

# ARMED FORCES (DISCIPLINARY PROCEEDINGS) (SPECIAL PROVISIONS) ACT

## ARMED FORCES (DISCIPLINARY PROCEEDINGS) (SPECIAL PROVISIONS) ACT

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Power of the Council to hold disciplinary proceedings concurrently with criminal proceedings in court on same matter.
2. Power of the Council to punish following an acquittal.
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**An Act to enable the appropriate Council to take disciplinary proceedings against any person subject to military law irrespective of the institution or contemplation of criminal proceedings against him in any court on substantially the same grounds as those on which he is to be disciplined.**

[Commencement.]

[29th July, 1975]

#### **1. Power of the Council to hold disciplinary proceedings concurrently with criminal proceedings in court on same matter**

Notwithstanding anything to the contrary in any law, the appropriate Council or Board of each force of the Armed Forces of the Federation (in this Act referred to as "the Council") may institute, and where instituted may continue disciplinary proceedings against any person subject to military law (hereafter referred to as an "officer") whether or not-

- (a) criminal proceedings have been instituted with respect to such a person in any court of law in Nigeria or elsewhere or are about to be instituted or are contemplated; or

(b) the grounds upon which any criminal charge is based or is to be based are substantially the same as those upon which the disciplinary proceedings were or are to be instituted.

## **2. Power of the Council to punish following an acquittal**

An officer acquitted on a criminal charge for an offence or given a discharge, whether amounting to an acquittal or not, in any court of law may be dismissed or otherwise punished in accordance with any disciplinary provisions on any other charge arising out of his conduct in the matter if the Council is satisfied-

(a) that his conduct in the matter has been in any respect blameworthy; or

(b) that it is in the interest of the force where he is deployed and generally in the interest of the Armed Forces as a whole that he be so punished.

## **3. No proceedings against Council for contempt of court**

It is hereby declared that where disciplinary proceedings are instituted or continued as permitted by this Act no court of law shall have power to charge or commit any person for any act relating to or pertaining to the proceeding which would, but for this section, have amounted to a contempt of any such court and, accordingly, the provisions of this Act shall have effect notwithstanding any law relating to contempt of court to the contrary.

## **4. Modification of certain provisions**

As from the commencement of this Act, the provisions contained in any regulations or rules relating to discipline of officers or contained in any contract or arrangement or in any other instrument whatsoever shall be construed with such modifications, omissions or alterations as may be necessary to give effect to this Act.

## **5. Interpretation**

(1) In this Act, unless the context otherwise requires-

**“Council”** means the Army Council, Navy Board or Air Force Council established by the Armed Forces Act;

[Cap. A20.]

**“disciplinary proceedings”** means any disciplinary proceedings brought against any officer pursuant to the powers conferred on the Council by law or under any other law or under any rules or regulations made under any of the laws or under any contract or arrangement or other instrument whatsoever and includes any punishment imposed as a result of such proceedings;

**“law”** includes any rule of law;

**“officer”** means any person subject to military law.

(2) References in this Act to the Council shall be construed, where appropriate, as including references to any person to whom the Council may have delegated its powers pursuant to the appropriate service law.

## **6. Short title**

This Act may be cited as the Armed Forces (Disciplinary Proceedings) (Special Provisions) Act.

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## **SUBSIDIARY LEGISLATION**

No Subsidiary Legislation