



**LAGOS STATE JUDICIARY  
NON-CUSTODIAL SENTENCING  
PRACTICE DIRECTIONS, 2025**



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## **LAGOS STATE JUDICIARY NON-CUSTODIAL SENTENCING PRACTICE DIRECTIONS, 2025**

In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Section 87 of the High Court Law of Lagos State, CAP. H5, Laws of Lagos State, 2015 and all other powers enabling me in that behalf, I, HON. JUSTICE KAZEEM OLANREWAJU ALOGBA, the Honourable Chief Judge, High Court of Lagos State Ikeja, hereby make the following Practice Directions for all Lagos State Courts that exercise criminal jurisdiction.

### **► ARTICLE 1 ◀ GENERAL PROVISIONS**

#### **1. OBJECTIVES.**

The objectives of these Practice Directions are to -

- (1) establish the requirements and procedure for imposing non-custodial sentences for the purpose of preventing abuse and ensuring reasonable uniformity and fairness in sentencing; and
- (2) ensure that the correctional facilities and institutions are decongested through the use of non-custodial sentences in line with Sections 347 and 372 of the Administration of Criminal Justice (Amendment) Law 2021, Section 2(1)(b) of the Nigerian Correctional Service Act, 2019 and any other applicable provisions of the Administration of Criminal Justice Law, Laws of Lagos State of Nigeria.

#### **2. APPLICATION AND SCOPE.**

- (1) These Practice Directions shall, save to the extent as may otherwise be ordered by the Honourable Chief Judge, apply to Courts of Lagos State exercising criminal jurisdiction;
- (2) The statutory and inherent discretion conferred on a Court to determine and impose sentences is not derogated from but shall be exercised in accordance with this Practice Directions.

(3) These Practice Directions shall not be applied to any person below the age of eighteen (18) years.

(4) Where there is doubt as to whether the defendant or convict has attained the age of eighteen (18) years, the Court shall resolve the doubt in favour of the defendant or convict.

### **3. GENERAL GUIDING PRINCIPLES AND FACTORS IN SENTENCING:**

(1) In determining the appropriate sentence to be imposed on a convict, the Court shall take into consideration, the –

(a) objectives of sentencing which are –

(i) prevention, that is, the objective of persuading the convict to give up committing any offence in the future, because the consequences of crime are unpleasant,

(ii) restraint, that is, the objective of keeping the convict from committing more offences by isolating him from society,

(iii) rehabilitation, that is, the objective of providing the convict with treatment or training that will make him a reformed citizen;

(iv) deterrence, that is, the objective of warning others not to commit offence by making an example of the convict,

(v) education of the public, that is, the objective of making a clear distinction between good and bad conduct by punishing bad conduct,

(vi) retribution, that is, the objective of giving the convict the punishment he deserves, and giving the society or the victim justice, and

(vii) restitution, that is, the objective of compensating the victim or family of the victim of the offence;

(b) interest of the victim, the convict and the community,

(c) need to treat each case on its own merit.

### **4. GUIDING PRINCIPLES IN NON-CUSTODIAL SENTENCING:**

(1) The Court shall not impose a non-custodial sentence where the



Statute which creates the offence provides for a mandatory sentence or a minimum custodial sentence.

(2) The Court may in all other cases but in accordance with these Practice Directions, sentence a convict to a non-custodial option including fine as provided under Part 23 of the Administration of Criminal Justice Law of Lagos State, 2021 (as amended).

(3) Prior to imposing a non-custodial sentence on a convict, the Court shall, among other relevant considerations provided under the Administration of Criminal Justice Law of Lagos State, 2021 (as amended) and these Practice Directions, ensure that -

(a) it is appropriate to impose non-custodial sentence as an alternative to imprisonment in the particular case;

(b) there are necessary mitigating factors, evidence, information or circumstances that necessitate the imposition of the non-custodial sentence; and

(c) the convict is not a habitual convict and will not pose danger to the community by the imposition of non-custodial sentence.

(4) Where a convict has met the criteria for imposition of a non-custodial sentence as stated by the relevant Order of these Practice Directions, such non-custodial sentence shall be imposed only as an alternative to imprisonment or other custodial punishments and not in addition to custodial sentence.

## **5. NON - CUSTODIAL SENTENCES THAT MAY BE IMPOSED BY THE COURTS:**

(1) The Court where appropriate and in accordance with these Practice Directions may impose one or a combination of any of the following non-custodial sentences –

- (a) Fine.
- (b) Compensation.
- (c) Restitution.
- (d) Probation.
- (e) Suspended Sentence.
- (f) Community Service.
- (g) Caution.
- (h) Deportation and
- (is) any other non-custodial sentence as may be prescribed by an Act of the National Assembly or by a Law of the State.

(2) When imposing any of the non-custodial sentences listed in Sub-Rule (1) of this Rule, the Court shall be guided by the –

- (a) provisions of the Administration of Criminal Justice Law and other relevant laws relating to such sentence; and
- (b) the availability of facilities for implementation of the particular non-custodial sentence.

► ARTICLE 2 ◀  
**MISCELLANEOUS**

**1. REVOCATION AND SAVINGS PROVISION.**

(1) The Chief Judge, High Court of the Lagos State may, from time to time, amend or revoke the provisions of these Practice Directions.

**2. INTERPRETATION.**

(1) In these Practice Directions –

“COURT” means the High Courts and Magistrate Courts of Lagos State.

“STATE” means Lagos State of Nigeria.

**3. CITATION.**

This Practice Directions may be cited as (Lagos State Judiciary Non-Custodial Sentencing) Practice Directions, 2025.

This Practice Direction herein shall take effect from the 1st Day of June, 2025.

MADE AT THE HIGH COURT OF LAGOS STATE, IKEJA

THIS .....<sup>14<sup>TH</sup></sup> DAY OF APRIL, 2025



.....  
HON. JUSTICE KAZEEM OLANREWAJU ALOGBA  
Chief Judge  
Lagos State High Court, Lagos.



