

ADMINISTRATION OF CRIMINAL JUSTICE (AMENDMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of Administration of Criminal Justice Act, 2015.

PART 2 - ARREST, BAIL AND PREVENTIVE JUSTICE

2. Amendment of section 11.

3. Amendment of section 15

4. Amendment of section 17

PART 22 - ALTERATION OR AMENDMENT OF CHARGES

5. Amendment of section 221

PART 28 - PLEA BARGAIN AND PLEA GENERALLY

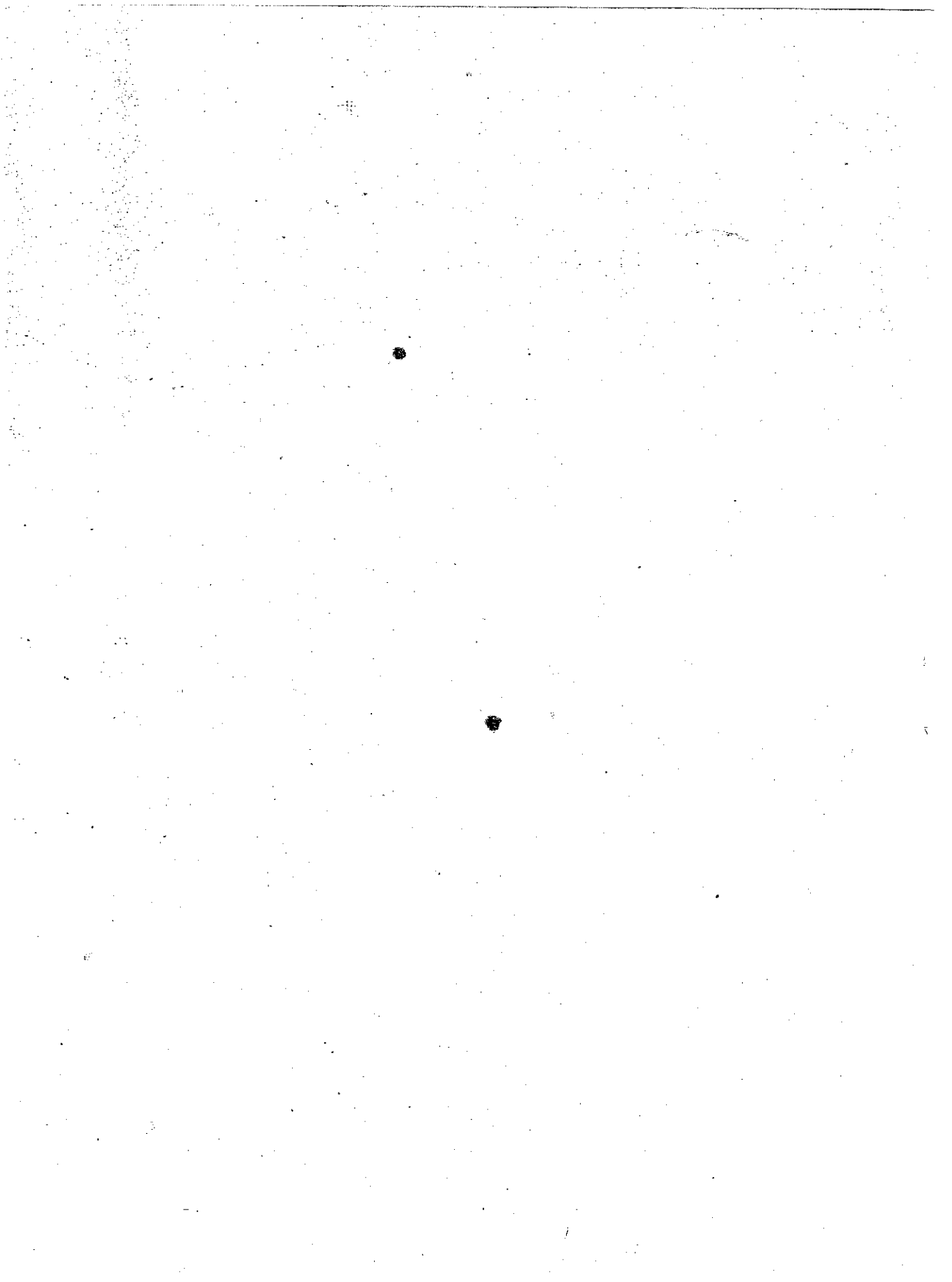
6. Amendment of section 270

PART 30 - DETENTION TIME LIMITS

7. Amendment of section 293.

PART 37 - TRIALS BY WAY OF INFORMATION

8. Amendment of section 396



# A BILL

## FOR

AN ACT TO AMEND THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015 TO PROVIDE FOR THE REVIEW OF PROVISIONS WHICH DO NOT CONFORM WITH THE SPIRIT OF THE CONSTITUTION, AND MAKE THEM MORE RESPONSIVE TO CRIMINAL JUSTICE REFORM; AND FOR RELATED MATTERS

*Sponsored by Hon. Akin Alabi*

[ ] Commencement

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

1           **1.** The Administration of Criminal Justice Act, 2015 is amended  
2 as set out in this Act.

Amendment of  
Administration  
of Criminal Justice  
Act 2015

3                           PART 2 - ARREST, BAIL AND PREVENTIVE JUSTICE

4           **2.** Section 11 of the Administration of Criminal Justice Act, 2015  
5 is amended:

Amendment of  
Section 11

6                   (a) by inserting a "proviso" after the word, "purpose", in line 8:  
7                   "Provided that a search warrant has been obtained for that purpose  
8 and the use of reasonable force is only in the execution of that warrant".

9           **3.** Section 15 of ACJA is amended:

Amendment of  
Section 15

10                   (a) in-subsection (5):  
11                   (i) by inserting after the word, "evidence", in line 3, the words,  
12 "only if it is recorded electronically on a retrievable compact disc or such  
13 other audio or visual means".

14           **4.** Section 17 of ACJA is amended:

Amendment of  
Section 17

15                   (a) by inserting new subsections "(6) and (7)":  
16                   "(6) There shall be a "Compliance Form" which shall be attached to  
17 the statement of the suspect and shall be endorsed with the name, address  
18 and signature of his legal practitioner.

19                   (7) A statement shall not be admissible in evidence if it does not

1 comply with the provision of section 17 (2), (3), (4), (5), and (6) of this Act"

2 PART 22 - ALTERATION OR AMENDMENT OF CHARGES

Amendment of  
Section 221

3 5. Substitute for section 221 of ACJA, a new section "221":

4 "221 (1) Any objection on the ground of an imperfect, erroneous or  
5 defective charge shall be taken by the court upon an application made to it by  
6 the defendant promptly before he takes his plea to the charge.

7 221 (2) Where the court is of the opinion that the charge is imperfect,  
8 or that there are errors and defect in the charge which may occasion a  
9 miscarriage of justice, the court may strike out the charge."

10 PART 28 - PLEA BARGAIN AND PLEA GENERALLY

Amendment of  
Section 270

11 6. Section 270 of ACJA is amended:

12 (a) by deleting subsection (18) in its entirety.

13 PART 30 - DETENTION TIME LIMITS

Amendment of  
Section 293

14 7. Section 293 of ACJA is amended:

15 (a) substituting for subsection (1), new subsection "(1)":

16 "A suspect arrested for an offence may, on an application made within  
17 a reasonable time of arrest to a court seized with jurisdiction to try the alleged  
18 offence, be brought before the court for remand"

19 (b) in subsection (2), by substituting the word "ex-parte" for the word  
20 "on notice"

21 "An application for remand under this section shall be made on notice  
22 and shall":

23 PART 37 - TRIALS BY WAY OF INFORMATION

Amendment of  
Section 396

24 8. Section 396 of ACJA is amended:

25 (a) substituting for subsection (2), a new subsection "(2)":

26 "The defendant may raise any objection to the validity of the charge  
27 or the information at any time before he pleads to the charge and any such  
28 objection shall promptly be considered by the court immediately after it is  
29 raised and a ruling made thereon accordingly."

- 1                   9. This Bill may be cited as the Administration of Criminal Justice      Citation  
2                   (Amendment) Bill, 2020.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Administration of Criminal Justice Act, 2015 to provide for the review of certain provisions which do not conform with the spirit of the constitution, and make them more responsive to criminal justice reforms.

