

ADVERTISING OFFENCES TRIBUNAL RULES

AND

PRACTICE DIRECTION

📍 HEAD OFFICE

Advertising House,
National Theatre Annexe,
Iganmu, Lagos.

📞 0814 150 1015, 0909 484 1841

✉️ advertisingtribunal@gmail.com

🌐 www.advertcouncil.gov.ng

📍 HEAD OFFICE ANNEXE

Advertising House,
Plot 467, Joseph Adetoro,
Utako District, Abuja.

📞 0805 089 8937, 0915 079 1310

TABLE OF CONTENT

	PAGE		PAGE
Institution of Proceedings	1	Advertising Offences Tribunal	
Order of the Defendant to Appear	1	ORDER I: OBJECTIVES AND GUIDING PRINCIPLES	19
Commencement of Trial	1	ORDER II: ARRAIGNMENT AND COMMENCEMENT OF TRIAL	19
Plea of not guilty or No Plea	1	ORDER III: INSTITUTION OF PROCEEDINGS	19 - 20
Presentation of the Case of the Prosecution	2	ORDER IV: SERVICE	20 - 21
Procedure after Presentation of Evidence by the Prosecutor	2 - 3	ORDER V: SITTING OF THE TRIBUNAL	21
Defence	3	ORDER VI: OBSERVATION AND APPLICATION BY THE DEFENDANT BEFORE ENTERING A PLEA	21
Right of Prosecutor to Reply	4	ORDER VII: RECORDING OF PROCEEDINGS	21
Consideration of Finding	4	ORDER VIII: TRIAL	22 - 23
Announcement of Finding	4	ORDER IX: STAY OF PROCEEDINGS	23
Issues of Summons for the Witness	5	ORDER X: ELECTRONIC MODE OF NOTICE	23 - 24
Warrant of Witness after Summons	5	ORDER XI: MOTION AND OTHER APPLICATIONS	24
Local Inspection	5	ORDER XII: FEES	24
Note of Evidence to be taken	6		
Forms	6		

Institution of Proceedings

1. The trial of offences under this Act shall commence by way of an application, supported by a summary of evidence or affidavit to the Tribunal by the prosecutor.

Order of the Defendant to Appear

2. Where, after the perusal of the application and the summary of evidence, affidavit or any further evidence in such forms as the Tribunal may consider necessary, the Tribunal is satisfied that any person appears to have committed an offence provided under this Act, it shall cause that person to be brought before the Tribunal on such date and such time as it may direct.

Commencement of Trial

3. (1) When the Tribunal is ready to commence a trial, the defendant shall be brought before it and the Tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offences charged.
(2) If the defendant pleads guilty, the plea should be recorded and he may in the discretion of the Tribunal be convicted.

Plea of not Guilty or no Plea

4. If the defendant pleads not guilty, or makes no plea, or refuses to plead or if the Tribunal enters a plea of not guilty on behalf of the defendant, the Tribunal shall proceed to hear the case.

Presentation of the Case of the Prosecution

5. (1) After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the defendant, stating shortly by what evidence he intends to prove the guilt of the defendant.
(2) The prosecutor shall then examine the witness for the prosecution whom may be cross-examined by the defendant or his counsel and may thereafter be re-examined by the prosecutor.

Procedure after Presentation of Evidence by the Prosecutor

6. (1) After the conclusion of the presentation of evidence by the prosecutor, the Tribunal shall ask the defendant—
(a) whether he wishes to give evidence on his own behalf; and
(b) whether he intends to call any witness other than witness as to character.
(2) If the defendant says that he does not intend to call any witness other than witness as to character, the prosecutor may sum up his case against the defendant and the Tribunal shall then call upon the defendant to enter upon his defence.
(3) Notwithstanding the provision of subparagraph (2), the Tribunal may, if after hearing the evidence against the defendant or any of several defendants it considers the evidence not sufficient to justify the continuation of the trial, record the finding of not guilty in respect of such defendant

without calling upon him or them to enter upon their defence and such defendant shall thereupon be discharged and acquitted and the Tribunal shall then call upon the remaining defendants, if any, to enter upon their defence.

(4) If the defendant or any one of the several defendants says that he intends to call any witness other than a witness as to character, the Tribunal shall call upon the defendant to enter upon his defence.

(5) Notwithstanding the provision of subparagraph (4), the Tribunal may, before calling the defendant to enter upon his defence, call upon the prosecutor to sum up his case against any one or more of the defendants against whom it considers if not sufficient to justify the continuation of the trial and, after hearing the summing up if any in its discretion record a finding of not guilty in respect of any such defendant or call upon any of them to enter upon his or their defence.

Defence

7. When the Tribunal calls upon the defendant to enter his defence, the defendant or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the defendant may then give evidence on his own behalf, examine his witnesses, if any and, after their cross examination and reexamination, if any the defendant or his counsel may sum up his case.

Right of Prosecutor to Reply

8. (1) If the defendant or any of the defendants calls any witness, other than a witness as to character, or any document, other than a document relating to character, is put in evidence for the defence, a prosecutor shall be entitled to reply.

(2) If the defendant has called only evidence as to character the prosecutor may at the close of the case for the defence adduce evidence of previous conviction of the defendant.

(3) Notwithstanding subparagraphs (1) and (2), the prosecution may, with leave of the Tribunal, be held a reply on a point of law on any new matter or evidence, other than evidence as to character introduced by the defendant.

Consideration of Finding

9. When the case of the defence and the reply of the prosecution if any, are concluded and the tribunal does not desire to put any further question to the defendant, the Tribunal shall retire or adjourn to consider its finding

Announcement of Finding

10. After the Tribunal has made its finding, the chairman shall announce such finding where the defendant is found guilty, he shall impose the appropriate penalty prescribed in this Act, and issue an appropriate order accordingly.

Issues of Summons for the Witness

11. If the Tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence, the Tribunal may issue a summons to such person requiring him to attend at a time and place mentioned therein, before the Tribunal to give evidence in respect of the case and to bring any specified document or things and any other documents or things relating thereto which may be in his possession or power under his control.

Warrant of Witness after Summons

12. If the person to whom any such summons is directed does not attend before the Tribunal at the time and the place mentioned therein and does not appear to the Tribunal on inquiry to be any reasonable excuse for such nonattendance, then after proof to the satisfaction of the Tribunal that the summons was duly served or that the person to whom the summons is directed, willfully avoided service, the Tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the Tribunal in order to testify.

Local Inspection

13. It shall be the duty of the Tribunal to make or cause to be made such local inspection as the circumstance of the case may require.

Note of Evidence to be Taken

14. The Chairman or any other member of the Tribunal authorised by the Chairman in that behalf shall in every case, take note in writing of the oral evidence, or so much as he considers material, in a book to be kept for that purpose and such book shall be signed by the Chairman and not less than two other members of the Tribunal including the person who took down the note, at the conclusion of each day's proceedings.

Forms

15. Subject to any express provision of this rules, the forms contained in annex to this rule may, in accordance with any instructions contain in the forms, and with such variation as the circumstance of the particular case may require, be use in the case to which they apply, and when so used shall be good and sufficient in law.

FORM 1

To the Chairman,
Tribunal for the Trial of Offences under the
Advertising Regulatory Council of Nigeria Act

1. Pursuant to section 34 and 36 of the Tribunal for the trial of offences under the Advertising Regulatory Council of Nigeria Act, I hereby apply to the commencement of the trial for the offence of _____ under Section _____ of the Act against the under mentioned person(s):
 - (i) _____
 - (ii) _____
2. In support of this application, I attach hereto _____ copies of the summary of evidence or affidavit for the consideration of the Tribunal.
3. If this application is granted, I shall be relying on the facts disclose in the summary of evidence and any further evidence the Tribunal may consider nectary at the trial. I attach hereto 5 copies of the charge against the Defendant. A list of the deponents and their addresses is also attached for the purpose of issuing summons to them.

FORM 2
Summons to the Defendant

IN THE TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER
THE TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE
ADVERTISING REGULATORY COUNCIL OF NIGERIA ACT

To A.B. _____

Complaint has been made this day by _____ for that on the _____ day of _____ at _____ in the _____ aforesaid _____
You are therefore summoned to appear before the Tribunal mentioned above sitting at _____ on _____ to answer the said complaint.

Dated this _____ day of _____, 20_____

Chairman of the Tribunal

*state concisely the substance of the offence

FORM 3

WARRANT FOR THE APPREHENSION OF THE DEFENDANT
TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING
REGULATORY COUNCIL OF NIGERIA ACT
BETWEEN
FEDERAL REPUBLIC OF NIGERIA
AND
THE DEFENDANT

To _____ Police Officer, complaint has been made
on _____ of _____ by
_____ that _____ herein after called the
defendant, on the _____ day of _____, 20_____

Did * you are hereby commanded to bring the Defendant before the Tribunal
mentioned above sitting at _____ on _____ to answer
the said complaint and to be dealt with according to the law.

Dated this _____ day of _____, 20_____

Chairman of the Tribunal

*state concisely the substance of the offence

FORM 4

SUMMONS TO WITNESS
TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE
ADVERTISING REGULATORY COUNCIL OF NIGERIA ACT
BETWEEN
FEDERAL REPUBLIC OF NIGERIA
AND
THE DEFENDANT

To:

- i. _____
- ii. _____

Has been charged by :

- iii. _____ at _____
in _____ that he did (iv)
_____ and it appearing to me on the application of (iii)
_____ that you are likely to give material evidence
therein on behalf of the prosecutor or Defendant.

You are therefore summoned to appear before the Tribunal named above
sitting at _____ on the _____ day of _____,
20_____ at the hour of _____ noon to testify on what you
know in such matter.

Dated this _____ day of _____, 20_____

Chairman of the Tribunal

- (i) Insert name of witness.
- (ii) Insert name of the Defendant.
- (iii) Insert name of the Prosecutor.
- (iv) State concisely the substance of the offence.

FORM 5

WARRANT FOR THE APPREHENSION OF WITNESS IN THE FIRST INSTANCE
TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING
REGULATORY COUNCIL OF NIGERIA ACT

To : _____ A.B.has been
charged byfor that he on the _____ day of
_____ at _____ in the
_____ state aforesaid did*
_____ and it appearing to me by the oath that
_____ is likely to give material evidence
concerning the said matter and that is probable he will not attend to give evidence
unless compelled to do so.

You are therefore hereby commanded to bring him before the tribunal in the above
sitting at _____ Forthwith to testify what he knows
concerning the said matter.

Chairman of the Tribunal

*state concisely the substance of the offence

FORM 6

WARRANT FOR THE APPREHENSION OF WITNESS
TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING REGULATORY
COUNCIL OF NIGERIA ACT
BETWEEN
FEDERAL REPUBLIC OF NIGERIA
AND
THE DEFENDANT

To _____ was duly summoned to appear before
the Tribunal named the above sitting at _____ on
_____ on at the hour of _____ in the
_____ noon, to testify what he knows concerning a certain
complaint against _____

And he has neither appeared thereto, nor offered any just excuse for his neglect.
And it has been proved on oath that the summons has been duly served on him and
that a reasonable sum has been paid or tendered to him for his cost and expenses in
that behalf.

You are therefore commanded to bring him before the tribunal named above sitting at
_____ forthwith to testify to what he knows concerning the
said matter.

Dated this _____ day of _____, 20 _____

Chairman of the Tribunal

(i) Insert name of witness.

FORM 7

WARRANT FOR COMMITMENT OF WITNESS
 TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING
 REGULATORY COUNCIL OF NIGERIA ACT
 BETWEEN
 FEDERAL REPUBLIC OF NIGERIA
 AND
 THE DEFENDANT

To _____ and to the Superintendent
 _____ of Nigeria Correctional Service, (i)
 _____ having appeared or being brought before the
 tribunal named above sitting at _____ on the ____ day
 of _____, 20____ to testify what he knows concerning a
 certain matter against (ii) _____ refused to take an oath (or
 having taken an oath) refused to answer any (or a certain) question put to him
 concerning the matter and did not offer any just excuse for his refusal.

You, the said police officer, are hereby commanded to convey the said
 _____ safely to Nigeria Correctional facility and deliver to the
 Superintendent thereof, together with this warrant and you, the Superintendent of the
 said correctional facility, to receive him into your custody and keep him for the period
 of _____. Unless, he in the main time consent to be examined and
 to answer concerning the matter.

Dated this _____ day of _____, 20_____

 Chairman of the Tribunal

- (i) Insert name of witness.
- (ii) Insert name of defendant.

FORM 8

COMMITMENT OF REWARD
 TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING
 REGULATORY COUNCIL OF NIGERIA ACT
 BETWEEN
 FEDERAL REPUBLIC OF NIGERIA
 AND
 THE DEFENDANT

To _____ officer in charge of _____
 Police Station and to the Superintendent of _____ prison
 (i) _____ hereinafter called the accused being
 brought before the Tribunal named above, sitting at _____ charged
 with having (ii) _____

The hearing of the case being adjourned.

You, the said police officer, are hereby commanded to convey the defendant back to
 custody at _____ to the correctional facility and thereto
 deliver him to the chief superintendent of the said correctional facility, and to receive
 him into your custody, and keep him until _____ the day of _____,
 20_____ and on that day to convey him before the said tribunal at the hour of
 _____ in the _____ noon to be further
 dealt with according to the law.

Dated this _____ day of _____, 20_____

 Chairman of the Tribunal

- (i) Insert name of accused.
- (ii) State the offence or offences.

FORM 9

WARRANT OF CONVICTION
TRIBUNAL FOR THE TRIAL OF OFFENCES UNDER THE ADVERTISING
REGULATORY COUNCIL OF NIGERIA ACT
BETWEEN
FEDERAL REPUBLIC OF NIGERIA
AND
THE DEFENDANT

I _____ appeared before the Tribunal named
above sitting at _____ is this convicted for that he, on the
_____ day of _____, 20____

Chairman of the Tribunal

- (i) Insert name of accused.
- (ii) State the offence or offences for which accused is being convicted.
- (iii) Insert the Tribunal sentence.
- (iv) Insert name of accused.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws
of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both
Houses of the National Assembly.

OJO O. A., fnia, fcia
Clerk to the National Assembly
27th Day of June, 2022.

ADVERTISING OFFENCES TRIBUNAL, PRACTICE DIRECTION, 2023

COMMENCEMENT 1ST DAY OF SEPTEMBER 2023

In exercise of the inherent powers of the Tribunal and by virtue of all other powers enabling me in that behalf, I, Cecilia Mojisola A. Olatoregun, Honourable Chairman of the Advertising Offences Tribunal hereby make the following Practice Direction for the Advertising Offences Tribunal.

This Practice Direction shall apply to all cases filed before the Tribunal and all applications that may arise in the determination of a case before the Tribunal.

ORDER I: OBJECTIVES AND GUIDING PRINCIPLES

1. The objectives of this Practice Direction are:
 - a. To carry into effect and ensure compliance with the overriding objective of the third schedule of the Advertising Regulatory Council of Nigeria Act 2022.
 - b. To ensure the efficient and speedy dispensation of justice and case management brought before the Tribunal.
 - c. To ensure the protection of the Fundamental Human rights of every person.

ORDER II: ARRAIGNMENT AND COMMENCEMENT OF TRIAL

1. Commencement of trial shall be as stipulated under the Third Schedule to the Advertising Regulatory Council of Nigeria Act and the Administration of the Criminal Justice Act, 2015.
2. Where the defendant fails to appear on the date fixed for arraignment, the prosecution may apply to the Tribunal for a warrant of arrest.

ORDER III: INSTITUTION OF PROCEEDINGS

1. The Honourable Chairman of the Tribunal shall assign cases brought before the Tribunal to a Panel of the Tribunal within Seven (7) days from the date of filing the charge.
2. The Panel to which a case is assigned, shall within Ten (10) days from the date a case is assigned to it, cause hearing notice to be issued on:
 - i. The Prosecuting Counsel
 - ii. The Defendant personally where practicable or

- iii. Through the legal representative of the Defendant or
 - iv. Through the company or advertisement agency of the Defendant as stipulated for service under the Company and Allied Matters Act with the leave of the Tribunal in any of the above circumstances.
 - v. Where the Defendant is in custody, a production warrant and the hearing notice shall be served through the officer in charge of the correctional facility where the Defendant is detained not more than Three (3) days from the date the Notice is issued.
3. Except the Tribunal directs otherwise, a charge sheet together with copies of proof of evidence, statement of evidence, list of witnesses and list of exhibits or documents to be relied on at the trial shall be served on the Defendant within fourteen (14) days from the date of filing and same shall be deemed good and proper service.

ORDER IV: SERVICE

1. Where it is impossible or impracticable to effect personal service of the charge sheet together with the accompanying documents above on the defendant, notice of trial or information on the defendant, the Defendant may be served, with leave of the Tribunal through his legal representatives, if any or his surety or sureties or on an adult in his household, company, advertisement agent or agency or any other means as may be directed by the Tribunal.
2. The Tribunal may in any case, for reasons which shall seem to it

sufficient, direct a summons to be served or executed by a bailiff.

3. The expenses of a bailiff shall be borne by the parties.

ORDER V: SITTING OF THE TRIBUNAL

1. Sittings of the Tribunal shall be on days as stipulated by the Chairman of the Tribunal.
2. The sittings shall be conducted physically or virtually by 9:00am or so soon thereafter on the stipulated days.
3. The Chairman shall assign a case based on the proximate location of the defendant.
4. Sittings may be in Abuja, Lagos and any other geopolitical Zones of the Federation.

ORDER VI: OBSERVATION AND APPLICATION BY THE DEFENDANT BEFORE ENTERING A PLEA

1. The Tribunal shall not entertain or hear any observation, comment or application from a defendant or his legal representative unless and until after the defendant has entered a plea to the charge or charges against the defendant before the Tribunal.

ORDER VII: RECORDING OF PROCEEDINGS

Subject to the provisions of the Evidence Act, evidence in any proceedings may be recorded in writing or by mechanical, electronic or any other scientific means.

ORDER VIII: TRIAL

1. The Tribunal shall schedule the time and date of hearings with the aim of concluding the trial within one hundred and eighty (180) days of filing the charge
2. The hearing of cases shall be as scheduled by the Tribunal.
3. The Tribunal and the Parties shall prevent unnecessary delays as far as practicable.
4. Adjournment may be allowed from arraignment to Judgement but not more than Five (5) times or such other number of times as may be stipulated by the relevant provision of the Administration of Criminal Justice Act, LFN, 2015.
5. Where it is impracticable for a counsel in a case to appear before the Tribunal for the conduct of his case on any day scheduled in a case by reason of ill health or any other unavoidable reason, counsel shall:
 - i. Notify the Tribunal in writing by an application stating the grounds for such application.
 - ii. Ensure that another counsel of requisite professional experience and knowledge of the issues before the Tribunal as is required to diligently prosecute or defend the case is present before the Tribunal and ready to proceed with the case or trial in his absence.
6. Where counsel puts himself forward as holding the brief of another counsel, he shall be deemed to be seized of the facts of the case and ready to proceed with the business of the day before the Tribunal.
7. Where a counsel holding brief for another counsel is unable to

proceed with the business of the day before the Tribunal, due to his unpreparedness, cost may be awarded against the counsel personally.

8. All processes filed by a party shall include address for service, email address and telephone numbers of the party or his legal representative.
9. Parties or their counsel shall communicate and correspond with the Tribunal through the Registrar only.
10. A counsel to a party shall not seek to see the Chairman or any members in chambers about a matter before the Tribunal in the absence of counsel on the other side.

ORDER IX: STAY OF PROCEEDINGS

1. No application for a stay of proceedings in respect of any case pending before the Tribunal shall be entertained.

ORDER X: ELECTRONIC MODE OF NOTICE

1. Electronic mail and other electronic means may be employed to give any notice required under this Practice Direction, the Third Schedule to the Advertising Regulatory Council of Nigeria Act, and the Administration of Criminal Justice Act.
2. Electronic mails and other electronic means may be employed to give notice in order to inform parties or counsel or unrepresented parties, of unforeseen development in the case, provided that such a notice is given at least Forty – eight (48) hours before the scheduled hearing at the Tribunal.
3. Counsel and unrepresented parties shall furnish the Registrar

of the Tribunal with their primary and secondary phone numbers and email address(es).

ORDER XI: MOTION AND OTHER APPLICATIONS

1. Where a party seeks to make an application, such application shall be by way of motion or summons together with an Affidavit and shall be accompanied with a written address duly signed by the Applicant's counsel
2. Where the other party intends to oppose such an application, he shall file a counter affidavit on facts together with a written address within 7 days of being served with the application.
3. On receipt of the response, the applicant may file a written reply on points of law within 7 days of being served.
4. At the conclusion of trial, parties shall file their final written address(es) in line with the relevant provisions of the Administration of Criminal Justice Act, 2015.

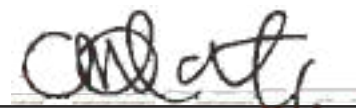
ORDER XII: FEES

The fees set out in this Practice Direction shall be payable in respect of matters to which they relate and paid to the Registrar of the Tribunal.

S/N	ADVERTISING OFFENCES TRIBUNAL RULES	AMOUNT ₦
a.	Application for warrant	-
b.	On filing any application	5,000
c.	Filing security Bond	5,000
d.	Filing any other paper	1,000
e.	CTC of Ruling - Cost per page	500
f.	CTC of Judgement - Cost per page	500
g.	For obtaining CTC of record of proceedings per page	500
h.	For certifying a page as certified true copy	500
i.	For swearing to an affidavit or making a declaration	1,000
j.	Affidavit of service	1,000
k.	For every subpoena	1,000
l.	Exhibit (per exhibit)	1,000
m.	For every day of default in complying with the order of the Tribunal or within time fixed	2,500
n.	For conducting search	5,000
o.	For services of any process or document including hearing notices per party	Subject to prevailing rate

S/N	ADVERTISING OFFENCES TRIBUNAL RULES	AMOUNT ₦
p.	For any other application or document not referred to	2,500
q.	Record of proceedings in CD	5,000
r.	For service of any other document or process: i. Within the location of the Tribunal ii. Initial Location iii. Subsequent location (change of address) iv. Outside the location of the Tribunal but within Nigeria	} Subject to prevailing rate
s.	Transfer of Foreign Judgement Certificate	
t.	Certificate of service of Foreign Process	} Subject to prevailing rate
u.	Courier service charges: i. Within Nigeria ii. Outside Nigeria	} Subject to prevailing rate
v.	Binding of compiled records per copy	

Shall take effect from the 1st Day of September, 2023



Hon. Justice Cecilia Mojisola A. Olaforegun
(Honourable Chairman, Advertising Offences Tribunal)

