

## **CHAPTER C17**

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## **CHAPTER C17**

### **CRIMINAL LAW**

#### **A LAW TO PROVIDE RULES ON CRIMINAL CONDUCT, REGULATE PUBLIC ORDER AND FOR CONNECTED PURPOSES**

[Commencement]

[8th August 2011]

**THE LAGOS STATE HOUSE OF ASSEMBLY** enacts as follows:

### **CHAPTER 1**

#### **Definition of Offence, Purpose, Guiding Principles and Scope of Application**

##### **1. Definition of an offence**

(1) An act or omission which renders the person doing the act or making the omission liable to punishment or other measures under this Law, or any other Law or Regulation is an offence.

(2) The word “offence” may be used interchangeably with “crime” in this Law or any other Law or Regulation.

##### **2. Purpose of the Law**

- (1) The purpose of this Law is to—
- (a) promote an orderly society;
  - (b) foster collective obligations and duties towards the preservation and protection of life and property including public property;
  - (c) forbid and deal with conduct(s) that unjustifiably and inexcusably inflict(s) or threaten(s) substantial harm to individual or public interests;
  - (d) subject to public control, persons whose conducts indicate that they are disposed to committing offences;
  - (e) safeguard conduct that is without fault from condemnation as criminal;
  - (f) give fair warning of the nature of the conduct declared to be an offence; and
  - (g) differentiate on reasonable grounds between serious and minor offences.

### **3. Guiding principles for this Law**

- (1) The guiding principles underlying this Law are —
  - (a) the need to balance the protection of private rights and public interest;
  - (b) the interest of justice; and
  - (c) the need to ensure that the sentence prescribed for an offence serves any of the following purposes:
    - (i) rehabilitation;
    - (ii) restoration;
    - (iii) deterrence;
    - (iv) prevention; and
    - (v) retribution.

(2) The provisions of sections 2 and 3(1) of this Law shall guide the interpretation and the application of the provisions of this Law and any other Law, or Regulations creating offences.

### **4. Application of general principles**

The provisions of this Chapter shall apply in relation to any offence under this Law, any other Law or Regulations and to all persons charged with any such offence.

### **5. Classification of offences**

(1) Offences are of three types, namely felonies, misdemeanours and simple offences.

(2) A felony is any offence which is declared by law to be a felony, or is punishable, without proof of previous conviction, with death or with imprisonment for three (3) years or more.

(3) A misdemeanour is any offence which is declared by law to be a misdemeanour, or is punishable by imprisonment for not less than six (6) months, but less than three (3) years.

(4) All offences, other than felonies and misdemeanours, are simple offences.



## **6. Civil remedies**

When by this Law any act is declared to be lawful, no action can be brought in respect of it, except where the lawfulness of the act is in question.

## **7. Contempt of Court**

(1) Nothing in this Law shall affect the authority of Magistrates' Court and Courts of Record to punish a person summarily for the offence known as contempt of Court.

(2) No person shall be punished under subsection (1) of this section and also be punished under the provisions of this Law for the same act or omission.

## **8. Trial of offences under existing Laws**

No person shall be tried in any Court in the State for an offence except under the express provisions of this Law, or any other existing Law or Regulations.

## **9. Arrest with or without warrant**

(1) The expression "the offender may be arrested without warrant" means that the provisions of this Law relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in question, either generally or conditions subject to such if any, as to time, place or circumstance, or as to the person authorised to make the arrest, as are specified in the particular case.

(2) Except when otherwise stated, the fact that an offence is within the definition of a felony as provided in this Law imports that the offender may be arrested without warrant.

(3) The expression "the offender cannot be arrested without warrant" means that the provisions of this Law relating to the arrest of offenders or suspected offenders without warrant are not applicable to the offence in question, except subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest, as are specified in the particular case.

## **10. Effect of charges in Law**

A person cannot be punished for doing or omitting to do an act unless the act or omission constituted an offence under an applicable Law when it occurred.

## **11. Territorial basis of criminal jurisdiction**

(1) Where by the provisions of any law of the State, the doing of any act or making any omission constitutes an offence, the provisions of this Law shall apply to every person who is in the State at the time of his doing the act or making the omission.

(2) Where an offence comprises of several elements and the initial element of the offence occurred in the State, the person who does the act or makes the omission is guilty on conviction to the offence and is liable to the same punishment or measures as if all the subsequent elements of the offence had occurred in the State.

(3) Where an offence comprises of several elements and the initial element of the offence occurred outside the State but the person who does the act or makes the omission that constitutes the elements of the offence afterwards comes into the State, he is, by such coming into the State, guilty on conviction, to the offence and is liable to the same punishment as if that act or omission had occurred in the State, provided that an element of the offence actually occurred in the State.

(4) The provision of subsection (3) of this Section shall not apply to a case in which the only material event that occurs in the State is the death of a person caused by an act, done or omitted to be done, at a place not in the State.

## **12. Offences procured, advised or counselled by persons outside the State**

(1) Any person who while out of the State, advises, counsels or procures another to do or omit to do in the State, an act which constitutes an offence in the State and afterwards comes into the State, has by such coming into the State committed the offence, and is liable on conviction to the same punishment, as if he himself had done the act or made the omission in the State.

(2) Any person who, while out of the State counselled or procured the commission of an offence which is actually committed in the State, afterwards comes into the State is, by such coming into the State, commits an offence and is liable to the same punishment as if he had been in the State while the offence was committed.

## **13. Offences procured, advised or counselled in the State to be committed outside the State**

Any person who while in the State, advises, counsels or procures another to do an act or make an omission at a place not in the State, of such a nature that if he had himself done the act or made the omission in the State, he would have been guilty of an offence against a law of the State, and that, if he had himself done the act or made the omission he would have been guilty of an offence under the Laws of the place where the act or omission is done or made, commits an offence of the same type, and is liable on conviction to the same punishment, as if the act had been done or the omission had been made in the State.

## **14. Armed Forces and the Police**

(1) Members of the armed forces and of the Nigeria Police are subject to the special Laws relating to the forces to which they respectively belong, but are not exempted from the provisions of this Law.

(2) Where an individual or a group of individuals is charged under special Laws, he/she should not be charged for the same offence and at the same time under this present Law

## **CHAPTER 2**

### **Punishment and Other Disposition Measures**

## **15. Punishment and other disposition measures**

Subject to the provisions of any other Law—

(1) The punishments which may be inflicted under this Law are death, imprisonment, fine and forfeiture.

(2) Other disposition measures which may be ordered under this Law are compensation, restitution, community service orders, probation, curfew orders, binding-over orders, rehabilitation and correctional orders, victim-offender mediation and other restorative justice measures.

(3) When any person is convicted of an offence under this Law the Court may, in addition to or in lieu of any punishment which may be imposed, order any of the disposition measures stated in subsection 2.

(4) Where a body corporate is liable for an offence in respect of which a specific amount of fine is prescribed under this Law, the applicable fine shall be double the amount so prescribed for the offence.

## **CHAPTER 3**

### **Parties to Offences and Corporate Criminal Liability**

## **16. Principal offenders**

(1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it:

- (a) every person who actually does the act or makes the omission which constitutes the offence;

- (b) every person who does or omits to do any act for the purpose of enabling another person to commit the offence;
- (c) every person who aids another person in committing the offence; or
- (d) any person who advises, counsels or procures any other person to commit the offence.

(2) Any person who advises, counsels or procures another to do or omit to do any act of such a nature which if done by that person would not constitute an offence if done by the person himself commits an offence of the same kind, and is liable on conviction to the same punishment, as if he had himself done the act or made the omission; and he may be charged with doing the act or making the omission.

### **17. Mode of execution immaterial**

(1) When a person advises or counsels another to commit an offence, and an offence is actually committed after such advice or counsel by the person to whom it is given, it is immaterial whether:

- (a) the offence actually committed is the same as that advised, counselled or a different one, or
- (b) the offence is committed in the way advised or counselled or in a different way, provided that the facts constituting the offence actually committed are a probable consequence of carrying out the advice or counsel.

(2) Any person who gave the advice or counsel under subsection (1) of this section is deemed to have advised or counselled the offence actually committed.

### **18. Offences committed in execution of a common intention**

When two or more persons form a common intention to commit an offence, and in the execution of that offence, another offence is committed of such a nature that its commission was a probable consequence of the first mentioned offence; each of them is deemed to have committed the second offence.

### **19. Accessories after the fact**

A person who receives or assists another who to his knowledge has committed an offence, in order to enable him to escape arrest or prosecution, is an accessory after the fact to the offence.

## **20. Liability of companies**

(1) Where the context admits, a company shall be criminally responsible for an offence under this Law.

(2) An act or omission under this Law is that of a company where it is done or omitted to be done by its officer.

(3) In determining an officer whose conduct can be ascribed to the company for the purpose of corporate criminal liability, the Court shall have regard to all the circumstances including the fact that the person has apparent or real authority to bind the company.

(4) Where a person who is not an officer within the meaning of subsection (3) of this section does any act or omission in the performance of his duty as an employee of a company, which act or omission amounts to an offence under this Law or any other Law and the company did not take steps to prevent the act or omission, the company shall be liable for any offence committed.

## **CHAPTER 4**

### **Attempt to Commit Offences**

## **21. Attempt to commit offences**

(1) When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not actually commit the offence, he is said to attempt to commit the offence.

(2) Except so far as regards punishment, on a charge for attempt, it is immaterial—

- (a) the offender does all that is necessary on his part for completing the commission of the offence; or
- (b) the complete fulfilment of his intention is prevented by circumstances independent of his will; or
- (c) he desists on his own initiative from manifesting his intention by some overt act;
- (d) that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

(3) It is immaterial that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

(4) The same facts may constitute one offence and an attempt to commit another offence.

(5) Any person who attempts to commit a felony or misdemeanour is guilty of an offence, which unless otherwise stated, is a misdemeanour.

## **CHAPTER 5**

### **Criminal Responsibility**

#### **22. Ignorance of the Law**

(1) Ignorance of the Law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the Law by the offender is expressly declared to be an element of the offence.

(2) Where a defendant proves to the satisfaction of the Court that he took reasonable steps to ascertain the position of the Law from the appropriate authority and he acted in accordance with the guidance provided by the appropriate authority, the Court shall take that fact into consideration in imposing punishment.

#### **23. Claim of right made in good faith**

(1) Subject to the provisions of sections 52, 195 and 196 of this Law, a person is not criminally responsible in an offence relating to property, for an act done or omitted to be done by him with respect to any property in the exercise of a claim of right made in good faith.

(2) A person relying on subsection (1) of this section must have reasonable grounds for making the claim and the act or omission is a reasonable means of executing or protecting the right of claim.

#### **24. Fault as basis of liability**

(1) Subject to the express provisions of this Law relating to negligent acts and omissions, a person is not criminally responsible for an act or omission:

- (a) which occurs by accident;
- (b) the result of which occurs by accident.

(2) A result is accidental when it is not intended or when it is not reasonably foreseeable by a person of ordinary prudence as a probable consequence of the act that brings it about.

(3) Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, the result intended to be caused by an act or omission is immaterial.

(4) Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

## **25. Mistake of fact**

(1) A person who by reason of a mistaken belief in a set of facts held in good faith does or omits to do an act, is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed existed.

(2) The operation of this rule may be excluded by the express or implied provisions of a Law relating to an offence.

## **26. Presumption of mental soundness**

Every person is presumed to be of sound mind, and to have been of sound mind at any relevant time until the contrary is proved.

## **27. Mental disorder**

(1) A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disorder as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission.

(2) For the purpose of this section, capacity implies the ability to make a decision, to understand issues and information relevant to the decision, to retain the information, to weigh the information as part of the process of making the decision and to understand the consequences of the decision.

## **28. Puerperal or post-partum psychosis**

(1) A woman is not criminally responsible for any act or omission which causes the death of her child who is under the age of twelve (12) months, if at the time of the act or omission the balance of her mind was disturbed by reason of—

- (a) depression as a result of childbirth-postpartum or puerperal psychosis; or
- (b) previous history of depression or psychosis triggered by a reoccurrence because of childbirth or lactation/breast feeding.

(2) Where the trial judge after ordering a medical examination finds that the balance of her mind is still disturbed, he shall make an hospitalisation order.

## **29. Intoxication**

(1) Subject to the provisions of this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing by reason of intoxication and the state of intoxication was caused without his consent by the malicious or negligent or accidental act of another person; or by the defendant to himself mistakenly.

(3) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(4) For the purposes of this section “intoxication” shall be deemed to include a state produced by narcotics or drugs.

## **30. Immature age**

A person under the age of ten (10) years is not criminally responsible for any act or omission.

## **31. Judicial officers**

Subject to provisions of this Law, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions.

## **32. Justification of excuses**

A person is not criminally responsible for an act or omission if he does or omits to do the act under any of the following circumstances:

- (1) in execution of the Law;
- (2) in obedience to the order of a competent authority which he is bound by Law to obey, unless the order is manifestly unlawful;
- (3) when he does or omits to do the act in order to save himself from immediate death or grievous harm threatened to be inflicted on him by some person actually present and in a position to execute the threats, and believing himself to be unable to escape the execution of the threats;



- (4) the provision of subsection (3) of this section does not extend to:
- (a) an act or omission which would constitute an offence punishable with death;
  - (b) an offence of which grievous harm to the person of another, or an intention to cause such harm is an element; or
  - (c) a person who has by entering into an unlawful association or conspiracy rendered himself liable to have such threats made to him.
- (5) an order is or is not manifestly unlawful is a question of Law.

### **33. Extraordinary emergencies**

Subject to the express provisions of this Law relating to acts done on compulsion or provocation or in self-defence, a person is not criminally responsible for an act done or omission made under such circumstances of sudden or extraordinary emergency that an ordinary person possessing ordinary power of self-control could not reasonably be expected to act otherwise.

### **34. Offences by partners and members of companies with respect to partnership or corporate property**

A member of a partnership, corporation or company who does or omits to do any act with respect to the property of the partnership, corporation or company which if he were not a member of such partnership, company or corporation would constitute an offence, is criminally responsible to the same extent as if he were not such a member.

## **PART 2**

### **OFFENCES AGAINST PUBLIC ORDER**

#### **CHAPTER 6**

#### **Unlawful Oaths, Unlawful Drilling, etc.**

### **35. Unlawful oaths to commit capital offence**

Any person who—

- (1) administers, or is present at and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

- (2) takes any such oath or engagement, not being compelled to do so; or
  - (3) attempts to induce any person to take any such oath or engagement;
- commits a felony, and is liable on conviction to imprisonment for life.

### **36. Other unlawful oaths to commit offence**

Any person who—

(1) administers, or is present at and consents to the administering of any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways:

- (a) to commit any offence not punishable with death, other than a simple offence;
- (b) to disturb the public peace;
- (c) to be of any association, society, or confederacy, formed for the purpose of doing any act stated in paragraphs (a) and (b) of this subsection;
- (d) not to inform or give evidence against any associate, confederate or other person;
- (e) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or person, or the import of any such oath or engagement; or

(2) takes any oath or engagement, as specified in subsection (1) of this section not being compelled to do so; or

(3) attempts to induce any person to take any such oath or engagement as specified in subsection 1 of this section,

commits a felony, and is liable on conviction to imprisonment for seven (7) years.

### **37. Extent of a defence of compulsion**

(1) A person who takes any such oath or engagement mentioned in Sections 35 and 36 of this Law cannot plead compulsion unless within fourteen (14) days after taking it, or, if he is prevented by actual force or sickness, within fourteen (14) days after the termination of such prevention, he declares by information on oath before a peace officer

the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

(2) A person who takes any such oath or engagement mentioned in sections 35 and 36 of this Law cannot plead compulsion unless if he being a person in active service in the armed forces of Nigeria or the police, he declares either by information to a peace officer or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

### **38. Unlawful drilling**

(1) Any person who:

- (a) without the permission of the President or of the Governor trains or drills any other person to use arms or engage in the practice of military exercises, movements, or revolutions; or
- (b) is present at any meeting or assembly of persons, held without the permission of the President or of the Governor for the purpose of training or drilling any other persons to use arms or engage in the practice of military exercises, movements or revolutions;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

(2) The offender may be arrested without warrant.

### **39. Publication of false news with intent to cause fear and alarm to the public**

(1) Any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that such statement, rumour or report is false, commits a misdemeanour and is liable to imprisonment for two (2) years.

(2) It is not a defence to a charge under subsection (1) of this section that he did not know or did not have reason to believe that the statement, rumour or report was false unless he proves that, prior to the publication or reproduction, he took reasonable measures to verify the accuracy of such statement, rumour or report.

**CHAPTER 7****Unlawful Societies****40. Definition of society and unlawful society**

(1) A society includes any combination of persons whether the society is known by any name or not.

(2) A society is unlawful if it is formed for any of the following purposes:

- (a) levying war or encouraging or assisting any person to levy war on the Government or the inhabitants of any part of the State or Nigeria;
- (b) killing or injuring or encouraging the killing or injuring of any person;
- (c) destroying or damaging or encouraging the destruction or damage of any property;
- (d) subverting or promoting the subversion of the Government;
- (e) committing or inciting acts of violence or intimidation; or
- (f) interfering with, or resisting, or encouraging interference with or resistance to the administration of the Law or;
- (g) disturbing or encouraging the disturbance of peace and order in any part of the State.

**41. Managing an unlawful society**

Any person who manages or assists in the management of an unlawful society commits a felony and is liable on conviction to imprisonment for seven (7) years.

**42. Offences relating to unlawful society**

(1) Any person who:

- (a) is a member of an unlawful society; or
- (b) knowingly allows a meeting of an unlawful society to be held in any house, building, or place belonging to, or occupied by, him or over which he has control,

is guilty of a felony and is liable to imprisonment for three years.

### **43. Presumptions relating to offences of unlawful society**

(1) Any person who attends a meeting of an unlawful society shall be presumed until the contrary is proved, to be a member of the society.

(2) Any person who has in his possession or custody or under his control any of the insignia, banners, arms, books, papers, documents or other property belonging to an unlawful society, or wears any of the insignia or is marked with any mark of the society, shall be presumed, unless the contrary is proved, to be a member of the society.

## **CHAPTER 8**

### **Unlawful Assemblies: Breaches of the Peace**

#### **44. Unlawful assembly**

(1) When two (2) or more persons, with intent to carry out some common purpose, assemble in such a manner or, being assembled, conduct themselves in such a manner, as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will disturb the peace, or will by such assembly provoke other persons to disturb the peace, they are an unlawful assembly.

(2) For the purpose of subsection (1) of this section it is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in the manner stated in subsection (1) of this section.

(3) An assembly of two (2) or more persons for the purpose of protecting any building or persons inside the building is not an unlawful assembly.

(4) Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable on conviction to imprisonment for one (1) year.

#### **45. Riot**

(1) When persons who unlawfully assemble together begin to act in a disorderly manner as to disturb the peace, the assembly is called a riot, and the persons assembled are said to be involved in a riot.

(2) Any person who takes part in a riot commits a felony and is liable on conviction to imprisonment for three (3) years.

#### **46. Making proclamation for rioters to disperse**

Any Magistrate or in his absence, any police officer of or above the rank of assistant superintendent, or any commissioned officer of the armed forces of Nigeria in whose view a riot is being committed, or who reasonably believes that a riot is about to be committed

by persons assembled within his view, may make or cause to be made a proclamation in the name of the State in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

#### **47. Dispersion of rioters after making proclamation**

If at the expiration of a reasonable time after a proclamation under section 46 is made, or after the making of such proclamation has been prevented by force, twelve (12) or more persons continue to riot, any person authorised to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may arrest the persons who refuse to disperse.

#### **48. Preventing or obstructing the making of proclamation**

Any person who forcibly prevents or obstructs the making of proclamation mentioned in section 46 of this Law commits a felony and is liable on conviction to imprisonment for ten (10) years.

#### **49. Rioting after proclamation**

(1) If a proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time of making such proclamation, takes or continues to take part in the riot or assembly, commits a felony, and is liable on conviction to imprisonment for five (5) years.

(2) If the making of a proclamation referred to in section 48 of this Law is prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, commits a felony and liable on conviction to imprisonment for five (5) years.

#### **50. Rioters demolishing or damaging buildings, machinery, railway, etc.**

Any person involved in a riot, who unlawfully pulls down or destroys, damages or begins to pull down or destroy any building, railway, machinery or structure commits a felony and each of them is liable on conviction to imprisonment for seven (7) years.

#### **51. Unlawful display of arms in public**

Any person who is armed with any dangerous or offensive weapon in public without lawful authority in such a manner as to cause terror to any person is guilty of a misdemeanour, and is liable to imprisonment for two (2) years, and his arms may be forfeited.

**52. Forcible entry**

Any person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters on land which is in actual and peaceable possession of another, commits a misdemeanour, and is liable on conviction to imprisonment for two (2) years.

**53. Forcible possession**

Any person who, being in actual possession of land without a claim of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land commits a misdemeanour, and is liable on conviction to imprisonment for two (2) years.

**54. Affray**

Any person who takes part in a fight in a public place commits an offence, and is liable on conviction to imprisonment for six (6) months.

**55. Challenge to fight a duel**

Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**56. Threatening violence**

- (1) Any person who with intent to—
  - (a) intimidate or annoy any person, threatens to break or damage a residential house; or
  - (b) alarm any person in a residential house, discharges loaded firearms or commits any other breach of peace;

commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year.

(2) If the offence under subsection (1) of this Section is committed in the night, the offender commits a felony and is liable on conviction to imprisonment for three (3) years.

**57. Provoking breach of peace by offensive publication, etc.**

- (1) Any person who:

- (a) in any manner or form publishes, displays or offers to the public the pictorial representation of any person living or dead in a manner likely to provoke any section of the community;
- (b) publishes or circulates publications either in the form of newspapers, leaflets, periodicals, pamphlets or posters, if such publications are likely to provoke or bring into disaffection any section of the community; or
- (c) sings songs, plays any instrument or recording of sounds, or sells, lends or lets on hire any record of sounds, the words of which are likely to provoke any section of the community;

commits an offence and is liable on conviction to a fine of Ninety Thousand Naira (₦90,000.00) or to imprisonment for six (6) months.

(2) The Court convicting under subsection (1) of this Section may order confiscation of any material (including records) used for purposes contemplated by this section, and of any instrument used in connection with the offence.

(3) It shall be a defence to any person charged under subsection (1) of this Section that before the act, he made reasonable inquiry and he was unaware of the possibility that the item in question might be used for the purposes mentioned in subsection (1) of this Section.

(4) In this Section—

- (i) “pictorial representation” includes any photograph, artistic representation and electronically generated image and any plate or film, positive or negative;
- (ii) “recorded” means sounds collected or stored by means of any tape, disc, cylinder or other means whatsoever where the sounds are capable of being reproduced or are intended for reproduction by electrical or mechanical means at any time and includes the matrix, and cognate expressions shall have the like meaning;
- (iii) “sounds” includes speech and mere noise.



**PART 3****OFFENCES AGAINST THE ADMINISTRATION OF LAW  
AND JUSTICE AND AGAINST PUBLIC AUTHORITY****CHAPTER 9****Disclosure of Official Secrets and Removal of Document****58. Interpretation**

In this Chapter unless the context otherwise requires:

- (1) expressions referring to communicating or receiving include—
  - (a) any communicating or receiving whether in whole or in part and whether the sketch, plan, model, article, note, document or information itself or the substance affected or description of it can only be communicated or received;
  - (b) expressions referring to obtaining or retaining any sketch, plan, model, article, note or document.
- (2) expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;
- (3) “document” includes part of a document or electronic document;
- (4) “the Government” means Government of the State;
- (5) “model” includes design, pattern and specimen;
- (6) “sketch” includes any photograph or other mode of representing any place or thing.

**59. Disclosure of official secrets**

Any person employed in the public service, who publishes or communicates any fact which comes to his knowledge by virtue of his office, and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office and it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**60. Public servant removing document**

Any person who being employed in the public service, removes or makes a copy of any document, the property of his employer, without proper authority commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**61. Wrongful communication of information**

(1) If any person having in his possession or control any sketch, plan, model, article, note, document or information which has been entrusted in confidence to him by any public officer of the State or which he has obtained or to which he has or had access owing to his position as a person who is or has been a public officer of the State or as a person who holds or has held a contract made on behalf of the Government, or as a person who is or has been employed under a person who is or has been a public officer or holds or has held such a contract—

- (a) communicates the sketch, plan, model, article, note, document or information to any person other than the person to whom he is authorised to communicate it, or a person to whom it is in the interest of the State his duty to communicate it;
- (b) uses the information in his possession in a manner prejudicial to the interest of the State;
- (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal of it; or
- (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document or information;

commits a misdemeanour and liable on conviction to imprisonment for two (2) years or to a fine of Three Hundred and Sixty Thousand Naira (₦360,000.00) or both imprisonment and fine.

(2) If any person receives any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe at the time when he receives it that the sketch, plan, model, article, note, document or information is communicated to him in contravention of this Chapter, commits an offence unless he proves that the communication to him of the sketch, plan, model, article, note, document or information was without his consent.

**62. Offences relating to official documents**

- (1) If any person—

- (a) retains for any purpose prejudicial to the interest of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government department or any person authorised by such department with regard to the return or disposal of it; or
- (b) allows any other person to have possession of any official document issued for his use alone, or without lawful authority or excuse has in his possession any official document issued for the use of some person other than himself, or on obtaining possession of any official document by finding, neglects or fails to return it to the person or authority by whom or for whose use it was issued or to a police officer;

commits an offence and is liable on conviction to imprisonment for two (2) years or to a fine of Three Hundred and Sixty Thousand Naira (₦360,000.00) or both imprisonment and fine.

(2) In this Section “official document” means an official document relating to the affairs of the State or in the custody of the Government.

## CHAPTER 10

### Corruption and Abuse of Office

#### 63. Corruption by public official

- (1) Any public official who:
  - (a) asks for, receives or obtains any property or benefit of any kind for himself or any other person; or
  - (b) agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person, on account of—
    - (i) anything already done or omitted to be done, or any favour or disfavour already shown to any person, by him in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, public body or other organisation or institution in which he is serving as a public official; or
    - (ii) anything to be afterwards done or omitted to be done, or any favour or disfavour to be afterwards shown to any person, by him in the discharge of his official duties or in relation to any such matter,

commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) If in any proceedings for an offence under this section, it is proved that any property or benefit of any kind, or any promise was received by a public official, or by some other person at the instance of a public official from a person—

- (a) holding, or seeking to obtain a contract, licence or permit from a Government department, public body or other organisation or institution in which that public official is serving;
- (b) concerned, or likely to be concerned, in any proceeding or business transacted, pending or likely to be transacted before or by that public official or a Government department, public body or other organisation or institution in which that public official is serving; or
- (c) by or from any person acting on behalf of or related to such a person, the property, benefit or promise; shall

unless the contrary is proved, be deemed to have been received on account of such a past or future act, omission, favour or disfavour as is mentioned in subsection (1) (a) or (b) of this Section.

(3) In any proceedings for an offence under this section to which subsection (1) (b) is relevant, it shall not be a defence to show that the defendant:

- (a) did not subsequently do, make or show the act, omission, favour or disfavour in question; or
- (b) never intended to do, make or show it.

(4) Without prejudice to subsection (3), where a police officer or other public official whose official duties include the prosecution, detention or punishment of offenders is charged with an offence under this section in connection with—

- (a) the arrest, detention or prosecution of any person for an alleged offence; or
- (b) an omission to arrest, detain or prosecute any person for an alleged offence; or
- (c) the investigation of an alleged offence, it shall not be necessary to prove that the defendant believed that the offences under this section or any other offence had been committed.

## **64. Offering gratification to a public official**

(1) (a) Any person who intentionally promises, offers, gives or attempts to offer

or give to a public official directly or indirectly any property or benefit of any kind for the official or another person or entity, in order that he acts or refrains from acting in the exercise of his or her official duties; or

- (b) any person being a public official who intentionally solicits, accepts, agrees, or attempts to receive or obtain directly or indirectly any property or benefit of any kind for himself or another person or entity, in order that he acts or refrains from acting in the exercise of his official duties;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) In any proceedings for an offence under this section, it is immaterial that the defendant:

- (a) did not act or refrain from acting in the exercise of his official duties; or
- (b) never intended to act or refrain from acting in the exercise of his official duties.

## **65. Acceptance of gifts by agents, etc.**

(1) Any person who—

- (a) being an agent accepts, obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or refraining from doing any act in relation to his principal's affairs or business, or for showing or failing to show favour to any person in relation to his principal's affairs or business; or
- (b) gives, agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or refraining from doing, or for having after the commencement of this Law done or refrain to do, any act in relation to his principal's affairs or business, or for showing or refraining from showing favour or disfavour to any person in relation to his principal's affairs or business;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or to a fine of Three Hundred and Sixty Thousand Naira (₦360,000.00) or both.

(2) For the purposes of this Section, the expression—

- (a) “consideration” includes valuable consideration of any kind;
- (b) “agent” includes any person employed by or acting for another; and
- (c) “principal” includes an employer.

## **66. Restrictions on arrest and prosecution of judicial officers for official corruption**

(1) A judicial officer cannot be arrested without a warrant for any offence under Sections 63 and 64.

(2) No proceedings for an offence under Sections 63 and 64 shall be instituted against a judicial officer except on a charge or information signed by or on behalf of the Attorney-General of the State.

(3) In this Section “judicial officer” means:

- (a) a Judge;
- (b) a Magistrate;
- (c) a member of a Customary Court;
- (d) a member of a family Law Court;
- (e) an arbitrator;
- (f) a member of a Tribunal of Inquiry constituted under the Tribunals of Inquiry Law; and
- (g) any person presiding over any proceedings in which evidence may be taken on oath.

## **67. Meaning of “public official” in sections 63 and 64**

In Sections 63 and 64 “public official” means any person employed in the public service or any judicial officer or any public officer as defined in the Constitution of the Federal Republic of Nigeria.

## **68. Extortion by public officers**

(1) Any public officer who takes or accepts from any person for the performance of his duty, any reward beyond his emoluments or any promise of such reward, commits a felony and is liable on conviction to imprisonment for five (5) years.

(2) In any proceedings under subsection (1) of this Section, it is immaterial that it is not the official responsibility of the defendant to perform that duty, provided he represents that it is his responsibility to perform the duty.

**69. Public officers demanding property, etc.**

(1) Any public officer who takes advantage of his employment in any of the following manner—

- (a) demands or takes property from any person;
- (b) compels any person to sell any property at a price other than its fair market value;
- (c) obtains lodging from and against the will of any person without payment or for inadequate payment; or
- (d) compels, whether partially or wholly for his own profit, any person to work without payment or for inadequate payment;

commits a felony and is liable on conviction to imprisonment for five (5) years.

(2) Any person who falsely represents himself by words, conduct or otherwise, to be a person employed in the public service of the State, or of any other Government, or to be an agent of, or acting under the authority of the Government of the State, or of any other Government and in such assumed character—

- (a) does any of the acts or things specified in subsection (1) of this Section; or
- (b) compels or orders a person to hand any property over to any other person, whether such property does or does not rightly belong, or is or is not rightly due to that other person;

commits a felony, and is liable to imprisonment for five (5) years.

**70. Public officers interested in contracts**

(1) Any public officer who knowingly acquires or holds, directly or indirectly, otherwise than as a member of a public limited liability company, a private interest in any contract or agreement which is made on account of the public service with respect to any matter concerning the department of the service in which he is employed, commits felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

## **71. Officers charged with administration of property of a special character or with special duties**

Any public officer charged with any judicial or administrative duties with respect to property of a special character, or carrying on of any manufacture, trade or business of a special character, who acquires directly or indirectly, a private interest in any such property, manufacture, trade or business commits misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **72. False claims by officials**

Any public officer employed in a capacity as to require him or enable him to furnish returns or statements concerning any matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement concerning any such matter which is to his knowledge false commits felony and is liable on conviction to imprisonment for three (3) years.

## **73. Abuse of office**

(1) Any public officer who intentionally fails or neglects to perform an act, or performs an act in violation of any written law, rule or regulation in the discharge of his functions, for the purpose of obtaining undue advantage for himself or for another person or entity commits felony and is liable on conviction to imprisonment for five (5) years.

(2) Any public officer who does or directs to be done in abuse of the authority of his office any arbitrary act prejudicial to the rights of another commits felony and liable on conviction to imprisonment for three (3) years.

(3) The offender under subsections (1) and (2) of this Section cannot be arrested without warrant.

## **74. False certificates by public officers**

(1) Any public officer authorised or required by law to give any certificate concerning any matter, who gives a certificate which to his knowledge false commits felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

## **75. Administering extra-judicial oaths**

(1) Any public officer who without lawful authority administers an oath, or takes a solemn declaration affirmation or affidavit concerning any matter commits misdemeanour and is liable on conviction to imprisonment for one (1) year.



(2) Subsection (1) of this Section does not apply to an oath, declaration, affirmation or affidavit administered or taken before a peace officer in any matter relating to the preservation of peace or the punishment of offences, or relating to inquiries sudden death; or to an oath, declaration, affirmation or affidavit, administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

## **76. False assumption of authority**

- (1) Any person who—
- (a) not being a judicial officer, assumes to act as a judicial officer;
  - (b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit, or to do any other act of a public nature which can only be done by persons authorised by law to do so; or
  - (c) represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when he is not, and knows that he is not, in fact, so authorised;

commits felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

## **77. Impersonating members of the armed forces or the police**

Any civilian who with intent that he may be taken to be a member of the armed forces of Nigeria or a member of the police—

- (a) wears any part of the uniform of; or
- (b) wears any garb resembling any part of the uniform of a person serving in the Armed Forces of Nigeria, or a member of the Police,

commits felony and is liable to imprisonment for three (3) years.

## **78. Impersonating other public officers**

Any person who—

(a) not being a member of the Armed Forces or Police, impersonates any public officer on an occasion when the latter is required to do any act or attend any place by virtue of his employment; or

(b) falsely represents himself to be such public officer as mentioned in subsection (a) of this Section and assumes to do any act or to attend any place for the purpose of doing any act by virtue of such employment,

commits felony and is liable on conviction to imprisonment for three (3) years.

### **79. Unlawfully wearing the uniform of the armed forces, etc.**

(1) Any civilian who—

(a) wears the uniform or any part of the uniform of the armed forces or the police, or any dress having the appearance or bearing any of the regimental or other distinctive marks of such uniforms; or

(b) not being a person holding any office or authority under the Government of Nigeria wears any uniform or distinctive badge or mark or carries any token calculated to convey the impression that such person holds any office or authority under the Government;

commits misdemeanour and is liable on conviction to imprisonment for two (2) years unless he proves that he had the permission of the relevant authority to wear such uniform or dress, badge or mark or to carry such token.

(2) This Section shall not apply to the wearing of any uniform or dress in the course of a stage play or in any bona fide public entertainment.

### **80. Selling or giving uniform to unauthorised persons**

Any person who sells or gives any uniform, or part of a uniform, or any dress, badge or mark mentioned in Section 79 of this Law to any person who is not authorised to wear the same, guilty commits felony and is liable on conviction to imprisonment for five (5) years.

### **81. Bargaining for officers in public service**

(1) Any person who—

(a) asks, receives, obtains, agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or to be afterwards done, by him or any other person, with regard to the appointment or contemplated appointment of

any person to any office or employment in the public service, or with regard to any application by any person for employment in the public service; or

- (b) gives, confers, procures, promises or offers to give or confer, or to procure, attempt to procure, to, on, or for, any person, any property or benefit of any kind on account of any such act or omission;

commits felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

## **82. Unlawful enrichment**

Any public official who:

(a) enriches himself so as to have a significant increase in his assets that he cannot reasonably explain the increase, in relation to his lawful income;

(b) retires, resigns or is dismissed from service and cannot reasonably explain the increase in relation to his lawful income; or

(c) after leaving office begins to derive economic benefits from favours he had conferred on a third party or parties while in the office;

commits felony and is liable on conviction to imprisonment for seven (7) years.

## **83. Bribery in the private sector**

Any person who—

(a) promises offers or gives directly or indirectly any undue advantage to any person who directs or works in any capacity in the private sector for himself or for another person, in order that he acts or refrains from acting; or

(b) the private sector, solicits or accepts, directly or indirectly, any undue advantage for himself or for another person, in order that he acts or refrains from acting;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

**CHAPTER 11****Offences Relating to the Administration of Justice****84. Definition of judicial proceedings**

In this Chapter, the term “judicial proceedings” includes any proceeding had or taken in or before any Court, Tribunal, Commission of Inquiry or person, in which evidence may be taken on oath.

**85. Perjury**

(1) Any person who, in any judicial proceeding or for the purpose of instituting any judicial proceeding, knowingly gives false testimony concerning any matter which is material to any question intended to be raised in that proceeding, commits the offence of perjury.

(2) It is immaterial, whether the testimony is given on oath or under any other sanction authorised by Law.

(3) The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies used.

(4) It is immaterial whether:

- (a) the false testimony is given orally or in writing;
- (b) the court or tribunal is properly constituted, or is held in the proper place or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given; or
- (c) the person who gave the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(5) The offender under subsection (1) of this Section cannot be arrested without warrant.

**86. Punishment for perjury**

(1) Any person who commits perjury is liable on conviction to imprisonment for seven (7) years.

(2) If the offender commits the offence of perjury in order to procure the conviction of another person for an offence punishable with death or with imprisonment for life, the offender is liable on conviction to imprisonment for life.

**87. Evidence on charge of perjury**

A person cannot be convicted of committing perjury or of counselling or procuring perjury, on the uncorroborated testimony of one witness.

**88. Fabricating evidence**

- (1) Any person who—
  - (a) with intent to mislead any Court or Tribunal in any judicial proceeding, fabricates evidence by any means other than perjury, counselling or procuring the commission of perjury; or
  - (b) knowingly makes use of such fabricated evidence;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

- (2) The offender under subsection (1) of this Section cannot be arrested without warrant.

**89. Corruption of witnesses**

- (1) Any person who—
  - (a) gives, confers or procures promises or offers to give, or attempts to procure, any property or benefit of any kind to, on, or for any person, on any agreement or understanding that any person called or to be called as a witness in any judicial proceeding shall give false testimony or withhold true testimony; or
  - (b) attempts by any other means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony or to withhold true testimony; or
  - (c) asks, receives or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person, on any agreement or understanding that any person shall as a witness in any judicial proceeding give false testimony or withhold true testimony,

commits a felony and is liable on conviction to imprisonment for seven (7) years.

- (2) The offender under subsection (1) of this Section cannot be arrested without warrant.

**90. Deceiving witnesses**

(1) Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

**91. Destroying evidence**

(1) Any person who knowing that any book, document or other thing of any kind is or may be required in evidence in a judicial proceeding, wilfully removes, conceals, destroys or renders it illegible or difficult to read or incapable of identification, with intent to prevent it from being used in evidence commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

**92. Preventing witnesses from attending court**

Any person who wilfully prevents or attempts to prevent any person who has been duly summoned to attend as a witness before any Court or Tribunal from attending as a witness or from producing anything in evidence as required by a subpoena or summons commits a felony and is liable on conviction to imprisonment for three (3) years.

**93. False accusation**

Any person who causes another to be charged with any offence, whether alleged to have been committed in the State or elsewhere, knowing that such person is innocent of the alleged offence, commits of a felony.

**94. Conspiracy to bring false accusation**

Any person who conspires with any person or cause any person to be charged with an offence, whether alleged to have been committed in the State or elsewhere, knowing that such person is innocent of the alleged offence, commits a felony.

**95. Punishment for bringing false accusation and conspiracy to bring false accusation**

(1) Any person who commits an offence under Sections 93 and 94 shall be liable—

- (a) where the offence is such that any person convicted of it is liable to be sentenced to death or to imprisonment for life, to imprisonment for life;
- (b) where the offence is such that any person convicted of it is liable to be sentenced to imprisonment, but for a term less than life, to imprisonment for fourteen (14) years.
- (c) in any other case, to imprisonment for seven (7) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

### **96. Making false statement to public officer with intent**

Any individual who gives any information which he knows or believes to be false, to any person employed in the public service with the intention of causing such person to—

(a) do or omit to do anything which such person ought not to do or ought not to omit to do if the true facts concerning the information given were known to such person; or

(b) exercise or use his lawful powers as a person employed in the public service to the injury or annoyance of any other person;

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

### **97. Conspiracy and attempt to pervert justice**

(1) Any person who conspires with another to obstruct, prevent, pervert or defeat the course of justice commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) The offender in subsection (1) of this Section cannot be arrested without warrant.

(3) Any person who attempts, in any way not specifically defined in this Law, to obstruct, prevent, pervert or defeat the course of justice commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **98. Concealing or failing to report felonies**

(1) Subject to the provisions of this or any other Law, any person who asks, receives, obtains, agrees or attempts to receive or obtain any property or benefit of any

kind for himself or any other person on any agreement or understanding that he will not disclose any information concerning a felony that may be of material assistance to the prosecution of an offender, commits an offence.

(2) If the felony is such that a person convicted of it is liable to be sentenced to death or imprisonment for life, the offender is guilty of a felony, and is liable to imprisonment for five (5) years.

(3) In any case, the offender is liable to imprisonment for three (3) years.

(4) The offender under this section cannot be arrested without warrant.

## **99. Compounding penal actions**

Subject to the provisions of this or any other Law, any person who having brought, or under pretence of bringing, an action against another person under an Act or Law in order to obtain from him a confession for an offence committed by him, compounds the action without the order or consent of the Court in which the action is brought or is to be brought, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year or a fine of Fifty Thousand Naira (₦50,000) only.

## **100. Advertising a reward for the return of stolen or lost property**

Any person who—

(a) publicly offers a reward for the return of any property, which has been stolen or lost, and in the offer makes use of words purporting that no questions will be asked, or that the person producing such property will not be arrested or molested;

(b) publicly offers to any person who may have bought or advanced money by way of loan on any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property; or

(c) prints or publishes any such offer;

commits an offence and is liable on conviction to a fine of Fifteen Thousand Naira (₦15,000)

## **101. Delay to take person arrested before a Court**

Any person who having arrested another on a charge of an offence, wilfully delays to take him before a Court to be prosecuted commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.



**102. Bringing and defending fictitious actions**

Any person who in the name of a fictitious claimant or defendant or in the name of a real person but without his authority, brings or defends an action against another person commits a felony and is liable to imprisonment for three (3) years.

**103. Inserting advertisement without authority of Court**

Any person who, without authority, or knowing the advertisement to be false in any material particular, inserts or causes to be inserted in the State Official Gazette or in any newspaper, an advertisement purporting to be published under the authority of any court or tribunal commits a felony and is liable on conviction to imprisonment for three (3) years.

**104. Contempt of Court**

- (1) Any person who—
  - (a) within the premises in which any judicial proceeding is being held or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or to any person before whom such proceeding is being had or taken;
  - (b) having been called on to give evidence in a judicial proceeding, fails to attend or having attended, refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful excuse to answer a question, or to produce a document or prevaricates, or remains in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room;
  - (c) causes an obstruction or disturbance in the course of a judicial proceeding;
  - (d) while a judicial proceeding is pending, makes use of any speech or writing, misrepresenting such proceeding, or capable of prejudicing any person in favour of or against any party to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken;
  - (e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;
  - (f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connection with such evidence;
  - (g) dismisses a servant because he has given evidence on behalf of a party to a judicial proceeding;

- (h) without an order of a court retakes possession of land from any person who has recently obtained possession by a writ of court; or
- (i) commits any other act of intentional disrespect to any judicial proceeding or to any person before whom such proceeding is being had or taken;

commits an offence and liable on conviction to imprisonment for six (6) months.

## CHAPTER 12

### Unlawful Release, Escapes and Obstructing Officers of Courts

#### 105. Unlawful release from custody

(1) Any person who unlawfully releases or attempts to unlawfully release from lawful custody any other person:

- (a) if such last-named person is under sentence of death or imprisonment for life, charged with an offence punishable with death or imprisonment for life, is guilty of a felony and is liable to imprisonment for life; and
- (b) in any other case, is guilty of a felony and is liable to imprisonment for seven years.

(2) For the purpose of subsection (1) of this section if the person unlawfully released is in the custody of a private person, the offender must have notice of the fact that the person unlawfully released is in such custody.

#### 106. Escape from lawful custody

Any person who escapes from lawful custody—

- (a) if he is charged with or has been convicted of a felony or misdemeanour, commits a felony and liable on conviction to imprisonment for seven (7) years; and
- (b) in any other case he commits a misdemeanour and liable on conviction to imprisonment for two (2) years.

#### 107. Aiding prisoners to escape

Any person who—

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or

- (b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner

commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **108. Permitting escape**

Any prison officer or a member of the police who wilfully permits any other person within his lawful custody to escape is—

- (a) if such last-named person is charged with an offence punishable by death or imprisonment for life, commits a felony and is liable on conviction to imprisonment for fourteen (14) years; and
- (b) in any other case, commits a felony, and is liable on conviction to imprisonment for seven (7) years.

### **109. Negligently permitting escape**

Any prison officer or a member of the police who negligently permits a person within his lawful custody to escape commits a felony and is liable on conviction to imprisonment for four (4) years.

### **110. Unlawful release of mentally disordered persons**

- (1) Any person who—

- (a) unlawfully releases any person while being taken as a mentally disordered person to a hospital or any other place for the care of such persons or to a prison, or rescues any person during his confinement as a mentally disordered person in any such place;
- (b) being in charge of a person wilfully permits him to escape from custody while being taken as a mentally disordered person to a hospital or any other place;
- (c) being a superintendent of, or person employed in, any such place, wilfully permits a person confined there to escape; or
- (d) conceals any such person who has to his knowledge been rescued while being taken or confined, or has to his knowledge escaped from such confinement, commits a felony and is liable on conviction to imprisonment for three (3) years.

- (2) The offender in subsection (1) of this section cannot be arrested without warrant.

**111. Removing property under lawful seizure**

Any person who, when any property has been attached or taken under the process or authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals or disposes of such property, commits a felony and is liable to imprisonment for three (3) years.

**112. Obstructing officer of courts of justice**

Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court, commits a felony and is liable on conviction to imprisonment for three (3) years.

**CHAPTER 13****Miscellaneous Offences against Public Authority****113. False declaration as to execution of death sentence**

Any person who subscribes to a certificate or declaration as to the execution of a death sentence, which, in any material particular, is to his knowledge false, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**114. False statements in application for public document**

Any person who for the purpose of procuring a permit, whether for himself or any other individual, makes or causes to be made in any written application to a public officer a statement which to the knowledge of such person is false in any material particular commits a misdemeanour and is liable to imprisonment for one (1) year.

**115. False statements and declarations**

Any person who, on any occasion on which a person is required by Law to make a statement on oath, by affirmation or declaration, makes the statement which in any material particular is to his knowledge false, is guilty of a felony and is liable on conviction to imprisonment for three (3) years.

**116. Shooting, firing and launching offensive weapons**

Any person who—

(1) shoots or fires or launches an offensive weapon or material at any vessel of any kind which is in use by a public authority while engaged in the execution of public service; or

(2) shoots at, wounds or causes any grievous harm to any public officer while engaged in the execution of his duty or any person acting in aid of the public officer while so engaged;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

### **117. Resisting public officers**

Any person who, in any manner—

(1) obstructs or resists any public officer while engaged in the discharge or attempted discharge of the duties of his office under any Act, Law or Regulation, or

(2) obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by Act, Law, or Regulation;

commits a felony and is liable on conviction to imprisonment for three (3) years or to a fine of Two Hundred Thousand Naira (₦200,000.00) only.

### **118. Refusal by public officer to perform duty**

Any public officer required by any Act, Law or Regulation, to do any act by virtue of his employment, who perversely and without lawful excuse omits or refuses to do any such act commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **119. Neglect of peace officer to suppress riot**

Any peace officer having notice that there is a riot in his neighbourhood, without reasonable excuse, omits to do his duty in suppressing such riot, commits a misdemeanour and is liable to imprisonment for two (2) years.

### **120. Neglect to aid in suppressing riot**

Any person who, having reasonable notice that he is required to assist any Peace Officer in suppressing a riot, without reasonable excuse omits to do so, commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year or to a fine of Fifty Thousand Naira (₦50,000.00).

### **121. Neglecting to aid in arresting offenders**

Any person who, having reasonable notice that he is required to assist any Peace Officer or member of the Police in arresting any person or in preserving the peace, without reasonable excuse omits to do so, commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year or to a fine of Fifty Thousand Naira (₦50,000.00).

**122. Disobedience to Act, Law or Regulation**

- (1) Any person—
- (a) who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any Act, Law or Regulation, forbidden to do; or
  - (b) who omits to do any act, which he is, by the provisions of any such Act, Law or Regulation, required to do;

commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year.

Such person shall be triable under this Law unless some other mode of proceeding against him for such disobedience is expressly provided by the Act, Law or Regulation and is intended to be exclusive of all other punishments.

**123. Disobedience to lawful order issued by constituted authority**

Any person who without lawful excuse, the proof of which lies on him, disobeys any lawful order issued by any person authorised by any Act, Law or Regulation, to make the order, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year or to a fine of Fifty Thousand Naira (₦50,000.00), unless some mode of proceeding against him for such disobedience is expressly provided by the Act, Law or Regulation, and is intended to be exclusive of all other punishments.

**CHAPTER 14****Offences relating to Religious Worship****124. Insult to a religion**

Any person who does an act which any class of persons consider as a public insult on their religion, with the intention that they should consider the act an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it an insult, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or a fine of Fifty Thousand Naira (₦50,000.00).

**125. Offering violence to officiating minister's religion**

Any person who—

(1) by threats or force prevents or attempts to prevent any minister of religion from lawfully officiating in any place of religious worship, or from performing his duty in the lawful burial of the dead in any cemetery or other burial place;

(2) by threats or force obstructs or attempts to obstruct any minister of religion while so officiating or performing his duty; or

(3) assaults, or under the pretence of executing any civil process, arrests any minister of religion who is engaged in, or is, to the knowledge of the offender about to engage in, any of the offices or duties earlier mentioned, or who is to the knowledge of the offender, going to perform the same or returning from the performance of it;

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **126. Disturbing religious worships**

Any person who wilfully and without lawful justification or excuse, the proof of which lies on him, disquiets or disturbs any meeting of persons lawfully assembled for religious worship or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **CHAPTER 15**

### **Trial by Ordeal, Witchcraft, Juju and Criminal Charms**

#### **127. Trial by ordeal**

(1) The trial by ordeal of any person by any means which is likely to result in death or bodily harm to any party to the proceedings is unlawful.

(2) The Commissioner may by order prohibit the worship or invocation of any juju which appears to him to involve or tend towards the commission of any crime or breach of peace, or to the spread of any infectious or contagious disease.

#### **128. Directing unlawful trial by ordeal**

Any person who directs, controls or presides at any trial by ordeal commits a felony and—

(a) when the trial results in the death of any party to the proceeding, the offender is liable on conviction to life imprisonment; and

(b) in every other case, to imprisonment for ten (10) years.

#### **129. Being present at or making poison for trial by ordeal**

Any person who:—

(a) is present at or takes part in any trial by ordeal; or

(b) makes, sells or assists or takes part in making or selling, or has in his possession for sale or use any poison or thing which is intended to be used for the purpose of any trial by ordeal,

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

### **130. Offences in relation to witchcraft and juju**

Any person who—

(a) by his statements or actions represent himself to be a witch or to have the power of witchcraft;

(b) accuses or threatens to accuse any person of being a witch or of having the power of witchcraft;

(c) makes, sells, uses, assists or takes part in making or selling or using, or has in his possession or represents himself to be in possession of any juju, drug or charm which is intended to be used or reported to possess the power to prevent or delay any person from doing an act which such person has a legal right to do, or to compel any person to do an act which such person has a legal right to refrain from doing, or which is alleged or reported to possess the power of causing any natural phenomenon or any disease or epidemic;

(d) directs, controls, presides at or is present at or takes part in the worship or invocation of any juju which is prohibited by an order of the Commissioner;

(e) is in possession of, has control over any human remains which are used or are intended to be used in connection with the worship or invocation of any juju; or

(f) makes, uses or assists in making, using or has in his possession anything whatsoever, the making, use or possession of which has been prohibited by an Order as being or believed to be associated with human sacrifice or other unlawful practice;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **131. Permitting trial by ordeal and prohibited juju worship**

(1) Any person who directly or indirectly permits, promotes, encourages or facilitates any trial by ordeal, the worship or invocation of any juju which has been



prohibited by an Order, or who, knowing of such trial, worship or invocation or intended trial, worship or invocation, does not report the same to a police officer commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

### **132. Destruction of place where ordeal or prohibited juju worship is held**

Any house, grove or place in which it has been customary to hold any trial by ordeal, or the worship or invocation of any juju which is prohibited by an order, may, together with all articles found there, be destroyed or erased on the order of any Court by such persons as the Court may direct.

### **133. Criminal charms**

Any person who—

(a) makes, sells or keeps for sale or for hire or reward, any fetish or charm which is pretended or reputed to possess power to protect burglars, robbers, thieves or other persons planning to commit a crime, or to aid or assist in any way in the perpetration of any burglary, house breaking, robbery or theft, or in the perpetration of any offence whatsoever, or to prevent, hinder or delay the detection of or conviction for any offence whatsoever; or

(b) is found having in his possession without lawful and reasonable excuse (the proof of which excuse shall lie on such person) any such fetish or charm;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

## **CHAPTER 16**

### **Offences against Morality**

#### **134. Indecent acts**

Any person who wilfully—

(a) without lawful excuse does any indecent act in any public place; or

(b) does any indecent act in any place with intent to insult or offend any person

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**135. Indecent treatment of a child**

(1) Any person who unlawfully and indecently deals with a child commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) The term “deal with” includes doing any act which if done without consent would constitute an assault.

**136. Indecent practices**

Any person who commits any act of gross indecency with another person in public or procures another person to commit any act of gross indecency in public with him or another person commits a felony and is liable on conviction to imprisonment for three (3) years.

**137. Defilement of a child**

Any person who has sexual intercourse with a child commits a felony and is liable on conviction to imprisonment for life.

**138. Householder permitting defilement of a child on his premises**

Any person who being the owner or occupier of any premises, or having, acting or assisting in the management or control of any premises, induces or knowingly permits any child to resort to or be in or on such premises for the purpose of unlawful sexual intercourse or indecent dealing, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**139. Allowing a child to be in a brothel**

(1) Any person having the custody, charge or care of a child who has attained the age of four years and allows that child to reside in or frequent a brothel, commits a felony and is liable on conviction to a fine of Ninety Thousand Naira (₦90,000.00) or to imprisonment for six (6) months or both.

(2) If at the trial of a person charged with an offence under this Law, the facts proved in evidence justify a conviction for an offence against this section, the person charged may be convicted of the offence against this section although he was not charged with that offence.

**140. Procuration**

(1) Any person who procures another—

- (a) to have unlawful sexual intercourse with any other person or persons, either in the State or elsewhere;

- (b) to become a prostitute, either in the State or elsewhere;
- (c) to leave the State with intent that he may become an inmate of a brothel elsewhere; or
- (d) to leave his usual place of abode in the State, with intent that he may, for the purposes of prostitution, become an inmate of a brothel, either in Nigeria or elsewhere;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) The offender under subsection (1) of this Section may be arrested without warrant.

### **141. Abduction of a girl under eighteen (18) years with intent to have sexual intercourse**

(1) Any person who with intent that any man may have sexual intercourse with a girl under the age of eighteen (18), takes her or causes her to be taken out of the custody or protection of her father, mother or other person having the lawful care or charge of the girl, and against the will of such father or mother or other person, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) It is a defence to a charge of any of the offences defined in this section to prove that the defendant believed, on reasonable grounds, that the girl was of or above the age of eighteen (18) years.

### **142. Person trading in prostitution**

- (1) Any person who—
  - (a) knowingly lives wholly or in part on the earnings of prostitution; or
  - (b) in any public place persistently solicits or importunes for immoral purposes;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) A Magistrate who is satisfied by evidence on oath that there is reason to suspect that any premises or any part of any premises is used for the purposes of prostitution, and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, may issue a warrant authorising any police officer to enter, search the premises and arrest such a person.

(3) A person who is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling the prostitution with any person or generally shall, unless he can satisfy the court to the contrary be deemed to be knowingly living on the earnings of prostitution.

### **143. Keeping a brothel**

- (1) Any person who—
- (a) keeps a brothel;
  - (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part of it to be used as a brothel or for the purposes of habitual prostitution; or
  - (c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part of it with the knowledge that such premises or some part of it is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part of it as a brothel, is liable—
    - (i) on first conviction to a fine of Ninety Thousand Naira (₦90,000.00) or to imprisonment for six (6) months; and
    - (ii) on a second or subsequent conviction, to a fine of One Hundred and Eighty (₦180,000.00) or to imprisonment for one (1) year;or in either case, to both fine and imprisonment.

(2) For the purpose of subsection (1) of this Section, any person who appears, acts, or behaves as master or mistress, or manages or assists in the management of a brothel is deemed to be the keeper.

### **144. Unlawful detention with intent to have unlawful sexual intercourse**

(1) Any person who detains another person against such person's will in or on any premises for the purpose of having unlawful sexual intercourse with the person detained commits a felony and is liable on conviction to imprisonment for five (5) years.

(2) A person is deemed to detain another person in or on any premises for the purpose of unlawful sexual intercourse if, with intent to compel or induce him to remain in or on the premises, he puts him in a state or condition which makes it impracticable for him to leave.

(3) It is lawful for any person to take any such wearing apparel as may be necessary to enable him to leave a brothel or any premises upon which he had been unlawfully detained.

### **145. Attempts to procure abortion**

(1) Any person who, with intent to procure miscarriage of a woman whether or not she is pregnant, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Where the offence committed in subsection (1) was committed without the woman's consent, the offender shall be liable on conviction to imprisonment for seven (7) years.

### **146. Attempt to procure own miscarriage**

Any woman who, with intent to procure her own miscarriage, whether or not she is pregnant, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means or permits any such thing or means to be administered or used on her, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **147. Supplying drugs or instruments to procure abortion**

(1) Any person who unlawfully supplies to or procures for any person anything knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether or not she is pregnant, commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

### **148. Knowledge of age immaterial**

Except as otherwise expressly stated, it is immaterial in the case of any of the offences defined in this Chapter committed with respect to a woman or girl under a specified age, that the defendant did not know that the woman or girl was under that age, or believed that she was not under that age.

**CHAPTER 17****Obscene Publications****149. Test of obscenity**

(1) For the purpose of this Chapter, an article shall be deemed to be obscene if its effect, taken as a whole, is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances to read, see or hear the matter contained or embodied in it and it shall not be material that the actual person to whom it was published was not depraved by it.

(2) The provisions of this Chapter shall extend to any article of two (2) or more distinct items, the effect of any one of which is such as to tend to deprave and corrupt.

(3) Nothing in this Chapter shall apply to exhibitions in private houses to which the public are not admitted or to anything done in the course of television or sound broadcasting.

(4) For the purposes of this Chapter, a performance of a play in public shall be deemed to be obscene if, taken as a whole, its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to attend it and it shall not be material that the actual persons before whom it was performed were not depraved by it.

(5) Nothing in this Chapter shall apply in relation to a performance of a play given on a domestic occasion in a private dwelling.

**150. Prohibition of publication of obscene matters**

(1) Subject to the provisions of this Chapter, any person who, whether for gain or not, distributes or projects any article deemed to be obscene for the purposes of this Chapter commits a felony and is liable on conviction to a fine of Four Hundred and Forty Five (₱450,000.00) or imprisonment for three (3) years or both.

(2) A person shall not be convicted under this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted under this section.

(3) In any proceedings against a person under this section, the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from the publication by the person charged.

(4) No prosecution for an offence against this section shall be commenced more than two (2) years after the commission of the offence.

### **151. Prohibition of obscene performance of plays**

If an obscene performance of a play is given, whether in private or public, any person who (whether for gain or not) presented or directed that performance commits a felony and is liable on conviction to a fine of Four Hundred and Fifty Thousand Naira (₦450,000.00) or to imprisonment for three (3) years or both.

### **152. Power to search and seize**

(1) Subject to the provisions of this Chapter, if a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that articles deemed to be obscene for the purposes of this Chapter are, or are from time to time kept for publication for gain on any premises or in any stall or vehicle in the State, the Magistrate may issue a warrant empowering any police officer to—

- (a) enter using reasonable force where required, to search the premises stall or vehicle; or
- (b) seize and remove any article found there which the police officer has reason to believe to be obscene articles for the purposes of this Chapter and is kept for publication whether for gain or not.

(2) A warrant under subsection (1) of this Section shall be executed within fourteen (14) days from the date of issuance.

(3) A warrant under subsection (1) of this Section shall, if any obscene article is seized under the warrant, also empower the seizure and removal of any document found on the premises or, as the case may be, in a stall or vehicle which relate to a trade or business carried on at the premises or from the stall or vehicle.

(4) Articles seized under subsection (1) of this Section may be brought before the Magistrate who issued the warrant or before any other Magistrate.

(5) The Magistrate before whom the articles are brought may then issue a summons to the occupier of the premises, or, as the case may be, the user of the stall or vehicle to appear on a day specified in the summons before a Magistrates' court to show cause why the articles or any of them should not be forfeited.

(6) If the court is satisfied, in respect of any of the articles that at the time when they were seized were obscene articles kept for publication whether for gain or not, the court shall order those articles to be forfeited, but no Order shall be made under this subsection in default of appearance by the person summoned unless service of the summons is proved.

(7) In addition to the person summoned, any other person being the owner, author or maker of any of the articles brought before the court, or any other person through whose hands they had passed before being seized, shall be entitled to appear before the court on the day specified in the summons to show cause why they should not be forfeited.

(8) Where an Order is made under this section for the forfeiture of any article, any person who appeared, or was entitled to appear to show cause against the making of the Order may appeal to the High Court and no such Order shall take effect until the expiration of fourteen (14) days after the day on which the Order is made, or, if before the expiration, notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.

(9) If with respect to any article brought before it, the court does not order forfeiture, the court may if it deems fit order the person on whose information the warrant for the seizure of the article was issued, to pay such costs as the court thinks reasonable to any person who has appeared before the court to show cause why those articles should not be forfeited; and costs ordered to be paid under this subsection shall be enforceable as a civil debt.

(10) For the purpose of this Section, the question whether an article is obscene shall be determined on the assumption that copies of it would be published in any manner likely, having regard to the circumstances in which it was found, but in no other manner.

(11) Nothing in this Section shall be construed to preclude the making of any order under the Administration of Criminal Justice Law which relates to disposal of property produced before a court.

### **153. Defence of public good**

(1) No person shall be convicted of an offence under Section 150 of this Law and no Order for forfeiture shall be made if it is proved that publication of the article in question is justified as being for public good on the ground that it is in the interest of science, literature, art or learning, or of other objects of general concern.

(2) No person shall be convicted of an offence under Section 151 of this Law if it is proved that the giving of the performance in question was justified as being for public good on the ground that it was in the interests of drama, opera, ballet or any other art, or of literature or learning.

(3) The opinion of experts as to the literary, artistic, scientific or other merits of an article or a performance of a play may be admitted in any proceedings under Sections 150 and 151 either to establish or to disprove the said ground.

### **154. Interpretation**

In this Chapter unless the context otherwise requires:



“**article**” means anything capable of being or likely to be looked at and read, and includes any film, record of a picture or pictures, and any sound records;

“**distributes**” includes circulates, lends, sells, lets on hire, displays or offers for sale or for hire;

“**projects**” in relation to an article to be looked at or heard includes shows or plays or where the matter is data stored electronically, transmits that data or forwards the data to another electronically.

## CHAPTER 18

### Gaming Houses and Betting Houses

#### 155. Gaming houses

- (1) A person is said to keep a gaming house if—
  - (a) being the owner, occupier, or having the use of any house, room or place, he opens, keeps or uses the same for the purpose of unlawful gaming;
  - (b) being the owner or occupier of any house, room place, knowingly and wilfully permits the same to be opened, kept or used by any other person for such purposes;
  - (c) having the care or management of or in any manner assist in conducting the business of any house, room or place opened, kept or used for such purposes; or
  - (d) he appears, acts, or behaves as master or mistress of any such premises.

(2) In this Section “unlawful gaming” is any gaming, the chances of which are not favourable all the players, including the person or persons by whom the game is managed or the banker and shall include roulette, every game of dice except backgammon, every game which is not a game of skill, and any game in which players stake, play or bet.

(3) Any person who keeps a gaming house commits a misdemeanour and is liable on conviction to a fine of Ninety Thousand Naira (₦90,000.00) for the first offence and for each subsequent offence to a fine of One Hundred and Eighty Thousand Naira (₦180,000.00) or imprisonment for one (1) year or both.

(4) Any person other than the persons mentioned in subsection (1) of this Section who is found in a gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming and shall commits an offence and shall be liable on

conviction to a fine of Fifteen Thousand Naira (₦15,000.00) for the first offence and for each subsequent offence to a fine of Forty-Five Thousand Naira (₦45,000.00) or imprisonment for three (3) months or both.

(5) Where a police officer authorised to enter a house, room or place is wilfully prevented from or obstructed or delayed in entering the same or any part of it, or where any person gives an alarm in the case of such entry, it shall be evidence until the contrary is proved, that such house, room or place is used as a gaming house within the meaning of subsection (1) of this Section and that the persons found within there were unlawfully playing there.

### **156. Betting houses**

- (1) Any house, room or place which is used for any of the following purposes—
- (a) betting between persons resorting to the place; and
    - (i) the owner, occupier, or keeper of the place, or any person using the place; or
    - (ii) any person procured or employed by or acting for or on behalf of any such owner, occupier, or keeper, or person using the place; or
    - (iii) any person having the care or management, or in any manner conducting the business, of the place; or
  - (b) for the purpose of any money or other property being paid or received there by or on behalf of any such owner, occupier, or keeper, or person using the place as, or for the consideration—
    - (i) for an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race, or other race, fight, game, sport or exercise; or
    - (ii) for securing the paying or giving by some other person of any money or other property on any such event or contingency;

is a betting house.

(2) For the purposes of subsection (1) of this Section, a person is a keeper of a betting house if he appears, acts or behaves as master or mistress of any such premises.

(3) Any house, room or place which is used for the purposes of a licensed pool betting business shall not be deemed to be a betting house under subsection (1) of this Section.

(4) Any person who, being the owner or occupier of any house, room or place, knowingly and wilfully permits it to be opened, kept or used as a betting house for another person or who has the use or management or assists in conducting the business of a betting house by another person, commits a misdemeanour and is liable on conviction to a fine of Ninety Thousand Naira (₦90,000.00) for the first offence and for each subsequent offence a fine of One Hundred and Eighty Thousand Naira (₦180,000.00) or imprisonment for one (1) year or both.

## CHAPTER 19

### Nuisances and Other Offences Against Public Health

#### 157. Nuisances

- (1) Any person who—
- (a) obstructs any highway by any permanent work, erection on it or damage to it, which renders it unusable to the public than it would otherwise be;
  - (b) prevents the public from having access to any part of a highway by an excessive and unreasonable use of it, or by so dealing with the land in the immediate neighbourhood of the highway as to prevent the public from using and enjoying it securely;
  - (c) does not repair a highway which he is bound to repair;
  - (d) wilfully diverts or obstructs the course of any navigable river so as to appreciably diminish its convenience for purposes of navigation; or
  - (e) does any unlawful act, or omits to discharge any legal duty, which act or omission obstructs or causes inconvenience or damage to the public in the exercise of rights common to the public;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) It is immaterial whether the act complained of is convenient to a larger number of the public, but the fact that the act complained of arises from the lawful exercise of rights by a part of the public may show that it is not a nuisance to any part of the public.

(3) The owner of a vessel wrecked in a navigable river is not guilty of a common nuisance for failure or refusal to remove it.

**158. Exposing for sale things unfit for food or drink**

Any person who sells as food or drink, or has in his possession with intent to sell as food or drink, any article which is in a state unfit for food or drink, knowing or having reason to believe or being negligent in ascertaining that the same is unfit for food or drink commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**159. Adulteration of food or drink intended for sale**

Any person who adulterates any article of food or drink so as to make such article unfit for food or drink, intending to sell such article as food or drink, or knowing it is likely that the same will be sold as food or drink, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**160. Adulteration of products**

(1) Any person who—

- (a) adulterates any product including any manufactured or processed product so as to affect or change materially the quality, substance, nature or efficacy, to affect or change materially the quality, substance, nature or efficacy of such product, without notice to the purchaser or knowing that the same will be sold as manufactured or processed product, commits a felony and is liable on conviction to imprisonment for seven (7) years; or
- (b) deals in, sells, offers for sale or otherwise exposes for sale, any product including any manufactured or processed product which is not of the quality, substance, nature or efficacy expected of the product or preparation which the seller represents it to be or has in any way been rendered or has become noxious, dangerous or unfit, commits a felony and is liable on conviction to imprisonment for seven (7) years;

(2) Whenever any person is charged with committing any offence under subsection (1) of this Section, it shall be a defence if he can establish that he did not know or had no reason to know or believe that the manufactured or processed product has been adulterated or otherwise rendered noxious, dangerous or unfit.

(3) In any trial for an offence under subsection (1) of this Section, the Court may make such order as it deems fit for the purpose of making compensatory award to the victim or purchaser of any adulterated product, manufactured or processed product and it may order the forfeiture of the product concerned.

**161. Dealing in diseased meat**

(1) Any person who—

- (a) knowingly takes into a slaughter-house used for the slaughter of any animal intended for the food of man, the whole or any part of the carcass of any animal which has died of any disease; or
- (b) knowingly sells the whole or part of the carcass of any animal which has died of any disease, or which was diseased when slaughtered;

commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Any person who—

- (a) negligently takes into a slaughter-house used for the slaughter of any animal intended for the food of man, the whole or any part of the carcass of any animal which has died of any disease; or
- (b) negligently sells the whole or part of the carcass of any animal which has died of any disease, or which was diseased when slaughtered;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

## **162. Fouling water**

(1) Any person who by any act or default contaminates or allows to be contaminated, the water of any spring, stream, river, well, tank, reservoir, aqueduct or pond so as to render it less fit for the purpose for which it is ordinarily used, commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Where an offence under subsection (1) of this Section is committed by a body corporate in the course of its business it shall be liable on conviction for a felony punishable with a fine of One Million Naira (₦1,000,000.00).

## **163. Communicating infectious diseases to animals**

Any person who wilfully and unlawfully causes or attempts to cause any infectious disease to be communicated to or among any animal commits a felony and is liable on conviction to imprisonment for seven (7) years.

## **164. Burials in houses**

(1) Any person who without the consent of the relevant Local Government Authority buries or attempts to bury any corpse in any house, building, premises, yard, garden, compound or within a hundred yards of any residential premises, or in any open space situated within a township, commits a misdemeanour and is liable on conviction to imprisonment for six (6) months.

(2) The provision of Section 39 of the Births, Deaths and Burials Law, Cap. B3, Laws of Lagos State, 2003 is repealed.

### **165. Misconduct with regard to corpses**

Any person who without lawful justification or excuse, the proof of which lies on him—

(a) neglects to perform any duty imposed on him by law or undertaken by him, whether for reward or otherwise, touching the burial or other disposition of a human body or human remains;

(b) improperly or indecently interferes with, or offers any indignity to, any dead human body or human remains, whether buried or not; or

(c) eats or receives for the purpose of eating any part of a dead human body;

commits a felony and is liable on conviction to imprisonment for five (5) years.

### **166. Harmful acts**

Any person who—

(a) pollutes the atmosphere in any place so as to make it harmful to the health of persons living within the vicinity or carrying on business in the neighbourhood, or passing along a public way; or

(b) does any act which is, and which he knows or has reason to believe to likely spread the infection of any disease dangerous to life, whether human or animal;

commits a felony and is liable on conviction to imprisonment for three (3) years.

### **167. Use and sale of matches made with white phosphorus**

Any person who—

(a) sells or has in his possession for the purposes of sale any matches made with white (yellow) phosphorus; or

(b) uses white (yellow) phosphorus in the manufacture of matches;

commits an offence and is liable on conviction to a fine of Ninety Thousand Naira (₦90,000.00) or imprisonment to a term of six (6) months, and any chemical or matches in respect of which the offence is committed shall be forfeited.

**CHAPTER 20****Disorderly Persons, Bringing Contempt on uniform****168. Disorderly persons**

- (1) The following persons—
  - (a) every prostitute—
    - (i) behaving in a disorderly or indecent manner in any public place;
    - (ii) loitering and persistently importuning or soliciting persons for the purpose of prostitution;
  - (b) every person who places himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children to do so;
  - (c) every person playing at any game of chance for money or money's worth in any public place;
  - (d) every person who, in any public place, conducts himself in a manner likely to cause a breach of the peace;
  - (e) every person endeavouring by the exposure of wounds or deformation to obtain or gather alms;
  - (f) every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence;
  - (g) every person who exercises control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding or controlling prostitution with any person;
  - (h) every person found wandering in, on or near any premises or in any road or highway or any place adjacent to it or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose;

shall be deemed to be a disorderly person.

(2) A person found to be a disorderly person commits a misdemeanour and is liable on conviction to a fine of Fifteen Thousand Naira (₦15,000.00) for the first offence and for every subsequent offence to a fine of Forty-Five Thousand Naira (₦45,000.00) or imprisonment for three (3) months or both.

(3) An offender under this Section may be arrested without warrant.

### **169. Bringing contempt on uniform**

Any person who, not being a person serving in any of the armed forces or the Nigeria Police, wears the uniform of any of these forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or in such circumstances as to likely bring contempt on that uniform, or employs any other person to wear such uniform or dress, commits an offence and is liable on conviction to a fine of Forty-Five Thousand Naira (₦45,000.00) or three (3) months imprisonment.

## **PART 5**

### **OFFENCES AGAINST THE PERSON AND OFFENCES RELATING TO PARENTAL RIGHTS AND DUTIES**

#### **CHAPTER 21**

#### **Assault and violence to the person generally: justification and excuses**

### **170. Definition of assault**

(1) A person who—

- (a) strikes, touches, moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent; or
- (b) by any bodily act, gesture, attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actual or apparent ability to effect his purpose is said to assault that other person.

(2) The term “applies force” includes the case of applying heat, light, electrical force, gas, odour or any other substance or thing whatsoever in such a degree as to cause injury or personal discomfort.



**171. Unlawful assaults**

(1) An assault is unlawful and constitutes an offence unless it is authorised or justified or excused by Law.

(2) The application of force by one person to another may be unlawful if it is done with the consent of that other person where:

- (a) on grounds of age or weak intellect, a person is incapable of understanding the nature of the act to be done;
- (b) the consent was obtained by fraud; or
- (c) the assault is of a nature likely to endanger human life or is likely to cause a breach of peace.

**172. Punishment for assault**

Any person who unlawfully assaults another commits a misdemeanour and is liable on conviction, if no greater punishment is provided, to imprisonment for one (1) year.

**173. Assaults occasioning harm**

Any person who unlawfully assaults another and thereby does him harm commits a felony and is liable on conviction to imprisonment for three (3) years.

**174. Serious assaults**

Any person who—

(a) assaults another with intent to commit a felony or with intent to resist or prevent the lawful arrest or detention of himself or of any other person;

(b) assaults, resists or wilfully obstructs a police officer while acting in the execution of his duty, or any person acting in aid of a police officer while so acting;

(c) unlawfully assaults, resists, or obstructs, any person engaged in the lawful execution of any process against any property, or in making a lawful distress, while so engaged;

(d) assaults, resists, or obstructs any person engaged in such lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process or distress;

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by Law; or

(f) assaults any person for the purpose of effecting any unlawful conspiracy in respect of any manufacture, trade, business, or occupation, or in respect of any person(s) concerned or employed in any manufacture, trade, business or occupation, or the wages of any such person(s);

commits a felony, and on conviction is liable to imprisonment for three (3) years.

### **175. Assault with intent to steal**

Any person who assaults any person with intent to steal anything commits a felony and is liable on conviction to imprisonment for three (3) years.

### **176. Assaults on persons protecting wrecks**

Any person who unlawfully assaults and uses actual violence on a peace officer or any other person while acting in the execution of his duty in or concerning the preservation of a vehicle, vessel in distress, or of any vehicle, vessel or goods wrecked or stranded or lying under water, is guilty of a felony and is liable to imprisonment for three years.

### **177. Execution of sentence**

It is lawful for a person who is charged by Law with the duty of executing or giving effect to the lawful sentence of a Court to execute or give effect to that sentence.

### **178. Execution of process**

It is lawful for a person who is authorised by Law with the duty of executing the lawful process of a court and who is required to arrest or detain another person under such process, and for every person lawfully assisting a person so authorised, to arrest or detain that other person according to the terms of the process.

### **179. Execution of warrant**

It is lawful for a person who is charged by Law with the duty of executing a lawful warrant issued by any court, judicial officer or other person having jurisdiction to issue it, and who is required to arrest or detain another person under such warrant, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the directions of the warrant.

### **180. Sentence or process or warrant without jurisdiction**

A person who executes or assists in executing any sentence or process or warrant which purports to be passed or issued by a court, judicial officer or other person, and who would be justified under the provisions of the three last preceding sections, in executing the same if it had been passed or issued by a court or judicial officer, or person having

authority to pass or issue it, is not criminally responsible for any act done in such execution notwithstanding that the court, judicial officer or person had no authority to pass the sentence or issue the process or warrant, if in such execution he acted in good faith and in the belief that the sentence, process or warrant was that of a court, judicial officer, or other person, having such authority.

### **181. Arrest of wrong person**

(1) A person who, being duly authorised to execute a warrant to arrest one person, but arrests another, believing in good faith and on reasonable grounds that the person arrested is the person named in the warrant, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

(2) Any person who lawfully assists in making such an arrest believing that the person arrested is the person named in the warrant, or who being required by the warrant to receive and detain the person named in it, receives and detains the person so arrested, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

### **182. Irregular process or warrant**

When any process or warrant is bad in Law by reason of some defect in substance or in form apparent on the face of it, a person who, in good faith and believing that it is lawful, acts in the execution of the process or warrant, is not criminally responsible for anything done in such execution to any greater extent than if the process or warrant was lawful.

### **183. Force used in executing process or arrest**

It is lawful for a person who is engaged in the lawful execution of any sentence, process or warrant, or in making any arrest, and for any person lawfully assisting him, to use such force as may be reasonably necessary to overcome any force used in resisting such execution or arrest.

### **184. Peace officer preventing escape from arrest**

When a peace officer or police officer is proceeding lawfully to arrest, with or without warrant, any person for an offence which is a felony, and is such that the offender may be arrested without warrant, if—

(a) the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the peace officer or police officer and for any person lawfully assisting him, to use such force as may be reasonably necessary to prevent the escape of the person sought to be arrested; and

(b) the offence is such that the offender may be punished with death or with imprisonment for seven (7) years or more, it is lawful for the peace officer or police officer and for any person lawfully assisting to kill him, if he cannot by any other means otherwise be arrested.

### **185. Other cases of preventing escape from arrest**

(1) When a person who is not a peace officer or police officer, is proceeding lawfully to arrest without warrant and the person sought to be arrested tries to escape, it is lawful for the person seeking to arrest him to use such force as is reasonably necessary to prevent his escape.

(2) Nothing in this section shall authorise the use of force which is intended or likely to cause death or grievous harm.

### **186. Preventing escape or rescue after arrest**

(1) When any person has lawfully arrested another person for any offence, it is lawful for him to use such force as he believes, on reasonable grounds to be necessary to prevent the escape or rescue of the person arrested.

(2) Nothing in this section shall authorise the use of force which is intended or is likely to cause death or grievous harm, if the offence is not one which is such that the offender may be arrested without warrant.

### **187. Preventing a breach of the peace**

It is lawful for any person who witnesses a breach of the peace to:

- (a) intervene to prevent the continuance or renewal of it;
- (b) use such force as is reasonably necessary for such prevention or renewal; and
- (c) detain any person who is committing it or who is about to join in or about to renew the breach of the peace for such time as may be reasonably necessary in order to give him into the custody of a peace officer or police officer.

### **188. Prevention of offences**

It is lawful for any person to use such force as is reasonably necessary in order to prevent any act from being done which he believes on reasonable grounds would amount to any offence or in order to prevent a person whom he believes on reasonable grounds, to be of unsound mind, from doing violence to any person or property.

## **189. Defence of residence**

It is lawful for any person or any person lawfully assisting him or acting by his authority to use such force as he believes, on reasonable grounds, to be necessary to prevent the forceful entering of his residence, by any person whom he believes on reasonable grounds, to be attempting to forcefully enter his residence with intent to commit an offence in his residence.

## **190. Provocation**

(1) The term “provocation” includes any wrongful act or insult of such a nature which when done to a person or in the presence of another with whom that person has a special relationship could likely make the person to lose his power of self control and induce him to do an act which amounts to an offence.

(2) In this section, two or more persons are deemed to be in a special relationship if they are in a conjugal, parental, filial or guardianship relationship or such other relationships that given the cultural context, can reasonably be expected to create a strong bond of affection and respect between the parties.

(3) A person provokes another when he does the act or offers the insult referred to in subsection (1) of this section:

- (a) to that other person; or
- (b) to a person in the presence of that other person where the special relationship or circumstance in subsection (2) of this section exists.

(4) A lawful act is not provocation to any person for an assault.

(5) An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

## **191. Defence of provocation**

(1) A person is not criminally responsible for an assault committed against a person who provokes him or an assault against another person by mistake or accident if:

- (a) he is, in fact, deprived of his power of self-control by the provocation and acts on it suddenly and before there is time for his passion to cool; and
- (b) the force is proportionate to the provocation, is not intended and is not likely to cause death or grievous bodily harm.

(2) The following shall be questions of fact:

- (a) whether any particular act or insult is such as to be likely to deprive an ordinary person of the power of self-control and to induce him to commit an assault;
- (b) whether, in the particular case, the person provoked was actually deprived of the power of self-control by reason of the provocation; and
- (c) whether any force used is proportionate to the provocation.

### **192. Prevention of repetition of insult**

(1) It is lawful for any person to use such force as is reasonably necessary to prevent the repetition of an act or insult of such a nature as to be provocative to him for an assault.

(2) The force used under subsection (1) of this section must not be intended and is not such as is likely to cause death or grievous harm.

### **193. Self defence against unprovoked assault**

(1) When a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force as is reasonably necessary to defend himself against the assault, provided that the force used is not intended and is not such as is likely to cause death or grievous harm.

(2) When a person is unlawfully assaulted and has not provoked the assault, and the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, it is lawful for him to use such force as is reasonably necessary to defend himself from death or grievous harm even though such force may cause death or grievous harm.

### **194. Self defence against provoked assault**

(1) When a person has unlawfully assaulted another or has provoked an assault from another, and that other person assaults him with such violence as to cause reasonable apprehension of death or grievous harm, it shall be lawful for him to use such force as is reasonably necessary to defend himself from death or grievous harm, although such force may cause death or grievous harm.

(2) The provision of subsection (1) of this section does not apply where the person using force which causes death or grievous harm—

- (a) first began the assault with intent to kill or to do grievous harm to some person; or

- (b) endeavoured to kill or to do grievous harm to some person before the necessity of defending himself arose, except before such necessity arose, the person using such force declined further conflict, quitted or retreated from it as far as practicable.

### **195. Aiding in self defence**

In any case in which it is lawful for any person to use force in any degree for the purpose of defending himself against an assault, it is lawful for any other person acting in good faith in his aid to use the same degree of force for the purpose of defending such person.

### **196. Defence of movable property against trespassers**

It is lawful for any person who is in peaceable possession of any movable property, and for any person acting by his authority, to use such force as is reasonably necessary in order to resist the taking of such property by a trespasser, or in order to retake it from a trespasser, provided that he does not do grievous harm to the trespasser.

### **197. Defence of property with claim of right**

When a person is in peaceable possession of any property under a claim of right, it is lawful for him, and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession of the property against a person who is entitled by Law to possession of the property, provided that he does not do grievous harm to such other person.

### **198. Defence of property without claim of right**

When a person who is entitled by Law to the possession of movable property attempts to take it from a person who is in possession of the property, but who neither claims right to it nor acts by the authority of a person who claims right, and the person in possession resists him, it is lawful for the person so entitled to possession to use force in order to obtain possession of the property, provided that he does not do grievous harm to the person in possession.

### **199. Defence of premises against trespassers; removal of disorderly persons**

(1) It is lawful for any person who is in peaceable possession or entitled to the control or management of any land, structure, vessel or place, and for any person acting on his authority to use such force as is reasonably necessary in order to—

- (a) prevent any person from wrongfully entering on such land, structure, vessel, or place;

- (b) to remove from it a person who wrongfully remains there, provided that he does not do grievous harm to such person; or
- (c) to use force in order to remove from it any person who conducts himself in a disorderly manner, provided that he does not do grievous harm to him.

(2) In this section, the term “place” includes any part of an enclosure or structure, whether not separated from the rest of the enclosure or structure, by a partition, fence, rope or any other means, or not.

## **200. Exercise of right of way**

When a person who claims to be lawfully entitled to enter on land for the exercise of a right of way or other easement or profit, enters on the land for the purpose of exercising such right of way, easement or profit, after notice that his right to use such way or easement or to take such profit is disputed by the person in possession of the land, or having entered persists in his entry after such notice, it is lawful for the person in possession and for any person acting by his authority to use such force as is reasonably necessary for the purpose of making the person so entering desist from the entry, provided that he does not do grievous harm to him.

## **201. Correction of child, apprentice, ward and employee, etc.**

(1) Any application of force which does not result in grievous harm may be justified for the purpose of correction in the following cases:

- (a) parent or guardian may correct his child or ward for misconduct or disobedience to any lawful instruction;
- (b) a master may correct his apprentice who is a child for misconduct or default in his duty;
- (c) the master of a ship may correct any person on board his ship for misconduct or disobedience to any lawful command;
- (d) any person to whom a parent or guardian has entrusted the custody of his or her child or ward may correct the child for disobedience to any lawful directive,

(2) A person who is authorised to inflict correction mentioned in this section may, in any particular case, delegate to any fit person the infliction of such correction.



(3) No correction can be justified which is unreasonable in kind or in degree, having regard to the age, physical and mental condition of the person on whom it is inflicted; and in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

## **202. Use of force for preserving order on board a vessel**

(1) The master of a vessel or any person acting by his order, may authorise the use of any such force on/against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen, or passengers, where the:

- (a) safety of the vessel, or of any person in it or about to enter or leave is likely to be endangered;
- (b) master is threatened to be subjected to the command of any other person.

(2) The master may kill any person who is guilty of, or abets such mutiny or disorder mentioned in subsection (1) of this section if the safety of the vessel, or the preservation of any such person cannot be otherwise secured.

## **203. Medical abortion**

A medical doctor is not criminally responsible for performing in good faith, with reasonable care and skill a surgical operation on any person for his benefit, or on an unborn child for the preservation of the mother's life and physical health, if the performance of the operation is reasonable, having regard to circumstances of the case.

## **204. Excessive force**

Any person authorised by Law to use force is criminally responsible for any excess, according to the nature and quality of the act which constituted the excess.

## **205. Consent to death immaterial**

Subject to the provisions of this Law, consent by a person to the causing of his own death does not affect the criminal responsibility of any person by whom such death is caused.

**CHAPTER 22****Duties and Offences Relating to the Preservation of Human Life****206. Duty to provide necessities**

(1) Any person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause and is unable to discharge his duties under the charge may withdraw himself from such charge or will be held liable to have caused any consequence which may result to the life and health of the other person by reason of any omission to perform that duty.

(2) A charge under subsection (1) of this section may, be imposed by Law, a contract or by reason of an act, whether lawful or unlawful, of the person having such a charge.

**207. Duty of head of family**

It is the duty of every person who, as head of a family, has charge of a child, being a member of his household, to provide the necessities of life for such child; and he shall be held to have caused any consequence which results to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

**208. Duty of masters**

It is the duty of every person who as master or mistress and has contracted to provide necessary food, clothing, lodging or medical treatment for any employee or apprentice under the age of eighteen (18) years to provide the same; and he shall be held to have caused any consequence which results to the life or health of the employee or apprentice by reason of any omission to perform that duty.

**209. Duty of persons doing dangerous acts**

It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and such person shall be held to have caused any consequence which results to the life or health of that other person by reason of any omission to perform that duty.

**210. Duty of persons in charge of dangerous things**

It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health, of any person may

be endangered, to use reasonable care and take reasonable precautions to avoid such danger; such person shall be held to have caused any consequence which results to the life or health of any person by reason of any omission to perform that duty.

### **211. Duty to do certain acts**

When a person undertakes to do any act, the omission of which may be dangerous to human life or health, it is his duty to do that act; he shall be held to have caused any consequence which results to the life or health of any person by reason of any omission to perform that duty.

### **212. Breach of contract of persons employed in certain services**

(1) Any person employed in any undertaking concerned in the supply of electricity or water who maliciously breaks his contract of service, knowing or having reasonable cause to believe that the probable consequence of his so doing, either alone or in combination with others, will be to deprive the community or any part of it either wholly or to a great extent of the supply of electricity or water, commits an offence.

(2) Any person who maliciously breaks a contract of service knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or seriously endanger public health, including the health of the inmates of a hospital or similar institutions, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious damage, commits an offence.

(3) For the purpose of this section—

- (a) “maliciously” means with the intention of producing any of the consequences set out in subsection (1) and/or (2) of this section, or with a reckless disregard of whether such consequences are produced or not; and
- (b) the termination of any contract of service, either alone or in combination with others, on less than seven (7) days’ notice of intention to terminate, in such circumstances that the actual or probable consequences of the termination are those set out in subsection (1) and/or (2), shall where the length of such notice required by any enactment, or by any contract of service, is more than seven (7) days, be deemed to be a malicious breach of contract, and the words “maliciously breaks” in this section shall be construed accordingly.

(4) A person who commits an offence under the provisions of this section commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**CHAPTER 23****Homicide; Suicide; Concealment of Birth; Unlawful Possession of Human Parts****213. Definition of killing**

Subject to other provisions of this Law, any person who causes the death of another, directly or indirectly, by any means is deemed to have killed that other person.

**214. When a child becomes a human being**

A child becomes a person capable of being killed when it is completely proceeded in a living state from the body of its mother, whether or not it has breathed or has an independent circulation or the navel-string is severed.

**215. Unlawful killing of a human being**

It is unlawful to kill any person unless such killing is authorised, justified or excused by Law.

**216. Death by acts done at childbirth**

When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.

**217. Causing death by threats**

A person who by threats, intimidation or by deceit, causes another person to do an act or make an omission which results in the death of that other person is deemed to have killed him.

**218. Acceleration of death**

A person who does any act or makes any omission which hastens the death of another person who when the act is done or the omission is made, is labouring under some disorder or disease arising from another cause is deemed to have killed that other person.

**219. When injury or death might be prevented by proper precaution**

When a person causes a bodily injury to another from which death results, it is immaterial that the injury might have been avoided by proper precaution on the part of the person injured, or that his death from that injury might have been prevented by proper care or treatment.

**220. Death in consequence of subsequent treatment**

When a person does grievous harm to another, if such other person has recourse to surgical or medical treatment, and death results either from the injury or the treatment, he is deemed to have killed that other person, although the immediate cause of death was the surgical or medical treatment; provided that the treatment was reasonably proper under the circumstances and was applied in good faith.

**221. Unlawful killing**

Any person who unlawfully kills another commits murder or manslaughter, according to the circumstances of the case.

**222. Definition of murder**

- (1) Subject to the provisions of this Law, a person who unlawfully kills another—
  - (a) with intention to kill that person or some other person; or
  - (b) with intention to do grievous harm to the person killed or to some other person;

commits a felony called murder.

(2) For the purpose of this section, a person is deemed to have intended to kill or to cause grievous harm when death or grievous harm is—

- (a) the desired consequence of his act or omission; or
- (b) not the desired outcome of his act or omission but in bringing about his desired outcome, he foresees death or grievous harm as the probable and likely consequence of his act or omission.

**223. Punishment for murder**

Subject to the provisions of any other Law, a person who commits the offence of murder shall be sentenced to death.

**224. Involuntary manslaughter**

A person who unlawfully kills another in circumstances which does not constitute murder commits manslaughter if he causes death—

- (a) by an unlawful and dangerous act; or
- (b) with gross negligence or reckless disregard for human life.

**225. Voluntary manslaughter by provocation**

(1) A person who unlawfully kills another person commits manslaughter if death is caused by an act or omission done—

- (a) in the heat of passion caused by grave and sudden provocation;
- (b) before there is time for his passion to cool; and
- (c) the force used is proportionate to the provocation.

(2) For purposes of this section, the definition of provocation in Section 190 of this Law shall apply.

**226. Voluntary manslaughter by consent**

(1) A person commits manslaughter if he kills another person who has attained the age of eighteen (18) years and who consented to his death or voluntarily took the risk of death.

(2) Consent in this Section means the full, free and informed consent of a person.

**227. Voluntary manslaughter by excessive use of force**

A person who causes death in the exercise of a right of self-defence by use of excessive force commits manslaughter.

**228. Diminished responsibility**

(1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of the mind, whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury such as have substantially impaired his mental responsibility for his acts or omissions in doing or being a party to the killing.

(2) A person who kills another under the provisions of subsection (1) of this Section is liable to be convicted of manslaughter.

**229. Punishment for manslaughter**

Any person who commits the offence of manslaughter is liable on conviction to imprisonment for life.

**230. Attempt to murder**

Any person who—

(a) attempts to unlawfully kill another; or

(b) with intent to unlawfully kill another does any act, or omits to do any act which it is his duty to do, such act or omission being of such a nature as to likely to endanger human life;

commits a felony and is liable on conviction to imprisonment for life.

### **231. Accessory after the fact to murder**

Any person who becomes an accessory after the fact to murder commits a felony and is liable on conviction to imprisonment for life.

### **232. Written threats to kill**

Any person who knowing that the content of a message written or unwritten threatens to kill any person, causes that person to receive such message, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **233. Conspiring to murder**

Any person who conspires with any other person to kill any person, whether such person is in the State or elsewhere, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

### **234. Aiding suicide**

(1) Any person who—

- (a) procures another to kill himself;
- (b) counsels another to kill himself;
- (c) induces another to kill himself; or
- (d) aids another in killing himself,

commits a felony and is liable on conviction to imprisonment for life.

### **235. Attempting to commit suicide**

Any person who attempts to kill himself is guilty of a simple offence and the court shall make a hospitalisation order.

**236. Killing an unborn child**

Any person who when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, commits a felony and is liable on conviction to imprisonment for life.

**237. Concealing the birth of children**

Any person who when a woman is delivered of a child, endeavours by any secret disposition of the dead body of the child to conceal the birth, whether the child died before, at or after its birth, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**238. Unlawful possession of human part**

Any person who receives or has in his possession any part of a human body except as permitted by Law commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**CHAPTER 24****Offences Endangering Life or Health****239. Incapacitating in order to commit felony or misdemeanour**

Any person who with intent to commit or facilitate the commission of a felony or a misdemeanour, uses any means calculated to choke, suffocate, strangle, stupefy or in order to incapacitate another person, commits a felony and is liable on conviction to imprisonment for life.

**240. Act intended to cause serious harm or prevent arrest**

Any person who, with intent to do grievous harm to any person in order to resist or prevent the lawful arrest or detention of any person—

(a) unlawfully wounds or does any grievous harm to any person by any means whatsoever;

(b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon;

(c) unlawfully causes any explosive substance to explode;

(d) sends or delivers any explosive substance or other dangerous or noxious thing to any person;



(e) causes any such substance or thing to be taken or received by any person;

(f) unlawfully casts or throws any such fluid or substance at or on any person, or otherwise applies any such fluid or substance to the person of any person;

commits a felony and is liable on conviction to imprisonment for life.

### **241. Preventing escape from wreck**

Any person who unlawfully—

(a) prevents or obstructs any person who is on board of, or is escaping from a vessel which is in distress or wrecked in his endeavours to save his life; or

(b) obstructs any person in his endeavours to save the life of any person so situated;

commits a felony and is liable on conviction to imprisonment for life.

### **242. Intentionally endangering safety of travellers**

Any person who, with intent to injure or to endanger the safety of any person travelling by any means of transportation—

(a) places anything on the route of transportation;

(b) deals with such route of transportation or with anything whatever on or near it in such a way as to affect or endanger its free and safe use, or the safety of any person;

(c) shoots or throws anything at, into or on, or causes anything to come into contact with any person or thing on such route;

(d) shows any light or signal or in any way deals with any existing light or signal, on or near any such route; or

(e) by any omission to do any act which it is his duty to do causes the safety of any person to be endangered;

commits a felony and is liable on conviction to imprisonment for life.

### **243. Maliciously administering poison with intent to harm**

Any person who unlawfully, and with intent to harm or annoy another, causes any poison or other noxious thing to be administered to, or taken by any person, and as such endangers his life, or does him some grievous harm commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**244. Attempting to injure by explosive substance**

Any person who unlawfully and with intent to do any harm to another, puts any explosive substance in any place commits a felony and is liable on conviction to imprisonment for fourteen(14) years.

**245. Grievous harm**

Any person who unlawfully does grievous harm to another commits a felony and is liable on conviction to imprisonment for seven (7) years.

**246. Wounding and similar acts**

Any person who—

- (a) unlawfully inflicts wound on another; or
- (b) unlawfully, and with intent to harm or annoy any person, causes any poison or other noxious thing to be administered to, or taken by any person;

commits a felony and is liable on conviction to imprisonment for three (3) years.

**247. Failure to supply necessities**

(1) Any person who being charged with the duty of providing for another the necessities of life, unlawfully fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently impaired commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) The offender under subsection (1) of this section cannot be arrested without warrant.

**248. Endangering life or health of apprentices**

(1) Any person who being charged as a master or mistress of an employee or apprentice in any manner causes any harm to such employee or apprentice such that the life of the employee or apprentice is or likely to be endangered, or his health is likely to be impaired commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

**249. Abandoning or exposing children**

Any person who unlawfully abandons or exposes a child under the age of seven (7) years in such a manner that any grievous harm is likely to be caused to him/her commits a felony and is liable on conviction to imprisonment for five (5) years.

**250. Setting mantrap**

- (1) Any person who—
  - (a) sets or places any spring-gun, mantrap or other device calculated to kill or inflict grievous harm;
  - (b) sets or places any such thing in any place in a manner that it is likely to kill or inflict grievous harm; or
  - (c) causes any such thing to be set or placed in any place with intent to kill or inflict grievous harm on any person coming into contact with it;

commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Any person who comes into possession or occupation of a place where a spring-gun mantrap or other device has been set or placed by another person in a manner that it is likely to kill or inflict grievous harm and who knowingly permits such spring-gun or mantrap to remain commits a felony and is liable on conviction to imprisonment for three (3) years.

(3) This Section does not make it unlawful to set any trap such as is usually set for the purpose of destroying vermin, or to set any spring-gun, man-trap or other device, at night in a residence for the protection of the residence.

(4) The offender under subsection (1) of this Section cannot be arrested without warrant.

**251. Reckless and negligent acts**

(1) Any person who in a reckless or negligent manner as to endanger human life or to as to cause harm to any other person—

- (a) drives any vehicle or rides on any public way;
- (b) navigates or takes part in the navigation or working of any vessel;
- (c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession;

- (d) omits to take precautions against any probable danger from any animal in his possession;
- (e) gives medical or surgical treatment to any person whom he has undertaken to treat;
- (f) dispenses, supplies, sells, administers or gives away any medicine, or poisonous or dangerous matter; or
- (g) does any act with respect to, or omits to take proper precautions against any probable danger from any machinery of which he is solely or partly in charge; or
- (h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his possession;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) Any person who conveys or causes to be conveyed, for hire, any person by any means of transportation in such a state or so loaded as to be unsafe; commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **252. Negligent acts causing harm**

Subject to the provisions of Section 250, any person who unlawfully does any act, or omits to do any act which it is his duty to do, which act or omission causes harm to any person commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

## **253. Sending unfit ferries into waterways**

(1) Any person who sends, attempts to send, is a party to sending or attempting to send a ferry or other vessel in a state that is unfit for navigation into intrastate waterways such that the life of any person is likely to be endangered, commits a misdemeanour.

(2) It shall be a defence for a person charged under subsection (1) of this Section to show that he used all reasonable means to ensure that the ferry or vessel was fit for navigation or that her being sent unto intrastate waterways in a state unfit for navigation was in the circumstances reasonable and justifiable.

(3) The master or person in charge of a ferry or other vessel unfit for navigation who knowingly navigates same on intrastate waterways such that the life of any person is likely to be endangered commits a misdemeanour, unless he proves that navigating such vessel was in the circumstances reasonable and justifiable.

(4) Any person convicted under this Section commits a misdemeanour and liable on conviction to imprisonment for two (2) years.

### **254. Endangering safety of persons travelling by road, railway etc.**

Any person who by any unlawful act, or by any omission to do any act which it is his duty to do, causes the safety of any person travelling by any road, railway or any other means of transport to be endangered, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **255. Endangering vessel used as means of transportation**

(1) Any person who having control over any vessel used as a means of transportation or over any part of such vessel, does an act or makes any omission or is privy to any act or omission with respect to any part of the vessel, such that he knows that the safety of any person on board such vessel is or is likely to be endangered commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

### **256. Endangering vessel used as means of transportation by engineers**

(1) Any person who is an engineer or one of the engineers in charge of the machinery of a vessel used as a means of transportation at any time when any act is done or omitted to be done by any other person with respect to the machinery of the vessel, whereby the safety of any person on board the vessel is, or is likely to be endangered commits a felony and liable on conviction to imprisonment for seven (7) years.

(2) It is a defence to a charge of the offence defined in this section to prove that the act or omission was done or made without the knowledge of the defendant, and without any neglect or default on his part.

### **257. Evading laws as to shipping dangerous goods**

(1) Any person who knowingly sends by any vessel, or carries in vessel any explosive substance, any acid, or other thing of a dangerous or destructive nature under a false description of the substance or thing, or with a false description of the sender commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender under subsection (1) of this Section cannot be arrested without warrant.

### **258. Landing explosives**

(1) Any person who—

- (a) being charged by Law with any duty in respect of the shipping, unshipping, landing, putting off shore, conveyance, delivery or storage of any explosive substance, acid or other thing of a dangerous or destructive nature, from any vessel, fails to perform that duty; or
- (b) being concerned in the shipping, unshipping, landing, putting off shore, conveyance, delivery or storage of any such substance, acid or thing violates the provisions of the Laws relating to such shipping, unshipping, landing, putting off shore, conveyance, delivery or storage;

commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) This Section does not apply to any explosive, acid or other thing the property of the State or Federal Government while it is under the control of an officer of the armed forces of Nigeria.

(3) The offender under subsection (1) of this Section cannot be arrested without warrant.

## **259. Sending dangerous or obscene things by post**

Any person who knowingly sends or attempts to send by post anything which—

- (a) encloses anything, whether living or inanimate, of such a nature as is likely to injure or cause damage to any other thing while being conveyed, or to injure any person; or
- (b) encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card or article, which has on it, or in it, or on its cover, any indecent, obscene or grossly offensive words, marks or designs;

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **CHAPTER 25**

### **Sexual Offences**

## **260. Rape**

(1) Any man who has unlawful sexual intercourse with a woman or girl without her consent, commits the offence of rape and is liable on conviction to imprisonment for life.

(2) A woman or girl does not consent to sexual intercourse if she submits to the act by reason of force, impersonation, threat or intimidation of any kind, fear of harm or false or fraudulent representation as to the nature of the act.

(3) Sexual intercourse between a man and a woman who are married is not unlawful.

(4) Sexual intercourse is complete on the slightest penetration of the vagina.

### **261. Sexual assault by penetration**

Any person who penetrates sexually, the anus, vagina, mouth or any other opening in the body of another person with a part of his body or anything else, without the consent of the person commits a felony and is liable on conviction to imprisonment for life.

### **262. Attempt to commit rape and sexual assault by penetration**

Any person who attempts to commit the offence of rape or sexual assault by penetration commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

### **263. Sexual assault**

(1) Any person who sexually touches another person without his consent commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) In this Section, touching may be done with any part of the body or with anything else.

### **264. Sexual harassment**

(1) Any person who sexually harasses another commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Sexual harassment is unwelcome sexual advances, request for sexual favours, and other visual, verbal or physical conduct of a sexual nature which when submitted to or rejected—

- (a) implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with the person's work or educational performance;
- (b) implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions; or
- (c) creates an intimidating, hostile or offensive learning or working environment.

**265. Causing a person to engage in sexual activity without consent**

(1) Any person who causes another to engage in a sexual activity without that other person's consent commits a felony and is liable on conviction to imprisonment for five (5) years.

(2) Where the sexual activity caused involved sexual penetration, the offender commits a felony and is liable on conviction to imprisonment for life.

**266. Meaning of consent**

(1) For the purpose of this Chapter, a person consents if he agrees by choice and has the freedom and capacity to make and communicate that choice.

(2) In determining whether a person charged had reasonable grounds for believing that another person consented, the court shall have regard to all the circumstances, including any steps taken by the defendant to ascertain whether the woman or girl consented.

**267. Bestiality**

Any person who has sexual intercourse with an animal commits a felony and is liable on conviction to imprisonment for three (3) years.

**268. Abduction**

Any person who with intent to marry or have sexual intercourse with a female of any age, or to cause her to be married, or for another person to have sexual intercourse with her, takes her away, or detains her against her will, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**269. Abduction from custody of parents**

Any person who with intent to marry or have sexual intercourse with a girl under the age of eighteen (18) years or who with intent to cause to be married or to have sexual intercourse with any other person takes the girl out of the custody or protection of any of her parents or other person having the lawful care or charge of her, and against the will of any such person commits felony and is liable on conviction to imprisonment for ten (10) years.

**270. Ignorance of age of girl or consent, no defence**

In the case of proceedings in respect of an offence under Section 269 it is immaterial that the—

- (a) offender believed the girl to be of or above the age of eighteen(18) years;



- (b) girl was taken with her own consent or at her own suggestion.

## CHAPTER 26

### Offences Against Liberty: Human Trafficking

#### 271. Kidnapping

(1) Any person who unlawfully captures and detains another against his will commits a felony, and is liable on conviction to imprisonment for ten (10) years.

(2) For the purpose of subsection (1) of this section a person is detained against his will when he is detained in such a manner as to prevent him from applying to a court for his release or from revealing to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned.

(3) Where a person charged with an offence under subsection (1) of this section demands a ransom for the release of the person detained, the offender commits a felony and is liable on conviction to imprisonment for twenty-one (21) years.

#### 272. Deprivation of liberty

Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

#### 273. Compelling action by intimidation

Subject to the provisions of the Trade Unions Act, any person who, with intent to prevent or hinder any other person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing, or to abstain from doing any act which he is lawfully entitled to do:

(a) threatens such other person with injury to his person, reputation or property, or to the person, reputation or property of any one in whom he is interested;

(b) persistently follows such other person about from place to place;

(c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use of it;

(d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place;

(e) follows such other person with two or more other persons in a disorderly manner in or through any street or road; or

(f) induces or attempts to induce that person to believe that he, or any person in whom he is interested, will become an object of displeasure to the State or to any person employed in the public service of the State,

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

### **274. Compelling action by assault**

Any person who, with any of the intents mentioned in section 273 of this Law assaults any other person, commits a felony and liable on conviction to imprisonment for five (5) years.

### **275. Concealment of matters affecting liberty**

Any person who being required by Law to—

(a) keep any record concerning any matter relating to any person in confinement, refuses or neglects to keep such record, or makes in such record an entry which, in any material particular, is, to his knowledge, false; or

(b) give any information to any person concerning any person in confinement, or to show to another any person in confinement, or any place in which a person is confined:

(i) refuses or neglects to give such information or to show such person or place to any person whom he is required to give the information or show the person or place; or

(ii) gives to any person whom he is required to give any information concerning such matter which, in any material particular, is, to his knowledge, false;

commits a felony, and is liable on conviction to imprisonment for three (3) years.

### **276. Human trafficking and contemporary slavery**

Any person who:

(a) deals or trades in, purchases, sells, transfers or takes any person in order that such person should be held or treated as a slave or in servitude;

(b) places or receives any person's personal service as a pledge or security for debt if the value of those services as reasonably assessed is not applied towards the redemption of the pledge or liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(c) participates in any institution or practice by which a woman without the right to refusal, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;

(d) participates in any institution or practice by which the husband of a woman, his family or his clan, has the right to transfer her to another person for value received or otherwise;

(e) participates in any institution or practice by which a woman on the death of her husband is liable to be inherited by another person;

(f) participates in any institution or practice whereby a child is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or of his labour;

(g) conveys or induces any person to come within the limits of the State in order that such person should be held, possessed, dealt or traded in, purchased, sold or transferred as a slave, or be placed in servitude as a pledge or security for debt;

(h) conveys or sends or induces any person to go out of the limits of the State in order that such person should be possessed, dealt or traded in, purchased, sold or transferred as a slave, or be placed in servitude as a pledge or security for debt;

(i) whether or not a citizen of Nigeria, holds or possesses in the State, any person as a slave or in servitude; or

(j) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes mentioned in this section;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

## CHAPTER 27

### Offences relating to parental rights and duties

#### 277. Child stealing

(1) Any person who with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of twelve(12) years of the possession of such child, or with intent to steal any article on or in custody of such child—

- (a) forcibly or fraudulently takes or entices away, or detains the child; or
- (b) receives or harbours the child, knowing him to have been taken or enticed away or detained;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

(2) It is a defence to a charge under this section to prove that the defendant claimed in good faith a right to the possession of the child.

### **278. Desertion of children**

Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve (12) years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves him without means of support commits a misdemeanour and is liable on conviction to a fine of One Hundred Thousand Naira (₦100,000.00) without prejudice to the recovery of any cost any other person may have reasonably incurred with respect to the upkeep of the child.

### **279. Desertion of pregnant woman or girl**

(1) Any person who impregnates a woman or girl and fails, refuses or neglects to contribute to maternity related costs from ante-natal to post-natal stages commits an offence and is liable on conviction to a fine of Forty-Five Thousand (₦45,000.00) without prejudice to the recovery of any cost that any other person may have reasonably incurred in relation to the upkeep of the woman or girl.

(2) For the purpose of this section, maternity related costs includes all medical expenses, food expenses, reasonable shelter and other necessities.

(3) In determining the financial liability of a person under subsection (1) of this Section, the Court shall have regard to the means and resources available to him.

**PART 6****OFFENCES RELATING TO PROPERTY AND  
CONTRACTS****CHAPTER 28****Stealing and Like Offences****280. Definition of stealing**

(1) Any person who dishonestly—

- (a) takes the property of another person; or
- (b) converts the property of another person for his own use or to the use of any other person;

commits the offence of stealing.

(2) A person is deemed to dishonestly take or convert the property of another if he does so with—

- (a) intent to permanently deprive the owner of the property;
- (b) intent to permanently deprive any person who has a special interest in the property;
- (c) intent to use the property as a pledge or a security;
- (d) intent to part with the property on a condition as to its return which he may be unable to perform;
- (e) intent to deal with the property in a manner that it cannot be returned in the condition it was in at the time of the taking or conversion; or
- (f) in the case of money, an intent to use it at his will although he may intend to repay the owner afterward.

(3) The term “special interest” includes any charge or lien on the property, any right arising from or dependent on holding possession of it, whether by the person entitled to such right or by another person on his behalf.

(4) The taking or conversion may be dishonest, although it is effected without secrecy or attempt at concealment.

(5) In the case of conversion, it is immaterial whether:

- (a) the thing converted is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it; or
- (b) the person who converts the property is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of the property.

(6) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be dishonest, if at the time of the conversion the person taking or converting the thing does not know the owner, and believes on reasonable grounds that the owner cannot be found.

(7) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

## **281. Things capable of being stolen**

(1) Anything which is the property of any person or a body corporate is capable of being stolen.

(2) “Property” includes money and all other properties, real or personal, including things in action and other intangible properties which is the property of another.

## **282. Special cases**

An agent will not be guilty of stealing if he pledges or gives a lien on any goods or documents entrusted to him for an amount not greater than the obligation of the principal to him.

## **283. Money received for another**

When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of that account.

## **284. Funds held under direction**

(1) When a person receives, either alone or jointly with another person:

- (a) any money or valuable security with a direction that such money or any other money received in exchange of the valuable security or any part of it; or
- (b) a power of attorney for the disposition of any property with a direction that the proceeds of such dispositions.

(2) Where the person receiving the money, security or power of attorney, and the person who gave the money, security or power of attorney ordinarily maintain a debtor and creditor account between themselves, the person who received the money, security or power of attorney cannot be charged with stealing the money or any such proceeds in the absence of a contrary direction in writing.

### **285. Funds received by agents for sale**

When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him to sell it or dispose of it, and requiring him to pay or account for the proceeds of the property or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property and anything received in exchange for it, are deemed to be the property of the person from whom the property was received, until they have been disposed of in accordance with the terms on which the property was received unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them to or account for them, and that the relation of debtor and creditor only shall exist between them in that respect.

### **286. Stealing by persons having an interest in the thing stolen**

When any person takes or converts the property of another in circumstances as would amount to stealing, it is immaterial that he has a special interest in the property or that he is the owner of the property which is subject to some special interest of another person or that he is a director or shareholder or officer of a corporation or company or society who owns the property.

### **287. Punishment for stealing**

Any person who steals any property commits a felony and is liable on conviction, if no other punishment is provided, to imprisonment for three (3) years.

(1) Stealing after previous conviction: any person previously convicted of a felony under subsection (1) (a) of this Section is liable on conviction to imprisonment for seven (7) years.

(2) Stealing of wills: if the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable on conviction to a maximum of fourteen (14) years' imprisonment.

(3) Stealing of postal matter, etc.: if the thing stolen is a postal matter or any chattel, money or valuable security contained in any postal matter, the offender is liable on conviction to a maximum of fourteen(14) years' imprisonment.

(4) Stealing of animals: if the thing stolen is an animal which is the property of any person whether it be in a confinement, has escaped from confinement or the young of any such animal, the offender is liable on conviction to imprisonment for one (1) year or to a fine of thirty thousand naira (₦30,000.00).

(5) Stealing from person, stealing goods in transit, etc.: if the offence is committed in any of the following circumstances—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen from any kind of vessel, vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;
- (c) if the thing stolen is attached to or forms part of the road, highway or railway;
- (d) if the thing stolen is from a vessel which is in distress or wrecked or stranded;
- (e) if the thing is stolen from a public office in which it is deposited or kept;  
or
- (f) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle by means of a key or other instrument;

the offender is liable on conviction to imprisonment for seven (7) years.

(6) Stealing by persons in public service: if the offender is a person employed in the public service and the thing stolen is the property of the State, or came into the possession of the offender by virtue of his employment, he is liable on conviction to imprisonment for seven (7) years.

(7) Stealing by clerks and servants: if the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employment, he is liable on conviction to imprisonment for seven (7) years.



(8) Stealing by directors or officers of companies: if the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable on conviction to imprisonment for ten (10) years.

(9) Stealing by agents, etc.: if the thing stolen is any of the following—

- (a) property which has been received by the offender with a power of attorney for its disposition;
- (b) property which has been entrusted to the offender either alone or jointly with any other person for him to keep in safe custody or to apply, pay or deliver for any purpose or to any person, the whole, any part of or any proceeds of it;
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds should be applied to any purpose or paid to any person specified in the direction; or
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that the proceeds should be applied to any purpose or paid to any person specified in the direction;

the offender is liable on conviction to imprisonment for seven (7) years.

(10) Stealing of motor vehicle or motorcycle: if the thing stolen is a motor vehicle or motor cycle the offender is liable to imprisonment for seven (7) years.

## CHAPTER 29

### Offences Similar to Stealing

#### 288. Concealing registers

Any person who with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by Law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by Law to be sent to any public office commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**289. Concealing of wills**

Any person who with intent to defraud, conceals any testamentary document, whether the testator is living or dead commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**290. Concealing of deeds**

Any person who with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land commits a felony and is liable on conviction to imprisonment for three (3) years.

**291. Killing animals with intent to steal**

Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**292. Fraudulently dealing with minerals in mines**

Any person who takes, conceals or otherwise disposes off any ore or any metal or mineral in or about a mine, with intent to defraud any person commits a felony and is liable on conviction to imprisonment for three (3) years.

**293. Bringing stolen goods into the State**

Any person who obtains any stolen property outside the State and brings such property into the State or has it in his possession in the State commits an offence and is liable on conviction to the same punishment as if he had stolen it in the State.

**294. Fraudulent disposition of mortgaged goods**

(1) Any mortgagor of any goods who removes or disposes of the goods without the consent of the mortgagee with the intent to defraud commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender cannot be arrested without warrant.

(3) The term “mortgaged goods” in subsection (1) of this Section includes any goods and chattels of any kind, and any live animals and any progeny of any animals, and any crops or produce of the earth whether growing or severed which are subject, for the time being, to the provisions of any written instrument by which a valid charge or lien is created on them by way of security for any debt or obligation.

(4) The consent of the mortgagee may be either express or implied from the nature of the property mortgaged.

**295. Fraudulent appropriation of power**

(1) Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating or electrical power derived from any machine, apparatus, or substance, the property of another person commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The offender cannot be arrested without warrant.

**CHAPTER 30****Stealing with Violence: Extortion by Threats****296. Definition of robbery**

Any person who steals anything, and at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained commits the offence of robbery.

**297. Punishment for robbery**

(1) Any person who commits the offence of robbery shall on conviction be sentenced to imprisonment for not less than twenty one (21) years.

(2) Where—

(a) any offender mentioned in subsection (1) of this Section is armed with any firearms, offensive weapon or any obnoxious or chemical materials or is in company of any person so armed; or

(b) at or immediately before or immediately after the time of robbery, the said offender wounds or uses violence on any person, the offender shall be sentenced to death.

**298. Punishment for attempted robbery etc.**

(1) Any person who with intent to steal anything assaults another person and, at or immediately after the time of assault, uses or threatens to use actual violence to any other person or any property in order to obtain the thing intended to be stolen commits a felony and is liable on conviction to imprisonment for not less than fourteen (14) years but not more than twenty (20) years.

(2) Where—

- (a) any offender mentioned in subsection (1) of this Section is armed with any firearms or any offensive weapon or is in company of any other person so armed; or
- (b) at or immediately before or immediately after the time of assault the said offender wounds or uses any other personal violence to any person, the offender commits a felony and is liable on conviction to imprisonment for life.

(3) Any person found in any public place in possession of any firearms whether real or imitation and in circumstances reasonably indicating that the possession of the firearms is with intent to the immediate or eventual commission by that person or any other person of any of the offences in Sections 296–298 of this Law commits a felony and is liable on conviction to imprisonment for not less than fourteen (14) years but not more than twenty (20) years.

### **299. Conspiracy to commit robbery**

Any person who conspires with any person to commit an offence under Section 296 of this Law whether or not he is present when the offence is committed or attempted to be committed, shall be deemed to be guilty of the offence as a principal offender and shall be punished accordingly.

### **300. Definition of firearms and offensive weapons**

For the purposes of Sections 297 and 298 of this Law—

- (a) “firearms” includes any cannon, gun, flint-lock gun, revolver, pistol, explosive or ammunition or other firearm, whether whole or in detached pieces;
- (b) “offensive weapon” means any article apart from a firearm made or adapted for use for causing injury to the person or intended by the person having it for such use by him or by some other person and includes an air gun, air pistol, bow and arrow, spear, cutlass, machete, dagger, cudgel or any piece of wood, metal, glass or stone capable of being used as an offensive weapon.

### **301. Demanding property with menace with intent to steal**

Any person who with intent to steal anything, demands it from any person with threats of any injury or detriment of any kind to be caused to him, either by the offender or by any other person if the demand is not complied with commits a felony and is liable on conviction to imprisonment for three (3) years.

**302. Demanding property by written threats**

A person who with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**303. Attempt to extort**

- (1) A person who with intent to extort or gain anything from any person—
  - (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour;
  - (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
  - (c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat;

commits a felony and is liable on conviction to imprisonment for three (3) years.

- (2) Where the accusation or threat of accusation in subsection (1) of this section is of—
  - (a) an offence for which the punishment of death or imprisonment for life may be inflicted;
  - (b) any of the offences defined in Chapter 17 of this Law or an attempt to commit any of such offences; or
  - (c) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences referred to in this Section, the offender is liable on conviction to imprisonment for fourteen (14) years.
- (3) For the purpose of this section, it is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused of.

**304. Unlawful harassment of debtors**

(1) Any person who with the object of coercing any person to pay money claimed from the other as a debt due under a contract:

- (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;
- (b) falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
- (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
- (d) uses or deals with a document falsely represented by him to have some official character or purporting to have some official character which he knows it does not have commits an offence and is liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) and on a second or subsequent conviction to a fine of One Hundred Thousand Naira (₦100,000.00).

(2) A person may be guilty of an offence under subsection (1)(a) of this section if he acts in concert with others in taking such action as described in this section, notwithstanding that his own course of conduct does not by itself amount to harassment.

(3) Subsection (1) (a) of this Section does not apply to anything done by a person which is reasonable (and otherwise permissible in Law) for the purpose—

- (a) of securing the discharge of an obligation due, or believed by him to be due, to himself or to persons for whom he acts, or protecting himself or them from future loss; or
- (b) of the enforcement of any liability by legal process.

**305. Procuring execution of deeds by threats**

Any person who with intent to defraud, and by means of any unlawful violence to, or restraint of the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

(a) to execute, make, accept, endorse, alter or destroy, the whole or any part of any valuable security; or

(b) to write, impress or affix, any name or seal on or to any paper or document in order that it may be afterwards made or converted into or used or dealt with as a valuable security;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

## CHAPTER 31

### **Burglary: Housebreaking and Like Offences**

#### **306. Definitions**

(1) Any person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting or by any other means, any door, window, shutter, cellar flap or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is said to break the building.

(2) A person is said to enter a building as soon as any part of his body or any part of any instrument used by him is in the building.

(3) A person who obtains entrance into a building by means of any threat or tool used for that purpose, or by collusion with any person in the building, or who enters any chimney or other opening of the building permanently left open for any necessary purpose but not intended to be ordinarily used as means of entrance, is deemed to have broken and entered the building.

#### **307. House breaking: burglary**

(1) Any person who—

- (a) breaks and enters the residence of another with intent to commit a felony in it; or
- (b) having entered the residence of another with intent to commit a felony in it; or
- (c) having committed a felony in the residence of another, breaks out of the residence;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) If the offence is committed in the night, the offender is liable on conviction to imprisonment for life.

### **308. Entering residence with intent to commit felony**

(1) Any person who enters or is in the residence of another with intent to commit a felony in it commits a felony and is liable on conviction to imprisonment for five (5) years.

(2) If the offence is committed in the night, the offender is liable on conviction to imprisonment for seven (7) years.

### **309. Breaking into building and committing felony**

Any person who—

(1) breaks and enters a schoolhouse, shop, warehouse, store, office or a building which is adjacent to a residence and occupied with it but is not part of it, and commits a felony in it; or

(2) having committed a felony in a schoolhouse, shop, warehouse, store, office or any such other building as mentioned in subsection (1) of this section, breaks out of the building;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **310. Breaking into building with intent to commit a felony**

Any person who breaks and enters a schoolhouse, shop, warehouse, store, office or a building which is adjacent to a residence and occupied with it but is not part of it with intent to commit a felony in it, commits a felony and is liable on conviction to imprisonment for three (3) years.

### **311. Breaking into place of worship and committing felony**

Any person who breaks and enters a building ordinarily used for religious worship and commits a felony in it, or having committed a felony in any such building breaks out of it, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **312. Persons found armed etc. with intent to commit felony**

(1) Any person who is found in any of the following circumstances—

- (a) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a residence, and to commit a felony in it;



- (b) having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of housebreaking;
- (c) having in his possession by day or night any such instrument with intent to commit a felony;
- (d) having his face blackened or being otherwise disguised, with intent to commit a felony;
- (e) being in any building whatsoever by night with intent to commit a felony in it; or
- (f) being in any building whatsoever by day with intent to commit a felony in it, and having taken precautions to conceal his presence;

commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) An offender who has been previously convicted of a felony relating to property, shall on subsequent convictions be liable to imprisonment for seven (7) years.

## CHAPTER 32

### Obtaining Property by False Pretences; Cheating

#### 313. Definition of false pretence

A false pretence means a representation, whether deliberately or recklessly, made by word, in writing or by conduct, of a matter of fact or law, either past or present, which representation is false in fact or law, and which the person making it knows to be false or does not believe to be true.

#### 314. Obtaining by false pretence

- (1) Any person who by any false pretence, and with intent to defraud:
  - (a) obtains, from any other person, in the State or in any other State for himself or any other person;
  - (b) induces any other person, in the State or in any other State, to deliver to any person, any property, whether or not the property is obtained or its delivery is induced through the medium of a contract induced by the false pretence

commits an offence.

(2) A person who by false pretence, and with the intent to defraud, induces any other person, in the State or in any other State, to confer a benefit on him or on any other person by doing or permitting a thing to be done on the understanding that the benefit has been or will be paid for, commits an offence.

(3) A person who commits an offence under subsection (1) or (2) of this Section commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

### **315. Obtaining credit by false pretence or other fraud**

(1) Any person who by any false pretence or by means of other fraud obtains credit for himself or any other person—

- (a) in incurring any debt or liability; or
- (b) by means of an entry in a debtor and creditor account between the person giving and the person receiving credit;

commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

(2) The offender cannot be arrested without warrant.

### **316. Other related offences**

Any person who—

(a) with intent to defraud, represents himself as capable of producing from a piece of paper or from any other material, any currency note by washing, dipping or otherwise treating the paper or material with or in a chemical substance or any other substance; or

(b) with intent to defraud, represents himself as possessing the power or as capable of doubling or otherwise increasing any sum of money through scientific or any other medium of invocation of any juju or other invisible entity or of anything;

commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

### **317. Use of premises**

A person who being the occupier or is concerned in the management of any premises, causes or knowingly permits the premises to be used for obtaining by false pretence commits a felony and is liable on conviction to imprisonment for seven (7) years.

**318. Fraudulent invitation**

A person who by false pretence, and with the intent to defraud any other person, invites or otherwise induces that person or any other person to visit the State for the purpose of obtaining by false pretence commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

**319. Receipt of fraudulent document by victim to constitute attempt**

Where a false pretence which constitutes an offence is contained in a document, it shall be sufficient in a charge of an attempt to commit an offence under this Law to prove that the document was received by the person to whom the false pretence was directed.

**320. Possession of fraudulent document**

A person who is in possession of a document containing a false pretence which constitutes an offence who knows or ought to know that the document contains the false pretence commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**321. Presumption as to false pretence in certain circumstances**

Where in any proceeding for an offence for obtaining by false pretence it is proved that the accused—

(a) obtained or induced the delivery of anything capable of being stolen; or

(b) obtained credit for himself or any other person, by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were standing to the credit of the drawer of the cheque in the bank on which the cheque was drawn, the thing or its delivery shall be deemed to have been obtained or induced, or the credit shall be deemed to have been obtained by a false pretence unless the Court is satisfied by evidence that when the defendant issued the cheque he had reasonable grounds for believing, and did in fact believe, that it would be honoured if presented for payment within a reasonable time after its issue by him.

**322. Obtaining execution of a security by false pretence**

(1) Any person who with intent to defraud and with a view to gain for himself or another or cause loss to another, by any false pretence procures the execution of a valuable security commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

(2) Subsection (1) of this Section above shall apply in relation to the making, acceptance, endorsement, alteration, cancellation or destruction in whole or in part of a

valuable security and in relation to the signing or sealing of any paper or other material in order that it may be made or converted into or used or dealt with as a valuable security as if it was the execution of a valuable security.

(3) Valuable security includes any document creating, transferring, surrendering or releasing any right to, in or over property or authorising the payment of money or delivery of any property or evidencing the creation, transfer, surrender or release of any such right or the payment of money or delivery of any property or the satisfaction of any obligation or promissory note.

### **323. Cheating**

(1) Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods, or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) A person found committing the offence may be arrested without warrant.

### **324. Cheating at examination**

- (1) Any person who in anticipation of or at any examination—
- (a) by any fraudulent trick or device or in abuse of his office or with intent to unjustly enrich himself or any other person procures any question paper produced or intended for use at any examination of persons whether or not the question paper concerned is proved to be false, not genuine or not related to the examination in question;
  - (b) by any false pretence or with intent to cheat or secure any unfair advantage for himself or any other person, procures from or induces any other person to deliver to himself or another person any question paper intended for use at any examination;
  - (c) by any false pretence, with intent to cheat or unjustly enrich himself or any other person whatsoever buys, sells, procures or otherwise deals with any question paper intended for use or represented as a genuine question paper in respect of any particular examination; or
  - (d) fraudulently or with intent to cheat or secure any unfair advantage for himself or any other person or in abuse of his office procures, sells, buys or otherwise deals with any question paper intended for the examination of persons at any examination;

commits a felony and is liable on conviction to imprisonment for ten (10) years.

(2) Any person who brings in unauthorised materials to assist himself or another in an examination of persons whether or not the material relates to the examination concerned commits a felony and is liable on conviction to imprisonment for ten (10) years.

(3) Any person who unlawfully assists a candidate in the course of an examination commits a felony and is liable on conviction to imprisonment for ten (10) years.

(4) Any person who unlawfully alters or forges any document relating to an examination commits an offence and is liable on conviction to ten (10) years' imprisonment.

(5) Where a person charged with an offence under this Section is a child he shall be dealt with under the provisions of the Child's Right Law, 2007.

(6) Where the offender is an employee of anybody concerned with the conduct of examinations, a head teacher, teacher or other person entrusted with the safety and security of question papers, he shall be proceeded against and punished as provided in this section, notwithstanding that the question paper concerned is proved not to be live, genuine or does not relate to the examination concerned.

(7) For the purpose of this section, materials includes anything written on substance or person by means of letters, figures or marks and further includes anything transmitted through fax or any other electronic device.

### **325. Conspiracy to defraud**

(1) Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public or any person commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) The offender cannot be arrested without warrant.

### **326. Frauds on sale or mortgage of property**

Any person who being a seller or mortgagor of any property or being the solicitor or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

(1) conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrance; or

(2) falsifies any pedigree on which the title depends or may depend; or

(3) makes any false statement as to the title offered or conceals any fact material to it,

commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **327. Obtaining registration, etc., by false pretence**

Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any Law or the Constitution of the Federal Republic of Nigeria, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

## **CHAPTER 33**

### **Receiving Stolen Property or Fraudulently Obtained and Similar Offences**

#### **328. Receiving stolen or fraudulently obtained property, etc.**

(1) Any person who dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen property or any property fraudulently obtained commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

(2) For the purpose of subsection (1) of this Section, a person receives anything when—

- (a) either alone or jointly with some other person, he had the thing in his possession, or;
- (b) he has aided in concealing it or disposing of it.

(3) For the purpose of this section “stolen property” includes property obtained by means of any act constituting a misdemeanour or felony in this Law.

(4) When another person has acquired a lawful title to a property received under this section, a subsequent receiving of the thing is not an offence.

#### **329. Having possession of thing reasonably suspected to have been stolen**

Any person who is charged before any Court with—

- (a) having in his possession or under his control in any place; or
- (b) having at any time within three (3) months immediately preceding the making of the complaint, in his possession or under his control or in any place; or

(c) unlawfully obtained;

a thing reasonably suspected to have stolen, and does not give an account to the satisfaction of the court as to how he came by the thing commits an offence and is liable to a fine of Ninety Thousand Naira (₦90,000.00) or imprisonment for six (6) months.

### **330. Unlawful possession of arms, etc. belonging to the armed forces or the police**

Any person who—

(a) knowingly detains, buys, exchanges, or receives from any member of the armed forces of Nigeria or any member of the Nigeria police or from any deserter from either of such forces, or from any person acting for and on behalf of any of the above named persons;

(b) solicits or entices any of the above named persons to sell, make away with, or dispose of;

(c) shall be employed by any of the above named persons, knowing him to belong to any of such forces or to be a deserter of any of the above forces, to sell, make away with, or dispose of; or

(d) has in his possession and cannot give a satisfactory account of his possession of any arms, ammunition, clothing, accoutrements, medals or other appointments provided for the use of the armed forces of Nigeria or of the Nigeria police;

commits a felony and is liable on conviction to imprisonment of seven (7) years.

### **331. Taking reward for recovery of property obtained by committing an offence**

Any person who receives or obtains, or agrees to receive or obtain any property or benefit of any kind on an agreement or understanding that he will help any person to recover anything which has been obtained by any act constituting an offence, unless he has used all due diligence to cause the offender to be brought to trial for the offence, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **332. Money laundering**

(1) Any person who converts or transfers resources or properties derived directly or indirectly from any offence or an illegal act with the aim of either concealing or disguising the illegal origin of the resources or property or aiding any person involved in any such offence or illegal act to evade the legal consequences of his action commits a felony.

(2) Any person who collaborates in concealing or disguising the genuine nature, origin, location, disposition, movement or ownership of the resources, property or right derived directly or indirectly from any other crime or an illegal act commits a felony.

(3) Any person convicted under subsection (1) or (2) of this Section is liable on conviction to imprisonment for three (7) years.

### **333. Transfer of criminal proceeds to nominee**

(1) Any person who—

- (a) whether by concealment, removal, or transfer to nominees or otherwise retains the proceeds of a crime or an illegal act on behalf of another person knowing or suspecting that other person to be engaged in a criminal conduct or has benefited from a criminal conduct; or
- (b) knowing that any property either in whole or in part directly or indirectly represents another person's proceeds of a criminal conduct, acquires or uses that property or has possession of it;

commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) For the purpose of subsection (1) criminal proceeds relates to the proceeds of any crime committed under this Law.

## **CHAPTER 34**

### **Frauds by Trustees and Officers of Companies and Corporations: False Accounting**

#### **334. Trustees fraudulently disposing of trust property**

(1) Any person who being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) For the purposes of this section the term “trustee” includes the following persons—

- (a) trustees appointed by an express trust created by a deed, will or instrument in writing, whether for a public or private or charitable purpose;
- (b) trustees appointed by or under the authority of any Law for any such purpose;



- (c) persons on whom the duties of any such trust as in subsection 2(a) or 2(b) devolve; or
- (d) executors and administrators who are deemed to be trustees in other circumstances by operation of Law.

### **335. Directors and officers of companies fraudulently appropriating property or keeping fraudulent accounts, or falsifying books or accounts**

Any person who—

(1) being a director or officer of a company receives or takes possession of any of the property of the company and with intent to defraud, omits either to make a full and true entry in the books and accounts of the company, or to cause or direct such an entry to be made in it; or

(2) being a director, officer or member of a company, does any of the following acts with intent to defraud—

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to the company, or any entry in any such book, document or account, or is privy to any such act; or
- (b) makes or is privy to making any false entry in any such book, document or account; or
- (c) omits or is privy to omitting any entry from any such book, document or account;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **336. False statements by officials of companies**

Any person who being a promoter, director, officer or auditor of a company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which is to his knowledge false, with intent to effect any of the following purposes:

(a) to deceive or to defraud any member, shareholder, or creditor of the company, whether a particular person or not;

(b) to induce any person to become a member of, or to entrust or advance any property to the company, or to enter into any security for its benefit;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

**337. Fraudulent false accounting**

Any person who being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the following acts with intent to defraud—

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him on behalf of his employer, or any entry in any such book, document or account, or is privy to any such act;
- (b) makes, or is privy to making any false entry in any such book, document or account; or
- (c) omits, or is privy to omitting entry from any such book, document or account;

commits a felony and liable on conviction to imprisonment for seven (7) years.

**338. False accounting by public officers**

Any person who being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly makes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**CHAPTER 35****Damage to Property****339. Criminal damage to property**

(1) Any act which causes damage to public property or the property of another and which is done without his consent is unlawful, unless it is authorised or justified or excused by Law and it is immaterial if the person did not know that the property is public property or the property of another.

(2) When a lawful act which causes damage to property is done with intent to defraud any person it becomes an unlawful act it is immaterial that the person who does the damage is in possession of the property damaged, or has a partial interest in it.

(3) A person is not criminally responsible for any damage caused to property by the use of such force as is reasonably necessary for the purpose of defending or protecting himself, any other person, or any property from damage which he believes on reasonable grounds to be imminent.

(4) When an act which causes damage to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender.

(5) (a) The term “damage” used in relation to a document, writing or inscription, includes obliterating and rendering illegible, the document or writing either in whole or in part.

(b) The term “damage” used in relation to property includes loss, destruction or alteration of a property.

(6) A property is damaged when the property has been rendered inoperative or imperfect for the purpose for which the property was procured such as to impose on the owner the need to expend money or effort in restoring it to the original state.

### **340. Unlawful interference with property**

Any person who unlawfully disconnects, removes, tampers, meddles with or in any manner interferes with the use of any private or public property commits a felony and is liable on conviction to imprisonment for three (3) years.

### **341. Arson**

Any person who wilfully and unlawfully sets fire or causes fire to any of the following—

(a) any building or structure whether completed or not;

(b) any vessel, whether completed or not;

(c) any farm, a barn of agricultural product or any other property used as a business premises or any article of merchandise or other property used for trade or profession;

(d) a mine, or the workings, fittings or appliances of a mine;

(e) any pipeline, cables, mast, towers or any urban furniture;

commits a felony and is liable on conviction to imprisonment for life.

### **342. Attempt to commit arson**

Any person who—

(a) attempts unlawfully to set fire to any property mentioned in Section 341 of this Law; or

(b) wilfully and unlawfully sets fire to anything which is so situated that any such property mentioned in Section 341 of this Law is likely to catch fire from it;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

### **343. Causing arson**

Any person who negligently causes fire to any of the things mentioned in Section 341 of this Law commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **344. Threatening damage to property**

Any person who knowing the contents of a writing, or other communication causes another person to receive the writing or other communication threatening to damage property mentioned in Section 341 commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **345. Unlawful acts concerning vessels etc.**

Any person who—

(a) wilfully and unlawfully releases, casts away any vessel or destroys any vessel, whether complete or not; or

(b) wilfully and unlawfully does any act which leads to the immediate loss or destruction of a vessel in distress; or

(c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for purposes of navigation, or exhibits any false light or signal;

commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

### **346. Attempts to commit unlawful acts concerning vessels etc.**

Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress commits a felony and is liable on conviction to imprisonment for ten (10) years.

### **347. Obstructing and damaging roads, highways or railways**

Any person who unlawfully and with intent to obstructs the use of any road, highway, railway or damages any property on a road, highway or railway—

(a) deals with the road, highway, railway or with anything on or near the road, highway or railway in such a manner as to affect or endanger the its free and safe use;

(b) shows any light or signal, or in any way deals with any existing light or signal, on or near the road, highway or railways; or

(c) by any omission to do any act which it is his duty to do, causes the free and safe use of the road, highway or railway to be endangered;

commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

### **348. Unlawful conversion of public property**

(1) Any person who unlawfully converts to his use or the use of another any public property commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

(2) For the purpose of this section, a person converts public property when he occupies, alters or uses public property without lawful authority.

### **349. Injuring animals**

Any person who wilfully and unlawfully kills, maims or wounds any animal commits a misdemeanour and is liable on conviction to imprisonment two (2) years.

### **350. Wilful damage to property in general**

Any person who wilfully and unlawfully destroys or damages any property commits an offence, which unless otherwise stated is a misdemeanour and is liable on conviction, if no other punishment is provided, to imprisonment for two (2) years.

### **351. Special cases of wilful damage to property**

Any person who wilfully and unlawfully destroys or damages any property in any of the following circumstances commits an offence and is liable on conviction to the punishment provided—

(a) if the property is—

(i) a public building, structure or a repository of public records;

(ii) a bank, wall of a river, canal, aqueduct, reservoir, inland water or a work which is connected to a dock, reservoir or inland water, and the damage causes actual danger of flooding or damage to any land or building;

- (iii) a road, a highway or railway, or any work connected to it;
- (iv) a bridge, viaduct or aqueduct which is constructed over a road, highway, railway or canal, or waterway over which a railway, highway or canal passes; or
- (v) a railway, road or highway or being such bridge, viaduct, or aqueduct, or the highway, railway, road or canal, passing over or under the same;

the offender commits a felony and is liable on conviction to imprisonment for life.

(b) Wills and registers: if the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by Law to be kept for authenticating or recording the title to any property or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by Law to be sent to any public officer, the offender commits a felony and is liable on conviction to life imprisonment.

(c) Wrecks: if the property in question is a vessel or other vehicle in distress, wrecked or stranded, or anything which belongs to such vessel or vehicle, the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

(d) Other things of special value: if the property in question is—

- (i) a vessel or vehicle, whether complete or not, and is destroyed;
- (ii) a vessel or vehicle, whether complete or not, and is damaged, such that the damage is done with intent to destroy it or render it useless;
- (iii) a light, beacon, buoy, mark or signal used for the purposes of navigation, or for the guidance of persons engaged in navigation; or
- (iv) a bank or wall of a river, canal, aqueduct, reservoir or inland water, or a work which is connected to a dock, canal, aqueduct, reservoir or inland water, or which is used for the purposes of loading or unloading of goods;
- (v) (aa) anything in process of manufacture or an agricultural or manufacturing machine or a manufacturing implement; or  
(bb) a machine or implement or appliance used or intended to be used for performing any process; or
- (vi) a well, mine, mast, urban furniture or bore hole for water, or the dam, bank, wall or floodgate of a millpond or pool;

the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

(e) Deeds and records: if the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or interest in land, the offender is guilty of a felony, and is liable to imprisonment for seven (7) years.

(f) “Process” in paragraph (v)(bb) of this Section includes mining, dredging or oil exploration interfering with signals used for purposes of navigation.

### **352. Interfering with signals used for purposes of navigation**

Any person who wilfully and unlawfully removes, defaces or renders invisible, any light, beacon, buoy, mark or signal used for purposes of navigation or for the guidance of persons engaged in navigation, or unlawfully attempts to remove, deface or render invisible, any such thing, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **353. Interfering with navigation works**

Any person who—

(a) wilfully and unlawfully removes or disturbs any fixed objects or materials used for securing any work for purposes of navigation, loading or unloading of goods; or

(b) unlawfully does any act with intent to obstruct the carrying on, completion or maintenance of the navigation of any navigable route, and thereby obstructs such carrying on, completion or maintenance;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **354. Removing boundary marks with intent to defraud**

Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land commits a felony and is liable on conviction to imprisonment for three (3) years.

### **355. Wilful damage, etc. to survey and boundary marks**

Any person who—

(a) wilfully removes, defaces or damage any survey mark or boundary mark which was made or erected by or under the direction of any Government department or in the course of or for the purposes of a Government survey;

(b) being under an obligation to maintain or repair any boundary mark made or erected as mentioned in subsection(1) of this section neglects or refuses to repair the same; or

(c) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease, license or right under the Minerals Act;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or to a fine of Three Hundred And Sixty Thousand Naira (₦360,000.00) and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by his act or neglect.

### **356. Unlawful sand dealing and dredging**

Any person who unlawfully engages in sand dealing or dredging in, or around water front and embankments, along waterways, rivers, creeks, lakes and lagoons within the State, commits a felony and is liable on conviction to imprisonment for three (3) years and shall be ordered by the court to pay any fees, levies or charges that he would have been liable to pay under any Law for the duration of the illegality.

### **357. Definition of sand dealing and dredging**

(1) “**Sand dealing**” includes the engagement of any person in the business of sale, purchase, transportation, or dealing or transportation of granite, laterite stone, gravel, clay or sand obtained from within, around or on waterfront and embankment, and from waterways, rivers, creeks, lakes and lagoons within the State.

(2) “**Dredging**” includes excavating sand, mud or other substances in or around or on waterfront and embankment, along waterways, rivers, creeks, lakes and lagoons within the State.

### **358. Obstructing railways**

Any person who by any unlawful act, or by any intentional omission to do any act which it is his duty to do, causes any engine or vehicle in use on a railway to be obstructed in its passage commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **359. Penalties for damage, etc. to railway works**

Any person who—

(a) wilfully damages, or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material or plant acquired for or belonging to any railway works; or

(b) pulls up, removes, defaces, or destroys, or in any way interferes with any poles, stakes, flags, pegs, lines, marks or anything driven or placed in or on the ground, trees, stones, buildings, or any other material belonging to any railway works; or



(c) commits any nuisance or trespass in or on any land, buildings or premises, acquired for or belonging to any railway works; or

(d) wilfully molests, hinders or obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway;

commits a misdemeanour and is liable on conviction to imprisonment for three (3) months or to a fine of Forty Five Thousand Naira (₦45,000.00).

### **360. Arrest without warrant**

A person found committing any of the offences defined in this Chapter may be arrested without warrant by a peace officer, a police officer, the owner of the property damaged or by his employee, or by any person authorised by the owner or his employee.

## **PART 7**

### **FORGERY AND ALLIED OFFENCES**

#### **CHAPTER 36**

#### **Forgery in General: Definitions**

### **361. Definitions**

In this chapter unless the context otherwise requires—

“**bank note**” includes any negotiable instrument issued by or on behalf of any person or corporation or issued by the authority of any government and intended to be used as equivalent to money, either immediately on issue or at any time afterward and also includes a bank bill or a bank post bill, currency note or any note which is legal tender in the country in which it is issued;

“**document**” includes a register or register-book, or part of either, and any book, and any paper or other material used for writing or printing, which is marked with any letters or marks denoting words, or with any other signs capable of conveying a definite meaning to persons conversant with them; or any disc, tape, soundtrack or other device on or in which information is recorded or stored by electronic or other means but does not include trade marks on articles of commerce;

“**seal**” includes any stamp, dye or other thing from which an impression can be taken by means of pressure or of ink, or by any other means;

“**writing**” includes an inscription on wood, stone, metal or other material; it also includes a mere signature and a mark of any kind.

**362. False documents**

- (1) A document or writing is said to be false if—
  - (a) in the case of a document which is a register or record kept by lawful authority, or an entry in any such register, or which purports to be issued by lawful authority as testifying to the contents of any register or record kept by lawful authority; or as testifying to any fact or event, if entry stated in the document is untrue;
  - (b) if the whole or some material part of the document or writing purports to be made by or on behalf of some person who did not make it or authorise it to be made;
  - (c) if in a case where the time and place of making it is material, although it is made by or on the authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time and place of the making;
  - (d) if the whole or some material part of the document or writing purports to be made by or on behalf of some person who does not, in fact, exist; or
  - (e) if the document or writing is made in the name of an existing person, either by that person himself or by his authority, with the fraudulent intention that it should appear as made by some other person, real or fictitious.

(2) A seal or mark is said to be counterfeit if it is made without lawful authority, and is in such a form as to resemble a genuine seal or mark, or in the case of a seal, in such a form as to be capable of producing impressions resembling those produced by a genuine seal.

(3) A representation of the impression of a seal is said to be counterfeit if it is not in fact made by the seal.

(4) The term “resemble”, applied to anything, includes the case where the thing is made to resemble, or is apparently intended to resemble the object spoken of.

**363. Definition of forgery**

- (1) A person who knowingly makes a false document or writing with:
  - (a) it may in any way be used or acted on as genuine, to the prejudice of another or;

- (b) any person may, in the belief that it is genuine, be induced to do or refrain from doing any act, whether in the State or elsewhere;

is said to forge the document or writing.

- (2) A person who makes:
  - (a) a counterfeit seal or mark, or an impression of a counterfeit seal knowing the seal to be counterfeit;
  - (b) a counterfeit representation of the impression of a genuine seal; or
  - (c) without lawful authority an impression of a genuine seal, with intent that the thing so made may in any way be used or acted on as genuine to the prejudice of any person, or with intent that any person may, in the belief that it is genuine, be induced to do or refrain from doing any act;

is said to forge the seal or mark.

(3) The term “make a false document or writing” includes altering a genuine document or writing in any material part, either by erasure, obliteration, removal or otherwise; and making any material addition to the body of a genuine document or writing and adding to a genuine document or writing any false date, attestation, seal or other material matter.

- (4) It is immaterial:
  - (a) in what language a forged document or writing is expressed;
  - (b) that the forger of anything forged may not have intended that any particular person should use or act on it, or that any particular person should be prejudiced by it, or be induced to do or refrain from doing any act;
  - (c) that the thing forged is incomplete or does not purport to be a document, writing or seal, which would be binding in Law for any particular purpose, if it is so made, and is of such a kind, as to indicate that it was intended to be used or acted on.

### **364. Certain matters immaterial**

In the case of an offence which involves the forging or using or dealing with a document or writing relating to the payment of money, or to the delivery or transfer of any property, or to the creation or performance of any obligation, it is immaterial—

- (a) where the money or property is, or purports to be payable, deliverable or transferable, or the obligation is, or purports to be, an obligation to be performed; or

(b) if the money or property is, or purports to be payable, deliverable or transferable, or the obligation is, or purports to be an obligation to be performed in some place outside the State that the document or writing is under seal or not.

## CHAPTER 37

### Punishment for Forgery and like Offences

#### 365. Punishment for forgery in general

(1) Any person who forges any document, writing or seal commits an offence which, unless otherwise stated, is a felony, and he is liable on conviction if no other punishment is provided, to imprisonment for three (3) years.

(2) If the thing forged—

- (a) purports to be, or is intended by the offender to be understood to be or to be used as the public seal of the State or any other State within Nigeria or the Federal Republic of Nigeria or any other country or the seal of the President of Nigeria or the Governor; or
- (b) is a document having on it or affixed to it any such seal, signet or sign manual, or anything which purports to be, or is intended by the offender to be understood to be any such seal, signet or sign manual;

the offender is liable on conviction to imprisonment for fourteen (14) years.

(3) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as any of the following things—

- (a) a document which is evidence of title to any portion of the public debt of Nigeria or of any State or of any other country, or to any dividend or interest payable in respect of any such debt, or a transfer or assignment of any such document, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such public debt;
- (b) a transfer or assignment of a share in any company, whether domestic or foreign or in the debt of any such company or a receipt or certificate for any interest or money payable or accruable in respect of any such share, interest or debt;
- (c) a document acknowledging or being evidence of the indebtedness of the Government of the State, or any other State in Nigeria or of the Federal Government of Nigeria or the Government of any other country;

- (d) a document which by any Law in Nigeria, or Law of any other country is evidence of any title or interest in land in Nigeria or any other country, or an entry in any register or book which is such evidence;
- (e) a document which by Law is required for the registration of any title to or interest in land;
- (f) a testamentary instrument or a probate or letter of administration;
- (g) a bank note, bill of exchange or promissory note, or acceptance, endorsement or assignment of any of those;
- (h) a deed or bond, or a draft, warrant, order or other security for the payment of money, or for the delivery or transfer of a valuable security, or for procuring or giving credit, whether negotiable or not, or an endorsement or assignment of any such document;
- (i) an accountable receipt or an acknowledgement of the deposit, receipt, payment or delivery of money or goods or of any valuable security, or an endorsement or assignment of any such document;
- (j) a bill of lading, dock warrant, warehouse keeper's certificate, warrant or order for the delivery of goods, or any other document used in the ordinary course of business as proof of possession or control of goods, or as authorising, or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive the goods represented by the document, or an endorsement or assignment of any such document;
- (k) a charter party, or a shipping document accompanying a bill of lading, or an endorsement or assignment of any of them;
- (l) a policy of insurance of any kind;
- (m) a power of attorney or other authority to execute any such document as mentioned in paragraphs (a)—(l) of this subsection;
- (n) the signature of a witness to any of the documents mentioned in paragraphs (a)—(l) in this subsection to which attestation is required by Law;
- (o) a register of births, baptisms, marriages, deaths or burials, authorised or required by Law to be kept, or any entry in any such register;
- (p) a copy of such register or entry as mentioned in paragraph (o) above, which is authorised or required by Law to be given to or by any person;

- (q) a seal used by a registrar appointed to keep a register referred to in paragraph (o) or the impression of any such seal, or the signature of any such registrar;
- (r) a stamp used for denoting the payment of fees or percentages in any court;
- (s) the superscription of any postal matter by any person empowered under any enactment to frank postal matter;
- (t) the seal of a Court of record in Nigeria or any other country or the seal used at the Chambers of the Head of a Court or for stamping or sealing summons or orders;
- (u) a seal or signature by virtue of which any document can by Law be used as evidence;
- (v) any process of any Court of justice in any country;
- (w) a document issued or made by the authority of any such Court as mentioned in paragraph (v) of this subsection;
- (x) a document or copy of a document of any kind intended by the offender to be used as evidence in any Court mentioned in paragraph (v) of this subsection; and
- (y) a record or other document of or belonging to a Court of Record in any country of the Commonwealth or of a country under the protection of a Commonwealth country;

the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

(4) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the following things—

- (a) the signature of the Governor of the State, or of any other State in Nigeria or the President of the Federal Republic of Nigeria, or a Commissioner of the government of a State or a Minister of the Federation on any grant, commission, warrant or order;
- (b) a seal or stamp used for the purpose of the public revenue in Nigeria or in any other country;
- (c) a document relating to the obtaining or receiving of any money payable on account of the public service of Nigeria, or of any other property of the

State in any country, or a power of attorney or other authority to execute any such document; the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **366. Using false documents and counterfeit seals**

(1) Any person who fraudulently uses or deals with a false document or writing, or a counterfeit seal, commits an offence of the same kind and is liable on conviction to the same punishment as if he had forged the thing in question.

(2) It is immaterial whether the false document or writing, or counterfeit seal, was made in the State or elsewhere.

(3) The term “fraudulently” means an intention that the thing in question shall be used or acted on as genuine, whether in Nigeria or elsewhere, to the prejudice of some person, whether a particular person or not, or that some person whether a particular person, or not, shall, in the belief that the thing in question is genuine, be induced to do or refrain from doing some act, whether in the State or elsewhere.

### **367. Using cancelled or exhausted documents**

Any person who knowingly uses or deals with any document as if it is a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, as if the document is a subsisting and effectual document, commits a felony and is liable on conviction to imprisonment for three (3) years.

### **368. Using cancelled stamps**

Any person who knowingly uses or deals with as and for a valid and uncanceled stamp, a stamp or an impression of a seal, used for any purpose connected with the public revenue in Nigeria or any country which has been already used or which has been cancelled, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **369. Procuring execution of documents by false pretences**

Any person who, by means of any false and fraudulent representation as to the nature, contents, or operation, of a document procures another to sign or execute the document, commits an offence of the same kind and is liable on conviction to the same punishment as if he had forged the document.

### **370. Making documents without authority**

Any person who, with intent to defraud and—

(a) without lawful authority or excuse, makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

(b) knowingly uses or deals with any document or writing so made, signed or executed, by another person;

commits a felony, and is liable on conviction to imprisonment for seven (7) years.

### **371. Demanding property by means of forged testamentary instruments**

Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted by means of a forged testamentary instrument, knowing the testamentary instrument to have been forged, or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant of same to have been so obtained, commits an offence of the same kind and is liable on conviction to the same punishment as if he had forged the document or thing by virtue of which he procures the delivery or payment.

### **372. Purchasing forged bank notes**

Any person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives from any person, or has in his possession, a forged bank note, whether filled up or in blank, knowing it to be forged, commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **373. Falsifying a warrant or voucher for money payable under public authority**

Any person employed in the public service who knowingly and with intent to defraud makes out or delivers to any person a warrant or voucher for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant or voucher is made out is entitled, commits a felony, and is liable on conviction to imprisonment for seven (7) years.

### **374. Sending false certificate of marriage to registrar**

Any person who signs or transmits to a person authorised by Law to register marriages, a certificate of marriage, or any document purporting to be a certificate of marriage, which in any material fact is to his knowledge false, commits a felony and is liable on conviction to imprisonment for seven (7) years.



**375. False statements for the purpose of registers of births, deaths and marriages**

Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths or marriages, makes any false statement concerning any matter required by Law to be registered in any such register, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**CHAPTER 38****Preparation for Forgery****376. Instruments and materials used for forgery and counterfeiting**

(1) Any person who without lawful authority or excuse, the proof of which lies on him makes, mends, begins, prepares to make or mend, uses or knowingly has in his possession or disposes of any instrument or material for forging any such paper mentioned resembling any paper such as is specially provided by proper authority for the purpose of making any bank note, stamps, including postage stamps, licence, permit, certificate or other document used for the purposes of public revenue in Nigeria or in any other country commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Any person who without lawful authority or excuse, the proof of which lies on him makes, mends, begins, prepares to make or mend, uses or knowingly has in his possession or disposes of any machinery, instrument or material for making any such paper mentioned in subsection (1) of this section or counterfeiting any seal, mark or stamp commits a felony and is liable on conviction to imprisonment for three (3) years.

(3) Any person who without lawful authority or excuse, the proof of which lies on him makes, mends, begins, prepares to make or mend, uses or knowingly has in his possession or fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp or seal commits a felony and is liable on conviction to imprisonment for three (3) years.

**377. Unlawful inquiries relating to the possibility of forgery**

(1) Any person who, without lawful authority or excuse the proof of which lies on him, either orally or in writing makes inquiries of any other person, whether in the State or at any place not in the State—

- (a) as to the cost of obtaining, the cost of supplying or as to obtaining or supplying of any machinery, instrument or material for the making of any paper or capable of producing in or on any paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on paper specially provided for any purpose mentioned in paragraph (1) of Section 376 of this Law.

- (b) as to the cost of printing or otherwise reproducing or as to printing or otherwise reproducing any document referred to in paragraph (1) of Section 374; no matter by what name such document may be referred to;
- (c) as to whether such other person or any other person is prepared to print or otherwise reproduce or would be prepared to print or otherwise reproduce any such document as mentioned before;
- (d) as to whether such other person or any other person is prepared to obtain or would be prepared to obtain any such document as mentioned above by any means other than paying full value for the same;

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

(2) In the case of written inquiries in connection with any of the matters or subjects to which subsection (1) of this Section relates the fact that such inquiries were reduced into writing shall be sufficient proof of an attempt to commit the offence.

### **378. Paper for postal purposes**

Any person who, without lawful authority or excuse, the proof of which lies on him, knowingly has in his possession or disposes of any paper which has been specially provided by proper authority for the purpose of being used for postage stamps, money orders or postal orders before such paper has been lawfully issued for public use, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **379. Paper and dye for postage stamps**

(1) Any person who without lawful authority or excuse, the proof of which lies on him—

- (a) makes, begins, prepares to make or uses for any postal purpose, or has in his possession or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Nigeria, or of any other country; or
- (b) makes or mends, or begins or prepares to make or mend or uses, or has in his possession or disposes of any dye, plate, instrument or material, for making any such imitation or representation;

commits a misdemeanour and is liable on conviction to imprisonment for one (1) year, or to a fine of One Hundred and Eighty Thousand Naira (₦180,000.00).

(2) Any stamps and any other such things found in the possession of a person convicted under this Section shall be forfeited to the State.

(3) For the purposes of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

## **CHAPTER 39**

### **Impersonation**

#### **380. Impersonation in general**

(1) Any person who with intent to defraud another, falsely represents himself to be some other person, living or dead, commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) If the representation is that the offender is a person entitled by Will or operation of Law to any specific property and he commits the offence to obtain such property or possession;

commits a felony and is liable on conviction to imprisonment for seven (7) years.

#### **381. Falsely acknowledging deeds, recognisances, etc.**

Any person who without lawful authority or excuse, the proof of which lies on him, makes in the name of any other person before any Court or person lawfully authorised to take such an acknowledgment, an acknowledgment of liability of any kind, or acknowledgment of a deed or other instrument commits a felony and is liable on conviction to imprisonment for seven (7) years.

#### **382. Impersonation of a person named in a certificate**

Any person who uses or deals with any document which has been issued by a lawful authority to another person, and where that other person is certified to be a person possessed of any qualification recognised by Law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document commits a felony and is liable on conviction to imprisonment for seven (7) years.

#### **383. Lending certificate for impersonation**

Any person to whom any document has been issued by lawful authority certifying him to be a person possessed of any qualification recognised by Law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells,

gives or lends the document to another person with intent that, that other person may represent himself to be the person named in it commits a felony and is liable on conviction to imprisonment for seven (7) years.

### **384. Impersonation of person named in a testimonial or character**

Any person who, with the purpose of obtaining any employment, uses or deals with any document of the nature of a testimonial, attestation or character given to another person commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

### **385. Lending testimonial for impersonation**

Any person to whom any document in the nature of a testimonial, attestation or character has been given, gives, sells or lends such document to another person with the intent that the other person may use or deal with such document for the purpose of obtaining any employment commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

## **CHAPTER 40**

### **Fraudulent Debtors**

### **386. Fraudulent dealing with property by debtors**

Any person who with intent to defraud his creditor(s)—

(a) makes any gift, delivery or transfer of his property, or any charge on his property; or

(b) conceals or removes any part of his property after or within two (2) months before the date of any unsatisfied judgment or order for payment of money obtained against him;

commits a felony and is liable on conviction to imprisonment for three (3) years.

**PART 8****MISCELLANEOUS OFFENCES****CHAPTER 41****Computer and Electronic Data Misuse Offences****387. Unauthorised access to computer material**

Any person who intentionally causes a computer to perform any function with intent to secure unauthorised access to any program or data held in any computer commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**388. Unauthorised access with intent to commit or facilitate commission of further offences**

(1) Any person who with intent to facilitate the commission of any offence whether by himself or another person commits an offence under Section 387 of this Law commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) For the purpose of this Section, it is immaterial that the facts are such that the commission of further offence is impossible.

**389. Unauthorised modification of computer data**

(1) Any person who knowingly does any act which causes an unauthorised modification of the contents of any computer commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) For the purposes of subsection (1) of this Section, a person knowingly does an act when he has knowledge that any modification he intends to cause is unauthorised.

(3) It is immaterial for the purpose of this section whether an unauthorised modification or any intended effect of it of a kind mentioned in subsection (2) above is, or is intended to be permanent or merely temporary.

**390. Unauthorised modification of computer data with intent**

(1) Where a person in committing an offence under Section 389—

- (a) impairs the operation of any computer;
- (b) prevents or hinders access to any program or data held in any computer;  
or

- (c) impairs the operation of any such program or the reliability of any such data;

commits a felony and is liable on conviction to imprisonment for five (5) years.

- (2) The intent in subsection (1) of this section need not be directed at:
  - (a) any particular computer;
  - (b) any particular program or data, or a program or data of any particular kind; or
  - (c) any particular modification or a modification of any particular kind.

### **391. Electronic data of public records**

Where an offence is committed under Sections 387–390 of this Law in relation to an electronic data of public records the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

## **CHAPTER 42**

### **Specially Aggravated Offences**

#### **392. Meaning of “specially aggravated offence”**

- (1) An offence is specially aggravated for the purpose of this Chapter where;
  - (a) at the time of committing the offence, or immediately before or after the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a particular ethnic, religious, racial group or other special group; or
  - (b) the offence is motivated (wholly or partly) by hostility towards members of an ethnic, religious, racial group or other special group based on their membership of that group.
- (2) In subsection (1) (a) of this Section—
  - (a) “membership”, in relation to an ethnic, religious or racial group, includes association with members of that group;
  - (b) “presumed” means presumed by the offender.

(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) of this Section whether or not the offender’s hostility is also based, to any extent, on—

- (a) the fact or presumption that any person or group of persons belongs to any ethnic, religious or racial group; or
  - (b) any other factor not mentioned in that paragraph.
- (4) In this Chapter—
- (a) “**ethnic group**” means a group of persons defined by reference to ethnic or national origin;
  - (b) “**religious group**” means a group of persons defined by reference to a religion;
  - (c) “**racial group**” means a group of persons defined by reference to a race or colour;
  - (d) “**special group**” includes a refugee and an internally displaced person.

### **393. Punishment for specially aggravated offence**

Where a person is convicted of an offence under this Law and the Court is satisfied that the offence was specially aggravated, the Court shall impose punishment as follows—

- (a) where the offence is punishable with imprisonment for a term exceeding seven (7) years, not less than half of the maximum punishment prescribed for the offence;
- (b) where the offence is punishable with imprisonment for a term exceeding three (3) years but not more than seven (7) years, not less than three (3) years imprisonment;
- (c) where the offence is punishable with imprisonment for a term not exceeding three (3) years, not less than half of the maximum punishment prescribed for the offence.

## **CHAPTER 43**

### **Offences of Cruelty**

#### **394. Cruelty to animals**

- (1) Any person who:
  - (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal, or causes or procures, or being the owner, permits any animal to be so used;

- (b) by wantonly or unreasonably doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or, being the owner, permits any unnecessary suffering to be caused to any animal;
- (c) conveys or carries, or being the owner, permits to be conveyed or carried any animal in such manner or position as to cause such animal unnecessary suffering;
- (d) wilfully without any reasonable cause or excuse administers, or causes or procures, or, being the owner, permits such administration of, any poisonous or injurious drug or substance to any animal, or wilfully without any reasonable cause or excuse causes any such substance to be taken by any animal;
- (e) subjects, or causes or procures, or, being the owner, permits to be subjected, any animal to any operation which is performed without due care; or
- (f) causes, or procures, or assists at the fighting or baiting of any animal, or keeps, uses, manages or acts or assists in the management of, any premises or place for the purpose, or partly for the purpose of fighting or baiting any animal, or permits any place to be so kept, managed or used, or receives or causes or procures any person to receive money for the admission of any person to such premises or place;

commits an offence and is liable on conviction to imprisonment for three (3) months or to a fine of Forty Five Thousand Naira (₦45,000.00) or both.

(2) For the purposes of this section, an owner shall be deemed to have committed cruelty within the meaning of this Chapter if he failed to exercise reasonable care and supervision in respect of the protection of the animal.

(3) When an owner is convicted of permitting cruelty within the meaning of this Chapter by reason only of his having failed to exercise such care and supervision, he is liable to a fine only.

(4) Nothing in this Chapter shall apply—

- (a) to the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or
- (b) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated or exhausted condition; but a captive



animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

### **395. Court may order destruction of animal**

When the owner of any animal is convicted of an offence of cruelty under Section 394 of this Law, the Court if satisfied that it would be cruel to keep the animal alive, may direct that the animal be destroyed, and assign the animal to a suitable person for that purpose. Any reasonable expenses incurred in destroying the animal may be ordered by the Court to be paid by the owner, and shall be recoverable in like manner as a fine.

### **396. Court may deprive person of ownership**

(1) If the owner of any animal shall be guilty of cruelty within the meaning of this Chapter to any animal, the Court on his conviction may if it thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal.

(2) The Court shall not make the order provided for in subsection (1) of this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

### **397. Power of police to take charge of animal or vehicle**

(1) When a person in charge of an animal or vehicle in which an animal is being transported is arrested it shall be lawful for any police officer to take charge of such animal or vehicle and to deposit the same in a place of safe custody until the termination of the proceedings or until the Court shall direct such animal or vehicle to be delivered to the person charged or to the owner.

(2) The reasonable costs of such custody including the reasonable costs of any veterinary treatment shall, in the event of a conviction in respect of the animal or vehicle, be paid by the owner, and such costs may be recovered as a fine.

## **CHAPTER 44**

### **Offences in Relation to Ferries and Jetties**

#### **398. Definitions**

In this Chapter, unless the context otherwise requires—

“**crew**” includes masters, mates, pilots, engineers, deck-hands and all persons engaged in the navigation or service of a ship, ferry, boat, or canoe;

“**Ferry**” includes any craft, barge, lighter canoe, boat or tug of any kind whatsoever towed or self-propelled by any type of motor or otherwise;

“**Ship**” includes every description of vessel operating in the State and every passenger steamer employed in local navigation on intra-state waters of the State.

### **399. Offences in relation to ferries and ships**

- (1) Any person who—
  - (a) being drunk or disorderly and has on account of that been refused admission, persists in attempting to enter a ferry or ship;
  - (b) being drunk or disorderly on board a ferry or ship is requested by any duly authorised member of the crew to leave the ferry or ship at any place at which he can conveniently do so, and does not comply with the request;
  - (c) being on board a ferry or ship, molests or continues to molest any passenger after warning by any duly authorised member of the crew;
  - (d) obstructs, impedes or molests the crew or any of them in the navigation or management of the ferry or ship;
  - (e) after having been refused admission to a ferry or ship by any duly authorised member of the crew on account of the ship being full, persists in attempting to enter a ferry or ship;
  - (f) having gone on board the ferry or ship at any place and being requested, on account of the ferry or ship being full, by any duly authorised member of the crew to leave the ferry or ship before it has departed that place, does not comply with that request;
  - (g) travels or attempts to travel in a ferry or ship without first paying his fare and with intent to avoid payment;
  - (h) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ferry or ship beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment;
  - (i) on arriving on a ferry or ship at the point to which he has paid his fare knowingly and wilfully refuses or neglects to leave the ferry or ship;
  - (j) being on board a ferry or ship when requested by any duly authorised member of the crew either to pay his fare or exhibit such ticket or other

receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare on a ferry or ship fails, to do so;

- (k) who travels or attempts to travel in that part of a ferry or ship which is set apart for passengers of a superior class to that for which he holds a ticket; or
- (l) travels or attempts to travel in any ferry or ship or part of a ferry or ship which is not set apart for public passengers and on being ordered by any duly authorised member of the crew to leave such place refuses to do so;

commits an offence and is liable on conviction to a fine of Ten Thousand Naira (₦10,000.00) without prejudice to the recovery of any fare payable by him.

(2) Any member of the crew in charge of any ship, and all persons called by him to his assistance, may, without warrant, arrest any person who commits any offence under this Section and whose name and address are unknown to him.

(3) Any person who commits an offence under this Section and at the request of the officer in charge of the ferry or ship, refuses to give his name and address, or gives a false name or address, commits an offence and is liable on conviction to a fine of Ten Thousand Naira (₦10,000.00).

#### **400. Entering ferry or ship without ticket**

(1) Any person who is not a passenger of a ferry or ship or not having purchased a ticket to travel by a ferry or ship enters or attempts to enter into any enclosed jetty, quay, wharf or such place, and on being ordered to leave such a place by any person duly authorised by the management of the place or any police officer refuses to do so commits an offence and is liable on conviction to a fine of Five Thousand Naira (₦5,000.00) or in default to imprisonment for one (1) month.

(2) Any duly authorised member of the crew or any police officer and all persons called by him to his assistance may, without warrant, arrest any person who commits any offence under this section and whose name and address are unknown to him.

#### **401. Power to exclude drunken person from ferry or ship**

Any duly authorised member of the crew of any ferry or ship may refuse to receive on board any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board and if any such person is on board, may put him on shore at any convenient place.

**402. Offences by members of a crew**

- (1) Any person who—
- (i) having entered into an agreement to serve in the crew of any ferry or ship fails to perform his obligation; or
  - (iii) being a member of the crew of any ferry or ship:
    - (a) deserts or without leave or lawful cause absents himself from duty;
    - (b) is intoxicated during working hours;
    - (c) refuses without reasonable excuse to obey the order of any person in authority over him;
    - (d) uses abusive or insulting language on any person in authority over him or any passenger;
    - (e) wilfully does any act tending to the loss of or damage or serious risk to his employer's property; or
    - (f) refuses or omits without reasonable cause to do any act proper and required to be done by him for preserving his employers' property;

commits an offence and is liable on conviction to a fine of Forty Five Thousand Naira (N45,000.00).

(2) Any person serving in the crew of any ferry or ship who combines with any of the crew to disobey lawful commands, neglect duty, or impede the navigation of the ferry or ship or the progress of the voyage commits an offence and is liable on conviction to imprisonment for six (6) months.

**PART 9****TERRORISM****CHAPTER 45****Offences relating to Terrorism****403. Offences relating to terrorism**

(1) A person who wilfully provides or collects by any means, directly or indirectly, any money from any other person with intent that the money shall be used or with the knowledge that the money shall be used to promote any act of terrorism, commits a felony and on conviction to imprisonment for life.

(2) Any person who does or attempts to do an act of terrorism or participates in or facilitates the commission of an act of terrorism, commits a felony and is liable on conviction to imprisonment for life.

(3) Any person who makes funds, financial assets or economic sources or financial or other related services available for use of any other person to commit or attempt to commit, facilitate or participate in the commission of an act of terrorism commits a felony and is liable on conviction to imprisonment for life.

**404. Definition of terrorism**

“**Terrorism**” includes—

(1) any act which may endanger the life, physical integrity or freedom of, or cause serious injury or death of any person, group of persons, or causes or may cause damage to property, natural resources, environmental or cultural heritage and is calculated or intended to—

- (a) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of it to do or abstain from doing any act or to adopt or abandon a particular stand point, or to act according to certain principles; or
- (b) disrupt any public service, the delivery of any essential service to the public or to create public emergency, or
- (c) create a situation of breakdown of law and order in the state; or

(2) any promotion, sponsorship of, contribution to, command, aid incitement, encouragement, attempt, threat, conspiracy, organisation or procurement of any act referred to in paragraph (1)(a),(b) and (c) of this Section.

**PART 10****PUNISHMENT FOR INCHOATE OFFENCES AND  
INTERPRETATION****CHAPTER 46****Punishment for Attempts****405. Attempts to procure the commission of criminal acts**

(1) Any person who attempts to procure another to do an act or make an omission of such a nature that if he himself were to do the act or make the omission he would be guilty of an offence, is himself to be deemed to commit attempt to commit such offence and will be liable on conviction to be punished accordingly.

(2) Any person who while in the State attempts to procure another to do an act or make an omission at a place not in the State of such a nature:

- (a) that if he were himself to do the act or make the omission in the State he would be guilty of an offence; and
- (b) that if he were himself to do the act or make the omission at the place where the act or omission is proposed to be done or made he would himself be guilty of an offence under the Laws in force at that place;

commits an offence of the same kind and is liable on conviction to the same punishment as if he himself attempted to do the same act or make the same omission in the State.

**406. Punishment for attempts to commit felonies**

(1) Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or imprisonment for a term of fourteen (14) years or upwards with or without other punishment, commit a felony and is liable on conviction, if no other punishment is provided, to imprisonment for seven (7) years.

(2) Any person who attempts to commit a felony of any other kind is liable on conviction, if no other punishment is provided, to a punishment equal to one-half of the maximum punishment to which an offender convicted of the felony which he attempted to commit is liable.

**407. Punishment for attempt to commit other offences**

Any person who attempts to commit any other offence is liable, if no other punishment is provided, to a punishment equal to one-half of the maximum punishment to which an offender convicted of the offence which he attempted to commit is liable.

**408. Reduction of punishment**

(1) When a person is convicted of attempting to commit an offence, if it is proved that he desisted of his own motion from the further prosecution of his intention, without its fulfilment being prevented by circumstances independent of his will, he is liable to one-half only of the punishment to which he would otherwise be liable.

(2) If the punishment in subsection (1) of this Section is imprisonment for life, the maximum punishment to which the offender is liable to is imprisonment for seven (7) years.

**409. Preparation to commit crimes with explosive etc.**

Any person who makes or knowingly has in his possession any explosive substance, or any dangerous or noxious engine, instrument, or thing with intent to use it to commit, or for the purpose of enabling any other person to use it to commit any felony, commits a felony and is liable on conviction to imprisonment for three (3) years.

**410. Neglect to prevent felony**

Any person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion of it, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**CHAPTER 47****Conspiracy****411. Conspiracy to commit felony**

Any person who conspires with another to commit any felony in the State, or to do any act outside the State which if done in the State would be a felony, and which is an offence under the Laws in force in the place where it is proposed to be done, commits a felony.

**412. Conspiracy to commit other offence**

Any person who conspires with another to commit any offence in the State which is not a felony, or to do any act outside the State which if done in the State would be an offence but not a felony, and which is an offence under the Laws in force in the place where it is proposed to be done, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**413. Other conspiracies**

Any person who conspires with another to effect any of the following purposes—

- (1) prevent or defeat the execution or enforcement of any Act or Law;
- (2) cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person;
- (3) prevent or obstruct the free and lawful disposition of any property by its owner for its fair value; or
- (4) injure any person in his trade or profession;

commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**414. Conspiracy in trade dispute**

(1) The provisions of Sections 409–411 shall not apply to an agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute if such act committed by one person would not be punishable as an offence.

(2) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is provided by any other enactment.

(3) Nothing in this Section shall affect the Law relating to riot, unlawful assembly, breach of the peace or any offence against the State.

(4) For the purposes of this section, “offence” does not include an offence punishable only by a fine and “trade dispute” has the same meaning as in the Trade Unions Act.



**CHAPTER 48****Accessories After the Fact****415. Accessories after the fact to felonies**

Any person who becomes an accessory after the fact to a felony commits a misdemeanour and is liable on conviction, if no other punishment is provided, to imprisonment for two (2) years.

**416. Accessories after the fact to misdemeanours**

Any person who becomes an accessory after the fact to a misdemeanour commits a misdemeanour and is liable on conviction to a punishment equal to one-half of the maximum punishment to which the principal offender is liable on conviction.

**417. Accessories after the fact to simple offences**

Any person who becomes an accessory after the fact to a simple offence commits an offence and is liable on conviction to a punishment equal to one-half of the maximum punishment to which the principal offender is liable on conviction.

**CHAPTER 49****Interpretation****418. Interpretation**

(1) In this Law, unless the context otherwise requires:

“**animal**” means any domestic or captive animal;

“**brothel**” means any premises or room or set of rooms in any premises kept for purposes of prostitution;

“**captive animal**” means any animal not being a domestic animal of any kind, including any bird, fish or reptile which is in captivity, or confinement, or which is maimed, or subjected to any appliance or device for the purpose of hindering or preventing its escape from captivity or confinement;

“**clerk**” and “**servant**” include any person employed for any purpose as or in the capacity of a clerk, or servant, or as a collector of money, although temporarily only, or although employed also by other persons than the person alleged to be his employer, or although employed to pay as well as receive money, and any person employed as or in the

capacity of a commission agent for the collection or disbursement of money or in any similar capacity, although he has no authority from his employer to receive money or other property on his account;

“**child**” has the meaning assigned to it in the Child’s Right Law of Lagos State;

“**Commissioner**” means the Commissioner for Justice Lagos State or any person for the time being charged with responsibility over the Lagos State Ministry of Justice;

“**company**” includes corporations, partnerships and bodies corporate registered under any Act or Law;

“**computer**” includes a device that computes, especially a programmable electronic machine that performs high-speed mathematical or logical operations or that assembles, stores, correlates, or otherwise processes information;

“**Court**”, “**a court**”, “**the court**”, includes:

- (a) the High Court and the Chief Judge and Judges of the High Court when the court is in session;
- (b) a Magistrate engaged in any judicial act or proceeding or inquiry;
- (c) the Court of Appeal, and the justices when the court is in session; and
- (d) the Supreme Court, and the justices when the court is in session;

“**criminally responsible**” means liable to punishment for an offence;

“**criminal responsibility**” means liability to punishment for an offence;

“**domestic animal**” means any animal or bird which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man;

“**dangerous harm**” means harm endangering life;

“**explosive substance**” includes a gaseous substance or any other substance in such a state of compression or any other state as to be capable of explosion;

“**federal law**” means any Act enacted by the National Assembly having effect with respect to the Federation and any Ordinance enacted before the 1st day of October, 1960, which under the Constitution of the Federal Republic of Nigeria has effect with respect to the Federation;

**“grievous harm”** means any harm which amounts to a maim or dangerous harm as defined in this section, or which seriously or permanently injures health, or which is likely to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member, or sense;

**“harm”** means any bodily hurt, disease, or disorder, whether permanent or temporary;

**“have in possession”** includes having under control in any place whatsoever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question;

**“judicial officer”** includes the Chief Judge and a Judge of a High Court; a Magistrate, the President and a Justice of the Court of Appeal and the Chief Justice and a Justice of the Supreme Court;

**“knowingly”** used in connection with any term denoting used or dealing or using, implies knowledge of the character of the thing used or dealt with or used;

**“Law of Lagos State”** means any written law in force in Lagos State;

**“Law”** includes any order, rule of court, regulation or proclamation made under the authority of such Law.

**“Law officer”** means the Attorney-General and the Solicitor-General of Lagos State, and includes the Director of Public Prosecutions, a private legal practitioner authorised by the Attorney General to appear for and on behalf of the Attorney General and such other qualified officers by whatever names designated to whom any of the powers of a Law Officer are delegated by Law or necessary intendment;

**“local authority”** means a Local Government Council or Local Council Development Area established under the Constitution or under any Law;

**“marriage”** means a marriage which is recognised by the Law of the place where it is contracted as the voluntary union for life of one man and one woman;

**“maim”** means the destruction or permanent disabling of any external or internal organ, member or sense;

**“money”** includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

**“Nigeria”** means the Federal Republic of Nigeria;

**“night”** or **“night time”** means the interval between half past six o'clock in the evening and half past six o'clock in the morning;

**“peace officer”** includes any Magistrate, any police officer, of or above the rank of assistant superintendent and a justice of the peace;

**“person”** and **“owner”** and other like terms, when used with reference to property, include corporations of all kinds, and any other associations of persons capable of owning property; and also, when so used, include the State;

**“person employed in the public service”** means any person holding any of the following offices, or performing the duties thereof, whether as deputy or otherwise—

- (a) any civil office, the power of appointing a person to which or removing a person from which is vested in the Civil Service Commission, or any Board; or
- (b) any office to which a person is appointed by or under the Constitution of the Federation or any enactment; or
- (c) any civil office, the power of appointing to which or of removing from which is vested in any person or persons holding an office of any kind included in either of the two last preceding subheads of this section; or
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any enactment; or
- (e) a member of a Commission of Inquiry appointed under any Ordinance or Law; and the said term further includes—
  - (i) any peace officer;
  - (ii) any person employed to execute any process of a court (including a native tribunal);
  - (iii) all persons belonging to the military or the police of Nigeria;
  - (iv) all persons in the employ of any Government department;
  - (v) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intended marriage, or in respect of the solemnisation of marriage or in respect of the making and keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;
  - (vi) a person employed by a head chief in connection with any powers, or duties exercised or performed by such chief under any enactment or with the consent of the President of the Federal Republic of Nigeria or a Governor of a State;

(vii) a person in the employ of a local authority;

(viii) a person in the employ of a local government council in connection with any powers or duties exercised or performed by such local government council and in respect of the duties for which the employment actually exists;

**“police officer”** means any member of the Nigeria police;

**“president”** means the President of the Federal Republic of Nigeria;

**“property”** includes everything, animate or inanimate, capable of being the subject of ownership;

**“prostitution”** includes the offering by any male or female of his or her body for acts of lewdness for payment although there is no act or offer of an act of ordinary sexual connection;

**“public”** refers not only to all persons within Nigeria, but also to the persons inhabiting or using any particular place or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct with respect to which such expression is used;

**“public place”** includes any public way, and any building, place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or on condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open court;

**“public way”** includes any highway, market place, square, street, bridge, or other way, which is lawfully used by the public;

acts are done **“publicly”**:

- (a) if they are done in any public place as to be likely seen by any person, whether such person is, or is not, in a public place; or
- (b) if they are so done in any place, not being a public place, as to be likely seen by any person in any public place;

**“railway”** includes every kind of way on which vehicles are check on a rail or rails, whatever may be the means of propulsion;

**“residential building”** includes any building or structure, or part of a building or structure, which is for the time being kept by the owner or occupier for his residence, his family, or servants, or any of them (it is immaterial that it is from time to time uninhabited). A building or structure adjacent to, and occupied with, a residential building

is deemed to be part of the residential building if there is a communication between such building or structure and the residential building, either immediate or by means of a covered and enclosed passage leading from one to the other, but not otherwise;

“**Regulations**” shall include Rules, Bye-Laws, Orders or Instruments;

“**Statute**” means a Statute which is applicable in any part of Nigeria;

“**State**” means Lagos State of Nigeria;

“**uncorroborated testimony**” means testimony which is not corroborated in some material particular by other evidence implicating the accused person;

“**used or deal**” includes using or dealing with, and attempting to use or deal with, and attempting to induce any person to use, deal with, or act on, the thing in question;

“**voyage**” means the period from the date of the entry of the starting of a ship in the ship’s log to the date when the ferry or ship’s log is handed over to the employer or his agent and the voyage terminates.

“**valuable security**” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

“**vessel**” includes a ferry, ship, boat and every other kind of vessel used in navigation either on the sea or in inland waters;

“**wound**” means any incision or puncture which divides or pierces any exterior membrane of the body; and any membrane is exterior, for the purposes of this definition, which can be touched without dividing or piercing any other membrane.

## **419. Repeal**

The Criminal Code Law Cap. C17 Laws of Lagos State of Nigeria 2003 is repealed.

## **420. Citation and commencement**

This Law may be cited as the Criminal Law of Lagos State and shall come into force on the 8th day of August 2011.