

CHAPTER 194

**JUDGMENTS OF TRIBUNALS (ENFORCEMENT,
ETC.) ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Application of this Act.
2. Enforcement of judgments.
3. Continuing liability to make reparations where assets not sufficient.
4. Establishment of Enforcement Committees.
5. Composition of each Enforcement Committee.
6. Functions of each Enforcement Committee.
7. Power to co-opt persons.
8. Quarterly report by Enforcement Committee.
9. Penalty.
10. General power to give directions.
11. Indemnity for compliance.
12. Validity and exclusion of court's jurisdiction.
13. Interpretation.
14. Short title and transitional provisions.

SCHEDULE

JUDGMENTS OF TRIBUNALS TO WHICH THIS ACT RELATES

CHAPTER 194

**JUDGMENTS OF TRIBUNALS (ENFORCEMENT,
ETC.) ACT**

An Act to provide for the enforcement of confirmed judgments under the Acts specified in the Schedule thereto.

1985 No. 8.

[31st December, 1983]

Commencement.

1. (1) As from the commencement of this Act, every judgment to which this Act applies shall be enforced in accordance with the following provisions of this Act.

Application of this Act.

(2) The judgment of any tribunal set up under any law made on or after 31st December, 1983 shall be a judgment to which this Act relates if—

- (a) it is final and conclusive and has been confirmed by the confirming authority according to the provisions of the law under which the tribunal is set up;
- (b) there is payable thereunder a sum of money in the nature of a fine or other penalty;
- (c) there is an order made for the recovery or forfeiture of assets in the nature of immovable property;
- (d) there is an order made in respect of assets in cash or credit balances in any account in a bank;
- (e) there is an order for the forfeiture or recovery of any other assets whatsoever of any person to whom such judgment relates; or
- (f) the judgment has not in any wise howsoever been wholly or partly satisfied.

(3) Without prejudice to any other provisions of this Act, the provisions of this Act shall relate to—

- (a) the judgments of the tribunals set up under the enactments specified in the Schedule to this Act;
- (b) the judgments of such other tribunals constituted under any enactment made after the making of this Act as the President may, by order published in the *Federal Gazette*, prescribe.

Enforce-
ment of
judgments.

2. (1) Without prejudice to any other provisions of this Act, where the confirming authority under any of the enactments specified under section 1(3) of this Act or any other enactment or law confirms the judgment of a tribunal specified under the said section 1(3), the provisions of this Act in relation to the forfeiture or recovery of assets and liability to make reparations shall apply with necessary modification in respect of the person concerned.

(2) Any order of confirmation in respect of any judgment affected by this Act shall operate to vest the assets or part thereof or the property in such assets or part thereof in the Federal Government or, as the case may require, in the appropriate State Government, and to give effect thereto—

- (a) in the case of assets in cash or credit balances in any account in a bank, the confirming instrument shall operate to require the manager or other person apparently in charge of the bank in which the money is lodged to pay the assets into the appropriate Consolidated Revenue Fund;
- (b) in the case of assets in the form of negotiable securities, choses in action or other property whatsoever described therein, the confirming instrument shall, without further or other assurance, operate to require the appropriate registration authority to register those securities or other property in the name of the Federal Government or, as the case may require, in the appropriate State Government; and
- (c) in the case of assets in the nature of immovable property, the instrument shall, without further or other assurance, operate to direct the appropriate registration authority to remove from the relevant register the name and particulars of the person registered therein as owner and without any further assurance or the payment of any fees, vest the property in the Federal Government or, as the case may require, in the appropriate State Government.

(3) The "appropriate registration authority" for the purposes of paragraphs (b) and (c) of subsection (2) of this section includes a registrar of titles or of land, the Registrar-General of companies and the officer, by whatever title known, charged with the duty of registration of particular negotiable securities or other property, as the case may be.

3. Where a person affected by a judgment to which this Act relates does not for the time being own any or sufficient assets, either by himself or through another person, the confirming instrument shall operate to make the person concerned continue to be liable to pay the fine, forfeiture or other penalty as adjudged by the tribunal.

Continuing liability to make reparations where assets not sufficient.

4. Notwithstanding the generality of the enforcement procedures set out in section 2 of this Act, the President, Commander-in-Chief of the Armed Forces shall establish such number of Enforcement Committees as he may deter-

Establishment of Enforcement Committees.

mine, which committees shall, in any case to which section 3 of this Act relates or where contingencies otherwise so dictate, perform the other duties set out in section 6 of this Act.

Composition
of each
Enforcement
Committee.

5. Each Enforcement Committee set up under section 4 of this Act shall consist of the following members, that is—

- (a) a Chairman who shall be an officer in the Nigerian Army not below the rank of a major or an equivalent rank in the Nigerian Navy or the Nigerian Air Force or an officer in the Police Force not below the rank of a chief superintendent of Police or an equivalent rank in other security agencies; and
- (b) two other officers in the Armed Forces or the Police Force, not below the rank of a lieutenant or an equivalent rank, in the case of the Armed Forces, or superintendent of Police or an equivalent rank in the case of the Police Force or other security agencies.

Functions
of each
Enforcement
Committee.

6. Each Enforcement Committee shall generally ensure that any property forfeited by any judgment to which this Act relates is confiscated, surrendered to and vested in, the Federal Government or Government of a State, as the case may be.

Power to co-
opt persons.

7. (1) Each Enforcement Committee may co-opt any person to serve under the Committee for such period as the Committee may desire.

(2) It shall be the duty of any person co-opted by the Committee for the purposes of subsection (1) of this section to serve in the Committee.

Quarterly
report by
Enforcement
Committee.

8. (1) Each Enforcement Committee shall give quarterly report of its activities and detailed report on the assets forfeited to the Federal Government and to the Government of a State, as the case may be.

(2) The report shall include any outstanding balance of any sum of money recoverable from any person affected by a judgment to which this Act relates and may give recommendation as to steps or manner it deems appropriate towards the recovery of such outstanding balance.

Judgments of Tribunals (Enforcement, etc.) Act

9. Where a confirming instrument forfeits or recovers assets, it shall have effect according to its provisions and the failure to comply with any provisions of such instrument shall be an offence punishable on conviction—

Penalty.

- (a) in the case of a person, being an individual, by imprisonment for a term of not less than two years without the option of a fine;
- (b) in the case of any group of persons, not being a body corporate, by the like punishment for each person affected as is prescribed in paragraph (a) of this section;
- (c) in the case of a body corporate, by a fine in an amount equal to the estimated value of the property affected by the non-compliance.

10. The appropriate confirming authority may give directions appearing to such confirming authority to be necessary for the purposes of this Act and such power shall be construed as including power by order, notice or any other document whatsoever to enforce the judgment of a tribunal affected by this Act.

General power to give directions.

11. Where any person complies with any direction, order or requirement according to the provisions of any instrument of confirmation affected by this Act, that person shall be indemnified from liability to the extent of compliance therewith; accordingly, no action, claim, suit or demand by or on behalf of the person whose asset is affected pursuant to the direction, order or requirement aforesaid shall lie against the person or authority so complying.

Indemnity for compliance.

12. The validity of any instrument, notice or order given or made or of any other thing whatsoever done, as the case may be, under or pursuant to this Act shall not be inquired into in any court of law and, accordingly, nothing in the provisions of the Constitution of the Federal Republic of Nigeria, as amended, shall apply in relation to any matter arising out of this Act.

Validity and exclusion of court's jurisdiction.

Cap. 62.

Interpreta-
tion.

13. In this Act, unless the context otherwise requires—
“confirming instrument” means any instrument by which the judgment of a tribunal is confirmed, disallowed or otherwise dealt with by a confirming authority under the relevant enactment and “confirming authority” shall be construed accordingly;

“registration authority” has the meaning assigned thereto by section 2(3) of this Act;

“judgment” means a judgment or order given or made by a tribunal affected by this Act and confirmed by the confirming authority designated under the enactment under which the tribunal was set up.

Short title
and
transitional
provisions.

14. (1) This Act may be cited as the Judgments of Tribunals (Enforcement, etc.) Act.

(2) Any judgment confirmed by a confirming authority and enforced by any person authorised in that behalf between the date of the commencement of this Act and the date of its making, shall be deemed to have been enforced pursuant to the provisions of this Act and shall have full force and effect as if so enforced, notwithstanding any deviation from the provisions of this Act; but any other judgment still pending shall, as from the making of this Act, be enforced in compliance herewith.

Judgments of Tribunals (Enforcement, etc.) Act

SCHEDULE

Section 1(3)

JUDGMENTS OF TRIBUNALS TO WHICH THIS ACT RELATES

Tribunal set up under the following Enactments

1. Recovery of Public Property (Special Military Tribunals) Act Cap. 389
2. Public Officers (Protection Against False Accusation) Act 1984 No. 4
3. Robbery and Firearms (Special Provisions) Act Cap. 398
4. Exchange Control (Anti-Sabotage) Act Cap. 114
5. Political Parties (Dissolution) Act 1984 No. 9
6. Special Tribunal (Miscellaneous Offences) Act Cap. 410
7. Counterfeit Currency (Special Provisions) Act Cap. 74
8. Military Courts (Special Powers) Act Cap. 225
9. Any other enactment whether made before or after the date of the making of this Act and declared to be affected by the provisions of this Act

**JUDGMENTS OF TRIBUNALS (ENFORCEMENT,
ETC.) ACT**

CHAPTER 194

SUBSIDIARY LEGISLATION

No Subsidiary Legislation