

JUDGMENTS OF TRIBUNALS (ENFORCEMENT, ETC.)
DECREE 1985



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Decree No. 8

[31st December 1983]

Commence-
ment

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

1. (1) As from the commencement of this Decree, every judgment to which this Decree applies shall be enforced in accordance with the following provisions of this Decree.

Application
of this
Decree

(2) The judgment of any tribunal set up under any law made on or after 31st December 1983 shall be a judgment to which this Decree relates

(3) it is final and conclusive and has been confirmed by the confirming authority according to the provisions of the law under which the tribunal is set up;

(4) there is payable thereunder a sum of money in the nature of a fine or other penalty.

(c) there is an order made for the recovery or forfeiture of assets in the nature of immovable property ;

(d) there is an order made in respect of assets in cash or credit balances in any account in a bank ;

(e) there is an order for the forfeiture or recovery of any other assets whatsoever of any person to whom such judgment relates ; or

(f) the judgment has not in any wise howsoever been wholly or partly satisfied.

(3) Without prejudice to any other provisions of this Decree, the provisions of this Decree shall relate to—

(a) the judgments of the tribunals set up under the enactments specified in the Schedule to this Decree ;

(b) the judgments of such other tribunals constituted under any enactment made after the making of this Decree as the Head of the Federal Military Government may, by order published in the *Gazette*, prescribe.

Enforce-
ment of
judgments.

2.—(1) Without prejudice to any other provisions of this Decree, where the confirming authority under any of the enactments specified under section 1 (3) of this Decree or any other enactment or law confirms the judgment of a tribunal specified under the said section 1 (3), the provisions of this Decree in relation to the forfeiture or recovery of assets and liability to make reparations shall apply with necessary modification in respect of the person concerned.

(2) Any order of confirmation in respect of any judgment affected by this Decree shall operate to vest the assets or part thereof or the property in such assets or part thereof in the Federal Military Government or, as the case may require, in the appropriate State Government, and to give effect thereto—

(a) in the case of assets in cash or credit balances in an account in a bank the confirming instrument shall operate to require the manager or other person apparently in charge of the bank in which the money is lodged to pay the assets into the appropriate Consolidated Revenue Fund ;

(b) in the case of assets in the form of negotiable securities, choses in action or other property whatsoever described therein, the confirming instrument shall, without further or other assurance, operate to require the appropriate registration authority to register those securities or other property in the name of the Federal Military Government or, as the case may require, in the appropriate State Government ; and

(c) in the case of assets in the nature of immovable property, the instrument shall, without further or other assurance, operate to direct the appropriate registration authority to remove from the relevant register the name and particulars of the person registered therein as owner and, without any further assurance or the payment of any fees, vest the property in the Federal Military Government or, as the case may require, in the appropriate State Government.

(3) The "appropriate registration authority" for the purposes of paragraphs (b) and (c) subsection (2) of this section includes a registrar of titles or of land, the registrar of companies and the officer, by whatever title known, charged with the duty of registration of particular negotiable securities or other property, as the case may be.

3. Where a person affected by a judgment to which this Decree relates does not for the time being own any or sufficient assets, either by himself or through another person, the confirming instrument shall operate to make the person concerned continue to be liable to pay the fine, forfeiture or other penalty as adjudged by the tribunal.

Continuing liability to make reparations where assets not sufficient.

4. Notwithstanding the generality of the enforcement procedures set out in section 2 of this Decree, the Head of the Federal Military Government shall establish such number of Enforcement Committees as he may determine, which committees shall, in any case to which section 3 of this Decree relates or where contingencies otherwise so dictate, perform the other duties set out in section 6 of this Decree.

Establishment of Enforcement Committees.

5. Each Enforcement Committee set up under section 4 of this Decree shall consist of the following members, that is—

Composition of each Enforcement Committee.

(a) a Chairman who shall be an officer in the Nigerian Army not below the rank of a major or an equivalent rank in the Nigerian Navy or the Nigerian Air Force or an officer in the Police Force not below the rank of a chief superintendent of Police or an equivalent rank in other security agencies; and

(b) two other officers in the Armed Forces or the Police Force, not below the rank of a lieutenant or an equivalent rank, in the case of the Armed Forces, or superintendent of Police or an equivalent rank in the case of the Police Force or other security agencies.

6. Each Enforcement Committee shall generally ensure that any property forfeited by any judgment to which this Decree relates is confiscated, surrendered to and vested in, the Federal Military Government or Government of a State, as the case may be.

Functions of each Enforcement Committee.

7.—(1) Each Enforcement Committee may co-opt any person to serve under the Committee for such period as the Committee may desire.

Power to co-opt persons.

(2) It shall be the duty of any person co-opted by the Committee for the purposes of subsection (1) of this section to serve in the Committee.

8.—(1) Each Enforcement Committee shall give quarterly report of its activities and detailed report on the assets forfeited to the Federal Military Government and to the Government of a State, as the case may be.

Quarterly report by Enforcement Committee.

(2) The report shall include any outstanding balance of any sum of money recoverable from any person affected by a judgment to which this Decree relates and may give recommendation as to steps or manner it deems appropriate towards the recovery of such outstanding balance.

9. Where a confirming instrument forfeits or recovers assets, it shall have effect according to its provisions and the failure to comply with any provisions of such instrument shall be an offence punishable on conviction—

Penalty.

(a) in the case of a person, being an individual, by imprisonment for a term of not less than 2 years without the option of a fine;

(b) in the case of any group of persons, not being a body corporate, by the like punishment for each person affected as is prescribed in paragraph (a) of this section;

(c) in the case of a body corporate, by a fine in an amount equal to the estimated value of the property affected by the non-compliance.

SCHEDULE

Section 1 (3)

JUDGMENTS OF TRIBUNALS TO WHICH THIS DECREE RELATES

Tribunal set up under the following Enactments

1. Recovery of Public Property (Special Military Tribunals) Decree 1984 1984 No. 3
2. Public Officers (Protection Against False Accusation) Decree 1984 1984 No. 4
3. Robbery and Firearms (Special Provisions) Decree 1984 1984 No. 5
4. Exchange Control (Anti-Sabotage) Decree 1984 1984 No. 7
5. Political Parties (Dissolution) Decree 1984 1984 No. 9
6. Special Tribunal (Miscellaneous Offences) Decree 1984 1984 No. 20
7. Counterfeit Currency (Special Provisions) Decree 1984 1984 No. 22
8. Military Court (Special Powers) Decree 1984 1984 No. 23
9. Any other enactment whether made before or after the date of the making of this Decree and declared to be affected by the provisions of this Decree.

MADE at Lagos this 20th day of April, 1985.

MAJOR-GENERAL M. BUHARI,
*Head of the Federal Military Government,
 Commander-in-Chief of the Armed Forces,
 Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree makes provision for the enforcement of confirmed judgments of the various tribunals set up under the specified Decrees. Specifically, the Decree makes special provisions aimed at facilitating the recovery of fines and assets forfeited pursuant to those judgments and for that purpose sets up enforcement committees to ensure compliance with the orders made in a confirmed judgment.

Failure by affected persons and authorities to comply with the requirements of a confirmed judgment is an offence punishable under the Decree.

Persons complying are indemnified against any ensuing claims.

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 YOUTH, SPORTS AND CULTURE, PRINTING DIVISION, LAGOS