

## CHAPTER 410

SPECIAL TRIBUNAL  
(MISCELLANEOUS OFFENCES) ACT1984  
No. 20.

**An Act to create a number of miscellaneous offences with stiff penalties and to establish a Special Tribunal for the trial of such offenders.**

[31st December, 1983]

Commence-  
ment*Constitution and Powers of Special Tribunals*Establishment  
of the  
Miscellaneous  
Offences  
Tribunal.

1. (1) For the purpose of the trial of offences under this Act, the President, Commander-in-Chief of the Armed Forces, shall, whenever occasion demands, by order constitute for any State or a number of States in the Federation specified in such order, a tribunal to be known as "the Miscellaneous Offences Tribunal" (in this Act hereafter referred to as "the Tribunal").

(2) Any sentence imposed or awarded by the tribunal shall be subject to confirmation, variation or disallowance by the Armed Forces Ruling Council and if confirmed, varied or disallowed, the sentence shall not thereafter be liable to review or be the subject of an appeal.

Membership  
of the  
Tribunal.

2. (1) Any offender under this Act shall be brought before the tribunal constituted for the trial of offences under section 1 (1) of this Act and the tribunal shall have power (notwithstanding anything to contrary in any other enactment), to impose any of the penalties provided for in this Act.

(2) A tribunal appointed under section (1) of this Act shall consist of—

- (a) a Chairman who shall be a Judge of the Federal High Court, the High Court of the Federal Capital Territory, Abuja or the High Court of a State; and
- (b) three members of the armed forces not below the rank of a major or its equivalent and a police officer.

(3) No person who has taken part in the search for, pursuit or apprehension of any person to be tried under this Act, or who has taken part in the investigation of the charge against the person to be

tried sh  
of that

3. (C  
the of  
relati

(2)  
(a)

(b)

tried shall sit as a member of the tribunal constituted for the trial of that person in respect of any offence under this Act.

*Offences and Penalties*

3. (1) A tribunal shall have power to try any person for any of the offences specified under this section and to impose the penalty relating thereto.

Offences triable by tribunal.

(2) Any person who—

(a) fraudulently or knowingly utters, forges, procures, alters, accepts or presents to another person any cheque, promissory note or other negotiable instrument knowing it to be false, forged, stolen or unlawfully procured; or

Forging and uttering negotiable instruments.

(b) knowingly and by means of any false representation or with intent to defraud the Federal Government, the Government of any State or any Local Government, causes the delivery or payment to himself or any other person of any property or money by virtue of any forged or false cheque, promissory note or other negotiable instrument whether in Nigeria or elsewhere; or

(c) makes or utters any forged document, cheque, promissory note or other negotiable instrument, knowing it to be false or with intent that it may in any way be used or acted upon as genuine whether in Nigeria or elsewhere to the prejudice of any person or with intent that any person may, in the belief that it is genuine be induced to do or refrain from doing any act or thing, whether in Nigeria or elsewhere, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 21 years without the option of a fine.

(3) Any person who unlawfully or with intent to destroy or damage any public property removes, defaces or damages any public property shall be guilty of an offence and liable on conviction—

Wilful destruction of public property.

(a) if the property in question is a building, structure, vehicle or thing whatsoever owned or occupied by the Government of the Federation, or of a State, Local Government, a Department or Statutory Corporation of the Government of the Federation or of a State, to imprisonment for a term not exceeding 14 years without the option of a fine;

(b) if the property in question is a railway line, electric power line, telephone line or a demarcation line on a public highway and the property is damaged or rendered dangerous, impassable or non-functional, to imprisonment for a term not exceeding 21 years without the option of a fine.

Arson of public building, etc.

(4) Any person who wilfully or maliciously sets fire—

(a) to any public building, dwelling house, office or structure whatsoever, whether completed or not, occupied or not; or

(b) to any vessel, ship, aircraft, railway track or wagon, or vehicle; or

(c) to any mine or the working, fittings, or appliances of a mine,

shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life.

Arson of cultivated vegetable produce, etc.

(5) Any person who wilfully or maliciously sets fire to any stack of cultivated vegetable produce or mineral or vegetable fuel shall be guilty of an offence, and liable on conviction to imprisonment for a term not exceeding 14 years without the option of a fine.

Unlawful destruction of highways.

(6) Any person, who for any purpose whatsoever, wilfully, unlawfully or maliciously—

(a) causes any damage or authorises any damage to any highway and fails, refuses or neglects to repair such highway on completion of any work, if any, thereon; or

(b) destroys, removes or damages any guard rail or other structure on any highway,

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 10 years without the option of a fine.

Tampering with oil pipelines

(7) Any person who wilfully or maliciously—

(a) breaks, damages, disconnects or otherwise tampers with any pipe or pipeline for the transportation of crude oil or refined oil or gas; or

(b) obstructs, damages, destroys or otherwise tampers or interferes with the free flow of any crude oil or refined petroleum product through any oil pipeline,

shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life.

(8) Any person who—

- (a) with intent to defraud the Federal Government of the revenue accruing therefrom and without the permission of the appropriate authority, imports into or exports out of Nigeria any mineral or mineral ore, the importation or exportation of which is prohibited, controlled or subject to certain conditions contained in any law in force in Nigeria; or
- (b) without lawful authority, mines, sells, purchases or otherwise comes into possession of a mineral or mineral ore,

Importing or exporting of mineral or mineral ore.

shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life; and

(i) in addition the motor vehicle or vessel as well as the mineral or mineral ore concerned shall be forfeited to the Federal Government;

(ii) for the purposes of this subsection, “mineral” and “mineral ore” each has the same meaning assigned thereto in the Minerals Act.

Cap. 226

(9) Any person who unlawfully disconnects, removes, damages, tampers, meddles with or in any way whatsoever interferes with any plant, works, cables, wire or assembly of wires designed or used for transforming or converting electricity shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life.

Tampering with electric plant, works, etc.

(10) Any person who unlawfully disconnects, removes, damages, tampers, meddles with or in any way whatsoever interferes with any electric fittings, meters or other appliances used for generating, transforming, converting, conveyancing, supplying or selling electricity shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 21 years.

Tampering with electric fittings, etc.

(11) Any person who unlawfully disconnects, removes, damages, tampers, meddles with or in any way whatsoever interferes with any cable, wire or assembly of wires used for the conveyance of telephone, telegraph, visual messages or images shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 21 years.

Tampering with telephone wires, etc.

(12) Any person who—

- (a) wilfully, unlawfully or maliciously stops, dumps, intercepts, tampers or meddles with or otherwise retards the delivery of any postal matter or telegram shall be guilty of an offence

Tampering with postal matters.

and liable on conviction to imprisonment for a term not exceeding 15 years; or

(b) wilfully, unlawfully or maliciously—

(i) stops, intercepts, tampers or meddles with any postal matter with intent to search or rob it, or

(ii) secretes or destroys any postal matter or telegram or any part thereof whether or not such postal matter so secreted or destroyed contains money or other thing whatsoever,

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 21 years.

Unlawful  
exportation of  
commodity.

(13) Any person who without lawful authority takes or causes to be taken out of Nigeria in commercial quantity any commodity shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 10 years and in addition the commodity as well as any vehicle, vessel, aircraft or other conveyance used in connection therewith shall be forfeited to the Federal Government.

Selling  
prohibited  
goods, etc.

(14) (a) Any person who—

(i) imports, transports, sells, exposes or offers for sale, buys, stores or otherwise deals in or with; or

(ii) induces any other person to import, transport, sell, expose or offer for sale, buy, store or otherwise deal in or with,

any goods, ware or other thing prohibited from importation by any law in force in Nigeria, including the Customs, Tariff, etc. (Consolidation) Act, any amendment thereto or instrument made thereunder, shall be guilty of an offence and liable on conviction to imprisonment for life.

(b) In addition to the penalty specified in paragraph (a) of this subsection,

(i) the goods, ware or other thing, as well as, any vehicle, vessel, aircraft or any thing whatsoever used for the importation, transportation, sale, exposure or storage, and

(ii) all the assets, movable or immovable, including motor vehicles, of any person convicted of the offence,

(c) Where any customs officer or other person, aids, counsels, procures, or conspires with any other person to commit an offence under this subsection, he shall be guilty of an offence

1988  
No. 48

Cap. 88



and shall on conviction be liable to the same punishment as prescribed for the offence under this subsection.

(15) (a) Any person who without lawful authority—

(i) imports, manufactures, produces, processes, plants or grows the drug popularly known as cocaine, LSD, heroin or any other similar drug shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life; or

Importation,  
etc., of  
cocaine,  
heroin, etc.

(ii) exports, transports or otherwise traffics in the drug popularly known as cocaine, LSD, heroin or any other similar drug shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 20 years; or

(iii) sells, buys, exposes for sale or otherwise deals in or with the drug popularly known as cocaine, LSD, heroin or any other similar drug shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 14 years; or

(iv) smokes, inhales, injects or otherwise possesses the drug popularly known as cocaine, LSD, heroin or any other similar drug shall be guilty of an offence and liable on conviction to imprisonment for a term not less than 2 years but not more than 10 years:

Provided that the quantity of the drug in question shall be taken into account by the tribunal when imposing any penalty stipulated under this subsection.

(b) (i) all the assets, movable or immovable including motor vehicles, of any person convicted of an offence under this subsection shall be forfeited to the Federal Government.

(ii) the President, Commander-in-Chief of the Armed Forces may empower a panel constituted under section 1 of the Recovery of Public Property (Special Military Tribunals) Act to conduct an investigation for the purpose of ascertaining the assets of any person convicted of an offence under this Act.

(c) the passport of any person convicted of an offence involving importation or exportation under this subsection shall be forfeited to the Federal Government and shall not be returned to such person until after five years from the date of pronouncement of the sentence imposed upon such person or until such person has served the sentence imposed upon him, whichever last occurs;

1986  
No. 27

Cap. 389

- (d) for the purposes of paragraph (a) of this subsection, the drug popularly known as cocaine, LSD, heroin or any other similar drug shall be deemed to be exported out of Nigeria at the time when it is brought to any of the customs area, customs station, customs port or customs airport.

Cheating at  
examination.

(16) Any person who in anticipation of, before or at any examination—

- (a) by any fraudulent trick or device or in abuse of his office or with intent to unjustly enrich himself or any other person procures any question paper produced or intended for use at any examination of persons whether or not the question paper concerned is proved to be false, not genuine or not related to the examination in question; or
- (b) by any false pretence or with intent to cheat or secure any unfair advantage for himself or any other person, procures from or induces any other person to deliver to himself or another person any question paper intended for use at any examination; or
- (c) by any false pretence, with intent to cheat or unjustly enrich himself or any other person whatsoever buys, sells, procures or otherwise deals with any question paper intended for use or represented as a genuine question paper in respect of any particular examination; or
- (d) fraudulently or with intent to cheat or secure any unfair advantage for himself or any other person or in abuse of his office procures, sells, buys or otherwise deals with any question paper intended for the examination of persons at any examination,

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 10 years:

Provided that—

- (i) a person who is a child or a young person (within the meaning of the Children and Young Persons) Law that is a person who has not attained the age of seventeen years, shall not be punished for an offence under this subsection but shall be dealt with under the provisions of the Children and Young Persons Law;
- (ii) where the accused is an employee of any body concerned with the conduct of examinations, a head teacher, teacher or other

person e  
shall be  
notwith  
be live,

(17) A  
licence-

(a) i  
c  
F

(b) c  
F

shall be  
to impri  
or other  
to the F

(18) (

d  
p  
n  
p  
p  
to  
d  
p  
o  
p  
o  
o  
n

fo  
m  
w  
ex  
su  
to  
da

person entrusted with the safety and security of question papers, he shall be proceeded against and punished as provided in this section, notwithstanding that the question paper concerned is proved not to be live, genuine or does not relate to the examination concerned.

- (17) Any person who without lawful authority or an appropriate licence—
- (a) imports, exports, sells, offers for sale, distributes or otherwise deals with or in any crude oil, petroleum or petroleum product in Nigeria;
  - (b) does any act for which a licence is required under the Petroleum Act,

Dealing in petroleum products, etc.

Cap. 348

shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life, and in addition, any vehicle, vessel, aircraft or other conveyance used in connection therewith shall be forfeited to the Federal Government.

- (18) (a) Any person who—

Adulteration of petroleum, petroleum products, etc.

(i) adulterates any petroleum, petroleum product, food, drink, drug, medical preparation or any manufactured or processed product whatsoever so as to affect or change materially the quality, substance, nature or efficacy of such petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product, intending to sell same as petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product, as the case may be, without notice to the purchaser or knowing that the same will be sold as petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding 14 years without option of fine; or

(ii) deals in, sells, offers for sale or otherwise exposes for sale any petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product which is not of the quality, substance, nature or efficacy, expected of the product or preparation, or is not of the quality, substance, nature or efficacy which the seller represents it to be, or has in any way been rendered or has become noxious, dangerous or unfit, shall be guilty of an offence and liable



on conviction to imprisonment for a term not exceeding 10 years.

(b) (i) whenever any person is charged with committing any offence under the preceding paragraph (a) (ii) it shall be a defence if he can establish that he did not know or had no reason to know or believe that the petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product has been adulterated or otherwise rendered noxious, dangerous or unfit.

(ii) in any trial for an offence under paragraph (a) (ii) of this subsection, the tribunal may make such order as it deems fit for the purpose of making compensatory awards to the victim or purchaser of any adulterated, noxious, dangerous or unfit petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product and it may order the forfeiture of the petroleum, petroleum product, food, drink, drug, medical preparation or manufactured or processed product concerned.

(iii) in this section "petroleum and petroleum product" shall have the meaning assigned thereto in the Petroleum Act.

(19) (a) Any person who attempts to commit any of the offences specified under this section shall be guilty of an offence and liable on conviction to the same punishment as prescribed for the offence under this section.

(b) Where a person is charged with any of the offences specified under this section, but the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence although the attempt is not separately charged and shall be liable to the same punishment as prescribed for the offence under this section.

4. Police investigation into cases relating to offences under this Act shall be concluded not later than 28 days after the arrest of the accused person and particulars of such investigation shall be sent to the Attorney-General of the Federation not later than 7 days after the conclusion of police investigation.

5. (1) The rules of procedure to be adopted in prosecutions for offences under this Act before a tribunal and the forms to be used in such proceedings shall be as set out in the Schedule to this Act.

Cap. 350

Attempt to  
commit  
offence, etc.  
1986  
No. 27

Police  
investigation,  
etc.

Prosecutions,  
rules of  
procedure,  
etc.

*Special Tribunal (Miscellaneous Offences) Act*

(2) Prosecutions for offences under this Act shall be instituted before the tribunal in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such officer in the Federal Ministry of Justice as he may authorise so to do, and in addition thereto, he may—

- (a) after consultation with the Attorney-General of any State in the Federation, authorise the Attorney-General or any officer in the Ministry of Justice of that State to undertake any such prosecution directly or assist therein;
- (b) if a tribunal so directs or if contingencies so dictate, authorise any other legal practitioner in Nigeria to undertake any such prosecution directly or assist therein:

Provided that the question whether any or what authority has been given in pursuance of this subsection shall not be inquired into by any person other than the Attorney-General of the Federation.

(3) Any person accused of an offence under this Act shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner resident in Nigeria.

(4) Where the rules of procedure contained in the Schedule to this Act contain no provisions in respect of any matter relating to or connected with the trial of offences under this Act, the provisions of the Criminal Procedure Code or, depending on the venue, the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

Cap. 485  
Cap. 80

(5) Prosecution for offences under this Act shall be instituted within 14 days after the receipt by the Attorney-General of the Federation of the file containing completed police investigation in respect of the offence.

6. (1) Proceedings in respect of offences under this Act shall be concluded by the tribunal within 14 days of its first sitting.

Conclusion of  
proceedings.

(2) Where the tribunal finds the accused person guilty of an offence under this Act and no appeal has been filed, the tribunal shall within 7 days after the expiration of the time allowed for appeal transmit its records of proceedings in respect of the accused person to the confirming authority for confirmation under subsection (1) of section 9 of this Act.

(3) Failure to comply with any of the provisions of subsections (1) and (2) of this section and of sections 4 and subsection (5) of section (5) of this Act shall not affect the validity of any prosecution under this Act.

Powers of arrest, issue of search warrant, etc.

7. (1) Any person committing an offence under this Act shall be arrested without warrant by a police officer, customs officer or any member of the armed forces, as the case may be.

(2) Notwithstanding the provisions of any other enactment conferring power to search, if the Chairman of the tribunal is satisfied that there is reasonable ground to suspect that there may be found in any building or other place whatsoever, any money or other property or any books, records, accounts, statements or information in any other form whatsoever which, in his opinion, are or may be material to the subject-matter of any trial under this Act, he may issue a warrant under his hand authorising any police officer or any member of the armed forces or any of the security agencies to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such thing as aforesaid found therein.

#### *Appeals and Confirmation*

Right of appeal to the Appeal Tribunal.  
Cap. 389

8. A person convicted under this Act shall have the right of appeal to the Special Appeal Tribunal established under the Recovery of Public Property (Special Military Tribunal) Act, as amended.

Confirmation of sentence of tribunal, etc.

9. (1) Where a tribunal finds the accused person guilty of any offence under this Act or the Special Appeal Tribunal upholds the sentence, as the case may be, the record of the proceedings of the tribunal or Special Appeal Tribunal shall be transmitted to the confirming authority for confirmation of the sentence of the tribunal or the Special Appeal Tribunal for that offence.

(2) A sentence of a tribunal or Special Appeal Tribunal shall not be treated as a sentence of the tribunal or Appeal Tribunal until confirmed:

Provided that this subsection shall not affect the keeping of the accused person in custody pending confirmation.

(3) The confirming authority shall deal with the sentence of a tribunal or Special Appeal Tribunal either by confirming or withholding confirmation.

*Special Tribunal (Miscellaneous Offences) Act*

(4) In confirming the sentence of a tribunal or Special Appeal Tribunal, the confirming authority may—

- (a) in the case of a sentence of imprisonment for life, substitute for that punishment a term not exceeding 25 years;
- (b) in the case of a sentence other than a sentence of imprisonment for life, either remit in whole or in part the punishment (including any forfeiture or fine) awarded by the tribunal or Special Appeal Tribunal or substitute for it some other punishment which could have been imposed by the tribunal or Special Appeal Tribunal being a punishment less severe than the one awarded by the tribunal or Special Appeal Tribunal.

(5) A sentence substituted by the confirming authority or any sentence having effect after the confirming authority has remitted punishment shall be treated for all purposes as a sentence of the tribunal or Special Appeal Tribunal duly confirmed.

(6) The confirming authority shall give directions as to the subsequent disposition of any assets confirmed by it as having been forfeited under this section, that is to say, as to whether such forfeited assets shall ensure to the benefit of the Government of the Federation or of a State or of any other authority or person designated in that behalf and any such direction shall be published in the *Federal Gazette*.

(7) For the purpose of this Act—

- (a) the confirming authority shall be the Armed Forces Ruling Council; and
- (b) the expression “imprisonment for life” means imprisonment for a term of not less than 25 years.

10. (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, where practicable, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offence by  
bodies  
corporate,  
evidence of  
accomplices,  
etc.

(2) Where a body corporate is convicted of an offence punishable by a term of imprisonment without the option of a fine or to death

under this Act, the tribunal may order that the body corporate be wound up and the body corporate shall thereupon and without any further assurance but for such order, be wound up and all its assets forfeited to the Federal Government.

(3) Notwithstanding anything to the contrary in any law (including any rule of law), no witness shall, in any trial under this Act, be presumed to be unworthy of credit by reason only that he took part in the commission of the offence.

(4) 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, and punished as provided under this Act.

(5) Where a person is charged with an offence under this Act, but the evidence establishes the commission of another offence under this Act, the offender shall not be entitled to acquittal but he may be convicted of that other offence and punished as provided under this Act.

(6) Where a person aids, counsels, procures or conspires with any other person to commit any of the offences created by this Act, he shall be guilty of an offence and shall on conviction be liable to the same punishment as prescribed for that offence under this Act.

### *Supplementary*

11. (1) No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to this Act and if any such proceedings are instituted before, on or after the commencement of this Act the proceedings shall abate, be discharged and made void.

(2) The question whether any provision of Chapter IV of the Constitution of the Federal Republic of Nigeria has been, is being or would be contravened by anything done or proposed to be done in pursuance of this Act shall not be inquired into in any court of law and, accordingly, no provision of that Constitution shall apply in respect of any such question.

12. (1) Any part-heard proceedings pending before any High Court on the date of the making of this Act shall be continued and completed as if the provisions of this Act had not been made.

Exclusion of  
civil  
proceedings.

Cap. 62

Pending  
proceedings,  
etc.



*Special Tribunal (Miscellaneous Offences) Act*

(2) Any person who on or at any time after 31st December 1983 was arrested, detained or charged with an offence under any other enactment amounting to an offence under this Act shall be liable to be tried and convicted in accordance with the relevant provisions of this Act and any charge or information pending against him in or before any court or other tribunal shall as from the making of this Act, abate.

(3) Notwithstanding anything to the contrary in any law, the Judge of a High Court before whom any part-heard charge or proceedings to which subsection (2) of this section relates is pending shall, on the making of this Act, forthwith and without any further assurance, transfer or cause such charge or proceedings to be transferred to the appropriate tribunal.

(4) Every order of transfer made pursuant to subsection (3) of this section shall operate as a stay of proceedings in the court or tribunal before which such proceedings are brought or instituted and shall not be subject to appeal or review.

(5) Any person who has been tried and convicted or acquitted for an offence charged under any other enactment shall not be tried a second time for the same offence notwithstanding that he could be proceeded against in accordance with the provisions of this Act.

(6) The provisions of subsections (2) to (5) of this section shall apply to any charge or proceedings at any stage of the trial whatsoever pending before a High Court or any other tribunal.

**13.** In this Act, unless the context otherwise requires —

Interpretation.

“cable” means any wire or appliance used for generating, conveying, converting or supplying electrical energy or used for the purpose of telegraph or television communication;

“commodity” has the same meaning assigned thereto by the Second Schedule to the Commodity Boards Act; Cap. 58

“pipeline” has the same meaning assigned to it by the Oil Pipelines Act; Cap. 378

“public building” means any building, structure or edifice belonging to, occupied by or operated on behalf of the Government of the Federation or of a State or any department or statutory corporation thereof; and “public property” shall be construed accordingly;

“tribunal” means the Miscellaneous Offences Tribunal set up under section 1 of this Act.

Short title.

**14.** This Act may be cited as the Special Tribunal (Miscellaneous Offences) Act.

Section 5(1)

### SCHEDULE

#### MISCELLANEOUS OFFENCES TRIBUNAL RULES OF PROCEDURE

#### *Commencement and Conduct of Trial*

Institution of proceedings.

**1.** The trial of offences under this Act shall commence by way of an application, supported by proof of evidence, or evidence on affidavit made to the tribunal by the prosecutor.

Order on an accused to appear.

**2.** Where after perusal of the application and the proof of evidence or evidence on affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed any offence under this Act it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

Commencement of trial.

**3.** (1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

(2) If the accused pleads guilty, the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon.

Plea of not guilty or no plea.

**4.** If the accused pleads not guilty or makes no plea or refuses to plead the tribunal shall proceed to try the case.

Presentation of case for prosecution.

**5.** (1) After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the accused, stating briefly by what evidence he intends to prove the guilt of the accused.

SCHEDULE—*continued*

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

6. (1) After the conclusion of the presentation of evidence by the prosecutor the tribunal shall ask the accused—

Procedure after presentation of evidence by the prosecution.

- (a) whether he wishes to give evidence on his own behalf; and
- (b) whether he intends to call witnesses other than witnesses to character.

(2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.

(3) Notwithstanding the provisions of sub-paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter upon the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

7. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine

Defence.

SCHEDULE—*continued*

his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

Right of  
prosecutor to  
reply.

8. (1) If the accused or any of the accused calls any witness other than to character or any document other than a document relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused, if any.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, in any case, with the leave of the tribunal, the prosecutor may be heard in reply on a point of law or, where none of the accused has adduced evidence other than to character but any of them has introduced new matter in his statement to the tribunal, on such new matter.

Consideration  
of findings.

9. When the case for the defence and the reply of the prosecutor if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its finding.

Announce-  
ment of  
finding.

10. After the tribunal has made its finding the Chairman shall announce that finding and, where the accused is found guilty, it shall impose the appropriate penalty prescribed by this Act and issue a committal warrant accordingly.

Notes of  
evidence to be  
taken.

11. (1) The Chairman of the tribunal shall in every case, take notes in writing of the oral evidence, or so much thereof as he considers is material in a book to be kept for that purpose and such book shall be signed by the Chairman and by two other members of the tribunal.

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

SCHEDULE—*continued*

*Supplemental*

12. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal 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.

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

Warrant for witness after summons.

14. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

Local inspection.

15. Subject to the express provisions, if any, of these Rules the forms contained in the Annex hereunder may, in accordance with any instruction 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.

Forms.

16. Where these Rules contain no provision in respect of any matter relating to or connected with the trial of offences under this Act the provisions of the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply, in respect to such matter to the same extent as they apply to the trial of offences generally.

Application of Criminal Procedure Act.  
Cap. 80

17. In these Rules "the prosecutor" means the Attorney-General of the Federation or any person authorised by him pursuant to section 5 of this Act.

Interpretation.