



**PRACTICE DIRECTION ON THE
EFFICIENT IMPLEMENTATION OF
REMAND PROCEEDINGS PURSUANT
TO THE ADMINISTRATION OF
CRIMINAL JUSTICE ACT 2015
IN THE COURTS OF THE
FEDERAL CAPITAL TERRITORY**

Issued By:

HON. JUSTICE HUSSEINI BABA YUSUF
CHIEF JUDGE OF THE FEDERAL CAPITAL TERRITORY

JULY 2024



**PRACTICE DIRECTION ON THE EFFICIENT
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PROCEEDINGS PURSUANT TO THE
ADMINISTRATION OF CRIMINAL JUSTICE
ACT 2015 IN THE COURTS OF THE FEDERAL
CAPITAL TERRITORY**

INTERPRETATION

In this Practice Direction, unless the context otherwise requires:

“ACJA” means the Administration of Criminal Justice Act 2015;

“Administration of Criminal Justice Monitoring Committee” refers to the Committee established pursuant to the ACJA;

“Chief Judge” means the Chief Judge of the Federal Capital Territory; “Court” includes the Magistrate Court of the Federal Capital Territory;

“DCR Magistrates” means Deputy Chief Registrar in charge of Magistrates; “Magistrate” means a Magistrate appointed in accordance with the law of the Federal Capital Territory;

“Suspect” means a person apprehended but not yet charged for the commission of an offence;

“Remand” means to commit a suspect to custody pending trial or completion of investigation.

[]

Commencement

The orders contained herein shall take effect from the 8th day of July, 2024.

HON. JUSTICE HUSSEINI BABA YUSUF
Honourable Chief Judge of the Federal Capital Territory

- e. The name of the officer to whom the Magistrate commits the suspect to.
 - f. The offence for which the suspect has been remanded.
 - g. The date the remand order was granted.
 - h. The date when the order lapses.
 - i. The date the case is adjourned to.
 - j. The venue for the hearing of the adjourned case.
- 2) A remand order shall not be invalidated only on the grounds that one or all of the particulars listed in this order are not present on the remand order.
- 3) The Administration of Criminal Justice Monitoring Committee upon receipt of the register of remand order from the DCR Magistrates pursuant to Order 10 shall maintain a register of the remand orders issued or granted in the FCT for the purpose of monitoring the review process and ensuring compliance with the relevant provisions of the ACJA.

ORDER 14

AUTHORITY OF THE COURT TO ACT SUO MOTO

- 1) The Court which has made an order for remand of a suspect may on its own motion and at any time take any step including bail or discharge of the suspect to ensure that the remand or continued remand of the suspect is consistent with the provisions Part 30 of the ACJA or that the remand does not exceed the prescribed period or generally to prevent abuse of the procedure.

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**PRACTICE DIRECTION ISSUED BY THE
HONOURABLE CHIEF JUDGE OF THE FEDERAL
CAPITAL TERRITORY, HON. JUSTICE HUSSEINI
BABA YUSUF**

In exercise of the powers conferred on me, the Chief Judge of the High Court of the Federal Capital Territory by section 259 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), section 490(b) and (g) of the Administration of Criminal Justice Act 2015 and all other powers enabling me in that behalf, I, Justice Hussein Baba Yusuf, Honourable Chief Judge of the Federal Capital Territory, make the following Practice Direction -

[] Commencement

ORDER 11

RESTRICTION ON APPLICATION FOR REMAND

- 1) The Court shall not entertain an application for remand in respect of an offence for which the suspect had previously been subjected to remand proceedings and granted bail or discharged by the Court after the expiration of the extended remand period or for failure to show good cause for continued remand of the suspect.

ORDER 12

**APPLICATION BY THE NIGERIAN CORRECTIONAL
SERVICE/DETENTION FACILITY**

- 1) Where a suspect is held in custody in any custodial center or other place of detention in pursuance of a remand order, the Controller or superintendent in charge of that custodial center may at the expiration of the period of the detention order, bring an application in writing to the Court that made the order for appropriate direction.
- 2) The application shall be made using Form 9 under section 490(b) of the ACJA, providing the Court with necessary particulars, facts or information to enable it take appropriate action.
- 3) The Court shall upon such application, grant bail or discharge the suspect or make such other order as it considers appropriate.
- 4) The Correctional Service and or other place of detention shall keep a register of all remand orders granted which shall be submitted on the last working day of each month to the Chief Judge and the Administration of Criminal Justice Monitoring Committee.

ORDER 13

**PARTICULARS OF A REMAND
ORDER**

- 1) Where a court grants a remand order, the following particulars shall be included on the face of the remand order:
 - a. Reference number of the case.
 - b. The name of the Magistrate granting the remand order.
 - c. The name of the suspect remanded.
 - d. The name of the Agency who sought the remand order.

ORDER 8

SUBSEQUENT ORDERS FOR REMAND

- 1) The grant of application for extension of remand is at the discretion of the Court and shall not be made as a matter of course.
- 2) Every application for extension of remand shall state the ground(s) for the extension and provide facts or evidence that justify the request for extension of remand.
- 3) The Court shall not extend a remand period for more than three times and the remand period shall not exceed 14 days on each extension.
- 4) A suspect shall not under any circumstance be detained cumulatively beyond 56 days.
- 5) The court may refuse to extend an order for remand unless the suspect is produced.

ORDER 9

DETENTION OF SUSPECT BEYOND THE PERIOD OF REMAND ORDER

- 1) Where the initial period or the first extension of remand has expired and there is no application for extension or arraignment of the suspect, the Court may either -
 - a. grant bail to the suspect; or
 - b. issue a notice to the appropriate authority under section 296 of the ACJA to appear and justify the continued detention of the suspect.
- 2) Where a suspect has been detained or remanded cumulatively for a period exceeding 56 days without arraignment in the appropriate Court, the Court shall with or without an application discharge the suspect.

ORDER 10

OBLIGATION OF MAGISTRATES TO REPORT A REMAND ORDER

- 1) The Magistrate shall keep a register of all remand orders granted which shall be submitted on the last working day of each month to the DCR Magistrates who shall forward same to the Administration of Criminal Justice Monitoring Committee.

ORDER ONE

OBJECTIVE AND GUIDING PRINCIPLES

1. The objectives of this Practice Direction is to:
 - (a) Ensure effective implementation of the provisions of the Administration of Criminal Justice Act 2015 (ACJA) relating to remand proceedings;
 - (b) Prevent abuse of the procedure by ensuring that suspects are detained only in deserving cases;
 - (c) Prevent congestion of correctional centres arising from inappropriate use or abuse of the remand orders;
 - (d) Decongest correctional centers by providing for release of suspects that are wrongly detained under the remand proceedings.

ORDER 2

APPLICATION OF THE PRACTICE DIRECTION

- 1) This Practice direction shall apply to the High Court and Magistrates' Court of the Federal Capital Territory when considering any request for remand brought pursuant to Part 30 of the ACJA.

ORDER 3

POWER TO REMAND

- 1) The power to remand a suspect pursuant to provisions of Part 30 of the ACJA may be exercised by a Magistrate court by an Application for Remand, within a reasonable time of arrest, for an offence which a Magistrate court has no jurisdiction to try.
- 2) The power to remand a suspect under Rule 1 of this Order shall be limited to only suspects arrested for offences which a Magistrate Court in the FCT has no jurisdiction to try.

ORDER 6

REQUIREMENTS FOR REMAND

- 3) Where the offence is one which a Magistrate Court has jurisdiction to try, the Court shall be precluded from exercising its power under Rule 1 of this Order.
- 4) Where the Magistrate considers granting bail, taking into account the nature of the offence, he shall exercise due caution and act in accordance with sections 158 to 188 of the ACJA.

ORDER 4

TIME FOR MAKING APPLICATION FOR REMAND

- 1) An application for remand shall be brought within 48 hours of arresting the suspect, unless reasonable cause is shown to the contrary.
- 2) The period referred to in Rule 1 of this Order shall exclude weekends and public holidays.

ORDER 5

MODE OF APPLICATION FOR REMAND

- 1) The application for remand under Part 30 of the ACJA shall not be made by way of a holding charge or arraignment.
- 2) The application for remand shall be made ex parte in the prescribed "Report and Request for Remand Form" using the specimen Form 8, in the First Schedule to the ACJA and shall be accompanied by –
 - a. an affidavit verifying the facts contained therein and stating the reasons for the request for remand; and
 - b. copies of the statement of the suspect and witnesses referred to in Form 8.
- 3) Provided that the application shall not be invalidated for not complying with the prescribed Form 8.

- 1) Before granting an application for remand, the Court shall examine the application and in addition to the requirements in section 294 (2) of the ACJA shall satisfy itself that -
 - a) The act or omission the suspect is arrested for constitutes an offence under the law;
 - b) The offence the suspect is arrested for is one which a Magistrate's Court has no jurisdiction to try;
 - c) The available evidence establishes a prima facie case that an offence has been committed and that the suspect is sufficiently linked in the commission of the offence;
 - d) The remand is necessary pending receipt of legal advice from the Attorney-General of the Federation or further investigation; and
 - e) The suspect had not been previously remanded by the court on account of the same offence.
- 2) The Court may order the production of the suspect if it considers it necessary for the purpose of determining the requirements for remand as stipulated in Rule I of this Order.
- 3) Where the requirements in Rule 1 of this Order are not satisfied, the Court may grant bail to the suspect pursuant to the provisions of Part 19 of the ACJA.
- 4) Where the requirements in Rule 1 of this Order are satisfied, the Court may order the remand of the suspect.

ORDER 7

INITIAL ORDER FOR REMAND

- 1) Where an Order has been granted under Order 6, the initial Order for remand of a suspect shall be for a period not exceeding 14 days.
- 2) The Order referred to in Rule 1 shall -
 - a. state a return date which shall fall within the 14 days of the remand; and
 - b. require the Nigerian Correctional Service, or any detaining authority to produce the suspect in Court within the period of the remand, unless there is an order for extension of the remand.