

VISITING FORCES ACT

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ARRANGEMENT OF SECTIONS

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VISITING FORCES ACT

An Act to make provision with respect to military, naval and air forces of other countries visiting Nigeria; to provide for the apprehension and disposal of deserters and absentees without leave in Nigeria from the forces of other countries; to make provision with respect to the attachment of service personnel to or from the forces of other countries and with respect to the service together of such

forces and Nigerian forces; and for connected purposes.

[1965 No. 23.]

[10th November, 1965]

[Commencement.]

1. Orders applying provisions of Act

(1) The President may by order published in the Federal *Gazette* direct that the following provisions of this Act, or any of them, shall have effect in relation to any country (other than Nigeria) specified in the order; and references in this Act to a country to

which a provision of this Act applies are references to any country in relation to which that provision has effect by virtue of an order under this section.

(2) The President may by order published as aforesaid provide that in so far as this Act has effect in relation to any country by virtue of an order under this section, it shall have effect subject to such limitations, adaptations or modifications as may be specified in the order.

2. Powers in Nigeria of sending country's service courts, etc.

(1) Subject to the provisions of this Act, the service courts and service authorities of a country to which this section applies may within Nigeria, or on board a Nigerian ship or aircraft, exercise over members of any visiting force of that country all such powers as

are exercisable by them according to the law of that country.

(2) Subject to subsection (3) of this section, where any sentence has, whether within or outside Nigeria, been passed by a service court of a country to which this section applies upon a person who immediately before the sentence was passed was a member of a visiting force of that country, then for the purposes of any proceedings in a Nigerian

court-

(a) that service court shall be taken to have been properly constituted; and

(b) the sentence shall be taken to be within the jurisdiction of that service court and in accordance with the law of that country; and

(c) if the sentence is executed according to its terms, it shall be taken to have been lawfully executed.

(3) A sentence of death passed by a service court of a country to which this section applies shall not be carried out in Nigeria unless under Nigerian law a sentence of death could have been passed in a similar case.

(4) Any person who-

(a) is detained in custody in pursuance of a sentence in respect of which subsection (2) of this section has effect; or

(b) being a member of a visiting force of a country to which this section applies, is detained in custody pending or during the trial by a service court of that country of a charge brought against him,

shall for all purposes of any proceedings in any Nigerian court be deemed to be in lawful custody.

(5) The members of any service court exercising jurisdiction in Nigeria by virtue of this section, and witnesses appearing before such a court, shall enjoy the like immunities and privileges as are enjoyed by members of, and witnesses appearing before, a court-martial exercising jurisdiction under the service law of Nigeria.

(6) Subsection (5) of this section is without prejudice to the powers conferred by section 10 of this Act.

3. Assistance in arrest of offenders from visiting forces

(1) For the purpose of enabling the service courts and service authorities of a country

to which this section applies to exercise more effectively the powers mentioned in section 2 (1) of this Act, the Nigerian Army Council, the Navy Board or the Nigerian Air Council, if so requested by the appropriate authority of that country, may from time to time by general or special orders direct members of the home forces for whom they respectively have responsibilities to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country, and to hand him over to such service authority of that country as may be designated by or under the orders.

(2) For the purpose of enabling the service courts and service authorities of a country

to which this section applies to exercise more effectively the powers mentioned in section 2 (1) of this Act, the Inspector-General of the Nigeria Police, if so requested by the

appropriate authority of that country, may from time to time by general or special orders direct members of the Nigeria Police Force to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country, and to hand him over to such service authority of that country as may be designated by or under the orders:

Provided that, without prejudice to section 10 of this Act, nothing in this subsection shall be construed as enabling any powers of arrest to be conferred on any person

which he would not possess apart from this subsection.

(3) Where in pursuance of subsection (1) or (2) of this section a request has been made by the appropriate authority of a country to which this section applies, the Minister may give to the body or person to whom the request was made such directions as the Minister thinks fit for the purpose of securing compliance with that request; and it shall be the duty of that body or person to comply with any such directions:

Provided that the Minister shall not give any directions under this section to the Inspector-General of the Nigeria Police except with the consent of the President.

4. Restriction of right to try members of visiting forces

(1) Where a person charged with an offence against Nigerian law was at the time when the offence is alleged to have been committed a member of a visiting force of a country to which this section applies, then, subject to subsection (3) of this section-

(a) in a case where this paragraph applies, a Nigerian court shall not try him for that offence unless before the trial, the Minister has issued a certificate stating that the appropriate authority of the sending country has notified him that it is not proposed to deal with the case under the law of that country; and

(b) in a case where paragraph (a) of this subsection does not apply, a service court or service authority of the sending country shall not try him or deal with him summarily for that offence unless before the commencement of the trial or summary proceedings, the Minister has issued a certificate stating that it is not proposed to deal with the case under Nigerian law.

(2) Paragraph (a) of subsection (1) of this section applies-

(a) where the alleged offence, if committed by the accused, arose out of and in the course of his duty as a member of the visiting force of which he was a member at the material time;

(b) where the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed was at the material time either-

(i) a member of the same or any other visiting force of the sending country of the accused; or

(ii) a dependant of a member of any such visiting force;

(c) where the alleged offence is an offence against property, and the whole of the property in relation to which it is alleged to have been committed (or, if different parts of that property were differently owned, each part of it) was at the material time the property of one of the following, that is to say-

(i) the sending country of the accused or an authority of that country; or

(ii) a member of the same or any other visiting force of the sending country of the accused; or

(iii) a dependant of a member of any such visiting force;

(d) where the alleged offence is an offence against the security of the sending country of the accused.

(3) Nothing in the foregoing provisions of this section-

(a) shall affect anything done or omitted in the course of a trial unless in the course of the trial objection has already been made that, by reason of those provisions, the court is not competent to deal with the case; or

(b) shall, after the conclusion of a trial, be treated as having affected the validity of the trial if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(4) Without prejudice to the foregoing provisions of this section, where, in the exercise of the powers mentioned in section 2 (1) of this Act, a person has been tried by a service court of a country to which this section applies, he shall not be tried for the same crime by a Nigerian court.

(5) **In** relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or

being accessory to the commission of an offence, paragraphs (b) and (c) of subsection (2)

of this section shall have effect as if references therein to the alleged offence were references

to the offence which the accused is alleged to have attempted or conspired to commit or (as the case may be) the offence as regards which it is alleged that he aided, abetted, procured or was accessory to the commission thereof; and references in those paragraphs to persons in relation to whom, or property in relation to which, the offence is alleged to have been committed, shall be construed accordingly.

(6) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(7) In this section, the expressions "offence against the person" and "offence against property" shall be construed in accordance with the Schedule of this Act.

[Schedule.]

5. Nigerian courts to have regard to sentences of visiting forces' service courts

Where a person who has been convicted by a service court of a country to which this section applies in the exercise of the powers mentioned in section 2 (1) of this Act is convicted by a Nigerian court for a different crime, but it appears to that court that the conviction by the service court was wholly or partly in respect of acts or omissions in respect of which he is convicted by the Nigerian court, the Nigerian court shall have regard to the sentence of the service court.

6. Arrest, custody, etc., of offenders against Nigerian law

(1) Nothing in section 4 or 5 of this Act shall affect-

(a) any powers of arrest, search, entry, seizure or custody exercisable under Nigerian law with respect to offences committed or believed to have been committed against that law; or

(b) any obligation on any person in respect of a recognisance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

(2) Where a person has been taken into custody without a warrant for such an offence as aforesaid committed or believed to have been committed against Nigerian law, and there is reasonable ground for believing that in accordance with section 2 of this Act he is subject to the jurisdiction of the service courts of a country to which this section applies, then, with a view to its being determined whether he is to be dealt with for that offence under Nigerian law or dealt with by the service courts of that country for an offence under the law of that country, he may,

notwithstanding anything in any law relating to criminal procedure, be detained in custody for a period not exceeding three days without being brought before a court, magistrate or justice of the peace; but if within that period he is not delivered into the custody of a service authority of that country, he shall as soon as practicable after the expiration of that period be released on bail or brought before a court, magistrate or justice of the peace having jurisdiction to deal with the case.

7. Exclusion from Nigerian courts of proceedings relating to visiting forces' terms of service

No proceedings shall be entertained by any Nigerian court with respect to—

(a) the terms of any person's service as a member of a visiting force to which this section applies;

or

(b) any person's pay in respect of such service; or

(c) any person's discharge from such service.

8. Apprehension, etc., of deserters and absentees without leave

(1) Subject to the provisions of this section, sections 241 to 243 and 245 of the

Armed Forces Act (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the armed forces of Nigeria) shall within Nigeria apply in relation to deserters and absentees without leave from the forces

of any country to which this section applies as they apply in relation to deserters and absentees without leave from the armed forces of Nigeria.

[Cap. A20.)

(2) The powers conferred by the said sections 241 to 243 and 245, as applied by the foregoing subsection, shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections 242, 243 and 245 of the Armed Forces of Nigeria Act, as applied by subsection (1) of this section, references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, and at such place in Nigeria, as may be designated by the appropriate authority of that country.

(4) For the purposes of any proceedings under or arising out of any provision of the Armed Forces Act as applied by the foregoing provisions of this section-

(a) a certificate issued by or on behalf of the Minister, stating that a request has been made for the exercise of the powers mentioned in subsection (2) of this section and indicating the effect of the request, shall be sufficient evidence, unless the contrary is proved, of the facts stated therein;

(b) a certificate issued by the officer commanding a unit or detachment of any of the forces of a country to which this section applies, stating that a person named and described therein was at the date of the certificate a deserter or

absentee without leave from those forces, shall be sufficient evidence, unless the contrary is proved, of the facts stated therein.

(5) References in this section to the country to which a person belongs are references to the country from whose forces he is suspected of being, or (where he has surrendered himself) appears from his confession to be, a deserter or absentee without leave.

9. Detention by Nigerian service authorities of sentenced members of visiting forces

(1) Where any sentence of imprisonment or detention has been passed in Nigeria by a service court of a country to which this section applies upon a person who immediately before the sentence was passed was a member of a visiting force of that country, the Minister, if so requested by the appropriate authority of that country, may issue a warrant in writing authorising any Nigerian service authority to detain that person in custody for such period not exceeding the term of his sentence as may be specified in the warrant.

(2) A person in respect of whom a warrant has been issued under this section may, in accordance therewith, be detained by any Nigerian service authority in like manner as if he were a member of the home forces liable to be detained in custody in pursuance of a corresponding sentence passed by a Nigerian service court.

(3) For the purposes of any proceedings arising out of the foregoing provisions of this section, a certificate issued by or on behalf of the Minister, stating that a request has been made for the issue of a warrant under this section in respect of a person named in the certificate shall be sufficient evidence, unless the contrary is proved, of the facts stated therein.

10. Application to visiting forces of law relating to home forces

(1) Where under any enactment a power is exercisable by any authority or person-

(a) with respect to any of the home forces or their members or other persons in any way connected with those forces; or

(b) with respect to any property used or to be used for the purposes of any of the

home forces, the Minister may by order provide for that power to be exercisable, subject to any conditions specified in the order, by that authority or person in the case of any visiting force of a country to which this section applies to the same extent, if any, to which it would be exercisable if the visiting force were a part of the home forces.

(2) The Minister may by order-

(a) provide for exempting any visiting force of a country to which this section applies, or members of service courts thereof, or other person in any way connected with such a force, or property used or to be used for the purposes of such a force, from the operation of any enactment specified in the order to any extent to which it or they would be, or would be capable of being, exempted there from if the force were a part of the home forces, subject however to any conditions specified in the order; and

(b) provide for conferring on any such visiting force or on any such member, service courts, persons or property as aforesaid any other privilege or immunity

specified in the order, being a privilege or immunity which would be enjoyed by, or would be capable of being conferred on, it or them if the force

were part of the home forces, subject however to any conditions specified in the order.

(3) Where by any enactment the doing of anything is prohibited, restricted or required in relation to-

(a) any of the home forces or their members or service courts or other persons in any way connected with them; or

(b) any property used or to be used for the purposes of any of the home forces,

the Minister may by order provide for securing that the prohibition, restriction or requirement shall have effect in the case of any visiting force of a country to which this section applies to any extent to which it would so have effect if that visiting force were a part of the home forces.

(4) An order under this section may contain such incidental, consequential and supplementary provisions as appear to the Minister expedient for the purposes of the order, including provisions for applying, modifying, adapting or suspending any enactment.

(5) An order under this section shall not have effect until it is published in the Federal

Gazette.

(6) In this section, "**enactment**" means any provision of-

(a) any Act of the National Assembly other than this Act, whether passed before or after the commencement of this Act; or

(b) any law enacted either before or after the commencement of this Act by the legislature of a State; or

(c) any instrument made before 1 October 1960 in so far as the instrument has effect as such an Act or Law; or

(d) any order, rules, regulations, rules of court or bye-laws made before or after the commencement of this Act in exercise of powers conferred by any such Act, law or instrument.

11. Attachment of personnel

(1) The appropriate authority-

(a) may attach temporarily to the army, the navy or the air force any member of the forces of a country to which this section applies; or

(b) subject to anything to the contrary in the conditions applicable to his service, may place any member of any of the Nigerian forces at the disposal of the service authorities of a country to which this section applies for the purpose of his being attached temporarily by those authorities to any of the forces of that country.

(2) Where a member of the forces of a country to which this section applies is by virtue of the foregoing subsection attached temporarily to the army, the navy or the air force (in this subsection referred to as "the relevant Nigerian force") he shall, during the period of attachment, be subject to the appropriate service Act in like manner as if he were a member of the relevant Nigerian force of corresponding rank, and accordingly he shall be so treated and shall have the like powers of command and punishment over members of the relevant Nigerian force:

Provided that if the Minister by order made under this subsection so directs in his case or in the case of any class of persons of which he is a member, the appropriate

service Act shall, in its application to a person by virtue of this subsection, have effect subject to such modifications as may be specified in the order.

(3) Where the army, the navy or the air force (in this subsection referred to as "the relevant Nigerian force") and a force of a country to which this section applies (in this subsection referred to as "the other force") are serving together, whether alone or not-

(a) every member of the other force shall be treated, and shall have over members of the relevant Nigerian force, the like powers of command and punishment as if he were a member of the relevant Nigerian force of corresponding rank; and

(b) if the forces are acting in combination, any officer of the other force appointed by the appropriate authority, or in accordance with regulations made by the appropriate authority, to

command the combined force or any part thereof, shall have over members of the relevant Nigerian force the like powers of

command and punishment and may be invested with the like authority to

convene, and confirm the findings and sentences of, courts-martial as if he were an officer of the relevant Nigerian force of corresponding rank holding the same command.

(4) For the purposes of this section-

(a) the army, the navy or the air force shall be taken to be serving together with or acting in combination with a force of a country to which this section applies if and only if it is declared by order of the appropriate authority to be so serving or so acting;

(b) the rank in the army, navy or air force corresponding to that of a member of the forces of a country to which this section applies shall be such as may be prescribed by regulations made by the appropriate authority, and references in this section to the corresponding rank shall be construed accordingly.

(5) In this section-

(a) **“the army”, “the navy”** and **“the air force”** mean respectively the Nigerian Army, Navy and Air Force;

(b) **“the appropriate authority”** means the Nigerian Army Council, the Navy Board or the Nigerian Air Council, and **“the appropriate service Act”** means the Armed Forces Act.

12. Attendance of civilian witnesses before visiting forces’ service courts

(1) Where any person not subject to the service law of Nigeria is required as a witness for the purpose or proceedings before a service court of any visiting forces of a country to which this section applies, the following provisions of this section shall apply, and he shall not be liable to attend before that court unless summoned in accordance with those provisions.

(2) If an application for the issue of a summons under this section in respect of such a person is made to a magistrate’s court by-

(a) the authority by whom the service court was convened; or

(b) the member of the visiting force appointed to preside at the service court; or

(c) some other member of that force designated for the purposes of this section by the member appointed to preside as aforesaid,

the magistrate's court, if satisfied that the person in question is likely to give material evidence in any proceedings before the service court, may issue a summons requiring him to attend, at a time and place mentioned therein, before the service court (to be sufficiently described therein) to give evidence in those proceedings and to take with him any specified documents or things and any other documents or things in his possession or power or under his control which relate to any matter in issue in those proceedings.

(3) Any person who attends a service court in pursuance of a summons under this section shall be entitled to receive the like expenses as if he were attending a court-martial in pursuance of a notice under section 145 of the Armed Forces Act.

[Cap. A20.]

(4) Section 146 (1) of the Armed Forces Act (which relates to offences by civilians in relation to courts-martial) shall within Nigeria apply in relation to a service court of any visiting force of a country to which this section applies as it applies in relation to a court-martial, subject to the following modifications, that is to say-

(a) the reference to a person subject to military law under that Act shall be construed as a reference to a person subject to the service law of Nigeria; and

(b) the reference in paragraph (c) to a document in a person's custody or under his control which a court-martial has lawfully required him to produce shall be construed as a reference to such a document which a magistrate's court has lawfully required him to produce in pursuance of this section.

(5) For the purposes of this section, a certificate issued by or on behalf of the appropriate authority of a country stating, as regards a service court of any visiting force of that country, the authority by whom that court was convened or that a member of that force named in the certificate has been appointed to preside at that court, or has been designated for the purposes of this section by a person so appointed, shall in any proceedings on an application for the issue of a summons under this section be conclusive evidence of the facts stated therein.

(6) The provisions of this section are without prejudice to the powers conferred by section 10 of this Act.

13. Proof of facts by certificate

(11) For the purposes of this Act, a certificate issued by or on behalf of the appropriate authority of a country stating that at a time specified in the certificate a person so specified

either was or was not a member of a visiting force of that country shall, in any proceedings in any Nigerian court, be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Act, a certificate issued by or on behalf of the appropriate authority of a country, stating with respect to a person specified in the certificate-

(a) that he has been tried, at a time and place specified in the certificate, by a service court of that country for a crime so specified; or

(b) that on a date so specified he was sentenced by a service court of that country to such punishment as is specified in the certificate,

shall in any proceedings in any Nigerian court be conclusive evidence of the facts so stated.

(3) Where a person is charged with an offence against Nigerian law and at the

material time he was a member of a visiting force to which this section applies, a certificate issued by or on behalf of the appropriate authority of the sending country stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force shall, in any proceedings in any Nigerian court, be sufficient evidence of that fact unless the contrary is proved.

(4) For the purposes of this Act-

(a) a certificate issued by or on behalf of the appropriate authority of a country, stating that a body, contingent or detachment of the forces of that country is, or

was at a time specified in the certificate, present in Nigeria, shall in any proceedings in any Nigerian court be conclusive evidence of the facts stated therein; and

(b) where in any such proceedings it is admitted or proved (whether by a certificate under paragraph (a) of this paragraph or otherwise) that a body,

contingent or detachment of the forces of a country is or was at any time present in Nigeria, it shall be assumed in those proceedings, unless the contrary is

proved, that the body, contingent or detachment is or was at that time present

in Nigeria on the invitation of the Government of the Federal Republic of Nigeria.

(5) Where in any certificate issued for the purposes of this Act reference is made to a person by name, and in any proceedings in a Nigeria court reference is made to a person by that name (whether as a party to the proceedings or otherwise) the references in the

certificate and in the proceedings shall, unless the contrary is proved, be taken to be references to one and the same person.

(6) Any document purporting to be a certificate issued for the purpose of any provision of this Act, and to be signed by or on behalf of an authority specified in the certificate, shall be received in evidence and shall, unless the contrary is proved, be taken to be a certificate issued by or on behalf of the appropriate authority of a country, and the document purports to be signed by or on behalf of an authority of that country, that authority shall, unless the contrary is proved, be taken to be the appropriate authority of that country for the purposes of that provision.

14. Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say-

“court” includes a service court;

“dependant”, in relation to a person, means any of the following, that is to say-

(a) the wife or husband of that person; and

(b) any other person wholly or mainly maintained by him or in his custody, charge or care;

“forces”, in relation to a country, means any of the military, naval or air forces of that country;

“member”, in relation to a visiting force, means a person for the time being appointed to serve with or attached to that visiting force, being either-

(a) a member of the forces of the sending country; or

(b) a person subject to the service law of that country otherwise than a member of that country's forces;

“the home forces” means any part of the Nigerian Army, Navy or Air Forces for the time being serving in Nigeria;

“the Minister” means the Minister of the Government of the Federation responsible for defence;

“the sending country”, in relation to a visiting forces, means the country to whose forces the visiting force belongs;

“Nigerian court” means a court exercising jurisdiction in Nigeria under Nigerian law otherwise than by virtue of section 2 of this Act;

“Nigerian law” means the law of Nigeria or of any part thereof;

“service authorities” means military, naval or air force authorities;

“service court”, in relation to a country, means a court established under service law and includes any authority of that country who under the law thereof is empowered to review or confirm the proceedings of such a court or to try or investigate charges brought against persons subject to the service law of that country; and references to trial by, or to sentences passed by, service courts of a country shall be construed respectively as including references to trial by, and to punishment imposed by, such an authority in the

exercise of such powers;

“service law”, in relation to a country, means the law governing all or any of the forces of that country;

“visiting force” means, for the purposes of any provision of this Act, any body, contingent or detachment of the forces of a country to which that provision applies, being a body, contingent or detachment for the time being present in Nigeria on the invitation of the Government of the Federal Republic of Nigeria.

(2) References in any provision of this Act to the appropriate authority of a country are references to such authority as may be appointed by the government of that country for the purposes of that provision; but no such appointment shall take effect until notice thereof has been given to the Minister, who on receipt of notice of any such appointment shall publish notice thereof in the *Federal Gazette*.

(3) For the purpose of this Act a member of a force of any country which (by whatever name called) is in the nature of a reserve or auxiliary force shall be taken to be a member of that country’s forces so long as, but only so long as, he is called into actual service (by whatever expression described) or is called out for training.

15. Short title

This Act may be cited as the Visiting Forces Act.

SCHEDULE

Offences referred to in section 4 *Offences against the person*

1. In section 4 of this Act, **“offence against the person”** means any offence punishable under or by virtue of any of the provisions specified in column (2) below or any enactment mentioned in column (1) below.

(1)

(2)

The Criminal Code Sections 214 to 225, 226 to 228, 315, 320 to 324, 327 A to 329,

330 to 338, 340 to 342, 343 (I), 351 to 356, 358 to 362, 371,

402,403 and 405.

The Criminal Code of Eastern States of Nigeria Sections 214 to 225, 226 to 228,315,320 to 324, 327A to 329,

330 to 338, 340 to 342, 343 (l), 351 to 356, 358 to 362, 371,

402,403 and 405.

The Criminal Code of Western States of Nigeria Sections 152 to 165, 168, 170, 171, 253, 258 to 262, 266 to 268,

270 to 276, 281, 283 to 285, 286 (l), 292 to 297, 299 to 303,

312,342, 343 and 345.

The Penal Code of North- ern States of Nigeria Sections 220, 225, 226, 229, 230, 232 to 239, 244 to 253, 265 to 270, 283 to 285, 298 to 303 and 390.

Offences against property

2. In section 4 of this Act, "**offence against property**" means any offence punishable under or by virtue of any of the provisions specified in column (2) below of any enactment men- tioned in column (1) below.

3. (1) In this Schedule-

(1) (2)

The Criminal Code Sections 76, 77, 390, 392 to 396, 404, 402, 403, 406, 407, 409,

411,413,414,417 (a) to (d), 419, 427, 431, 433, 438, 443 to

456,459, 459A, 460 and 461.

The Criminal Code of Eastern States of Nigeria Sections 76, 77, 390, 392 to 395, 400, 402, 403, 406, 407, 409,

411,413,414,417 (a) to (d), 419, 427,

431, 433, 438, 443 to

448, 450 to 452, 456 and 461.

The Criminal Code of Western States of Nigeria Sections 71, 72, 331, 333 to 336, 340, 342, 343, 346, 347, 349,

370, 372, 377, 382 to 393

and 395.

The Penal Code of North- ern States of Nigeria Sections 287 to 290, 292 to 295, 298 to 303,
309, 310, 312 to

315,317,322 to 325, 327, 329 to 341, 353 to 359, 371, 431, 469

to 472, 474 and 475.

Supplementary provisions

“the Criminal Code” means the Criminal Code contained in the Schedule to the Criminal Code Act, as it applies in any part of Nigeria;

[Cap. C38.]

“Criminal Code of Eastern States of Nigeria” means the Criminal Code contained in the Schedule to the Criminal Code Law of the Eastern Region;

“the Criminal Code of Western States of Nigeria” means the Criminal Code contained in the Schedule to the Criminal Code Law of the Western Region, as it applies in any part of Nigeria;

“the Penal Code of Northern States of Nigeria” means the Penal Code contained in the Schedule to the Penal Code Law of the Northern States of Nigeria, including the provisions forming part of that Code by virtue of the Penal Code (Northern States) Federal Provisions Act.

[Cap. P3.]

(2) References in this Schedule to any enactment are references to that enactment as amended from time to time, and include references to any enactment replacing that enactment in its application to any part of Nigeria.

4. The Minister may by order published in the Federal *Gazette* amend the foregoing

provisions of this Schedule, so however that where any such amendment takes effect at any time, no court shall by virtue of that amendment be prevented from trying, or continuing to try, any person for any offences in respect of which proceedings were commenced before that time.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation