



FEDERAL CAPITAL TERRITORY
Administration Of Criminal Justice
Rules 2019

Y/LA/ST
0139



MacArthur
Foundation



**FEDERAL CAPITAL TERRITORY
(ADMINISTRATION OF CRIMINAL JUSTICE)
RULES 2019**

Issued by:

Justice Ishaq Usman Bello
Chief Judge
High Court of the Federal Capital Territory



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Foreword

Since the enactment of the Administration of Criminal Justice Act in 2015, its constant use and practice by our courts have exposed some lacuna in the principal Act. Some of these lacunas would have to be amended by an act of the National Assembly, while others may be cured by the use of Rules of Court. In view of some of these identifiable issues and the need to ease the application of the act in practice, a committee was constituted to review the ACJA and come up with these Rules pursuant to Section 490 thereof. Having been an active member of this committee with a full knowledge of the eminent scholars and jurists that worked to produce this document, I can say that the Rules is a welcomed development.

Together with the ACJA, these rules will govern practice and procedure to be followed in all courts exercising criminal jurisdiction including Magistrates' Courts, Area Courts, Upper Area Courts and indeed the High Courts within the FCT. As a court, our desire is to see that cases are dealt with justly by the handling of all cases efficiently, expeditiously and with some degree of certainty. This is in tandem with the overriding objective of the Act i.e. ***"to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant and the victim."***

I have no doubt that these rules would fulfill the overriding objectives and guiding principles in aiding the implementation of the principal Act to, at all times acquit the innocent, convict the guilty and deal with the prosecution and defence fairly.



Justice Ishaq Usman Bello
Chief Judge

High Court of the Federal Capital Territory



**CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999)
FEDERAL CAPITAL TERRITORY
(ADMINISTRATION OF CRIMINAL JUSTICE)
RULES 2019**

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**FEDERAL CAPITAL TERRITORY
(ADMINISTRATION OF CRIMINAL JUSTICE)
RULES 2019**

In exercise of the powers conferred on me by section 259 of the Constitution of the Federal Republic of Nigeria, 1999, section 490 of the Administration of Criminal Justice Act 2015 and all other powers enabling me in that behalf, I, Ishaq Usman Bello, Honourable Chief Judge of the Federal Capital Territory High Court, make the following Rules of Court :

[14th October 2019] Commencement

**PART ONE
Preliminaries**

ORDER ONE

Objectives and Guiding Principles

1. The purpose of these Rules is to ensure compliance with the Administration of Criminal Justice Act 2015 ("the ACJA") and to realize the objectives expressed in section 1(1) of the ACJA, that is: Purpose
 - (a) To ensure efficiency and speed in the management of criminal trials and dispensation of justice; and
 - (b) To protect the interests and fundamental human rights of the defendant, victim, witnesses and society.
2. In the application of these rules each case shall be treated on its merit in line with the provisions of the Administration of Criminal Justice Act 2015
3. This Rules shall apply to criminal proceedings before a court of the Federal Capital Territory Application

ORDER TWO

Interpretation

1. For the purposes of these rules;

“bail bondsperson” means a person registered as such under Interpretation Section 187 of the ACJA.

“benefit fraud” means any form of welfare fraud within the welfare system of government

“court” means any Area Court, Magistrate Court and High Court exercising criminal jurisdiction in the Federal Capital Territory.

“detention facility” includes prisons, juvenile detention facilities, and any such facility maintained by any law enforcement agency.

“legally aided” means where a person is represented by a counsel from the Legal Aid Council of Nigeria or any other pro bono service

“police officer” includes any member of the Nigerian Police Force established by the Police Act or where the context so admits, shall include any officer of any law enforcement agency established by an Act of the National Assembly

“parole” means the release of a prisoner from imprisonment before the full sentence has been served under section 468 of the ACJA.

“probation sentence” means a court imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the convict to prison

“third party costs order” means an order for the payment of costs incurred by a person who is not a party to the proceedings (“the third party”)

“wasted costs” means any costs incurred by a party (which includes a legally aided party) as a result of any improper, unreasonable or negligent act or omission on the part of his counsel which, in the light of any such act or omission occurring after they were incurred, the court considers it unreasonable to expect that party to pay.

PART TWO
Arrest, Custody and Remand

ORDER THREE

Arrest

1. Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999, any law prescribing an offence, the following may effect the arrest of a suspect:

Arrests
Generally

- (a) a Police Officer;
- (b) a Judicial Officer;
- (c) a private person provided the person arrested is immediately handed over to a law enforcement officer.

2. A person shall not be arrested save where the person is reasonably suspected to have committed an offence.

3. An arrested person shall be:

- (a) informed of the offence for which he is being arrested;
- (b) entitled to communicate and consult with a legal practitioner, relative or any other person of his choice;
- (c) Provided free legal representation where applicable in accordance with extant laws;
- (d) Protected against torture, degrading and dehumanizing treatment.

4. A warrant of arrest shall contain the following information:

Warrant of
Arrest

- (a) the court that issued it;
- (b) the enactment under which the warrant is issued;
- (c) whether the warrant is directed to every police officer, or to a particular police officer, in which case the name of that police officer or any other authorised person;
- (d) the particulars of the suspect;
- (e) the reason for the warrant being issued;
- (f) the offence;
- (g) a direction to the police officer executing the warrant to bring the suspect before a competent court;
- (h) the legal authority for entering premises for the purpose of executing the warrant;
- (i) the name and title of the person issuing the warrant; and
- (j) the date the warrant was issued.

5. A warrant may be executed by:
 - (a) any person to whom it is directed; or
 - (b) any person authorised to do so.
6. The person who executes a warrant shall:
 - (a) show the suspect the warrant;
 - (b) explain, in the language the suspect understands, what the warrant requires;
 - (c) where the suspect is to be released on bail record:
 - i. the suspect's name,
 - ii. the reason for the arrest,
 - iii. the suspect's release on bail, and
 - iv. when and where the warrant requires the suspect to attend court.
7. The person executing a warrant shall serve the record referred to in Rule 6 paragraph (c) of this order on the suspect and the court official.

ORDER FOUR

Bail

Subject to the provisions of the ACJA or any other law, every arrested suspect or detainee is entitled to bail.

General
Entitlement to
Bail

1. The court may make an order to a person in charge of a prison, police station or any other place of detention to produce in court a person detained in the prison, station or place.

Exercise of
Court's Powers

2. The court may in the interest of justice order the release of a person in detention unconditionally or subject to such terms as the court deems fit.

3. A prosecutor shall file along with the charge or information a statement indicating whether or not the defendant was granted administrative bail, and if so, the terms of such administrative bail.

Prosecutor's
Representations
on Bail

4. A prosecutor who opposes the grant of bail shall specify the cogent and convincing reason(s) or exception(s) to the general right to bail on which the prosecutor relies.

5. A suspect who was granted bail during remand proceedings should not be refused bail during the trial unless, in the opinion of the court, there are reasons to justify the refusal.

Bail During Trial

6. A defendant admitted to bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance, and for this purpose the court shall require the execution of:

Sureties and Bail Conditions

- (a) Defendant's recognizance;
- (b) surety's recognizance; and
- (c) joint bond of the defendant and surety.

7. A court may grant bail conditionally or unconditionally. Where bail is conditional, the terms shall not be excessive but may include the deposit of security in the form of:

- (a) land title document,
- (b) international passport,
- (c) cash and/or,
- (d) any other valuable documents.

8. Where a defendant is released on bail, the terms of recognizance entered into by the surety shall be of such nature as to ensure that the defendant is present in court for trial throughout the proceedings.

Continuous Bail

9. The court may, where the circumstances appear just, vary the order of release on bail of the defendant at any subsequent hearing or stage of the proceedings: Provided that the reason for the variation of the order shall be stated.

ORDER FIVE

Remand

1. A suspect arrested for an offence for which a High Court has jurisdiction shall be brought before the High Court within a reasonable time.

Remand

2. In the absence of a High Court, a suspect arrested for an offence which a Magistrate Court has no jurisdiction to try, shall

within a reasonable time be brought before a Magistrate Court for cognizance and remand.

3. For the purposes of this order, "reasonable time" means in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of within 24 hours and in any other case, a period of 48 hours.

4. (a) An Application for remand shall be made ex-parte and in conformity with Form 8 in the First Schedule to the ACJA.

Application for
Remand

(b) An application for remand shall be in writing and shall be accompanied by an affidavit stating basis for the request.

5. The court may when considering a remand application consider the following;

- (a) the nature and seriousness of the alleged offence;
- (b) whether there are reasonable grounds that the suspect has been involved in the commission of the alleged offence;
- (c) whether there are reasonable grounds for believing that the suspect may abscond or commit further offence where he is not committed to custody; and
- (d) any other circumstance that justifies the request for remand.

6. Where on application in writing, good cause is shown why there should be an extension of the remand period, the court may make an order for further remand of the suspect for a period not exceeding 14 days and make the proceedings returnable within the same period.

7. Where the suspect is still on remand at the expiration of the period provided in rule 6 of this order, the court may, on application of the suspect, grant bail in accordance with the provisions of sections 158 to 188 of the ACJA.

8. At the expiration of the remand order, and where the suspect is still remanded with his trial having not commenced, or charge having not been filed at the relevant court having jurisdiction, the court shall issue a hearing notice on the prosecution:

Provided that where the remand order was issued by a Magistrate, the court shall within 14 days forward the case file to the Chief Judge through the Chief Registrar.

9. The court shall issue a hearing notice on the prosecution to show cause why the suspect remanded should not be unconditionally released.

10. Where the Inspector-General of Police or the Commissioner of Police and the Attorney-General of the Federation show good cause and make a request to that effect, the court:

- (a) may extend the remand of the suspect for a final period not exceeding 14 days for the suspect to be arraigned for trial before an appropriate court; and
- (b) shall make the case returnable within the said period of 14 days from the date the hearing notice was issued.

11. For the purpose of determining whether "good cause" exists the court shall not consider any factor occasioned by negligence or misconduct on the part of the state or police.

12. Where good cause is not shown for the continued remand of the suspect and the suspect remains in remand custody after the expiration of the extended period under rule 10 of this order, the court shall, with or without an application to that effect, discharge the suspect and the suspect shall be immediately released from custody.

13. No further application for remand shall be entertained by any court after the proceeding in rule 10 of this order.

14. During remand proceedings, the court may order the suspect to be brought before it.

Exercise of
Powers of
Remand

15. The court may order that the suspect be transferred to a hospital, asylum or any suitable place for the purpose of giving him medical treatment, or may make any order that it considers necessary at any time during the remand period.

16. The court may exercise the powers conferred on the court under this order:

- (a) whether the suspect is present in court or not; and
- (b) on its own motion or on application, including an application by a person in charge of the prison or other place of custody where the suspect is detained.

PART THREE

TRIAL

ORDER SIX

Disclosure

1. The prosecutor shall disclose by serving on the court and defendant any material it intends to rely on in the course of the trial. Disclosure by Prosecutor
2. The prosecutor shall also disclose to the defendant any material in the prosecutor's possession that either supports a defence put up by the defendant or which exculpates him from liability.
3. Where a defendant enters a plea of "not guilty" or the court records a plea of "not guilty" for the defendant, the defendant may elect to disclose the material he intends to use in his defence. Disclosure by Defendant
4. The defendant may apply to the court for access to material in the prosecution's custody where there is reason to believe that the prosecutor is withholding evidence particularly one that may aid the defendant's case. Defendant's Application for Prosecution to Disclose
5. An application for the prosecution to disclose shall be by motion on notice served on the court and the prosecutor.
6. The application made under rule 4 shall contain:
 - (a) a description of the material;
 - (b) reasonable cause to show that the defendant believes that the prosecutor has the material or can obtain the material; and
 - (c) explanation of the importance of such material to the trial.
7. The court in determining the application must have recourse to:
 - (a) the defendant's right to fair trial;
 - (b) the prosecutor's right to make representation;
 - (c) the rights of confidentiality applicable to the material.
8. The court shall have regard to the extent to which the disclosed material is contentious before setting a date for day to day hearing. Powers of Court with Regard to Disclosure

9 The court may:

- (a) determine the time limit of applications under rule 4 of this Order
- (b) specify the period any material may be disclosed; or
- (c) vary any direction made under this Order.

10. The court in considering the application under rule 4 of this Order may direct:

- (a) that the application be heard in private; or
- (b) that any person who will be directly affected if the material were disclosed should be served with the application.

10. A person may only use material disclosed by the prosecution in connection with:

- (a) the case in which it was disclosed;
- (b) an appeal from the case in which it was disclosed;
- (c) any other lawful purpose.

Unauthorised
use of
Disclosed
Material

12. The court may initiate contempt proceedings against any person who uses the disclosed material in breach of rule 11 of this order.

ORDER SEVEN

Arraignment

Plea to Information or charge

1. The court shall inform the defendant of his rights under section 271 of the ACJA

Plea to
Information or
Charge

2. The defendant to be tried on an information or charge shall:

- (a) be brought to the court unfettered unless otherwise directed by the court.
- (b) have the information or charge read over to him to the satisfaction of the court by the registrar or such order officer appointed by the court.
- (c) be called to plead instantly except where the person, objects to non-service or where the court finds that he has not been duly served.

3. A defendant who pleads not guilty shall be deemed to have put himself on trial.

4. Where a defendant pleads guilty to an offence the court shall;
 - (a) record his plea as accurately as possible;
 - (b) invite the prosecution to state the fact of the case; and
 - (c) enquire from the defendant whether his plea of guilty is to the fact as stated by the prosecution.
5. Where a defendant pleads guilty to a capital offence, a plea of not guilty shall be recorded for him.
6. Where a defendant pleads guilty to an offence not contained in the charge or information on which he was arraigned, the court shall direct the prosecution to amend the charge or information accordingly to include the admitted offence and a fresh plea of the defendant shall be taken on the amended charge.
7. The Court shall record the plea of a defendant in the prescribed Form 01 in the Third Schedule to these Rules.

ORDER EIGHT

Case Management

1. This Rule applies to the management of the hearing of a case in the High Court and Magistrate court, including an appeal to the High Court until the conclusion of the case. Case Management
2. The court may give any direction to actively manage a case in order to prevent unnecessary delay.
3. In order to manage a trial or an appeal, the court may require a party to identify:
 - (a) witnesses to give evidence in person;
 - (b) the order of witness evidence;
 - (c) the need for an order compelling the attendance of witnesses;
 - (d) arrangements that are desirable to facilitate the giving of evidence by a witness;
 - (e) arrangements that are desirable to facilitate the participation of any other person, including the defendant.
4. In ensuring proper case management, the court Registrar shall where a person is entitled or required to attend a hearing, give a

minimum of seven days or as is reasonably practicable to that person, and that person's custodian (if any) and where the court gives directions, promptly make a record available to the parties.

5. Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial and to this end:

- (a) the court shall in consultation with counsel set a timeline for the trial up to adoption of final addresses as well as earmark a period which shall not be less than 2 hours for the hearing each day.
- (b) the timeline referred to above shall as far as practicable include a schedule of names of witnesses and the day or days the presence of any particular witness may be required.
- (c) the court may apply the provisions under Order 11 on wasted costs against legal representatives where counsel without reasonable excuse fails to comply with the timeline.
- (d) the court may where a witness is absent in court on dates earmarked in the timeline, make an order to compel attendance of the witness where satisfied that this is required in the circumstances of the case.

ORDER NINE

Witnesses

1. A summons requiring a witness to attend court to give evidence shall include:

Witness
Summons

- (a) the particulars of the witness;
- (b) the particulars of the defendant;
- (c) the offence;
- (d) the court, date and time at which the witness is required to appear;
- (e) details of any specified document or thing and any other document or thing that the witness is required to bring to court that is in his possession or control;
- (f) consequences of failing to appear in answer to the summons without any reasonable cause.

2. The court in granting a witness summons shall state that the person to whom the summons is addressed is entitled to a refund of his travel expenses where such an expense has not been paid.

3. Where a person who is a compellable witness is present in court, the court may compel that person to give evidence or produce any document in his possession as if they had been summoned to attend and give evidence.

Persons in Court may be required to give evidence though not summoned

4. The court may sanction any person who refuses to comply with the order made under Rule 3 of this Order.

ORDER TEN

Costs Generally

1. In addition to the specific instances outlined in the ACJA, the court may award costs in criminal proceedings in accordance with these rules for the purpose of carrying into effect the provisions of the Act.

Cost Generally

2. The court has a direct responsibility for costs in criminal proceedings and can award costs at any stage of the proceedings with or without an application by any of the parties.

3. The court may on application vary any order made pursuant to Rule 2 of this Order.

4. The court may require the assistance of any other competent authority in determining the cost to be paid under this order.

5. The court may make any Order as to costs on the application of a party or on its own motion, in open court or in chambers except that the court shall not make such order ex parte.

6. Where the Court makes an order on costs, it must specify the party or person liable, the party or person to whom the payment is to be made and the amount payable.

7. The Court shall give reasons for its decision on costs.

8. Where the court makes an order for the payment of costs, the amount should be sufficiently reasonable to compensate the recipient for costs incurred. Nothing shall prevent the Court from making an order for:

- a) a proportion of that amount;
 - b) a stated amount less than that amount;
 - c) costs from or until a certain date only;
 - d) costs relating only to particular steps taken; or
 - e) costs relating only to a distinct part of the case.
9. In determining quantum of costs, the Court shall consider:
- a) the conduct of all the parties;
 - b) the time spent on the case;
 - c) the place where and the circumstances in which work or any part of it was done; and
 - d) any direction or observations by the court that made the costs order.
10. An order for the payment of costs takes effect immediately, unless the court directs otherwise.

ORDER ELEVEN

Wasted Costs

1. Where costs are incurred as a result of an improper or negligent act or omission on the part of a counsel and the court considers it unreasonable to impose liability on the party being represented by that counsel, the court may award wasted costs against counsel.

Costs Against
Counsel-
"Wasted Costs"

2. Wasted costs order may be made:

- (a) where counsel by his act or omission is unable move on with his case.
- (b) where counsel by his act or omission has caused substantial and unjustifiable delays to trial.
- (c) where counsel by his act or omission causes any such other event that the court deems irrelevant and have caused substantial damage to the progress or outcome of the trial

3. The Court may order the counsel to meet the whole or any part of the wasted costs.

4. The order can be made against any person exercising a right of audience or a right to conduct litigation.

5. The court shall specify the act or omission for which such order is being made and the amount of the wasted costs ordered.
6. Before making the order, the court shall allow the counsel and any party to the proceedings to make representations. In making the order, the Court may take into account any other orders for costs and may take the wasted costs order into account when making any other order as to costs.
7. The court may postpone the making of a wasted costs order to the conclusion of the case if it appears more appropriate to do so.
8. A wasted costs order may be made regardless of the fact that the defendant is legally aided.
9. A counsel against whom a cost order has been made may apply to the court that made the order to vary or set aside the order within a period of 7 days from the date of the order or as may be extended by the Court.

ORDER TWELVE

Third Party Costs

1. The Court may make a third party costs order if there has been serious misconduct (whether or not constituting a contempt of court) by a third party and the court considers it appropriate, having regard to that misconduct, to make a third party costs order.
2. The Court may make a third party costs order at any time during the proceedings and shall hear the parties and third party before making an order.
3. A third party costs order may be made on the application of any party, or on the court's own motion.
4. In making a third party costs order, the Court may take into account any other order as to costs in respect of the proceedings.

Third Party
Costs

5. Where the Court is considering making a third party costs order on its own motion, the appropriate officer shall serve notice in writing on the third party and any other party.

6. An application for third party costs shall be in writing and contain the names and addresses of the applicant, the other parties and the third party against whom the order is sought, together with a summary of the facts upon which the applicant intends to rely, including the details of the alleged misconduct of the third party.

7. The court may proceed with the hearing of the application in the absence of the third party, and of any other party where satisfied that the party has been duly served with the notice by the appropriate officer, and with a copy of the application.

8. The power to make a third party costs order may extend to making such an order against a Government Department where there has been serious misconduct or negligence.

9. A third party against whom a costs order has been made may apply to the Court that made the order to vary or set aside the order within a period of 7 days from the date of the order or as may be extended by the Court.

PART FOUR

CUSTODIAL AND NON-CUSTODIAL SENTENCING

ORDER THIRTEEN

Sentencing

1. Where the Court convicts the defendant, the Judge may for the purpose of determining an appropriate sentence conduct a hearing. Sentencing
2. The hearing may be conducted at a subsequent date appointed by the Judge or immediately after conviction.
3. For the purpose of the sentencing hearing, the court shall in line with the provisions of sections 311 and 416 of the ACJA:
 - a) consider any mitigating or aggravating factors disclosed in evidence;
 - b) consider and apply the Sentencing Guidelines of the High Court of the FCT.
4. Where by virtue of section 272 of the ACJA or any other law, evidence of previous conviction of a convicted person is required, the Court may have recourse to the Register of Convicted Persons provided for under these Rules.

ORDER FOURTEEN

Community Sentence

1. A court may, with or without conditions, sentence the convict to perform specified service in his community or any other place as the court may direct. Community Sentence
2. The operations and functions of Community Service Centres shall be in accordance with the provisions of sections 461 and 462 of the ACJA or any other relevant law. Arrangements of Community Service
3. The court in exercising its powers shall consider whether such order is consistent with the:
 - (a) decongestion of Prisons or Correctional institutions;
 - (b) Rehabilitation of offenders by engaging them productively;

- (c) Need to keep separate persons convicted for minor offences from persons convicted for serious offences or who are hardened criminals.

4. A community sentence order may be imposed in any of the following circumstances;

Offences for which
Community
Sentence may
be Imposed

- (a) damage to property;
- (b) benefit fraud;
- (c) assault without grievous bodily harm;
- (d) where the court is of the opinion that non-custodial sentence would be more effective in the circumstance;
- (e) where a person is a first time offender and has committed a minor offence.

5. In issuing a community sentence order, the Court may impose additional measures which may include:

- (a) restricting the offender to a particular residence or place at certain times or maintaining a 'curfew';
- (b) ordering the offender to wear an electronic tag to ensure compliance with the sentence;
- (c) appointments with a designated manager;
- (d) barring the offender from going to certain places or areas including the place of abode or work of a victim;
- (e) barring the offender from taking part in certain activities, such as visiting a bar, children community centre or activities likely to threaten the safety of other people.

ORDER FIFTEEN

Parole

1. The objectives of parole shall be to grant conditional or unconditional release to a prisoner who had exhibited good behavior; and has served at least one-third of his prison term, where he is sentenced to imprisonment for a term of at least 15 years or where he is sentenced to life imprisonment.

Parole

2. The Court shall within 30 days of receiving the report referred to under section 468 of the ACJA, schedule a hearing for consideration of the parole.

Parole Hearing

3. The State and the convict or his counsel shall be given not less than two weeks' notice before the date fixed for hearing.

4. The Court may, after hearing the State and the convict or his counsel, order that the remaining term of his imprisonment be suspended, with or without conditions, as the court considers fit, and the prisoner shall be released from correctional center on the order.

5. A prisoner released under Rule 4 of this Order shall undergo a rehabilitation programme for a period of not more than 3 months in a government facility or any other appropriate facility to enable him be properly reintegrated to the society.

Rehabilitation
pursuant to
Parole

6. The Controller-General of the Nigerian Correctional Service shall make appropriate arrangement for the facility.

7. The Chief Judge may in special circumstances order that the convict be taken to a private or undisclosed facility where his safety can be guaranteed.

8. A parolee shall report and register his attendance at the correctional centre where he was serving sentence or at a place or to a person designated by the court at least once every month and ensure that he resides within a reasonable distance or as provided for by the parole order.

Reporting

9. A parolee may be recalled to serve further terms or have his parole revoked entirely if he breaches any of the conditions in the parole order.

Recall and
Revocation of
Parole

PART FIVE

ADMINISTRATIVE PROCEEDINGS

ORDER SIXTEEN

Register of Legal Aid Providers

1. The Chief Registrar of the Court shall register any legal practitioner or law firm intending to provide legal aid for persons in detention or defendants.

Register of
Legal Aid
Providers

2. The Register of Legal Aid Providers shall be maintained by the Chief Registrar and an updated copy of the register shall be made available to the Legal Aid Council of Nigeria once a year.

ORDER SEVENTEEN

Register of Convicted Persons

1. The Chief Registrar shall maintain a register of persons convicted by the court, which shall contain the following:

Register of
Convicted
Persons

- (a) the names and personal details of the convict in conformity with the particulars included in Form 02 in the First Schedule;
- (b) the sentence imposed by the court;
- (c) in the case of a sentence of imprisonment, the correctional facility where the Convict is to be held.

2. Where a Convict appeals against the conviction of the Court, the Chief Registrar shall make a note of this on the Register indicating the Court where the appeal is lodged. Upon the conclusion of that or any other appeal proceedings, the Chief Registrar shall enter the outcome of the proceedings in the part of the Register where the conviction was registered.

3. The Chief Registrar shall where the person convicted is a corporate body forward a certified copy of the extract of the entry to the Corporate Affairs Commission.

4. The Chief Registrar shall upon a request by the Court or Prosecution in relation to the sentencing hearing of a particular Convict, provide the court with certified copies of extract of the entry in the Registry relating to that person. Copies of such entries shall upon payment of a prescribed fee be made available to the counsel for the defence.

ORDER EIGHTEEN

Witness

1. The Registrar of the Court shall certify appearance of any person as a witness for each day the witness appears, indicating on an expense claim form, the sum due to them for travel cost and other expenses as prescribed under the scale of fees prescribed under Table 01 in the second schedule to these Rules.

Witnesses

2. The Registrar of the Court shall process and pay to the witness directly and before the next adjourned date, the amount prescribed under the Schedule.

3. Where a person attends Court as a state witness, the witness shall be entitled to payment as prescribed under the Schedule.

4. Witness for the defense may be reimbursed for travel cost and other expenses.

5. Where a witness has appeared in Court to testify but fails to do so on account of an application by a party for adjournment, the witness expense for such appearance shall be payable by the party applying for the adjournment on or before the next adjourned date.

Expenses
Where a
Witness unable
to Testify

6. The sum payable to such a witness shall be in accordance with the amount prescribed under the Second Schedule.

7. A person accompanying a minor, physically challenged or vulnerable witnesses, may if the court directs receive a sum equivalent to the expense of other witnesses.

Persons
Accompanying
certain
Witnesses

ORDER NINETEEN

VISITATION TO DETENTION FACILITIES

1. The Chief Magistrate in charge of a magisterial district shall maintain a register of detention facilities in the district.

Register of
Detention
Facilities

2. The register shall contain the location, nature of offence, inmate capacity, and such other details as may be prescribed by the Chief Judge.

3. The Visiting Magistrate shall have the powers to;

- (a) call for and inspect the records of arrest;
- (b) direct arraignment of a suspect;
- (c) grant bail to any suspect where appropriate if the offence for which the suspect is held, is within the jurisdiction of the Magistrate.

Powers of
Visiting
Magistrate

4. A person in charge of a detention facility shall make available to the Visiting Magistrate :
 - (a) the full record of arrest and record of bail;
 - (b) applications and decisions on bail made within the period; and
 - (c) such other information that the Visiting Magistrate may require.
5. A Visiting Magistrate shall prepare a report that conforms to Form 01 in the First Schedule to this Rules and forward that report to the Chief Judge putting also in copy:
 - (a) the Chief Magistrate in charge of the district;
 - (b) the Controller of the Nigerian Correctional Service in the FCT; and
 - (c) the person in charge of the detention facility visited.

Duty of Person
in charge of
Detention
Facility

Report by
Visiting
Magistrate

ORDER TWENTY

Bail Bondsperson

1. The Chief Judge may license an individual and body corporate as bondsperson under section 187 of the ACJA.
2. The license shall be valid for a period of 3 years, renewable upon satisfactory performance.
3. A bail bondsperson in the case of an individual shall:
 - (a) be a citizen of the Federal Republic of Nigeria;
 - (b) be at least 21 years of age;
 - (c) be residing within the jurisdiction of the Court;
 - (d) complete a pre – licensing course (if any);
 - (e) possess sufficient resources to meet all surety obligations;
 - (f) not have been convicted of a felony or crime;
 - (g) authorize the completion of a criminal background check and pay any associated costs; and
 - (h) such other requirements as the Chief Judge may direct.
4. A body corporate shall meet the following qualification:
 - (a) have its registered office within the jurisdiction of the court;
 - (b) file with the registry of the Court Power of Attorney, designating and authorizing the named agent of such body corporate to execute bail bonds and present a copy of the said Power of Attorney certified by the registry of Court;
 - (c) possess sufficient resources to meet all surety obligations;

Bail
Bondsperson

Eligibility to
Operate as a
Bondsperson

Eligibility of a
Body Corporate

- (d) not have been convicted of any offence;
- (e) authorize the completion of a criminal background check of the directors and shareholders and pay associated costs;
- (f) any Body Corporate authorized by law to act as a surety under Rule 1, shall be required to meet the applicable conditions prescribed by Order 20 Rule 6 (I), (II), (III), (VI), (VIII) and Rule 7 of this Rules before being acceptable as surety on a bail bond.

5. The following persons or classes of persons shall not be eligible to be licensed as bail bondspersons:

Disqualification
of Bondsperson

- (a) serving police personnel or any personnel of paramilitary services;
- (b) serving military personnel.

6. An applicant for registration as bondsperson shall submit the following:

Registration of
Bondsperson

- i. An application in the prescribed Form 03 of the First Schedule;
- ii. evidence of payment of prescribed application fee;
- iii. passport photograph of the applicant;
- iv. birth certificate/age declaration;
- v. clearance of a criminal background check;
- vi. proof of citizenship;
- vii. For corporate bodies, passport photograph of each director, certificate of registration and tax clearance certificate not less than three years preceding the date of application.

7. In addition to the requirements of Order 20 Rule 6;

- (a) All applications shall be made to the Chief Judge of the High Court of the Federal Capital Territory, Abuja;
- (b) A minimum of N10, 000, 000. 00 Naira bank guarantee for individuals and N20,000,000.00 Naira bank guarantee in the case of body corporate must be produced;
- (c) Bondsperson shall have real or other property to pledge as security acceptable to the Chief Judge.

8. The duties of a bondsperson shall include:

Duties of a
Bondsperson

- (a) to ensure that the defendant attends every court date;
- (b) ensure that an absconding defendant is arrested and handed over to the Police.

9. Where an absconding defendant is arrested during the weekend or it is impracticable to take the defendant to court within 12 hours, the bails bondsman shall

- (a) make all effort possible to hand the defendant over to the nearest police station;
- (b) ensure that the defendant is kept in a safe custody with consideration given to the sex, age, health and wellbeing of the defendant;
- (c) ensure that the defendant is treated humanely.

10. A bail bondsperson shall forfeit the bail bond where the defendant absconds and cannot be brought before the court for the continuation of his trial.

Consequence
of Absconding
Defendant

ORDER TWENTY ONE

Probation Orders

1. The Chief Judge may license individuals as probation officers under section 453, Part 44 of the ACJA.

Probation
Orders

2. The license issued under this Order is valid for two years and renewable upon satisfactory performance.

3. a probation officer shall;

- (a) be a citizen of the Federal Republic of Nigeria;
- (b) be at least 21 years of age;
- (c) be residing within the jurisdiction of the court;
- (d) complete a pre-licensing course certifying him as having the requisite skills to be a probation officer or social worker by the Nigerian Correctional Service or any other body so empowered to do so;
- (e) possess sufficient experience and skills in people management;
- (f) not have been convicted of a felony or crime;
- (g) authorize the completion of a criminal background check.

Eligibility to be
Licensed as a
Probation
Officer

4. A person applying to be licensed as probation officer shall submit the following:

- (a) an application in the prescribed Form 04 of the First Schedule;
- (b) evidence of certification as a probation officer or social worker;
- (c) passport photograph of the applicant;
- (d) birth certificate/age declaration;

Application to
be Licensed as
a Probation
Officer

- (e) clearance of a criminal background check;
- (f) proof of citizenship; and
- (g) such other requirements as the Chief Judge may direct.

5. The Chief Registrar of the Court shall maintain a list of all licensed probation officers within the jurisdiction of the court

List of
Probation
Officers

6. An updated list of licensed probation officers shall be made available to:

- (a) the Nigerian Correctional Service;
- (b) the Department of Social Welfare Services and;
- (c) the Legal Aid - Council of Nigeria.

7. A person shall be disqualified or where he has previously been appointed a probation officer, have his name removed from the list of probation officers if:

Disqualification
or Removal of
Probation
Officer

- (a) there is new evidence to suggest that the person forged any of the qualifications needed to be a probation officer;
- (b) Such person after being named a probation officer is convicted of any crime;
- (c) Such person after being named a probation officer is of a conduct that would be deemed adverse to the overall objective of the reformation expected of the Convict.⁵

FIRST SCHEDULE

FORM 01

Order 19 Rule 5

FORM OF DETENTION CENTRE REPORT

In theMagistrate Division of the FEDERAL CAPITAL
TERRITORY

Name of Detention Facility.....

Type of Detention Facility

Date of Scheduled Visit

Number of Awaiting Trial Inmates.....

Number of Inmates Granted Bail, yet to Fulfill bailConditions.....

Number of Inmates not Arraigned.....

Number of Inmates having charges beyond Magistrate's
jurisdiction.....

Number of Inmates granted bail during visit.....

Reason for grant of bail by Magistrate.....

.....

.....

.....

Number of inmates released under the discretion of Magistrate with
or without conditions.....

Reason for release of inmates under the discretion of the Magistrate
with or without conditions.....

.....

.....

Further comments where necessary for the improvement of
detention facility.....

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**PARTICULARS OF ENTRY IN REGISTER OF
CONVICTED OFFENDERS**

Name of Convict.....

Date of Birth.....

Last Known Address/State of Origin and LGA.....

Nature of Offence Committed.....

Has the convict been convicted previously of any offence? (if yes,
give further details of nature of offence and Nature of sentence).....

.....

.....

.....

.....

Detention Facility.....

Previous Detention Facility (where applicable).....

Nature of Sentence (Custodial/Non-Custodial).....

Duration of Prison Term (Months/Years, if Applicable).....

Number of Months/Years Served

Year Eligible for Parole (if applicable).....

What Type of Rehabilitation Programme is Convict Engaged in?.....

.....

.....

.....

.....

Estimated Date of Release (Where applicable).....

**APPLICATION FOR REGISTRATION OF
BONDSPERSON**

Name of Applicant.....

Date of Birth/ Incorporation (in case of corporate body).....

RC number (corporate body only).....

Nationality.....

Office Address.....

Minimum Bank Guarantee.....

Name of Bank.....

Account Number.....

Name of Signatories (a).....

(b).....

(c).....

For Corporate body; name of Directors

(a).....

(b).....

(c).....

(d).....

Form 04

Order 21 Rule 4

**APPLICATION TO BE LICENSED AS A
PROBATION OFFICER**

Name of Applicant.....

Date of Birth.....

Nationality.....

Address.....

Certification obtained and Institution obtained from

(a).....

(b).....

(c).....

Evidence of security and criminal background check must be
attached to form*

SECOND SCHEDULE

ORDER 18

TRAVELING EXPENSES FOR WITNESSES

Ordinary Witness

1. Road transportation
(less than 50 Kilometers) = N2, 000.00
2. Road transportation
(above 50 kilometers) = N2, 500.00
3. Road transportation
(*inter-state from 100 kilometers upwards*) = N5, 000.00
4. Allowance for meals
(*attendance at Court not exceeding 5 hours*)= N500:00
5. Allowance for meals (*attendance at Court
exceeding 5 hours but not up to 8 hours*) = N1, 000:00
6. Accommodation and dinner per night
(*Inter- state*) = N12, 000.00
7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the use thereof is warranted and has been pre - approved that the witness may make use of air transport.

Professional Witness

1. Road transportation (less than 50 Kilometers)= N3,000.00
2. Road transportation (above 50 kilometers) = N5,000.00
3. Road transportation
(*inter-state from 100 kilometers upwards*) = N10, 000.00
4. Allowance for meals
(*attendance at Court not exceeding 5 hours*)= N500:00
5. Allowance for meals
(*attendance at Court exceeding 5 hours
but not up to 8 hours*) = N1, 000:00
6. Accommodation and meals per night
(*Inter-state*) = N15, 000.00
7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the use thereof is warranted and has been pre - approved that the witness may make use of air transport.

THIRD SCHEDULE

FORM 01

Order 7

FORM TO BE USED FOR PLEA ARRIAGNMENT

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

TODAY, THIS.....DAY OF.....20.....

BEFORE:

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

**FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF
POLICE (as the case may be) PROSECUTION**

AND

1.
2. **DEFENDANTS**
3.

COURT: Do you understand English Language?

1ST DEFENDANT:

2ND DEFENDANT:

3RD DEFENDANT:

COUNT ONE (1)

COURT: Do you understand Count 1 just read to you?

1ST DEFENDANT:

2ND DEFENDANT:

3RD DEFENDANT:

COURT: Are you guilty or not guilty?

1ST DEFENDANT:

2ND DEFENDANT:

3RD DEFENDANT:

COUNT TWO (2)

COURT: Do you understand Count 2 just read to you?

1ST DEFENDANT:

2ND DEFENDANT:

3RD DEFENDANT:

COURT: Are you guilty or not guilty?

1ST DEFENDANT:

2ND DEFENDANT:

3RD DEFENDANT:

MADE at Abuja this 14th day of October, 2019



HON. JUSTICE ISHAQ USMAN BELLO

Chief Judge,

Federal Capital Territory High Court.

EXPLANATORY NOTE

(This Explanatory Note does not form part of this practice direction but is only intended to explain its purport)

These Rules sets out to aid in the implementation of the Administration of Criminal Justice Act 2015, in line with its objectives and purpose of ensuring fair, effective and efficient dispensation of Criminal Justice.

