RIVERS STATE

ADMINISTRATION OF CRIMINAL JUSTICE RULES 2020

Nigerian Institute of Advanced Legal Studies

MacArthur Foundation

RIVERS STATE
(ADMINISTRATION OF CRIMINAL JUSTICE)
RULES 2020

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Issued By

HON. JUSTICE ADAM AIYE IYAYI-LAMI KANRA

CHIEF JUDGE

HIGH COURT OF JUSTICE, RIVERS STATE



CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999
RIVERS STATE
(ADMINISTRATION OF CRIMINAL JUSTICE)
RULES 2020

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CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999
RIVERS STATE
ADMINISTRATION OF CRIMINAL JUSTICE LAW 2015

RIVERS STATE (ADMINISTRATION OF CRIMINAL JUSTICE) RULES 2020

In exercise of the powers conferred on me by Section *274* of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) Section 500 of the Rivers State Administration of Criminal Justice Law 2015 and all other powers enabling me in that behalf, I, JUSTICE ***ADAMA IYE IYAYI-LAMIKANRA,*** Honourable Chief Judge of the High Court of Rivers State, make the following Rules of Court:

[9th November 2020] Commencement

PART ONE
Purpose and Application

ORDER ONE

Purpose

1. The purpose of these Rules is to ensure compliance with the Rivers State Administration of Criminal Justice Law 2015 ("The Rivers State ACJL") and to realize the objectives expressed in section 1(1) of the Rivers State ACJL, that is:
   (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, witness and society.

ORDER TWO

Application

1. In the application of these rules, each case shall be treated on its merit in line with the provisions of the Rivers State Administration of Criminal Justice Law ***2015.*** Application

2. These Rules shall apply to any court with criminal jurisdiction in Rivers State.

ORDER THREE

Interpretation

1. For the purpose of these rules; Interpretation

"court" means the Magistrate Court, High Court and any other court exercising criminal jurisdiction in Rivers State.

"detention facility" *includes correctional centres*, 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 and a Law of the Rivers State House of Assembly.

"Parole" means the release of a prisoner from imprisonment before the full sentence has been served under section 478 of the Rivers State ACJL.

"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 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, Bail and Remand

ORDER FOUR
Arrest

Arrests Generally

1. Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as altered) or any law prescribing an offence, the following may effect the arrest of a suspect:
   (a) Police officer,
   (b) Justice of Peace,
   (c) Magistrate,
   (d) Judge, and
   (e) a private person; provided the person arrested is immediately handed over to a police officer or the nearest police station within a reasonable time.

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 remain silent or avoid answering any question until he has communicated and consulted 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.

Warrant of Arrest

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

Bail

General Entitlement to Bail

1. Subject to the provisions of the Rivers State ACJL or any other law, every arrested suspect or detainee is entitled to bail.

Exercise of Court's Powers

2. The court may make an order to a person in charge of ***a*** *correctional centre o*r police station or any other place of detention to produce in court a person detained in the Correctional centre, station or any other place.

3. 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.

Prosecutor's Representations On Bail

4. 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.

5. 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.

Bail During Trial

6. 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.

Sureties and Bail Conditions

7. 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:
   (a) Defendant's recognizance;
   (b) surety's recognizance; and
   (c) joint bond of the defendant and surety.

8. 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 document.

9. 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.

10. 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 SIX

Remand Proceeding

1. 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 Recognizance and remand.

2. An Application for remand:
   (i) shall be made ex-parte and in writing with a written verification on oath in conformity with Form 8 in the First Schedule of the ACJL.

   (ii) For the purpose of verification on oath, it shall be sufficient to state as follows:

   "I ……. verify on oath that the information contained in Form 8 to this application are true and correct.

   ……
   DEPONENT

   BEFORE ME:
   COMMISSIONER FOR OATH"

3. After the first Order of remand is made the court shall within 24 hours of making the Order forward the duplicate case file to the Attorney General through the office of the Chief Registrar of the High Court.

4. The Attorney General shall within 8 days of receiving the duplicate file issue a legal advice to the Chief Judge through the office of the Chief Registrar of court and also forward a copy to the court that requested for the advice.

5. Where the Attorney General or prosecuting authority fails to issue legal advice or file information or charge within 10 days of the first remand order, the court shall issue a hearing notice on the Commissioner of Police or the Attorney General or the relevant prosecuting authority in whose custody the suspect is or at whose instance the suspect is remanded to show cause why the suspect should not be released unconditionally and adjourn the matter for period not exceeding 10 days.

6. Where the suspect is still on remand at the expiration of the period provided in Rule 5, the court may, on application of the

suspect, grant bail in accordance with the provisions of sections 165 to 195 of the Rivers State ACJL.

7. Where the Inspector-General of Police or the Commissioner of Police and the Attorney-General of the state show good cause and make a request to that effect, the court:
   (a) may extend the remand of the suspect to a final period to be arraigned for the trial before an appropriate court; and
   (b) shall make the case returnable within a period of 5 days from the date the hearing notice was issued.

8. 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 the court shall, with or without an application to that effect, discharge the suspect and the suspect shall be immediately released from custody.

9. No further application for remand shall be entertained by any court after the proceeding in rule 8 of this order.

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

11. 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.

12. The court may exercise the powers conferred on it 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 correctional centre or other place of custody where the suspect is detained.

Exercise of Powers of Remand

PART THREE

TRIAL

ORDER SEVEN

Disclosure

Disclosure by Prosecutor

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.

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. The document referred to in the preceding rule shall be given to the defence before or at the commencement of the trial without prejudice to fresh facts obtained in the course of trial.

Disclosure by Defendant

4. 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.

Defendant's Application for Prosecution to Disclose

5. 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.

6. An application for the prosecution to disclose shall be by motion on notice served on the court and the prosecutor.

7. The application made under Rule 5 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.

Powers of Court with Regard to Disclosure

8. 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 right to confidentiality applicable to the material.

9. The court shall have regard to the extent to which the disclosed material is contentious before setting a date for hearing.

10. The court may:
    (a) determine the time limit of applications under Rule 5 of this Order
    (b) specify the period any material may be disclosed; or
    (c) vary any direction made under this Order.

11. A defendant who fails to request for documents timeously will not be allowed to delay the trial.

12. The court in considering the application under rule 5 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 materials were disclosed should be served with the application.

Unauthorised Use of Disclosed Material

13. 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.

14. The court may hear contempt proceedings against any person who uses the disclosed material in breach of Rule 13 of this Order.

ORDER EIGHT

Arraignment

Plea to information or charge

1. 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 other 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.

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

3. 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.

4. Where a defendant pleads guilty to a capital offence, a plea of not guilty shall be recorded for him.

5. 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.

6. The Court shall record the plea of a defendant in the prescribed Form 01 in the Third Schedule to these Rules.

7. Where the defendant has not been served with the information or charge, the court may after three consecutive adjournments strike out the information or charge.

ORDER NINE

Case Management

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.

2. The court may give any direction to actively manage a case in order to prevent unnecessary delay.

3. A grant of stay of proceedings is at the discretion of the court.

4. 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;
   (d) arrangements that are desirable to facilitate the participation of any other person, including the defendant.

5. 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 (7) 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.

6. Upon arraignment:
   (a) the court shall in consultation with Counsel set a timeline for the trial up to adoption of final addresses.
   (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 12 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 TEN

Witnesses

1. A summons requiring a witness to attend court to give evidence shall include:
   (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 its order made under Rule 3 of this Order.

ORDER ELEVEN

Costs Generally

Cost Generally

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

2. The Court has a direct responsibility for costs in criminal proceedings and can award cost 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. When 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 TWELVE

Wasted Cost

Costs Against Counsel "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 cost against Counsel.

2. Wasted cost order may be made:
   (a) Where counsel by his act or omission is unable to 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 order 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 THIRTEEN

Third Party Costs

Third Party Costs

1. The Court may where appropriate make a third party costs order if there has been serious misconduct by a third party (whether or not constituting a contempt of court).

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.

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 applicants, the other parties and the third party against whom the order is sought, together with a summary of the facts upon which the applicants 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 FOURTEEN

Sentencing

Sentencing

1. Where the Court convicts the defendant, the court may for the purpose of determining an appropriate sentence conduct a hearing.
2. The hearing may be conducted at a subsequent date appointed by the court or immediately after conviction.
3. For the purpose of the sentencing hearing, the court shall proceed in line with the provisions of sections 318 and 424 of the Rivers State ACJL and consider any mitigating or aggravating factor disclosed in evidence;
4. Where by virtue of 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 FIFTEEN

Community Sentence

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.

Arrangements of Community Servicing

2. The operations and functions of Community Service Centre shall be in accordance with the provisions of sections 471 and 472 of the Rivers State ACJL or any other relevant law.

3. The court in exercising its powers shall consider whether such order is consistent with the:

   (a) Decongestion of 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.

Offences for which community Sentence may be imposed

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

   (a) Damage to property;
   (b) Assault without grievous bodily harm;
   (c) Where the court is of the opinion that non-custodial sentence would be more effective in the circumstance;

(d) 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) Appointment 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 SIXTEEN

Parole

Parole

1. The objectives of parole shall be to grant conditional or unconditional release to a prisoner who had exhibited good behaviour; 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 Hearing

2. The Court shall within 30 days of receiving the report referred to under section 478 of the Rivers State ACJL schedule a hearing for consideration of the parole.

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 centre on the order.

5. Where a prisoner sentenced to life imprisonment is considered for parole, such prisoner may be released on a license which is revocable where the prisoner violates the terms of parole.

Rehabilitation Pursuant to Parole

6. 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 into the society.

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

8. 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.

Reporting Recall and Revocation of Parole

9. 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.

10. 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.

PART FIVE

ADMINISTRATIVE PROCEEDINGS

ORDER SEVENTEEN

Register of Legal Aid Providers

Register of Legal Aid Providers

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

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 and the courts once a year.

ORDER EIGHTTEEN

Register of Convicted Persons

Register of Convicted Persons

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

   (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. In furtherance of rule 1 above every court upon conviction of any defendant shall forward to the Chief Registrar particulars of the conviction as in Form 02 in the first schedule to this rule.

3. Where a Convict appeals against the conviction of the Court, the Chief Registrar shall make a note of this in the Register indicating the Court where the appeal is lodged.

4. Upon the conclusion of any appeal proceedings, the Chief Registrar shall enter the outcome of the proceedings in the part of the Register where the conviction was entered.

5. The Chief Registrar shall transmit the Record of convicted persons to the Rivers State Police command criminal records registry quarterly.

6. 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.

7. 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 NINETEEN

Witness Expenses

Witnesses

1. The Registrar of the Court shall certify appearance of any person as a witness or 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 in Table 01 in the second schedule to these Rules.
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 defence may be reimbursed for travel cost and other expenses.

Expenses Where a Witness is unable to Testify

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

Persons Accompanying Certain Witnesses

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

ORDER TWENTY

Visitation to Detention Facilities

Register of Detention Faculties

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

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

Powers of Visiting Magistrate

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.

Duty of Person In charge of Detention Facility

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.

Report by Visiting Magistrate

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 through the Chief Registrar putting also in copy:
   (a) Secretary to the ACJL monitoring council
   (b) The Chief Magistrate in charge of the district;
   (c) The Controller of the Nigeria Correctional Service in Rivers State; and
   (d) The person in charge of the detention facility visited

ORDER TWENTY-ONE

Licensing of Probation Officer

Probation Officers

1. The Chief Judge may license individuals as probation officers under section 467 (2), of the Rivers State ACJL.

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

Eligibility to be Licensed as a Probation Officer

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 empowered to do so;

FIRST SCHEDULE

FORM 01 **Order 20 Rule 5**

FORM FOR DETENTION CENTRE REPORT

In the …… Magisterial District of RIVERS STATE

Name of Detention Facility: ……

Type of Detention Facility: ……

Date of Scheduled Visit: ……..

Number of Awaiting Trial Inmates: ……

Number of Inmates Granted Bail, yet to Fulfil bail Conditions: ……

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: ……..

……

……

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

……

……

……

……

……

……

(e) possess sufficient experience and skills in people management
(f) not have been convicted of a crime.

Application to be Licensed as a Probation Officer

4. A person applying to be licensed as a probation officer shall submit the following:
   (a) an application in the prescribed Form 03 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;
   (e) clearance of a criminal background check;
   (f) proof of citizenship; and
   (g) such other requirements as the Chief Judge may direct.

List of Probation Officer

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

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.

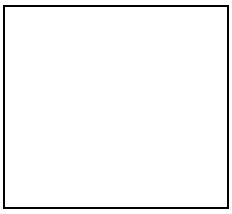
Disqualification Or Removal of Probation Officer

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:
   (a) there is a new evidence to suggest that the person forged any of the qualifications needed to be 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

FORM 02

Order 18 Rule 1

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):……..

During 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?.....

……

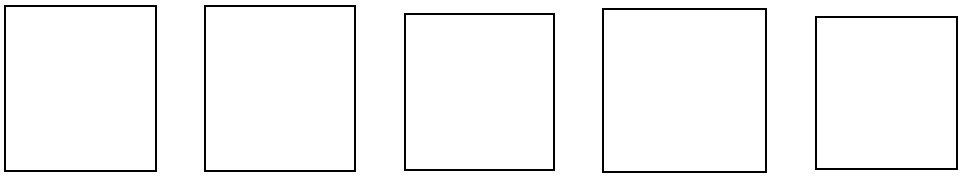
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Estimated Date of Release (Where applicable)……

Finger Print



FORM 03

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 19

TRAVELING EXPENSES FOR WITNESSES

Ordinary Witness

1.	Road transportation (less tan 50 Kilometres)	=	N2,000.00
2.	Road transportation (above 50 kilometres)	=	N2,500.00
3.	Road transportation (inter-state from 100 kilometres upwards)	=	N5,000.00
4.	Water Transport	=	N5,000.00
5.	Allowance for meals (attendance at Court not exceeding 5 hours)	=	N500.00
6.	Allowance for meals (attendance at Court Exceeding 5 hours but not up to 8 hours)	=	N1,000.00
7.	Accommodation and dinner per night (inter-state)	=	N12,000.00
8.	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 kilometres)	=	N3,000.00
2.	Road transportation (above 50 kilometres)	=	N5,000.00
3.	Road transportation (inter-state from 100 Kilometres upwards	=	N10,000.00
4.	Water Transport	=	N10,000.00
5.	Allowance for meals (attendance at Court not exceeding 5 hours)	=	N500.00
6.	Allowance for meals (attendance at Court exceeding 5 hours But not up to 8 hours)	=	N1,000.00
7.	Accommodation and meals per night (inter-state)	=	N15,000.00

8. 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

Order 8

FORM 01

FORM TO BE USED FOR PLEA ARRAIGNMENT

IN THE HIGH COURT OF RIVERS STATE
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

TODAY, THIS ……..DAY OF ……20 ……

BEFORE: ……..

CHARGE NO. PHC/CR/ ……../20……..

BETWEEN:

THE STATE 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 DEFENDNAT:
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 Port Harcourt, Rivers State this day **9th** Day of **November 2020**



HON. JUSTICE ADAMA IYE IYAYI- LAMIKANRA
Chief Judge,
High Court of Justice, Rivers State

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 Law 2015, in line with its objectives and purpose of ensuring fair, effective and efficient dispensation of Criminal Justice.



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