



**EDO STATE**

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**ADMINISTRATION OF  
CRIMINAL JUSTICE  
RULES 2021**

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BBFPRINTS - 07065179545



MacArthur  
Foundation

**EDO STATE  
(ADMINISTRATION OF CRIMINAL JUSTICE)  
RULES 2021**



**EDO STATE  
(ADMINISTRATION OF CRIMINAL JUSTICE)  
RULES 2021**

**ISSUED BY:**

**HON. JUSTICE JOSEPH ITSEBAGA ACHA**  
***CHIEF JUDGE***  
*HIGH COURT OF JUSTICE, EDO STATE*



**EDO STATE  
(ADMINISTRATION OF CRIMINAL JUSTICE)  
RULES 2021**

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**EDO STATE  
(ADMINISTRATION OF CRIMINAL JUSTICE)  
RULES 2021**

In exercise of the powers conferred on me by section 274 of the Constitution of the Federal Republic of Nigeria, 1999, section 490 of the Administration of Criminal Justice Law 2016 and all other powers enabling me in that behalf, I, Joseph Itsebaga Acha, Honourable Chief Judge of the Edo State High Court, make the following Rules of Court:

**[1 December 2021]** Commencement

**PART ONE  
Purpose and Application**

**ORDER ONE  
Purpose**

1. The purpose of these Rules is to ensure compliance with the Administration of Criminal Justice Law 2016 (“the ACJL”) and to realize the objectives expressed in section 1(1) of the ACJL, that is:
- (a) To ensure efficiency and speed in the management of criminal justice institutions and dispensation of justice; and
  - (b) To protect the rights and interests of the suspect, defendant and the victim.

**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 Administration of Criminal Justice Law 2016.

2. These Rules shall apply to criminal proceedings before a court in Edo State, Nigeria.

### **ORDER THREE**

#### **Interpretation**

1. For the purposes of these rules;

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

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

“court” means any court of civil or criminal jurisdiction.

“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 Nigeria 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 ACJL.

“prison means a correctional centre

“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, Bail and Remand**

#### **ORDER FOUR**

##### **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:
  - (a) a Police Officer;
  - (b) a Judicial Officer;
  - (c) any other Law Enforcement Officer;
  - (d) 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

Arrests  
Generally



- applicable in accordance with extant laws;
- (d) Protected against torture, degrading and dehumanising treatment.

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

Warrant or  
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 FIVE**

### **Bail**

1. Subject to the provisions of the ACJL or any other law, every arrested suspect or detainee is entitled to bail. General Entitlement of Bail
2. 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 correctional centre, station or place. Exercise of Courts Powers
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.
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. Prosecutors Representation on 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.
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. Bail During Trial
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 Sureties and Bail Conditions

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.

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 SIX**

### **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.
2. 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 kilometres, a period of within 24 hours and in any other case, a period of 48 hours

Remand

3. (a) An application for remand shall be made *ex parte* and in conformity with Form 8 in the First Schedule to the ACJL.  
(b) An application for remand shall be in writing and shall be accompanied by an affidavit stating basis for the request.
4. 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(s) that justifies the request for remand.
5. 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.
6. Where the suspect is still on remand at the expiration of the period provided in rule 5 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 ACJL.
7. 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.

8. The court shall issue a hearing notice on the prosecution to show cause why the suspect remanded should not be unconditionally released.
9. Where the Commissioner of Police and the Attorney General 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 fourteen (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 fourteen (14) days from the date the hearing notice was issued.
10. 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.
11. 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 9 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.
12. No further application for remand shall be entertained by any court after the proceeding in rule 9 of this order.
13. During remand proceedings, the court the court may order the suspect to be brought before it.
14. The court may order that the suspect be transferred to a hospital, asylum or any suitable

Exercise or  
Powers of  
Remand

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.

15. 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 an application, including an application by person in charge of the correctional centre or other place of custody where the suspect is detained.

**PART THREE  
TRIAL**

**ORDER SEVEN  
Disclosure**

1. The prosecutor shall disclose by filing in court and serve on the 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 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  
Prosecutor 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.
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 chambers; or
  - (b) that any person who will be directly affected if the material were disclosed should be served with the application.
11. A person may only 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
12. The court may initiate contempt proceedings against any person who uses the disclosed material in breach of rule 11 of this Order.

Power or Court  
with Regard to  
Disclosure

Unauthorised  
use of  
Disclosed  
Material



**ORDER EIGHT**  
**Arraignment**

1. The court shall inform the defendant of his rights under section 271 of the ACJL 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 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.
  
3. A defendant who pleads not guilty shall be deemed to have put himself on trial.
  
4. Where a defendant pleads guilty to a non- capital 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.
  
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.

**ORDER NINE**  
**Trial/Proceeding of Court**

1. The Court shall ensure that counsel conduct the business of the court with proper professional decorum and stringently avoid any act which is either an abuse of the justice system or is aimed at truncating the course of justice.
2. The Court must take reasonable practical steps and must endeavour conduct all of its proceedings regularly and punctually and discourage adjournments made on trivial grounds by counsel.
3. The Judge may on the application of the parties or suo moto fix an interim date to ensure that the parties are complying with court order directions.
4. No application for adjournments shall be entertained on the date fixed for hearing.
5. Where a party seeks to change counsel not more than two adjournments shall be granted during the span of the case.
6. Only witnesses listed on the list of witnesses and proof of evidence shall be called in evidence, but where during the cause of the trial it becomes evident that the testimony of an identified and available witness is required in the interest of justice or the evidence such a witness could give, may materially affect the outcome in relation to genuinely disputed relevant issues the court may grant a period not exceeding five working days or as may be convenient to the court to the court within which to hear the testimony of such witness.
7. The prosecutor and the investigating officer signed undertakings that witnesses and exhibits are available and will be produced as and when required.

8. The court shall schedule the time and date of the hearings on such days and times with the aim of concluding the trial within One hundred and eighty days after the arraignment.
9. The hearing of cases shall be on a day-to-day basis as far as the schedule of the court may permit.
10. The court and parties shall prevent unnecessary delays as far as practicable and accordingly, not more than five adjournments may be allowed from arraignment to final judgment.
11. Where a counsel who was present in court and agreed on the next adjournment date fails to attend the hearing without good reason or sufficient notice, costs may be awarded against him.
12. Where the defendant is in custody, the court registrar responsible shall liaise with the detaining authority to produce the defendant in court at every hearing that his attendance is required.
13. Counsel that has conduct of a case shall ensure that they are present in court and ready to proceed with their case or trial at all times. Where this is impracticable by reason of ill health or any other unavoidable reason, counsel shall;
  - (a) immediately notify the court before the hearing of the case, of their circumstances of unavailability or absence and/or
  - (b) ensure counsel of requisite professional and knowledge of the issue before the court as is required to diligently prosecute or defend the case, is present in court and ready to proceed with the case or trial in his absence.
14. Where a counsel puts himself forward as holding the brief of another counsel, he shall be deemed to be

seize of the facts of the case and ready to proceed with the business of the court of the day.

15. Where a counsel holding brief for another counsel is unable to proceed with the court business of the day, due to his unpreparedness, costs may be awarded against him personally.
16. An application for stay of proceedings in respect of a criminal matter before the court shall not be entertained
17. Where a Judge or Presiding Officer having tried is prevented by illness or other unavoidable cause from delivering his judgement or sentence, the judgement or sentence if it has been reduced into writing and signed by the Judge or Presiding Officer, may be delivered and pronounced on in open court by another Judge, Magistrate or President.

### **ORDER TEN** **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. 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

Case  
Management

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 may 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 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 ELEVEN**

### **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;

Witness  
Summons

- (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 TWELVE**  
**Costs 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.

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 THIRTEEN**  
**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. Cost Against Counsel
  
2. Wasted costs order may be made: Wasted Costs
  - (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 FOURTEEN**

### **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.
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

Third Party  
Costs

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 FIFTEEN**

##### **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 Community Sentence

and 416 of the ACJL:

- a) consider any mitigating or aggravating or factors disclosed in evidence;
- b) consider and apply the Edo State Courts (Sentencing Guidelines for Offences against the State, Person, Public Order, Morality, Homicide, Property and Corruption) Practice Directions, 2019.

4. Where by virtue of section 272 of the ACJL 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 SIXTEEN**

### **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.
2. The operations and functions of Community Service Centres shall be in accordance with the provisions of sections 461 and 462 of the 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 centres;
  - (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 circumstance;
  - (a) damage to property;

Arrangement  
of Community  
Service  
Centres

- (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.

## **PART FIVE**

### **ADMINISTRATIVE PROCEEDINGS**

#### **ORDER SEVENTEEN**

##### **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.
  
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.

Register of  
Legal Aid  
Providers

**ORDER EIGHTEEN**  
**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 name 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 correctional centre, 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**  
**Register of Convicted Persons**

1. The Registrar shall certify the 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 Expenses where a Witness is unable to Testify
6. such appearance shall be payable by the party applying for the adjournment on or before the next adjourned date.
7. The sum payable to such a witness shall be in accordance with the amount prescribed under the Second Schedule.
8. 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.

**FIRST SCHEDULE**

**FORM 01**

**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)  
.....

Duration of Correctional centre 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)

.....



## SECOND SCHEDULE

### ORDER 19

#### 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*) =  
N2,000.00
5. Allowance for meals (*attendance at Court  
exceeding 5 hours but not up to 8 hours*) = N3, 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*) = N4,000:00
5. Allowance for meals  
(*attendance at Court exceeding 5 hours  
but not up to 8 hours*) = N5, 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 Register is satisfied that the use thereof is warranted and has been pre-approved that the witness may make use of air transport

Made at Edo State this *1st December* 2021



**Hon. Justice Joseph Itsabaga Acha**  
**Chief Judge**  
*Edo State 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 Law 2016, in line with its objectives and purpose of ensuring fair, effective and efficient dispensation of Criminal Justice