

SPECIAL CRIMES COURT BILL, 2017

ARRANGEMENT OF CLAUSES

*Clauses*

PART I- ESTABLISHMENT AND CONSTITUTION OF THE SPECIAL  
CRIMES COURT

1. Establishment of the Special Crimes Court
2. Appointment of the Chief Judge and Judges of the Court
3. Tenure of office of the Chief Judge and Judges of the Court
4. Precedence
5. Salaries and Allowances of the Chief Judge and Judges of the Court
6. Seal of the Court

PART II - JURISDICTION AND LAW

7. Jurisdiction, etc.
8. Cessation of jurisdiction
9. Authentication of orders of the Court
10. Appeals to the Court of Appeal

PART III - DIVISIONS OF COURT AND DISTRIBUTION OF BUSINESS

11. Divisions of the Court
12. Opening for transaction of business
13. Judge's absence
14. Transfer of case from a Judge of the Court to another in the interest of justice
15. Remission of case from the Court to a High Court or from a High Court to the Court
16. Proceedings to be disposed of by single Judge
20. Powers of Judge in Court and in chambers
21. Discharge of orders made in chambers

## PART IV - CONDUCT OF PROCEEDINGS AND RULES OF COURT

19. Conduct of proceedings
20. Power to order habeas corpus to issue
21. Power to make Rules of Court

## PART V - PLACE FOR TRIAL

22. Venue generally
23. Scheduled offence at sea or outside Nigeria
24. Scheduled offence committed on a journey
25. Scheduled offence commenced and completed in different States

## PART VI - OTHER OFFICERS OF THE COURT

26. Chief Registrar and other officers of Court
27. Restriction on officers of Court buying property sold at execution

## PART VII - PROSECUTION

28. Prosecution for scheduled offences

## PART VIII - MISCELLANEOUS

29. Warrant issued by the Court
30. Expenses of witnesses for the prosecution
31. Expenses of witnesses for the defence
32. Adjournment may attract payment of witnesses expenses
33. Expenses of witness under sections 31 and 32 payable from fund of Judiciary
34. Person in Court may be required to give evidence though not summoned
35. Protection of witnesses and other persons
36. Cases in which prisoners may be brought by warrant to give evidence
37. Production and custody of prisoners required to give evidence
38. Applicability of the Evidence Act
38. Notes of evidence and minutes of proceedings to be kept by presiding Judge
39. Provisions pending appeal

- 
40. Protection of judicial officers, etc. from liability
  41. Inspection
  42. Modification of existing enactments and inconsistency
  43. Transitional provisions
  44. Interpretation
  45. Short title

SCHEDULE 1

SCHEDULE 2

18

18

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SPECIAL CRIMES COURT AS A SUPERIOR COURT OF RECORD TO ALLOW FOR SPEEDY TRIALS OF CERTAIN OFFENCES, INCLUDING ECONOMIC AND FINANCIAL CRIMES, TERRORISM, MONEY LAUNDERING AND CORRUPTION OFFENCES AND FOR RELATED MATTERS

*Sponsored by Hon. Kayode Oladele*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 PART I - ESTABLISHMENT AND CONSTITUTION OF THE  
2 SPECIAL CRIMES COURT

3 1.-(1) There is established a court to be known as the Special  
4 Crimes Court (in this Act referred to as "the Court").

Establishment of  
the Special Crimes  
Court

5 (2) The Court shall consist of:

6 (a) the Chief Judge who shall have overall control and supervision  
7 of the administration of the Court; and

8 (b) not less than twelve Judges of the Court.

9 (3) The Court shall:

10 (a) be a superior court of record; and

11 (b) except as may be otherwise provided by any enactment, have  
12 all the powers of a High Court.

13 2.-(1) The Chief Judge shall be appointed by the President, on the  
14 recommendation of the National Judicial Council, subject to confirmation  
15 by the Senate.

Appointment of  
the Chief Judge  
and Judges of  
the Court

16 (2) The appointment of a person to the office of a Judge of the Court  
17 shall be made by the President on the recommendation of the National  
18 Judicial Council.

1 (3) A person shall not be eligible to hold office of the Chief Judge or of  
2 a Judge of the Court unless the person is qualified to practice as a legal  
3 practitioner in Nigeria and has been so qualified for a period of not less than ten  
4 years and has sufficient knowledge and experience in the law and practice of at  
5 least one of the subject matters of the scheduled offences in respect of which  
6 the Court has jurisdiction under this Act.

7 (4) If the office of the Chief Judge is vacant, or if the person holding  
8 the office is for any reason unable to perform the functions of the office, then  
9 until a person holding the office has resumed those functions, the President  
10 shall appoint the most senior Judge of the Court having the qualification to be  
11 appointed as Chief Judge as provided under subsection (3) of this section to  
12 perform those functions.

13 (5) Except on the recommendation of the National Judicial Council,  
14 an appointment made pursuant to the provisions of subsection (4) of this  
15 section shall cease to have effect after the expiration of three months from the  
16 date of such appointment and the President shall not re-appoint a person whose  
17 appointment has lapsed.

Tenure of office  
of the Chief  
Judge and Judges  
of the Court

18 3. The provisions in the Constitution of the Federal Republic of  
19 Nigeria, 1999, as altered, relating to the disqualification of certain legal  
20 practitioners as judicial officers, declaration of assets and liabilities of judicial  
21 officers, tenure, removal, gratuity and pension of any person holding or  
22 appointed to act in the office of the Chief Judge or a Judge of the Federal High  
23 Court, shall, respectively, apply to any person holding or appointed to act in the  
24 office of the Chief Judge or as a Judge of the Court.

Precedence

25 4.-(1) The Chief Judge of the Court shall:

26 (a) take precedence over the other Judges of the Court, and other  
27 Judges shall take precedence after the Chief Judge in order of seniority; and

28 (b) rank equal with the Chief of Judge of the Federal High Court, the  
29 President of the National Industrial Court, the Chief Judges of the States of the  
30 Federation and of the High Court of the Federal Capital Territory, Abuja.

1 (2) The Judges of the Court shall rank equal with the Judges of the  
 2 Federal High Court, the National Industrial Court, the High Courts of the  
 3 States and the High Court of Federal Capital Territory, Abuja.

4 5.-(1) There shall be paid to:

5 (a) the Chief Judge, such salaries, emoluments and allowances as  
 6 are payable to the Chief Judge of the Federal High Court; and

Salaries and  
 Allowances of  
 the Chief Judge  
 and Judges of the  
 Court

7 (b) a Judge of the Court, such salaries, emoluments and allowances  
 8 as are payable to a Judge of the Federal High Court.

9 (2) Any amounts payable under this section shall be charged and  
 10 paid out of the Consolidated Revenue Fund of the Federation in accordance  
 11 with section 81 (3) of the Constitution of the Federal Republic of Nigeria,  
 12 1999, as altered.

13 6.-(1) The Court shall have and may use a seal bearing a device or  
 14 impression approved by the Chief Judge with the inscription "The Special  
 15 Crimes Court".

Seal of the Court

16 (2) The seal of the Court shall be kept by the Chief Judge and a  
 17 duplicate of it shall be kept by each of the other Judges and the Chief Judge  
 18 and other Judges may entrust the seal or the duplicate to such officers of the  
 19 Court as they may think fit.

20 (3) The seal shall be a seal of the Court for all purposes for which it  
 21 may be required under the provisions of any enactment or Rule of Court.

## 22 PART II - JURISDICTION, ETC.

23 7.-(1) The Court shall have and exercise exclusive jurisdiction and  
 24 power in respect of the offences specified in Schedule 1 to this Act to be  
 25 known as "scheduled offences".

Jurisdiction, etc.

26 (2) The Court shall have jurisdiction to try and to convict or acquit  
 27 any person lawfully brought before it for trial under this Act, and shall also  
 28 have the following ancillary jurisdictions:

29 (a) jurisdiction to sentence a person convicted by the Court of a  
 30 scheduled offence to undergo the punishment provided for the offence in the

1 enactment under which the offence was created;

2 (b) jurisdiction to order the detention of and to detain or to admit to  
3 bail in such amount and with or without sureties as the Court shall direct,  
4 pending trial by the Court and during and after the trial until conviction or  
5 acquittal, any person sent or transferred to, or otherwise brought before the  
6 Court for trial;

7 (c) power to administer oaths to witnesses;

8 (d) jurisdiction and power to punish all persons whom the Court finds  
9 guilty of contempt of the Court, whether the contempt is or is not committed in  
10 the presence of the Court;

11 (e) power, in relation to recognisances and bail bonds entered into  
12 before the Court, to enforce the recognisances and bail bonds in the like manner  
13 and in the like cases as a High Court enforces recognisances and bail bonds  
14 entered into before it.

15 (3) The provisions of this Part in relation to the carrying out of  
16 sentences of imprisonment pronounced by the Court, and the Rules of Court  
17 shall apply and have effect in relation to the carrying out of orders made by the  
18 Court under subsection (2) of this section for the detention of persons in  
19 custody.

Cessation of  
jurisdiction

20 8. Subject to the provisions of section 44 of this Act, in so far as  
21 jurisdiction is conferred on the Court in respect of the scheduled offences, a  
22 High Court or any other court of a State or of the Federal Capital Territory,  
23 Abuja shall, to the extent that jurisdiction is so conferred on the Court, cease to  
24 have jurisdiction to try or inquire into the scheduled offences.

Authentication  
of orders of the  
Court

25 9. Every judgement, order, ruling or any other decision of the Court  
26 shall be authenticated by the signature of a registrar of the Court.

Appeals to the  
Court of Appeal

27 10. Subject to the provisions of the Constitution, the Court of Appeal  
28 Act and the Rules of Court of the Court of Appeal, appeals shall lie from the  
29 decisions of the Court to the Court of Appeal.



## PART III - DIVISIONS OF COURT AND DISTRIBUTION OF BUSINESS

11.-(1) The Court shall have and exercise jurisdiction throughout the Federation, and for that purpose, the Chief Judge may, by notice published in the Gazette-

Divisions of the Court

(a) divide the whole area of the Federation into not less than six Judicial Divisions; and

(b) designate a Judicial Division or part of a Judicial Division by such name as he may consider necessary.

(2) For the more convenient dispatch of business, the Court may sit in anyone or more Judicial Divisions as the Chief Judge may direct, and he may also direct one or more Judges to sit in anyone or more of the Judicial Divisions.

(3) The Chief Judge shall determine the distribution of the business before the Court amongst the Judges of the Court and may assign any judicial function, or a particular trial or other criminal proceeding in a Judicial Division, to any Judge or Judges.

(4) Subject to the directions of the Chief Judge, a Judge of the Court shall sit for the trial of cases and the disposal of other legal business pending before the Court as the Chief Judge may think fit.

12. Subject to Rules of Court and to any provision pertaining to vacations as may be prescribed:

Opening for transaction of business

(a) the Court shall open throughout the year for the transaction of any pending general legal business; and

(b) the Chief Judge shall make provisions for the hearing of all such applications as may be required to be expeditiously or immediately heard.

13.-(1) Where the Judge who shall preside over the sitting of the Court is for any cause unable or fails to attend the sitting of the Court on the day appointed, and no other Judge is able to attend in his stead, the Court shall stand adjourned for a period not exceeding twenty-one days.

Judge's absence

(2) Where on the adjourned date, the Judge is still unable or fails to

1     preside over the Court, the Chief Judge shall re-assign the trial or other criminal  
2     proceedings adjourned to any other Judge.

Transfer of case  
from a Judge of  
the Court to  
another in the  
interest of justice

3             14.-(1) The Chief Judge may, where it appears to him that the transfer  
4     of a case will promote the ends of justice or will be in the interests of public  
5     peace, order the transfer of the case from a Judge of the Court to another.

6             (2) Where the Chief Judge is to exercise this power subsequent to a  
7     petition, the Chief Judge shall cause the petition to be investigated by an  
8     independent body of not more than three reputable legal practitioners within  
9     one week of receipt of such petition.

10            (3) The investigating body shall submit its report within two weeks of  
11    appointment except otherwise specified.

12            (4) An order of transfer made pursuant to subsection (1) of this section  
13    shall operate as a stay of proceedings before the Court before which the  
14    proceedings are brought or instituted and the order shall not be subject to  
15    appeal.

Remission of  
case from the  
Court to a High  
Court or from a  
High Court to  
the Court

16            15.-(1) Subject to the provisions of this Act, the Court or a High Court  
17    before which a person charged with having committed an offence is brought  
18    shall not strike out a case merely because it lacks the jurisdiction to properly  
19    inquire into or try the case but shall, within a reasonable period not exceeding  
20    seven days, report the matter to the Chief Judge of the Court or of the High  
21    Court, as the case may be.

22            (2) The Chief Judge to whom a case reported under subsection (1) of  
23    this section shall order the case to be remitted to the appropriate High Court or  
24    to the Court, in accordance with Rules of Court and the suspect charged may be  
25    remanded in custody or be required to give security for his attendance before  
26    the High Court or the Court to answer the charges and to be dealt with  
27    accordingly.

28            (3) A order of remission made pursuant to subsection (2) of this  
29    section shall operate as a stay of proceedings before the Court or High Court  
30    before which the proceedings are brought or instituted and the order shall not

1 be subject to appeal.

2 16. A trial or any other criminal proceeding in the Court and any Proceedings to  
3 business arising out of the trial or other criminal proceeding shall, be heard be disposed of  
4 and disposed of by a single Judge, and all proceedings subsequent to the by single Judge  
5 trial, down to and including the final judgment or order, shall be taken by the  
6 Judge before whom the trial took place.

7 17. A Judge may, subject to Rules of Court, exercise in Court or in Powers of Judge  
8 chambers all or any part of the jurisdiction vested in the Court in all trials and in Court and in  
9 other criminal proceedings before the Court. chambers

10 18. An order made by a Judge in chambers, except orders as to Discharge of  
11 costs only, may on notice be set aside or discharged by the Judge sitting in orders made in  
12 Court. chambers

13 PART IV - CONDUCT OF PROCEEDINGS AND RULES OF COURT

14 19.-(1) Subject to the provisions of this section, proceedings before Conduct of  
15 the Court shall be conducted in accordance with the provisions of the proceedings  
16 Administration of Criminal Justice Act, 2015, and the provisions of that Act  
17 shall, with such modifications as may be necessary to bring them into  
18 conformity with the provisions of this Act, have effect in respect of all  
19 matters falling within the jurisdiction of the Court.

20 (2) Notwithstanding the generality of subsection (1) of this section,  
21 a scheduled offence shall be tried summarily in accordance with the  
22 provisions of the Administration of Criminal Justice Act, 2015.

23 20. The Judge may order that a *writ of habeas corpus ad* Power to order  
24 *testificandum* shall issue to bring up a prisoner or person detained for habeas corpus to  
25 examination before the Court. issue

26 21. Subject to the provisions of the Administration of Criminal Power to make  
27 Justice Act, 2015, the Chief Judge may, with the approval of the Chief Rules of Court  
28 Justice of Nigeria, make Rules of Court for the carrying into effect of the  
29 provisions of this Act, and in particular and without prejudice to the

1     generality of the foregoing, for all or any of the following purposes and  
2     matters:

3             (a) regulating the practice and procedure of the Court, including all  
4     matters connected with the forms to be used and the fees to be paid;

5             (b) prescribing the practice and procedure on an appeal or on an  
6     application to the Court of Appeal where provision is made in any enactment or  
7     law for such an appeal or application;

8             (c) the procedure for bringing in custody or on bail persons before it  
9     for trial;

10            (d) the admission or exclusion of the public to or from its sittings;

11            (e) the enforcing of the attendance of witnesses;

12            (f) the production of documents;

13            (g) defining, so far as may be conveniently defined by general rules,  
14     the duties of the several officers of the Court;

15            (h) subject to the provisions of this Act, regulating the sittings of the  
16     Court and of the Judges whether sitting in Court or chambers, the business and  
17     hours of the Court and of the offices connected with the Court, and the conduct  
18     of the business of the Court during vacation;

19            (i) regulating any matters relating to the costs of proceedings in the  
20     Court;

21            (j) prescribing the part of the business of the Court which may be  
22     transacted and its jurisdiction which may be:

23                (i) exercised by the Judges in chambers, or

24                (ii) transacted or exercised by registrars or other officers of the Court;

25            (k) regulating the means by which any judgement or order of any  
26     court outside Nigeria or of the Supreme Court of Nigeria or Court of Appeal, a  
27     High Court or any other superior court of record established or to be established  
28     in Nigeria which is necessary to prove or lawful to enforce, shall be proved or  
29     enforced;

30            (l) regulating the arrest of absconding defendants and the giving of

- 1 security for their release;
- 2 (m) regulating the payment of allowances and travelling expenses  
3 of witnesses;
- 4 (n) imposing penalties on any person who fails to take any action  
5 required by a Rule of Court or who disobeys a Rule of Court;
- 6 (o) regulating the procedure in respect of any matter in which the  
7 Court has and may exercise its jurisdiction under this Act, and for fixing the  
8 fees payable or providing that no fees be paid or that certain fees need not be  
9 paid;
- 10 (p) ascertaining the value of anything that requires to be  
11 ascertained;
- 12 (q) regulating the means by which particular facts may be proved,  
13 and the mode in which evidence of the facts may be given, in any  
14 proceedings or on any application in connection with or at any stage of any  
15 trial or other criminal proceedings;
- 16 (r) providing for the service or execution of warrant, order or other  
17 process issuing out of the Court, the payment of sums as may required for the  
18 service or execution of the warrant, order or process;
- 19 (s) providing for:
- 20 (i) the recording of court proceedings, whether in writing or  
21 electronically and verbatim,
- 22 (ii) the payment of fees, if any, for the recording of court  
23 proceedings out of relevant vote appropriated to the Judiciary, and
- 24 (iii) fixing the charges for the making and supply of transcripts of  
25 the record and the payment of the charges out of the relevant vote  
26 appropriated to the Judiciary;
- 27 (t) prescribing the procedure for the transfer of a case from a Judge  
28 of the Court to another and the remission of a case from the Court to a High  
29 Court;

1 (u) making provisions for the protection of witnesses and other  
2 persons; and

3 (v) prescribing periods of vacations.

4 PART V - PLACE OF TRIAL

Venue generally

5 22.-(1) Subject to the provisions of sections 23, 24 and 25 of this Act,  
6 a scheduled offence shall be inquired into and tried by the Court within the  
7 local limits of whose jurisdiction:

8 (a) the scheduled offence was wholly or in part committed, or some  
9 act forming part of the offence was done;

10 (b) the consequence of the scheduled offence has ensued;

11 (c) the scheduled offence was committed by reference to which the  
12 scheduled offence was denied; or

13 (d) a person against whom, or property in respect of which the  
14 scheduled offence was committed is found, having been transported there by  
15 the suspect or by a person knowing of the scheduled offence.

16 (2) The charge for a scheduled offence shall be filed and tried in the  
17 Judicial Division where the alleged scheduled offence was committed unless it  
18 can be shown that it is convenient to do so otherwise for security reasons.

19 (3) The Commissioner of Police for the State where the Court trying  
20 the case is located shall ensure that one or more armed police officers are  
21 posted to the Court to provide security during every trial.

Scheduled offence  
at sea or outside  
Nigeria

22 23. A scheduled offence committed at sea or outside Nigeria, may be  
23 tried or inquired into at any place in Nigeria to which the suspect is first  
24 brought, or to which he may be taken thereafter.

Scheduled offence  
committed on a  
journey

25 24. A scheduled offence committed while the suspect is in the course  
26 of performing a journey or voyage may be tried or inquired into by the Court in  
27 the Judicial Division whose jurisdiction the suspect or the person against  
28 whom or the thing in respect of which the offence was committed resides, is or  
29 passed in the course of that journey or voyage.

- 1                   25. Where a scheduled offence: Scheduled offence  
2                   (a) is commenced in a State and completed in another State; commenced and  
3                   (b) is completed in the Federal Capital Territory, Abuja after being completed in  
4 commenced in another State; or different States  
5                   (c) commenced in the Federal Capital Territory, Abuja and  
6 completed in another State, the suspect may be dealt with, tried and  
7 punished as if the scheduled offence had been actually or wholly committed  
8 in any of the States or the Federal Capital Territory, Abuja.

9                   PART VI - OTHER OFFICERS OF THE COURT

10                   26.-(1) The Federal Judicial Service Commission may, from time Chief Registrar  
11 to time, appoint a fit and proper person to be the Chief Registrar of the Court and other Officers  
12 who shall perform such duties in execution of the powers and authorities of of Court  
13 the Court as may, from time to time, be assigned to him by the Rules of Court  
14 and, subject to the Rules of Court, by any order of the Chief Judge.

15                   (2) The Federal Judicial Service Commission may, from time to  
16 time, appoint registrars, deputy registrars and such other officers as may be  
17 considered necessary who shall perform all such duties with respect to the  
18 business before the Court as may be directed by Rules of Court and any  
19 order of the Chief Judge.

20                   (3) The Chief Registrar, registrars and deputy registrars shall have  
21 power to administer oaths and perform such other duties with respect to any  
22 proceedings in the Court as may be prescribed by Rules of Court or by any  
23 order of the Chief Judge.

24                   27. A person in the employment of the Court shall not directly or Restriction officers  
25 indirectly or by the intervention of a trustee or otherwise purchase any of Court buying  
26 property sold at execution of any judgement of the Court, and if the person property sold at  
27 purchases or has interest in the purchase of any property at an execution sale, execution  
28 the purchase shall be entirely void and the officer shall be subject to  
29 disciplinary action by the Court as prescribed by Rules of Court.

## 1 PART VII - PROSECUTION

Prosecution for  
scheduled offences

2 28. Subject to the provisions of the Constitution relating to the  
3 powers of prosecution by the Attorney-General of the Federation, prosecution  
4 of all scheduled offences under this Act shall be undertaken by:

5 (a) the Attorney-General of the Federation or a Law Officer in his  
6 Ministry or Department;

7 (b) a legal practitioner authorised by the Attorney- General of the  
8 Federation; or

9 (c) a legal officer authorised to prosecute any of the scheduled  
10 offences under any of the enactments listed in Schedule 2 to this Act, with the  
11 fiat of the Attorney-General of the Federation.

## 12 PART VIII - MISCELLANEOUS

Warrant issued  
by the Court

13 29. A warrant issued by the Court sitting anywhere in Nigeria shall be  
14 executed as a warrant issued under section 47 of the Administration of  
15 Criminal Justice Act, 2015.

Expenses of  
witnesses for the  
prosecution

16 30. Where a person attends the Court as a State witness, the witness  
17 shall be entitled to payment of such reasonable expenses as may be specified by  
18 Rules of Court.

Expenses of  
witnesses for  
the defence

19 31. Where a person attends the Court as a witness to give evidence for  
20 the defence, the Court may in its discretion, on application, order payment by  
21 the registrar to the witness of such sums of money, as it may consider  
22 reasonable and sufficient, to compensate the witness for the expenses he  
23 reasonably incurred in attending the Court.

Adjournment  
may attract  
payment of  
witnesses  
expenses

24 32. The Court may, on application of a party, permit an adjournment  
25 of the proceedings and in so doing, may order the party seeking the  
26 adjournment to pay to a witness present in court and whose evidence it has not  
27 been possible to take owing to the adjournment, such sum in the amount  
28 payable to a witness in attendance in accordance with sections 30 and 31 of this  
29 Act, or such sum as the Court may fix by Rules of Court.



1           33. The amount of expenses payable to a witness pursuant to  
2 sections 30 and 31 of this Act shall be processed and paid by the registrar of  
3 the Court to the witness out of the relevant vote appropriated to the Judiciary.

Expenses of witness  
under section 30  
and 31 payable  
from fund of  
Judiciary

4           34. A person present in court and compellable as a witness,  
5 whether summoned or not, in a case, may be compelled by the Court to give  
6 evidence, and produce any document in his possession, or in his power, in  
7 the same manner and subject to the same rules as if he had been summoned  
8 to attend and give evidence, or to produce the document and may be  
9 punished in like manner for any refusal to obey the order of the Court.

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

10           35.-(1) The Court may, on its own or on a motion by the Attorney-  
11 General of the Federation, the prosecutor or a relevant law enforcement or  
12 security agency, make an order for the protection of a witness or any person  
13 in any proceeding before it, where it is satisfied that the life of the witness or  
14 person is in danger and take such measures as it deems fit to keep the identity  
15 and address of the witness or person secret.

Protection of  
witnesses and  
other persons

16           (2) The measures which the Court may take under subsection (1) of  
17 this section may include the:

18           (a) holding of the proceeding at a place to be decided by the Court;

19           (b) avoiding the mention of the real name and address of the  
20 witness or person in its orders, judgements or records of the case, which are  
21 accessible to the public; or

22           (c) issuing of a direction for ensuring that the identity and address  
23 of the witness or person are not disclosed; and

24           (d) undertaking the proceedings in camera in order to protect the  
25 identity and location of witness and other.

26           (3) The Court may also decide, in the public interest and national  
27 security that:

28           (a) all or any of the proceedings pending before it shall not be  
29 published in any manner; and

30           (b) the proceedings shall be adjourned and the accused persons

1 detained pending when the Attorney-General of the Federation is able to  
2 guarantee the safety of the witnesses and other persons involved in the matter.

3 (4) The Court may, on an application by or on behalf of the relevant  
4 law enforcement or security agency, in the interest of public safety or order,  
5 exclude from proceedings for a scheduled offence, any person other than the  
6 parties and their legal representatives.

7 (5) A person who contravenes an order or direction made under this  
8 section commits an offence and is liable on conviction to imprisonment for a  
9 term of not less than five years.

Cases in which  
prisoners may  
be brought by  
warrant to give  
evidence

10 36.-(1) A Judge may issue a warrant under his hand to produce any  
11 person confined as a prisoner under any sentence or order of commitment for  
12 trial or otherwise, to be examined as a witness in any criminal proceedings  
13 pending before the Court.

14 (2) A warrant shall not be granted as of course, unless the Judge has  
15 probable grounds to believe that the evidence of the prisoner is likely to be  
16 material to the case before it.

Production and  
custody of  
prisoners required  
to give evidence

17 37. The Deputy Comptroller of Prisons or other officer in charge of a  
18 prison in whose custody a prisoner may be shall immediately obey a warrant  
19 issued under section 36 of this Act by bringing the prisoner in his custody to the  
20 Court, or by delivering him to an officer of the Court as the warrant may specify  
21 in accordance with the terms of the warrant.

Applicability of  
the Evidence Act

22 38.-(1) Nothing in this Act and nothing in the Rules of Court made  
23 under or applied by this Act shall affect the mode of giving evidence in  
24 accordance with the provisions of the Evidence Act.

25 (2) Nothing in this section shall prejudice the operation of any Rules  
26 of Court made in pursuance of the express power conferred by this Act to make  
27 Rules of Court for regulating the means by which particular facts may be  
28 proved and the mode in which evidence of the facts may be given.

Notes of evidence  
to be recorded  
electronically or  
in writing

29 39.-(1) Court proceedings may be recorded electronically and  
30 verbatim such that at the end of each day's proceedings a transcript of the

1 recording shall be printed to enable certification or authentication by the  
2 Judge who conducted the proceedings.

3 (2) Where court proceedings are not recorded as stated in  
4 subsection (1) of this section, the Court shall in every case take notes in  
5 writing of the oral evidence it considers material, in a book to be kept for that  
6 purpose and the book shall be signed by the Judge at the conclusion of each  
7 day's proceedings.

8 (3) The transcript of the recordings of the Court proceedings shall  
9 be signed or otherwise authenticated by the presiding Judge at an  
10 adjournment of the case or at the conclusion in a manner authorized, from  
11 time to time, by the Chief Judge in accordance with such condition as may be  
12 imposed by Rules of Court, and the signed transcript shall be taken as part of  
13 the record of the proceedings.

14 (4) A person is not entitled, as of right to inspection of or to a copy  
15 of the record so kept except as may be expressly provided for by Rules of  
16 Court or by any other law.

17 (5) The record so kept or a copy of it purporting to be signed and  
18 certified as a true copy by the Court shall at all times, without further proof,  
19 be admitted as evidence of the proceedings and statements made by the  
20 witnesses.

21 40.-(1) Where an appeal is entered or leave to appeal is granted  
22 against a conviction in respect of which the appellant has been sentenced to  
23 imprisonment, the Court may, in its discretion, admit the appellant to bail  
24 pending the determination of the appeal and, in the case of a sentence of  
25 imprisonment, any time during which the appellant is so admitted to bail  
26 shall not count as part of the term of imprisonment to which he was  
27 sentenced.

28 (2) The operation of any order made on conviction by the Court for:

29 (a) the payment of compensation or of any of the expenses of the  
30 prosecution;

Provisions  
pending appeal

1 (b) the imprisonment or any other punishment imposed on the person  
2 convicted;

3 (c) the restoration of any property to any person; or

4 (d) forfeiture of any property, shall, unless the Judge before whom the  
5 conviction takes place directs to the contrary in any case in which, in his  
6 opinion, the title to the property is not in dispute, be suspended until the  
7 expiration of fifteen days after the date of the conviction.

8 (3) Subject to the provisions of subsection (2) of this section, an  
9 appeal to the Court of Appeal shall not operate as a stay of execution but the  
10 Court may order a stay of execution either unconditionally or upon the  
11 performance of such conditions as may be imposed in accordance with Rules  
12 of Court.

Protection of  
judicial officers,  
etc. from liability

13 41.-(1) A Judge, acting in good faith, shall not be liable to be sued in  
14 any court for any act done or omitted to be done in the discharge of his judicial  
15 duty, whether or not within the limits of his jurisdiction.

16 (2) An officer of the Court or any other person bound to execute the  
17 lawful warrants or orders of a Judge or other person acting in good faith shall  
18 not be liable to be sued in any court, for the execution of any warrant or order  
19 which he would be bound to execute, if within the jurisdiction of the Judge or  
20 person issuing the same.

Inspection

21 42. The Court shall make or cause to be made such local inspection as  
22 the circumstances of a case may require.

Modification  
of existing  
enactment and  
inconsistency

23 43.-(1) The enactments listed in Schedule 2 to this Act shall have  
24 effect with such modifications as may be necessary to bring them into  
25 conformity with the provisions of this Act.

26 (2) Where a provision of any of the enactments listed in Schedule 2 to  
27 this Act is inconsistent with a provision of this Act, the provision of this Act  
28 shall prevail and that other provision shall, to the extent of the inconsistency, be  
29 void.

Transitional  
provisions

30 44.-(1) A High Court or any other court shall continue to hear and

1 determine trials and other criminal proceedings in respect of scheduled  
2 offences which are part-heard before the commencement of this Act, and  
3 any trial or other criminal proceeding, not determined or concluded at the  
4 expiration of one year after the commencement of this Act, shall abate and  
5 the trial or other proceeding may be brought before the Court for fresh  
6 hearing.

7 (2) Notwithstanding anything to the contrary in any enactment,  
8 including any rule of law, but subject to subsection (1) of this section, where  
9 the trial of a scheduled offence has not commenced in a High Court before  
10 the coming into force of this Act, the trial shall be transferred to the Court.

11 (3) To enable full effect to be given to the provisions of this Act:

12 (a) a reference, whether express or by necessary implication, to  
13 "Federal High Court", "High Court of a State" or "High Court of the Federal  
14 Capital Territory, Abuja" in any enactment listed in Schedule 2 to this Act  
15 shall:

16 (i) in so far as the reference relates to or is connected with the  
17 jurisdiction, powers, practice and procedure of a High Court, and

18 (ii) except in so far as it is inconsistent with the provisions of this  
19 Act, be construed as a reference to the Court established under this Act;

20 (b) all references, whether express or by necessary implication, to  
21 the "High Court of a State" in any enactment listed in Schedule 2 to this Bill  
22 in so far as the enactment:

23 (i) is of general application throughout the Federation, and

24 (ii) relates to a matter for which jurisdiction is conferred on the  
25 Court established under this Act, shall be construed as a reference to the  
26 Court established under this Bill, notwithstanding that in an appropriate  
27 case, the enactment is, or has become, by operation of law, a law of a State;  
28 and

29 (c) unless the contrary intention appears from the context, a  
30 reference to the "Federal High Court" in the Administration of Criminal

1 Justice Act, 2015, shall include a reference to the Court established under this  
2 Act.

Interpretation

3 45. In this Act, unless the context otherwise requires:

4 "Chief Judge" means the Chief Judge of the Special Criminal Court appointed  
5 under section 2 of this Act;

6 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
7 1999, as altered;

8 "Court" means the Special Crimes Court established under section 1 of this  
9 Act;

10 "Court of Appeal" means the Court of Appeal as established by section 217 of  
11 the Constitution;

12 "defendant" means a person charged under any process of the Court with any  
13 scheduled offence;

14 "enactment" means any Act of the National Assembly, including this Act, or  
15 law having effect with respect to the Federation or applicable or having effect  
16 as a Federal law;

17 "High Court" means the Federal High Court, the High Court of a State or the  
18 High Court of the Federal Capital Territory, Abuja;

19 "Judge" except where the reference is to the Judge of a High Court, means the  
20 Chief Judge or other Judge of the Court;

21 "judgement" includes a decision or an order of the Court;

22 "registrar" includes the Chief Registrar and all other registrars of the Court;

23 "scheduled offence" means an offence specified in Schedule 1 to this Act.

Short Title

24 46. This Bill may be cited as the Special Crimes Court Bill, 2017.

25 SCHEDULE 1

26 (Section 7 and 45)

27 The offences referred to in sections 7 and 45 as scheduled offences are:

28 (a) terrorism offences under the Terrorism (Prevention) Act (No. 10 of  
29 2011), as amended;

30 (b) economic and financial crimes under Economic and Financial

- 1 Crimes Commission (Establishment, etc.) Act (E1 LFN 2004);
- 2 (c) money laundering offences under the Money Laundering
- 3 (Prohibition) Act (No. 11 of 2011), as amended;
- 4 (d) narcotic drugs and psychotropic substances offences under the
- 5 National Drug Law Enforcement Agency Act (N30 LFN 2004);
- 6 (e) trafficking and kidnapping offences under the Trafficking in
- 7 Persons (Prohibition) Law Enforcement and Administration Act, 2015 (No.
- 8 32 of 2015);
- 9 (f) corruption offences under the Corrupt Practices and Other
- 10 Related Offences Act (C31 LFN 2004);
- 11 (g) kidnapping offences under the Criminal Code (C38 LFN 2004)
- 12 and the Penal Code (P3 LFN 2004);
- 13 (h) cyber crimes under the Cyber Crimes Act, 2015; and
- 14 (i) such other offences declared under any other Act to be a
- 15 scheduled offence for the purposes of this Act.

16 SCHEDULE 2

17 *(Sections 28, 43 and 44)*

18 The Acts referred to in clauses 28, 43 and 44 of this Bill are:

- 19 (a) the Terrorism (Prohibition) Act, 2011 (No. 10 of 2011), as
- 20 amended;
- 21 (b) the Economic and Financial Crimes (Establishment, etc.) Act
- 22 (E1 LFN 2004);
- 23 (c) the Money Laundering (Prohibition) Act (No. 11 of 2011), as
- 24 amended;
- 25 (d) the National Drug Law Enforcement Agency Act (N30 LFN
- 26 2004);
- 27 (e) the Trafficking in Persons (Prohibition) Law Enforcement and
- 28 Administration Act, 2015 (No. 32 of 2015);
- 29 (f) the Corrupt Practices and Other Related Offences Act (C31
- 30 LFN 2004;

- 1 (g) the Criminal Code (C38 LFN 2004) and Penal Code (P3 LFN  
2 2004);  
3 (h) Cyber Crimes Act, 2015; and  
4 (i) any other Act under which power is conferred on legal officers to  
5 prosecute scheduled offences.

EXPLANATORY MEMORANDUM

(This Memorandum does not form part of the Bill but is intended to explain its purport) This Bill seeks to establish the Special Crimes Court charged with exclusive jurisdiction throughout the Federation for the trial of offences referred to in the Bill as "scheduled offences", which include in the main, offences relating to terrorism, money laundering, economic and financial crimes, corruption, narcotics, human trafficking, kidnapping and cyber crimes. The Court is to operate as a superior court of record on the same footing as the Federal High Court. With the establishment of the Court, scheduled offences are to be attended to expeditiously in the interest of justice and fair play. Judges of the Court are to have indepth knowledge and experience in the law and practice of the subject matters of the scheduled offences.

The Court in its operation is expected to take full advantage of new developments in criminal justice administration and provide for the much needed specialisation in the prosecution and trial of complex criminal cases which impact on the economic wellbeing and the overall national security of the nation.