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**Law No. 14 - A Law to Amend the Administration of Criminal Justice Law, Ch. A3,
Laws of Lagos State, 2015. A255 - 283**



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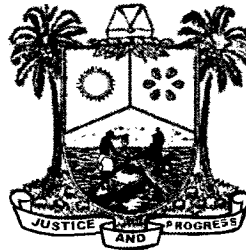
Supplement to the Lagos State of Nigeria Official Gazette Extraordinary No. 33 Vol. 54 of
4th October 2021- Part A

ASSENTED TO AT IKEJA, THIS 30TH SEPTEMBER DAY OF 2021.

MR. BABAJIDE OLUSOLA SANWO-OLU
GOVERNOR OF LAGOS STATE.

Law No. 14

2021



Lagos State of Nigeria

**A Law to Amend the Administration of Criminal Justice Law, Ch. A3,
Laws of Lagos State, 2015**

Commencement (30th September 2021)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

- | | | |
|------------------------------------|----|--|
| Amendment to the
Principal Law. | 1. | The Administration of Criminal Justice Repeal and Re-enactment Law (referred to in this Law as the "Principal Law") is amended as follows- |
| Amendment to
Section 4. | 2. | Section 4 of the Principal Law is deleted and replaced as follows- |
| | 4. | (1) A person shall not be arrested in lieu of any other person in a criminal matter. |
| | | (2) The provisions of subsection (1) of this section shall not apply to sureties. |
| | | (3) Where a person is arrested in place of another, the Court shall upon an application on notice before it, order the immediate release of such person, where it finds that the person ought not to have been arrested. |
| | | (4) A person or law enforcement officer who arrest in contravention of subsection (1) of this section commits an offence and is liable for misconduct. |

Amendment to
Section 6.

3. Section 6 of the Principal Law is deleted and replaced as follows: -

6. (1) A Police Officer or Law Enforcement Officer making an arrest or to whom an arrested person is handed over to by a private person, shall record and sign an inventory of the particulars of all items/properties recovered from the arrested person.
- (2) The person arrested or the legal representative or such other person as the person arrested may direct, shall be given a copy of the inventory.
- (3) Where an item property has been taken under this section from a person arrested, a Police Officer may, upon request by either the owner of the item/property or parties having interest in the item property, release such item/property on bond pending the arraignment of the person arrested before a court.
- (4) Where a Police Officer refuses to release the item property to the owner or any person having interest in the item/property under subsection (3) of this section, the Police Officer shall make a report to the court stating the particulars and the reasons for the refusal.
- (5) The court to which a report is made under subsection (4) of this section, may direct that the property or such part of it be returned to the owner or to such persons having interest in the item property on such terms as it considers necessary to impose.
- (6) Where an item property has been taken from a person arrested under this

section, and the person arrested is not charged before a court but is released on the ground that there is no sufficient reason to believe that the arrested person has committed an offence, any item/property so taken from the person shall be returned without prejudice to any other law in connection with dealings in proceeds of crime generally.

Amendment to
Section 9.

4. Section 9 of the Principal Law is deleted and replaced as follows-

Arrested Person to be
Taken to Police Station
with Reasonable
Dispatch.

(1) A person who is arrested, with or without a warrant shall be taken with reasonable dispatch to a Police Station, or other place for the reception of arrested persons and such arrested person shall without delay be informed of the reason for the arrest.

(2) The person who is arrested under subsection (1) of this section while in custody-

(a) shall be given reasonable facilities for obtaining legal advice, bail or making arrangements for the defence or release;

(b) may volunteer to make a confessional statement and such statement or copies of same may subject to the provisions of this section be produced at the trial.

(3) The police shall ensure that where the arrested person elects under subsection (2) of this section to make a confessional statement, such statement whether made orally or in writing is recorded on video or other electronic device.

(4) A confessional statement made under subsection (3) of this section may be recorded in writing in the presence of a legal practitioner or other representative acceptable to the person making the statement; who shall endorse such statement as appropriate.

(5) For the purpose of this section, other representative includes a member of a Non-Governmental Organisation, family member of the arrested person or any other person chosen by the arrested person.

Creation of a New Section 9A.

5. The Principal Law is amended by creating a new section 9A as follows-

Media Parade.

9A As from the commencement of this Law the Police shall refrain from parading any suspect before the media.

Amendment to Section 10.

6. Section 10 of the Principal Law is deleted and replaced as follows -

Arrest without Warrant.

10 (1) A Police Officer or Law Enforcement Agent may, without an order of a court or without a warrant, arrest a person who -

- (a) is reasonably suspected of having committed an offence triable on information under a Federal or State Law, unless the written law creating the offence provides that the offender cannot be arrested without a warrant;
- (b) commits an offence in the presence of the officer or the Agent;
- (c) obstructs a Police Officer in the execution of duty, or has escaped or attempts to escape from lawful custody;
- (d) is in possession of anything reasonably suspected to have been stolen or who may reasonably be suspected of having committed an offence with reference to such thing;
- (e) is reasonably suspected of being a deserter from the Armed Forces of Nigeria;
- (f) is reasonably suspected of having been involved in an act committed at any place out of the State, which if committed in the State would have been punishable under an existing law;

- (g) has unlawful possession of any instrument of housebreaking, firearm or any offensive or dangerous weapon;
- (h) is reasonably believed to be the subject of a warrant of arrest issued by a court of competent jurisdiction; or
- (i) is found taking precautions to conceal the presence in circumstances which afford the officer reason to believe that such precautions are with a view to committing an offence which is a felony or misdemeanor.

(2) The authority given to a Police Officer to arrest a person who commits an offence in the presence of the officer, shall be exercisable in respect of offences committed in the officer's presence notwithstanding that the law creating the offence provides that the offender cannot be arrested without a warrant.

(3) The Commissioner of Police or Police Officer or any Law Enforcement Agent acting in that behalf, shall remit the record of all arrests made with or without warrant in relation to offences against the State to the Attorney-General and Commissioner for Justice within one (1) week of the arrest of the suspect.

(4)(a) Where a suspect is arrested, with or without a warrant, and taken to a police station or to any other security agency's office effecting the arrest, the police officer making the arrest or the officer in charge shall cause the record of the suspect to be taken immediately.

(b) The record of the arrested suspect to be taken shall include:

- (i) the alleged offence;
- (ii) date and circumstances of the suspect's arrest;
- (iii) full name, occupation and residential address;

- (iv) height;
- (v) photograph;
- (vi) full fingerprint impressions; or
- (vii) such other means of identification of the suspect.

(5) The officer in charge of an arrested suspect shall keep both paper and electronic information of the suspect and make such information available on demand by any person authorised by an order of court.

(6) Any further action in respect of the arrested suspect pursuant to subsection (7) of this section shall be entered in the record of arrests.

(7) Quarterly report of all records of arrested person(s) shall subject to subsection (5) of this section, be sent to the office of the Attorney-General and Commissioner for Justice.

Creation of a New Section 17.

7. The Principal Law is amended by creating a new section 17 as follows-

Right of Suspect(s). 17 A suspect shall –

- (a) be accorded humane treatment, with the right to dignity of person;
- (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment;
- (c) not be arrested merely on a civil wrong or breach of contract; and
- (d) be brought before the court as prescribed by this law or any other written law; or be released conditionally or unconditionally.

Amendment to Section 76.

8. Section 76 of the Principal Law is deleted .

Amendment to Section 77.

9. Section 77 of the Principal Law is amended by redrafting it as follows-

Plea Bargain and Sentence Agreement.

77. (1) Notwithstanding anything to the contrary in this Law or any other law, the prosecutor may subject to the

approval of the Attorney-General and Commissioner for Justice-

- (a) receive and consider a plea bargain from a defendant charged with an offence either directly or on behalf of the defendant; or
- (b) offer a plea bargain to a defendant charged with an offence.

(2) Where the Attorney-General and Commissioner for Justice is of the view that the offer or acceptance of a plea bargain is in the interest of justice, public policy and the need to prevent abuse of legal process, the Attorney-General and Commissioner for Justice may offer or accept the plea bargain.

(3) Subject to the provisions of subsection (2) above, the prosecution may with the consent of the victim or the victim's representative enter into plea bargaining with the defendant before or after the close of the case where the defendant-

- (a) has agreed to return the proceeds of the crime, make restitution to the victim or the victim's representative; or
- (b) in a case of conspiracy, has fully cooperated with the investigation and prosecution of the crime by providing relevant information for the successful prosecution of other offenders, but the prosecution may not enter into plea bargaining after the defence case is opened.

(4) The prosecutor and the defendant or the defence counsel may, before the plea to the charge, enter into agreement in respect of-

- (a) the term of the plea bargain which may include the sentence recommended within the appropriate range of punishment

stipulated for the offence or a plea of guilty by the defendant to the offence charged or a lesser offence which may warrant conviction on the charge and;

- (b) an appropriate sentence to be imposed by the court where the defendant intends to plead guilty upon conviction.

(5) The prosecutor may only enter into an agreement contemplated in subsection (4) of this section –

- (a) after consultation with the police or the security agency responsible for the investigation of the case and the victim or the representative; and
- (b) taking into consideration the nature of and circumstances relating to the offence, the defendant and public interest:

Provided that in determining whether it is in the public interest to enter into a plea bargain, the prosecution shall weigh all relevant factors, including the -

- (i) defendant's willingness to cooperate in the investigation or prosecution of others;
- (ii) defendant's criminal record or history of involvement in criminal activities;
- (iii) defendant's remorse, contrition or willingness to assume responsibility for the act or conduct;
- (iv) desirability of prompt and certain disposition of the case;
- (v) likelihood of obtaining a conviction at trial and the probable effect on witnesses;
- (vi) probable sentence or other consequences if the defendant is convicted;
- (vii) need to avoid delay in the disposition of other pending cases; and
- (viii) expenses of trial and appeal and the defendant's willingness to make restitution or pay compensation to the victim where appropriate.

- (6) The prosecution shall afford the victim or the representative the opportunity to make representations to the prosecutor in respect of-
 - (a) the content of the agreement; and
 - (b) the inclusion in the agreement of a compensation or restitution order.
- (7) An agreement between the parties contemplated in subsection (4) of this section shall –
 - (a) be in writing, clearly stating the terms of the agreement and any admission made;
 - (b) be signed by the prosecutor, the defendant, the legal practitioner and the interpreter, as the case may be; and
 - (c) state that the defendant has been informed before the conclusion of the agreement that the defendant –
 - (i) has a right to remain silent and the consequence of not remaining silent; and
 - (ii) is not obliged to make any confession or admission which could be used in evidence against the defendant.
- (8) The presiding Judge or Magistrate before whom the criminal proceeding is pending shall not participate in the negotiation contemplated in subsection (3) of this section.
- (9) Where a plea agreement is reached by the prosecution and the defence, the prosecutor shall inform the court that the parties have reached an agreement and the presiding Judge or Magistrate shall require the defendant to confirm the terms of agreement.
- (10) The presiding Judge or Magistrate shall ascertain whether –
 - (a) the defendant admits the allegation in the charge to which guilty is pleaded; and
 - (b) the agreement is voluntarily reached without any undue influence.
- (11) Where the presiding Judge or Magistrate is of the opinion that the defendant cannot be convicted of the offence which the agreement was reached and to which the defendant pleaded guilty or that the agreement is in conflict with the defendant's right referred to in subsection (7) of this section, the Judge or Magistrate shall record a plea of not guilty in respect of such charge and order that the trial proceed.
- (12) Where the presiding Judge or Magistrate is satisfied with the terms of the plea bargain of the offence to which the defendant has pleaded guilty, the Judge or Magistrate shall consider the sentence agreed upon in the agreement and if –

- (a) satisfied that such sentence is an appropriate sentence, convict the defendant on the plea to that offence and impose the sentence; or
 - (b) of the view that –
 - (i) a lesser sentence than the sentence agreed be imposed, the prosecution shall be notified of such lesser sentence and the prosecution shall be at liberty to withdraw the offer; or
 - (ii) the offence requires a heavier sentence than the sentence agreed upon, the Judge or Magistrate shall inform the defendant of such heavier sentence considered to be appropriate.
- (13) Where a defendant has been informed of the heavier sentence as contemplated in subsection (12) (b)(ii) of this section, the defendant may -
- (a) abide by the plea of guilty as agreed upon and subject to the defendant's right to lead evidence and to present argument relevant to sentencing, agree that the presiding Judge or Magistrate proceed with the sentencing; or
 - (b) withdraw from the plea agreement, in which event the trial shall proceed de novo before another presiding Judge or Magistrate, as the case may be.
- (14) Where a trial proceeds de novo before another presiding Judge or Magistrate as contemplated in subsection (13) (b) of this section-
- (a) no reference shall be made to the agreement; and
 - (b) no admission contained in the statements shall be admissible against the defendant, the prosecutor and the defendant may not enter into a similar plea and sentence agreement.
- (15) Where a person is convicted and sentenced under the provisions of subsection (1) of this section, such person shall not be charged or tried again on the same facts for the offence earlier charged to which the defendant had pleaded to a lesser offence.
- (16) The presiding Judge or Magistrate shall make an order that any money, asset or property agreed to be forfeited under the plea bargain shall be transferred to the victim or the legal representative of the victim or any other person as may be directed by the court.
- (17) Notwithstanding the provisions of any existing law, the prosecutor shall take reasonable steps to ensure that any money, asset or property agreed to be forfeited or returned by the defendant under a plea bargain are transferred to the victim, the legal representative of the victim or other person lawfully entitled to it.
- (18) Any person who, willfully and without just cause, obstructs or impedes the transfer of any money, asset or property under this section,

- commits an offence and is liable on conviction to a custodial sentence for seven (7) years without an option of fine.
- Amendment to Section 161. 10. Section 161 of the Principal Law is deleted and replaced as follows-
- Attempt where Full Offence is Proved. 161 Where a person is charged with an attempt to commit an offence but the evidence establishes the commission of the full offence, the defendant shall not be entitled to an acquittal but shall be convicted of the full offence, and punished accordingly.
- Amendment to Section 181. 11. Section 181(b) of the Principal Law is deleted and replaced as follows-
- 181(b) departs from the precincts of the court without the leave of the Judge or Magistrate, commits an offence and is liable on summary conviction to a penalty not exceeding Twenty Thousand Naira (₦20,000.00) or to a custodial sentence not exceeding two (2) months.”
- Amendment to Section 200. 12. Section 200 of the Principal Law is deleted and replaced as follows-
- Public to have Access to Hearing. 200. (1) Subject to the provisions of sections 202 and 217 of the Principal Law and any other written law specifically relating to the room or place in which any trial is to take place, a trial shall be conducted in an open court to which the public generally may have access to, as far as it can conveniently contain them.
- (2) Notwithstanding the provisions of subsection (1) of this section, the court may conduct its proceedings, whether wholly or in part via audio virtual, video conference or other facility as may be agreed to by parties, as long as the parties and their legal representatives, as well as interested members of the public take part, using telephone or video conferencing facilities, without the necessity of physical attendance in the courtroom.
- (3) Where parties are unable to agree to a particular technological platform, the court shall direct that the matter be heard through a platform of its discretion.

Amendment to Section
232.

13. Section 232 of the Principal Law is deleted and replaced as follows-

Non- Appearance
of Prosecutor.

232. (1) Where the defendant appears voluntarily in obedience to summons, or is brought before the court under a warrant on the day the matter comes up before the court for hearing and the prosecution –

(a) having to the satisfaction of the court, had due notice of the time and place of hearing, does not appear in person or in the manner authorised by any written law, the court shall strike out the case and discharge the defendant, unless the court, having received a reasonable excuse for the non-appearance of the prosecutor or a representative or for other sufficient reason which the court deems fit to adjourn the hearing of the case to some future date upon such terms as the court may determine; or

(b) having appeared, failed to produce any witness in support of the case, the court shall strike out the case and discharge the defendant unless the court, having received a reasonable excuse from the prosecution for the non-appearance of the witness or for further sufficient reason, which the court deems it fit to adjourn the hearing of the case to some future date upon such terms as the court deems just, the court shall forward the report of non-attendance of the prosecutor to the appropriate authorities.

(2) Where a court exercises its discretion under subsection (1) of this section, the discharge of the defendant shall not operate as an acquittal.

Amendment to Section
235.

14. Section 235 of the Principal Law is deleted and replaced as follows-

Non- appearance
of Defendant.

235. (1) Where a case is called in which summons has been served and the defendant

does not appear, and no sufficient excuse is offered for the absence, then the court where it is –

- (a) satisfied that the summons, if any, has been duly served, may issue a bench warrant for the arrest of the defendant; or
- (b) not satisfied that the summons has been duly served or where a warrant has been issued, in the first instance, for the arrest of the defendant, shall adjourn the hearing of the case to some future date, in order that proper service may be effected or, until the defendant is arrested, as the case may be.

(2) Where the defendant is afterward arrested upon a bench warrant, the defendant shall be brought before the court immediately, which may then commit the defendant by warrant to a correctional facility or to such other place of safe custody as it deems fit, and order that the defendant be brought before the court at a certain date.

(3) The victim shall, by direction of the court be served due notice of the date ordered under subsection (2) of this section.

(4) Where the court in exercise of its discretion has granted bail to the defendant and the defendant in disregard of the court order, fails to surrender to the order of court or fails to attend court without reasonable explanation, the court shall continue with the trial in absentia and convict accordingly, unless the court sees reasons otherwise: Provided that proceedings in the absence of the defendant shall take place after two (2) adjournments or as the court may deem fit.

(5) Notwithstanding the provisions of section 208 of this Law, the court shall direct substituted service and commencement of trial upon presentation of an affidavit of effort, where a

summons has been issued for a defendant who is not in custody and the defendant fails to appear without reasonable excuse and after issuance of a warrant the defendant is found to have escaped or could not be located, and at the close of prosecution's case, the court shall consider its verdict and deliver judgment.

(6) The conviction imposed by the court under subsection (5) of this section shall start to count from the day of the re-arrest of the defendant.

(7) In commencing the trial of the defendant under this section, the court shall deem the plea of the defendant as not guilty to the charge.

Creation of a New Section 283.

15. The Principal Law is amended by creating a new Section 283 as follows-

Chief Magistrate to Visit Police Stations Every Month.

283. (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall at least once every month, conduct an inspection of police stations or other places of detention within the jurisdiction other than the correction facility.

(2) During the visit, the Magistrate may-

- (a) call for and inspect the record of arrests;
- (b) direct the arraignment of a suspect(s); or
- (c) where bail has been refused, grant bail to any suspect where appropriate if the offence for which the suspect is held is within the jurisdiction of the Magistrate.

(3) An officer in charge of a police station or official in charge of an agency authorised to make an arrest shall make

available to the visiting Chief Magistrate or designated Magistrate under subsection (1) of this section –

- (a) the full record of arrest and record of bail;
- (b) decisions on bail applications made within the period; and
- (c) any other facility the Magistrate requires in exercising the powers under subsection (1) of this section.

(4) Where there is default by an officer in charge of a police station or official in charge of an Agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant Police Regulation under the Police Act, or pursuant to any other disciplinary procedure prescribed by any provision regulating the conduct of the police officer or official of the agency.

Creation of a New Section 298.

16. The Principal Law is amended by creating a new section 298 as follows-

Interim Order to Forfeit Property During Trial.

298. The Court may upon written information on oath before the commencement or conclusion of a trial, order an interim forfeiture of property, instrument or material where there is a reasonable ground for believing that any of such instrument, material, property, moveable or immovable or things have been provided or used for the commission of the offence charged and triable by the court and will not be made available at the conclusion of the trial or would have been otherwise dealt with by the defendant.

Creation of a New Section 300.

17. The Principal Law is amended by creating a new section 300 as follows –

Interim Order to Freeze Account During Trial.

300. The court may upon considering the report of a police officer or other written information on oath, the substance of

which the Judge or Magistrate must record, that there is reason to believe that monies in an account reasonably suspected to be proceeds of illegal or unlawful transaction will not be available during and at the conclusion of trial, make an interim order to freeze monies in such account.

Amendment to
Section 347.

18. Section 347 of the Principal Law is deleted and replaced as follows:-
- Rules Governing
Community Service.
347. (1) A person convicted of an offence triable summarily may be ordered by the court to render community service in lieu of sentence or fine.
- (2) The court, in exercising its power under subsection (1) of this section shall consider the need to –
- (a) decongest the correctional facilities and institutions;
 - (b) rehabilitate and reintegrate convicted persons by making them undergo productive work; and
 - (c) avoid mixing persons convicted of simple offences with persons convicted of serious offences.
- (3) The Community Service Order shall contain such requirements as the court may consider necessary for effective supervision and rehabilitation of the offender, including that the offender enrolls for the State Government vocational training or skills acquisition program.
- (4) A Community Service Order shall be in the nature of –
- (a) environmental sanitation;
 - (b) assisting in the care of children and the elderly in Government approved homes;
 - (c) any other type of service which in the opinion of the court would have a beneficial and

salutary effect on the character of the offender:

(i) the community service officer and the person against whom the order is made shall enter into a written agreement specifying the number of hours of service that would be rendered on a daily or weekly basis;

(ii) the written agreement referred to in subsection (4) (c) (i) of this section shall be filed in the court's registry by the community service officer;

(iii) where the person against whom the order is made refuses or defaults to enter into the written agreement or where the person breaches the terms of the agreement on more than three (3) occasions without any lawful justification or excuse, the court on the application of the community service officer shall issue a bench warrant for the arrest of such person;

(iv) the person against whom the order was made shall bear the burden of showing any lawful or valid excuse justifying or excusing the breach of the written agreement, in which case the court may permit the continuation of the community service order;

(v) the court, if satisfied that the person against whom the order was made has no lawful or valid excuse, shall impose custodial sentence or fine having regard to the punishment prescribed for the offence to which the person was charged and the length of community service already performed.

(5) A community service officer shall be appointed in each Magisterial District in the State by the Attorney-General and Commissioner for Justice after consultation with the Commissioner charged with the responsibility for social development.

(6) Nothing in this Law shall preclude the Attorney-General and Commissioner for Justice and the court from the use of diversionary and restorative measures.

(7) The enforcement measure prescribed under subsection (6) of this section shall be carried out through the Community Service Office and any relevant department within the Ministry of Justice.

Creation of a New
Section 370.

19. The Principal Law is amended by creating a new section 370 as follows –

Establishment of
Crime Data
Register.

370. (1) There is established a Crime Data Register to be known as the Lagos Criminal Information System, which shall be a database of suspects and convicts whether minor or major.

(2) The Lagos Criminal Information System shall be an electronic repository of information on suspects and offenders either convicted or awaiting trial who has passed through the Criminal Justice System from the point

of arrest through prosecution up until when judgment is delivered.

(3) The Lagos Criminal Information System shall capture, store and provide access to information on physical, personal, biometric, fingerprint details and photographs of suspects obtained by the Police, Prisons, Judiciary, Ministry of Justice and other relevant Agencies.

(4) Information obtained on suspects in accordance with the provisions of this section shall include the nature of offence, location of offence and charge number and same shall be updated to reflect current status of cases until judgment is given.

(5) The Lagos Criminal Information System shall produce on a quarterly basis, reports of the current status of suspects, cases and other related activities and make same available to the Attorney General and Commissioner for Justice.

(6) Information captured by the Lagos Criminal Information system shall be made available for criminal record searches and investigation upon the payment of the prescribed fee.

(7) The Attorney-General and Commissioner for Justice shall be responsible for maintaining the Lagos Criminal Information System.

Creation of a New
Section 371.

20. The Principal Law is amended by creating a new section 371 as follows –

Procedure for Trial on
Charge for Certain
Offences.

371. (1) A trial for the offences referred to in subsection (4) of this section may not be held in an open court where the court so determines.

(2) The names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any publication and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.

(3) Where in any proceeding the court deems it necessary to protect the identity of the victim or a witness, the court may take any or all of the following measures-

- (a) receive evidence by video link;
- (b) permit the witness to be screened or masked;
- (c) receive written deposition of expert evidence; and
- (d) any other measure that the court considers appropriate in the circumstance.

(4) The provisions of this section shall apply to –

- (a) offences under sections 135, 137 and 260 of the Criminal Law of Lagos State, 2015; and
- (b) any other offence in respect of which a law of the State House of Assembly permits the use of such protective measures or as the Judge may consider appropriate in the circumstances.

(5) Any contravention of the provisions of subsection (2) of this section shall be an offence punishable on conviction to a term not exceeding one (1) year custodial sentence.

Creation of a New
Section 372.

21. The Principal Law is amended by creating a new section 372 as follows –

- | | | |
|-------------------------------------|------|--|
| Compensation to Victim in Judgment. | 372. | <p>(1) Notwithstanding the limit of its civil or criminal jurisdiction, a court has power in delivering its judgment to award to a victim commensurate compensation by the defendant or any other person or the State.</p> <p>(2) The Court in considering the award of compensation to the victim may call for additional evidence to enable it determine the quantum of compensation to award under subsection (1) of this section.</p> |
| Creation of a New Section 373. | 22. | <p>The Principal Law is amended by creating a new section 373 as follows –</p> <p style="padding-left: 40px;">Protection of Victims and Witnesses.</p> <p>373. (1) In exceptional circumstances, either of the parties may apply to the court to order the non- disclosure of the identity of a victim or witness who may be in danger or at risk, until the trial court decides otherwise.</p> <p>(2) In the determination of protective measures for victims and witnesses, the trial court may consult the office responsible for the protection of witnesses.</p> <p>(3) A court may, suo motu or at the request of either party, or of the body or unit in charge of victim or witness concerned, order appropriate measures for the privacy and protection of victims and witnesses:
Provided that the measures are consistent with the rights of the offender.</p> <p>(4) A trial court may hold in camera proceedings to determine whether to order -</p> <p style="padding-left: 40px;">(a) measures to prevent disclosure to the public or the media of the identity or whereabouts of a</p> |

victim or a witness, or of persons related to or associated with a victim or witness by such means as:

- (i) non-disclosure to the public of any records identifying the victim or witness;
- (ii) giving of testimony through image or voice altering devices, video link or closed-circuit television; and
- (iii) assignment of a pseudonym.

- (b) closed session; or
- (c) appropriate measures to facilitate the testimony of vulnerable victims and witnesses.

Creation of a New Section 374.

23. The Principal Law is amended by creating a new section 374 as follows –

Time within which to Raise Objections.

374. (1) The defendant to be tried on an information or charge shall be arraigned in accordance with the provisions of this Law relating to the taking of pleas and the procedure on it.

(2) After the plea has been taken, the defendant may raise any objection to the validity of the information or charge at any time before judgment: Provided that such objection shall only be considered along the substantive issues and a ruling made on it at the time of delivery of judgment.

Creation of New Sections 387.

24. The Principal Law is amended by creating new sections 375 - 387 as follows –

Establishment of Criminal Justice Reform Committee.

375. (1) There is established a body to be known as the Lagos State Criminal Justice Sector Reform Committee (referred to in this law as “the Committee”).

Composition of the Committee.

376. (2) The Committee shall consist of –

- (a) the Chief Judge of the State, who shall be the Chairman;
- (b) Attorney-General and Commissioner for Justice or a representative not below the rank of a Director on Grade Level 17 in the Ministry;
- (c) the Chairman House Committee on Judiciary, LASIEC, Human Rights and Public Petitions or a representative of that Committee;
- (d) the most senior Judge in the State Criminal Court Division;
- (e) Chief Registrar of the State High Court;
- (f) Commissioner of Police or a representative not below the rank of Deputy Commissioner of Police;
- (g) the Comptroller of the Correctional Service or a representative not below the rank of Deputy Comptroller;
- (h) one (1) representative of the Nigerian Bar Association to be appointed by the Chairman on the recommendation of the State Branch Chairman to serve for two (2) years only;
- (i) one (1) representative of the academia to be appointed by the Governor; and
- (j) two (2) Chief Magistrates to be nominated by the Chief Judge.

Functions of the Committee.

377. The Committee shall ensure that –
- (a) criminal matters are speedily treated and given necessary attention;
 - (b) congestion of criminal cases in courts is drastically reduced;
 - (c) congestion in the Correctional Services is reduced to the barest minimum;

- (d) persons awaiting trial are not unduly detained in prison custody;
- (e) cordial relationship and maximum cooperation between the organs charged with the responsibility for all aspects of the administration of justice in the State;
- (f) information is collated, analysed and published in relation to the administration of criminal justice sector in the State.
- (g) quarterly reports are submitted to the Chief Judge of the State for the developments and improved criminal justice delivery and for necessary action;
- (h) right of access to all the records of any of the organs in the administration of criminal justice sector to which this law applies;
- (i) for the purpose of carrying out the functions conferred on the Committee under this Law, the Committee-
 - (i) shall have right of access to all the records of any of the organs in the administration of justice sector to which this law applies;
 - (ii) may by notice in writing served on any person in charge of any such organs require that person to furnish information on such matters as may be specified in the notice; and
 - (iii) shall also be required to furnish information pursuant to the provision of this section and shall

- comply with the notice within the stipulated time; and
- (j) such other activities as are carried out when necessary for the effective and efficient administration of criminal justice system.
- Remuneration and Allowances. 378. The Chairman and members of the Committee shall be paid such remuneration and allowances as the Governor may approve.
- Meeting of the Committee. 379. (1) The Committee shall meet at least once a quarter while the sub-committee shall meet monthly.
- (2) The Chairman shall preside at any meeting of the Committee but in the absence of the Chairman, the members present shall appoint one (1) of the members to preside at that meeting.
- Quorum. 380. The Quorum of the Committee shall be six (6) members.
- Proceedings of the Committee. 381. (1) The Committee may make standing orders regulating its proceedings.
- (2) The meetings and proceedings of the Committee shall be in such manner as set in this Law.
- (3) The validity of proceedings of the Committee shall not be affected by a vacancy in the membership of the Committee or a defect in the appointment of a member of the Committee.
- Disclosure of Interest. 382. A member of the Committee who has a personal interest in any agreement entered into or proposal to be considered by the

Committee, shall disclose such interest to the Committee and shall not vote on any question relating to the transaction.

Secretary to the Committee.

383. (1) There shall be a Secretary for the Committee, who shall be appointed by the Chairman on the recommendation of the Attorney-General and Commissioner for Justice.

(2) The Secretary shall be a Legal Practitioner of not less than ten (10) years post call experience and shall possess sound knowledge and cognate experience in the administration of criminal justice system.

(3) The Secretary shall be the Accounting Officer and be responsible for the execution of the policy of the Committee and ensure decisions reached at Committee meetings are implemented.

(4) The Secretary shall hold office for a term of four (4) years and may subject to satisfactory performance of functions, be re-appointed for a further term of four (4) years only.

(5) The Secretary shall hold office on such terms and conditions as may be specified in the letter of appointment.

Staff of the Committee.

384. The Committee shall establish and maintain a secretariat with such number of staff as it deem necessary for the efficient running of its affairs and the Secretariat shall be headed by the Secretary.

Funds of the
Committee.

385. There is established for the Committee a fund into which shall be paid -
- (a) budgetary allocation to it through the office of the Attorney-General and Commissioner for Justice;
 - (b) such monies as may be provided for the Committee by any public, private or international organisation by way of a grant, support or assistance on such terms as are consistent with its functions; and
 - (c) such monies as may be received by the Committee in relation to the exercise of its functions under this Law.

Account and
Audit.

- 386 (1) The Secretary shall submit to the Committee not later than 30th September in each financial year, an estimate of its expenditure and income for the next financial year.
- (2) The Committee shall keep proper accounts and records in respect of each financial year and shall cause its accounts to be audited not later than two (2) months from the end of each year in accordance with the Audit Law.
- (3) The Committee shall prepare and publish an annual report of its activities.

Sub-Committee.

387. (1) There is set up a sub-committee of the Criminal Justice Reform Sector Committee for the purpose of carrying out its functions under this Law.
- (2) The sub-committee shall comprise of the following members-
- (a) the State Director of Public Prosecutions;

- (b) one (1) representative of the Nigerian Bar Association to be appointed by the Chairman on the recommendation of the State Branch Chairman to serve for two (2) years only;
- (c) the Director, Office of Public Defender or a representative not below the rank of Assistant Director GL 15;
- (d) the Director/Head of Community Service Unit;
- (e) one (1) representative of the Civil Society working on human rights and access to justice or women rights to be appointed by the Chairman;
- (f) Officer-in-Charge (Legal), State Police Criminal Investigation Department; and
- (g) one (1) representative of the Correctional Service not below the rank of Assistant Comptroller.

(3) The most senior Judge in the State Criminal Court Division shall be the Chairman of the sub-committee.

(4) A member of the sub-committee not being a public officer may resign from the appointment by a letter to the Chairman, giving one (1) month notice.

(5) Members of the sub-committee shall be paid such allowances as the Committee may approve.

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| Amendment to Section 372. | 25. | Section 372 of the Principal Law is amended by deleting the word "Repeal and Re-enactment." |
| Renumbering of the Principal Law. | 26. | The Principal Law is amended by renumbering all sections subsections, paragraphs and subparagraphs accordingly. |

Citation and
Commencement.

27. This Law may be cited as the Lagos State Administration of Criminal Justice (Amendment) Law and shall come into force on the 30th day of September, 2021.
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This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. OLALEKAN B. ONAFEKO

Ag. Clerk of the House of Assembly