter judgment may be entered for the plaintiff with costs. Where the defendant sends a satisfactory explanation of his non-appearance, the court may adjourn the action with or without costs.

22. Where both parties are absent and no explanation of their absence is received by the court, the court may strike out the action without prejudice to the plaintiff taking out a fresh writ of summons.

23. Where both parties appear the Registrar shall read out the claim to the defendant who pleads thus—

- (a) liable;
- (b) not liable;
- (c) there is a previous judgment of the same action and between same parties or their privies by a court of competent jurisdiction. The existence of any judgment by a competent court is relevant in determining whether the customary court shall proceed with the action or strike it out with costs.

24. Where the plea is liable, the court shall proceed to give judgment for the plaintiff with or without costs.

25. Where the plea is not liable then—

- (a) the plaintiff shall be called upon to state his case. He shall open by first taking an oath, then he shall give his name, his address and his occupation. He shall then proceed to state his case after which the defendant may cross-examine him. The court may cross-examine the plaintiff;
- (b) after the cross-examination, the plaintiff may call his witnesses (if any) in turn and the defendant or the court may cross-examine each of the witnesses in turn; and the plaintiff may re-examine his witnesses on any point which arose from cross-examination;
- (c) after the plaintiff and his witnesses (if any) have completed their evidence the plaintiff shall then close his case. If the evidence is not satisfactory, the court shall non-suit the plaintiff with or without costs to the defendant. The court, if satisfied that the plaintiff has made out his case, shall call upon the defendant to state his defence.

DEFENCE

26. The defendant shall, if he so desires, go to the witness box and take an oath. He shall give his name, address and occupation. He shall then proceed to state his case.

At the completion of his statement the plaintiff may cross-examine the defendant and the court may also cross-examine the defendant.

27. The first witness for the defendant may go to the witness box, take an oath and give his name, address and occupation. He then states what he knows about the action.

At the conclusion of his statement the plaintiff and the court may cross-examine him.

The defendant may re-examine him on any point that arose from the cross-examination.

After the re-examination, the defendant shall thereupon close his defence.

28. The court shall not allow any question in cross-examination which it regards as indecent, scandalous, incriminating or is intended to annoy or insult the witness.

29. Before the plaintiff opens his case, the President shall order witnesses on both sides who have not yet given their evidence to be kept out of court and hearing during the entire proceedings. This provision does not extend to the plaintiff and the defendant.

JUDGMENT

30. At the close of the defendant's case the court may—

- (a) give judgment after due deliberations;
- (b) reserve judgment until a further date on which day the court may deliver its judgment.

30A. (1) A judgment shall be signed or thumb-impressed by all the members who deliver it and shall be read by the President.

(2) The opinion of the minority shall in every case be recorded.

31. The judgment of the court shall be—

- (1) (a) that the defendant or if more than one defendant one or some of them is, or are, liable;
- (b) that the defendant is not liable.
- (2) In either case the costs incurred by the party who is successful may be awarded to him.

LAND CASES

32. A special land record book in which shall be recorded the proceedings of land action or matter shall be kept by the Customary Courts.

33. The procedure adopted in hearing a land case shall be the same as in a civil action provided that either party shall tender as exhibit the plan of the land duly endorsed by a licensed surveyor.

33A. Where the plaintiff fails, at the close of his case, to tender a plan of the land duly endorsed by a licensed surveyor, the court shall non-suit the plaintiff with or without costs to the defendant.

PART IV.—CRIMINAL MATTERS

34. (1) A criminal cause or matter shall be commenced by a summons.

(2) Application for a summons shall be made to the Registrar by paying the appropriate fee and swearing to a complaint made out on a Form for a complaint.

(3) The Registrar shall record all the particulars of the complaint necessary for the completion of the proper summons in a book kept for that purpose and known as the Criminal Cause Book.

(4) An entry in the Criminal Cause Book shall be known as a charge and shall be numbered serially.

(5) The Registrar shall then issue a summons directed to the accused person requiring him to appear before the court at a certain time and at a certain place to answer to the charge.

34A. A person against whom a complaint is made (called the accused) shall stand in the dock when the charge is read to him. The accused may then plead—

- (a) guilty;
- (b) not guilty;
- (c) that the accused had previously been charged by a court of competent jurisdiction and that the accused was thereupon found guilty and sentenced, or found not guilty and discharged. This plea can be proved by the accused tendering before the court a certified true copy of the proceedings and judgment.

35. Where the accused pleads guilty and the court is satisfied that the accused understands the substance of the charge, the court shall thereupon proceed to find him guilty and pass judgment accordingly by—

- (a) sentencing him to a term of imprisonment;

- (b) in the case of a juvenile offender ordering him to be whipped;
- (c) cautioning and discharging him; or
- (d) imposing a fine or in default imprisonment.

36. Where a plea is that of not guilty, the prosecution shall then open his case by calling witnesses in turn to prove his case. Each witness when sworn, gives his name, address and occupation; he then states what he knows about the case, possibly by being examined in chief by the prosecutor. After the examination in chief, the accused may cross-examine the witness and the court may also cross-examine him. After the cross-examination the prosecutor may re-examine the witness on any point which arose out of the cross-examination.

37. After the prosecution shall have examined all his witnesses in turn he shall thereupon close his case. The court shall thereupon consider the prosecution's case. If it finds that the evidence adduced by the prosecution is not sufficient to warrant a conviction the court shall discharge the accused. If there is a sufficient evidence the court shall call upon the accused to give his defence.

38. Where the accused decides to give his evidence, he then goes to the witness box. He takes an oath, gives his name and address and occupation and then states his case. After he has stated his case he may be cross-examined by the prosecution and the court. The Registrar shall record all the questions and answers as fully and clearly as possible. The accused if he wishes calls his witnesses in turn. Each witness is led in evidence by the accused and after stating his case he may be cross-examined by the prosecution and the court; the accused may re-examine him on any point which arose from cross-examination. The accused then closes his case.

39. The court then considers all the evidence and pronounces judgment; the decision of the minority shall be recorded. The judgment shall be read by the President.

40. The judgment may be—

- (a) guilty on all or any of the charges. Where the accused is found guilty the sentence of imprisonment is passed on him, or in the case of a juvenile offender he is ordered to be whipped; or

- (b) not guilty—discharged and acquitted;
- (c) caution and discharge;
- (d) a fine or in default imprisonment.

PART V

41. Where a court member is a party to an action or matter before a Customary Court, or is unable from personal interest or any other sufficient reason, to adjudicate on the action or matter, the court shall inform the Customary Courts Adviser of the occurrence at the earliest opportunity.

42. Where a party to an action or matter which was determined before the court of competent jurisdiction applies to the Customary Court to carry into execution any decrees or orders made by a court of competent jurisdiction, or to enforce the judgment of that court, a certified true copy of the judgment decree or order shall be filed with the Registrar of the Customary Court. Notice of such an application is served on the person against whom the order is issued, and on a date fixed for the hearing of the application the Customary Court may make such order as it deems necessary.

42A. At the close of each day's sitting, the President and the Registrar shall sign their names and the date at the last line of the day's proceedings.

PART VI.—DUTIES OF A REGISTRAR

43. The duties of the Registrar shall be—

- (a) to attend at all sittings of the Customary Courts as the President may direct;
- (b) to fill up or cause to be filled up summonses, warrants, orders, convictions, recognizances, writs of execution, and other documents, and submit the same for the signature of the President;
- (c) to make or cause to be made copies of proceedings, and to record the orders of the court;
- (d) to receive or cause to be received all fees, fines and penalties, and all other moneys paid or deposited in respect of proceedings in the courts, and to keep or cause to be kept accounts of the same; and
- (e) to perform or cause to be performed such other duties connected with the court as may be assigned to him by the President.

PART VII.—ENFORCEMENT OF JUDGMENT CIVIL ACTIONS

44. Any sum of money payable under a judgment of a Customary Court or any other court of competent jurisdiction may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the judgment debtor.

45. The Registrar, on the application of the judgment creditor, shall cause to be issued a writ of attachment and sale whereby the bailiff of the Customary Court shall be empowered to levy or cause to be levied by distress and sale of goods and chattels, wherever they may be found within the Eastern Region, the money payable under the judgment and the costs of the execution.

46. The precise time of the making of an application to the Registrar for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when more than one such writ is issued they shall be executed in the order of the times so entered.

47. Where a court has made an order for payment of any sum of money by instalments, no writ of execution for the enforcement of the judgment shall be issued until after the default in payment of some instalment according to the order.

48. In or upon every writ of execution against the property of any person, the Registrar shall cause to be inserted or endorsed, the sum of money and cost adjudged, and the fees for the execution of the writ.

49. If the judgment debtor, before the actual sale of the property, pays or causes to be paid to the Registrar of the Customary Court from which the writ issued, or to the bailiff of the Customary Court holding the writ, the sum of money and costs endorsed as aforesaid, or such part thereof as the judgment creditor agrees to accept, in full satisfaction, together with the fees inserted as aforesaid the execution shall be superseded, and the property of the judgment debtor shall be discharged and returned to him.

50. The bailiff of a Customary Court executing any writ of execution issued from the court against the goods or chattels of any person may by virtue thereof seize any of the

goods and chattels of that person, except the wearing apparel and bedding of that person or his family, and the tools and implements of his trade which shall be protected from seizure.

51. Goods seized in execution under this process of the Customary Court shall until sale thereof

- (a) be deposited by the bailiff of the Customary Court in some fit place, or
- (b) remain in the custody of a fit person approved by the President of the court from which the writ was issued.

52. No goods seized in execution under process of the Customary Courts shall be sold until the expiration of a period of at least ten days next following the day on which the goods have been seized unless the goods are of a perishable nature.

53. The property seized shall be set up for sale by the bailiff in the Customary Court House where the writ was issued, or in such other place as the President may direct: Provided that no property shall be set out for sale on a Sunday; and provided also that the bailiff had prior to the sale informed the judgment debtor of the date, place, and time of the sale.

54. If a claim is made to or in respect of any property attached in execution by the bailiff, the Registrar shall upon the direction of the President issue a summons calling before the court the party at whose instance the process was issued and the party making the claim.

On the hearing of the summons the court shall decide upon the claim and shall make such order in respect of any such claim and the cost of the proceedings as it thinks fit.

55. The court shall supply every bailiff with a receipt book which shall be furnished with counterfoils with successive numbers printed thereon, and when a bailiff by virtue of his office, receives any money, he shall give to the person paying the same a receipt on one of the printed forms contained in such book, and shall note on the corresponding counterfoil of such book the name and date of the process, the title of the proceedings in which it was issued and the amount for which the receipt is given.

56. When property is attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, immediately after the removal.

57. Every bailiff shall pay to the Registrar at the close of the day all money for the time being in his hands.

58. At the close of every month the Registrar shall—

(a) make a full return to the President of all writs, orders, and warrants which had not been fully executed by the bailiff at the end of the preceding month, and of all writs, orders, and warrants as have been entrusted to the bailiff for execution during the past month, and shall set against each such process a statement of what has been done thereunder;

(b) a return of all moneys received by him during the past month.

59. The Registrar shall submit to the President the receipt book used by the bailiff during the past month, and the President shall examine the counterfoils of the receipts used by the bailiff during the past month and see that there is an entry on a counterfoil to denote that a receipt from the said book has been given for each sum acknowledged to have been received and that all sums for which receipts appear from the counterfoils to have been given have been duly entered and accounted for. The President if satisfied with the entries shall certify accordingly.

60. No money realized by any process shall be paid by the bailiff to the judgment creditor or to his agents.

61. The Registrar shall pay out the money obtained by the bailiff from the enforced sale of the goods to the judgment creditor or to his agent.

JUDGMENT SUMMONS

62. Where a judgment debtor makes defaults in payment of any sum recovered against him or any instalment thereof under a judgment, the judgment creditor may apply to any Customary Court for the issue of a summons, called a judgment summons, requiring the judgment debtor to appear and to be examined on oath as to his means. Unless the Registrar sees a good reason to the contrary, he shall issue a summons accordingly. All such applications shall be sent to the President.

63. On the appearance of both parties before a Customary Court on the summons the judgment debtor may be examined on oath, by the judgment creditor and by the Customary Court respecting his ability to pay the money directed by the court to be paid to the judgment creditor.

64. If the Customary Court is satisfied that the person making the default either has, or has had since the date of the judgment or order, the means to pay the sum in respect of which he has made default, then the court may commit to prison any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any judgment or order of any court for the payment of any sum.

65. No imprisonment shall operate as a satisfaction or extinguishment of any debt, demand or cause of action, or deprive any person of any right to take out execution against the goods or chattels of the person imprisoned in the same manner as if such imprisonment had not taken place.

PART VIII.—APPEALS

66. An appellant appealing under the provisions of section 61 (a) or (b) of the Law may give verbal notice of appeal at the time of the pronouncement of the decision or order stating where possible his grounds of appeal or his objections to the decision or order against which he is appealing.

67. (1) An appellant appealing under the provisions of section 61 (a) or (b) of the Law may give notice of appeal to the Registrar of the court either verbally or in writing stating where possible his grounds of appeal or his objections to the decision or order against which he is appealing.

(2) Where an appellant gives verbal notice the Registrar shall forthwith reduce the same to writing which shall then be signed or thumb-impressed by the appellant.

(3) A notice of appeal under paragraph (1) shall be given within thirty days from the pronouncement of the decision or order of the court.

68. Where notice of appeal whether verbal or written has been given, the appellant shall deposit the sum of money as the court may estimate to cover the costs of the required number of certified copies of the proceedings and the judgment.

69. On the appellant giving notice of appeal and also depositing the sum required by the court for the certified copies, and also paying the prescribed fee, the Registrar of the court shall, in a criminal matter cause the appellant to enter into a recognizance to prosecute the appeal and thereupon the appellant shall be released on bail.

70. On the appellant satisfying all the conditions the Registrar shall within thirty days after such compliance has been made, transmit to the Registrar of the county court or the Magistrate's Court as the case may be the decision which is appealed against, a copy of the proceedings in the action or matter duly certified under the hand of the Registrar and the President of the Lower court:

Provided that where it is a criminal case a copy of the complaint or charge and plea of the notes of evidence taken in the case, of the notice of appeal and of the recognizance and the documents connected with the case together with any exhibits received in evidence in the case shall be transmitted to the court of appeal except the exhibit is of a perishable nature.

71. Every criminal appeal, other than an appeal from a sentence of fine, shall finally abate on the death of the appellant.

72. Appeals from District Courts shall be heard by at least three court members.

73. The appeal shall come on for hearing at such time and at such place as the Registrar of the appeal court shall notify to the parties.

In all appeals both parties shall be entitled to be present at the hearing of the appeal.

74. On proof by the bailiff of a Customary Court that both parties have been served with hearing notices, the appeal court may proceed to consider, and deliberate on, the appeal notwithstanding that either or both parties are absent, provided that in criminal matters the parties shall be present.

75. The county court may, in any civil appeal where it may consider it necessary or expedient in the interests of justice that evidence should be adduced, order such evidence to be adduced before the county court on that day or on some other day to be fixed in that behalf.

76. Where an appeal has been determined, the county court may make such orders as to costs of the proceedings as it may deem just.

SCHEDULE OF PRECEDENTS AND FORMS

EXAMPLES OF INDORSEMENT

Commence the indorsement, *The Plaintiff's claim is*, and proceed according to the nature of the claim, thus—

1. £.....for the price of goods sold to the defendant at Awgu on the 1st March, 1959 which sum the defendant has not paid (or has paid £..... remaining £.....)
2. £.....for a return of money entrusted to the defendant at Bonny on the 1st March, 1958 to keep for the plaintiff.
3. £.....being the money lent to the defendant as a friendly loan without interest at Eke on the 1st June, 1956.
4. £.....for a return of money obtained from the plaintiff by fraud (deceit or trick) in 1960 at Nnewi.
5. £.....for money agreed by the defendant to be paid, together with goods of the defendant delivered by the defendant in exchange for goods of the plaintiff —place—date.
6. £.....for a return of money overpaid to the defendant for the carriage of goods by bicycle (lorry, truck or on head)—date—place.
7. £.....for a return of money paid to the defendant at Udi on the 2nd May, 1955 by mistake.
8. £.....for money paid for the defendant on the 1st April, 1960 at Awka as his surety.
9. £.....for a return of money paid to the defendant (for work to be done, or left undone) at Eke on or about the 10th June, 1961.
10. £.....for money received by the defendant at Enugu on the 1st July, 1957 from John on behalf of the plaintiff.
11. £.....for arrears of rent due at Enugu on the 1st January, 1956.
12. £.....for arrears of salary as a clerk for the period June, 1962 to August, 1962.

13. £.....for the maintenance of John by plaintiff in December, 1955.
14. £.....for the rent of the market stall at Onitsha for the month of July, 1961.
15. £.....for the use of rooms with furniture and other goods therein from 1957 to 1959.
16. £.....for the use and occupation of plaintiff's house from 1960 to 1961.
17. £.....for the work done for the defendant at Udi from 1st to 30th June, 1960.
18. £.....being damages suffered by plaintiff for breach of contract by defendant on 1-5-60.
19. £.....being damages suffered by plaintiff for wrongful dismissal from defendant's employment in 1962.
20. £.....being damages for assault (or false imprisonment) committed at Owerri on the 1-4-62.
21. For return of household furniture, or their value £....., and for damages for detaining the same from 1-4-55 to 30-7-62 at Ogoja.
22. £.....for damages for injury by the defendant's goat at Uyo on the 3-4-62.
23. £.....for damages for breach of contract to accept and pay for goods at Okrika on or about 10th June, 1963.
24. £.....for damages for non-delivery (or defective delivery of goods to the plaintiff on 1-3-62, at Okigwi.
25. £.....for damages for wrongfully entering the plaintiff's land at Bende in June, 1961 and drawing water from his well (or cutting grass, or pulling down his timber, or pulling down his fences or removing his gate, or depositing sand on his land).
26. £.....for damages for failure to build a canoe for the plaintiff or repair his house at Atani in January, 1959.
27. For an injunction to prevent the defendant and his servant from using the field (or from damaging plaintiff's fence).
28. For the Declaration of title to a piece of land called Iyi-Uzo situated at Okrika.

INDEX OF FORMS

Form

1. Civil Cause Book.
2. Plaintiff Note (Civil).
3. Summons (Civil).
4. Representative Capacity Summons.
5. Registrar's Process Book.
6. Civil Record Book.
7. Writ of Attachment and Sale Against Defendant's Goods.
8. Form of Receipt.
9. Interpleader Summons to Claimant Claiming Goods under Execution.
10. Judgment Summons.
11. Order of Commitment on a Judgment or Order.
12. Certificate of Discharge of Judgment Debtor on Payment of Debt.
13. General Court Receipt.
14. Court Cash Payment Receipt.
15. Return of Process in Possession of Bailiff.
16. Return of Cash received by Registrar.
17. Criminal Cause Book.
18. Form for Complaint (Criminal).
19. Summons to Defendant (Criminal).
20. Summons to Witness.
21. Warrant of Arrest.
22. Form of Bail Bond.
23. Commitment on Remand.
24. Conviction (Imprisonment).
25. Production Warrant.
26. Recognizance on Appeals.

Form 1
CUSTOMARY COURTS LAW
CIVIL CAUSE BOOK

DISTRICT COURT GRADE "A" OF.....

Plaint No.	Date of Process issued	Plaintiff's name and address	Defendant's name and address	Plaint	Date of hearing	Judgment or Order	Remarks

FORM 2
CUSTOMARY COURTS LAW

PLAINT NOTE (CIVIL)

Rule 3.

In the District Court Grade A/B of.....

Holden at.....

Suit No.....

Between

Sowa Jumbo..... Plaintiff
and

No. of Plaint or matter	Defendant and address	Fees paid by plaintiff			Hearing date	Claim
		£	s	d		

The above action or matter was entered this day, and will be heard at
on.....the.....day of.....19.....
at the hour of.....in the.....noon.

DATED this.....day of....., 19.....

Registrar

FORM 3
CUSTOMARY COURTS LAW

SUMMONS (CIVIL)

Rule 4.

In the District Court Grade A/B of.....

Holden at.....

Suit No.....

Between

Okon..... Plaintiff

and

Asuquo..... Defendant

CLAIM

The Plaintiff's claim is for £40 0s 0d being the value of palm oil sold to
the defendant at Ikot Ekpene on the.....day of....., 19.....

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

Hearing Date.....

President

Registrar

FORM 4

CUSTOMARY COURTS LAW

REPRESENTATIVE CAPACITY SUMMONS

Rule 4
Rule 13.

(This Form is for use where the plaintiff sues, or the defendant is sued, or both, in a representative capacity, as in Rule 13).

TITLE AS IN FORM OF SUMMONS

Between

Okon for himself and on behalf of the people of Itu.....Plaintiffs

and

Eyo for himself and on behalf of the people of Eket.....Defendant

- 1. Declaration of title to the land called X at Ekot Udo.
- 2. Injunction to prevent defendants from further use (entry).

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

Hearing Date.....

.....
President

.....
Registrar

FORM 5

CUSTOMARY COURTS LAW

REGISTRAR'S PROCESS BOOK

Rule 9.

No. of suit	Plaintiff	Defendant	Nature of writ	Issued for	Issued against	Date	Time	Registrar's signature and court

.....
Registrar (Court)

FORM 6

CUSTOMARY COURTS LAW

CIVIL RECORD BOOK

Rule 14.

In the.....Court of.....

Holden at.....

Suit No.....

This.....day of.....19.....

Before

- 1. XY.....President.
- 2. WP.....Vice-President.
- 3. MX.....Member.
- 4. TC.....Member.

Between

OK.....Plaintiff

and

SE.....Defendant

CLAIM

The plaintiff's claim is.....

PLEA

Plaintiff's Case

OK—Sworn on iron—Address—Occupation—Statement.

XD—by defendant.

Question.

Answer.

By Court.

Q.

A.

P's 1st Witness

VC—Sworn on Bible—Address—Occupation—Statement.

XD—by defendant.

Q.

A.

By Court.

Q.

A.

RD: by OK

Q.

A.

Case for Plaintiff.

FORM 7 --

CUSTOMARY COURTS LAW

Rule 45.

WRIT OF ATTACHMENT AND SALE AGAINST DEFENDANT'S GOODS

In the.../Court of...
Holden at...
Suit No...

Between
Okoli... Plaintiff
and
Okafor... Defendant

WHEREAS on the... day of..., 19..., the plaintiff obtained judgment (or order) in this court against the defendant for the sum of £... for debt (or damages) and costs and it was ordered that the defendant should pay the sum forthwith (or on the... day of..., 19...) (or by instalments of £... for every...).

AND WHEREAS default has been made in payment according to the said judgment (or order):

These are therefore to require and order you forthwith to make and levy the amount due to the plaintiff under the said judgment (or order) together with the costs of this writ and costs of executing the same, by distress and sale of the goods and chattels of the defendant wheresoever they may be found within the district (except the wearing apparel and bedding of him or his family and the tools and implements of his trade) and also by seizing any money belonging to the defendant which may there be found or such part or so much thereof as may be sufficient to satisfy this execution and to bring what you shall have so levied into court and to make return of what you have done under this writ immediately upon execution thereof.

DATED this... day of..., 19....

President

To the bailiff. Registrar

FORM 8

CUSTOMARY COURTS LAW

Rule 49.

FORM OF RECEIPT

In the.../Court of...
Holden at...
19....

No. Received from... under writ dated... in suit No... between... Plaintiff and... Defendant, the sum of... pounds... shillings... pence.

Bailiff

FORM 9

CUSTOMARY COURTS LAW

INTERPLEADER SUMMONS TO CLAIMANT CLAIMING GOODS UNDER EXECUTION

Rule 54.

In the.../Court of...
Holden at...
Suit No...

Between
Ashc... Plaintiff
and
Iyamu... Defendant

You are hereby summoned to appear at a court to be holden at... on the... day of..., 19..., at the hour of... in the... noon, to support a claim made by you to certain goods taken in execution under process issuing out of this court at the instance of the judgment creditor and in default of your then establishing such claim the said goods will then be sold and the proceeds thereof paid over according to the exigency of the said process:—

DATED this... day of..., 19....

Registrar

To... Claimant.

FORM 10

CUSTOMARY COURTS LAW

JUDGMENT SUMMONS

Rule 62.

In the.../Court of...
Holden at...
Suit No...
No. of Judgment Summons...

Between
Asuquo... Plaintiff
and
Bassey... Defendant

WHEREAS the plaintiff obtained a judgment (or order) against the defendant in this court (or as the case may be) on the... day of..., 19..., for the payment of £... for debt (or damages) and costs, forthwith (or on the... day of..., 19...) (or by instalments of £... for every...) and subsequent costs have been incurred and allowed by the court amounting to £...

FORM No. 10 — continued

AND WHEREAS default has been made in payment of the sum of £..... payable in pursuance of the said judgment (or order) and the plaintiff has required this judgment summons to be issued against you the defendant (name).

YOU ARE THEREFORE hereby summoned to appear personally in this court, at..... on..... the..... day of..... 19....., at the hour of..... in the forenoon, to be examined on oath touching the means you have or have had since the date of the said judgment (or order) to satisfy the sum payable in pursuance of the said judgment (or order); and also to show cause why you should not be committed to prison for such default.

DATED this..... day of....., 19.....

President

FORM 11

CUSTOMARY COURTS LAW

ORDER OF COMMITMENT ON A JUDGMENT OR ORDER

Rule 64.

In the...../Court of.....
Holden at.....
Suit No.....

Between

Eke..... Plaintiff

and

Nwafor..... Defendant

To the bailiff (or court messenger) of the court and to the officer in charge of the prison at.....

WHEREAS the plaintiff obtained a judgment (or an order) against the defendant on the..... day of....., 19....., for the payment of £..... for debt (or damages) and costs on the..... day of....., 19..... (or by instalments of £..... for every..... subsequent costs have been incurred in pursuance hereof amounting to £.....; and whereas the defendant has made default in payment of £..... payable in pursuance of the said judgment (or order);

AND WHEREAS on the hearing this day of a judgment summons issued against the said defendant has been proved to the satisfaction of the court that the said defendant has (or has had since the date of the judgment) (or order) the means to pay the said sum and has shown no cause why he should not be committed to prison.

It is ordered that for such default as aforesaid the said defendant shall be committed to prison for..... days unless he shall sooner pay the sum (or balance) of £....., as that upon payment of which he is to be discharged.

FORM 11 — continued

These are, therefore, to require you the said bailiff (or court messenger) to take the said defendant and deliver him to the officer in charge of the prison at....., and you the said officer to receive the said defendant, and safely keep him in the said prison for..... days from the arrest under this order, or until he shall be sooner discharged.

DATED this (insert date upon which order was made in court)..... day of....., 19.....

President

(Order issued the..... day of....., 19.....).

Note.—A separate order must be issued against every defendant required to be arrested.

FORM 12

CUSTOMARY COURT'S LAW

CERTIFICATE OF DISCHARGE OF JUDGMENT DEBTOR ON PAYMENT OF DEBT

Rule 64.

In the...../Court of.....
Holden at.....
Suit No.....

Between

Green..... Plaintiff

and

Big-Harry..... Defendant

To the Officer in charge of the..... prison.

I hereby certify that the defendant, who was committed to your custody by virtue of an order of commitment made by court bearing date the..... day of....., 19....., has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; and that the defendant may in respect of such order, be forthwith discharged out of your custody.

DATED this..... day of....., 19.....

President

FORM 13

CUSTOMARY COURTS LAW

GENERAL COURT RECEIPT

In the.....Court of.....
 Holden at....., 19.....
 No.....
 Date.....

Received this.....day of....., 19.....
 from.....the sum of.....pounds
shillings and.....pence, being
 (description of payment).....

If space is insufficient further particulars must be inserted on back of Receipt.

£ : :

Signature or Mark of Payer

Registrar, District|County Court

FORM 14

CUSTOMARY COURTS LAW

COURT CASH PAYMENT RECEIPT

In the.....Court of.....Holden
 at.....
 No.....
 Date.....

Received this.....day of....., 19.....
 from the Registrar.....Court the sum of.....pounds
shillings and.....pence £ : : d
 being (description of payment).....

Signature of Payer

Signature of Payee

FORM 15

CUSTOMARY COURTS LAW

RETURN OF PROCESS IN POSSESSION OF BAILIFF

Return of all writs, orders, and warrants in possession of bailiff (John Ant) during the month ending
 19.....

No. of suit	Name of Plaintiff	Name of Defendant	When process received	Nature of process	From what court received	Amount of process	Statement as to what has been done under process

I CERTIFY that I have examined the return.

Bailiff (Court)

Date.....

Registrar (Court)

FORM 16

CUSTOMARY COURTS LAW

RETURN OF CASH RECEIVED BY REGISTRAR DURING THE MONTH OF....., 19.....

No. of suit	Plaintiff	Defendant	Date when process issued	Amount received			When amount received	Amount paid into Treasury and date of payment		
				£	s	d		£	s	d

I CERTIFY that the above entries are correct.

Registrar (Court)

Date.....

President (after checking)

FORM 17
CUSTOMARY COURTS LAW
CRIMINAL CAUSE BOOK

DISTRICT COURT GRADE

Charge No.	Date of Process Issued	Complainant	Accused	Date of service	Charge	Date of hearing	Judgment or Order (including cost)	Remarks

FORM 18
CUSTOMARY COURTS LAW
FORM FOR COMPLAINT (CRIMINAL)

Rule 34.

In the...../Court of.....
Holden at.....

The complaint of AB (*address and description*) who upon oath states that XY of (*address and description*) on the.....day of....., 19.... at.....did steal his yams and palm nuts valued about £10.

AB

Complainant

The above was interpreted by me from English language into Efik to the complainant who seemed perfectly to have understood the same and he affixed his right thumb impression after adopting it as correct.

Registrar

Date.....

FORM 19
CUSTOMARY COURTS LAW
(CRIMINAL) SUMMONS TO DEFENDANT

Rule 34.

In the...../Court of.....
Holden at.....

To XY of.....

Complaint has been made this day by AB of.....for that you on the.....day of..... at.....did steal his yams and palm nuts valued about £10.

You are therefore hereby summoned to appear before the above court on the.....day of....., 19...., at the hour of.....in the.....noon to answer to the said complaint.

DATED this.....day of....., 19....

Registrar

President

FORM 20

CUSTOMARY COURTS LAW

SUMMONS TO WITNESS

Rule 34.

In the.../Court of...
Holden at...
Charge No...

To EF of...
XY has been charged by AB of... for that he on the... day of... 19... at... in the... aforesaid, did steal his yams and palm nuts valued £10, and it appearing to me by the oath of... that you are likely to give material evidence therein on behalf of the informant (or complainant or defendant or accused), and will not voluntarily appear for the purpose.

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

DATED this... day of..., 19...

President

FORM 21

CUSTOMARY COURTS LAW

WARRANT OF ARREST

In the... Court... of...
Holden at...

To the bailiff of... Court

WHEREAS... of... is accused of the offence of (state offence, place and date)...

You are hereby commanded to arrest the said... and bring him before this court to answer to the said charge.

DATED this... day of..., 19...

President

FORM 22

CUSTOMARY COURTS LAW

FORM OF BAIL BOND

In the.../Court of...
Holden at...
Charge No. 3c/62.

WHEREAS XY has been arrested on a charge of stealing yams and palm nuts valued £10, and whereas I, WKZ of Ichi, am prepared to take him/her on bail, I, the said WKZ do hereby promise to perform the following:—

- (a) To be responsible for the safe custody of the said defendant (or accused).
(b) To produce him/her before this court on... and any subsequent date of hearing which may be fixed by the President.
(c) To pay without question, demur or delay the sum of £... should I fail in any of the above obligations, otherwise I shall serve a term of imprisonment not exceeding... months.

Bailer

Witness to marks

Additional surety required by court

(If mark—then insert jurat thus:

The above was interpreted to the surety by me from English language into Ibo, and he appeared perfectly to have understood the same before he affixed his thumb impression after adopting the contents as correct).

Registrar

President

Date...

FORM 23

CUSTOMARY COURTS LAW

COMMITMENT ON REMAND

In the.../Court of...
Holden at...
Charge No...

To the bailiff (or court messenger) of the court and to the Superintendent (or officer i/c) of... prison.

XY hereinafter called the defendant being brought before the above court sitting... charged with having stolen yams and palm nuts valued £10, the property of AB.

FORM 23 — continued

The hearing of the case being adjourned:

You the said bailiff (or court messenger) are hereby commanded to convey the defendant to the said prison, and there to deliver him to the Superintendent (or officer i/c) of the said prison, together with this warrant, and you the Superintendent (or officer i/c) of the said prison, to receive him into your custody, and keep him until the ... day of ... 19... , and on that day to convey him before the above court at the hour of ... in the noon, to be further dealt with according to law.

DATED this ... day of ... , 19...

President

FORM 24

CUSTOMARY COURTS LAW

CONVICTION (IMPRISONMENT)

In the ... /Court of ...
Holden at ...
Charge No ...

The ... day of ... , 19...

XY hereinafter called the defendant, is this day convicted for that he, on the ... day of ... at ... did steal yams and plam nuts valued about £10.

And it is adjudged that the defendant, for his said offence, be imprisoned in the prison at ... and there kept to hard labour (or without hard labour) for the space of ...

President

FORM 25

CUSTOMARY COURTS LAW

PRODUCTION WARRANT

In the County/District Court of ...
Holden at ...
Suit No ...

Between ... Plaintiff
and ...

Defendant

To (the Sheriff and) the officer in charge of ... prison.

FORM 25 — continued

These are to require you the officer in charge of prison at ... to bring the accused/defendant ... now in your custody or to deliver the accused/defendant ... now in your custody to the Sheriff, and you the said Sheriff to bring the said accused/defendant before this court on the ... day of ... , 19... , at the hour of ... in the ... noon, unless he shall be sooner discharged by due course of law, and to have there then the order (or warrant) under which the said accused/defendant was imprisoned.

DATED this ... day of ... , 19...

President, County/District Court or Registrar

FORM 26

CUSTOMARY COURTS LAW

RECOGNIZANCE ON APPEALS

In the ... /Court of ...
Holden at ...

WHEREAS ... (name, address) has expressed his intention of appealing against the judgment (or order) of this court in the suit/charge No ... given on ... the ... day of ... 19...

I (name, address) do hereby guarantee and stand surety for the payment to this court the sum of ... being cost of making up and transmission of the record of appeal to the Appeal Court.

Signature (or mark) of Surety

Witness to mark

(If mark—then insert jurat thus:

The above was interpreted to the surety by me from English language into Ibo, and he appeared perfectly to have understood the same before he affixed his thumb impression after adopting the contents as correct).

Registrar

President

Date ...

PRESCRIBED FEES

PART IX

CIVIL MATTERS

	£	s	d
On issue of summons, where the claim does not exceed £10 ...	0	15	0
On issue of summons, where the claim exceeds £10 but does not exceed £25 ...	1	0	0
On issue of summons, where the claim exceeds £25 but does not exceed £35 ...	1	2	6
On issue of summons where the claim exceeds £35 but does not exceed £50 ...	1	10	0
On issue of summons, where the claim exceeds £50, for each £50 or part thereof in excess of the first £50 ...	1	5	0
On issue of summons, where the claim is not for the recovery of money or goods but for other relief or assistance ...	2	10	0
On issue of summons for Declaration of title to:			
(i) Communal land ...	10	0	0
(ii) Non-communal land ...	5	0	0
Filing of petition ...	0	10	6
If the claim arose more than five years before the application for summons or petition, the fee in the case of each of the above items will be double the fee specified in the item.			
Service fees ...	0	5	0
On the issue of an interpleader summons ...	1	2	6
On the issue of a judgment summons ...	0	10	6
Court order to attach property ...	1	7	6
Land inspection fees ...	6	0	0

CRIMINAL MATTERS

On issue of summons or warrant, unless issued by the court of its own motion ...	1	0	0
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CIVIL AND CRIMINAL MATTERS

On issue of summons for witness ...	0	10	0
On adjournment of hearing at the request of a party ...	0	10	6
Rehearing fee, where rehearing is at the instance of party but for whose fault rehearing would have been unnecessary ...	The original fee for the summons.		
Inspection of records of proceedings ...	0	7	6
Fee for every copy of proceedings per 100 words or part thereof ...	0	2	6

APPEAL FEES IN CIVIL AND CRIMINAL CASES

From District Court to County Court or Magistrate's Court

	£	s	d
(a) If within time ...	2	0	0
(b) If out of time... ...	3	0	0
From County Court to Magistrate's Court ...	3	0	0

Making up the Record of Appeal and Transmission thereof

Fee for the making up of the record of appeal—for every 100 words or part thereof ...	0	2	9
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APPLICATION FOR TRANSFER

Where claim does not exceed £10 ...	1	0	0
Where claim exceeds £10 but not £25 ...	1	2	6
Where claim exceeds £25 but not £35 ...	1	5	0
Where claim exceeds £35 but not £50 ...	1	10	0
Where the claim exceeds £50, for each £50 or part thereof in excess of the first £50 ...	1	0	0
Where claim is for Declaration of title to land ...	10	0	0
Where the claim is not for the recovery of money or goods but for other relief or assistance ...	1	5	0
In Criminal matters ...	1	0	0

Note.—The above fees shall be credited to the revenue of the appropriate Local Government Council.

Order in Council

made under section 26

E.R.L.N. 304 of 1958.

1. This Order in Council may be cited as the Customary Courts (Jurisdiction) Order in Council. Citation.

2. All customary courts established in Eastern Nigeria shall have jurisdiction to enforce within the local limits of their jurisdiction all the provisions of the various Laws as specified in the Schedule hereto and also to impose penalties on persons subject to the jurisdiction of the customary courts who offend against such provisions. Jurisdiction.

3. The jurisdiction conferred by this order shall be read and construed as being in addition to jurisdiction conferred upon customary courts by the Customary Courts Law.

SCHEDULE

Law	Section or Part
(i) The Age of Marriage Law, (Cap. 7)	The whole Law.
(ii) Finance Law, (Cap. 53)	Part II together with any subsidiary legislation made thereunder.
(iii) The Limitation of Dowry Law, (Cap. 76)	The whole Law.

E.N.L.N. 114 of 1961.

Order

made under section 26

Citation. 1. This order may be cited as the Customary Courts (Jurisdiction) Order.

Conferral of jurisdiction. 2. A customary court shall, subject to the direction of the Minister of Justice and Attorney-General, have jurisdiction to enforce within the local limits of its jurisdiction the enactments mentioned in the Schedule and to impose penalties on persons subject to its jurisdiction who offend against those enactments.

SCHEDULE

(Cap. 15) All sections of the Building Lines Law.
(Cap. 116) All sections of the Road Traffic Law.

ESTABLISHMENT OF CUSTOMARY COURTS

The Warrants, by which customary courts have been established under section 3 of the Law, are not printed in full. The following tabulation of them is printed. In it are set out, by Provinces and Divisions, in alphabetical order, the customary courts in existence on the 1st day of October, 1963. The first column shows the title of the court, and, underneath the title, the number of the Legal Notice publishing the Warrant, and any amendment to it. The second column shows the areas in which the court may exercise its jurisdiction. The third column shows the powers of its jurisdiction. Each court warrant provides that any three members of the court may form a quorum.

ABAKALIKI PROVINCE

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
<i>Abakaliki Division:</i> Abakaliki County Court, E.N.L.N. 103 of 1961.	Administrative Division of Abakaliki excluding the area of the Abakaliki Urban County Council.	Court of Appeal.
Abakaliki Township District Court Group 'A' Abakaliki Division, E.N.L.N. 102 of 1961.	Abakaliki Urban County Council's area of authority.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Abakaliki, and not to the County Court.
Achiagu District Court Grade 'A' Abakaliki Division, E.N.L.N. 90 of 1961.	Izo Imoha and Imoha Local Councils' areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Agbaja District Court Grade 'A' Abakaliki Division, E.N.L.N. 164 of 1961.	Agbaja Local Council area except Agbaja Unuhu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Aguba District Court Grade 'A' Abakaliki Division, E.N.L.N. 97 of 1961.	Mgbado and Umuaka Local Councils' areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Alike District Court Grade 'A' Abakaliki Division, E.N.L.N. 96 of 1961.	Alike Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Effium District Court Grade 'A' Abakaliki Division, E.N.L.N. 98 of 1961.	Effium Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ezzagu District Court Grade 'A' Abakaliki Division, E.N.L.N. 101 of 1961.	Ezzagu Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Idembia District Court Grade 'A' Abakaliki Division, E.N.L.N. 89 of 1961.	Izzikworo and Kpakpaji Local Councils area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Igbeagu District Court Grade 'A' Abakaliki Division. E.N.L.N. 93 of 1961.	Igbeagu Local Council area less Igbeagu Unuhu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Inyimagu District Court Grade 'A' Abakaliki Division. E.N.L.N. 91 of 1961.	Ndieze, Mgbalukwu and Ezza Inyimagu Local Councils' areas less Inyimagu Unuhu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ishieke District Court Grade 'A' Abakaliki Division. E.N.L.N. 94 of 1961.	Ishieke and Nkaliki-Achara Local Councils' areas less Ishieke Unuhu and Nkaliki Unuhu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ishielu District Court Grade 'A' Abakaliki Division. E.N.L.N. 100 of 1961.	Ishielu Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Izi South District Court Grade 'A' Abakaliki Division. E.N.L.N. 92 of 1961.	Anwu Agba, Eketube, Ndi Ube, Nwafor Ogu, Oferekpe and Opanma Enyigba villages and the area of authority of Amachi and Edda Local Councils less Amachi Unuhu and Edda Unuhu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Izi Unuhu District Court Grade 'A' Abakaliki Division. E.N.L.N. 95 of 1961.	Amagu Local Council area less Anwu Agba, Eketube, Ndi Ube, Nwafor Ogu, Oferekpe and Opanma Enyigba villages, and the area of all Izi Unuhu towns.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ngbo District Court Grade 'A' Abakaliki Division. E.N.L.N. 105 of 1961.	Ngbo and Ngbo Ezzamgbo Local Council area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Orri/Agba District Court Grade 'A' Abakaliki Division. E.N.L.N. 99 of 1961.	Orri/Agba Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ABAKALIKI PROVINCE — continued

Title of Court and Publication of Warrant	Jurisdiction of Court Its area	Jurisdiction of Court Its powers
<i>Afikpo Division:</i> Afikpo County Court Afikpo Division. E.N.L.N. 76 of 1961.	Administrative Division of Afikpo ...	Court of Appeal.
Afikpo /Amangwu /Amaseri /Okpoha District Court Grade 'A' Afikpo Division. E.N.L.N. 75 of 1961.	Mgbom, Anofia, Kpogrikpo, Anofia- Nkaku, Amangbala-Egeburu, Ibi, Ndibe, Ugwugu-Amizu, Aman- gwu-Amekwu, Amuzu, Ugwuegu- Elu, Amankwo-Amobolobo, Ngodo, Amachi, Ukpa, Ukpa Strangers, Amuro, Amorie, Imama, Orra, Amikpo, Ameta, Amachara, Amaozara, Ezeke, Ihie Ndukwe, Ohechara, Poperi, Amangwu-Edda, Amata, Amaogu, Agbara, Stran- gers, Amaiyinta, Amazu, Amebor, Amegbu, Amukwa, Asaga, Ndebo, Nde-Okoro Odughuohu and Omagba.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Agbo District Court Grade 'A' Afikpo Division. E.N.L.N. 74 of 1961.	Igbo-Akarafor, Agbara, Akpoha, Anong, Ekurekunta, Ngarabi, Itigidi-Levachi, Lekpachi, Baiwoke Baikpa Ghiri, Agba, Adadama- Atani, Ibalibor, Akpokpone, Ifone, Amina and Amikwor.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Aka-Eze/Ishiago District Court Grade 'A' Afikpo Division. E.N.L.N. 68 of 1961.	Aka-Eze Uku, Mgbede, Ihenta, Iyioji, Umubor, Strangers (Ibo and Hausa) Amata, Amagu, Amony, Okue, Ogowor, Ngwogwo Ihetutu, Obilagu, Amokwe, Ishie I, Ishie II, Ameze, Nserem and Afikpo Road Strangers.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Edda District Court Grade 'A' Afikpo Division. E.N.L.N. 70 of 1961.	Ebor-Unwana, Ekoli, Nguzu, Oso and Owutu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Enna/Unwana District Court Grade 'A' Afikpo Division. E.N.L.N. 71 of 1961.	Abanwan, Afono, Edu, Egbong, Etana, Ipene, Obum, Umueworo, Usukpam, Ibini, Amegu, Amekwu, Ndemiyi and Uhutiti.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Isu/Oshiri District Court Grade 'A' Afikpo Division. E.N.L.N. 72 of 1961.	Agbabor, Umuniko, Amanator, Isu, Echara, Mballa, Eze, Obegu, Mgballa Uku, Ojiegbe, Agba, Egueke, Agbabi, Amokpara, Isieke, Iyiazu, Owon, Ufuezeofu, Umumgballa, Umuorie, Amegu, Amankanu, Amocha, Ishinkwor, Mboji, Umumboke and Umuimam.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Onicha/Uburu/Okposi District Court Grade 'A' Afikpo Division. E.N.L.N. 73 of 1961.	Amakporo, Amanator, Amata, Amutu, Enuegu, Eziga, Isiama, Okpoma, Ugwu, Umubo, Umu-domi, Amata, Awgu, Enokwe, Ihenu, Umuchima, Umunaga, Umuobula, Urobor, Okposi Oku Amoja, Okposi Oku Ohanmah, Okposi Oku Uhueze, Okposi Oku Amogudu, Amechi, Amelu, Mboim, Okposi-Achara, Umuekuma, Umuka, Umunuka, Emelu-Egu, Avu-Umwiwa, Ishinkwor, Mebi-Orua and Mebi-Okpa.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ABAKALIKI PROVINCE — continued

Title of Court and Publication of Warrant	Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Ukawu/Ugulang District Court Grade 'A' Afikpo Division. E.N.L.N. 69 of 1961.	Abba-Omege, Amankpuma, Amoffia, Ishinkwo, Okuzu, Amadim, Amata, Amaekpiri Amelu, Amene, Isiama, Ohaechara, Ufuczeraku, Umuakpoke, Umunwuoma, Umuigboke, Umuabaro, Umuneze and Amegbu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Obubra Division: Obubra County Court E.N.L.N. 309 of 1960.	Administrative Division of Obubra ...	Court of Appeal.
Adun and Okum District Court Grade 'A' Obubra Division. E.N.L.N. 307 of 1960.	Oderriga Abanene, Okorokpane, Isobo, Ahaha, Ofodua, Ovonom, Ovatchura, Obubem, Ovat, Appiapum, Ohana, Iyamoyong, Ogambang, Iyमितet, Okumurutet, Issabang, Odengelle, Okukuri-Edondon, Okukuri Ofurekpe, Akama, Onyen-Erengha, Onyen-Ibra and Ochon-Etim.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Atam/Nselle/Iyalla District Court Grade 'A' Obubra Division. E.N.L.N. 305 of 1960.	Afunatam, Adunatam, Ntating, Itinta, Nnebrukpa, Ntrigom, Ofafok, Enyi, Evortop, Otigidi, Odor-Atam, Ababene-Odor-Atam, Nkpaya, Okpodon, Awkum, Ejeghe-Ejeghe, Ofofadim Ofunukpan-Odor-Atam, Okokoma-Odor-Atam, Eganga, Ofunukpan-Eganga, Onyeghe, Nselle, Ofunukpan-Onyeghe, Njemitop, Abinti, Nto, Ngidi, Evortop, Ofafok, Enyi, Olakerum, Iyalla, Isaji, Okpechi, Ogurude, Emedum and Ogana.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ABAKALIKI PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Bahumunu District Court Grade 'A' Obubra Division. E.N.L.N. 306 of 1960.	Abriba, Ebom, Lower Igonigoni, Upper Ogonigoni, Afafanyi New Settlement, Ediba, Anong and Usumutong.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Osopong/Ofunbongha District Court Grade 'A' Obubra Division. E.N.L.N. 310 of 1960.	Osopong, Ogada, Ofonimini, Imabana-Chuku, Isobo-Bikobiko, Imbana, Itamtet, Ofonogama, Ofonama, Oguruokpon, Ogurunde, Ofomana, Awakande-Egba, Ebiem, Okpechi, Isobo-Bikobiko-Okpechi, Isobo-Otaka, Awakande-Egba, Echara Ikwo, Enyibichiri, Ne-Echi, Idda, Ogamana, Ofonekom, Idoro, Ijutum, Appiapum-Eja, Ejeghe-Ibom, Eja, Ejeghe-Orangha, Awakande, Obubra, Okimbongha, Omene, Igo, Obubra Station, Ofunbongha, Ababene, Onyina, Ofunukpan, Obokpa, Ofunikpan Araraha and Okokoma.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Yakurr/Igbo/Ayiga District Court Grade 'A' Obubra Division. E.N.L.N. 308 of 1960.	Idomi, Mkpiani, Nko, Agoi Ekpo, Agoi Ibami, Ekuri, Ayiga, Igbo and Ugep.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ANNANG PROVINCE

Abak Division:

Abak County Court. E.N.L.N. 371 of 1960.

Administrative Division of Abak ... Court of Appeal.

ANNANG PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Abak District Court Grade 'A' Abak Division. E.N.L.N. 375 of 1960.	Abak, Abak Township, Annangs, Abak Township Ibibios, Abak Government Station, Abak Station Settlers, Abak Annang, Abak Ikot, Abak Ikot Afaha, Abak Itengher, Abak Usung Atai, Abak Usung Idim, Ata Ediene, Edem Idim Manta, Edem Idim Ukpom, Ibagwa, Ibanang Ediene, Ika Abak, Ikot Akpan Adia Ukpom, Ikot Akpan Ebom, Ikot Ebak, Ikot Ekang, Ikot Inyang-Ediene, Ikot Obiodo Abak, Ikot Obong, Ediene, Ikot Oku Ubara Ediene, Ikot Udo Usung Ukpom, Ikot Ukpom, Itung, Manta, Mbaraku, Midim Abak, Nto Etuk Udo, Nto Ukpom, Nto Utom Ukpom, Obio Ibom, Offot, Okon, Oku Abak, Onuk Ukpom, Uruk Usor, Utu Abak, Utu Edem Akai, Utu Edem Urua, Utu Ikot Obong, Obioakpa Agricultural Station and Ata Abiakpa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Achan Ika/Ito Ika District Court Grade 'A' Abak Division. E.N.L.N. 369 of 1960.	Ikot Akpan Offiong, Ikot Otuko, Ikot Inyang Udo, Nto Udofa, Ikot Akpa Idion, Ikot Okoro Ata, Ikot Idiog, Etor Ikot Ebo, Ikot Osukpong, Nto Ntia, Acha Ika, Ikot Oyo, Ikot Inwang, Nsidung, Ikot Inyang Ese, Nto Ukara, Ikot Akata, Ikot Ese-	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ANNANG PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Achan Ika/Ito Ika District Court Grade 'A' Abak Division E.N.L.N. 369 of 1960— <i>contd</i>	den, Ikot Akpa Offiong, Ikot Ebenwang, Otomo, Ikot Idomo, Ikot Akpan Okwre, Ikot Esu, Nto Ukpong Otong, Nto Akan, Nto Udo Igwe, Permanent Settlers, Ikot Abia Odok, Imaman, Nto Etuk Ndo, Ikot Edim, Udi, Ikot Akpan Anwa, Ikot Ekong, Nto Urua, Ikot Nto Udo Ete, Efen Ibom, Ikot Udo Nya, Ikot Okoro, Ikot Akpan Ifang, Nto, Udo Enwan, Ikot Otong and Ikot Urom.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Afaha Obo District Court Grade 'A' Abak Division. E.N.L.N. 376 of 1960.	Ikot Udo, Abata, Ikot Akpa Inyang, Ikot Akpan Eyo, Ikot Akpan Ebo, Ata Essien, Ikot Ebok, Ikot Ndem Ehua, Ikot Ndot, Ikot Antia, Ikot Adankere, Ikot Udom, Ikot Udo Iyak, Ikot Udo Mbang and Ndot Ikot Akwa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Afaha Obong District Court Grade 'A' Abak Division. E.N.L.N. 380 of 1960.	Afaha Esang, Ebebit, Edem Anwa, Ediam, Ikot Akpabio, Ikot Akpa Edem, Ikot Akpakpan, Ikot Akpan Ikpong, Ikot Anyan Akana, Ikot Ibit Ekpe, Ikot Inyang, Ikot Ndue, Ikot Obio, Akpa, Ikot Obong, Ikot Odiong, Ikot Ubom, Ikot Udo Obio, Iwok, Ikot Ufen, Ikwek, Ukana Mkpa Eyop and Ntukuk.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ANNANG PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Ekparakwa District Court Grade 'A' Abak Division. E.N.L.N. 373 of 1960.	Ekparakwa, Ika Ikot Akam, Ikot Akpan-Eda, Ikot Akpan Usung, Ikot Inyang, Ikot Ntuen, Mbon Ebre Ediene, Ediene Ikot Ebom, Itung, Itung Ikot Ndem, Ukpum and Ukpum Edem Inyang.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ibesit District Court Grade 'A' Abak Division. E.N.L.N. 379 of 1960.	Ekoi Ebesit, Edem Idim, Ikot Afanga, Ikot Akpan, Ikot Okpon, Ikot Offiong, Isama, Ntak Ibesit, Uruk Obong and Uruk Enung.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ika-na-Annang District Court Grade 'A' Abak Division. E.N.L.N. 377 of 1960.	Ikot Uko, Ikot Eshien, Nto Uso, Nto Ukpongta, Monta, Nto Urua, Nto Mbadum, Ikpe, Edem Akai, Ikot Nja and Uduk Ata.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ikot Ibritam District Court Grade 'A' Abak Division. E.N.L.N. 384 of 1960. E.N.L.N. 35 of 1962.	Ikot Ibritam, Ikot Obio Enin, Ikot Obio Oduk, Ikot Essien, Mbiaso, Ikot Ndo, Oku Uruk, Ikot Etim, Ikot Offiong, Ikot Eteye, Ikot Obio Idang, Etuk Inen, Etuk Nkwo, Asakpa, Ikot Akpaya, Ikot Eduep and Okukuk.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ikot Okoro/Mbiakot District Court Grade 'A' Abak Division. E.N.L.N. 382 of 1960.	Ntak Abiakpa, Ata Essien Abiakpa, Ntenge Akana, Aya Abiakpa, Ikpe Akpa Ewe, Inen Nsai, Inen Ikot Essien, Inen Ikot Obiom, Inen Idung Abasi Atai, Nung Oku Ibiet, Nung Ikot Assanga, Nung Ikot Obio Edo, Ikot Okoro, Ikot Akpan Nung Ita, Nung Ita Ikot Obio	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ANNANG PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Ikot Okoro/Mbiakot District Court Grade 'A' — <i>continued</i>	Nkan, Ikot Okoro, Nung Ita Urua Anwa, Ibianga, Ikot Udo Idem, Mbiakot, Ndot Ikot Eda, Ndot Nsung Idim, Nung Oku Uno I, Nung Oku Uno II, Obio Ibiat II, Obio Ibiat I, Usung Atiat Ubo, Obio Ndot, Uruk Ndot, Uruk Otong and Ikot Itun (Afaha Obo).	
Midim District Court Grade 'A' Abak Division. E.N.L.N. 383 of 1960.	Aban Midim, Ekpat Iduot, Ikot Antuk, Ikot Edede, Ikot Edong, Ikot Ekodok, Ikot Essiet, Ikot Ifang, Ikot Ikpe, Ikot Imo, Ikot Uko, Nto Obo, Nto Otong and Utu Midim.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
N. Afaha/N. Ukanafun District Court Grade 'A' Abak Division. E.N.L.N. 372 of 1960.	Ikot Akwa, Ikot Akpa Idem, Ata Essien Afaha Ntak, Ikot Inyang, Afaha Obo, Ata Afaha Ikot Akwa, Afaha Obo Ikot Uko, Ikot Ukume, Ikot Utiat, Nto Okon Ikot Anuwu, Nto Okon Ikot Eniekpe, Nto Ijin Ikot Ekperikpe, Ikot Ikot Udo Mbang, Ikot Edung, Nsekhe, Ikot Obio Owo, Ikot Ekpat, Nkek Idim, Ukanafun Edem Inyang, Ikot Ide, Ikot Akpan Ntuen, Ikot Oku Usung, Ikot Anya, Ikot Obio Okpoho, Ikot Uko Annang and Nkek Abak.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ANNANG PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Obong District Court Grade 'A' Abak Division. E.N.L.N. 368 of 1960.	Mkporikpo Waterside, Ikweji, Mkporikpo Nta, Ikot Innung, Ikot Ikot Obio Ema, Ikot Esop, Ikot Awak, Ndot, Otoro, Abak, Obong, Ibio Nung Iba, Ikot Ese, Ikot Udo Obong, Udiana Enem, Omum Inyang, Obon Ebot, Ikot Mkporikpo, Obong Ntak, Ibio Nung Achat, Ibio Edem Urua, Obong Utit Idim, Obong Ikot Akpan, Obong Ata Essien, Esa Obong, Abat, Strangers—Ikot Udo Obong and Ikot Obio Ema Water- side.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Otoro District Court Grade 'A' Abak Division. E.N.L.N. 374 of 1960.	Abia Okpo, Ibiakpan Ikot Esifon, Ibiakpan Ikot Etuk Udo, Ibong Ikot Akpan Abasi, Ibong Ikot Etok, Ibong Otoro Nto Ekon, Ikot Ata Udo, Ikot Esong, Ikot Osom, Ikot Essien Etuk, Ikot Etok Udo, Ikot Obioko, Ikot Odong, Ikot Oku Mfang, Ikot Osom, Mkor Ibong Atoe/Essien and Otoro.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Southern Afaha District Court Grade 'A' Abak Division. E.N.L.N. 378 of 1960.	Ikot Akpa Idem, Idung Eneke, Ikot Essien, Ikot Edong, Usung Atiat, Ikot Effiong, Ikot Akai, Ikot Akpa Afaha, Ikot Oto Iwo, Odoro Ikot, Ikot Etim, Ikot Owure, Ikot Iwara, Ikot Ikpe, Ikot Udo Osiom, Ata Essien Ikot Ndem, Ikot Dappa, Awat Waterside, Idung Akpan Uko and Ikot Ikang.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	ANNANG PROVINCE — <i>continued</i> 2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Southern Ukanafun District Court Grade 'A' Abak Division. E.N.L.N. 370 of 1960.	Idung Uko Udo, Ikot Akpankwok, Nya Iba, Ikot Akpan Ayai, Ikot Una, Okoyo, Edem Idim, Ikot Odiong, Ikot Udo Obobo, Ikot Udo Abia, Nkek, Ikot Inyang Abia, Iduong Udo Iso, Ikot Ibekwe, Idung Eka Uyo, Ikot Enang, Obon Odo, Idung Idem Udo and Ikot Ukpog.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Utu Etim Ekpo Group District Court Grade 'A' Abak Division. E.N.L.N. 381 of 1960.	Utu Ikot Nkor, Ikot Akpan, Ikot Nkum, Utu Ikot Imo Nte, Nte, Utu Idung Akpan Udom, Ikot Mboho Ikot Eboro, Utu Neshe, Utu Ikot Ekpo, Nto Obo, Nkwot Ikono, Ikot Odonok, Ikpe Ikot Akwa, Ikot Akpa Nsek, Ikot Udo Nta, Ikot Akpakpan, Ikot Obio Ema, Inen Ikot Okpo, Ikot Edet, Nto Unang, Unung Oku Ikot, Ikpe Atai, Ikot Iya, Nto Edet, Ikot Akpakpan, Nsidung, Ikot Otok, Ikot Udo Adia, Ikot Ebo, Ikot Esemim, Ikot Ekpor, Eka Uruk Eshiet and Ikot Ikpa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Ikot Ekpepe Division:</i> Ikot Ekpepe County Court, Ikot Ekpepe Division. E.N.L.N. 62 of 1961. Adiasim/Ikpe Annang District Court Grade 'A' Ikot Ekpepe Division. E.N.L.N. 60 of 1961.	Administrative Division of Ikot Ekpepe excluding the area of Ikot Ekpepe Urban County Council. Adiasim-Atai, Adiasim-Ikot Ata Enin, Adiasim Ikot Eda, Adiasim Ikot Essien Ndot, Ikpe Ikot	Court of Appeal. Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

<i>Title of Court and Publication of Warrant</i>	ANNANG PROVINCE — <i>continued</i> <i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Adiasim/Ikpe Annang District Court Grade 'A' — <i>continued</i>	Ntuen, Ikpe Ikot Eside, Ikpe Ikot Akpan, Ikpe Ikot Abiat, Ikpe Ikot Ekpe, Ikpe Eka, Ikpe Ebe Ikpe, Ikpe Oniong Ono, Mbiabet, Ibam Ikpe, Udok Ikpe, Ikpe Nung Inyang, Ikpe Mbiabong and Ikpe Ekpepe Otong.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Afaha/Ekpenyong District Court Grade 'A' Ikot Ekpepe Division. E.N.L.N. 58 of 1961.	Ikot Ebak, Nto Nsek, Ikot Akpan Essiet, Ikot Obong, Ikot Ise, Ikot Ukpog Offiong, Ikot Obio Okon, Ikot Ada Utor, Idung Esimuk, Ikot Udu, Ikot Ndem, Nsagak, Ekpenyong Ufun, Ikot Idem, Nto Akpa Oko, Ikot Okon, Ikot Ebok, Ikot Uko Ikot Akpan Eka, Ikot Ekpenyong, Ekpenyong Atai (I), Ekpenyong Atai (II), Ekpenyong Ikot Esifon, Ikot Ndem, Ikot Udo Esen Owo, Ikot Udom, Atai Essien, Mkpatak, Ikot Ebiedok Mkpatak, Nsagak, Nto Obio Akpan, Nto Otung, Utu Ekpen- yong, Utu Ikot Ekong, Ikot Ukpog, Uruk Obong (I), and Uruk Obong (II).	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Amanyam District Court Grade 'A' Ikot Ekpepe Division. E.N.L.N. 53 of 1961.	Nyara Enying Ntong Uno, Nyara Enying Ikot Nkpo, Ikot Ubo, Ikot Oto (including Ikot Offiong), Ikot Udo Osung, Ata Essien Mbiaso, Mbiaso Nto Obodom, Mbiaso Nto Obio Ekong, Mbiaso Ikot Uso Udo,	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	ANNANG PROVINCE — <i>continued</i> 2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Amanyam District Court Grade 'A' — <i>continued</i>	Abiakpo Ntak Inyang, Ikot Osurua, Ikot Akpan Abia, Ikot Enwang, Ikot Ediet, Abak Ifia, Ibiakpan Ikot Inam, Adatatak and Ikot Obong Otoro Ibong Ikot Akan.	
Ikono South-east District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 389 of 1960.	Ibakesi Ikot Ekang, Ibakesi Ikot Idem, Udo, Ibakesi Ikot Mbiet, Ibakesi Ikot Omonyong, Ibakesi Ukpom Anyan, Ibiaku Ikot Edet, Ibok Ndiya, Ikot Akpa Edet, Ikot Akpa Edok, Ikot Akpa Ekpuk, Ikot Akpa Idem, Idem, Ikot Akpa Iyarra, Ikot Akpan Ikono, Ikot Akpan Ndiya, Ikot Ayan, Ikot Enuu, Ikot Etefia, Ikot Idaha, Ikot Nto, Ikot Obia Edi, Ikot Offiong, Ikot Udu, Mbiakpa, Mbiabong Ukan, Nkara, Nquot Abak Oduot, Nquot Ikot Abia, Nquot Ikot Akpa Inyang, Nquot Ikot Esen, Nquot Ikot Idomo, Nquot Ikot Nquo, Nquot Ikot Nseyen, Nquot Ikot Obio Ata, Nquot Ikot Udo, Nquot Ikot Umo, Nquot Nkara, Nquot Nung Imo, Nquot Nung Inuen, Nquot Okpoto, Ukpom Ata Essien, Ukpom Nung Eduo, Ekpene Obom, Ukpom Ekpene Inuen, Ukpom Ekpene Obom Nquono, Ukpom Ikot Abak,	Not exceeding paragraph 3 of the 1st Schedule to the Law.

Title of Court and Publication of Warrant	ANNANG PROVINCE — <i>continued</i> Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Ikono South-east District Court Grade "A" — <i>continued</i>	Ukpom Ikot Abia Udo, Ukpom Ikot Akpakpan, Ukpom Ikot Anwana Abasi, Ukpom Ikot Anwana Asana Usung, Ukpom Ikot Ekem, Ukpom Ikot Imo, Ukpom Ikot Inyang Eden, Ukpom Ikot Ntuen, Ukpom Ikot Nyam, Ukpom Ikot Nyoho, Ukpom Ikot Odong, Ukpom Ikot Okure, Ukpom Ikot Otim, Ukpom Ikot Udo Essien, Ukpom Ikot Udo Nkamfon, Ukpom Usung Ubom, Ukpom Okwe, Ukpom Ita.	
Ikot Abia District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 57 of 1961.	Ikot Ukpom Ikot Udo Anwa, Ikot Ukpom Ikot Udon, Mbat Esifon, Ikot Abia, Imama, Ikot Mboho Nto Iton, Ikot Obuk, Abiakpo Idiaha, Uduk Usung, Abiakpo Ikot Abasi Inyang, Ibiakpan, Okop, Obon Ukwa, Abak Ukpom and Ntong Uno Ikot Ikot.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikot Ekpene District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 61 of 1961.	Atai Essien Ikot Ekpene, Atan Ikot Ekpene, Uruk Uso, Abiakpo Ikot Essien, Ikot Obong Ifuho, Nkap, Ikot Inyang, Ikot Abia Idem, Ikot Otu, Ikot Obio Okpon, Utu Ikpe, Utu Edem Usung, Abiakpo Edem Idim, Ibiakpan Akan Anwan, Abak Eka Oko, Utu No. 1, Utu No. 2, Nsiak, Ibiakpan Nto Akan and Itak Ikot Udo Okop.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Ikot Ekpene, and not to the County Court.

ANNANG PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Nto Edino District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 54 of 1961.	Nto Edino, Nto Essiak, Nto Edino Ikot Obio Iwok, Nto Edino Nto Omum, Ikot Mem, Ikot Ide, Ikot Essien, Ibong Uduk, Ikot Eyem, Ibong Okpo Eto, Nto Essue, Ikot Otu, Abiakpo Alacha, Abiakpo Ikot Ukam, Ikot Nto Edino Obot Idim, Ibong Nto Ekpe, Ikot Udu Nto Ide, Abama Abiakpo Nkap, Ikot Okum, Ikot Osom, Ikot Ukana and Nto Ide.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Obot Akara District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 56 of 1961.	Ikot Abasi Eyop, Nto Ekpu, Nyanyaha, Ikot Atasung, Ikot Obio Nting, Nsit Ikpe, Nsung Ita Ikpe, Ikot Abia, Nko Nto Nkoboho, Nko Nto Nkono, Nto Obio Ikang, Ekwubom, Mkpa Uno, Ikot Obio Ntin, Utu Ikot Inyang No. 1, Utu Ikot Inyang No. 2, Abiakpo Ikot Ntuen, Itot Udo Obodom, Mbiabet Ekpe, Abiakpo Ibo, Ikot Akpan, Ikot Utu Nto Ndang, Nto Ekpu Ikot, Esa Ikwen, Atai Ikwen and Ikwen Ikot Udom.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okun/Odoro Ikot District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 59 of 1961.	Ikot Ama, Ikot Essien, Ikot Oko, Ikot Uko Etor, Ikot Ekpenyong, Ikot Igwe, Nto Okpo, Eyi Okun, Ifa Okum, Nto Ubiam, Ikot Udo Okure, Umon Okun, Ikot Nya, Ikot Idem Udo (A), Ikot Idem Udo (B), Ikot Ocho, Ikot Ekefre, Ikot Utim, Ikot Ibanga, Ikot Umo	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ANNANG PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Okun/Odoro Ikot District Court Grade 'A' — <i>continued</i> .	Essien, Ikot Ineme, Ikot Udom Obot, Ikot Inyang Udo, Midim Atan, Nto Udo Ikot Akpan, Atan Ikot Ubo, Ukana Ikot Ntuen and Ukana Mbak Ukot.	
Ukana District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 55 of 1961.	Ikot Ntuen, Ikot Akpabio, Ikot Oku Etim, Uwa Ikot Ntuen, Ikot Akpan Esang, Ikot Essien, Ikot Ofok Ikot Akpan Inyang, Ikot Nkwa, Ikot Obong Edong, Ikot Ide, Ikot Ofong, Ikot Akpan Efia, Ikot Esidomo, Onuk Nkpo Ekpo, Onuk Ikot Abia, Ikot Akpan Ntia, Ikot Nwo, Iboho, Atan Ikot Okoro, Ikot Udo Idem, Uwa Edem Inyang, Ikot Ukpong Etor, Ukana Ikot Ntuen, Ikot Afanga, Ntak Ikot Akpan, Ikot Otu, Ikot Nkan, Ikot Udo Ekpat, Ukana Mbak Ukot and Ikot Akpabin.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nkalu District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 123 of 1962.	Area of authority of Nkalu Local Council.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Itu Mbauzo District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 124 of 1962.	Area of authority of Itu Mbauzo Local Council.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Odoro Ikpe District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 125 of 1962.	Area of authority of Odoro Ikpe Local Council.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ndiya District Court Grade 'A' Ikot Ekpene Division. E.N.L.N. 59 of 1963.	Area of authority of Ndiya Local Council.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
<i>Calabar Division:</i>		
Calabar County Court, Calabar Division. E.N.L.N. 162 of 1961.	Administrative Division of Calabar	Court of Appeal.
Akpabuyo District Court Grade 'A' Calabar Division. E.N.L.N. 153 of 1961.	Ikang, Ikot Nakanda, Ikot Edem Odo and Atimbo Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Calabar District Court Grade 'A' Calabar Division. E.N.L.N. 142 of 1961.	Calabar Urban District Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Calabar, and not to the County Court.
Creek Town District Court Grade 'A' Calabar Division. E.N.L.N. 152 of 1961.	Creek Town, and Ikoneto-Adiabo Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikpai District Court Grade 'A' Calabar Division. E.N.L.N. 158 of 1961.	Ikpai Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Iko Ekperem District Court Grade 'A' Calabar Division. E.N.L.N. 161 of 1961.	Iko Ekperem Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Netim District Court Grade 'A' Calabar Division. E.N.L.N. 160 of 1961.	Netim Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oban District Court Grade 'A' Calabar Division. E.N.L.N. 157 of 1961.	Oban Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Odot District Court Grade 'A' Calabar Division. E.N.L.N. 155 of 1961.	Odot Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

CALABAR PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Odukpani Road District Court Grade 'A' Calabar Division. E.N.L.N. 166 of 1961.	C.O.P.E., I.K.P., Ikot Omin and Ikot Ansa Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okoyong District Court Grade 'A' Calabar Division. E.N.L.N. 154 of 1961.	Okoyong Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oyuk District Court Grade 'A' Calabar Division. E.N.L.N. 156 of 1961.	Oyuk Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Uyanga District Court Grade 'A' Calabar Division. E.N.L.N. 159 of 1961.	Uyanga Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

DEGEMA PROVINCE

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
<i>Degema Division:</i>		
Degema County Court Degema Division. E.N.L.N. 54 of 1963.	Administrative Division of Degema except the area of jurisdiction of Bonny District Court.	Court of Appeal.
Bonny District Court Grade 'A' Degema Division. E.N.L.N. 88 of 1961.	Area of the Bonny Clan	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Degema, and not to the County Court.
Odual District Court Grade 'A' Degema Division. E.N.L.N. 52 of 1963.	Areas of the Kugbo, Arughunya and Adibom Local Councils.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Kalabari District Court Grade 'A' Degema Division. E.N.L.N. 53 of 1963.	Area of the Buguma, Abonnema, Bakana, Tombia, Bille, Isia, Udekama, Northern Group, Central Group, Western Group, Ke/Abissa and Kula Local Councils.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ENUGU PROVINCE

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
<i>Awgu Division:</i>		
Awgu County Court E.R.L.N. 227 of 1958.	Administrative Division of Awgu ...	Court of Appeal.
Abboh District Court Grade 'A' Awgu Division. E.R.L.N. 200 of 1958, E.R.L.N. 40 of 1959.	Abboh, Uduma, Mpu, Okpanku and Lengwe in Awgu Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Enugu District Court Grade 'A' Awgu Division. E.R.L.N. 189 of 1958, E.R.L.N. 40 of 1959.	Achi, Inyi and Awlaw in Awgu Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Inyi District Court Grade 'A' Awgu Division. E.N.L.N. 145 of 1961.	Area of authority of Inyi Local Council.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Mbanano District Court Grade 'A' Awgu Division. E.R.L.N. 228 of 1958, E.R.L.N. 40 of 1959.	Awgu, Mbowo, Maku, Mgbidi, Ezere, Ugwueme, Nkwe, Awgunta and Lengwenta in Awgu Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Owelli District Court Grade 'A' Awgu Division. E.R.L.N. 220 of 1958, E.R.L.N. 40 of 1959.	Amaowelli, Ugbo, Obeagu, Ituku, Owelli, Ihe, Isu, Agbudu, Ogugu, Ogbaku and Agbaogugu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Nsukka Division:</i>		
Nsukka County Court E.R.L.N. 179 of 1958.	Administrative Division of Nsukka ...	Court of Appeal.
Eha Amufu District Court Grade 'A' Nsukka Division. E.R.L.N. 183 of 1958, E.R.L.N. 40 of 1959.	Eha Amufu, Umualor, Ikem, Leke and Mbu in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Enugu-Ezike District Court Grade 'A' Nsukka Division. E.R.L.N. 185 of 1958, E.R.L.N. 40 of 1959, E.N.L.N. 127 of 1961.	Enugu-Ezike in Nsukka Division ...	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Eteh District Court Grade 'A' Nsukka Division. E.N.L.N. 120 of 1961.	Ogodo, Umunebe, Umuonodaba, Umuebe, Umuishi, Umuochigida, Umuolada and Umuasanya.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ENUGU PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Itchi District Court Grade 'A' Nsukka Division. E.R.L.N. 186 of 1958, E.R.L.N. 40 of 1959.	Itchi, Unadu, Ibeagwa-Aka, Obukpa, Eror-Agu, Iheaka, Iheakpu, Ovoko, Amaokpu and Iohoro in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Nibo District Court Grade 'A' Nsukka Division. E.R.L.N. 182 of 1958, E.R.L.N. 40 of 1959.	Nibo, Abbi, Ugbene, Uvuvu, Nkologu, Akpugo and Udueme in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Nsukka District Court Grade 'A' Nsukka Division. E.R.L.N. 180 of 1958, E.R.L.N. 40 of 1959.	Nsukka, Eror-Uno, Ibagwa-Ani, Ede, Obiomo, Ikwoka, Edem Orobo and Ikpuja/Okutu in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Obollo District Court Grade 'A' Nsukka Division. E.R.L.N. 184 of 1958. E.R.L.N. 40 of 1959.	Obollo, Ogbodu-Aba, Imilike, Igugu, Amala, Ezimo, Umundu, Orba and Eha-Alumona in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ogrugru District Court Grade 'A' Nsukka Division. E.R.L.N. 187 of 1958, E.R.L.N. 40 of 1959.	Ogrugru, Adani, Asaka, Igga, Ojo, Omase, Umueje and Ifite Ogwari in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Omor District Court Grade 'A' Nsukka Division. E.R.L.N. 188 of 1958, E.R.L.N. 40 of 1959.	Omor, Igbakwu Anaku, Adaba, Omerum, Umumbo and Umulokpa in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Opi District Court Grade 'A' Nsukka Division. E.R.L.N. 181 of 1958, E.R.L.N. 40 of 1959.	Opi, Akwegbo, Ohodo, Ozalla, Lejja, Aku, Ukehe, Idohoa, Onyohor, Ohebe, Umumko, Ikolo, Umuma, Ochina and Nkalakpu in Nsukka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Udi Division:</i>		
Udi County Court. E.R.L.N. 190 of 1958.	Administrative Division of Udi ...	Court of Appeal.
Akpugo District Court Grade 'A' Udi Division. E.R.L.N. 197 of 1958, E.R.L.N. 40 of 1959.	Akpugo and Agbani ...	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ENUGU PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Awkunanaw District Court Grade 'A' Udi Division. E.R.L.N. 209 of 1958, E.R.L.N. 40 of 1959.	Awkunanaw, Obuofia, Akegbe-Aku, Amodu, Uma, Ozalla and Obe.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Eke/Affa District Court Grade 'A' Udi Division. E.R.L.N. 192 of 1958, E.R.L.N. 321 of 1958, E.R.L.N. 40 of 1959.	Eke, Nsude, Obioma, Egede, Affa, Akpume, Nze and Oghu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Idodo District Court Grade 'A' Udi Division. E.R.L.N. 211 of 1958, E.R.L.N. 40 of 1959.	Owo, Oruku, Amechi, Ogboh and Amankanu in Udi Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mburubu District Court Grade 'A' Udi Division. E.R.L.N. 199 of 1958, E.R.L.N. 40 of 1959.	Mburubu, Nara, Nomeh and Nkerefi	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Nike District Court Grade 'A' Udi Division. E.R.L.N. 210 of 1958, E.R.L.N. 40 of 1959.	Nike	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Olo/Oha District Court Grade 'A' Udi Division. E.R.L.N. 196 of 1958, E.R.L.N. 40 of 1959.	Olo, Awka and Amagu-Umulokpa ...	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Owa District Court Grade 'A' Udi Division. E.R.L.N. 193 of 1958, E.R.L.N. 40 of 1959.	Owa-Abaja, Owa-Aguobu, Owa-Mgbagbu, Umuan, Umumba and Obunofia.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Oye District Court Grade 'A' Udi Division. E.R.L.N. 195 of 1958, E.R.L.N. 321 of 1958, E.R.L.N. 40 of 1959.	Oye and Okpoho	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Udi District Court Grade 'A' Udi Division. E.R.L.N. 191 of 1958, E.R.L.N. 40 of 1959.	Udi, Nachi, Obinagu, Umuabi, Umuagu, Amokwe, Abia and Agbudu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ENUGU PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Ugbawka/Amagunze District Court Grade 'A' Udi Division. E.R.L.N. 198 of 1958, E.R.L.N. 40 of 1959.	Ugbawka, Amurri, Amagunze, Onitsha, Agu, Akpawfu and Itu Okpala.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ukana/Ngwo District Court Grade 'A' Udi Division. E.R.L.N. 194 of 1958, E.R.L.N. 40 of 1959.	Ebe, Abor, Ukanna, Awhum, Okpatu, Umuawka Ngwo and Umulumgbe.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

OGOJA PROVINCE

<i>Ikom Division:</i> Ikom County Court Ikom Division. E.N.L.N. 50 of 1961.	Administrative Division of Ikom ...	Court of Appeal.
Abanyum/Nnam District Court Grade 'A' Ikom Division. E.N.L.N. 44 of 1961.	Nkim, Abangor, Nkum, Nkarasi, Abankang, Itekpe, Nkonfap, Nyerenkpo, Nandem, Nkalata, Amangebe, Eyubor, Nlul, Alok Enyi-Egba, Nkrigom and Ogomogom.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Abo District Court Grade 'A' Ikom Division. E.N.L.N. 48 of 1961.	Aboabam, Abunorok, Abantakon, Arimekpang, Bashua, Bashu and Danare.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Boje District Court Grade 'A' Ikom Division. E.N.L.N. 45 of 1961.	Boje, Buanchor, Iso Bendege, Kanyang, Katabang and Nsadup.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikom-Olubumo-Akparabong District Court Grade 'A' Ikom Division. E.N.L.N. 49 of 1961.	Ikom Town, Little Obokum, Adjijimkpor, Okuni, Akam, Ekuri, Akparabong, Bendege, Afi and Balep.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nde-Nkum-Ofutop District Court Grade 'A' Ikom Division. E.N.L.N. 47 of 1961.	Nde Town, Nkum Town, Asaja, Egulunkor, Ejirawo, Mfanfun, Mgbaka, Mkpiri, Nkwande, Nsak, Abaragha, Ekpokpa, Nkpura,	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Northern/Southern Etung District Court Grade 'A' Ikom Division. E.N.L.N. 46 of 1961.	Ndim, Okanga-Mkpansi, Okanga-Njimonwan and Okosora. Abia, Ajassor, Bendege Ayuk, British Obokum, Affraya, Ekimaya Ekuata, Etome, Abijang, Agbotai, Etara, Ibaka, Mkpote Isong, Nsarum and Nsofan.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Obudu Division:</i> Obudu County Court Obudu Division. E.N.L.N. 138 of 1961.	Administrative Division of Obudu ...	Court of Appeal.
Bette-Bendi District Court Grade 'A' Obudu Division. E.N.L.N. 141 of 1961.	Akorshi, Akuraka, Bagachuru, Bagiagba, Begiatte, Bendigie, Ketting, Lishiwel, Ubong Bette, Umale, Abankubi, Atiekpe, Bedia, Batukwel, Begiaba, Buabic, Buabong, Buachuan Buagbong, Buahuan, Ibong, Igwo, Kakum, Kutiang, Obudu, Ohong, Okambi, Okworniku, Ukorshe and Ukwel-Obudu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Eastern Boki District Court Grade 'A' Obudu Division. E.N.L.N. 140 of 1961.	Alankwu, Wulo, Bokalum, Olum, Bamba, Okwangwo and Okwa.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Obalinku District Court Grade 'A' Obudu Division. E.N.L.N. 139 of 1961.	Basan, Boshi, Bumaji, Beebo, Bisu, Bishiri and Bebi.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Utanga-Becheve District Court Grade 'A' Obudu Division. E.N.L.N. 136 of 1961.	Amandekureke, Bagga, Baggo, Balinge, Bassenge, Ikwette, Inyindeve, Kotele, Kundeve, Ugbakoko, Balegete and Bagga Plateau.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

Title of Court and Publication of Warrant	OGOJA PROVINCE — continued Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Utugwang-Ukpe District Court Grade 'A' Obudu Division. E.N.L.N. 137 of 1961.	Utugwang, Ukpe and Alege ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Ogoja Division:</i> Ogoja County Court Ogoja Division. E.N.L.N. 106 of 1961.	Administrative Division of Ogoja ...	Court of Appeal.
Aferike and Nkim District Court Grade 'A' Ogoja Division. E.N.L.N. 31 of 1962.	Aferike and Nkim Local Council areas	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Akajuk and Nkum District Court Grade 'A' Ogoja Division. E.N.L.N. 33 of 1962.	Akajuk and Nkum Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Bekworra District Court Grade 'A' Ogoja Division. E.N.L.N. 27 of 1962.	Bekworra Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Mbube and Irruan District Court Grade 'A' Ogoja Division. E.N.L.N. 30 of 1962.	Mbube and Irruan Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
North and South Ukelle District Court Grade 'A' Ogoja Division. E.N.L.N. 32 of 1962.	North and South Ukelle Local Council areas	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okoku and Yache-Gabu District Court Grade 'A' Ogoja Division. E.N.L.N. 29 of 1962.	Eastern Yaba and Yache-Gabu Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okpoma District Court Grade 'A' Ogoja Division. E.N.L.N. 34 of 1962.	Western Yala Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Osokom District Court Grade 'A' Ogoja Division. E.N.L.N. 28 of 1962.	Osokom Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
<i>Awka Division:</i>		
Awka County Court. E.R.L.N. 212 of 1958.	Administrative Division of Awka ...	Court of Appeal.
Agudo District Court Grade 'A' Awka Division. E.R.L.N. 213 of 1958, E.R.L.N. 40 of 1959.	Nanka, Awgbu, Igbo-Ukwu, Orieri and Umuona in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Agulu District Court Grade 'A' Awka Division. E.R.L.N. 216 of 1958, E.R.L.N. 40 of 1959.	Agulu-Ani, Agulu-Enu, Adazi-Ani, Adazi-Enu, Akwa, Adazi-Nnukwu, Agulu-Uzoegbo, Neni, Ichida and Obeledu in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbamisi District Court Grade 'A' Awka Division. E.R.L.N. 214 of 1958, E.R.L.N. 40 of 1959, E.R.L.N. 47 of 1962.	Achina, Agulu-Ezechukwu, Akpo, Amaesi, Ikenga, Ekwulobia, Enugu-Umuonyiba, Ezinifite, Ogboji, Oko, Oneh, Nkpologwu, Isuofia, Uga, Umuchu and Umuomaku in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbailinofu District Court Grade 'A' Awka Division. E.R.L.N. 217 of 1960, E.R.L.N. 40 of 1959.	Amawbia, Amasim, Awka, Ebenebe, Isiagu, Nankpu, Nawgu, Nibo, Nise, Umuawulu and Ugwuoba in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbateghete District Court Grade 'A' Awka Division. E.R.L.N. 218 of 1958, E.R.L.N. 40 of 1959.	Achalla, Amanuke, Awka, Isu (Achalla), Mgbakwu, Okpuno, Ughenu and Urum in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Orumba District Court Grade 'A' Awka Division. E.R.L.N. 215 of 1958, E.R.L.N. 40 of 1959.	Agbudu, Akpu, Akpugo, Awa, Ajalli, Eziara, Eziagwu, Ihite, Isu, Nawfija, Ndionu, Neikelionwu, Ndi-Okpaeze, Ndiokolo, Ndiokwuenu, Nderefi, Ndiokpalaeke, Ufuma, Ogbunka, Owelli, Omogho and Umunze in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

ONITSHA PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Udoka District Court Grade 'A' Awka Division. E.R.L.N. 219 of 1958, E.R.L.N. 40 of 1959.	Abba, Abagana, Enugu-Agidi, Ifite-Ukpo, Nawfia, Nri, Enugu-Ukwu, Nimo, Ukpo-Akpu, and Ukwulu in Awka Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Onitsha Division:</i>		
Onitsha County Court. E.R.L.N. 221 of 1958.	Administrative Division of Onitsha excluding the area of authority of the Onitsha Urban District Council.	Court of Appeal.
Achalla District Court Grade 'A' Onitsha Division. E.R.L.N. 206 of 1958, E.R.L.N. 40 of 1959.	Ihiala, Ihembosi and Okija in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Agbaja/Ugwuochi District Court Grade 'A' Onitsha Division. E.R.L.N. 226 of 1958, E.R.L.N. 40 of 1959.	Nnewi, Ichi, Auzuigbo, Ekwulu and Unubi in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Aguleri District Court Grade 'A' Onitsha Division. E.R.L.N. 204 of 1958, E.R.L.N. 40 of 1959.	Aguleri, Nteje, Nsugbe, Igbariam, Aguleri Otu and Otuocha in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Anam District Court Grade 'A' Onitsha Division. E.R.L.N. 202 of 1958, E.R.L.N. 40 of 1959.	Anam in Onitsha Division. ...	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Atani District Court Grade 'A' Onitsha Division. E.R.L.N. 201 of 1958, E.R.L.N. 40 of 1959.	Atani, Odekpe, Orifite, Adri and Umuzu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Ebonesie District Court Grade 'A' Onitsha Division. E.R.L.N. 288 of 1960. E.N.L.N. 36 of 1962.	Azia, Sake, Lilu, Ursumughu, Mbosi and Ubulu-Isiuzor in Onitsha Division.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Mbailinito District Court Grade 'A' Onitsha Division. E.R.L.N. 205 of 1958, E.R.L.N. 40 of 1959.	Abatete, Umuoji, Uke, Mkpor, Nnobi, Alor, Awka-Etiti, Norkwa, Oraukwu, Oba, Ojoto and Obosi in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbanesi District Court Grade 'A' Onitsha Division. E.N.L.N. 143 of 1961.	Osumenyi, Akwa, Ezinifite, Ebenato, Utu and Ukpor Local Councils' areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nzam District Court Grade 'A' Onitsha Division. E.R.L.N. 225 of 1958, E.R.L.N. 40 of 1959.	Nzam, Igbedo, Igbokanyi, Inoma, Odo Odoekpe, Allah and Onugwa in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ogidi District Court Grade 'A' Onitsha Division. E.R.L.N. 223 of 1958, E.R.L.N. 40 of 1959, E.N.L.N. 77 of 1961.	Ogidi, Abacha, Eziowe, Umunachi and Umudioka in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Onitsha District Court Grade 'A' E.R.L.N. 222 of 1958, E.R.L.N. 248 of 1958, E.R.L.N. 40 of 1959.	Area of the Onitsha Urban District Council.	Not exceeding paragraph 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Onitsha, and not to the County Court.
Osomari District Court Grade 'A' Onitsha Division. E.R.L.N. 203 of 1958, E.R.L.N. 40 of 1959.	Osomari, Umunakwo, Ogbakuma, Osuche, Amayi, Ogwu, Oguani-ocha, Mputu, Ogwuikpelemili, Akri Ogidi and Obeagwe in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ozubulu/Oraifite District Court Grade 'A' Onitsha Division. E.N.L.N. 144 of 1961.	Ozubulu and Oraifite Local Councils' areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

ONITSHA PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Umuigwedo District Court Grade 'A' Onitsha Division. E.R.L.N. 224 of 1958, E.R.L.N. 40 of 1959, E.N.L.N. 78 of 1961.	Nando, Awkuzu, Umuleri, Ogbunike, Umunya and Nkwelle in Onitsha Division.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
OWERRI PROVINCE		
<i>Okigwi Division:</i> Okigwi County Court. E.R.L.N. 26 of 1959.	Administrative Division of Okigwi excluding the areas of jurisdiction of the Otanchara and the Uturu District Courts Grade 'A'.	Court of Appeal.
Ehime District Court Grade 'A' Okigwi Division. E.R.L.N. 29 of 1959.	Agbaja, Nsu, Umuezeala-ama, Umueze-Owerri, Umukabia and Umu-nakanu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ihitte District Court Grade 'A' Okigwi Division. E.R.L.N. 28 of 1959.	Amakohia, Amiyi Nta, Amiyi Uku, Nkumeato, Umuderim, Umueze-gwu and Umuihi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Iuikwuato District Court Grade 'A' Okigwi Division. E.R.L.N. 32 of 1959.	Ahaba, Ovim, Ezerre, Ovim-Quarry, Amaba, Isiyi, Amuta, Umuasua, Umuobiala, Otampa, Eluama, Amaigbo, Amiyi, Umunekwu Atcha and Nonya.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mba-Abua District Court Grade 'A' Okigwi Division. E.R.L.N. 38 of 1959.	Ngodo, Umuaka, Umuda, Achara, Ihie, Lomara, Mballa, Ndiawa, Umuelem, Lekwesi Leru, Lokpan-ta and Lokpanku.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbama District Court Grade 'A' Okigwi Division. E.R.L.N. 35 of 1959.	Amazari, Umunkwo and Amaraka...	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Nneato District Court Grade 'A' Okigwi Division. E.R.L.N. 30 of 1959.	Akawa, Eziana, Ubaku and Ndizuogu	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Obowo District Court Grade 'A' Okigwi Division. E.R.L.N. 34 of 1959.	Achara, Alike, Amanze Amuzi, Avutu, Achume, Odenkume, Okwuohia, Umuariam, Umulogho, Umunachi, Umungwawa, Umuoke and Umu- osochie.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Osu District Court Grade 'A' Okigwi Division. E.R.L.N. 39 of 1959.	Anghara, Eziana, Ezike, Ezumuoha, Ikpem Mbeke, Nzerem, Obiohuru, Obo, Okohia, Umuaro, Umuduru, Umuokpukpara, Umuelemai Umunachi, Umuoshi, Umuohiri and Umunumo.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Otanchara District Court Grade 'A' Okigwi Division. E.R.L.N. 33 of 1959.	Aku, Amuro, Amuro-Aro, Ezinachi, Ezinachi-Aro, Ihube, Ibinta, Ibinta-Aro, Okwelle, Okigwi, Okigwi-Aro, Okigwi Township and Government Station, Ubahu, Ubahu-Aro, Ugwaku, Ugwaku-Aro, Umuawa, Umuawa-Aro, Umuduru- Egbeaguru and Umuduru-Egbe- aguru-Aro.	Not exceeding paragraph 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Okigwi, and not to the County Court.
Otanzu District Court Grade 'A' Okigwi Division. E.R.L.N. 27 of 1959.	Agbogbu, Agbogbu-Aro, Ogeh-Aro, Oka-nnachi, Okwe, Oreh, Oreh-Aro, Umualuwoke, Umualuwoke-Aro, Umulolo-Aro and Umuna.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ugboma District Court Grade 'A' Okigwi Division. E.R.L.N. 37 of 1959.	Abueke, Ikperere, Lowa and Onicha.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ugiri District Court Grade 'A' Okigwi Division. E.R.L.N. 36 of 1959.	Ugiri, Obollo, Umuneke, Ogor, Oka and Ibeme.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

OWERRI PROVINCE — continued

Title of Court and Publication of Warrant	Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Uturu District Court Grade 'A' Okigwi Division. E.R.L.N. 31 of 1959.	Aboneze, Achara, Akpukpa, Ndundu, Ugwu and Umumara-Nvurunvu.	Not exceeding paragraph 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court Okigwi, and not to the County Court.
<i>Orlu Division:</i>		
Orlu County Court. E.R.L.N. 15 of 1959.	Administrative Division of Orlu ...	Court of Appeal.
Eastern Oru (Omuma) District Court Grade 'A' Orlu Division. E.R.L.N. 13 of 1959.	Omuma, Awomama, Amiri, Amagu, Akuma, Akatta and Afara.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Eastern Isu District Court Grade 'A' Orlu Division. E.R.L.N. 9 of 1959.	Amaigbo, Abba, Agbaja, Isu, Nkwerre, Owerre-Nkwoji and Umudi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbanasa District Court Grade 'A' Orlu Division. E.R.L.N. 17 of 1959.	Urualla, Akokwa, Akpulu, Obodo, Osina, Uzii and Isuokpu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ndizuogu District Court Grade 'A' Orlu Division. E.R.L.N. 16 of 1959.	Ndiawa, Ndianyaki, Ndiezezie, Ndi- adimoha, Ndiogbuonyeoma, Ndi- amazu, Ndiakunwata, Ndiomoko Ndiuche, Ikpeeze, Ndiukwu, Ndiyaniche, Ndiakeme Ndiuche- agwu, Ndindubisi, Ndinwonu and Ndinjoku.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Northern Isu District Court Grade 'A' Orlu Division. E.R.L.N. 12 of 1959.	Dike-na-fai, Isiakenesi, Ntueke, Umuoshi, Umuobom, Umuago, Umuakam, Umuna and Amanator.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Orsu-Ekpo/Orsu-Alamiri District Court Grade 'A' Orlu Division. E.R.L.N. 18 of 1959.	Amifofo, Awoidemili, Ihioma, Ebelator, Ogberuru, Okporo, Orsu-Ihiteukwa, Umuhu, Ihite- Nansa, Ihite-Owerri, Obibi, Amalulu and Eziawa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Southern Isu District Court Grade 'A' Orlu Division. E.R.L.N. 10 of 1959.	Amandugba, Amurie, Eziana, Isunjaba, Amucha, Atta, Ekwe, Nkume, Okwudor, Umuaka and Umutanze.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Western Isu District Court Grade 'A' Orlu Division. E.R.L.N. 11 of 1959.	Amike Eziachi, Umudioka, Mgbei, Orlu Umuma, Umuowa, Umuzike and Orlu Government Station.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Western Oru (Ibi) District Court Grade 'A' Orlu Division. E.R.L.N. 14 of 1959.	Ele, Aji, Amorka, Ibi, Mbidi, Uburu, Ohakpu, Oturu, Ozara, Uli, Nempi, Amafuo and Amanano.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Owerri Division:</i>		
Mbaise County Court. E.N.L.N. 319 of 1960.	Area of Ezinihitte East, Ezinihitte West, Agbaja, Ekwereazu, Oke- Ovoro and Ahiara District Courts in Owerri Division.	Court of Appeal.
Owerri County Court. E.N.L.N. 318 of 1960. E.N.L.N. 49 of 1962.	Areas of the jurisdiction of Agbala, Nekede/Ihiagwa, Ara-Umunwoha, Obudi-Agwa, Oru-Oguta/Awa- Izombe, Obike/Umuaro- Emerienwa, Okwe-Umuhu, Okpala, Mbaitoli, Ikeduru Ohoba/ Awarra, Umuakpo and North Egbema District Courts Grade 'A' in Owerri Division.	Court of Appeal.
Agbaja District Court Grade 'A' Owerri Division. E.N.L.N. 327 of 1960.	Nguru, Inyogugu, Imuhu, Lagwa and Ibeku.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Agbala District Court Grade 'A' Owerri Division. E.N.L.N. 322 of 1960.	Agbala Emii, Emekuku, Olakwo and Obube Obibi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

OWERRI PROVINCE — continued

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Ahiara District Court Grade 'A' Owerri Division. E.N.L.N. 311 of 1960.	Nnarambia, Ogbe, Oru, Lude, Aguneze, Amuzi, Otulu Oguama, Akabor, Obodoujichi and Oboro.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ara-Umunwoha District Court Grade 'A' Owerri Division. E.N.L.N. 328 of 1960.	Avu, Oforola, Okuku, Umuguma, Irette, Orogwe, Amakohia-Ubi, Ohii and Ndegwu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ekwereazu District Court Grade 'A' Owerri Division. E.N.L.N. 312 of 1960.	Obohia, Ekwereazu, Apam Ama, Ihitte Afuku and Umuokrika Oparanadi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ezinihitte East District Court Grade 'A' Owerri Division. E.N.L.N. 313 of 1960, E.N.L.N. 108 of 1961.	Onicha, Obizi, Udo Ezido, Amumara, Itu Okpofe and Eziagborgu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ezinihitte West District Court Grade 'A' Owerri Division. E.N.L.N. 315 of 1960, E.N.L.N. 109 of 1961.	Ezinihitte West, Obeama, Umunama, Ife, Inueze, Umuchoko, Umudi and Akpoku.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ikeduru District Court Grade 'A' Owerri Division. E.N.L.N. 321 of 1960.	Amaimo, Amakohia, Inyishi, Avuvu, Esiama, Okwu, Ugiri, Ikembara, Uzoagba, Akabo, Amata, Iho Ngugo and Inudim Atta.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Mbaitoli District Court Grade 'A' Owerri Division. E.N.L.N. 320 of 1960.	Mbieri, Oroda, Umunoha, Afara, Eziama, Ogwa, Ubomiri, Obaku and Afakala.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Nekede/Ihiagwa District Court Grade 'A' Owerri Division. E.N.L.N. 323 of 1960.	Nekede, Ihiagwa, Eziobo, Emeabiam, Obinze and Okolochi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Obike/Umaro-Emerienwe District Court Grade 'A' Owerri Division. E.N.L.N. 317 of 1960.	Elelem, Obike, Umuekune, Obowo, Inuikoro, Orisieze, Nguru, Umuowa, Ufe, Amafor, Umuoyc, Umunakara and Umunam.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Obudi-Agwa District Court Grade 'A' Owerri Division. E.N.L.N. 324 of 1960.	Umukpo, Umuomi, Umuofeke, Obekuma, Umuekpu, Oboama, Ubah, Aro-Obudi, Mgbala and Obudi.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ohuba/Awara District Court Grade 'A' Owerri Division. E.N.L.N. 325 of 1960.	Ohuba, Umuokanne, Obogwe, Amafor, Mbirichi, Abakuru, Obosima, Awarra, Ikwerede, Asa and Obile.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Oke-Ovoro District Court Grade 'A' Owerri Division. E.N.L.N. 326 of 1960.	Ovoro, Mbutu, Lorji and Amuzu ...	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Okpala District Court Grade 'A' Owerri Division. E.N.L.N. 330 of 1960.	Eziama Amala, Ntu, Alulu, Oboro and Obokwe.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Okwe-Umuhu District Court Grade 'A' Owerri Division. E.N.L.N. 314 of 1960.	Ngor, Ohekelemn Nnorie Ihitte, Umukabi and Umuhu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Oru-Oguta/Awa-Izombe District Court Grade 'A' Owerri Division. E.N.L.N. 316 of 1960, E.N.L.N. 63 of 1960.	Oguta, Egwe, Ossu, Obodo, Ossu Obahu, Nebuku, Egbu, Nkwesi, Awa, Izombe, Ejemekwuru, Ababor, Mgbele, Abiaziam, Abaezi, Umudike, Uburuotu, Obiakpu, Abacheke, Obeakpu, Etekuru, Mbara, Oforoala, Ekula, Obokofia, Mmahu and Umuorji.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Owerri/Uratta District Court Grade 'A' Owerri Division. E.N.L.N. 2 of 1961.	Owerri, Egbu, Awaka, Naze, Orji, Owaelu, Owala, Umuonuru, Okwu, Umuoba, Umuori and Amakohia.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from this Court lie directly to the Magistrate's Court, Owerri, and not to the County Court.

OWERRI PROVINCE — continued

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Umuakpo District Court Grade 'A' Owerri Division. E.N.L.N. 329 of 1960.	Umuakpo, Umuagwo, Umukune, Imuagwu Ihie, Ilile, Eteoha, Umuoso, Umuonu, Oburugo Nkarahia and Ibitti.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
PORT HARCOURT PROVINCE		
<i>Ahoada Division:</i> Ikwerre/Etche County Court. E.N.L.N. 434 of 1960.	Administrative Division of Ikwerre/Etche Omuma, Egwi, Umuaturu, Obia, Elele, Isiokpo/Rumuji and Isoba District Courts.	Court of Appeal.
Western Ahoada County Court. E.N.L.N. 427 of 1960.	Administrative Division of Western Ahoada.	Court of Appeal.
Abua District Court Grade 'A' Ahoada Division. E.N.L.N. 423 of 1960.	Amalem, Otari, Egbema, Emelighan, Omaraka, Amughele, Egbemawaterside, Omelema, Omokwa, Arukwo, Okana, Ogborah, Odoga, Aminigboko, Emesu, Egunughan, Owerewere, Obranyi, Emabu, Okobo, Egbolom, Emoh, Ogono-kom, Iyak, Eyok, Agada (I), Igbom, Serebia, Agada (II), Ogbokuma, Emelesue and Digrige.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ahoada District Court Grade 'A' Ahoada Division. E.N.L.N. 433 of 1960.	Ahoada, Ala-Ahoada, Ihuaje, Abarikpo, Ogbo, Odumesuma, Ihubogo, Odieke, Oluigbo, Okporomini, Odiemeneya, Odiemudie, Orije, Ekpena, Udebu, Urupata, Ikata, Ochiba, Ozochi, Ubumeze, Odiabudie, Okporowo, Ihiowo,	Not exceeding paragraph 3 of the 1st Schedule to the Law.

PORT HARCOURT PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Ahoada District Court Grade 'A' — <i>continued</i>	Idoki, Ihuba, Ihubouko, Okoma, Ogwube, Okoma Ulaka, Obele Oshigbokor, Ihike, Udordu, Ulikata, Ihuma and Edeoha.	
Akabuka District Court Grade 'A' Ahoada Division. E.N.L.N. 426 of 1960.	Akabuka, Erema, Obuburu, Obagi, Ogbogu, Obite, Ede, Ohalielu, Obiebo, Egita, Akabuta, Obiosimini, Obukagi, Ibewa, Obiebe and Itu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Egbema District Court Grade 'A' Ahoada Division. E.N.L.N. 519 of 1960.	Okwuzi, Mbede, Abaezi, Umudike, Aga, Uburuotu, Obiakpu, Aba- cheke, Obeakpu, Etekuru, Mbara, Oforoala, Ekuba, Obokofia, Mmahu and Umuorji.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Egwi District Court Grade 'A' Ahoada Division. E.N.L.N. 430 of 1960.	Egwi, Okomoko, Okereagu, Opioro, Odufor, Afara, Nihe, Olakwo (I) (Umuokum) Olakwo (II) (Umu- akum) Akwa, Odagwa, Igbo, Umuechem, Abara and Chokocho.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Elele District Court Grade 'A' Ahoada Division. E.N.L.N. 431 of 1960.	Elele, Elele-Alamini, Akpabu, Ubimini, Egbeda, Umudioga, Umuanelu, Apani, Ubima, Itu and Umuansa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Enginni District Court Grade 'A' Ahoada Division. E.N.L.N. 421 of 1960.	Okarki, Okparaki, Ikodi, Kunushia, Igovia, Agbo, Okolobiana, Egbo- ama, Kala-Ogbogolo, Akinima, Oruama, Mbiama, Opu-Ogbogolo, Akiogbologbo, Odawu, Edgberi, Isua, Isusu and Joinkrama.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Isiokpo District Court Grade 'A' Ahoada Division. E.N.L.N. 518 of 1960.	Isiokpo, Agwa, Ozuaha, Umuademe and Ipu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

PORT HARCOURT PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Isoba District Court Grade 'A' Ahoada Division. E.N.L.N. 424 of 1960.	Igirita, Allua, Emuhua, Oduoha, Alibrada, Rumuche, Rumukunde, Mgbuator, Isiodu, Rumahia, Okporowo, Eduoha, Mumuoro, Ahia, Rumuakani, Ogbakiri, Ozuoba, Umosi, Isoba, Rumu- okwachi, Rumuepani, Alakohia, Rumualogu, Rumuokparali, Ogbogoro, Iwofe and Akpo-Mbu- Tolu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Obia District Court Grade 'A' Ahoada Division. E.N.L.N. 428 of 1960.	Nneke, Umukoroshe, Oruigwe, Atali, Eledenwa, Woji, Aginiba, Umu- duru, Umuola, Umukoroshe- Eledenwa, Umuabiakani, Umu- omasi, Diobu, Oworowukwo, Diobu-Umuoro Olu, (Woji) Iriebe, Umuakalabor, Diobu-Omoromeri- zimobo, Elechohia-Diobu, Orada- Diobu, Umueme, Umuokparaikom, Umuokoro, Nkpoku, Aro-Diobu, Umuoluku, Umuchita, Umuigbo Rumuorosi, Nkpoku, Rumuagbulu and Umuodoma.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Omoku District Court Grade 'A' Ahoada Division. E.N.L.N. 516 of 1960.	Obrikom, Alinso, Obie, Obor, Okpu- rukpuali, Ebogoro, Kreigani Ohalimini, Idu Obusuku, Idu Osobele, Omoku Town, Obigwe, Ogbidi, Okoposi, Ama, Ohiga, Ikiri, Elehia, Eleita, Uju, Okasu, Osiakpu and Agbada.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

PORT HARCOURT PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Omuma District Court Grade 'A' Ahoada Division. E.N.L.N. 432 of 1960.	Umudikomo, Umuagwu, Umuagwozia, Umuobasi-Eberi, Umudu, Umu- okpurukpu, Umuelechi, Okpula, Umuakpili, Umulo, Umunachi, Umuagwu, Umuosi, Umuakprikpo, Umuanwaka, Umuacham, Umuechere, Umuimo, Umuokonwu, Umueke, Umuakpali, Umugwu, Umuobuo, Umuobasi, Umuwoko, Umuoju, Umuoyera, Umuisu, Umuoroke, Umudike I, Umunwa, Umuakali, Umudike II, Umuerim, Umukwu, Umudu and Umuobilor.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Oyiba District Court Grade 'A' Ahoada Division. E.N.L.N. 436 of 1960.	Oyiba, Ogoda, Odiokwu, Ikodi, Anwunogbokor, Ulubie, Olokuma, Ebriha, Ihuechi, Owube, Ubio, Ubarama Odieroke, Odido, Oshie- obebe, Obor, Oshiba, Ulukobo, Anakpor, Uyakama, Okebe, Ogbede, Emezi, Enito, Oderoghuki, Odieke, Odiepiti, Oshi, Akaramini, Akara- Olu, Ukperede, Odigwe, Ebrass, Idu, Obodi, Obolobolo and Upatabo.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Rumuji District Court Grade 'A' Ahoada Division. E.N.L.N. 517 of 1960.	Rumuji, Rumuodogo, Obeaku, Agamini, Omofu, Ndele, Ovogo, Rumuafor, Agba Ndele, Obelle- Obukoha-Umuckpe, Imogu- Obukoha-Umuckpe, Ekwutchie- Obukoha-Umuckpe, Umuckpe- Obelle, Umuckpe Mbodo, Umuckpe- Omagwe, Umuckpe Mbucho, Umuckpe-Umuobiri, Ibaa and Obelle.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

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Customary Court Warrants

PORT HARCOURT PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Umuaturu District Court Grade 'A' Ahoada Division. E.N.L.N. 435 of 1960.	Ozuzu, Ihie, Owu, Ogida, Isu, Egbu, Elele, Umuaturu, Mba, Ndashi, Okehi, Igbodo, Akwukabi, Obibi, Obuo, Agbalu, Akwachudele, Ebeke (Wugba) Akpoku, Umuovo and Obite.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
<i>Ogoni Division:</i>		
Ogoni County Court Ogoni Division. E.N.L.N. 27 of 1961.	Administrative Division of Ogoni	Court of Appeal.
Babbe District Court Grade 'A' Ogoni Division. E.N.L.N. 21 of 1961.	Betem, Bie Gwara, Bori, Eeken, Gbam Bo'ue, Ika, Jakpong, Kamyon, Ka Gwara, Kani Babbe, Kereken Bo'ue, Kono Bo'ue, Luawi, Luyor Gwara, Notem, Norkuri Bo'ue, Sii and Uegure Bo'ue.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Eleme District Court Grade 'A' Ogoni Division. E.N.L.N. 25 of 1961.	Agbonchia, Akpajo, Aletu, Alode, Alesa, Eteo, Ekporo, Ogalle, Onney and Ibubu.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Gokana District Court Grade 'A' Ogoni Division. E.N.L.N. 26 of 1961.	Barako, B'Dere, Bera, Biara, Bodo, Bogor, Bomu, Deken, Deyer, Goi, Gbe, K'Dere, Lewe, Kpokie, Kpor, Mogho, Nwebiara, Nweo, Yeghe and Giogoko.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

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PORT HARCOURT PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Northern Khana District Court Grade 'A' Ogoni Division. E.N.L.N. 24 of 1961.	Ban Luckun, Beeri, Bianu, Bionu, Bunu Bangha, Daen, Kabangha, Kalaoko, Kere, Kor, Koro Bangha, Korokoro Luckun, Kpa, Kpong, Lori, Lude Luckun, Luebe, Lumene Bangha, Luwa, Nyobe Gangha, Nyogon Luckun, Nyo- kuru Nyowi, Okwali, Opuoko, Sogho, Tabangh, Tem, Yae and Luekue.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Southern Khana District Court Grade 'A' Ogoni Division. E.N.L.N. 22 of 1961.	Baen village, Bane, Bere, Buan, Duboro, Eweh, Gure, Kaajon, Kono, Kpea, Kpean-Tenama- Waterside, Kwawa, Pue, Tenama, Wiyakara and Lubara.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Tai District Court Grade 'A' Ogoni Division. E.N.L.N. 23 of 1961.	Ban Ogoyi, Barale, Baraobara, Bara- yira, Botem, Bunu, Deyor, Chara, Gbene'ue, Gbam, Gio, Horo, Kani, Kegbara Chara, Korokoro, Kpongbo, Kpuite, Norkpo, Nonwa Kenbara, Nonwa Uedeme, Okoroma, Sime and Ueken.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

UMUAHIA PROVINCE

Aba Division:

Aba County Court. E.N.L.N. 1 of 1961	Administrative Division of Aba ...	Court of Appeal.
Aba-na-Ohazu District Court Grade 'A' Aba Division. E.N.L.N. 5 of 1961.	Aba-na-Ohazu village group area and the Aba Urban County Council area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

UMUAHIA PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Agalaba District Court Grade 'A' Aba Division. E.N.L.N. 7 of 1961.	Ohanze, Ibeme, Akuma-Imo and Ndiakata village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ahiaba District Court Grade 'A' Aba Division. E.N.L.N. 6 of 1961.	Ahiaba and Ntigha village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Asa District Court Grade 'A' Aba Division. E.N.L.N. 8 of 1961, E.N.L.N. 151 of 1961.	Obokwe, Umuiku-Ukwu, Obingwu, Umu Ekechi, Umumauzor and Umuczeke.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Asa District Court No. 2 Grade 'A' Aba Division. E.N.L.N. 150 of 1961.	Area of Ogwe, Umuaka, Ozatta, Ugwati and Ohuru-Mkporobo village group.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Awo District Court Grade 'A' Aba Division. E.N.L.N. 14 of 1961.	Uratta, Mbutu, Umuojima, Arongwa, Amaror and Osokwa village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Azumini District Court Grade 'A' Aba Division. E.N.L.N. 11 of 1961.	Ikwuriato village group area and villages of Nto Etuk Udom and Ikot Inyang in the Ika-na-Annang village group.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nkwo Udara District Court Grade 'A' Aba Division. E.N.L.N. 15 of 1961.	Ovuokwu, Ovungwu and Mvosi village group area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nsulu District Court Grade 'A' Aba Division. E.N.L.N. 9 of 1961.	Nsulu village group area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Obohia District Court Grade 'A' Aba Division. E.N.L.N. 13 of 1961.	Umuihueze II, Obohia and Ikwueke village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ofemiri District Court Grade 'A' Aba Division. E.N.L.N. 10 of 1961.	Umuihueze I, and Umuokono village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Ugba District Court Grade 'A' Aba Division. E.N.L.N. 3 of 1961.	Area of Umuoha, Mbutu, Okparo, Ahaba, Ngwaobi and Amaise village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ugwumagbo District Court Grade 'A' Aba Division. E.N.L.N. 12 of 1961.	Ugwumagbo villages group area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Uhie District Court Grade 'A' Aba Division. E.N.L.N. 4 of 1961.	Area of Mgboko Itungwa, Mgboko-Umunzerem, Mgboko Amairi and Ahiaba-na-Abayi village group areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Bende Division:</i> Bende County Court. E.N.L.N. 420 of 1960.	Administrative Division of Bende excluding the area of jurisdiction of the Ibeku District Court Grade 'A'.	Court of Appeal.
Abam District Court Grade 'A' Bende Division. E.N.L.N. 414 of 1960.	Ahuma, Amaeke, Amelu, Amuru, Atan, Eziafor, Idima, Adi Agwu, Ndi Ebe, Ndi Ememe, Ndi Itc, Ndi Oji, Ndi Okereke, Ndi Okorie, Ndi Okwara, Ozu, Amaogbu Abam, Ndi Inya Abam, Ndi Ojiugwo and Oduenyi Abam.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Abiriba District Court Grade 'A' Bende Division. E.N.L.N. 410 of 1960.	Agboji, Amaeke, Amaogudu, Agboja and Okwoko, Amarie, Elugu, Etitiam, Ndi Nko, Obiohia and Ukwu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Alayi/Item/Igbere District Court Grade 'A' Bende Division. E.N.L.N. 412 of 1960.	Akoliufu, Amantiobe, Ezenkwu, Ugwueke, Akanu, Akwanu, Amaeke, Amaekpu, Amaokwe, Okagwe Okayi, Okoko, Umuakpa Ama Iyi, Amankalu, Amauku, Eziam, Ibina, Ohumola and Okafia.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

UMUAHIA PROVINCE — continued

Title of Court and Publication of Warrant	Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Ariam/Oloko District Court Grade 'A' Bende Division. E.N.L.N. 419 of 1960.	Ariam Ala-Ala, Ariam Elu-Elu, Eunchai, Ibiono, Ekpiri Ala-Ala, Nduke, Ndi Ori, Obeama, Oboni, Obugwu, Okwubom, Ukpa, Usaka, Uku, Ahaba, Amizi, Awomuku, Azuiyi, Azumiri, Nchara, Obuohia, Oloko, Umugo Usaka Elogu and Ekpiri Elu-Elu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Bende/Itu/Ozuitem District Court Grade 'A' Bende Division. E.N.L.N. 411 of 1960.	Agboamuzu, Agbodighidi, Amaoba, Amaogwu, Aroisinkpu, Arokparoenyi, Etitiulo, Isiegbu, Ndiekeuguo, Obiohia, Ndiekawukwo, Ndiokorienku, Ogbomiri, Okputong, Ukpam, Umuokaro, Ndi Iwo, Ntalakwu, Okpopedi, Agbu, Isiegbu, Mba, Achi, Ama Ako, Amahia, Amangwu, Amazu and Umuokwe.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ibeku District Court Grade 'A' Bende Division. E.N.L.N. 20 of 1961.	Afara, Ajata, Amaeke, Amuzuoro, Amuzukwu, Avonkwo Emede, Isiadu, Isieke, Iyi Enyi, Mbom, Ndume, Nkata and Ugba, Osa, Ubani and Umuahia-Ibeku.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law. <i>Note.</i> —Appeals from the Court lie directly to the Magistrate's Court, Umuahia-Ibeku, and not to the County Court.
Ibere/Oboro District Court Grade 'A' Bende Division. E.N.L.N. 416 of 1960.	Amuru, Elemaga, Iberenta, Ihim, Utunta, Iyialu, Iyila, Mbianyang, Ngwugwo, Nkalunta, Obuohia, Obuoro, Umemelike, Umulu, Ahuwa, Ajatakiri, Amaoba, Iputu, Amaoba-Ime, Amawom, Ekwere,	Not exceeding paragraph 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	UMUAHIA PROVINCE — <i>continued</i>	3 Jurisdiction of Court Its powers
Ibere/Oboro District Court Grade 'A' — <i>continued</i>	2 <i>Jurisdiction of Court Its area</i> Mbiopong, Ndoro, Nnono, Ntalakwu, Ogbuebule, Okwe and Umuigu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Igbo District Court Grade 'A' Bende Division. E.N.L.N. 415 of 1960.	Amaogugu, Ikenga, Isingwu, Ofame, Ameetita, Ude Ukaiuga, Onhia, Umuagu, Umuawa, Umuegwu, Umuhu Utali, Ehume, Ekenobizi, Ezeleke, Ogbodikoke, Ogbodiuku and Umunwanwa.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Ohafia District Court Grade 'A' Bende Division. E.N.L.N. 413 of 1960, E.N.L.N. 104 of 1961.	Abia, Akanu, Amaekpu, Amangwu, Amaukwu, Amauke, Asaga, Ebem, Elu, Ehenta, Eziafor, Isiugwu, Ndi Ibe, Amuma, Ufiele, Okon, Ndi Okala, Ndi Amogu, Ndi Orieke, Ndi Uduma, Amoke, Nkwebi, Okagwe, Ndi Anku, Ndi Uduma Ukwu and Oboro.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Olokoru/Ubakala District Court Grade 'A' Bende Division, E.N.L.N. 409 of 1960.	Agbama, Amakama, Amangwo, Amizi, Amazu, Awoukwu, Itaja, Itu, Okwu, Umuahia, Umuajata, Umudere, Umuntu, Umuobia, Umuopara Ozara, Abanu, Amauzu, Amiho, Avodim, Eziana, Ipupe, Laguru, Mbarakuma, Nsudimo, Nsukwe, Umuogo and Umuosu.	Not exceeding paragraph 3 of the 1st Schedule to the Law.
Umuimenyi District Court Grade 'A' Bende Division. E.N.L.N. 417 of 1960.	Agbogu, Akolinta, Amanba, Amankwo, Amaoji, Ehiama, Uzuakoli, Lodu, Lohim Ugwu, Nkpa, Uzuakoli Township, Uzuakoli village and Uzuakoli Leper Settlement.	Not exceeding paragraph 3 of the 1st Schedule to the Law.

UMUAHIA PROVINCE — *continued*

Title of Court and Publication of Warrant	Jurisdiction of Court Its area	Jurisdiction of Court Its powers
Ihe District Court Grade 'A' Bende Division. E.N.L.N. 127 of 1962.	Ihe clan village area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ututu-Isu/Ukwa District Court Grade 'A' Bende Division. E.N.L.N. 128 of 1962.	Areas of authority of Ututu, Isu Ukwa clan villages and Ewe (Aro plantation).	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Aro/Iwerri District Court Grade 'A' Bende Division. E.N.L.N. 129 of 1962.	Areas of authority of Aro and Iwerri Clans.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

UYO PROVINCE

<i>Uyo Division:</i> Uyo County Court. E.N.L.N. 63 of 1962.	Administrative Division of Uyo ...	Court of Appeal.
Asang District Court Grade 'A' Uyo Division. E.N.L.N. 72 of 1962.	Edebom Asang, Afaha Asang and Oboyo Asang Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Asutan Ekpe District Court Grade 'A' Uyo Division. E.N.L.N. 71 of 1962.	Ndikpo and Iwawa Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Etoi District Court Grade 'A' Uyo Division. E.N.L.N. 65 of 1962.	Etoi Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ibesikpo (Nung Udoo) District Court Grade 'A' Uyo Division. E.N.L.N. 70 of 1962.	Northern and Southern Ibesikpo Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Idu District Court Grade 'A' Uyo Division. E.N.L.N. 68 of 1962.	Central Uruan Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikono District Court Grade 'A' Uyo Division. E.N.L.N. 66 of 1962.	Ikono Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Mbiaso District Court Grade 'A' Uyo Division. E.N.L.N. 73 of 1962, E.N.L.N. 64 of 1963.	Afaha Mbiaso, Edebom Mbiaso, Ndue Edue Afia Nsit-Oboyo and Itre Eto Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Mbiaya District Court Grade 'A' Uyo Division. E.N.L.N. 69 of 1962.	Northern Uruan Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Mbioto/Etinan District Court Grade 'A' Uyo Division. E.N.L.N. 74 of 1962.	Mbioto and Etinan Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Nung-Ikono-Ufok District Court Grade 'A' Uyo Division. E.N.L.N. 67 of 1962.	Southern Uruan Local Council area.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Odot District Court Grade 'A' Uyo Division. E.N.L.N. 75 of 1962.	Ibia Ikot, Afaha and Ibedu Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Offot District Court Grade 'A' Uyo Division. E.N.L.N. 77 of 1962.	Offot Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oku District Court Grade 'A' Uyo Division. E.N.L.N. 64 of 1962.	Oku Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oniong/Ikot Akpan Ntembom District Court Grade 'A' Uyo Division. E.N.L.N. 76 of 1962.	Oniong and Ikot Akpan Ntembom Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Enyong Division:</i>		
Enyong County Court. E.N.L.N. 78 of 1962.	Administrative Division of Enyong...	Court of Appeal.
Ediene Itak District Court Grade 'A' Enyong Division. E.N.L.N. 92 of 1962.	Itak Ediene and Ediene Usung Itu Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Egup/Ipa District Court Grade 'A' Enyong Division. E.N.L.N. 85 of 1962.	Abayong, Agwagwuna, Abini, Akpet-Ugbem and Adim Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ehom/Ugwuakuma District Court Grade 'A' Enyong Division. E.N.L.N. 80 of 1962.	Ugwuakuma and Ehom Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

UYO PROVINCE — continued

1 Title of Court and Publication of Warrant	2 Jurisdiction of Court Its area	3 Jurisdiction of Court Its powers
Enyong/Ikpanya Group District Court Grade 'A' Enyong Division. E.N.L.N. 83 of 1962.	Enyong-Ito-Idere and Ikpanya Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikono Middle District Court Grade 'A' Enyong Division. E.N.L.N. 91 of 1962.	Nung Ukim Ukwok and part of Nkwot Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikono North District Court Grade 'A' Enyong Division. E.N.L.N. 89 of 1962.	Ikono North Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ndiya District Court Grade 'A' Enyong Division. E.N.L.N. 90 of 1962, E.N.L.N. 60 of 1963.	Ukpom, Ikot Idaha and part of Nkwot Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikot Obong District Court Grade 'A' Enyong Division. E.N.L.N. 81 of 1962.	Okopedi and Ibiono Eastern Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Itam District Court Grade 'A' Enyong Division. E.N.L.N. 88 of 1962.	East Itam Northern, East Itam Southern and West Itam Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Itu/Eki and Oku-Mbiabo-Ayadehe District Court Grade 'A' Enyong Division. E.N.L.N. 79 of 1962.	Itu, Eki and Oku-Mbiabo-Ayadehe Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Iyere Group District Court Grade 'A' Enyong Division. E.N.L.N. 82 of 1962.	Ibiono Southern and Ibiono Western Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ono Group District Court Grade 'A' Enyong Division. E.N.L.N. 84 of 1962.	Ibiono Northern and Ibiono Central Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ubaghara District Court Grade 'A' Enyong Division. E.N.L.N. 86 of 1962.	Ubaghara North and Ubaghara South Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Umon District Court Grade 'A' Enyong Division. E.N.L.N. 87 of 1962.	Umon Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Eket Division:</i> Eket County Court. E.N.L.N. 93 of 1962.	Administrative Division of Eket ...	Court of Appeal.
Awa District Court Grade 'A' Eket Division. E.N.L.N. 101 of 1962.	Afaha, Asuna and Nung Oku Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Effiat/Mbo District Court Grade 'A' Eket Division. E.N.L.N. 97 of 1962.	Offi-Uda and Ibaka Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Eket District Court Grade 'A' Eket Division. E.N.L.N. 94 of 1962, E.N.L.N. 6 of 1963.	Ebana, Ikot Ibiok and Ekpene Ukpa Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ibeno District Court Grade 'A' Eket Division. E.N.L.N. 103 of 1962.	Ibeno Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okobo District Court Grade 'A' Eket Division. E.N.L.N. 98 of 1962.	Ekeye, Okopedi, Nung Atai Eta and Ube Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okon-Ibiakpan-Obotim District Court Grade 'A' Eket Division. E.N.L.N. 102 of 1962.	Okon, Ikot Ukobo and Ikot Akpabin Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oniong-Nung Ndem District Court Grade 'A' Eket Division. E.N.L.N. 100 of 1962.	Ikot Etor, Mkpok and Ikot Akpatek Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oron District Court Grade 'A' Eket Division. E.N.L.N. 96 of 1962.	Oron Town, Uya Oron and Udung Uko Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Oyubia District Court Grade 'A' Eket Division. E.N.L.N. 95 of 1962.	Okosi, Okuku, Osu Offi, Akai Owo, Nsie, Eweime and Eyofuo Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Ubium District Court Grade 'A' Eket Division. E.N.L.N. 99 of 1962.	Akai, Three Towns, Ikot Okpudo, Ikot Ubo, Ekpene Ukim, Ikot Nko, Ikot Akpan Abia, Ikot Ekwerre, Ndukpo Ise, Ikot Eyo, Edem Idim Okpot and Ikot Esen Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Uquo District Court Grade 'A' Eket Division. E.N.L.N. 104 of 1962.	Etebi, Uquo Ekpene Obo and Idung Offiong Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
<i>Opobo Division:</i> Opobo County Court. E.N.L.N. 106 of 1962.	Administrative Division of Opobo ...	Court of Appeal.
Ete/Okon/Ikpa Nung Assang District Court Grade 'A' Opobo Division. E.N.L.N. 113 of 1962.	Edem Aya, Okon, Ete and Nung Assang Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ibesit Nung Ikot District Court Grade 'A' Opobo Division. E.N.L.N. 12 of 1963.	Ibesit Local Council area	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Midim District Court Grade 'A' Opobo Division. E.N.L.N. 11 of 1963.	Abak Midim Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikpa Ibekwe District Court Grade 'A' Opobo Division. E.N.L.N. 107 of 1962.	Ikpa Ibekwe Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ikpa/Ikono/Ibiaku District Court Grade 'A' Opobo Division. E.N.L.N. 111 of 1962.	Ikpa, Ikono and Ibiaku Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Opobo Town/Nkoro District Court Grade 'A' Opobo Division. E.N.L.N. 114 of 1962.	Opobo Town Urban County Council and Nkoro areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Ukpum Minya/Ikpa Ibom (Nung Esetang) District Court Grade 'A' Opobo Division. E.N.L.N. 112 of 1962.	Ukpum Minya and Ikpa Ibom Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Unyead/Ngo District Court Grade 'A' Opobo Division. E.N.L.N. 30 of 1963.	Unyead excluding Nkoro and Ngo Local Council areas.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okoro Ete District Court Grade 'A' Opobo Division. E.N.L.N. 31 of 1963.	Eastern Obolo Local Council area ...	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
YENAGOA PROVINCE		
<i>Brass Division:</i> Brass County Court Brass Division. E.N.L.N. 43 of 1961.	Administrative Division of Brass ...	Court of Appeal.
Akassa District Court Grade 'A' Brass Division. E.N.L.N. 31 of 1961.	Aparanbio, Boama, Ereweibio, Foniweitoru, Fununu, Kongho, Minibelev, Minibio, Oginibiri, Okunbiri, Okunbiribelev, Orokolo and Sangana.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Anyama District Court Grade 'A' Brass Division. E.N.L.N. 38 of 1961.	Abilabio, Agudama, Alagbafama, Amadugama, Anyama, Egbedama, Ekpeinbiri, Elogiama, Ikasikarama, Odobio, Ogbomama, Okodogu, Okpokiri, Ologanga, Otuogori, Otuokpoti and Sangatama.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Bassan-Apoi District Court Grade 'A' Brass Division. E.N.L.N. 32 of 1961.	Akparatubo, Azama, Azuzuama, Ezetu, Foropa, Gbaran, Ikeni, Kassama, Kemebiama, Kokologbene, Koluama I, Koluama II (Olobia), Lobia, Ogboinbiri, Sampou and Ukubie.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Bomo District Court Grade 'A' Brass Division. E.N.L.N. 28 of 1961.	Abagbene, Akamabugo, Ayoubene, Baberebene, Dukugbene, Diebu, Ekowe, Emete, Eniwari, Drebaugbene, Fonibiri, Igbematoru, Ikianbiri, Ikoromogbene, Ipirigbene, Kainyabiri, Lasukugbene, Peremabiri, Polobugo, Ogilagbene, Okigbene, Oyerebene, Seibiri and Tugobene.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Emeya District Court Grade 'A' Brass Division. E.N.L.N. 40 of 1961.	Amurukeni, Elebele, Emeya I and II, Ibelebiri, Imiringi, Kolo I, II and III, Oruma, Otegwe and Otuasega.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Epie-Atissa District Court Grade 'A' Brass Division. E.N.L.N. 37 of 1961.	Agbura, Agudama, Akaba, Amarata, Azikoro, Bebelebiri, Biogbolo, Edepie, Ekeki, Ekenfa, Etegwe, Fangbe, Igbogenu, Ikolo, Kpansia, Obogoro, Ogu, Okaka, Okutukutu, Onopa, Opolo, Opu-Yenizue, Ovelemini, Ovom, Swali, Yenagoa, Yenaka, Yenegwe and Yenizue-Epie.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Gbaran-Eketiama District Court Grade 'A' Brass Division. E.N.L.N. 35 of 1961, E.N.L.N. 41 of 1962.	Agbia, Agudama, Akaibiri, Bumodi, Ikibiri, Korama, Nedugo, Obunagha, Ogboloma, Okolobiri, Okotiamia, Polaku, Tombia and Gbarantor.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Kolokuma-Opokuma District Court Grade 'A' Brass Division. E.N.L.N. 34 of 1961, E.N.L.N. 133 of 1961.	Abuwari, Akarabiri, Ayakorama, Ayebabiri, Gbarama, Gbaranbiri, Igbainwari, Kaiama, Kalama, Odi, Ofonibiri, Okoloba, Olobiri, Orubiri, Oyobu, Sabagreia, Sampou and Igbedi.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

YENAGOA PROVINCE — *continued*

1 <i>Title of Court and Publication of Warrant</i>	2 <i>Jurisdiction of Court Its area</i>	3 <i>Jurisdiction of Court Its powers</i>
Nembe District Court Grade 'A' Brass Division. E.N.L.N. 42 of 1961.	Aburukiri, Adokoni, Adukiri, Agada, Agbakabiriyai, Agrisaba, Akakumama, Atubo, Alagoakiri (2), Basuokiri, Benkiri, Biantubu, Biokponga, Bukukiri, Burukiri, Daulambokiri, Dumoebikumakiri, Egenelogo, Ekperikiri, Ele-Daulambokiri, Dumoebikumakiri, Egenelogo, Ekperikiri, Elemuama, Eminiama, Emiseikiri, Enyumuama, Etiema, Etukekiri, Ewelesuo, Ewoama, Ewokiri (2), Fatumakiri, Fekorukiri, Ibiobio, Igabopiri, Igbeta-Ewoama, Ikeinsi, Idema, Iniedogikiri, Isaiakiri, Iseleogono, Iserekiri, Iyalakiri, Nembe, Obiama, Obiata, Odekiri, Ogurubio, Okokokiri, Okoroba, Ologoama, Oroweiama, Otatubu, Otumakiri, Sabatoru, Sangakubu, Sangapiri, Sounkiri, Tengikiri, Tengelekiri, Tubopiri, Waribokiri, Kalabilema and Kiminini.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Ogboin District Court Grade 'A' Brass Division. E.N.L.N. 30 of 1961.	Amassoma, Amatolo, Otuan and Tungbo.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Okordia-Buseni-Zarama District Court Grade 'A' Brass Division. E.N.L.N. 36 of 1961.	Agbobiri, Akumoni, Anyamabele, Emegi, Karama, Zarama-Epie and Zarama-Nyabiri.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

YENAGOA PROVINCE — *continued*

<i>Title of Court and Publication of Warrant</i>	<i>Jurisdiction of Court Its area</i>	<i>Jurisdiction of Court Its powers</i>
Olodiamia-Oporoma District Court Grade 'A' Brass Division. E.N.L.N. 29 of 1961.	Aguobiri, Angiama, Ikebiri, Ikein- ghabiri, Korokorosei, Luduon, Olugbobiri, Ondewari, Onyoma, Oporoma and Tebidaba.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Olobiri District Court Grade 'A' Brass Division. E.N.L.N. 39 of 1961.	Ababiri, Abulabiri, Akalabage, Akipelai, Amakalakala, Egeleama, Ewoi, Ogidiamata, Akpiniamata, Oloibiri, Opomatobo, Otuka and Waribugoama.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Trakiri District Court Grade 'A' Brass Division. E.N.L.N. 33 of 1961.	Ayama, Igeibiri, Obeleli, Oweikoro- gha and Ozezebiri.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.
Twon District Court Grade 'A' Brass Division. E.N.L.N. 41 of 1961.	Beletiamata, Egwema, Fantuo, Diema, Ewoama, Liama, Mbikiri, Odioma, Okpoma and Twon.	Not exceeding paragraphs 1 and 3 of the 1st Schedule to the Law.

CHAPTER 33

DEFAMATION LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Broadcast statements.
4. Slander affecting official, professional or business reputation.
5. Slander of women.
6. Slander of title.
7. Unintentional defamation.
8. Justification.
9. Fair comment.
10. Qualified privilege of newspapers.
11. Newspaper reports of proceedings in court privileged.
12. Extension of certain defences to Broadcasting.
13. Limitation of privilege at elections.
14. Newspaper: plea of absence of malice or negligence, etc.
15. Agreement for indemnity.
16. Consolidation of actions.
17. Offer of apology admissible in evidence in mitigation of damages.
18. Evidence of other damages recovered by plaintiff.
19. Proceedings affected and savings.

SCHEDULE

CHAPTER 33

A Law to make Provision with respect to Libel, Slander and other Malicious Falsehood and for purposes connected therewith. E.N. 14 of 1962.

[21st June, 1962]

1. This Law may be cited as the Defamation Law. Short title.
2. (1) In this Law—
“broadcasting” includes publication for general reception by means of wireless telegraphy or television; Interpretation.

"court" means in relation to a claim, the court or arbitrator, as the case may be, before whom the claim falls to be determined and in all other cases, a court of competent jurisdiction;

(Cap. 86) "newspaper" has the same meaning as in the Newspaper Law.

(2) A reference in this Law to words shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning.

Broadcast statements. 3. For the purposes of the law of libel and slander the broadcasting of words shall be treated as publication in permanent form.

Slander affecting official, professional or business reputation. 4. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damages whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander of women. 5. (1) Subject to subsection (2) words spoken and published which impute unchastity or adultery to a woman or girl shall not require special damage to render them actionable.

(2) In an action for such words spoken and published a plaintiff shall not recover more costs than damages unless the court is satisfied that there was reasonable ground for bringing the action.

Slander of title. 6. (1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage—

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

7. (1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section; and in any such case—

Unintentional defamation.

(a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication);

(b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section and must be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved and for the purposes of a defence under paragraph (b) of subsection (1) no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer—

(a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words;

(b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps

as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the party aggrieved—

(a) any question as to the step to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the court whose decision thereon shall be final;

(b) the power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a), shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question;

and if no such proceedings as aforesaid are taken, the court may, upon application made by the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in such proceedings.

(5) For the purposes of this section words shall be treated as published by one person (in this subsection referred to as the publisher) innocently in relation to another person if and only if the following conditions are satisfied, that is to say—

(a) that the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or

(b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person;

and in either case that the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Paragraph (b) of subsection (1) shall not apply in relation to the publication by a person of words of which he is not the author unless he proves that the words were written by the author without malice.

8. In an action for libel or slander in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges. Justification.

9. In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. Fair comment.

10. (1) Subject to this section, the publication in a newspaper of any such report or other matter as is mentioned in the Schedule shall be privileged unless the publication is proved to be made with malice. Qualified privilege of newspapers. (Schedule)

(2) In an action for libel in respect of the publication of any such report or matter as is mentioned in Part II of the Schedule, this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the newspaper in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication of any matter the publication of which is prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting immediately before the commencement of this Law.

Newspaper reports of proceedings in court privileged.

11. (1) Subject to this section a fair and accurate report in a newspaper of proceedings publicly heard before a court exercising judicial authority within Nigeria shall, if published contemporaneously with those proceedings, be privileged.

(2) Nothing in this section shall authorize the publication of blasphemous or indecent matter.

Extension of certain defence to Broadcasting.

12. (1) Sections 10 and 11 shall apply in relation to reports or matters broadcast as part of any programme or service provided by means of a broadcasting station within Nigeria and in relation to any broadcasting of any such report or matter, as they apply in relation to reports published in a newspaper and to publication in a newspaper; and subsection (2) of the said section 10 shall have effect in relation to such broadcasting as if the words "in the newspaper in which" are replaced by the following new words "in the manner in which".

(2) In this section "broadcasting station" means a station in respect of which a licence granted under any Law or Act relating to wireless telegraphy is in force, being a licence which (by whatever form of words) authorizes the use of the station for the purpose of providing broadcasting services for general reception.

Limitation of privilege at elections.

13. A defamatory statement published by or on behalf of a candidate in an election to a legislative house or a local government council in Nigeria shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election whether or not the person by whom it is published is qualified to vote at the election.

Newspaper: plea of absence of malice or negligence, etc.

14. (1) In an action for libel contained in a newspaper it shall be competent to the defendant to plead that the libel was inserted in that newspaper without actual malice and without gross negligence and that before the commencement of the action or at the earliest opportunity afterwards he inserted in that newspaper a full apology for the libel or if the newspaper in which the libel appeared should be ordinarily published at intervals exceeding one week had offered to publish the apology in any newspaper selected by the plaintiff; and to such a plea it shall be competent for the plaintiff to reply generally, denying the whole or any part thereof.

(2) It shall not be competent to a defendant in such an action to file a plea under this section without at the same time making a payment of money into court by way of amends, and a plea so filed without payment of money into court shall be deemed a nullity and may be so treated by the plaintiff in the action.

15. An agreement indemnifying a person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe there is good defence to any action brought upon it.

Agreement for indemnity.

16. (1) It shall be competent for the court upon an application by or on behalf of two or more defendants, in actions in respect to the same or substantially the same libel brought by one and the same person, to make an order for the consolidation of the actions so that they shall be tried together; and after the order has been made and before the trial of the actions the defendants in any new actions instituted in respect of the same or substantially the same libel shall also be entitled to be joined in a common action upon a joint application being made by those new defendants and the defendants in the actions already consolidated.

Consolidation of actions.

(2) In an action consolidated under this section the court shall assess the whole amount of the damages (if any) in one sum but a separate judgment shall be entered for or against each defendant in the same way as if the actions consolidated had been tried separately and if the court shall have entered a judgment against the defendant or defendants in more than one of the actions so consolidated it shall proceed to apportion the amount of damages which it has so found as between and against the last-mentioned defendants; and the court if it awards to the plaintiff the costs of the action shall make such order as it shall deem just for the apportionment of those costs between and against the defendants.

(3) This section applies to actions for slander and to actions for slander of title, slander of goods or other malicious falsehood as it applies to actions for libel and reference in the preceding subsections to the same or substantially the same libel shall be construed accordingly.

Offer of apology admissible in evidence in mitigation of damages.

17. In an action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do given to the plaintiff at the time of filing or delivering the plea in that action) to give in evidence, in mitigation of damages, that he had made or offered an apology to the plaintiff for the defamation before the commencement of the action or as soon afterwards as he had an opportunity of doing so in case the action shall have been commenced before there was an opportunity of making or offering the apology.

Evidence of other damages recovered by plaintiff.

18. In an action for libel or slander the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages or has brought actions for damages for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded or has received or agreed to receive compensation in respect of any such publication.

Proceedings affected and saving.

19. (1) This Law applies for the purposes of any proceedings begun after the commencement of this Law, whenever the cause of action arose, but does not affect proceedings begun before the commencement of this Law.

(2) Nothing in this Law affects the law relating to criminal libel.

SCHEDULE

NEWSPAPER STATEMENTS HAVING QUALIFIED PRIVILEGE

PART I

Statements Privileged without Explanation or Contradiction

1. A fair and accurate report of any proceedings in public of the Legislature of any Commonwealth country outside Nigeria.

2. A fair and accurate report of any proceedings in public of an international organization of which Eastern Nigeria or the Federal Republic of Nigeria or the Government of either is a member or of any international conference to which either sends a representative.

3. A fair and accurate report of any proceedings in public of an international court.

4. A fair and accurate report of any proceedings in public of a body or person appointed to hold a public enquiry by the Government or Legislature of any part of the Commonwealth outside Nigeria.

SCHEDULE — continued

5. A fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of the Commonwealth outside Nigeria or of any proceedings before a Court-martial held outside Nigeria under the Nigerian Army Act, 1960 or the Nigerian Navy Act, 1960.

(No. 2 of 1960)
(No. 9 of 1960)

6. A fair and accurate copy or extract from any register kept in pursuance of any Law or Act which is open to inspection by the public or of any other document which is required by any Law or Act to be open to inspection by the public.

7. A notice or advertisement published by or on the authority of a court within Nigeria or officer of such a court.

PART II

Statements privileged subject to Explanation or Contradiction

8. A fair and accurate report of the findings or decision of any of the following associations, or of any committee or governing body thereof, that is to say—

- (a) an association formed in Nigeria for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such a control or adjudication;
- (b) an association formed in Nigeria for the purpose of safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession, or the actions or conducts of those persons;
- (c) an association formed in Nigeria for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercise of which members of the public are invited or admitted and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime,

being a finding or decision relating to a person who is a member of or is subject by virtue of any contract to the control of the association.

9. A fair and accurate report of the proceedings at any public meeting held in Nigeria, that is to say a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.

10. A fair and accurate report of the proceedings at any meeting or sitting in any part of Nigeria of—

- (a) any Local Government Council or committee of a Local Government Council or Councils;

SCHEDULE -- continued

- (b) any Magistrate or Judge of a Customary Court acting otherwise than as a court exercising judicial authority;
- (c) any commission, tribunal, committee or person appointed for the purposes of any enquiry by law, by an Executive Council or by a Minister of the Government;
- (d) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any Law or Act.

11. A fair and accurate report of the proceedings at a general meeting of a company or association constituted, registered or certified by or under a Law or Act or incorporated by Royal Charter, not being a private company within the meaning of the Companies Act.

(Fed. Cap. 37)

12. A copy or fair and accurate report or summary of any notice or other matter issued for the information of the public by or on behalf of a Government department, office of State, Local Government Council or superior officer of police.

PART III

Interpretation

13. In this Schedule--
- "international court" means the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States;
- "legislature" in relation to any territory comprised in the Commonwealth, which is subject to a central and a local legislature, means either of these legislatures;
- "local government council" means a local government body established within Nigeria under any Law or Act.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 34

DIRECTOR OF PUBLIC PROSECUTIONS LAW

*Arrangement of Sections**Section*

1. Short title.
2. Salary and allowances of Director of Public Prosecutions.

CHAPTER 34

*A Law to provide for the Salary and Allowances of the Director of Public Prosecutions.

E.R.N.
16 of 1958,
19 of 1960.
E.N. 26 of
1960.

[1st April, 1958]

1. This Law may be cited as the Director of Public Prosecutions Law. Short title.

2. (1) There shall be paid to the Director of Public Prosecutions a salary equivalent to that prescribed by law for a Judge of the High Court of the Region. Salary and allowances of Director of Public Prosecutions.

(2) There shall also be paid to the Director of Public Prosecutions on account of expenses incurred in connection with his office such allowances as are paid from time to time to members of the public service holding an appointment at an equivalent salary. †

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

*This Law ceased to be effective from 1st October, 1963.

†Subsection (1), as printed here, is an amendment which commenced on 1st August, 1960. (E.R.L.N. 65 of 1961).

CHAPTER 35

DISEASES OF ANIMALS LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Power to make regulations.
4. Presumption.
5. Protection of officers.
6. Special power regarding proceedings for offence.

CHAPTER 35

A Law to make provision for Preventing the Introduction and Spread of Infectious or Contagious Disease amongst Animals.

L. of N.
1948
Cap. 55.
N.L.N.
131 of 1954.

[25th October, 1917]

1. This Law may be cited as the Diseases of Animals Law. Short title.

2. In this Law—

“animal” includes stock, camels, dogs and ostriches, and any animal or bird which the Minister may by notice in the *Eastern Nigeria Gazette* declare to be included in the term “animal” for the purpose of this Law;

“carcass” includes the carcass of an animal and part of a carcass and the meat, bones, hide, skin, hooves, horns, offal or other part of an animal, separately or otherwise or any part thereof;

“cattle” includes bulls, cows, oxen, heifers and calves;

“disease” includes African coast fever, anthrax, black-quarter, cattle plague (rinderpest), farcy, foot and mouth disease, glanders, lymphangitis (epizootic and uncerative), mange, piroplasmiasis, pleuro-pneumonia, rabies, scab, sheep

Inter-
pretation.
*

*Other animals, and other diseases, have been declared. See the subsidiary legislation.

pox, swine erysipelas, swine fever, trypanosomiasis and tuberculosis, and any other disease of an infectious or contagious nature which the Minister may by notice in the *Eastern Nigeria Gazette* declare to be included in the term "disease" for the purpose of this Law;

"fodder" means grass or any other substance used for food for an animal;

"litter" means straw or any other substance used for bedding or otherwise for or about an animal.

"stock" includes horses, mules, donkeys, cattle, sheep, goats, antelopes (domesticated) and swine.

Power to
make regu-
lations.
*

3. (1) The Minister may make regulations for all or any of the purposes following—

- (a) for providing for the examination, testing, isolation, inoculation, removal, disinfection, branding, and slaughter of animals infected or suspected of being infected with any disease or which have been in contact with any such animal;
- (b) for prescribing and regulating the destruction, burial, digging up, disposal or treatment of any carcass or of any fodder, litter, utensils, pens, hurdles, dung or other thing being in an infected place or area or removed thereout;
- (c) for regulating the movement of animals within Eastern Nigeria;
- (d) for prohibiting the movement of animals into any area in which there is or is suspected to be any disease, and for prohibiting or restricting the removal from any such area of any animal, carcass, hide, skin, hair, wool, leather or any other thing by means of which disease may be carried;
- (e) for the disinfection of persons and their clothing who have been in contact with or employed about animals which are suffering or are suspected to be suffering from disease;
- (f) for the reporting of cases of disease or death amongst animals;
- (g) for the disinfection of buildings and places wherein animals infected with disease have been stalled or kept,

*Under section 3 of the Diseases of Animals Act, (Fed. Cap. 54) the Federal Minister has power to make regulations for the movement of animals for the purpose of trade and commerce among the Regions.

- and the disinfection and cleaning of public markets, private sale yards, railway premises, railway vans, trucks or carriages, wherein any animal shall have been placed, kept or carried;
- (h) for prohibiting in any place where disease exists the performance of any local custom likely to tend to the dissemination of such disease;
- (i) for requiring or regulating the branding of stock, prescribing the brands which may or shall be used and providing for the registration of brands;
- (j) for the appointment of officers to carry out the provisions of any regulations under this Law, and conferring upon them all necessary powers;
- (k) for prescribing and regulating the seizure, detention, disposal and forfeiture of any animal in relation to which any breach of any regulation under this Law or of any order or instructions under any such regulation has been committed and for determining the person who shall be liable to defray the expenses of such seizure, detention and disposal;
- (l) for prescribing the fees to be paid for any examination, inoculation, testing or disinfection, or for any certificate, licence, permit or other thing issued or done under any regulation under this Law and the payments to be made for the feeding and stabling of animals in quarantine;
- (m) for prescribing the cases in which compensation may be paid to the owners of any animal slaughtered, or to the owners of any carcass destroyed because it is suspected of being infected with disease, under the powers conferred by any regulation under this Law and determining the amount of such compensation and the funds out of which such compensation shall be paid;
- (n) for prescribing the proof required that an animal or carcass is infected with disease or is suspected of being infected with disease;
- (o) for prescribing and regulating the construction, position and proper sanitary maintenance of any place where an animal is kept; and

(p) generally for the prevention of the introduction and spread of disease and for giving effect to the purposes of this Law.

Application. (2) Any regulation made under this section may be applied to the whole of Eastern Nigeria or to any part thereof.

Pre-sumption. 4. When the owner or person in charge of any animal suffering from disease is charged with an offence against any regulation under this Law he shall be presumed to have known of the existence of such disease in such animal unless he satisfies the court that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.

Protection of officers. 5. No action shall lie against any officer for any act done in good faith in execution or intended execution of the powers conferred upon him by any regulation under this Law and, except as otherwise provided by the regulation, no compensation shall be payable to any person for any act done under the powers conferred by any such regulation.

Special power regarding proceedings for offence. 6. Proceedings in respect of an offence against any regulations under this Law alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.

CHAPTER 35

DISEASES OF ANIMALS LAW

SUBSIDIARY LEGISLATION

Additional Animals and Diseases Declaration*made under section 2*

Order in
Council
47 of 1930,
34 of 1937.
Public
Notices
33 of 1938,
237 of 1946,
14 of 1950.

1. This Declaration may be cited as the Diseases of Animals (Additional Animals and Diseases) Declaration.

2. For the purposes of the Diseases of Animals Law (hereinafter referred to as the Law) the following are hereby declared to be included in the term "animal"—

Cats;
Domestic fowls, ducks and turkeys;
Parrots and any birds of the parrot family;
Geese;
Guinea fowl;
Pheasants;
Partridges.

3. The diseases set forth in the Schedule hereto are hereby declared to be included in the term "disease" for the purpose of the Law.

SCHEDULE

LIST OF DISEASES

Bacillary white diarrhoea
Fowl pox
Fowl typhoid
Fowl cholera
Fowl plague
Newcastle disease
Psittacosis
East Coast fever
African horse sickness
Avian tuberculosis

SCHEDULE — *continued*LIST OF DISEASES — *continued*

Pullorum disease
 Avian leucosis complex
 Infectious laryngo-tracheitis
 Infectious bronchitis
 Avian listerellosis.

Regulations
 7 of 1917,
 25 of 1930,
 26 of 1930,
 36 of 1937,
 32 of 1938,
 41 of 1938,
 N.L.N. 131
 of 1954.

Diseases of Animals Regulations*made under section 3*

1. These regulations may be cited as the Diseases of Animals Regulations.

2. In these regulations—
 “veterinary officer” means a veterinary officer in the service of the Government;
 “veterinary surgeon” means any person who is a fellow or member of the Royal College of Veterinary Surgeons, or who possesses a veterinary qualification recognized by the Veterinary Surgeons Act.

(Fed. Cap.
 210)

Notification of Disease

3. (1) Any person having in his charge or under his control any animal infected or suspected to be infected with disease shall keep such animal separate from animals not so infected or suspected, and shall forthwith give notice of the fact of the animal being so infected or suspected to a veterinary officer or to the nearest magistrate or local government council.

(2) When the animal so infected or suspected is travelling, neither such animal nor any animal with which it has been in contact shall be moved except in so far as may be necessary for effecting isolation or for procuring food or water, pending the directions of a veterinary officer.

4. Every local government council receiving a notification under the last preceding regulation or otherwise becoming aware that any animal within the limits of its jurisdiction is

infected with disease shall forthwith notify the nearest magistrate, and shall take measures to enforce the provision of the said regulation with regard to the isolation and non-movement of the animal.

5. A magistrate receiving a notification under either of the last two preceding regulations or otherwise becoming aware of the presence of disease within the area of his jurisdiction shall communicate with the nearest veterinary officer and shall, pending the instruction of a veterinary officer, issue such orders, directions or prohibitions as he may deem proper for the prevention of the spread of the disease:

Provided that a magistrate shall not order any animal to be slaughtered except on the instruction of a veterinary officer, or if it should appear to the magistrate that an animal should be slaughtered before the instruction of a veterinary officer can be obtained, he may appoint a committee of not less than three persons, two at least of whom shall be officers in the service of the Government, to inquire into and to advise as to the necessity for slaughtering such animal, and if the majority of the members of such committee shall advise that the animal should be slaughtered, he may order the animal to be slaughtered.

6. A veterinary officer shall, if he is of opinion that any animal is infected with any disease, or if he has reason to believe that any animal has been exposed to infection, issue such orders, directions or prohibitions as he may consider necessary or advisable to prevent the spread of the disease and may cause any such animal to be slaughtered if he shall consider that the slaughter of the animal is necessary for the prevention of the spread of the disease.

7. (1) Where any animal—

- (a) dies of disease or is slaughtered in accordance with orders issued under these regulations; or
- (b) is slaughtered otherwise than in accordance with orders issued under these regulations and its carcass is in the opinion of a veterinary officer infected with disease,

the carcass shall be disposed of by burning or in such manner as the veterinary officer may direct.

(2) Any fodder, litter, utensils, pens or other thing which may in the opinion of a veterinary officer have become

infected by such animal or its carcass shall be treated or disposed of as the veterinary officer shall direct.

8. A veterinary officer may for the purpose of examining any animal enter at any time any building or upon any land, and may, for the purpose of diagnosing disease, take blood smears or cause them to be taken, from any animal, or apply such tests as he may consider necessary.

9. Any administrative, veterinary or police officer may—
- (a) arrest without warrant any person whom he has reasonable ground for believing to have been guilty of any breach, non-compliance with or contravention of any of these regulations or of any order or direction given under any such regulation;
 - (b) seize and detain any animal in relation to which any such breach, non-compliance or contravention has been committed:

Provided that such seizure and detention shall be reported, without delay, to a magistrate having jurisdiction in the area in which the animal has been seized.

10. (1) Any person who is guilty of any such breach, non-compliance or contravention as aforesaid, shall be guilty of an offence and shall be liable to a fine of fifty pounds or to imprisonment for six months, and any animal in relation to which the offence has been committed may be forfeited.

(2) Whenever a magistrate is satisfied by evidence on oath that there is reason to believe that an offence has been committed in relation to any animal which has been seized and detained but that the offender is unknown or cannot be found, he may order the forfeiture of such animal:

Provided that no order shall be made under this subsection unless the owner (if his name and whereabouts be known) of such animal shall have had an opportunity of appearing before the magistrate to show cause why the order should not be made.

(3) Whenever a magistrate is satisfied by evidence on oath that there is reason to believe that an offence has been committed in relation to any animal which has been seized and detained, he may order the owner of such animal to pay into court such sum as he may consider reasonable to cover the expenses of and in connexion with the seizure, removal and

detention of the animal, and, unless such sum be paid within such time as may be specified in the order, the animal shall be forfeited.

Compensation

11. Subject to the provisions of regulations 11 and 14, compensation may be paid to the owner of any animal which is slaughtered, or any hide or skin or other part of a carcass which is destroyed under the provisions of these regulations.

12. Compensation shall not be paid in respect of any dog which is, or is suspected of being, infected with rabies, or in respect of any animal in relation to which any offence under these or any other regulations under the Law has been committed, or in respect of any animal which was infected with disease, or in respect of any hide or skin or other part of any carcass which is certified by a veterinary officer to be infected with disease.

13. Where any animal is slaughtered or any hide or skin or other part of any carcass is destroyed by orders given under these regulations a certificate by a veterinary officer that such animal or hide or skin or other part of the carcass was infected with disease shall be accepted as conclusive proof thereof in any legal proceedings.

14. The compensation which may be paid in respect of any animal slaughtered or any hide or skin or part of a carcass destroyed under the provisions of these regulations shall not exceed the value of the animal or hide or skin or part of the carcass immediately before it was slaughtered or destroyed and in no case shall the compensation paid in respect of a horse exceed fifteen pounds.

15. Claims for compensation shall be made in writing to the Chief Veterinary Officer through a magistrate having jurisdiction in the area in which the animal was slaughtered, and the Chief Veterinary Officer if, after such inquiry as he may think proper, he is satisfied that compensation may be paid in the circumstances of the claim, may assess the compensation and direct the payment thereof:

Provided that any person who is dissatisfied with the decision of the Chief Veterinary Officer, may appeal to the Minister, whose decision shall be final.

Regulations
12 of 1943,
31 of 1944,
8 of 1951.

Control of Trade Cattle Regulations

made under section 3

1. These regulations may be cited as the Control of Trade Cattle Regulations.

2. In these regulations—

“area” means an area to which these regulations have been applied;

“Director” means the Chief Veterinary Officer of the Veterinary Division of the Ministry of Agriculture;

“disease” means rinderpest, contagious pleuro-pneumonia, black-quarter, haemorrhagic septicaemia, anthrax, tuberculosis, and foot and mouth disease;

“local government council”, unless the contrary intention appears, includes any person duly authorized by a local government council to exercise or perform any or all of the powers or duties delegated to a local government council under regulation 4 of these regulations;

“prescribed officer” means a person duly authorized by the Director to exercise a power or perform a duty in relation to which the expression is used, or, where such power or duty is exercised or performed by a local government council, the person duly authorized by a local government council;

“trade cattle” includes all cattle intended for slaughter or for use as pack animals whether coming over land from any place outside Eastern Nigeria or purchased in and intended to be moved out of an area, but not cattle proceeding to grazing grounds and not intended for sale or for use as pack animals.

3. The Minister may, by notice in the *Eastern Nigeria Gazette*, specify the areas to which these regulations shall apply and thereupon these regulations shall apply to those areas. By the same, or another notice, he may establish inspection stations and control posts at specified places.

4. (1) The control of trade cattle prescribed in these regulations shall be exercised by the Director and by such officers of the Veterinary Division as he shall appoint for the purpose.

(2) The Director may, by agreement with a local government council and with the approval of the Provincial Secretary where such has jurisdiction, delegate to such local government council any or all of the powers and duties conferred or imposed on the Director by these regulations:

Provided that the powers and duties so delegated shall not be exercised or performed by a local government council outside the area of its jurisdiction.

(3) Any delegation to a local government council under the foregoing provisions of this regulation may, with the approval of the Provincial Secretary, be determined by a notice served on the local government council by the Director or may, with the approval of the Provincial Secretary, be relinquished by a notice served on the Director by the local government council.

(4) Subject to the agreement and approval mentioned in sub-regulation (2), the Director by himself or any officer of the Veterinary Department may, within the area of such local government council's jurisdiction, exercise and perform any of the powers or duties delegated to the council.

5. The person in charge of trade cattle, entering any area to which these regulations have been applied from any place outside Eastern Nigeria, shall drive all the cattle by the most direct cattle route to the nearest inspection station.

6. (1) Where trade cattle have been purchased the person in charge thereof shall, before moving them out of the area where they are situated at the time of purchase, take them to the nearest inspection station within such area, and, if there be no inspection station, to the nearest control post:

Provided that where an inspection station or a control post in another area is nearer to the place in which the cattle are situated at the time of purchase, the cattle may be taken to that inspection station or control post, as the case may be:

Provided also that if there be no inspection station or control post in that area such cattle shall be taken to the nearest inspection station or control post, as the case may be, in some other area.

(2) Where trade cattle are being moved from one area to another for the purpose of being slaughtered, they may be moved without restriction provided that the distance to be

travelled does not exceed twenty miles measured by the most direct cattle route:

Provided that if there be an inspection station or control post along such route, the cattle shall be taken to such inspection station or control post, as the case may be.

7. (1) The person in charge of any trade cattle shall, before removing the same from any inspection station or control post, obtain a permit (in these regulations referred to as a movement permit) from the prescribed officer in which shall be set out the route to be followed and the control posts over or through which all the cattle must pass.

(2) The person having charge of any trade cattle shall, until the destination mentioned in the permit has been reached, at all times keep such permit in his possession and shall on demand produce the same for the inspection of any prescribed officer.

8. A prescribed officer shall inspect all trade cattle brought to an inspection station or control post in accordance with regulations 5, 6 and 7, and the prescribed officer may, if he thinks fit, brand or affix any identification mark to such cattle and, for the cure or prevention of disease, may detain such cattle for the purposes of observation or treatment at such inspection station or control post.

9. (1) Trade cattle shall not be loaded on a railway waggon, motor vehicle, river or ocean vessel or on any aircraft for transport from one area to another unless the owner of such cattle is in possession of a veterinary loading permit issued by the prescribed officer in respect of each consignment of trade cattle, such permit shall be in the form set out in the First Schedule hereto and shall be valid for a specified journey only.

(2) A veterinary loading permit shall not be issued unless the prescribed officer is satisfied that the provisions of these regulations in respect of trade cattle have been complied with and furthermore that such cattle are, in his opinion, in a fit condition to travel.

(3) A veterinary loading permit shall only be issued to a person who has been duly licensed in accordance with the provisions of regulation 10.

10. (1) It shall be unlawful for the owner of trade cattle to transport such cattle by rail, motor vehicle, river or ocean vessel or by aircraft unless he is the holder of a licence granted in that behalf by the prescribed officer. Such licence may be an annual licence or a temporary licence and only one licence may be granted to an owner.

(2) An annual licence may be granted only to such owners who, during the twelve months prior to the date of granting of such licence, have transported by rail, motor vehicle, river or ocean vessel or by aircraft not less than two hundred and fifty head of cattle. Such licence shall be valid for a period of one year from the first day of January and shall not be transferable. Such licence shall be in the form set out in the Second Schedule hereto and the fee payable therefor shall be the sum of ten pounds.

(3) An owner who has not qualified for an annual licence may be granted a temporary licence which shall be valid for a period of three months including the month of issue. Such licence shall not be transferable and shall be in the form set out in the Third Schedule hereto and the fee payable therefor shall be the sum of five pounds.

(4) The holder of an annual licence or a temporary licence shall not be permitted to transport more than five thousand head of cattle in respect of each licence. The number of cattle transported in each consignment together with the date thereof shall be endorsed on the licence by the prescribed officer.

(5) The prescribed officer may refuse to grant a licence or to renew a licence or may cancel an existing licence if, in his opinion, the applicant or licence holder engages in practices detrimental to the interest of the trade. Any person aggrieved by such a decision may appeal, in writing, to the Minister within fourteen days of such decision.

11. Where under these regulations a person is required—

(a) to drive or take trade cattle from a place within the area of the jurisdiction of one local government council (herein referred to as the place of departure) to a place within the area of the jurisdiction of another local government council (herein referred to as the place of destination), or

(b) to drive or take trade cattle from such a place of departure to such a place of destination by a specified route;

he shall be deemed to have contravened this regulation—

(i) if while within the first mentioned area of jurisdiction he fails to drive or take the cattle in the direction of the place of destination in case (a) or along the specified route in case (b) as far as the boundary of such area, or

(ii) if having entered the area of the jurisdiction of any other local government council in which the place of destination is not situated, he fails to drive or take the cattle in the direction of the place of destination in case (a) or along the specified route in case (b) as far as the boundary of such area, or

(iii) if, while within the area of the jurisdiction of the local government council within whose area the place of destination is situated, he fails to drive or take the cattle to that place in case (a) or case (b) or fails to drive or take them along the specified route in case (b), or

(iv) if he fails to take his cattle to any of the control posts mentioned in the permit:

Provided that no cattle infected or suspected of being infected with disease shall be driven, taken or moved except in so far as may be necessary for effective isolation or for procuring food and water pending the directions of the prescribed officer.

12. (1) A person shall not be deemed to have contravened regulation 11 if being in possession of a valid movement permit he slaughters or sells any or all of his cattle before reaching the place of destination mentioned in the permit:

Provided that—

(a) no cattle infected or suspected of being infected with disease shall be sold except with the authority of the prescribed officer, or

(b) in the case of the slaughter or a sale or sales of some only of the number of cattle in respect of which the movement permit has been issued, he reports the fact of such slaughter or sale or sales at the next post or station on the prescribed route, with, in the case of sale

or sales, full particulars of the place and date and the name or names of the purchaser or purchasers, or

(c) in the case of the slaughter or a sale or sales resulting in the disposal of all of the cattle in respect of which a movement permit has been issued, he reports the fact of such slaughter or sale or sales either to the next post or station on the prescribed route or to the post or station at which he last reported, with, in the case of sale or sales, full particulars of the place and date and the name or names of the purchaser or purchasers.

(2) Upon reporting the fact of the slaughter or a sale or sales to a post or station the permit shall, in the case of the slaughter or a sale of part only of the cattle, be endorsed by the prescribed officer at the post or station with an endorsement showing the place and date of all sales, and the number of cattle for which the permit continues to be valid; and in the case of the slaughter or a sale of all of the cattle, the permit shall be retained by the prescribed officer at such post or station.

13. The person in charge of any trade cattle which, while in the process of movement from any place or area to any other place or area, dies of or shows symptoms of suffering from any disease, shall report the death or illness of such cattle, as the case may be, to the prescribed officer on arrival at the first inspection station or control post at which he calls after such death or illness.

14. Any person who—

(a) fails to take trade cattle to an inspection station or control post or fails to take them by the most direct route as provided by these regulations;

(b) refuses or fails to obey the instructions of the prescribed officer regarding the inspection treatment or detention of animals in quarantine at such inspection station or control post;

(c) removes trade cattle from an inspection station or control post without having obtained a movement permit;

(d) fails to produce a movement permit for inspection when required to do so by a prescribed officer;

(e) fails to report the slaughter, death or illness of any trade cattle as required by regulation 12;

shall be deemed to have contravened these regulations.

15. Any person contravening these regulations shall be liable to a fine not exceeding £5 or to imprisonment not exceeding fourteen days for the first offence and to a fine not exceeding £10 or to imprisonment not exceeding one month for each subsequent offence.

FIRST SCHEDULE

Regulation 9.

The Control of Trade Cattle Regulations

VETERINARY LOADING PERMIT

Permission is hereby granted to.....
of....., to transport by.....
head of cattle from..... to.....

Date....., 19.....

Prescribed Officer

SECOND SCHEDULE

Regulation 10.

The Control of Trade Cattle Regulations

ANNUAL LICENCE

Licence is hereby granted to.....
of..... to transport trade cattle by rail,
motor vehicle, river or ocean vessel or by aircraft. This licence is not
transferable and expires on the 31st December, 19.....

Not more than five thousand head of cattle may be transported under
this licence.

Date....., 19.....

Prescribed Officer

ENDORSEMENTS

Date	No. of head of cattle transported	Signature of prescribed officer

THIRD SCHEDULE

The Control of Trade Cattle Regulations

Regulation 10.

TEMPORARY LICENCE

Licence is hereby granted to.....
of..... to transport trade cattle by rail,
motor vehicle, river or ocean vessel or by aircraft. This licence is not
transferable and is valid until....., 19.....

Not more than five thousand head of cattle may be transported under
this licence.

Date....., 19.....

Prescribed Officer

ENDORSEMENTS

Date	No. of head of cattle transported	Signature of prescribed officer

E.R.P.N.
34 of 1953.

Control of Trade Cattle (Application) Notice

made under regulation 3

Short title.

1. This notice may be cited as the Control of Trade Cattle Regulations (Application) Notice.

Application
of regula-
tions to
Eastern
Nigeria.

2. The Control of Trade Cattle Regulations shall apply to Eastern Nigeria.

Establish-
ment of
control
posts.

3. Control posts are hereby established at the following places—

Ogoja in Ogoja Province;
Abakaliki in Abakaliki Province;
Umuahia-Ibeku in Umuahia Province;
Obolo in Enugu Province;
Enugu in Enugu Province.
