

Tribunals (Certain Consequential Amendments, etc.)
Decree
No 62 of 1999
Laws of the Federation of Nigeria

28th May 1999

The Federal Military Government hereby decrees as follows: -

1. The enactments specified in the first column of Parts I and II of the Schedule to this Decree are amended to the extent set out in the second column of those Parts of that Schedule.
2. (1) The Federal High Court or the High Court of a State, as the case may be, shall have jurisdiction to try the offences created under the enactments specified in the Schedule to this Decree.

(2) Accordingly, a Tribunal established in any of the enactments specified in the Schedule to this Decree is hereby dissolved.

(3) A charge, claim or court process filed before a Tribunal established under any of the enactments specified in the Schedule to this Decree shall be deemed to have been duly filed or served before the Federal High Court or High Court of a State, as the case may be and such charge, claim and court process shall be deemed amended as to title, venue and such other matter as may be appropriate to give effect to this subsection without further assurance than this Decree.

(4) Any order, remand, decision or judgment made by a Tribunal before the commencement of this Decree is hereby preserved.

- (5) A decision or judgment of a Tribunal made before the commencement of this Decree shall be enforced in accordance with the procedure or law relating to the enforcement of a decision or judgment of the Tribunal before the commencement of this Decree.
- (6) Where before the commencement of this Decree, a matter has been concluded in a Tribunal and the Tribunal was for any reason whatsoever unable to deliver the judgment, the judgment may be delivered by a Judge of the Federal High Court or the High Court of a State, as the case may be:

Provided that the judgment shall have been written.

3. (1) Where any part-heard matter is pending before any Tribunal on the date of the making of this Decree the Judge -
 - (a) may, if the parties to the proceedings agree in a civil cause, adopt the proceedings of the Tribunal concerned;
 - (b) shall, in a criminal case, try the matter *de novo* pursuant to this Decree.
- (2) All new proceedings shall be brought before the Court in accordance with the rules of procedure of the Court concerned.
4. All criminal proceedings brought before the Court relating to a matter for which the Court has jurisdiction under this Decree shall be tried summarily in accordance with section 33 of the Federal High Court Acts and rules of procedure made under that Act or under the equivalent section of the relevant High Court Law of the State concerned and rules of procedure made under that Law.
5. A civil or criminal proceeding may be commenced and proceeded with in any division of the Federal High Court notwithstanding the place of commission of the offence or a cause of action.

6. All proceedings pursuant to this Decree shall be given accelerated hearing.
7. (1) A person convicted or against whom a judgment is given under this Decree may, within 30 days of the conviction or judgement, appeal to the Court of Appeal.
- (2) There shall be a right of appeal from a decision of the Court of Appeal to the Supreme Court.
8. In this Decree, unless the context otherwise requires –
- "Court" means the Federal High Court or the High Court of a State, as the case may be;
- "Tribunal" means a Tribunal established under any of the enactments specified in the Schedule to this Decree.
9. This Decree may be cited as the Tribunals (Certain Consequential Amendments, Etc.) Decree 1999.

Schedule

Part 1

Section

Year	No.	Title	Extent of Amendment
1990	Cap 159 LFN	Food and Drugs Act	<ol style="list-style-type: none"> 1. Section 14(3) is amended by substituting for the words "High Court of a State or a magistrate" the words "the Federal High Court". 2. Immediately after section 17 insert the following new section. 17A.

- The Federal High Court shall have exclusive jurisdiction to try offences under this Act.
- 1984 3 Recovery of Public Property (Special Military Tribunal Decree 1984
1. For the title substitute the following new title- "Recovery of Public Property (Special Provisions) Decree 1984".
 2. For the words "Chairman of the Tribunal" substitutes the words the Judge of a Federal High Court".
 - 3 For the word "Tribunal" wherever it appears in the Decree, substitute the words "Federal High Court.
 4. Sections 5, 6, 7,12,14,15,16,17, 18,19,20,31 are hereby deleted.
 5. In section 22, delete the definition
 - 6 The Second Schedule is hereby deleted.
- 1984 20 Special Tribunal Miscellaneous Offences Decree 1984"
1. For the title substitute the following new title "Miscellaneous Offences Decree 1984"
Sections 1,2,4,5, 6,8,9,11,12 are hereby deleted.
 2. Section 7 is amended by substituting therefore the following-
 - 7.(1) Any person who commits an offence under this Decree shall be arrested without warrant by a police officer or customs office, as the case may be.
 - (2) Notwithstanding the provisions of any other enactment conferring power to search, if the Judge of the Federal High Court is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place, whatsoever, any money or other property or any books, record, account, statements of information in any other form whatsoever which, in his

1984 22 Counterfeit and Fake
Currency Decree 1984

opinion are or may be material to the subject matter of any trial under this Decree, he may issue a warrant under his hand authorising any police officer, if necessary by force, to search the said building or other place or any part thereof, and to search for, seize and remove such things as aforesaid found therein."

3. For the word "tribunal" substitute the word "Federal High Court" wherever it appears.
4. Section 13 is amended by deleting the definition of "tribunal".
5. The Schedule is hereby deleted.
- I. Section 7 is amended by –

(a) substituting for the words "Chairman of a tribunal" the words "Judge of the Federal High Court;

(b) deleting the words "any member of the armed forces and an officer of the armed forces" wherever they appear in the section.

2. For section 8 substitute the following new section -

8. The Federal High Court shall have exclusive offences jurisdiction to try offences created under this Decree."

3. Section 9 is amended by –

(a) substituting for the words "Chairman of a Tribunal", the words "Judge of the Federal High Court";

(b) deleting the words "or any member of the armed forces or any member of the security agencies."

4. Section 10,11,14,15,16,17 and 19 are

hereby deleted.

5. For section 12, substitute the following new section –

12.(1) Where any person is convicted of any offence under this Decree the Federal High Court may, either at the time of making the conviction or subsequently, make an order that any counterfeit bank note or current coin, or instrument, tool, engine or any machinery, implement, utensil or material whatsoever used or intended to be used for the false making or counterfeiting of a bank note or current coin be forfeited to the Federal Republic of Nigeria

(2) Notwithstanding that no person has been convicted by it if the Federal High Court is satisfied that any person brought before it or to its notice for the purposes of a trial in the nature of a counterfeit bank note or current coin, instrument, engine or any machinery, implement, utensil or material whatsoever it or has been used for, intended to be or capable of being used for the false making or counterfeiting of a bank note or current coin, then, the Federal High Court may at the completion of such trial make an order that any such thing be forfeited to the Federal Republic of Nigeria.

(3) The passport of any person convicted under this Decree shall be forfeited to the Federal Republic of Nigeria and shall not be released to him until ten years from the date of pronouncement of the sentence imposed on such person by the Federal High Court."

1984 48 National Drug Law
Enforcement Agency
Decree 1989

6. Section 18 is amended by deleting the definition of "tribunal".
7. For the word "tribunal" wherever it appears in this Decree substitute the words "Federal High Court".
8. The Schedule is hereby deleted.
1. Section 17 is amended by substituting therefore the following new section –

17.(i) The Federal High Court shall have exclusive jurisdiction to try offences under this Decree.

(2) The Federal High Court shall have power to impose the penalties provided in this Decree.

(3) In any trial for an offence under this Decree, the fact that an accused person is in possession of pecuniary resources or property for which he cannot satisfactorily account and which is disproportionate to his known sources of income, or that he had at or about the time of the alleged offence obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Federal High Court as corroborating the testimony of any witness in such trial."

2. For section 31(1) substitute the following new subsection-

"(1) Where a person is discharged or acquitted by the Federal High Court of an offence under this Decree, the Federal High Court may make an order of revocation or confirmation; as the case

may be, of an interim order made pursuant to this Decree, whichever order is considered just, appropriate or reasonable within this Decree:

Provided that the property may still be attached where a discharge is merely given for a period of 30 days."

3. Section 32(1) substitute for paragraph (a) the following new paragraph (a) -

"(a) any police officer or customs officer;"

4. Section 40 is hereby deleted.
5. For the word Tribunal' wherever it appears in the Decree substitute the words "Federal High Court".

1993 15 National Agency for Food and Drugs Administration and Control Decree 1993

1. Section 25 insert the following new subsection (5).

"(5) The Federal High Court shall have exclusive jurisdiction to try offences under

2. this Decree."

For the word "Tribunal" wherever it appears (n the Decree substitute the words 'Federal High Court".

1993 19 Drugs and Related Products (Registration, etc.) Decree 1993

1. Section 7B is amended by substituting therefore the following new section 7B-

17B. The Federal High Court shall have exclusive offences jurisdiction to try offences under in this Decree."

:1993 18 Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree 1994

1. Sections 1,2,4,5,24,27 are hereby deleted

2. Section 25 is amended by substituting therefor the following new section -

25. A person who commits an offence under this Decree may be arrested without warrant by a police officer.

3. Section 26 is amended by substituting therefor the following new section -

26. (1) The Court shall have power to grant bail to an accused person charged with an offence under this Decree or any other law triable by the Court upon such terms and conditions as the Court may deem fit including -

(a) the payment of deposit of one-quarter of the amount of money involved in the offence;

(b) the provision of a surety or such number of sureties who shall deposit adequate security for the balance of the involved in the offence;

(c) the handing over of his passport to the Court for the duration of the bail.

(2) Notwithstanding the provisions of subsection (1) of this section, the police shall, before any person is charged before the Court for an offence under this Decree, have power to grant bail to any person who is arrested or detained upon such terms and conditions as are reasonably necessary to ensure compliance with the provisions of subsection (1)(a)-(c) of this section."

4. Section 29 is amended -

(a) by substituting for the definition of the word "director" the following new definition-

"director" means a director as defined in the Companies and Allied Matters Decree 1990, as amended, and within the meaning of section 20(5) of the Banks and Other Financial Institutions Decree 1991, as amended and includes a wife, husband, father, mother, son or daughter of a director;"

(b) by deleting the definition of the word "Tribunal".

5. In the Appendix to Schedule 1 substitute for the words "the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Tribunal" the words "In the Federal High Court"
6. Schedule 2 is hereby deleted.
7. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court"
1. For section 18 substitute the following new section –

18.(1) The Federal High Court shall have exclusive of jurisdiction to try offences under his Decree.

(2) The Federal High Court shall have power to impose the penalties provided in this Decree.

(3) In any trial for an offence under this Decree, the fact that an accused' person is in possession of pecuniary resources or property for which he cannot satisfactorily account and which is disproportionate to his known sources of income, or that he had at or about the time of the alleged

1995 3 Money Laundering
Decree 1995

offence obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Federal High Court as corroborating the testimony of any witness in such trial."

2. Sections 21 is hereby deleted.
3. For the word "Tribunal" wherever it appears in the Decree substitute the words "Federal High Court".

1999 Counterfeit and Fake Drugs (Miscellaneous Provisions) Decree 1999

1. For section 4 substitute the following new section -
4.(1) The Federal High Court shall have exclusive jurisdiction to try offenders under this Decree.

(2) The Federal High Court. shall have. power to impose the penalties provided in this Decree."

2. Section 5 is hereby deleted

Part II

1984 5 Robbery and Firearm (Special Provisions) Decree 1984

1. For section 8 substitute the following new section –
8. Offences under this Decree shall be triable in the High Court of the State concerned."

Sections 9, 10, 11, 12 and 14 are hereby deleted.

Section 15 is amended by deleting the definition of "tribunal".

1984 47 Students Union Activities

1. Section 5 is amended by substituting for

(Control and Regulations)
Decree 1989

subsection (3), the following new
subsection-

"(3) Any student or person who commits
an offence under this Decree shall be tried
by the High Court of the State concerned:

2. Section 6 is amended by deleting the
words "(including the Constitution of the
Federal Republic of Nigeria."

1995 13 Advance Fee Fraud and
Other Fraud Related
Offences Decree 1995.

1. Sections 13,15,19,20 and 22 are hereby
deleted.

2. For section 12 substituting the following
new section –

12.(1)The High Court of the State
concerned shall have exclusive jurisdiction
to try offences under this Decree.

(2) The High Court of the State concerned
shall have power to impose the penalties
provided in this Decree.

3. For section 18 substitute the following new
section –

18.(1) The High Court of the State
concerned shall have power to offences.
grant bail to an accused person charged
with an offence under this
Decree or any other law triable by the
High Court of the State concerned upon
such terms and conditions as the High
Court of the State concerned may deem fit
including -

(a) the payment of deposit of one-quarter
of the amount of money involved in the
offence;

(b) the provision of a surety or such number of sureties who shall deposit adequate security for the balance of the amount involved in the offence; and

(c) the handing over of his passport to the High Court of the State concerned for the duration of the bail.

(2) Notwithstanding the provisions of subsection (1) of this section, the police shall, before any person is charged before the High Court of the State concerned for an offence under this Decree, have power to grant bail to any person who is arrested or detained upon such terms and conditions as are reasonably necessary to ensure compliance with the provisions of subsection (i)(a)-(c) of this section.

4. Section 23 delete definition of "Tribunal".
5. For the word Tribunal~1 wherever it appears in the Decree substitute the words "High Court of the State concerned

Made at Abuja this 26th day of May 1999

General Abdulsalami Alhaji Abubakar
Head of State, Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria
