

15th, December, 2016

QUESTION:

DOES NIGERIAN CUSTOMS SERVICE HAVE THE POWERS TO STOP AND SEARCH VEHICLES ON THE HIGHWAYS; RAID SHOPS & WAREHOUSES, AND SEIZE GOODS FOUND THEREIN??

The Law that regulates the exercise of powers and duties of Nigerian Customs service is; Customs and Excise Management Act, Cap C45 Laws of the Federation of Nigeria, 2004.

Section 147 of the Act empowers any Customs Officer to enter any premises and search, seize, detain or remove any goods he reasonably suspects to have been kept in the premises; Section 147 subsection 1 provides as follows;

“Without prejudice to any other power conferred by this Act, where there are reasonable grounds to suspect that anything liable to forfeiture under the customs and excise laws is kept or concealed in any building or place, any officer may, without a warrant, enter that building or place at any time, whether by day or night and search for, seize, detain or remove any such thing and may, so far as is reasonably necessary for the purpose of such entry, search, seizure, detention or removal, break open any door, window or container and force and remove any other impediment or obstruction”

By section 149 subsection 1, 2 and 3 of the Act the officers have the power to search vehicles they suspect may be carrying any goods liable for forfeiture under the Customs and Excise Laws; Section 149 provides as follows:

“(1). Without prejudice to any other power conferred by this Act, where there are reasonable grounds to suspect that any vehicle or ship is or may be carrying any goods which are;

- (a) Chargeable with any duty which has not been paid or secured; or***
- (b) In the course of being unlawfully removed from or to any place;***
or
- (c) Otherwise liable to forfeiture under the customs and excise laws,***

Any officer or police officer may stop and search that vehicle or ship.

(2). If, when so required by any such officer or police officer, the person in charge of any such vehicle or ship refuses to stop or to permit the vehicle or ship to be searched, he shall be liable to a fine of two hundred naira.

(3). No officer or police officer shall be liable to any prosecution or action at law on account of any stoppage or search in accordance with the provisions of this section.”

Section 158 of the Act gives power to any customs officer in charge of any ship, aircraft or vehicle to **patrol freely in any place in Nigeria** in the enforcement of the customs and excise laws.

However, subsection 3 of section 158 of the Act restricts the officers from entering any dwelling House or other building in the exercise of such powers. But regrettably, the Act did not define the meaning and/or what “other building” comprises.

Section 158 (1, 2 & 3) provides as follows;

“(1). The person in charge of any ship, aircraft or vehicle employed in the enforcement of the customs and excise laws;

(a) May take such ship, aircraft or vehicle to any place in Nigeria; and

(b) Keep any such ship, aircraft or vehicle at any place in Nigeria for such time as he shall deem necessary.

And such person shall not be liable to any prosecution or action at law for so doing.

(2). Any officer engaged in the enforcement of the customs and excise laws may for that purpose patrol upon and pass freely over and enter any place in Nigeria, and such officer shall not be liable to any prosecution or action at law for so doing.

(3). Nothing in this section shall authorise entry into any dwelling-house or other building.

Therefore, sections 147 (1), 149 (1, 2 and 3) and 158 (1 &2) of the Act gives the Customs Officers power to raid the premises and also search vehicles they suspect of carrying any goods liable for forfeiture under the Customs and Excise Laws.

My brother Okpata; sadly the law “empowers” the Customs Officers to subject our people to all forms of oppression as they abuse these powers.

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