

## CRIMINAL CODE ACT

### ARRANGEMENT OF SECTIONS

[The original numbering of sections has been retained in order not to disturb the cross-references to those sections in other enactments which are many and will be found throughout the whole Edition.]

#### SECTION

1. Short title.
- 1A. Savings in respect of Northern States.
2. The Criminal Code and extent.
3. Construction of Acts, Laws, Rules, Regulations, and other Instruments.
4. Provisions of Code, exclusive with certain exceptions.
5. Civil remedies.
6. Contempt of court.
7. Printing of amendments.

#### SCHEDULE

##### *The Criminal Code*

#### PART 1

##### *Introductory*

#### INTERPRETATION: APPLICATION: GENERAL PRINCIPLES

#### CHAPTER 1

##### *Interpretation*

1. Interpretation.
2. Definition of offence.
3. Division of offences.
4. Attempts to commit offences.

5. Arrest without warrant.

6. Carnal knowledge.

## CHAPTER 2

### *Parties to Offences*

7. Principal offenders.

8. Offences committed in prosecution of common purpose.

9. Mode of execution immaterial.

10. Accessories after the fact.

## CHAPTER 3

### *Application of Criminal Law*

10A. Interpretation.

11. Effect of changes in law.

12. Application of code as to offences wholly or partially committed in Nigeria.

12A. Offences against laws of a State.

13. Offences procured or counselled by persons out of Nigeria.

13 A. Offences against State laws procured, etc., outside the State.

14. Offences procured in Nigeria to be committed out of Nigeria.

14A. Offences procured in the State to be committed out of the State.

15. Armed Forces and Police Forces.

16. (Repealed by No. 43 of 1945).

## CHAPTER 4

### *Punishments*

17. Kinds of punishment.

18. Caning for male persons under seventeen.

19. Forfeiture of bribes.

20. Forfeiture of property used in postal offences.

21. Prerogative.

## CHAPTER 5

### *Criminal Responsibility*

22. Ignorance of Law.

23. Bona fide claim of right.

24. Intention: motive.

25. Mistake of fact.

26. Extraordinary emergencies.

27. Presumption of sanity.

28. Insanity.

29. Intoxication.

30. Immature age.

31. Judicial Officers.

32. Justification and excuse: compulsion.

33. Compulsion of husband.

34. No conspiracy between husband and wife alone.

35. Offences by partners and members of companies with respect to partnership or corporate property.

36. Liability of husband and wife for offences committed by either with respect to the other's property.

## PART 2

### *Offences against public order*

## CHAPTER 6

37. Treason.

38. Instigating invasion of Nigeria.

39. Provision as to juvenile offenders and pregnant women.

- 40. Concealment of treason.
- 41. Treasonable felonies.
- 42. Promoting inter-communal war.
- 43. Time for proceeding in cases of treason, concealment of treason or promoting inter-communal war.
- 44. Inciting to mutiny.
- 45. Aiding and inciting to mutinous acts or disobedience of members of Armed Forces or Policemen.
- 46. Inducing such persons to desert.
- 46A. Causing disaffection among members of Armed Forces, Police or Prison Officers.
- 47. Effect of proceeding under sections 44 and 45.
- 48. Assisting or allowing escape of prisoners of war.
- 49. Overt act.

#### CHAPTER 6A

##### *Treachery*

- 49A. Death penalty for treachery.
- 49B. Joinder of charges and place of trial of offences.
- 49C. Extent of Chapter.
- 49D. (Deleted by L.N. 112 of 1964).

#### CHAPTER 7

##### *Sedition and the importation of seditious or undesirable publications*

- 50. Interpretation.
- 51. Offences.
- 52. Legal proceedings: evidence.
- 53. Unlawful oaths to commit capital offences.
- 54. Other unlawful oaths to commit offences.
- 55. Compulsion: how far a defence.

56. Effect of prosecution.

57. Unlawful drilling.

58. Power to prohibit importation of publications.

(6) Offences.

(8) Delivery of prohibited publication to police and administrative officers.

(9) Power to examine packages.

59. Publication of false news with intent to cause fear and alarm to public.

60. Defamation of persons exercising sovereign authority over a State.

## CHAPTER 8

### *Offences against the executive and legislative power*

61. Interference with executive or legislative power.

## CHAPTER 9

### *Unlawful societies*

62. Definition of society and unlawful society.

62A. Unlawful societies in a State.

63. Managing an unlawful society.

64. Members of unlawful society: persons permitting an unlawful society to meet on their premises.

65. Provisions relating to prosecutions for offences under sections 63 and 64.

66. Powers of peace officers in relation to unlawful societies.

67. Disposition of property of society declared to be an unlawful society.

68. Forfeiture.

## CHAPTER 10

### *Unlawful assemblies: breaches of the peace*

69. Definitions: Unlawful assembly Riot.

70. Punishment of unlawful assembly.

- 71. Punishment of riot.
- 72. Making proclamation for rioters to disperse.
- 73. Dispersion of rioters after proclamation made.
- 74. Rioting after proclamation.
- 75. Preventing or obstructing the making of proclamation.
- 76. Rioters demolishing buildings, machinery, railway, etc.
- 77. Rioters injuring buildings, machinery, railway, etc.
- 78. Smuggling or rescuing goods under arms.
- 79. Smuggling under arms or in disguise.
- 80. Going armed so as to cause fear.
- 81. Forcible entry.
- 82. Forcible detainer.
- 83. Affray.
- 84. Challenge to fight a duel.
- 85. Prize fight.
- 86. Threatening violence.
- 87. Assembling for the purpose of smuggling.
- 88. Unlawful processions.
- 88A. Provoking breach of peace by offensive publication.

### PART 3

#### *Offences against the administration of law and justice and against public authority*

### CHAPTER 11

#### *Disclosure of official secrets and abstracting document*

- 89.(Deleted by No.31 of 1941).
- 90.(Deleted by No.31 of 1941).

91.(Deleted by No.31 of 1941).

92.(Deleted by No. 31 of 1941).

93.(Deleted by No.31 of 1941).

94.(Deleted by No.31 of 1941).

95.(Deleted by No.31 of 1941).

96.(Deleted by No. 31 of 1941).

97.Disclosure of official secrets.

(2) Public servant abstracting, etc., documents.

(3) Restriction on prosecutions.

## CHAPTER 12

### Corruption and abuse of office

98.Official corruption: public official inviting bribes, etc., on account of own actions.

98A. Official corruption: person giving bribes, etc., on account of actions of public official.

98B. Official corruption: person inviting bribes, etc., on account of actions of public official.

98C. Restrictions on arrest and prosecution of judicial officers for offences under sections 98 to 98B.

98D. Meaning of "public official" in sections 98 to 98B.

99. Extortion by public officers.

100.(Deleted by 1966 No. 84).

101. Public officers interested in contracts.

102. Officers charged with administration of property of a special character or with special duties.

103. False claims by officials.

104. Abuse of office.

105. False certificates by public officers.

106. Administering extra-judicial oaths.

107. False assumption of authority.

- 108. Impersonating public officers.
- 109. Impersonating members of Armed Forces or Police.
- 110. Unlawfully wearing of the uniform of the Armed Forces.
- 111. Selling, etc., uniform, etc., to unauthorised persons.

#### CHAPTER 13

##### *Selling and Trafficking in offices*

- 112. Bargaining for offices in public service.

#### CHAPTER 14

##### *Offences relating to the administration of justice*

- 113. Definition of judicial proceeding.
- 114. (Deleted by 1966 No. 84).
- 115. (Deleted by 1966 No. 84).
- 116. (Deleted by 1966 No. 84).
- 117. Perjury,
- 118. Punishment of perjury.
- 119. Evidence on charge of perjury.
- 120. Fabricating evidence.
- 121. Corruption of witnesses.
- 122. Deceiving witnesses.
- 123. Destroying evidence.
- 124. Preventing witnesses from attending.
- 125. Conspiracy to bring false accusation.
- 125A. Making false statement to public officers with intent.
- 126. Perverting justice.
- 127. Compounding felonies.



- 128. Compounding penal actions.
- 129. Advertising a reward for the return of stolen or lost property.
- 130. Delay to take person arrested before a court.
- 131. Bringing fictitious action on Penal Act, Law or Statute.
- 132. Inserting advertisement without authority of court.
- 133. Contempt of court.

## CHAPTER 15

### *Escapes; Rescues; obstructing officers of court*

- 134. Rescue.
- 135. Escape.
- 136. Aiding prisoners to escape.
- 137. Permitting escape.
- 138. Negligently permitting escape.
- 139. Prison officers accessory to breaches of discipline.
- 140. (Repealed by 1972 No.9).
- 141. (Repealed by 1972 No.9).
- 142. (Repealed by 1972 No.9).
- 143. Rescuing insane persons.
- 144. Removing, etc., property under lawful seizure.
- 145. Obstructing officers of courts of justice.

## CHAPTER 16

### *Offences relating to the Currency*

- 146. Interpretation.
- 147. Counterfeiting gold and silver coin.
- 148. Preparation for coining gold and silver coin.

- 148A. Unlawful inquiries with the object of making counterfeit coins.
- 149 Clipping.
- 150. Possession of clippings.
- 151 Uttering counterfeit current gold or silver coin.
- 152. Repeated uttering of counterfeit current gold or silver coin, possession of several such coins
- 153. Offences after previous conviction.
- 154. Counterfeiting nickel coin.
- 155. Uttering base nickel coin.
- 156. Defacing coin by stamping words thereon.
- 157. Uttering foreign coin, medals, etc., as current coin with intent to defraud.
- 158. Exporting counterfeit current coin.
- 159. Unlawfully importing counterfeit coin.
- 160. Tender of defaced coin not legal tender: penalty for uttering.
- 160A. Making, issue and circulation of promissory notes payable to bearer on demand, without authority.
- 160B. Portrayal of Nigerian notes and coins.

## CHAPTER 17

### *Offences relating to Posts and Telecommunications*

- 161. Stopping mails.
- 162. Intercepting telegrams or postal matter.
- 163. Tampering with telegrams or postal matter.
- 164. Wilful misdelivery of telegrams or postal matter.
- 165. Obtaining telegrams or postal matter by false pretences.
- 166. Secreting letters and telegrams.
- 167. Fraudulent issue of money orders and postal orders.
- 168. Fraudulent messages respecting money orders.

- 169. Unlawful franking of letters.
- 170. Sending dangerous or obscene things by post.
- 171. Retarding delivery of telegrams or postal matter.
- 172. Obstructing mails.
- 173. Penalty on loitering, carelessness in delivery of mails, etc.
- 174. Fraudulently removing stamps.
- 175. Fraudulent evasion of postal laws.
- 176. Carrying letters otherwise than by post.
- 177. Illegally making postal envelopes or setting up post office or office for sale of stamps, or imitating post office.
- 178. Destroying or damaging letter box.
- 179. Placing injurious substances in or against letter box.
- 180. Defacing post office or letter box.
- 181. Obstructing post and telegraph offices.
- 182. Obstructing post and telegraph officers in the execution of duty.
- 183. Contravening exclusive privilege of the Nigerian Postal Services Department.
- 184. (Deleted by 1975 No. 30).
- 185. (Deleted by 1975 No. 30).
- 186. Negligently injuring telegraphs.
- 187. Violation of secrecy.
- 188. Resisting officers.
- 189. Laying property in postal matter and telegraph works.

## CHAPTER 18

### *Miscellaneous offences against public authority*

- 190. False declaration as to execution of sentence of death.

- 190. False statements in application for passports.
- 191. False statements in statements required to be under oath or solemn declaration.
- 192. False declarations and statements.
- 193. Evidence.
- 194. Shooting at customs boats or officers.
- 195. Resisting officers engaged in preventing smuggling.
- 196. Resisting customs officers.
- 197. Resisting public officers.
- 198. Refusal by public officer to perform duty.
- 199. Neglect of peace officer to suppress riot.
- 200. Neglect to aid in suppressing riot.
- 201. Neglect to aid in arresting offenders.
- 202. Disobedience to Act, Law, or Statute.
- 203. Disobedience to lawful order issued by constituted authority.

#### PART 4

##### *Acts injurious to the public in general*

#### CHAPTER 19

##### *Offences relating to religious worship*

- 204. Insult to a religion.
- 205. Offering violence to officiating ministers of religion.
- 206. Disturbing religious worship.

#### CHAPTER 20

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

- 207. Unlawful trial by ordeal: prohibited juju.
- 208. Directing, etc., unlawful trial by ordeal.

- 209. Being present at, or making poison for, unlawful trial by ordeal.
- 210. Offences in relation to witchcraft and juju.
- 211. Chiefs permitting unlawful ordeal and prohibited juju worship.
- 212. Destruction of place where unlawful ordeal or prohibited juju worship is held.
- 213. Criminal charms.

## CHAPTER 21

### *Offences against Morality*

- 214. Unnatural offences.
- 215. Attempt to commit unnatural offences.
- 216. Indecent treatment of boys under fourteen.
- 217. Indecent practices between males.
- 218. Defilement of girls under thirteen.
- 219. Householder permitting defilement of young girls on his premises.
- 220. Defence to charge under preceding section.
- 221. Defilement of girls under sixteen and above thirteen, and of idiots.
- 222. Indecent treatment of girls under sixteen.
- 222A. Causing or encouraging the seduction or prostitution of a girl under sixteen.
- 222B. Allowing persons under sixteen to be in brothels.
- 222C. Restriction on defence of reasonable belief.
- 223. Procuration.
- 224. Procuring defilement of woman by threats or fraud, or administering drugs.
- 225. Abduction of girl under eighteen with intent to have carnal knowledge.
- 225A. Persons trading in prostitution.
- 225B. Keeping a brothel.
- 226. Unlawful detention with intent to defile, or in a brothel.

- 227. Conspiracy to defile.
- 228. Attempts to procure abortion.
- 229. Attempt to procure own miscarriage.
- 230. Supplying drugs or instruments to procure abortion.
- 231. Indecent acts.
- 232. (Repealed by 1961 No. 51).
- 233. Knowledge of age immaterial.
- 233A. Deportation of non-citizens of Nigeria.

#### CHAPTER 21A

##### *Obscene Publications*

- 233B. Interpretation.
- 233C. Test of obscenity.
- 233D. Prohibition of publication of obscene matter.
- 233E. Power of search and seizure.
- 233F. Defence of public good.

#### CHAPTER 22

##### *Nuisances; gaming houses; lotteries; misconduct relating to corpses*

- 234. Common nuisance.
- 235. (Repealed by No. 20 of 1944).
- 236. (1) Gaming houses.
- (2) Unlawful gaming.
- 237. (1) Police may be authorised to enter gaming houses, etc.
- (2) Obstructing entry of police to be evidence of unlawful gaming.

238. Indemnity of witnesses.

239. Betting houses.

239A. Pool betting.

239B. (Inserted by 44 of 1958 repealed by 1961 No. 69).

240. Definitions: lottery: lottery ticket: public lottery.

240A. Offences relating to lotteries.

240B. Recovery of money paid for lottery tickets.

240C. Contract for sale of lottery ticket void.

240D. Saving of certain race club lotteries and sweepstakes.

240E. Lotteries carried on in clubs with approval of Minister.

241. Acting as keeper of brothels, gaming houses, and betting houses.

242. Misconduct with regard to corpses.

## CHAPTER 23

### *Offences against Public Health*

243. (1) Exposing for sale things unfit for food or drink.

(2) Adulteration of food or drink intended for sale.

244. Dealing in diseased meat.

245. Fouling water.

246. Burials in houses.

247. Noxious acts.

248. Sale of matches made with white phosphorus: use of white phosphorus in manufacture of matches.

## CHAPTER 24

### *Idle and disorderly persons; Rogues and Vagabonds; bringing contempt on uniform*

249. Idle and disorderly persons.

250. Rogues and vagabonds.

251. Bringing contempt on uniform.

## PART 5

### *Offence against the person and relating to Marriage and parental Rights and Duties, and against the reputation of individuals*

## CHAPTER 25

### Assaults and violence to the person generally; justification and excuse

252. Definition of assault.

253. Assaults unlawful.

254. Execution of sentence.

255. Execution of process.

256. Execution of warrant.

257. Erroneous sentence or process or warrant.

258. Sentence or process or warrant without jurisdiction.

259. Arrest of wrong person.

260. Irregular process or warrant.

261. Force used in executing process or in arrest.

262.(Repealed by No. 43 of 1945).

263.(Repealed by No. 43 of 1945).

264.(Repealed by No. 43 of 1945).

265.(Repealed by No. 43 of 1945).

266.(Repealed by No. 43 of 1945).

267.(Repealed by No. 43 of 1945).

268.(Repealed by No. 43 of 1945).

269.(Repealed by No. 43 of 1945).

270.(Repealed by No. 43 of 1945).

271. Peace officer preventing escape from arrest.



- 272. Other cases of preventing escape from arrest.
- 273. Preventing escape or rescue after arrest.
- 274. (Repealed by No. 43 of 1945).
- 275. Preventing a breach of the peace.
- 276. Suppression of riot.
- 277. Suppression of riot by peace officers.
- 278. Suppression of riot by person acting under lawful orders.
- 279. Suppression of riot by person acting without order in case of emergency.
- 280. Riot: persons subject to military law or members of the police forces.
- 281. Prevention of offences for which an offender may be arrested without warrant: prevention of violence by persons of unsound mind.
- 282. Defence of dwelling-house.
- 283. Provocation.
- 284. Defence of provocation.
- 285. Prevention of repetition of insult.
- 286. Self-defence against unprovoked assault.
- 287. Self-defence against provoked assault.
- 288. Aiding in self-defence.
- 289. Defence of movable property against trespassers.
- 290. Defence of movable property with claim of right.
- 291. Defence of movable property without claim of right.
- 292. Defence of premises against trespassers: removal of disorderly persons.
- 293. Defence of possession of real property or vessel with claim of right.
- 294. Exercise of right of way or easement.
- 295. Correction of child, servant, etc.

296. Use of force for preserving order on board a vessel.

297. Surgical operations.

298. Excessive force.

299. Consent to death immaterial.

## CHAPTER 26

### *Duties relating to the preservation of human life*

300. Duty to provide necessities.

301. Duty of head of family.

302. Duty of masters.

303. Duty of persons doing dangerous acts.

304. Duty of persons in charge of dangerous things.

305. Duty to do certain acts.

305A. Breach of contract of person employed in certain services.

## CHAPTER 27

### *Homicide; Suicide; Infanticide; Concealment of Birth; Unlawful possession of Human Head*

306. Killing of a human being unlawful.

307. When a child becomes a human being.

308. Definition of killing.

309. Death by acts done at childbirth.

310. Causing death by threats.

311. Acceleration of death.

312. When injury or death might be prevented by proper precaution.

313. Injury causing death in consequence of subsequent treatment.

314. Limitation as to time of death.

315. Unlawful homicide.

- 316. Definition of murder.
- 317. Definition of manslaughter.
- 318. Killing on provocation.
- 319. Punishment of murder: provision for juveniles: provision for pregnant women.
- 320. Attempt to murder.
- 321. Attempt to murder by convict.
- 322. Accessory after the fact to murder.
- 323. Written threats to murder.
- 324. Conspiring to murder.
- 325. Punishment of manslaughter.
- 326. Aiding suicide.
- 327. Attempting to commit suicide.
- 327A. Offence of infanticide.
- 328. Killing unborn child.
- 329. Concealing the birth of children.
- 329A.unlawful possession of human head.

## CHAPTER 28

### *Offences endangering life or health*

- 330. Disabling in order to commit felony or misdemeanour.
- 331. Stupefying in order to commit felony or misdemeanour.
- 332. Acts intended to cause grievous harm or prevent arrest.
- 333. Preventing escape from wreck.
- 334. Intentionally endangering safety of persons travelling by railway.
- 335. Grievous harm.

- 336. Attempting to injure by explosive substances.
- 337. Maliciously administering poison with intent to harm.
- 338. Wounding and similar acts.
- 339. Failure to supply necessities.
- 340. Endangering life or health of apprentices or servants.
- 341. Abandoning or exposing children.
- 342. Setting man-trap.
- 343. Reckless and negligent acts.
- 344. Negligent acts causing harm.
- 345. Sending unseaworthy ship to sea.
- 346. Endangering safety of person travelling by railway.
- 347. Endangering steamships by tampering with machinery.
- 348. The like by engineers.
- 349. Evading laws as to shipping dangerous goods.
- 350. Landing, etc., explosives.

## CHAPTER 29

### *Assaults*

- 351. Punishment of assault.
- 352. Assault with intent to commit unnatural offence.
- 353. Indecent assault on males.
- 354. Assaults on persons protecting wrecks.
- 355. Assaults occasioning harm.
- 356. Serious assaults.

## CHAPTER 30

*Assaults on females: abduction*

- 357. Definition of rape.
- 358. Punishment of rape.
- 359. Attempt to commit rape.
- 360. Indecent assaults on females.
- 361. Abduction.
- 362. Abduction of girls under sixteen.
- 363. Ignorance of age of girl, or consent, no defence.

CHAPTER 31

*Offences against liberty: slave dealing*

- 364. Kidnapping.
- 365. Deprivation of liberty.
- 366. Compelling action by intimidation.
- 367. Compelling action by assault.
- 368. Concealment of matters affecting liberty.
- 369. Slave dealing.

CHAPTER 32

Offences relating to marriage and parental rights and duties

- 370. Bigamy.
- 371. Child-stealing.
- 372. Desertion of children.

CHAPTER 33

*Defamation*

- 373. Definition of defamatory matter.
- 374. Definition of publication.

- 375. Publication of defamatory matter.
- 376. Publishing defamatory matter with intent to extort.
- 377. Publication of truth for public benefit.
- 378. Cases in which publication is absolutely privileged.
- 379. Cases in which publication is conditionally privileged.
- 380. Publication in a periodical.
- 381. Protection of innocent sellers of books and newspapers.

## PART 6

### *Offences relating to property and contracts*

#### DIVISION 1

#### *Stealing and like offences*

#### CHAPTER 34

#### *Stealing*

- 382. Things capable of being stolen.
- 383. Definition of stealing.
- 384. Special cases.
- 385. Funds, etc., held under direction.
- 386. Funds, etc., received by agents for sale.
- 387. Money received for another.
- 388. Stealing by persons having an interest in the thing stolen.
- 389. Husband and wife.
- 390. Punishment of stealing.

#### *Punishment in special cases*

(1) Stealing wills.

(2) Stealing postal matter, etc.

- (3) Stealing cattle.
- (4) Stealing from the person; stealing goods in transit, etc.
- (5) Stealing by persons in public service.
- (6) Stealing by clerks and servants.
- (7) Stealing by directors or officers of companies.
- (8) Stealing by agents, etc.
- (9) Stealing property of value of ₦1,000.
- (10) Stealing by tenants or lodgers.
- (11) Stealing after previous conviction.

## CHAPTER 35

### *Offences analogous to stealing*

- 391. Concealing registers.
- 392. Concealing wills.
- 393. Concealing deeds.
- 394. Killing animals with intent to steal.
- 395. Severing with intent to steal.
- 396. Fraudulently dealing with minerals in mines.
- 397. Bringing stolen goods into Nigeria.
- 398. Fraudulent disposition of mortgaged goods.
- 399. Definition of mortgaged goods; consent of mortgagee.
- 400. Fraudulent appropriation of power.

## CHAPTER 36

### *Stealing with violence: extortion by threats*

- 401. Definition of robbery.
- 402. Punishment of robbery.

- 403. Punishment for attempted robbery, etc.
- 403A. Conspiracy to commit robbery.
- 403B. Definition of firearms and offensive weapons.
- 404. Public servants demanding property, etc.
- 405. Assault with intent to steal.
- 406. Demanding property with menaces with intent to steal.
- 407. Demanding property by written threats.
- 408. Attempts at extortion by threats.
- 409. Procuring execution of deeds, etc., by threats.

#### CHAPTER 37

##### *Burglary: housebreaking: and like offences*

- 410. Definitions.
- 411. Housebreaking: burglary.
- 412. Entering dwelling-house with intent to commit felony.
- 413. Breaking into building and committing felony.
- 414. Breaking into building with intent to commit felony.
- 415. Breaking into place of worship and committing felony.
- 416. Breaking into place of worship with intent to commit felony.
- 417. Persons found armed, etc., with intent to commit felony.

#### CHAPTER 38

##### *Obtaining property by false pretences: cheating*

- 418. Definition.
- 419. Obtaining goods by false pretences.
- 419A. Obtaining credit by false pretences or other fraud.
- 419B. Presumption as to false pretences in certain circumstances.



420. Obtaining execution of a security by false pretences.

421. Cheating.

422. Conspiracy to defraud.

423. Frauds on sale or mortgage of property.

424. Pretending to exercise witchcraft or tell fortunes.

425. Obtaining registration, etc., by false pretences.

426. (Repealed by Ordinance No. 20 of 1955).

## CHAPTER 39

### *Receiving property stolen or fraudulently obtained and like offences*

427. Receiving stolen property, etc.

428. Unlawful possession of arms, etc., belonging to Armed or Police Forces.

429. Receiving after change of ownership.

430. Having possession of thing reasonably suspected of having been stolen.

431. Unlawfully using animals or vehicles.

432. Suspicion of stealing animals.

433. Taking reward for recovery of property obtained by means of felony or misdemeanour.

## CHAPTER 40

### *Frauds by trustees and officers of companies and corporations: false accounting*

434. Trustees fraudulently disposing of trust property.

435. Directors and officers of corporations or companies fraudulently appropriating property or keeping fraudulent accounts, or falsifying books or accounts.

436. False statements by officials of Companies.

437. Defence.

438. Fraudulent false accounting.

439. False accounting by public officer.

## DIVISION 2

### *Injuries to property*

#### CHAPTER 41

##### *Definitions*

440. Unlawful acts.

441. Acts done with intent to defraud.

442. Damage.

#### CHAPTER 42

##### *Offences*

443. Arson.

444. Attempts to commit arson.

445. Setting fire to crops and growing plants.

446. Attempting to set fire to crops, etc.

447. Casting away ships.

448. Attempts to cast away ships.

449. Obstructing and injuring railways.

450. Injuring animals.

451. Malicious injuries in general.

##### *Punishment in special cases*

(1) Destroying or damaging an inhabited house or a vessel with explosives.

(2) River bank or wall, navigation works or bridges.

(3) Wills and registers.

(4) Wrecks.

(5) Railways.

(6) Other things of special value.

(7) Deeds and records.

- 452. Attempts to destroy property by explosives.
- 453. Attempts to injure mines.
- 454. Interfering with signals used for purposes of navigation.
- 455. Interfering with navigation works.
- 456. Communicating infectious diseases to animals.
- 457. Removing boundary marks with intent to defraud.
- 458. Wilful damage, etc., to survey and boundary marks.
- 459. Obstructing railways.
- 459A. Obstructing aircraft.
- 459B. Trespass on aerodrome.
- 460. Penalties for damage, etc., to railway works.
- 461. Sending letters threatening to burn or destroy.
- 462. Arrest without warrant.

### DIVISION 3

*Forgery and like offences:*

*Personation*

### CHAPTER 43

*Forgery in general*

*Definitions*

- 463. Definitions.
- 464. Further definitions.
- 465. Definition of forgery.
- 466. Certain matters immaterial.

### CHAPTER 44

*Punishment of forgery and like offences*

467. Punishment of forgery in general.

Punishment in special cases

(1) Public seals, etc.

(2) Securities, titles, registers, etc.

(3) Documents relating to revenue and acts of State, etc.

(4) Court seals, records, process, evidence, etc.

(5) Telegrams.

468. Uttering false documents and counterfeit seals.

469. Uttering cancelled or exhausted documents.

470. Uttering cancelled stamps.

471. Procuring execution of documents by false pretences.

472. Obliterating crossings on cheques.

473. Making documents without authority.

474. Demanding property upon forged testamentary instruments.

475. Purchasing forged bank notes.

476. Falsifying warrants for money payable under public authority.

477. Falsification of register.

478. Sending false certificate of marriage to registrar.

479. False statements for the purpose of registers of births, deaths and marriages.

CHAPTER 45

*Preparation for forgery*

480. Instruments and materials for forgery.

480A. Unlawful inquiries relating to the possibility of forgery.

481. Counterfeit stamps.

482. Paper for postal purposes.

483. Paper and dies for postage stamps.

#### CHAPTER 46

##### *Personation*

484. Personation in general.

485. Falsely acknowledging deeds, recognisances, etc.

486. Personation of a person named in a certificate.

487. Lending, etc., certificate for personation.

488. Personation of person named in a testimonial or character.

489. Lending, etc., testimonial for personation.

#### DIVISION 4

##### *Offences connected with trade and breach of contract*

#### CHAPTER 47

##### *Fraudulent debtors*

490. Fraudulent dealing with property by debtors.

#### CHAPTER 48

##### *Offences in relation to copyright*

491. Making or dealing in infringing copies of copyright work.

492. Being in possession of plate for making infringing copies: giving unauthorised performances of copyright work.

493. Forfeiture of copies or plates.

#### CHAPTER 49

##### *Secret commissions and corrupt practices*

494. (1) (a) Corrupt acceptance of gift.

(b) Corrupt gift to agent.

(c) Gift to agent of receipt, etc., with intent to mislead principal.

PART 7

*Miscellaneous offences*

CHAPTER 50

*Cruelty to animals*

- 495. Offences of cruelty.
- 496. Court may order destruction of animal.
- 497. Court may deprive person of ownership.
- 498. Power of police to take charge of animal or vehicle.
- 499. Definitions.

CHAPTER 51

*Miscellaneous offences in relation to ships and wharves*

- 500. Interpretation.
- 501. Offences in relation to ships.
- 502. Entering ship or wharf without ticket.
- 503. Power to exclude drunken person from ship.
- 504. jurisdiction.

CHAPTER 52

*Offences by members of a crew*

- 505. Interpretation.
- 506. Obligation to complete voyage.
- 507. Offences by members of a crew.

PART 8

*Preparation to commit offences*

*Conspiracy: accessories after the fact*

CHAPTER 53

*Attempts, incitements, and preparations to commit offences*

*Neglect to prevent commission of felony*

- 508. Attempts to commit offences.
- 509. Punishment of attempts to commit felonies.
- 510. Punishment of attempts to commit misdemeanours.
- 511. Punishment of attempts to commit simple offences.
- 512. Reduction of punishment.
- 513. Attempts to procure commission of criminal acts.
- 514. Preparation to commit crimes with explosives, etc.
- 515. Neglect to prevent felony.

CHAPTER 54

*Conspiracy*

- 516. Conspiracy to commit felony.
- 516A. Conspiracy to commit felony against law of a State.
- 517. Conspiracy to commit offence.
- 517 A. Conspiracy to commit offence against law of a State.
- 518. Other conspiracies.
- 518A. Conspiracy in trade dispute.

CHAPTER 55

*Accessories after the fact*

- 519. Accessories after the fact to felonies.
- 520. Accessories after the fact to misdemeanours.
- 521. Accessories after the fact to simple offences.

## CRIMINAL CODE ACT

### **An Act to establish a code of criminal law.**

[F & L. 1958. Cap. 42. 44 of 1958.25 of 1960.30 of 1960.49 of 1960. 1961 No. 51. 1961 No. 69. 1966 No. 44. 1966 No. 84. 1967 No.2. 1969 No. 26. Cap. 85. 1971 No. 20. 1972 No.9. L.N. 148 of 1959. L.N. 257 of 1959. L.N. 258 of 1959. L.N. 22 of 1960. L.N. 15 of 1960. L.N. 112 of 1964. L.N. 139 of 1965.]

[1st June, 1916]

[Commencement.]

#### **1. Short title**

This Act may be cited as the Criminal Code Act.

#### **1A. Savings in respect of Northern States**

The provisions of this Act shall take effect subject to the provisions of the Penal Code (Northern States) Federal Provisions Act.

[Cap. P3.]

#### **2. The Criminal Code and extent**

(1) The provisions contained in the Code of Criminal Law set forth in the Schedule to this Act, and hereinafter called "the Code", shall, except to the extent specified in subsection (2) of this section, be State laws with respect to the several matters therein dealt with.

[Schedule.]

(2) The provisions contained in the Code which relate to any matter contained in the First Schedule to the Constitution of the Federal Republic of Nigeria, shall be the law of the Federal Republic of Nigeria with respect to the several matters therein dealt with.

[Cap. C23. L.N. 112 of 1964. L.S.L.N. 16 of 1972. L.N. 155 of 1960.]

(3) The Code may be cited as the Criminal Code.

[L.N. 112 of 1964. Cap. C38. L.N. 47 of 1955.]

(4) The provisions of Chapters 2, 4 and 5 of the Criminal Code shall apply in relation to any offence against any Order, Act, Law, or Statute and to all persons charged with any such offence.

#### **3. Construction of Acts, laws, rules, regulations, and other instruments**

The following rules shall, unless the context otherwise indicates, apply with respect to the construction of Acts, laws and other instruments-



[L.N. 112 of 1964.]

(1) When in any Act, Law or other instrument, public or private, the term "felony" is used, or reference is made to an offence by the name of felony, it shall be taken that reference is intended to be an offence which is a felony under the provisions of the Code.

(2) When in any Act, law or other instrument, public or private, the term "larceny" is used, it shall be taken that reference is intended to be the offence of stealing.

(3) When in any Act, law or other instrument, public or private, reference is made to any offence by any specific name, it shall be taken that reference is intended to be the offence which, under the provisions of the Code, is constituted by the act or omission that would heretofore have constituted the offence referred to.

(4) When in any Act, law or other instrument, public or private, reference is made to any of the provisions hereby repealed, it shall be taken that reference is intended to be the corresponding provisions or substituted provisions of the Code.

#### **4. Provisions of Code, exclusive with certain exceptions**

No person shall be liable to be tried or punished in any court in Nigeria for an offence except under the express provisions of the Code or of some Act or law which is in force in, or forms part of, the laws of Nigeria:

Provided that, in the case of an offence committed before the commencement of this Act, the offender may be tried and punished either under the law in force when the offence was committed, or under the Code, provided that, the offender shall not be punished to any greater extent than was authorised by the former law.

#### **5. Civil remedies**

When by the Code any act is declared to be lawful, no action can be brought in respect thereof.

#### **Savings**

Except as aforesaid, the provisions of this Act shall not affect any right of action which any person would have had against another if this Act had not been passed; nor shall the omission from the Code of any penal provision in respect of any act or omission which, before the time of the coming into operation of the Code, constituted an actionable wrong, affect any right of action in respect thereof.

#### **6. Contempt of court**

Nothing in this Act or in the Code shall affect the authority of courts of record to punish a person summarily for the offence commonly known as contempt of court; but so that a person cannot be so punished and also punished under the provisions of the Code for the same act or omission.

#### **7. Printing of amendments**

Whenever any amendment is made in the Code, all copies thereof printed by the Federal Government Printer after the amendment shall be so printed as to set forth the actual provisions of the Code after omitting all repealed provisions or words, and embodying all newly enacted or substituted provisions or words.

## SCHEDULE

[Section 2 (1).]

### *The Criminal Code*

#### PART 1

##### *Introductory*

#### INTERPRETATION: APPLICATION: GENERAL PRINCIPLES

#### CHAPTER 1

##### *Interpretation*

### **1. Interpretation**

(1) In this Code, unless the context otherwise requires-

**"brothel"** means any premises or room or set of rooms in any premises kept for purposes of prostitution;

**"Christian 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 to the exclusion of all others;

**"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;

**"company"** means an incorporated company;

**"court", "a court", "the court"**, includes-

- (a) the High Court and the Chief Judge and other Judges of the High Court;
- (b) a magistrate being engaged in any judicial act or proceeding or inquiry;

- (c) an administrative officer being engaged in any judicial act or proceeding or inquiry;
- (d) the Federal High Court and the Chief Judge and other Judges of that Court;
- (e) the Court of Appeal and the President and the Justices thereof sitting together or separately;
- (f) the Supreme Court, and the Justices thereof sitting together or separately;

**"criminally responsible"** means liable to punishment as for an offence;

**"criminal responsibility"** means liability to punishment as for an offence;

**"dangerous harm"** means harm endangering life;

**"dwelling-house"** 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 the residence therein of himself, 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 dwelling-house is deemed to be part of the dwelling-house if there is a communication between such building or structure and the dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to other, but not otherwise;

**"explosive substance"** includes a gaseous substance in such a state of compression as to be capable of explosion;

**"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 so 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 whatever, 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 Justices of the Court of Appeal, the Chief Judge and Judges of the Federal High Court, the Chief Justice of Nigeria and a Justice of the Supreme Court, and when engaged in any judicial act or proceeding or inquiry, an administrative officer;

**"knowingly"** used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

**"law officer"** means the Attorney-General and the Solicitor-General of the Federation, and includes the Director of Public Prosecutions 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 the local government council of the local government area;

**"mail"** includes any conveyance of any kind by which postal matter is carried, and also any vessel employed by or under the Nigerian Postal Service, or the postal authority of any other country, or the Admiralty, for the conveyance of postal matter, under contract or not, and also a ship of war or other vessel in the service of the Federation in respect of letters conveyed by it and also a person or animal used for the conveyance or delivery of postal matter;

**"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;

**"officer of the Nigerian Postal Service"** includes the Post Master General, and every agent, officer, clerk, sorter, messenger, letter carrier, post boy, rider, or any other person employed in the business of the post office, whether employed by the Civil Services Commission of the Federation or any person on behalf of the post office;

**"Order in Council"** when used in connection with the terms ordinance and statute includes any relevant Order in Council of the United Kingdom applicable to Nigeria;

**"packet boat"** means a post office packet and includes any other vessel so employed in conveying postal matters by the Nigerian Postal Service;

**"peace officer"** includes any magistrate and any police officer of or above the rank of assistant superintendent;

**"person" and "owner"** and other like terms, when used with reference to property, include corporations of all kinds, and any other association of persons capable of owning property; and also, when so used, include the State;

**"person employed by or under the Nigerian Postal Service"** includes an officer of the said Service and a telegraph official;

**"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-

(1) 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

(2) any office to which a person is appointed by or under the Constitution of the Federal Republic of Nigeria or any enactment; or

(3) 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 sub-heads of this section; or

(4) 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

(5) a member of a commission of inquiry appointed under any Act or law,

and the said term further includes-

(1) any justice of the peace;

(2) any person employed to execute any process of a court;

(3) all persons belonging to the military or police forces of Nigeria;

(4) all persons in the employ of any government department;

(5) 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;

(6) a person employed by a head chief in connection with any powers or duties exercised or performed by such chief under any Act or law or with the consent of the President or a Governor;

(7) a person in the employ of a local authority;

(8) 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 police force;

**"postal matter"** includes any letter, newspaper, packet, parcel or other thing, authorised by law to be transmitted by post, which has been posted or received at a post office for delivery or transmission by post, and which is in course of transmission by post, and any movable receptacle which contains any such thing, and which is in course of transmission by post:

A thing is deemed to be in course of transmission by post or telegraph from the time of its being delivered to a post or telegraph office to the time of its being delivered to the person to whom it is addressed:

A delivery at the house or office of the person to whom any postal matter or telegram is addressed, either to him or to some person apparently authorised to receive it according to the usual manner of delivering postal matter or telegrams addressed to him, is deemed a delivery to such first-named person;

**"postal matter bag"** includes any bag, or box, or parcel, or other envelope or covering, in which postal matter is conveyed, whether it does or does not contain postal matter;

**"post office" and "telegraph office"** respectively, includes any structure, room, place or receptacle, of any kind, appointed in pursuance of the Nigerian Postal Service Act or, as the case may be, of the Wireless Telegraphy Act for the receipt, despatch, or delivery, of any postal matter or telegram, or for the transaction of the business of the department relating to posts and telegraphs; and **"telegraph office"** includes any room or place used by a telegraph company for the receipt, despatch or delivery of telegrams;

[Cap. N127. Cap. W5.]

**"property"** includes everything, animate or inanimate, capable of being the subject of ownership; **"prostitution"** (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment although there is no act or offer of an act or 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 conditions or upon 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 so done in any public place as to be likely to be seen by any person, whether such person be, or be not, in a public place; or

(b) if they are so done in any place, not being a public place, as to be likely to be seen by any person in any public place;

**"railway"** includes every kind of way on which vehicles are borne upon a rail or rails, whatever may be the means of propulsion;

**"railway servant"** means any person employed by a railway administration in connection with the services of a railway;

**"Statute"** means a statute of the Imperial Parliament which is in force in, or forms a part of the law of, Nigeria;

**"telegram"** means any message or other communication transmitted or intended for transmission by telegraph, and includes a written or printed message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph, or delivered or prepared for delivery from a telegraph office or post office as a message or communication transmitted by telegraph for delivery;

**"telegraph"** means a wire or wires used for the purpose of telegraphic communications, with any casing, coating, tube, or pipe enclosing the same, and any apparatus connected therewith, for the purpose of telegraphic communications, and includes a telephone, and submarine cable; it also includes any apparatus for transmitting messages or other communications by means of electric signals, whether with or without the aid of wires;

**"telegraph company"** means any company, corporation or person, authorised under the provisions of any Act to carry on the business of sending telegrams for the public;

**"telegraph official"** means any person employed in the Nigerian Postal Service or by a telegraph company in and about the reception, transmission, and delivery of telegrams, or in the construction, maintenance, or setting up of telegraphs;

**"telegraph post"** includes a post, pole, standard, stay, strut, or other above-ground contrivance for carrying, suspending, or supporting a telegraph, and also includes a tree used for a like purpose;

**"telegraph works"** includes any wire insulator or telegraph post, and also any instrument, furniture, plant, office, building, machinery, engine, excavation, work, matter, or thing of whatever description, in any way connected with a telegraph;

**"uncorroborated testimony"** means testimony which IS not corroborated in some material particular by other evidence implicating the accused person;

**"utter"** includes using or dealing with, and attempting to use or deal with, and attempting to induce any person to use, deal with, or act upon the thing in question;

**"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 ship, a 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 purpose of this definition, which can be touched without dividing or piercing any other membrane.

## **2. Definition of offence**

An act or omission which renders the person doing the act or making the omission liable to punishment under this Code, or under any Act, or law, is called an offence.

## **3. Division of offences**

Offences are of three kinds, namely, felonies, misdemeanors, and simple offences.

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 years or more.

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

All offences, other than felonies and misdemeanors, are simple offences.

## **4. Attempts to commit offences**

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 fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

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

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

## **5. Arrest without warrant**

The expression **"the offender may be arrested without warrant"** means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in question, either generally or 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.

Except when otherwise stated, the fact that an offence is within the definition of a felony as set forth in this Code imports that the offender may be arrested without warrant.



The expression "**the offender cannot be arrested without warrant**" means that the provisions of this Code 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.

## **6. Carnal knowledge**

When the term "**carnal knowledge**" or the term "**carnal connection**" is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration.

"**unlawful carnal knowledge**" means carnal connection which takes place otherwise than between husband and wife.

## **CHAPTER 2**

### **Parties to offences**

## **7. Principal offenders**

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 or aiding another person to commit the offence;
- (c) every person who aids another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

In the fourth case, he may be charged either with himself committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, that act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

## **8. Offences committed in prosecution of common purpose**

When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that

its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

### **9. Mode of execution immaterial**

When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

In either case, the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

### **10. Accessories after the fact**

A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence.

A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; nor by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

In this section the terms "**wife**" and "**husband**" mean respectively the wife and husband of a Christian marriage.

## **CHAPTER 3**

### **Application of Criminal Law**

#### **10A. Interpretation**

(1) In this Chapter-

[L.N. 155 of 1960.]

**"Federal law"** means any Act enacted by the National Assembly having effect with respect to the Federation and any Act 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;

[Cap. C23.]

**"law of a State"** means any written law enacted by the House of Assembly of the State or having effect as if it were enacted by the said House of Assembly;

"law" includes any order, rule of court, regulation or proclamation made under the authority of such law.

### **11. Effect of changes in law**

A person shall not be punished for doing or omitting to do an act unless the act or omission constituted an offence under the law in force when it occurred.

### **12. Application of code as to offences wholly or partially committed in Nigeria**

Where by the provisions of any Federal law the doing of any act or the making of any omission constituted an offence, those provisions shall apply to every person who is in Nigeria at the time of his doing the act or making the omission.

With regard to such offences which are of such a nature that they comprise several elements, if any acts or omissions or events actually occur, which, if they all occurred in Nigeria, would constitute an offence and any of such acts or omissions or events occur in Nigeria, although all or some of the other acts or omissions or events which, if they occurred in Nigeria, would be elements of the offence occur elsewhere than in Nigeria; then-

(1) if the act or omission, which in the case of an offence wholly committed in Nigeria would be the initial element of the offence, occurs in Nigeria, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment, as if all the subsequent elements of the offence had occurred in Nigeria; and

(2) if that act or omission occurs elsewhere than in Nigeria, and the person who does that act or makes that omission afterwards comes into Nigeria, he is by such coming into Nigeria guilty of an offence of the same kind, and is liable to the same punishment, as if that act or omission had occurred in Nigeria and he had been in Nigeria when it occurred.

But in any such case it is a defence to the charge to prove that the accused person did not intend that the act or omission should have effect in Nigeria. This section does not extend to a case in which the only material event that occurs in Nigeria is the death in Nigeria of a person whose death is caused by an act, done or omitted to be done, at a place not in Nigeria and at a time when he was not in Nigeria.

### **12A. Offences against laws of a State**

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

(2) With regard to any such offence which is of such a nature that it comprises several elements, if any acts or omissions or events actually occur, which, if they all occurred in the State, would constitute an offence, and any of such acts or omissions or events occur in the State, although all or some of the

other acts or omissions or events which, if they occurred in the State, would be elements of the offence, occur elsewhere than in the State, then-

- (a) if the act or omission, which in the case of an offence committed wholly in the State would be the initial element of the offence, occurs in the State, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment as if all the subsequent elements of the offence had occurred in the State; and
- (b) if that act or omission occurs elsewhere than in the State, and the person who does that act or makes that omission afterwards comes into the State, he is by such coming into the State guilty of an offence of the same kind and is liable to the same punishment, as if that act or omission had occurred in the State and he had been in the State when it occurred.

But in any such case, it is a defence to the charge to prove that the accused person did not intend that the act or omission should have effect in the State. This subsection does not extend to a case in which the only material event that occurs in the State is the death in the State of a person whose death is caused by an act, done or omitted to be done, at a place not in the State and at a time when he was not in the State.

### **13. Offences procured or counselled by persons out of Nigeria**

(1) Any person who, having while out of Nigeria procured another to do or omit to do in Nigeria an act of such a nature that if he had himself done the act or made the omission in Nigeria, he would have been guilty of an offence, afterwards comes into Nigeria, is by such coming into Nigeria guilty of an offence of the same kind, and is liable to the same punishment, as if he himself had done the act or made the omission in Nigeria.

Any person who, having while out of Nigeria counselled or procured the commission of an offence which is actually committed in Nigeria, afterwards comes into Nigeria, is by such coming into Nigeria guilty of an offence of the same kind, and is liable to the same punishment, as if he had been in Nigeria when the offence was committed.

(2) In this section, "**offence**" means an offence against any Federal law.

#### **13A. Offences against State laws procured, etc., outside the State**

The provisions of section 13 shall apply in relation to offences against a law of the State as they apply in relation to offences against a Federal law but as if references to Nigeria were references to the State.

### **14. Offences procured in Nigeria to be committed out of Nigeria**

Any person who, while in Nigeria, procures another to do an act or make an omission at a place not in Nigeria of such a nature that, if he had himself done the act or made the omission in Nigeria, he would

have been guilty of an offence, and that, if he had himself done the act or made the omission, he would have been guilty of an offence under the laws in force in the place where the act or omission is done or made, is guilty of an offence of the same kind, and is liable to the same punishment, as if the act had been done or the omission had been made in Nigeria.

#### **14A. Offences procured in the State to be committed out of the State**

Any person who, while in a State, 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, is guilty of an offence of the same kind, and is liable to the same punishment, as if the act had been done or the omission had been made in the State.

#### **15. Armed forces and police forces**

Members of the armed forces and of the police force of Nigeria are subject to the special laws relating to the forces to which they respectively belong, but are not exempt from the provisions of this Code.

[L.N. 112 of 1964.]

#### **16. (Repealed by No. 43 of 1945).**

### **CHAPTER 4**

#### *Punishments*

#### **17. Kinds of punishments**

Subject to the provisions of any other written law, the punishments which may be inflicted under this Code are death, imprisonment, caning, fine and forfeiture.

[1960 No. 30.]

#### **18. Caning for male persons under seventeen**

Whenever a male person who, in the opinion of the court, has not attained seventeen years of age, has been found guilty of any offence the court may, in its discretion, order him to be caned in addition to or in substitution for any other punishments to which he is liable.

#### **19. Forfeiture of bribes**

When any person is convicted of an offence under section 98, 98A, 98B, 99, 112, 117, 126, 128 or 494 of this Code, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture to the State of any property which has passed in connection with the commission of the offence or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of such property, and any property or sum so forfeited shall be dealt with in such manner as

the Governor may direct. Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of the payment of a fine.

[1960 No. 30. 1966 No. 84. 1960 No. 30. L.N. 112 of 1964.]

## **20. Forfeiture of property used in postal offences**

When any person is convicted of an offence under section 170, 175, 177, 179, 180 or 183 of this Code, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture of any personal property which has been used in the commission of the offence or in respect of which the offence has been committed and may order such property to be destroyed or otherwise dealt with as to it may seem fit.

## **21. Prerogative**

Nothing in this Code affects the prerogative of mercy where exercised in accordance with the Constitution of the Federal Republic of Nigeria.

[L.N. 112 of 1964. Cap. C23.]

## **CHAPTER 5**

### *Criminal responsibility*

## **22. Ignorance of law**

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.

## **23. Bona fide claim of right**

A person is not criminally responsible, as for 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 an honest claim of right and without intention to defraud.

## **24. Intention: motive**

Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

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

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**

A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things, 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 to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

## **26. Extraordinary emergencies**

Subject to the express provisions of this Code relating to acts done upon 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.

## **27. Presumption of sanity**

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

## **28. Insanity**

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 disease or natural mental infirmity 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.

A person whose mind, at the time of his doing or omitting to do an act, is affected by delusions on some specific matter or matters, but who is not otherwise entitled to the benefit of the foregoing provisions of this section, is criminally responsible for the act or omission to the same extent as if the real state of things had been such as he was induced by the delusion to believe to exist.

## **29. Intoxication**

(1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof 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 and-

- (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or

- (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.
- (3) Where the defence under the preceding subsection is established, then in a case falling under paragraph (a) thereof, the accused person shall be discharged, and in a case falling under paragraph (b), sections 229 and 230 of the Criminal Procedure Act shall apply.
- (4) 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.
- (5) 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 seven years is not criminally responsible for any act or omission.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

### **31. Judicial officers**

Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

### **32. Justification and excuse: compulsion**

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 of the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful;
- (3) when the act is reasonably necessary in order to resist actual and unlawful violence threatened to him, or to another person in his presence;
- (4) when he does or omits to do the act in order to save himself from immediate death or grievous harm threatened to be inflicted upon him by some person actually present and in a position to



execute the threats, and believing himself to be unable otherwise to escape the carrying of the threats into execution,

but this protection does not extend to an act or omission which would constitute an offence punishable with death, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has by entering into an unlawful association or conspiracy rendered himself liable to have such threats made to him.

Whether an order is or is not manifestly unlawful is a question of law.

### **33. Compulsion of husband**

A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband.

But a wife of a Christian marriage is not criminally responsible for doing or omitting to do an act which she is actually compelled by her husband to do or omit to do, and which is done or omitted to be done in his presence, except in the case of an act or omission which would constitute an offence punishable with death, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, in which case the presence of her husband is immaterial.

### **34. No conspiracy between husband and wife alone**

A husband and wife of Christian marriage are not criminally responsible for a conspiracy between themselves alone.

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

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

### **36. Liability of husband and wife for offences committed by either with respect to the other's property**

When a husband and wife of a Christian marriage are living together, neither of them incurs any criminal responsibility for doing or omitting to do any act with respect to the property of the other, except in the case of an act or omission of which an intention to injure or defraud some other person is an element, and except in the case of an act done by either of them when leaving or deserting, or when about to leave or desert, the other.

Subject to the foregoing provisions, a husband and wife are, each of them, criminally responsible for any act done by him or her with respect to the property of the other, which would be an offence if they were not husband and wife, and to the same extent as if they were not husband and wife.

But in the case of a Christian marriage neither of them can institute criminal proceedings against the other while they are living together.

In this section, the term "**property**" used with respect to a wife means her separate property.

## PART 2

### Offences against public order

## CHAPTER 6

### Treason and certain other offences

#### **37. Treason**

(1) Any person who levies war against the State, in order to intimidate or overawe the President or the Governor of a State, is guilty of treason, and is liable to the punishment of death.

[L.N. 112 of 1964. 1967 No. 27.]

(2) Any person conspiring with any person, either within or without Nigeria, to levy war against the State with intent to cause such levying of war as would be treason if committed by a citizen of Nigeria, is guilty of treason and is liable to the punishment of death:

Provided that nothing in this section shall prevent any act from being treason which is so by the laws of England as in force in Nigeria.

(3) (Inserted by L.N. 112 of 1964 and deleted by L.N. 139 of 1965).

#### **38. Instigating invasion of Nigeria**

Any person who instigates any foreigner to invade Nigeria with an armed force is guilty of treason, and is liable to the punishment of death.

#### **39. Provision as to juvenile offenders and pregnant women**

(1) Where an offender who, in the opinion of the court, had not attained the age of seventeen years at the time the offence was committed, has been found guilty of an offence against either section 37 or 38 of this Code, such offender shall not be sentenced to death but shall be ordered to be detained during the pleasure of the President and upon such an order being made the provisions of Part 44 of the Criminal Procedure Act shall apply.

[1066 No. 84. L.N. 112 of 1964. 1967 No. 27. Cap. C41.]

(2) Where a woman who has been convicted of an offence against either section 37 or 38 of this Code alleges she is pregnant, or where the judge before whom she is convicted considers it advisable to have inquiries made as to whether or not she be pregnant, the procedure laid down in section 376 of the Criminal Procedure Act shall first be complied with.

#### **40. Concealment of treason**

Any person who-

[1967 No. 27.]

- (a) becomes an accessory after the fact to treason; or
- (b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the President or the Governor of the State or a peace officer, or use other reasonable endeavours to prevent the commission of the offence, is guilty of a felony and is liable to imprisonment for life.

#### **41. Treasonable felonies**

Any person who forms an intention to effect any of the following purposes, that is to say-

[L.N. 112 of 1964. 1967 No. 27.]

- (a) to remove during his term of office otherwise than by constitutional means the President as Head of State of the Federation and Commander-in-Chief of the Armed Forces thereof; or
- (b) to likewise remove during his term of office the Governor of a State; or
- (c) to levy war against Nigeria in order by force or constraint to compel the President to change his measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe any House of the National Assembly or any other legislature or legislative authority; or
- (d) to instigate any foreigner to make any armed invasion of Nigeria or any of the territories thereof, and manifests such intention by an overt act, is guilty of a felony and is liable to imprisonment for life.

A person charged with any of the felonies defined in this section is not entitled to be acquitted on the ground that any act proved to have been committed by him constitutes the offence of treason; but a person who has been tried, and convicted or acquitted, on a charge of any such offence, cannot be afterwards prosecuted for treason in respect of the same facts.

#### **42. Promoting inter-communal war**

Any person who, without lawful authority, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by, or against, any traditional chief, or with, for, by, or against any band of citizens, is guilty of a felony and is liable to imprisonment for life.

#### **43. Time for proceeding in cases of treason, concealment of treason or promoting inter-communal war**

A person cannot be tried for treason, or for any of the felonies defined in the three last preceding sections, unless the prosecution is commenced within two years after the offence is committed.

#### **44. Inciting to mutiny**

Any person who advisedly attempts to effect any of the following purposes, that is to say-

[L.N. 112 of 1964.]

- (a) to seduce any person serving in any of the Armed Forces of Nigeria or any member of the Police Force from his duty and allegiance; or
- (b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or
- (c) to incite any such persons to make or endeavour to make a mutinous assembly, is guilty of a felony, and is liable to imprisonment for life.

#### **45. Aiding and inciting to mutinous acts or disobedience of members of armed forces or policemen**

Any person who-

[L.N. 112 of 1964.]

- (a) aids, abets, or is accessory to, any act of mutiny by; or
- (b) incites to sedition or to disobedience to any lawful order given by a superior officer,

any warrant or other officer below commissioned rank and others inferior in rank to them and by whatever name described in any of the Armed Forces of Nigeria or any Police Officer, is guilty of a misdemeanour and is liable to imprisonment for two years and to a fine of four hundred naira.

#### **46. Inducing such persons to desert**

Any person who, by any means whatever, directly or indirectly-

[L.N. 112 of 1964. L.N. 139 of 1963.]

- (a) procures or persuades or attempts to procure or persuade to desert; or
- (b) aids, abets, or is accessory to the desertion of; or
- (c) having reason to believe he is a deserter, harbours or aids in concealing, any warrant or other officer below commissioned rank and others inferior in rank to them and by whatever name described in any of the said armed forces or any police

officer, is guilty of a misdemeanour and is liable to imprisonment for six months and to a fine of one hundred naira.

#### **46A. Causing disaffection among members of armed forces, police or prison officers**

(1) Any person who, by any means whatever, causes or attempts to cause, or does any act calculated to cause disaffection amongst persons serving as-

[L.N. 112 of 1964.]

- (a) members of the Armed Forces of Nigeria;
- (b) Police Officers; or
- (c) Prison Officers,

or does any act calculated to induce any person serving as aforesaid to withhold his services or to commit breaches of discipline, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding six hundred naira or to both such imprisonment and fine and, if a police officer or prison officer, shall forfeit all pension rights and be disqualified for being a police officer or prison officer, as the case may be.

(2) In this section, the expression "**prison officer**" has the same meaning as in subsection (1) of section 10 of the Prisons Act.

#### **47. Effect of proceeding under sections 44 and 45**

A person who has been tried, and convicted or acquitted, on a charge of any of the offences defined in sections 44 and 45 of this Code, cannot be afterwards prosecuted for any other offence defined in this Chapter in respect of the same facts.

#### **48. Assisting or allowing escape of prisoners of war**

Any person who-

[L.N. 112 of 1964.]

- (a) knowingly and advisedly aids an alien enemy of Nigeria, being a prisoner of war in Nigeria, whether such prisoner is confined in a prison or elsewhere, or is suffered to be at large on his parole, to escape from his prison or place of confinement, or, if he is at large on his parole, to escape from Nigeria, is guilty of a felony and is liable to imprisonment for life;
- (b) negligently and unlawfully permits the escape of any such person as is mentioned in subsection (1) of this section is guilty of a misdemeanour and is liable to imprisonment for two years.

#### **49. Overt act**

In the case of any of the offences defined in this Chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

### **CHAPTER 6A**

#### *Treachery*

#### **49A. Death penalty for treachery**

(1) If, with intent to help the enemy in any war in which Nigeria may be engaged, any person does, or attempts to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy, to impede such operations of the armed forces of Nigeria, or to endanger life, he is guilty of felony and liable on conviction to suffer death.

[L.N. 112 of 1964.]

(2) No prosecution in respect of any offence against this section shall be instituted except by, or with the consent of, the Attorney-General or Solicitor-General of the Federation:

Provided that this subsection shall not prevent the arrest, or the issue or the execution of a warrant for the arrest, of any person in respect of any offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the consent of the Attorney-General or Solicitor-General of the Federation to the institution of a prosecution for the offence has not been obtained.

#### **49B. Joinder of charges and place of trial of offences**

(1) Notwithstanding any rule of law or practice, charges for any offences, except treason, may be joined with a charge for any offence against the preceding section in the same charge or information, if those charges are founded on the same facts, or form, or are a part of, a series of offences of the same or a similar character.

[L.N. 112 of 1964.]

(2) A person charged with an offence against this Chapter who is in Nigeria may, whether or not the offence was committed in Nigeria or in any Nigerian ship or aircraft, be taken in custody to any place in Nigeria, and may be proceeded against, charged, tried and punished in any place in Nigeria, as if the offence had been committed in that part of Nigeria, and for all purposes incidental to or consequential on the trial or punishment of the offence it shall be deemed to have been committed in that part of Nigeria.

#### **49C. Extent of Chapter**

The provisions of this Chapter shall apply to anything done by any person in Nigeria.

[L.N. 112 of 1964.]

49D. (Deleted by L.N. 121 of 1964).

## CHAPTER 7

### *Sedition and the importation of seditious or undesirable publications*

#### 50. Interpretation

(1) In this Chapter, unless the context otherwise requires-

**"import"** includes-

[L.N. 112 of 1964. 1967 No. 27.]

- (a) to bring into Nigeria; and
- (b) to bring within the inland waters of Nigeria whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore;

**"periodical publication"** includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

**"publication"** includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

**"seditious publication"** means a publication having a seditious intention;

**"seditious words"** means words having a seditious intention.

(2) A **"seditious intention"** is an intention-

- (a) to bring into hatred or contempt or excite disaffection against the person of the President or of the Governor of a State or the Government of the Federation; or
- (b) to excite the citizens or other inhabitants of Nigeria to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Nigeria as by law established; or
- (c) to raise discontent or disaffection amongst the citizens or other inhabitants of Nigeria; or
- (d) to promote feelings of ill-will and hostility between different classes of the population of Nigeria,

but an act, speech or publication is not seditious by reason only that it intends-

- (i) to show that the President or the Governor of a State has been misled or mistaken in any measure in the Federation or a State, as the case may be; or
- (ii) to point out errors or defects in the Government or Constitution of Nigeria, or of any State thereof, as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (iii) to persuade the citizens or other inhabitants of Nigeria to attempt to procure by lawful means the alteration of any matter in Nigeria as by law established; or
- (iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Nigeria.

(3) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

## **51. Offences**

(1) Any person who-

[L.N. 112 of 1964.]

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;
- (b) utters any seditious words;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- (d) imports any seditious publication, unless he has no reason to believe that it is seditious, is guilty of an offence and liable on conviction for a first offence to imprisonment for two years or to a fine of two hundred naira or to both such imprisonment and fine and for a subsequent offence to imprisonment for three years and any seditious publication shall be forfeited for the State.

(2) Any person who without lawful excuse has in his possession any seditious publication is guilty of an offence and liable on conviction, for a first offence, to imprisonment for one year or to a fine of one hundred naira or to both such imprisonment and fine, and for a subsequent offence, to imprisonment for two years; and such publication shall be forfeited to the State.

## **52. Legal proceedings: evidence**



(1) No prosecution for an offence under section 51 of this Code shall be begun except within six months after the offence is committed.

(2) A person shall not be prosecuted for an offence under section 51 without the written consent of the Attorney-General of the Federation or of the State concerned.

(3) No person shall be convicted of an offence under paragraph (b) of subsection (1) of section 51 of this Code on the uncorroborated testimony of one witness.

### **53. Unlawful oaths to commit capital offences**

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,

is guilty of a felony and is liable to imprisonment for life.

### **54. Other unlawful oaths to commit offences**

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 ways following, that is to say-

(a) to engage in mutinous or seditious enterprise;

(b) to commit any offence not punishable with death, other than a simple offence;

(c) to disturb the public peace;

(d) to be of any association, society, or confederacy formed for the purposes of doing any such acts as aforesaid;

(e) not to inform or give evidence against any associate, confederate or other person;

(f) 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

(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,  
is guilty of a felony and is liable to imprisonment for seven years.

#### **55. Compulsion: how far a defence**

A person who takes any such oath or engagement as is mentioned in the two last preceding sections shall not set up as a defence that he was compelled to do so, unless within fourteen days after taking, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before some peace officer, or, if he is on actual service in the armed forces of Nigeria, or in the police forces, either by such information 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.

[L.N. 112 of 1964.]

#### **56. Effect of prosecution**

A person who has been tried, and convicted or acquitted, on a charge of any of the offences in this Chapter defined, shall not be afterwards prosecuted upon the same facts for the offence of treason, or for the offence of failing, when he knows that any person intends to commit treason, to give information thereof with all reasonable despatch to a peace officer, or use other reasonable endeavours to prevent the commission of the offence.

#### **57. Unlawful drilling**

(1) Any person who-

- (a) without the permission of the President or of the Governor of the State concerned trains or drills any other person to the use of arms or the practice of military exercise, movements, or evolutions; or

[L.N. 112 of 1964. 1967 No. 27.]

- (b) is present at any meeting or assembly of persons, held without the permission of the President or of the Governor of the State concerned, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements, or evolutions,

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

(2) Any person who at any meeting or assembly held without the permission of the President or of the Governor of the State concerned is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of a misdemeanour and is liable to imprisonment for two years.

The offender may be arrested without warrant.

(3) A prosecution for any of the offences defined in this section of this Code shall be begun within six months after the offence is committed.

#### **58. Power to prohibit importation of publications**

(1) If the appropriate Minister is of opinion that the importation of any publication or series of publications would be contrary to the public interest, he may by order prohibit the importation of such publication or series of publications.

[L.N. 258 of 1959. 1967 No. 27.]

(2) If the appropriate Minister is of opinion that it would be in the public interest to do so, he may by order prohibit the importation of all publications published by or on behalf of any organisation or association of persons specified in the order.

(3) An order made under the provisions of subsection (1) of this section shall, unless a contrary intention is expressed therein, have effect-

- (a) with respect to all subsequent issues of such publication; and
- (b) not only with respect to any publication under the name specified in relation thereto in the order, but also with respect to any publication published under any other name if the publishing thereof is in any respect in continuation of, or in substitution for, the publishing of the publication named in the order.

(4) An order under the provisions of subsection (2) of this section shall, unless a contrary intention is expressed therein, have effect not only with respect to all publications published by or on behalf of the organisation or association of persons named therein before the date of the order, but also with respect to all publications so published on or after such date.

(5) An order made under the provisions of subsection (1) or subsection (2) of this section shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order.

#### **Offences**

(6) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under subsection (1) or (2) of this section, or any extract therefrom, is guilty of an offence and liable, on conviction, for a first offence to imprisonment for two years or to a fine of two hundred naira or to both such imprisonment and fine and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to the State.

[L.N. 112 of 1964.]

(7) Any person who without lawful excuse has in his possession any publication, the importation of which has been prohibited under subsection (1) or (2) of this section, or any extract therefrom, is guilty of an offence and liable, on conviction, for a first offence to imprisonment for one year or to a fine of one hundred naira or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to the State.

*Delivery of prohibited publication to police and administrative officers*

(8) (a) Any person to whom any publication, the importation of which has been prohibited under subsection (1) or (2) of this section, or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes into effect, shall forthwith if, or as soon as, the nature of its contents has become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract therefrom to the officer in charge of the nearest police station or to the nearest administrative officer, and in default thereof shall be guilty of an offence and liable, on conviction, to imprisonment for one year or to a fine of one hundred naira or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to the State.

[L.N. 112 of 1964.]

(b) A person who complies with the provisions of paragraph (a) of this subsection or is convicted of an offence under that subsection shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

*Power to examine packages*

(9) (a) Any of the following officers, that is to say-

[1966 No. 84. 1967 No. 27.]

- (i) any officer of the Nigerian Postal Service not below the rank of Assistant Surveyor;
- (ii) any officer of the Nigeria Customs Service not below the rank of Collector;
- (iii) any police officer not below the rank of Assistant Superintendent of Police;
- (iv) any other official authorised in that behalf by the President,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of subsection (6) to import, publish, sell, offer for sale, distribute, reproduce or possess, and during such examination may detain any person importing, distributing, or posting such package or article or in whose possession such package or article is found.

(b) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing, or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under subsection (6) or (8), as the case may be.

#### **59. 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, is guilty of a misdemeanour and liable on conviction to imprisonment for three years.

(2) It shall be no 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 publication, he took reasonable measures to verify the accuracy of such statement, rumour or report.

#### **60. Defamation of persons exercising sovereign authority over a State**

Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to expose to hatred or contempt in the estimation of the people of any foreign State any person exercising sovereign authority over that State, is guilty of a misdemeanour, and is liable to imprisonment for two years.

### **CHAPTER 8**

#### *Offences against the executive and legislative power*

#### **61. Interference with executive or legislative power**

Any person who advisedly does any unlawful act calculated to interfere with the free exercise by the President or a Governor of the duties or authority of his office or with the free exercise by a member of the Federal Executive Council, or a State Executive Council of his duties as such member, is guilty of a felony, and is liable to imprisonment for three years.

[L.N. 2 of 1960. L.N. 112 of 1964. 1967 No. 27.]

The offender cannot be arrested without warrant.

A prosecution for an offence under this section shall not be instituted except by or with the consent of a law officer.

### **CHAPTER 9**

#### *Unlawful societies*

## **62. Definition of society and unlawful society**

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

[L.N. 258 of 1959. 1967 No. 27.]

(2) A society is an unlawful society-

- (i) if 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 Nigeria; or
  - (b) killing or injuring or encouraging the killing or injuring of any person; or
  - (c) destroying or injuring or encouraging the destruction or injuring of any property; or
  - (d) subverting or promoting the subversion of the Government or of its officials; or
  - (e) committing or inciting to 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 Nigeria; or
- (ii) if declared by an order of the President to be a society dangerous to the good government of Nigeria or of any part thereof.

### **62A. Unlawful societies in a State**

Without prejudice to the provisions of section 62 of this Code, a society is an unlawful society if it is declared by an order of the President to be a society dangerous to the good government of Nigeria or of any part thereof, and for such purpose the consent of the Attorney-General of the Federation referred to in section 65 of this Code shall be construed as a reference to the consent of the Attorney-General of the State.

[L.N. 148 of 1959. L.N. 22 of 1960.]

## **63. Managing an unlawful society**

Any person who manages or assists in the management of an unlawful society is guilty of a felony and is liable to imprisonment for seven years.

## **64. Members of unlawful society: persons permitting an unlawful society to meet on their premises**

Any person who-

- (a) is a member of an unlawful society; or
- (b) knowingly allows a meeting of an unlawful society, or of members 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.

#### **65. Provisions relating to prosecution for offences under sections 63 and 64**

(1) A prosecution for an offence under the two last preceding sections shall not be instituted except with the consent of the Attorney-General of the Federation:

[L.N. 148 of 1959.]

Provided that a person charged with such an offence may be arrested or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General of the Federation to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) In any prosecution for an offence under sections 63 and 64 of this Code it shall not be necessary to prove that the society consisted of ten or more members; but it shall be sufficient to prove the existence of a combination of persons, and the onus shall then rest with the accused to prove that the number of members of such combination did not amount to ten.

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

(4) 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 and until the contrary is proved, to be a member of the society.

#### **66. Powers of peace officers in relation to unlawful societies**

Any peace officer, and any officer authorised in writing by a peace officer, may enter with or without assistance any house or building or into any place in which he has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, and to arrest or cause to be arrested all persons found therein and to search such house, building, or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he may have reasonable cause to believe to belong to any unlawful society or to be in any way connected with the purpose of the meeting.

#### **67. Disposition of property of society declared to be an unlawful society**

(1) When a society is declared to be an unlawful society by an order of the President, the following consequences shall ensue-

[L.N. 257 of 1959. 1967 No. 27.]

- (a) the property of the society within Nigeria shall forthwith vest in an officer appointed by the President;
- (b) the officer appointed by the President shall proceed to wind up the affairs of the society, and, after satisfying and providing for all debts and liabilities of the society and the costs of the winding up, if there shall then be any surplus assets, shall prepare and submit to the President a scheme for the application of such surplus assets;
- (c) such scheme, when submitted for approval, may be amended by the President in such way as he shall think proper in the circumstances of the case;
- (d) the approval of the President to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the President, and, upon this being done, the surplus assets, the subject of the scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed;
- (e) for the purpose of the winding up, the officer appointed by the President shall have all the powers vested in a magistrate for the purpose of the discovering of the property of a debtor and the realisation thereof.

(2) The President may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section of this Code for such period as to him shall seem expedient.

(3) The provisions of subsection (1) of this section shall not apply to any property seized at any time under section 66 of this Code.

## **68. Forfeiture**

Subject to the provisions of section 67 of this Code, the insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited to the State and shall be dealt with in such manner as the President may direct.

[L.N. 257 of 1959. L.N. 112 of 1964. 1967 No. 27.]

## **CHAPTER 10**

### *Unlawful assemblies: breaches of the peace*

## **69. Definitions: Unlawful assembly. Riot**

When three 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 tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled; they conduct themselves with a common purpose in such a manner as aforesaid.

An assembly of three or more persons who assemble for the purpose of protecting any house against persons threatening to break and enter the house in order to commit a felony or misdemeanour therein is not an unlawful assembly.

When an unlawful assembly has begun to act in so tumultuous a manner as to disturb the peace, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

#### **70. Punishment of unlawful assembly**

Any person who takes part in an unlawful assembly is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **71. Punishment of riot**

Any person who takes part in a riot is guilty of a felony and is liable to imprisonment for three years.

#### **72. 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 in the Naval, Military or Air Forces of Nigeria in whose view a riot is being committed, or who apprehends 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 Federal Republic in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

[L.N. 112 of 1964.]

#### **73. Dispersion of rioters after proclamation made**

If upon the expiration of a reasonable time after such proclamation is made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorised to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

#### **74. Rioting after proclamation**

If 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 from the making of such proclamation, takes or continues to take part in the riot or assembly is guilty of a felony and is liable to imprisonment for five years.

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

Any person who forcibly prevents or obstructs the making of such proclamation as is in section 75 of this Code, is guilty of a felony and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly is liable to imprisonment for five years.

#### **76. Rioters demolishing buildings, machinery, railway, etc.**

Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy any building, railway, machinery or structures are guilty of a felony and each of them is liable to imprisonment for life.

#### **77. Rioters injuring buildings, machinery, railway, etc.**

Any persons who, being riotously assembled together, unlawfully damage any of the things in section 77 of this Code, are guilty of a felony and each of them is liable to imprisonment for seven years.

#### **78. Smuggling or rescuing goods under arms**

Any persons who assemble together to the number of three or more armed with firearms, bows and arrows, spears, swords, knives, or other dangerous or offensive weapons, in order to effect or aid in effecting any of the following purposes-

- (a) the unlawful shipping, unshipping, loading, moving, or carrying away of any goods the importation of which is prohibited, or any goods liable to customs duties, which duties have not been paid or secured;
- (b) the rescuing or taking of any such goods from any person authorised to seize them, or from any person employed by him, or assisting him, or from any place where any such person has put them;
- (c) the rescuing of any person who has been arrested on a charge of any offence relating to the customs;
- (d) the prevention of the arrest of any person guilty of any such offence, or of any person aiding in effecting any of the purposes in this section,

are guilty of a felony and each of them is liable to imprisonment for seven years.

#### **79. Smuggling under arms or in disguise**

Any persons who are found assembled together, to the number of six or more, having with them any goods liable to forfeiture under any law relating to the customs, and carrying firearms, bows and arrows, spears, swords, knives, or other dangerous or offensive weapons, or disguised, are guilty of a felony and each of them is liable to imprisonment for seven years.

#### **80. Going armed so as to cause fear**

Any person who goes armed in public without lawful occasion in such a manner as to cause terror to any person is guilty of a misdemeanour and is liable to imprisonment for two years and his arms may be forfeited.

#### **81. 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, is guilty of a misdemeanour and is liable to imprisonment for one year.

It is immaterial whether he is entitled to enter on the land or not.

#### **82. Forcible detainer**

Any person who, being in actual possession of land without colour 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, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **83. Affray**

Any person who takes part in a fight in a public place is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **84. 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, is guilty of a felony, and is liable to imprisonment for three years.

#### **85. Prize fight**

Any person who fights in a prize fight, or subscribes to or promotes a prize fight, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **86. Threatening violence**

Any person who-

(1) with intent to intimidate or annoy any person, threatens to break or injure a dwelling-house;  
or

(2) with intent to alarm any person in a dwelling-house, discharges loaded firearms or commits any other breach of the peace,

is guilty of a misdemeanour and is liable to imprisonment for one year.

If the offence is committed in the night the offender is guilty of a felony and IS liable to imprisonment for three years.

### **87. Assembling for the purpose of smuggling**

Any persons who assemble together, to the number of three or more, for the purpose of unshipping, carrying or concealing, any goods subject to customs duty and liable to forfeiture under any law relating to the customs, are guilty of a misdemeanour and each of them is liable to a fine not exceeding two hundred naira or to imprisonment for six months.

### **88. Unlawful processions**

(1) Any persons who assemble together, to the number of three or more, under any of the following circumstances-

- (a) bearing or wearing or having amongst them any firearms, bows and arrows, spear, sword, knife, or other offensive weapon; or
- (b) publicly exhibiting any banner, emblem, flag, or symbol, the displaying of which is calculated to promote animosity between persons of different religious faiths or different factions; or
- (c) being accompanied by any music, beating of drums, or other noise calculated to promote such animosity,

and, being so assembled, join in any parade or procession for the purpose of celebrating or commemorating any festival, anniversary, or event relating to or connected with any religious or other distinction or difference between persons residing in Nigeria or of demonstrating any such religious or other distinction or difference, are guilty of an offence and each of them is liable to imprisonment for one month.

If the offender is himself bearing or wearing firearms, a bow and arrows, spear, sword, knife or any other offensive weapon he is liable to imprisonment for six months.

(2) When three or more persons are so assembled together it is the duty of a peace officer to make or cause to be made a command in the name of the President, in such words as he thinks fit, to the persons assembled to disperse peaceably.

Any persons who, being so assembled, continue together to the number of three or more, and do not disperse themselves within the space of a quarter of an hour after the giving of the command, are guilty of an offence and each of them is liable to imprisonment for three years.

(3) A judicial officer may issue a warrant in the first instance for the arrest of any such offender, either on the oath of a credible person or on his own view.

#### **88A. Provoking breach of peace by offensive publication**

(1) Any person who-

- (a) in any manner or form publishes or 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; or

[1966 No. 44.]

- (b) publishes or circulates publications either in the form of newspapers, or 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,

is guilty of an offence for which he may be arrested without warrant by any police officer or member of the armed forces in uniform, and upon conviction is liable to a fine of one hundred naira or to imprisonment for a term of three months, or to both such fine and imprisonment; and the court convicting may order confiscation of any material (including records) used for purposes contemplated by this section and of any instrument used in connection therewith.

(2) Where any person is subsequently convicted of the like or any other offence under this section of this Code, the penalty shall be the maximum prescribed for the offence.

(3) It shall be a defence to any person charged under this section of this Code with selling, lending or letting on hire of any record that after reasonable inquiry was made by him before the sale, lending or hiring out as the case may be, (the proof of which inquiry shall lie upon the person charged with the offence), he was unaware of the possibility that it might be used for purposes mentioned in subsection (1) of this Code, and thereafter withdrew the record from sale or recalled any record lent or hired out by him.

(4) This section of this Code shall have effect notwithstanding any other penalty which may be prescribed for an offence of a similar nature in any criminal code or penal code in force in Nigeria.

#### **Interpretation**

(5) In this section, unless the context otherwise requires-

**"pictorial representation"** includes any photograph, and any plate or film, positive or negative;  
"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 or from time to time thereafter, and includes the matrix, and cognate expressions shall have the like meaning; **"sounds"** includes speech and mere noise.

### Part 3

## OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE AND AGAINST PUBLIC AUTHORITY

### CHAPTER 11

#### *Disclosure of official secrets and abstracting document*

**89.** (Deleted by No. 31 of 1941).

**90.** (Deleted by No. 31 of 1941).

**91.** (Deleted by No. 31 of 1941).

**92.** (Deleted by No. 31 of 1941).

**93.** (Deleted by No. 31 of 1941).

**94.** (Deleted by No. 31 of 1941).

**95.** (Deleted by No. 31 of 1941).

**96.** (Deleted by No. 31 of 1941).

#### **97. Disclosure of official secrets**

(1) Any person who, being employed in the public service, 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 which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Public servant abstracting, etc., documents

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

#### **Restriction on prosecutions**

(3) A prosecution for an offence under the provisions of this section of this Code shall not be commenced except by, or with the consent of, a law officer.

## CHAPTER 12

### *Corruption and abuse of office*

#### **98. Official corruption: public official inviting bribes, etc., on account of own actions**

(1) Any public official (as defined in section 98D) who-

- (a) corruptly asks for, receives or obtains any property or benefit of any kind for himself or any other person; or

[1966 No. 84.]

- (b) corruptly 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, or any favour or disfavour already shown to any person, by himself 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, or any favour; or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid,

is guilty of the felony of official corruption and is liable to imprisonment for seven years.

(2) If in any proceedings for an offence under this section of this Code it is proved that any property or benefit of any kind, or any promise thereof, 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 as such; or
- (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 as such,

or 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 corruptly on account of

such a past or future act, omission, favour or disfavour as is mentioned in subsection (1) (i) or (ii) of this section.

(3) In any proceedings for an offence under this section to which subsection (1) (ii) of this section is relevant it shall not be a defence to show that the accused-

- (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) of this section, 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 of this Code 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 accused believed that the offence mentioned in paragraph (a), (b) or (c) of subsection (4) of this section, or any other offence, had been committed.

**98A. Official corruption: person giving bribes, etc., on account of actions of public official**

(1) Any person who-

[1966 No. 84.]

- (a) corruptly gives, confers or procures any property or benefit of any kind to, on or for a public official (as defined in section 98D) or to, on or for any other person; or
- (b) corruptly promises or offers to give or confer or to procure or attempt to procure any property or benefit of any kind to, on or for a public official or to, on or for any other person,

on account of any such act, omission, favour or disfavour on the part of the public official as is mentioned in section 98 (1) (i) or (ii) of this Code, is guilty of the felony of official corruption and is liable to imprisonment for seven years.

(2) If in any proceedings for an offence under this section of this Code it is proved that any property or benefit of any kind, or any promise thereof, was given to a public official, or to some other person at the instance of a public official, by 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 as such; or



- (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 as such,

or 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 given corruptly on account of such a past or future act, omission, favour or disfavour as is mentioned in section 98 (1) (i) or (ii) of this Code.

**98B. Official corruption: person inviting bribes, etc., on account of actions of public official**

- (1) Any person who-

[1966 No. 84.]

- (a) corruptly asks for, receives or obtains any property or benefit of any kind for himself or any other person; or
- (b) corruptly 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, or any favour or disfavour already shown to any person, by a public official (as defined in section 98D of this Code) 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 the public official is serving as such; or
- (ii) anything to be afterwards done or omitted, or any favour or disfavour to be afterwards shown to any person, by a public official in the discharge of his official duties or in relation to any such matter as aforesaid,

is guilty of the felony of official corruption and is liable to imprisonment for seven years.

(2) In any proceedings for an offence under this section of this Code it shall not be necessary to prove-

- (a) that any public official counselled the commission of the offence; or
- (b) that in the course of committing the offence the accused mentioned any particular public official; or
- (c) that (in a case to which subsection (1) (ii) of this section is relevant) the accused believed

that any public official would do, make or show the act, omission, favour or disfavour in question; or

- (d) that the accused intended to give the property or benefit in question, or any part thereof, to a public official.

#### **98C. Restrictions on arrest and prosecution of judicial officers for offences under sections 98 to 98B**

(1) A judicial officer cannot be arrested without warrant for an offence under section 98, 98A or 98B of this Code.

[1966 No. 84.]

(2) No proceedings for an offence under section 98, 98A or 98B of this Code shall be instituted against a judicial officer except on a complaint or information signed by or on behalf of the Attorney-General of the Federation or by or on behalf of the Attorney-General of the State in which the offence is alleged to have been committed.

(3) In this section, "**judicial officer**" means, in addition to the officers mentioned in the definition

of that expression contained in section 1 (i) of this Code-

- (a) a member of a customary court;
- (b) a member of a juvenile court;
- (c) an arbitrator, umpire or referee;
- (d) a person called upon to serve as an assessor in any civil or criminal proceedings;
- (e) a member of a jury;
- (f) a member of a tribunal of inquiry constituted under the Tribunals of Inquiry Act; and

[Cap. T21.]

- (g) any person before whom, under any law in force in Nigeria or any part thereof, there may be held proceedings in which evidence may be taken on oath.

[1966 No. 84.]

#### **98D. Meaning of "public official" in sections 98 to 98B**

In sections 98 to 98B of this Code, "public official" means any person employed in the public service (within the meaning of that expression as defined in section 1 (i) or any judicial officer within the meaning of section 98C of this Code.

#### **99. Extortion by public officers**

Any person who, being employed in the public service, takes, or accepts from any person, for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of a felony and is liable to imprisonment for three years.

**100.** (Deleted by 1966 No. 84).

#### **101. Public officers interested in contracts**

Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty persons, 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, is guilty of a felony and is liable to imprisonment for three years and to be fined at the discretion of the court.

The offender cannot be arrested without warrant.

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

Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade, or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade, or business, discharges any such duties with respect to the property, manufacture, trade or business in which he has such interest, or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **103. False claims by officials**

Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other 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 touching any such matter which is, to his knowledge, false in any material particular, is guilty of a felony and is liable to imprisonment for three years.

#### **104. Abuse of office**

Any person who, being employed in the public service, does or directs to be done in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, is guilty of a misdemeanour and is liable to imprisonment for two years.

If the act is done or directed to be done for purposes of gain he is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

A prosecution for any offence under this or any of the last three preceding sections shall not be instituted except by or with the consent of a law officer.

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

Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular, is guilty of a felony and is liable to imprisonment for three years.

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

Any person who administers an oath or takes a solemn declaration or affirmation or affidavit touching any matter with respect to which he has not by law any authority to do so, is guilty of a misdemeanour and is liable to imprisonment for one year. 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 the peace or the punishment of offences, or relating to inquiries respecting sudden death; nor 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.

#### **107. False assumption of authority**

Any person who-

- (a) not being a judicial officer, assumes to act as a judicial officer; or
  - (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,
- is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **108. Personating public officers**

Any person who-

- (1) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or

(2) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

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

#### **109. Personating members of armed forces or police**

Any person who, not being a person serving in the armed forces of Nigeria nor a member of the police forces and with intent that he may be taken to be such a person or member as aforesaid-

[L.N. 112 of 1964.]

(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 forces, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **110. Unlawfully wearing the uniform of the armed forces**

Any person who-

[L.N. 112 of 1964. 1967 No. 27.]

(1) not being a person serving in any of the armed forces of Nigeria, wears the uniform or any part of the uniform of such forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of such uniforms; or

(2) not being a person holding any office or authority under the Government of Nigeria or of any part thereof, 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,

is guilty of an offence and is liable to imprisonment for one month or to a fine of ten naira, unless he proves that he had the permission of the President or of the Governor of a State to wear such uniform or dress, badge or mark or to carry such token:

Provided that this section of this Code 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.

#### **111. Selling, etc., uniform, etc., to unauthorised persons**

Any person who sells or gives any uniform, or part of a uniform, or any dress, badge or mark, as in section 110 of this Code to any person who is not authorised to wear the same, is guilty of an offence and is liable to the penalties prescribed in the said section.

## Selling and trafficking in offices

### **112. Bargaining for offices in public service**

Any person who-

(1) corruptly 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 account of anything already done or omitted to be done, or to be afterwards done or omitted to be 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

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

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

The offender cannot be arrested without warrant.

## CHAPTER 14

### Offences relating to the administration of justice

#### **113. Definition of judicial proceeding**

In this Chapter, the term "judicial proceeding" includes any proceeding had or taken in or before any court, tribunal, commission of inquiry, or person, in which evidence may or may not be taken on oath.

**114.** (Deleted by 1966 No. 84).

**115.** (Deleted by 1966 No. 84).

**116.** (Deleted by 1966 No. 84).

#### **117. Perjury**

Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then pending in that proceedings, or intended to be raised in that proceeding, is guilty of an offence which is called perjury,

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

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 assent to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether 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.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

The offender cannot be arrested without warrant.

### **118. Punishment of perjury**

Any person who commits perjury is liable to imprisonment for fourteen years.

If the offender commits the offence in order to procure the conviction of another person for an offence punishable with death or with imprisonment for life he is liable to imprisonment for life.

### **119. Evidence on charge of perjury**

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

### **120. Fabricating evidence**

Any person who, with intent to mislead any tribunal in any judicial proceeding-

(1) fabricates evidence by any means other than perjury or counselling or procuring the commission of perjury; or

(2) knowingly makes use of such fabricated evidence,

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

The offender cannot be arrested without warrant.

### **121. Corruption of witnesses**

Any person who-

(1) gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for, any person, upon 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

(2) 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

(3) 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, upon any agreement or understanding that any person shall as a witness in any judicial proceeding give false testimony or withhold true testimony,

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

The offender cannot be arrested without warrant.

#### **122. Deceiving witnesses**

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

The offender cannot be arrested without warrant.

#### **123. Destroying evidence**

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 or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **124. Preventing witnesses from attending**

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 pursuant to the subpoena or summons, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **125. Conspiracy to bring false accusation**

Any person who conspires with another to charge any person or cause any person to be charged with any offence, whether alleged to have been committed in Nigeria or elsewhere, knowing that such person is innocent of the alleged offence or not believing him to be guilty of the alleged offence, is guilty of a felony.

If the offence is such that a person convicted of it is liable to be sentenced to death or to imprisonment for life, the offender is liable to imprisonment for life.

If the offence is such that a person convicted of it is liable to be sentenced to imprisonment, but for a term less than life, the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for seven years. The offender cannot be arrested without warrant.

#### **125A. Making false statement to public officers with intent**



(1) 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-

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

is guilty of an offence and liable to imprisonment for one year.

(2) A prosecution for an offence under this section of this Code shall not be instituted-

- (a) without the consent of a superior police officer; or
- (b) where in any division an administrative officer has been duly appointed to have charge of the police therein under the provisions of subsection (1) of section 7 of the Police Act,

[Cap. P19.]

without the consent of that administrative officer.

#### **126. Perverting justice**

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

The offender cannot be arrested without warrant.

(2) Any person who attempts, in any way not specially defined in this Code, to obstruct, prevent, pervert, or defeat, the course of justice, is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **127. Compounding felonies**

Any person who 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 upon any agreement or understanding that he will compound or conceal a felony, or will abstain from, discontinue, or delay a prosecution for a felony, or will withhold any evidence thereof, is guilty of an offence.

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 seven years.

In any other case the offender is liable to imprisonment for three years. The offender cannot be arrested without warrant.

#### **128. Compounding penal actions**

Any person who, having brought, or under pretence of bringing an action against another person upon a penal Act, law or statute in order to obtain from him a penalty for any offence committed or alleged to have been 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, is guilty of a misdemeanour and is liable to imprisonment for one year.

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

Any person who-

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

(2) publicly offers to return to any person who may have bought or advanced money by way of loan upon 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

(3) prints or publishes any such offer,

is guilty of a simple offence and is liable to a fine of one hundred naira.

### **130. Delay to take person arrested before a court**

Any person who, having arrested another upon a charge of an offence, wilfully delays to take him before a court to be dealt with according to law, is guilty of a misdemeanour and is liable to imprisonment for two years.

### **131. Bringing fictitious action on penal Act, law or statute**

Any person who, in the name of a fictitious plaintiff, or in the name of a real person but without his authority, brings an action against another person upon a penal Act, law or statute for the recovery of a penalty for any offence committed or alleged to have been committed by him, is guilty of a misdemeanour and is liable to imprisonment for two years.

### **132. 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 it to be inserted in the Federal Gazette, or a State Gazette, or in any newspaper an advertisement purporting to be published under the authority of any court or tribunal, is guilty of a misdemeanour and is liable to imprisonment for two years.

### **133. Contempt of court**

Any person who-

(1) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the same, shows disrespect, in speech, or manner, to or with reference to such proceeding, or any person before whom such proceeding is being had or taken; or

(2) having been called upon 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; or

(3) causes an obstruction or disturbance in the course of a judicial proceeding; or

(4) 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; or

(5) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private; or

(6) 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; or

(7) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding; or

(8) re-takes possession of land from any person who has recently obtained possession by a writ of court; or

(9) commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being had or taken,

is guilty of a simple offence and liable to imprisonment for three months.

## CHAPTER 15

### *Escapes; rescues; obstructing officers of court*

#### **134. Rescue**

(1) Any person who by force rescues or attempts to rescue from lawful custody any other person-

- (a) is, if the last-named person is under a sentence of death or penal servitude or imprisonment for life, or charged with an offence punishable with death, or penal servitude or imprisonment for life, guilty of a felony and is liable to imprisonment for life; and

(b) is, in any other case, guilty of a felony and is liable to imprisonment for seven years.

(2) If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

### **135. Escape**

Any person who, being in lawful custody, escapes from such custody-

(a) is, if he is charged with, or has been convicted of a felony or misdemeanour, guilty of a felony and is liable to imprisonment for seven years, with or without whipping; and

(b) is, in any other case, guilty of a misdemeanour and is liable to imprisonment for two years.

### **136. Aiding prisoners to escape**

Any person who-

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

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

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

### **137. Permitting escape**

Any person who, being an officer of a prison, or a member of a police force, wilfully permits any other person within his lawful custody to escape-

(a) is, if such last-named person is charged with an offence punishable by death, or penal servitude or imprisonment for life, guilty of a felony and is liable to imprisonment for seven years; and

(b) is, in any other case, guilty of a felony and is liable to imprisonment for three years.

### **138. Negligently permitting escape**

Any person who, being an officer of a prison, or a member of a police force, negligently permits a person within his lawful custody to escape, is guilty of a misdemeanour and is liable to imprisonment for two years.

### **139. Prison officers accessory to breaches of discipline**

If any prison officer or person in charge of any convicted prisoner knowingly permits or suffers such prisoner to receive any tobacco, food, money, or other article, or to enter any house, yard, or premises not being the place appointed for the labour of such prisoner he is guilty of a misdemeanour and is liable to imprisonment for six months and to a fine of one hundred naira.

**140.** (Repealed by 1972 No.9).

**141.** (Repealed by 1972 No.9).

**142.** (Repealed by 1972 No.9).

**143. Rescuing insane persons**

Any person who-

- (a) rescues any person during his conveyance as an insane person to a hospital, lunatic asylum, or a reception house for the insane or to a house licensed under the laws relating to insane persons for the reception of patients, or to a prison, rescues any person during his confinement as an insane person in any such place; or
- (b) being in charge of a person during his conveyance as an insane person to any such place, wilfully permits him to escape from custody; or
- (c) being a superintendent of, or person employed in any such place, wilfully permits a person confined therein as an insane person to escape therefrom; or
- (d) conceals any such person as aforesaid, who has, to his knowledge, been rescued during such conveyance or confinement, or has, to his knowledge, escaped during such conveyance, or from such confinement,

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

The offender cannot be arrested without warrant.

**144. Removing, etc., 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, is guilty of a felony and is liable to imprisonment for three years.

**145. Obstructing officers 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, is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of two hundred naira.

CHAPTER 16

*Offences relating to the currency*

**146. Interpretation**

In this Chapter, unless the context otherwise requires-

**"counterfeit"** applied to coin, means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin which has been prepared or altered so as to resemble or be apparently intended to resemble or pass for a coin of a higher denomination, or where the coin is that of a foreign sovereign or state, current coin, and also genuine coin which has been clipped or filed, or the size or weight of which has been otherwise diminished, and which has been prepared or altered so as to conceal such clipping, filing, or diminution: it includes any such coin whether it is or is not in a fit state to be uttered, and whether the process of preparation or alteration is or is not complete;

**"current"** applied to coins, means any coin of the coins or denominations coined for and lawfully current in Nigeria, and includes any other coin lawfully current in any other country;

**"gold"** and **"silver"** applied to coin, includes producing the appearance of gold or silver respectively by any means whatever;

**"metal"** includes any mixture or alloy of metals;

**"nickel coin"** includes any coin made of metal of a less value than the silver or alloy of silver used in the silver coin of the country in question, save that it does not include any of the coins of mixed metal current in Nigeria by virtue of any Act or the provisions of the Coins Act;

[Cap. C16.]

**"silver coin"** (except where it is used in the definition of **"nickel coin"**) includes any of the coins of mixed metal current in Nigeria by virtue of any Act or the provisions of the Coins Act; and

**"utter"** includes using, dealing with, or acting upon, and attempting to use, deal with, or act upon, and attempting to induce any person to use, deal with, or act upon the thing in question as if it were genuine.

#### **147. Counterfeiting gold and silver coin**

(1) Any person who makes or begins to make any counterfeit current gold or silver coin is guilty of a felony and is liable to imprisonment for life.

(2) Where a person has ten or more unfinished counterfeit coins in his possession the court may presume that he has made them or has been a participant in the act of making them unless he proves the contrary.

#### **148. Preparation for coining gold and silver coin**

Any person who-

(1) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin; or

(2) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit gold or silver coin, with intent that such counterfeit coin shall be made from it; or

(3) without lawful authority or excuse, the proof of which lies on him-

- (a) buys, sells, receives, pays, or disposes of, any counterfeit gold or silver coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or
- (b) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any stamp or mould which is adapted to make the resemblance of both or either of the sides of any gold or silver coin, or any part of either side thereof, knowing the same to be such a stamp or mould or to be so adapted; or
- (c) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any tool, instrument, or machine, which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any gold or silver coin, knowing the same to be so adapted and intended; or
- (d) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of, any press for coinage, or any tool, instrument, or machine, which is adapted for cutting round blanks out of gold, silver, or other metal, knowing such press, tool, instrument, or machine to have been used or to be intended to be used for making any counterfeit gold or silver coin; or
- (e) knowingly conveys out of any mint within the Commonwealth any stamp, mould, tool, instrument, machine, or press, used or employed in coining, or any useful part of any of such thing, or any coin, bullion, or metal,

is guilty of a felony and is liable to imprisonment for life.

#### **148A. Unlawful inquiries with the object of making counterfeit coins**

(1) Any person who without authority or excuse, the proof whereof lies on him, either orally or in writing makes any inquiry of any other person whether such last-mentioned person be in Nigeria or at any place not in Nigeria-

- (a) as to obtaining or supplying or as to the cost of obtaining or supplying any machine, stamp, tool, instrument, metal or material which is adapted or is intended to be used-
  - (i) to make the resemblance of both or either sides of any current coin or any part of either side thereof; or

(ii) to mark any coin or disc resembling coin or intended to resemble coin round the edges with marks, figures or letters apparently resembling those on the edges of any current coin; or

(iii) to cut round blanks out of metal or other substance,

knowing such machine, stamp, tool, instrument, metal or material to have been adapted or intended to be used for making any counterfeit coin or for performing any process in the manufacture of counterfeit coin; or

(a) as to making, obtaining or supplying or as to the cost of making, obtaining or supplying any counterfeit coin,

is guilty of an offence and liable to imprisonment for one 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 and the offender shall be subject to a like penalty as if he had committed the offence.

#### **149. Clipping**

Any person who deals with any current gold or silver coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current gold or silver coin, is guilty of a felony and is liable to imprisonment for life.

#### **150. Possession of clippings**

Any person who unlawfully has in his possession or disposes of any filings, or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony and is liable to imprisonment for seven years.

#### **151. Uttering counterfeit current gold or silver coin**

Any person who utters any counterfeit current gold or silver coin knowing it to be counterfeit, is guilty of a misdemeanour and is liable to imprisonment for two years.

A person found committing the offence may be arrested without warrant.

#### **152. Repeated uttering of counterfeit current gold or silver coin, or possession of several such coins**

(1) Any person who-

(a) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit gold or silver coin; or



- (b) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit current gold or silver coin, knowing it to be counterfeit; or
- (c) has in his possession three or more pieces of counterfeit current gold or silver coin, knowing them to be counterfeit, and with intent to utter any of them,

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

(2) Where a person has ten or more counterfeit coins in his possession, the court may presume an intent to utter unless he proves the contrary.

### **153. Offences after previous conviction**

Any person who commits any of the offences defined in sections 151 and 152 of this Code, after having been previously convicted of any of those offences committed with respect to current coin, or of any felony committed with respect to current coin, is guilty of a felony and is liable to imprisonment for life.

### **154. Counterfeiting nickel coin**

Any person who-

- (a) makes, or begins to make, any counterfeit current nickel coin; or
- (b) without lawful authority or excuse, the proof of which lies on him, knowingly makes or mends, or begins, or prepares to make or mend, or has in his possession, or disposes of, any tool, instrument, or machine, which is adapted and intended for making any counterfeit current nickel coin; or
- (c) buys, sells, receives, pays, or disposes of, any counterfeit current nickel coin at a lower rate of value than it imports, or was apparently intended to import, or offers to do any such act,

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

A person found committing the offence may be arrested without warrant.

### **155. Uttering base nickel coin**

(1) Any person who-

- (a) utters any counterfeit current nickel coin, knowing it to be counterfeit; or
- (b) has in his possession three or more pieces of counterfeit current nickel coin, knowing them to be counterfeit, and with intent to utter any of them,

is guilty of a misdemeanour and is liable to imprisonment for one year.

A person found committing the offence may be arrested without warrant.

(2) Where a person has ten or more counterfeit coins in his possession, the court may presume an intent to utter unless he proves the contrary.

#### **156. Defacing coin by stamping words thereon**

Any person who defaces any current coin by stamping thereon any name or word, whether the weight of the coin is or is not thereby diminished, is guilty of a misdemeanour and is liable to imprisonment for one year.

A person found committing the offence may be arrested without warrant.

#### **157. Uttering foreign coin, medals, etc., as current coin with intent to defraud**

Any person who, with intent to defraud, utters as and for current gold or silver coin-

- (a) any coin which is not current coin; or
- (b) any metal or pieces of metal, whether a coin or not, which is of less value than the current coin as and for which it is uttered,

is guilty of a misdemeanour, and is liable to imprisonment for one year.

A person found committing the offence may be arrested without warrant.

#### **158. Exporting counterfeit current coin**

Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from Nigeria, any counterfeit current coin whatever, knowing it to be counterfeit, is guilty of a felony and is liable to imprisonment for fourteen years.

A person found committing the offence may be arrested without warrant.

#### **159. Unlawfully importing counterfeit coin**

Any person who without lawful authority or excuse, the proof of which lies on him, imports or receives into Nigeria any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a felony and is liable to imprisonment for fourteen years.

A person found committing the offence may be arrested without warrant.

#### **160. Tender of defaced coin not legal tender: penalty for uttering**

Any person who utters any current coin which is defaced by the stamping of any name or word thereon, is guilty of an offence and is liable to a fine of four naira.

A prosecution for any such offence cannot be commenced without the consent of a law officer. A tender of payment in money made in any coin so defaced is not a legal tender.

**160A. Making, issue and circulation of promissory notes payable to bearer on demand, without authority**

Any person, other than the Central Bank of Nigeria, who makes or issues within Nigeria promissory notes payable to bearer on demand or circulates within Nigeria any promissory note

payable to bearer on demand, is guilty of a misdemeanour and liable on conviction to a fine equal to double the value of any promissory note unlawfully made, issued or circulated or to imprisonment for a term of twelve months, or to both such imprisonment and fine.

[L.N. 112 of 1964.]

**160B. Portrayal of Nigerian notes and coins**

Any person who, without the written permission of the Minister of the Federation charged with responsibility for matters relating to finance, makes or sells, or exposes or offers for sale, or uses for the purpose of advertising any material or document on or in which is portrayed a note or coin in any way resembling a currency note, bank note or coin current in Nigeria, is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of two hundred naira.

[49 of 1960.]

**CHAPTER 17**

*Offences relating to posts and telecommunications*

**161. Stopping mails**

Any person who stops a mail with intent to search or rob postal matter is guilty of a felony and is liable to imprisonment for life.

**162. Intercepting telegrams or postal matter**

Any person who unlawfully secretes or destroys any postal matter or telegram or any part of any such thing, is guilty of a felony and is liable to imprisonment for seven years, and if any such postal matter so secreted or destroyed shall contain any money or chattel whatsoever, or any valuable security, such person is liable to imprisonment for life.

**163. Tampering with telegrams or postal matter**

Any person who, being employed by or under the Nigerian Postal Service, does with respect to any postal matter or telegram any act which he is not authorised to do by virtue of his employment, or knowingly permits any other person to do any such act with respect to any such thing, is guilty of a felony and is liable to imprisonment for three years.

[1966 No. 84.]

**164. Wilful misdelivery of telegrams or postal matter**

Any person who, being charged by virtue of his employment or by virtue of any contract, with the delivery of any postal matter or telegram, wilfully delivers it to a person other than the person to whom it is addressed, or his authorised agent in that behalf, is guilty of a felony and is liable to imprisonment for three years.

**165. Obtaining telegrams or postal matter by false pretences**

Any person who by means of any false pretence induces any person employed by or under the Nigerian Postal Service or any telegraph official to deliver to him any postal matter or telegram which is not addressed to him, is guilty of a misdemeanour and is liable to imprisonment for two years.

[1966 No. 84.]

**166. Secreting letters and telegrams**

Any person who wilfully secretes or detains any postal matter or telegram which is found by him, or which is wrongly delivered to him, and which, in either case, ought to his knowledge, to have been delivered to another person, is guilty of a misdemeanor and is liable to imprisonment for two years.

**167. Fraudulent issue of money orders and postal orders**

Any person who, being employed by or under the Nigerian Postal Service, and being charged by virtue of his employment with any duty in connection with the issue of money orders or postal orders, unlawfully, and with intent to defraud, issues a money order or postal order, is guilty of a felony, and is liable to imprisonment for seven years.

[1966 No. 84.]

**168. Fraudulent messages respecting money orders**

Any person who, being employed by or under the Nigerian Postal Service, and being charged by virtue of his employment with any duty in connection with money orders, sends to any other person, with intent to defraud, any false or misleading letter, telegram, or message concerning a money order, or concerning any money payable under a money order, is guilty of a felony and is liable to imprisonment for three years.

[1966 No.84.]

The offender cannot be arrested without warrant.

**169. Unlawful franking of letters**

Any person who, being empowered under the provisions of any enactment or authorised by the Minister charged with responsibility for postal matter to frank postal matter, superscribes any postal matter-

[L.N. 112 of 1964.]

- (a) which does not relate to the business of his office or department; or
- (b) into which there has been inserted any letter or other thing which does not relate to such business,

with intent to avoid payment of the postage on such postal matter or other letter or thing inserted as aforesaid into such postal matter, is guilty of an offence, and is liable to a fine of two hundred naira.

#### **170. 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 to be likely to injure any other thing in the course of conveyance or to injure any person; or
- (b) encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card, or article, or which has on it, or in it, or on its cover, any indecent, obscene, or grossly offensive words, marks, or designs,

is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **171. Retarding delivery of telegrams or postal matter**

Any person who, being required by law or by virtue of his employment to do any act with respect to the receipt, despatch, or delivery, of any postal matter or telegram-

[L.N. 112 of 1964.]

- (a) neglects or refuses to do such act; or
- (b) wilfully detains or delays, or permits the detention or delay of any such thing; or
- (c) opens, or procures or suffers to be opened, any postal matter,

is guilty of a misdemeanour and is liable to a fine of two hundred naira or to imprisonment for one year:

Provided always that nothing herein contained shall extend to the opening or detaining of any postal matter or telegram returned by reason that the person to whom the same shall be directed is dead, or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof or any charges payable in respect thereof, nor to the opening or detaining or delaying of any postal matter or telegram under the authority of any Act or in obedience to an express warrant in writing under the hand of the Minister charged with responsibility for postal matter.

### **172. Obstructing mails**

Any person who wilfully obstructs or delays the conveyance or delivery of postal matter, is guilty of a simple offence and is liable to a fine of one hundred naira.

### **173. Penalty on loitering, carelessness in delivery of mails, etc.**

(1) Any person who, being employed by or under the Nigerian Postal Service to convey or deliver postal matter whilst so employed-

- (a) allows any postal matter bag or postal matter out of his possession; or
- (b) suffers any unauthorised person to interfere with any such postal matter bag or postal matter; or
- (c) is guilty of any neglect whereby any such postal matter bag or postal matter is endangered; or
- (d) loiters on the road; or
- (e) wilfully misspends or loses time; or
- (f) is under the influence of intoxicating liquor; or
- (g) does not convey postal matter at the speed fixed by the Postmaster-General for the conveyance thereof, unless prevented by some cause beyond his control, the proof, whereof lies on the person charged,

is guilty of a simple offence and is liable to a fine of twenty naira.

(2) Any person who, being employed by or under the Nigerian Postal Service, negligently loses any postal matter or telegram or negligently detains or delays, or permits the detention or delay of, any postal matter or telegram, is guilty of a simple offence and is liable to a fine of twenty naira.

### **174. Fraudulently removing stamps**

Any person who, with intent to defraud-

- (1) removes from any postal matter or telegram any stamp affixed thereon; or
- (2) removes from any stamp previously used any mark thereon at a postal or telegraph office; or
- (3) knowingly uses a postage stamp which has been obliterated or defaced by a mark made thereon at a post or telegraph office; or
- (4) knowingly tampers with a postage stamp by smearing or coating the surface with mucilage or any other substance so that it may be used again at a post or telegraph office,

is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of one hundred naira.

On the trial of a person charged with the offence of knowingly using a postage stamp which has been obliterated or defaced by a mark made thereon at a post office, proof that the person charged is the writer of the address of anything sent by post on which the stamp is affixed is sufficient evidence that he is the person who used the stamp, until the contrary is shown.

#### **175. Fraudulent evasion of postal laws**

Any person who-

(1) knowingly and fraudulently puts into a post office anything in or upon which, or in or upon the cover of which there is any letter, newspaper, or other thing, or any writing or mark, not allowed by law to be there placed; or

(2) wilfully subscribes on the outside of anything sent by post a false statement of its contents; or

(3) knowingly and fraudulently puts into a post office anything which falsely purports to be a thing falling within any exemption or privilege declared by the laws relating to postal matter,

is guilty of a simple offence and is liable to a fine of one hundred naira.

#### **176. Carrying letters otherwise than by post**

Any person who, not being authorised by the Postmaster-General

[1966 No. 84.]

(1) sends or conveys a letter otherwise than by post; or

(2) takes charge of a letter for conveyance,

is guilty of a simple offence and is liable to a fine of one hundred naira.

This section of this Code does not extend to a letter sent or conveyed to a place in Nigeria with which postal communication has not been established, nor to a letter exceeding the weight prescribed by law for letters sent by post, nor to a letter sent by a private friend without hire or reward, on his way, journey, or travel, so as such letter be delivered to the party to whom it is directed, nor to a letter to be sent out of Nigeria by a vessel not being a packet boat, nor to a letter concerning goods sent and to be delivered with it, without any hire or reward being paid or received in respect thereof, or containing process of, or proceedings or pleadings in, a court of justice, or briefs or cases, of instructions for counsel and their opinions thereon, or containing a deed, affidavit, or power of attorney, nor to a letter sent by a special messenger and concerning the private affairs of the sender, nor to a letter sent or carried to or from the nearest post office:

Provided always that nothing in this section of this Code shall authorise any of the persons hereinafter named to carry a letter, or to receive or collect or deliver a letter, although they shall not receive hire or reward for the same-

- (a) common carriers, except a letter concerning goods which they are conveying;
- (b) officers of the Nigerian Postal Service;
- (c) owners, masters, or commanders of vessels being passage or packet boats, sailing and passing between places in Nigeria with which postal communication has been established, except in respect of letters concerning goods on board, or letters belonging to the owners of such vessels;
- (d) passengers, members of the crew, or other persons on board any such vessels as is mentioned in paragraph (c) of this section;
- (e) owners of, members of the crew, or others on board a vessel passing or repassing on a river within Nigeria, except with respect to places in Nigeria with which postal communication has not been established.

**177. Illegally making of postal envelopes or setting up post office or office for sale of stamp, or imitating post office**

Any person who-

[1966 No. 84. L.N. 112 of 1964.]

- (1) without lawful authority or excuse, the proof of which lies on him-
  - (a) makes any envelope, wrapper, card, form, or paper, in imitation of one issued by or under the authority of the Postmaster-General or of the postal authority of any other country, or having thereon any word, letter, or mark, which signifies or implies, or may reasonably induce a person receiving it to believe, that a letter, newspaper, packet, or parcel, bearing such word, letter, or mark, is sent on State service, or on the public service of another country; or
  - (b) makes on any envelope, wrapper, card, form, or paper, in order to its being issued or sent by post or otherwise, any stamp or mark in imitation of a stamp or mark of any post office under the control of the Postmaster-General or of the postal authority of any other country, or any other stamp or mark, or any word or letter, which signifies or implies, or may reasonably induce a person receiving it to believe, that a letter, newspaper, packet, or parcel, bearing such stamp, mark, word, or letter, is sent on State service, or on the public service of another country; or
  - (c) issues or sends by post or otherwise, any envelope, wrapper, card, form, or paper, so marked; or



(2) without the authority of the Postmaster-General, the proof of which lies on the person charged, places or maintains, or permits to be placed or maintained, or to remain in, on, or near, any place under his control-

- (i) the words "**post office**"; or
- (ii) the words "**letter box**", accompanied with words, letters or marks which signify or imply, or may reasonably lead the public to believe, that it is a receptacle provided by the authority of the Postmaster-General for the reception of postal matter; or
- (iii) any words, letters or marks which signify or imply, or may reasonably lead the public to believe, that any place is a post office, or that any such receptacle is provided by the authority of the Postmaster-General as aforesaid; or

(3) without the authority of the Postmaster-General, the proof of which lies on the person charged, places, or permits to be placed or to remain, on any vehicle or vessel under his control the words "royal mail", or any word, letter or mark, which signifies or implies, or may reasonably induce any person to believe, that the vehicle or vessel is used for the conveyance of mails; or

(4) without the licence of the Minister charged with responsibility for postal matters, the proof of which lies on the person charged-

- (i) sells, or offers or exposes for sale, any postage stamp; or
- (ii) places, permits to be placed or to remain, on or near to his house or premises the words "**licensed to sell stamps**", or any word, letter or mark, which signifies or implies, or may reasonably induce any person to believe, that he is duly licensed to sell postage stamps,

is guilty of a simple offence and is liable to a fine of ten naira.

#### **178. Destroying or damaging letter box**

Any person who wilfully destroys or damages any receptacle provided by authority of the Postmaster-General for the receipt of postal matter, or any card or notice relating to the postal or telegraph service set up by authority of the Postmaster-General, or obliterates any letter or figure on any such thing, is guilty of a simple offence and is liable to a fine of one hundred naira.

[1966 No. 84.]

#### **179. Placing injurious substances in or against letter box**

Any person who places in or against any receptacle provided by authority of the Postmaster-General for the reception of postal matter or telegrams, any fire or match, or any explosive, dangerous, noxious or deleterious substance, or any fluid or filth, is guilty of a simple offence and is liable to a fine of forty naira.

[1966 No. 84.]

**180. Defacing post office or letter box**

Any person who without the licence of the Postmaster-General affixes, or attempts to affix, any placard, advertisement, notice, list, document, board, or paint, tar, or other thing to any post office or telegraph office, is guilty of a simple offence and is liable to a fine of ten naira.

[1966 No. 84.]

**181. Obstructing post and telegraph offices**

Any person who, by stopping or loitering opposite to or on the premises of a post office or telegraph office, obstructs the business of the office or any other person lawfully going to the office, is guilty of a simple offence and is liable to a fine of ten naira.

**182. Obstructing post and telegraph officers in the execution of duty**

Any person who-

[1966 No. 84.]

(1) wilfully obstructs a person employed by or under the Nigerian Postal Service or any telegraph official in the execution of the duties of his employment; or

(2) being in a post office or telegraph office, or within any premises appertaining to a post office or telegraph office, or used therewith, wilfully obstructs the business of the office; or

(3) without the permission of a competent authority enters any part of a telegraph office to which the public are not admitted,

is guilty of a simple offence and is liable to a fine of four naira.

Any person employed by or under the Nigerian Postal Service or any telegraph official may require any person committing any of the offences defined in this section of this Code to leave the post office, or telegraph office, or premises.

Any person who refuses or fails to comply with such request is guilty of a simple offence and is liable to a further fine of ten naira, and may be removed by any person authorised to make the request; and all members of the police force are required, on demand, to remove or assist in removing such person.

**183. Contravening exclusive privilege of the Nigerian Postal Services Department**

Any person who-

- (a) not being authorised by or under any Act so to do, establishes or maintains any telegraph; or

- (b) knowing or having reason to believe that a telegraph has been established or is maintained without such authority as aforesaid, transmits or receives any message by such telegraph or performs any service incidental thereto, or delivery of any message for transmission by such telegraph or accepts delivery of any message sent thereby,

is guilty of a simple offence and is liable on a first conviction to a fine of twenty naira, and on every subsequent conviction to a fine of one hundred naira.

**184.** (Deleted by 1975 No. 30).

**185.** (Deleted by 1975 No. 30).

**186. Negligently injuring telegraphs**

Any person who negligently destroys or damages any telegraph works, is guilty of a simple offence and is liable to a fine of four naira.

**187. Violation of secrecy**

Any telegraph official who, contrary to his duty, publishes or communicates the contents or substance of a telegram, or any information relating to the despatch or receipt of any telegram, except to some person to whom he is authorised to deliver the telegram, is guilty of a felony and is liable to imprisonment for three years.

**188. Resisting officers**

Any person who resists a person employed by or under the Nigerian Postal Service while engaged in the execution of his duty under the laws relating to posts and telegraphs, is guilty of a simple offence and is liable to imprisonment for three months, or to a fine of forty naira.

[1966 No. 84.]

**189. Laying property in postal matter and telegraph works**

(1) In case of any offence under this Code in respect of any postal matter bag or postal matter, or of any chattel, money, or valuable security sent by post, it shall be sufficient in any proceedings to lay the ownership in the Postmaster-General.

[1966 No. 84.]

(2) In case of any offence under this Code in respect of any telegram, telegraph line or telegraph works, established under the provisions of the Wireless Telegraphs Act, or the Telegraphs Proclamation, or in respect of any form, paper, book, or other thing used for the purpose of carrying out the provisions of such Act or proclamation, it shall be sufficient in any proceedings to lay the ownership in the Postmaster-General.

[Cap. W5.]

(3) In any such proceedings as aforesaid, it shall not be necessary to prove ownership, or to allege or prove any value.

## CHAPTER 18

### *Miscellaneous offences against public authority*

#### **190. False declaration as to execution of sentence of death**

Any person who subscribes a certificate or declaration as to the execution of a sentence of death, which, in any material particular, is to his knowledge false, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **190A. False statements in application for passports**

Any person who for the purpose of procuring a passport, 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, is guilty of an offence and is liable to imprisonment for one year.

#### **191. False statements in statements required to be under oath or solemn declaration**

Any person who, on any occasion on which a person making a statement touching any matter is required by law to make it on oath, or under some sanction which may by law be substituted for an oath, or is required to verify it by solemn declaration or affirmation, makes a statement touching such matter which, in any material particular, is to his knowledge false, and verifies it on oath, or under such other sanction or by solemn declaration or affirmation, is guilty of a felony and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

#### **192. False declarations and statements**

Any person who, on any occasion on which he is permitted or required by law to make a statement or declaration before any person authorised by law to permit it to be made before him, makes a statement or declaration before that person which, in any material particular, is to his knowledge false, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **193. Evidence**

A person cannot be convicted of any of the offences defined in sections 191 and 192 of this Code upon the uncorroborated testimony of one witness.

#### **194. Shooting at customs boats or officers**

Any person who-

(1) shoots at a vessel of any kind which is in use by a customs officer while engaged in the execution of his duty as such officer; or

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

is guilty of a felony and is liable to imprisonment for life.

#### **195. Resisting officers engaged in preventing smuggling**

Any person who with violence assaults, obstructs, or resists a customs officer, or any person duly employed for the prevention of smuggling, while engaged in the execution of his duty in the prevention of smuggling, or any person acting in aid of any such officer or person while so engaged, is guilty of a felony and is liable to imprisonment for three years.

#### **196. Resisting customs officers**

Any person who-

(1) assaults or obstructs a customs officer, or any person duly employed for the prevention of smuggling, while engaged in the execution of his duty under any law relating to the customs, or in the seizure of any goods claimed to be liable to forfeiture under any such law, or any person acting in aid of any such officer or person while so engaged; or

(2) rescues or attempts to rescue any goods which have been seized under any such law; or

(3) before, at, or after, the seizure of any goods under any such law, staves, breaks or destroys the goods, with intent to prevent the seizure or the securing of the goods, or attempts to do any such act,

is guilty of a simple offence and is liable to a fine of two hundred naira.

#### **197. Resisting public officers**

Any person who in any manner obstructs or resists any public officer while engaged in the

discharge or attempted discharge of the duties of his office under any order, Act, law, or Statute, or obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by an order, Act, law, or statute, is guilty of a misdemeanour and is liable to imprisonment for two years.

[L.N. 112 of 1964. L.N. 139 of 1965.]

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

Any person who, being a person employed in the public service and being required by any order, Act, law, or statute, to do any act by virtue of his employment, perversely and without lawful excuse omits or refuses to do any such act, is guilty of a misdemeanour and is liable to imprisonment for two years. A prosecution for any offence under this section of this Code shall not be instituted except by or with the consent of a law officer.

[L.N. 112 of 1964.]

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

Any person who, being a peace officer and having notice that there is a riot in his neighbourhood, without reasonable excuse omits to do his duty in suppressing such riot, is guilty of a misdemeanour and is liable to imprisonment for two years.

#### **200. 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, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **201. Neglect 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 force in arresting any person, or in preserving the peace, without reasonable excuse omits to do so, is guilty of a misdemeanour and is liable to imprisonment for one year.

#### **202. Disobedience to Act, law, or statute**

Any person who, without lawful excuse, the proof of which lies on him, does any act which he is by the provisions of any order, Act, law, or statute, forbidden to do, or omits to do any act which he is by the provisions of any such order, Act, law or statute, required to do, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by order, Act, law, or statute, and is intended to be exclusive of all other punishment.

[L.N. 112 of 1964.]

The offender is liable to imprisonment for one year.

In this section, the terms "**Act**" and "**law**" do not include an order, regulation or proclamation made under the authority of an Act or a law.

#### **203. 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 order, Act, law, or statute, to make the order, is guilty of a misdemeanor, unless some mode of proceeding against him for such disobedience is expressly provided by order, Act, law, or statute, and is intended to be exclusive of all other punishment.

[L.N. 112 of 1964.]

The offender is liable to imprisonment for one year.

Part 4

ACTS INJURIOUS TO THE PUBLIC IN GENERAL

CHAPTER 19

*Offences relating to religious worship*

**204. 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 such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanour and is liable to imprisonment for two years.

**205. Offering violence to officiating ministers of 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; or

(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, upon 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 aforesaid, or who is, to the knowledge of the offender, going to perform the same or returning from the performance thereof,

is guilty of a misdemeanour and is liable to imprisonment for two years.

**206. Disturbing religious worship**

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, is guilty of a simple offence and is liable to imprisonment for two months or to a fine of ten naira.

CHAPTER 20

*Ordeal, witchcraft, juju and criminal charms*

## **207. Unlawful trial by ordeal: prohibited juju**

(1) The trial by the ordeal of sasswood, esere-bean, or the poison, boiling oil, fire, immersion in water or exposure to the attacks of crocodiles or other wild animals, or by any ordeal which is likely to result in the death of or bodily injury to any party to the proceeding, is unlawful.

(2) The President or, as the case may be, the Governor of a State may by order prohibit the worship or invocation of any juju which may appear 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.

## **208. Directing, etc., unlawful trial by ordeal**

Any person who directs or controls or presides at any trial by ordeal which is unlawful, is guilty of a felony and is liable, when the trial which such person directs, controls or presides at results in the death of any party to the proceeding, to the punishment of death and in every other case, to imprisonment for ten years.

## **209. Being present at, or making poison for, unlawful trial by ordeal**

Any person who-

- (a) is present at or takes part in any trial by ordeal which is unlawful; 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 which is unlawful,

is guilty of a misdemeanour and is liable to imprisonment for one year.

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

Any person who-

- (a) by his statements or actions represents himself to be a witch or to have the power of witchcraft; or
- (b) accuses or threatens to accuse any person with being a witch or with having the power of witchcraft; or
- (c) makes or sells or uses, or 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; or



- (d) directs or controls or 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 President or the Governor of a State; or
- (e) is in possession of or 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 or uses or assists in making or 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,

is guilty of misdemeanour and is liable to imprisonment for two years.

#### **211. Chiefs permitting unlawful ordeal and prohibited juju worship**

Any chief who directly or indirectly permits, promotes, encourages or facilitates any trial by ordeal which is unlawful, or 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 forthwith report the same to an administrative officer, is guilty of a felony and is liable to imprisonment for three years.

[L.N. 257 of 1959.]

The offender cannot be arrested without warrant.

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

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

[L.N. 257 of 1959.]

#### **213. 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 malefactors, or to aid or assist in any way in the perpetration of any burglary, housebreaking, 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 as aforesaid,

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

## CHAPTER 21

### *Offences against morality*

#### **214. Unnatural offences**

Any person who-

- (1) has carnal knowledge of any person against the order of nature; or
- (2) has carnal knowledge of an animal; or
- (3) permits a male person to have carnal knowledge of him or her against the order of nature,

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

#### **215. Attempt to commit unnatural offences**

Any person who attempts to commit any of the offences defined in section 214 of this Code, is guilty of a felony and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

#### **216. Indecent treatment of boys under fourteen**

Any person who unlawfully and indecently deals with a boy under the age of fourteen years, is guilty of a felony and is liable to imprisonment for seven years.

The term "**deal with**" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

#### **217. Indecent practices between males**

Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for three years.

*The offender cannot be arrested without warrant.*

#### **218. Defilement of girls under thirteen**

Any person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a felony and is liable to imprisonment for life, with or without caning.

Any person who attempts to have unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a felony and is liable to imprisonment for fourteen years, with or without caning.

A prosecution for either of the offences defined in this section of this Code shall be begun within two months after the offence is committed.

A person cannot be convicted of either of the offences defined in this section of this Code upon the uncorroborated testimony of one witness.

### **219. Householder permitting defilement of young girls on his premises**

Any person who, being the owner or occupier of any premises, or having, or acting, or assisting in the management or control of any premises, induces or knowingly permits any girl of such age as is in this section of this Code mentioned to resort to or be in or upon such premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, is guilty of an offence.

If the girl is of or above thirteen and under sixteen years of age, he is guilty of a misdemeanour and is liable to imprisonment for two years, with or without caning.

If the girl is under the age of thirteen years, he is guilty of felony, and is liable to imprisonment for life, without caning.

### **220. Defence to charge under preceding section**

\*It is a defence to a charge of any of the offences defined in section 219 of this Code to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

### **221. Defilement of girls under sixteen and above thirteen, and of idiots**

Any person who-

(1) has or attempts to have unlawful carnal knowledge of a girl being of or above thirteen years and under sixteen years of age; or

[1960 No. 30.]

(2) knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her,

is guilty of a misdemeanour and is liable to imprisonment for two years, with or without caning.

\*It is a defence to a charge of either of the offences firstly defined in this section of this Code to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

A prosecution for any of the offences defined in this section of this Code shall be begun within two months after the offence is committed.

A person cannot be convicted of any of the offences defined in this section of this Code upon the uncorroborated testimony of one witness.

## **222. Indecent treatment of girls under sixteen**

Any person who unlawfully and indecently deals with a girl under the age of sixteen years is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without caning.

[20 of 1960.]

If the girl is under the age of thirteen years, he is guilty of a felony and is liable to imprisonment for three years, with or without caning.

\*It is a defence to a charge of the offence defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

The term "**deal with**" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

### **222A. Causing or encouraging the seduction or prostitution of a girl under sixteen**

(1) Whoever, having the custody, charge or care of a girl under the age of sixteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon, such a girl, shall be liable to imprisonment for two years.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

### **222B. Allowing person under sixteen to be in brothels**

(1) Whoever, having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or frequent a brothel, is liable to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

(2) If, upon the trial of a person charged with an offence against section 219 of this Code, the facts proved in evidence authorise a conviction for an offence against this section of this Code, the person charged may be convicted of the offence against this section of this Code although he was not charged with that offence.

### **222C. Restriction on defence of reasonable belief**

Notwithstanding anything contained in sections 220, 221 and 222, it shall only be a defence to a charge of any of the offences defined in sections 219, 221 (1) and 222 of this Code to prove that the accused

person believed, on reasonable grounds, that the girl was of or above the age of sixteen years if the accused person was under the age of 21 years at the time when the offence is alleged to have been committed and has not previously been charged with any of such offences.

### **223. Procuration**

Any person who

(1) procures a girl or woman who is under the age of eighteen years to have unlawful carnal connection with any other person or persons either in Nigeria or elsewhere; or

(2) procures a woman or girl to become a common prostitute either in Nigeria or elsewhere; or

(3) procures a woman or girl to leave Nigeria with intent that she may become an inmate of a brothel elsewhere; or

(4) procures a woman or girl to leave her usual place of abode in Nigeria, with intent that she may, for the purposes of prostitution, become an inmate of a brothel either in Nigeria or elsewhere, is guilty of a misdemeanour and is liable to imprisonment for two years.

A person cannot be convicted of any of the offences defined in this section of this Code upon the uncorroborated testimony of one witness.

The offender may be arrested without warrant.

### **224. Procuring defilement of woman by threats or fraud, or administering drugs**

Any person who-

(1) by threats or intimidation of any kind procures a woman or girl, to have unlawful carnal connection with a man either in Nigeria or elsewhere; or

(2) by any false pretence procures a woman or girl to have unlawful carnal connection with a man either in Nigeria or elsewhere; or

(3) administers to a woman or girl, or causes a woman or girl, to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her,

is guilty of a misdemeanour and is liable to imprisonment for two years.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

### **225. Abduction of girl under eighteen with intent to have carnal knowledge**

Any person who, with intent that an unmarried girl under the age of eighteen years may be unlawfully carnally known by any man, whether a particular man or not, takes her or causes her to be taken out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour and is liable to imprisonment for two years.

It is a defence to a charge of any of the offences defined in this section of this Code to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of eighteen years.

#### **225A. Persons trading in prostitution**

(1) Every male person who-

[30 of 1960.]

- (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,

is liable to imprisonment for two years, and in the case of a second or subsequent conviction, shall, in addition to any term of imprisonment awarded, be liable to caning.

(2) Any magistrate who is satisfied, by evidence upon oath, that there is reason to suspect that any premises or any part of any premises are or is used by a female for purposes of prostitution, and that any male person residing in or frequenting the premises is living wholly or in part on the earnings of the prostitute, may issue a warrant under his hand authorising any constable to enter and search the premises and to arrest that male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or 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 her prostitution with any other person or generally, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(4) Every female who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person or generally, is liable to imprisonment for two years.

#### **225B. Keeping a brothel**

Whoever-

- (a) keeps or manages or assists in the management of a brothel; or
- (b) being the tenant, lessee, or occupier or person in charge of any premises, knowingly permits such premises or any part thereof 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 thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel, is liable-
  - (i) to a fine of one hundred naira or to imprisonment for six months; and
  - (ii) on a second or subsequent conviction, to a fine of three hundred naira or to imprisonment for one year,

or in either case, to both such fine and imprisonment.

## **226. Unlawful detention with intent to defile, or in a brothel**

Any person who-

(1) detains a woman or girl against her will in or upon any premises in order to her being unlawfully carnally known by any man, whether a particular man or not; or

(2) detains a woman or girl against her will in a brothel,

is guilty of a misdemeanour and is liable to imprisonment for two years.

When a woman or girl is in or upon any premises in order to her being unlawfully carnally known by any man, whether a particular man or not, or is in a brothel, a person is deemed to detain such woman or girl in or upon such premises in order to her being so unlawfully carnally known or to detain her in such brothel if, with intent to compel or induce her to remain in or upon the premises or in the brothel, he withholds from her any wearing apparel or other property belonging to her, or if, after wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of such person or any other person, he threatens the woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

It is lawful for a woman or girl to take any such wearing apparel as may be necessary to enable her to leave a brothel or any premises in or upon which she is in order to her being unlawfully carnally known by any man.

## **227. Conspiracy to defile**

Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

## **228. Attempts to procure abortion**

Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, 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 whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

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

Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her is guilty of a felony and is liable to imprisonment for seven years.

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

Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **231. Indecent acts**

Any person who-

- (1) wilfully and without lawful excuse does any indecent act in any public place; or
- (2) wilfully does any indecent act in any place with intent to insult or offend any person,

is guilty of a misdemeanour and is liable to imprisonment for two years.

**232.** (Repealed by 1961 No. 51).

#### **233. 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 accused person did not know that the woman or girl was under that age or believed that she was not under that age.

#### **233A. Deportation of non-citizens of Nigeria**

(1) Any person not being a citizen of Nigeria shall, upon conviction of an offence against section 219, 222A, 222B, 223, 225A, or 225B of this Code, be liable to be deported by order of the Minister, and the provisions of the Immigration Act shall apply, mutatis mutandis, in the case of a deportation under this section.



(2) Where any person being a citizen of Nigeria is deported from any British possession to Nigeria under the provisions of any law of such possession and for offences similar to the offences contained in section 219, 222A, 222B, 223, 225A, or 225B of this Code, such person may, on arrival in Nigeria, be kept temporarily in custody and returned under police escort to the place in Nigeria to which such person belongs.

## CHAPTER 21A

### *Obscene publications*

#### **233B. Interpretation**

In this Chapter-

[1961 No. 51.]

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

**"distribute"** includes circulates, lends, sells, lets on hire or offers for sale or on hire;

**"projects"**, in relation to an article to be looked at or heard, includes shows or plays.

#### **233C. Test of obscenity**

(1) An article shall be deemed to be obscene for the purposes of this Chapter 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.

[1961 No. 51.]

(2) The provisions of this section of this Code shall extend to any article of two or more distinct items the effect of any one of which is such as to tend to deprave and corrupt; but nothing in this section 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.

#### **233D. Prohibition of publication of obscene matter**

(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 an offence punishable on conviction by a fine not exceeding four hundred naira or by imprisonment for a term not exceeding three years or by both.

[1961 No. 51.]

(2) A person shall not be convicted of an offence against this section of this Code 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 of an offence against this section of this Code.

(3) In any proceedings against a person under this section of this Code, 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 publication by the person charged.

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

### **233E. Power of search and seizure**

(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 in any premises or on any stall or vehicle in the State, the magistrate may issue a warrant under his hand empowering any constable to enter (if need be by force) and search the premises, or to search the stall or vehicle, within fourteen days from the date of the warrant, and to seize and remove any articles found therein or thereon which the constable has reason to believe to be obscene articles for the purposes of this Chapter and to be kept for publication for gain.

[1961 No. 51.]

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

(3) Articles seized under subsection (1) of this section may, be brought before the magistrate who issued the warrant or before any other magistrate and the magistrate before whom the articles are brought may thereupon 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 magistrate's court, to show cause why the articles or any of them should not be forfeited. If the court is satisfied, as respects any of the articles, that at the time when they were seized they were obscene articles kept for publication for gain, 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.

(4) 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 hand 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.

(5) Where an order is made under this section of this Code for the forfeiture of any articles, 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 days after the day on which the order is made, or, if before the expiration thereof notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.

(6) If, as respects any articles brought before it, the court does not order forfeiture, the court may if it thinks fit, order the person on whose information the warrant for the seizure of the articles 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.

(7) For the purposes of this section of this Code, 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.

(8) Nothing in this section shall be construed to preclude the making of any order for the purposes of section 263 of the Criminal Procedure Act (which relates to disposal of property produced before a court).

[Cap. C41.]

### **233F. Defence of public good**

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

[1961 No. 51.]

(2) It is hereby declared that the opinion of experts as to the literary, artistic, scientific or other merits of an article may be admitted in any proceedings under this Chapter either to establish or to negative the said ground.

## **CHAPTER 22**

Nuisances: gaming houses; lotteries; misconduct relating to corpses

### **234. Common nuisances**

Any person who-

- (a) obstructs any highway, by any permanent work or erection thereon or injury thereto, which renders the highway less commodious to the public than it would otherwise be; or

- (b) prevents the public from having access to any part of a highway by an excessive and unreasonable temporary use thereof, 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; or
- (c) does not repair a highway which he is bound to repair; or
- (d) does not repair a bridge which he is bound to repair; or
- (e) wilfully diverts or obstructs the course of any navigable river so as to appreciably diminish its convenience for purposes of navigation; or
- (f) does any act not warranted by law, 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,

is guilty of a misdemeanor and is liable to imprisonment for two years.

It is immaterial whether the act complained of is convenient to a larger number of the public than it inconveniences, but the fact that the act complained of facilitates the lawful exercise of their rights by a part of the public, may show that it is not a nuisance to any of the public.

The owner of a vessel wrecked in a navigable river is not guilty of a common nuisance because he does not remove it.

**235.** (Repealed by No. 20 of 1944).

### **236. Gaming houses**

(1) A person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is said to keep a common gaming house.

#### *Unlawful gaming*

(2) In this section, "**unlawful gaming**" includes roulette, every game of dice except backgammon, every game of card which is not a game of skill, the game known as chacha and other games of cowries, and any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house is guilty of a misdemeanor and is liable to a fine of one thousand naira or to imprisonment for two years or to both such fine and imprisonment.

(4) Any person other than the persons mentioned in subsection (1) of this section who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming and is guilty of an offence and liable to a fine of ten naira for the first offence and for each subsequent offence to a fine of forty naira or imprisonment for three months or to both such fine and imprisonment.

### **237. Police may be authorised to enter gaming houses, etc.**

(1) A superior police officer or an administrative officer in charge of police, if he has reasonable grounds for believing that any house, room or place is kept as a common gaming house, may by order in writing authorise any police officer to enter and search such house, room or place at any time and if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to arrest all persons who shall be found therein, and to seize all instruments of gaming found in such house or premises and to seize all money found therein.

### **Obstructing entry of police to be evidence of unlawful gaming**

(2) Where a police officer so authorised to enter any house, room or place is wilfully prevented from or obstructed or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to, any such house, room or place shall be found to be fitted or provided with any bolt, bar, chains or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the same or any part thereof of any police officer authorised as aforesaid or for giving an alarm in the case of such entry, or if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming or with any means of contrivance for concealing, removing or destroying any instruments of gaming, it shall be evidence until the contrary be proved, that such house, room or place is used as a common gaming house within the meaning of section 236 of this Code and that the persons found therein were unlawfully playing therein.

### **238. Indemnity of witnesses**

Any person who shall be called to give evidence against any other person charged under the provisions of section 236 of this Code shall be freed from all criminal prosecution in respect of the offence with which such other person is charged or any other offence under section 236 of this Code.

### **239. Betting houses**

Any house, room, or place, which is used for any of the following purposes-

- (1) for the purpose of bets being made therein between persons resorting to the place and-
  - (a) the owner, occupier, or keeper of the place, or any person using the place; or
  - (b) 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

- (c) any person having the care or management, or in any manner conducting the business, of the place; or

(2) for the purpose of any money or other property, being paid or received therein by or on behalf of any such owner, occupier, or keeper, or person using the place as, or for the consideration-

- (a) 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
- (b) for securing the paying or giving by some other person of any money or other property on any such event or contingency,

is called a common betting house.

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 common betting house by another person, or who has the use or management, or assists in conducting the business of a common betting house, is guilty of a misdemeanor and is liable to imprisonment for one year, and to a fine of one thousand naira:

Provided always that nothing herein contained shall make illegal the use of a totalisator by a race club recognised by the Government, at a race meeting, with the approval in each case, of the superintendent of police in charge of the area where the meeting is held. In this proviso "totalisator" means and includes the instrument, machine, or contrivance, commonly known as the totalisator, and any other instrument, machine, or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

#### **239A. Pool betting**

(1) (Inserted by 44 of 1958 repealed by 1961 No. 69).

(2) (Inserted by 44 of 1958 repealed by 1961 No. 69).

(3) For the purpose of section 239 of this Code any house, room or place which is used for the purpose of a licensed pool betting business shall not be deemed to be a common betting house by reason only that it is so used.

[44 of 1958.1961 No. 69.]

(4) (Inserted by 44 of 1958 repealed by 1961 No. 69).

**239B.** (Inserted by 44 of 1958 repealed by 1961 No. 69).

#### **240. Definitions: lottery: lottery ticket: public lottery**

In this Chapter-

**"lottery"** includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance or lot;

**"lottery ticket"** includes any paper, ticket, token or other article whatsoever, which either expressly or tacitly entitles or purports to entitle any person to receive any money or money's worth on the happening of any event or contingency connected with any public lottery;

**"public lottery"** means a lottery to which the public or any class of the public has, or may have, access, and every lottery shall, until the contrary is proved, be deemed to be a public lottery.

#### **240A. Offences relating to lotteries**

Any person who-

- (a) gives or sells or offers for sale or delivers any lottery ticket or pays or receives directly or indirectly any money or money's worth for or in respect of any chance in or event or contingency connected with a public lottery; or
- (b) draws, throws, declares or exhibits, expressly or otherwise, the winner or winning number, ticket, lot, figure, design, symbol, or other result of any public lottery; or
- (c) writes, prints, publishes, or causes to be written, printed, or published, any lottery ticket, or any announcement relating to a public lottery; or
- (d) advances, furnishes, or receives money for the purpose of a public lottery; or
- (e) in any manner carries on, or assists in carrying on, or invites or solicits any person to take part in, a public lottery,

is liable to a fine not exceeding one hundred naira or to imprisonment for a period not exceeding six months.

#### **240B. Recovery of money paid for lottery tickets**

Any money or money's worth paid or deposited for or in respect of the purchase of a lottery ticket shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

#### **240C. Contracting for sale of lottery ticket void**

Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract, except by the purchaser for the return of the money or other consideration (if any) paid thereon.

#### **240D. Saving of certain race club lotteries and sweepstakes**

(1) Nothing in this Chapter contained shall apply to any lottery or sweepstake organised and controlled by any race club in Nigeria to which a minister may by notice in the Federal Gazette extend the provisions of this section of this Code, at or in connection with any race meeting held under the auspices of any club or association.

[L.N. 257 of 1959.]

(2) Nothing in this Chapter contained shall apply to or prevent the sale by raffle or lottery of articles exposed for sale at any bazaar or fancy fair held for raising funds in aid of any institution of a public character, provided that permission for such sale shall have been given in writing by the Minister.

#### **240E. Lotteries carried on in clubs with approval of Minister**

(1) A Minister may grant to any club a licence authorising a lottery to be promoted and carried on,

subject to any conditions contained in the licence, as an incident of entertainment by members of the club on the premises of the club.

[L.N. 257 of 1959.]

(2) It shall be a condition of every licence granted to a club under subsection (1) of this section in respect of a lottery that only members of the club and their guests introduced in accordance with the rules of the club shall have access to the lottery.

(3) A lottery promoted and carried on in a club in accordance with the terms of a licence issued under this section of this Code shall not be deemed to be a public lottery.

(4) When any condition of a licence granted under this section of this Code is contravened, every person concerned in the promotion or carrying on of the lottery is guilty of an offence, unless he proves that the contravention was committed without his knowledge, and liable on summary conviction to a fine of forty naira or to imprisonment for four months.

#### **241. Acting as keeper of brothels, gaming houses and betting houses**

Any person who appears, acts, or behaves, as master or mistress, or as the person having the care or management of any such premises, house, room, set of rooms, or place, as is mentioned in section 225B, 236 or 239 of this Code, is to be taken to be the keeper thereof, whether he is or is not the real keeper.

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

Any person who-

(1) without lawful justification or excuse, the proof of which lies on him-



- (a) neglects to perform any duty imposed upon 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; or
- (b) improperly or indecently interferes with, or offers any indignity to, any dead human body or human remains, whether buried or not;

(2) eats or receive for the purpose of eating any part of a dead human body,

is guilty of a misdemeanor and is liable to imprisonment for two years.

## CHAPTER 23

### *Offence against public health*

#### **243. Exposing for sale things unfit for food or drink**

(1) Any person who sells, as food or drink, or has in his possession with intent to sell it as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, or is in a state unfit for food or drink, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **Adulteration of food or drink intended for sale**

(2) Any person who adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink or knowing it to be likely that the same will be sold as food or drink, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **244. Dealing in diseased meat**

Any person who-

(1) knowingly takes into a slaughter-house used for the slaughter of any animals intended for the food of man the whole or any part of the carcass of any animal which has died of any disease; or

(2) knowingly sells the whole or part of the carcass of any animal which has died of any disease or which was diseased when slaughtered,

is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **245. Fouling water**

Any person who corrupts or fouls the water of any spring, stream, well, tank, reservoir, or place, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanor and is liable to imprisonment for six months.

#### **246. Burials in houses**

Any person who without the consent of the President or the Governor buries or attempts to bury any corpse in any house, building premises, yard, garden, compound, or within a hundred yards of any dwelling-house, or in any open space situated within a township, is guilty of a misdemeanor and is liable to imprisonment for six months.

[L.N. 112 of 1964. 1967 No. 27.]

#### **247. Noxious acts**

Any person who-

- (a) vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling 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 be, likely to spread the infection of any disease dangerous to life, whether human or animal,

is guilty of a misdemeanor and is liable to imprisonment for six months.

#### **248. Sale of matches made with white phosphorus: use of white phosphorus in manufacture of matches**

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,

is guilty of an offence and liable to a fine of twenty naira, and any matches in respect of which the offence shall have been committed shall be forfeited.

### **CHAPTER 24**

*Idle and disorderly persons; rogues and vagabonds; bringing contempt on uniform*

#### **249. Idle and disorderly persons**

The following persons-

- (a) every common 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 wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do;
- (c) every person playing at any game of chance for money or money's worth in any public place; and
- (d) every person who, in any public place, conducts himself in a manner likely to cause a breach of the peace,

shall be deemed idle and disorderly persons and may be arrested without warrant, and are guilty of a simple offence and liable to imprisonment for one month.

## **250. Rogues and vagabonds**

The following persons-

(1) every person convicted of an offence under section 249 of this Code after having been previously convicted as an idle and disorderly person;

(2) every person wandering abroad and endeavouring by the exposure of wounds or deformation to obtain or gather alms;

(3) 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;

(4) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;

(5) 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, abetting, or controlling, her prostitution with any man, whether a particular man or not;

(6) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto 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 rogue and vagabond and is guilty of a misdemeanor and is liable on summary conviction for the first offence to imprisonment for three months and for every subsequent offence to imprisonment for one year.

An offender may be arrested without warrant.

## **251. Bringing contempt on uniform**

Any person who, not being a person serving in any of the armed or police forces of Nigeria, 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 manner or in such circumstances as to be likely to

bring contempt on that uniform, or employs any other person so to wear such uniform or dress, is guilty of a simple offence, and is liable to imprisonment for three months or to a fine of forty naira.

[L.N. 112 of 1964.]

## Part 5

*Offences against the person and relating to marriage and parental rights and duties, and against the reputation of individuals*

## CHAPTER 25

*Assaults and violence to the person generally: justification and excuse*

### **252. Definition of assault**

A person who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or 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 actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault.

The term "**applies force**" includes the case of applying heat, light, electrical force, gas, odour, or any other substance of thing whatever, if applied in such a degree as to cause injury or personal discomfort.

### **253. Assaults unlawful**

An assault is unlawful and constitutes an offence unless it is authorised or justified or excused by law.

The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

### **254. 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 (including a customary and an area court) to execute or give effect to that sentence.

### **255. Execution of process**

It is lawful for a person who is charged by law with the duty of executing the lawful process of a court (including a customary and an area court) and who is required to arrest or detain another person under such process, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the terms of the process.

### **256. 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 (including customary and an area court) or 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.

#### **257. Erroneous sentence or process or warrant**

If the sentence was passed, or the process was issued, by a court (including a native tribunal) having jurisdiction under any circumstances to pass such a sentence or to issue such process, or if the warrant was issued by a court (including a customary and an area court) or judicial officer or other person having authority in any circumstances to issue such a warrant, it is immaterial whether the court or judicial officer or person had or had not authority to pass the sentence or issue the process or warrant in the particular case; unless the person executing the same knows that the sentence or process or warrant, was in fact passed or issued without authority.

#### **258. 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 (including a native tribunal), judicial officer, or other person, and who would be justified, under the provisions of sections 254, 255, 256 and 257 of this Code, in executing the same if it had been passed or issued by a court (including a customary and an area 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.

#### **259. Arrest of wrong person**

A person who, being duly authorised to execute a warrant to arrest one person, arrests another person, 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.

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.

#### **260. 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 good in law, 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 were good in law.

#### **261. Force used in executing process or in 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.

**262.** (Repealed by No. 43 of 1945).

**263.** (Repealed by No. 43 of 1945).

**264.** (Repealed by No. 43 of 1945).

**265.** (Repealed by No. 43 of 1945).

**266.** (Repealed by No. 43 of 1945).

**267.** (Repealed by No. 43 of 1945).

**268.** (Repealed by No. 43 of 1945).

**269.** (Repealed by No. 43 of 1945).

**270.** (Repealed by No. 43 of 1945).

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

When a peace officer or police officer is proceeding lawfully to arrest, with or without warrant, a person for an offence which is a felony, and is such that the offender may be arrested without warrant, and 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, if the offence is such that the offender may be punished with death or with imprisonment for seven years or more, may kill him if he cannot by any means otherwise be arrested.

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

When a person who is not a peace officer or police officer is proceeding lawfully to arrest, without warrant, another person for an offence which is such that the offender may be arrested without warrant, and when any person is proceeding lawfully to arrest another person for any cause other than such an offence, and, in either case, the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the person seeking to arrest him to use such force as may be reasonably necessary to prevent his escape.

But this section of this Code does not authorise the use of force which is intended or is likely to cause death or grievous harm.

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

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.

But, if the offence is not one which is such that the offender may be arrested without warrant, this section of this Code shall not authorise the use of force which is intended or is likely to cause death or grievous harm.

**274.** (Repealed by No. 43 of 1945).

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

It is lawful for any person who witnesses a breach of the peace to interfere to prevent the continuance or renewal of it, and to use such force as is reasonably necessary for such prevention and is reasonably proportioned to the danger to be apprehended from such continuance or renewal, and to detain any person who is committing or who is about to join in or 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.

It is lawful for a peace officer or police officer who witnesses a breach of the peace, and for any person lawfully assisting him, to arrest any person whom he finds committing it, or whom he believes on reasonable grounds to be about to join or renew the breach of the peace.

It is lawful for a peace officer or police officer to receive into custody and detain in custody any person given into his charge as having been a party to a breach of the peace by a person whom the peace officer or police officer believes, on reasonable grounds, to have witnessed the breach of the peace.

### **276. Suppression of riot**

It is lawful for any person to use such force as is necessary to suppress a riot, and is reasonably proportioned to the danger to be apprehended from its continuance.

### **277. Suppression of riot by peace officers**

It is lawful for a peace officer to use or order to be used such force as he believes, on reasonable grounds, to be necessary in order to suppress a riot, and is reasonably proportioned to the danger which he believes, on reasonable grounds, is to be apprehended from its continuance.

### **278. Suppression of riot by person acting under lawful orders**

It is lawful for any person acting in good faith in obedience to orders, not manifestly unlawful, given by a peace officer for the suppression of a riot, to use such force as he believes, on reasonable grounds, to be

necessary for carrying such orders into effect. Whether any particular order so given is or is not manifestly lawful, is a question of law.

#### **279. Suppression of riot by person acting without order in case of emergency**

When any person, whether subject to military law or not, believes, on reasonable grounds, that serious mischief will arise from a riot before there is time to procure the intervention of a peace officer, it is lawful for him to use such force as he believes, on reasonable grounds, to be necessary for the suppression of the riot, and as is reasonably proportioned to the danger which he believes, on reasonable grounds, is to be apprehended from its continuance.

#### **280. Riot: persons subject to Military Law or members of the Police Forces**

It is lawful for a person who is bound by the laws in force relative to the Armed Forces of Nigeria or to the Police Forces to obey the lawful commands of his superior officer, to obey any command given him by his superior officer, in order to see the suppression of a riot, unless the command is manifestly unlawful. Whether any particular command is or is not manifestly unlawful, is a question of law.

[L.N. 112 of 1964.]

#### **281. Prevention of offences for which an offender may be arrested without warrant: prevention of violence by persons of unsound mind**

It is lawful for any person to use such force as is reasonably necessary in order to prevent the commission of an offence which is such that the offender may be arrested without warrant; or in order to prevent any act from being done as to which he believes, on reasonable grounds, that it would, if done, amount to any such 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.

#### **282. Defence of dwelling-house**

It is lawful for any person who is in peaceable possession of a dwelling-house, and for any person lawfully assisting him or acting by his authority, to use such force as he believes, on reasonable grounds, to be necessary in order to prevent the forcible breaking and entering of the dwelling-house, either by night or day, by any person whom he believes on reasonable grounds, to be attempting to break and enter the dwelling-house with intent to commit a felony or misdemeanor therein.

#### **283. Provocation**

The term "**provocation**", used with reference to an offence of which an assault is an element, includes, except as hereinafter stated, any wrongful act or insult of such nature as to be likely, when done to an ordinary person, or in the presence of the ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master or servant, to deprive him of the power of self-control, and to induce him to assault the person by whom the act or insult is done or offered.



When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

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

An act which a person does in consequence of excitement given by another person in order to induce him to do the act, and thereby to furnish an excuse for committing an assault, is not provocation to that person for an assault.

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.

#### **284. Defence of provocation**

A person is not criminally responsible for an assault committed upon a person who gives him provocation for the assault, if he is in fact deprived by the provocation of the power of self-control, and acts upon it on the sudden and before there is time for his passion to cool; provided that the force used is not disproportionate to the provocation, and is not intended, and is not such as is likely, to cause death or grievous harm.

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 assault the person by whom the act or insult is done or offered, and whether, in any particular case, the person provoked was actually deprived by the provocation of the power of self-control, and whether any force used is or is not disproportionate to the provocation, are questions of fact.

#### **285. Prevention of repetition of insult**

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 provocation to him for an assault:

Provided that the force used is not intended and is not such as is likely, to cause death or grievous harm.

#### **286. Self-defence against unprovoked assault**

When a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effectual defence against the assault:

Provided that the force used is not intended, and is not such as is likely, to cause death or grievous harm.

If the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, and the person using force by way of defence believes, on reasonable ground, that he cannot otherwise preserve the person defended from death or grievous harm, it is lawful for him to use any such force to the assailant as is necessary for defence, even though such force may cause death or grievous harm.

### **287. Self-defence against provoked assault**

When a person has unlawfully assaulted another or has provoked an assault from another, and that other assaults him with such violence as to cause reasonable apprehension of death or grievous harm, and to induce him to believe, on reasonable grounds, that it is necessary for his preservation from death or grievous harm to use force in self-defence, he is not criminally responsible for using any such force as is reasonably necessary for such preservation, although such force may cause death or grievous harm.

This protection does not extend to a case in which the person using force, which causes death or grievous harm, first began the assault with intent to kill or to do grievous harm to some person; nor to a case in which the person using force which causes death or grievous harm endeavoured to kill or to do grievous harm to some person before the necessity of so preserving himself arose; nor, in either case, unless, before such necessity arose, the person using such force declined further conflict, and quitted it or retreated from it as far as was practicable.

### **288. 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 a like degree of force for the purpose of defending such first-mentioned person.

### **289. 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 harm to the trespasser.

### **290. Defence of movable property with claim of right**

When a person is in peaceable possession of any movable 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, even against a person who is entitled by law to possession of the property, provided that he does not do harm to such other person.

### **291. Defence of movable property without claim of right**

When a person who is entitled by law to the possession of movable property, attempts to take 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 harm to the person in possession.

### **292. Defence of premises against trespassers: removal of disorderly persons**

It is lawful for a person who is in peaceable possession of any land, structure, vessel or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use such force as is reasonably necessary in order to prevent any person from wrongfully entering upon such land, structure, vessel, or place, or in order to remove therefrom a person who wrongfully remains therein, provided that he does not do harm to such person.

It is lawful for a person who is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use force in order to remove therefrom any person who conducts himself in a disorderly manner therein, provided that he does not do him harm.

The term "**place**" includes any part of an enclosure or structure, whether separated from the rest of the enclosure or structure, by a partition, fence, rope, or any other means, or not.

### **293. Defence of possession of real property or vessel with claim of right**

When a person is in peaceable possession of any land, structure, or vessel, with 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, even against a person who is entitled by law to the possession of the property provided that he does not do harm to such person.

### **294. Exercise of right of way or easement**

When a person who claims to be lawfully entitled to enter upon land for the exercise of a right of way or other easement or profit, enters upon the land for the purpose of exercising such right of way, or easement or profit, after notice that his right to use such way or 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 him harm.

### **295. Correction of child, servant, etc.**

A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction as follows-

(1) a father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, or any guardian or person acting as a guardian, his ward, being under sixteen years of age, for misconduct or disobedience to any lawful command;

(2) a master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such servant or apprentice;

(3) the master of a ship may correct any person on board his ship who is bound to perform any manual labour, for misconduct or disobedience to any lawful command;

(4) a father or mother or guardian, or a person acting as a guardian, may delegate to any person whom he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward on his or her own authority for correction, including the power to determine in what cases correction ought to be inflicted; and such a delegation shall be presumed, except in so far as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward;

(5) a person who is authorised to inflict correction as in this section of this Code mentioned may, in any particular case, delegate to any fit person the infliction of such correction; and

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

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

The master of a vessel, or any person acting by his order, may justify the use of any such force against any person onboard the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen, or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of the other person; and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel, or the preservation of any such person as aforesaid, cannot be otherwise secured.

#### **297. Surgical operations**

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

#### **298. 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 constitutes the excess.

#### **299. Consent to death immaterial**

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 26**

#### *Duties relating to the preservation of human life*

### **300. Duty to provide necessities**

It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessities of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessities of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

### **301. Duty of head of family**

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

### **302. Duty of masters**

It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing, or lodging, for any servant or apprentice under the age of sixteen years, to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

### **303. 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 he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

### **304. 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, and whether 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; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

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

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

### **305A. Breach of contract of person 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 thereof either wholly or to a great extent of the supply of electricity or water, is guilty of 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 to endanger public health, including the health of the inmates of a hospital or similar institution, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, is guilty of an offence.

(3) For the purpose of this section-

- (i) "**maliciously**" means with the intention of producing any of the consequences set out in subsection (1) or (2) of this section, as the case may be, or with a reckless disregard of whether such consequences are produced or not, and
- (ii) the termination of any contract of service, either alone or in combination with others, on less than seven days' notice of intention so to terminate, in such circumstances that the actual or probable consequences of the termination are those set out in subsection (1) or (2) of this section, shall, where length of such notice required by any enactment, or by any contract or services, is more than seven days, be deemed to be a malicious breach of contract, and the words "**maliciously breaks**" in this section of this Code shall be construed accordingly.

(4) Any person guilty of an offence against any of the provisions of this section of this Code is liable, on conviction, to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

(5) No prosecution for an offence under this section of this Code shall be constituted without the written consent of the Attorney-General of the Federation.

## **CHAPTER 27**

*Homicide; suicide; infanticide; concealment of birth; unlawful possession of human head*

### **306. Killing of a human being unlawful**

It is unlawful to kill any person unless such killing is authorised or justified or excused by law. 307. When a child becomes a human being

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

### **308. Definition of killing**

Except as hereinafter set forth, any person who causes the death of another, directly or indirectly, by any means whatever, is deemed to have killed that other person.

### **309. 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 acts is deemed to have killed the child.

### **310. Causing death by threats**

A person who, by threat or 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.

### **311. 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.

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

When a person causes 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.

### **313. Injury causing death in consequence of subsequent treatment**

When a person does grievous harm to another, and 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.

### **314. Limitation as to time of death**

A person is not deemed to have killed another, if the death of that other person does not take place within a year and a day of the cause of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

### **315. Unlawful homicide**

Any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter, according to the circumstances of the case.

### **316. Definition of murder**

Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say-

- (1) if the offender intends to cause the death of the person killed, or that of some other person;
  - (2) if the offender intends to do to the person killed or to some other person some grievous harm;
  - (3) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
  - (4) if the offender intends to do grievous harm to some person for the purpose of facilitating the commission of an offence which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such offence;
  - (5) if death is caused by administering any stupefying or overpowering things for either of the purposes last aforesaid;
  - (6) if death is caused by wilfully stopping the breath of any person for either of such purposes,
- is guilty of murder.

In the second case it is immaterial that the offender did not intend to hurt the particular person who is killed.

In the third case it is immaterial that the offender did not intend to hurt any person.



In the three last cases it is immaterial that the offender did not intend to cause death or did not know that death was likely to result.

### **317. Definition of manslaughter**

A person who unlawfully kills another in such circumstances as not to constitute murder is guilty of manslaughter.

### **318. Killing on provocation**

When a person who unlawfully kills another in circumstances which, but for the provisions of this section of this Code, would constitute murder, does the act which causes death in the heat of passion caused by grave and sudden provocation, and before there is time for his passion to cool, he is guilty of manslaughter only.

[1966 No. 84.]

### **319. Punishment of murder: provision for juveniles: provision for pregnant women**

(1) Subject to the provisions of this section of this Code, any person who commits the offence of murder shall be sentenced to death.

#### *Provisions for juveniles*

(2) Where an offender who in the opinion of the court had not attained the age of seventeen years at the time the offence was committed, has been found guilty of murder, such offender shall not be sentenced to death but shall be ordered to be detained during the pleasure of the President and upon such an order being made the provisions of Part 44 of the Criminal Procedure Act shall apply.

[1966 No. 84. L.N. 112 of 1964.]

#### *Provisions for pregnant women*

(3) Where a woman who has been convicted of murder alleges she is pregnant or where the judge before whom she is convicted considers it advisable to have inquiries made as to whether or not she be pregnant, the procedure laid down in section 376 of the Criminal Procedure Act shall first be complied with.

[Cap. C41.]

### **320. Attempt to murder**

Any person who-

(1) attempts unlawfully to kill another; or

(2) with intent unlawfully to 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 be likely to endanger human life,

is guilty of a felony and is liable to imprisonment for life.

#### **321. Attempt to murder by convict**

Any person who, being under sentence of penal servitude or of imprisonment for three years or more, attempts to commit murder is liable to imprisonment for life.

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

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

#### **323. Written threats to murder**

Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person is guilty of a felony and is liable to imprisonment for seven years.

#### **324. Conspiring to murder**

Any person who conspires with any other person to kill any person, whether such person is in Nigeria or elsewhere, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **325. Punishment of manslaughter**

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

#### **326. Aiding suicide**

Any person who-

- (1 ) procures another to kill himself; or
- (2) counsels another to kill himself and thereby induces him to do so; or
- (3) aids another in killing himself;

is guilty of a felony and is liable to imprisonment for life.

#### **327. Attempting to commit suicide**

Any person who attempts to kill himself is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **327 A. Offence of infanticide**

Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of lactation consequent upon the birth of the child, then notwithstanding that the circumstances were such that but for this section of this Code the

offence would have amounted to murder, she is guilty of a felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

### **328. Killing 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, is guilty of a felony and is liable to imprisonment for life.

### **329. 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, is guilty of a misdemeanor and is liable to imprisonment for two years.

### **329A. Unlawful possession of human head**

(1) Any person who receives or has in his possession a human head or skull within six months of the same having been separated from the body or skeleton with the intention that such head or skull shall be possessed by himself as a trophy, juju or charm or transferred by him to any other person as a trophy, juju or charm, is guilty of a felony and is liable to imprisonment for five years.

(2) Where in any prosecution under this section of this Code it is proved that the person charged received or had in his possession a human head or skull within six months of the same having been separated from the body or skeleton, it shall be presumed that the person charged received or had in his possession such head or skull with the intention specified in subsection (1) of this section, unless the contrary is proved.

(3) A prosecution for an offence under this section of this Code shall not be instituted except by or with the consent of a law officer.

## **CHAPTER 28**

### *Offences endangering life or health*

### **330. Disabling in order to commit felony or misdemeanour**

Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, is guilty of a felony and is liable to imprisonment for life, with or without caning.

[30 of 1960.]

### **331. Stupefying in order to commit felony or misdemeanour**

Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanor or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanor, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony and is liable to imprisonment for life.

### **332. Acts intended to cause grievous harm or prevent arrest**

Any person who, with intent to maim, disfigure or disable, any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person-

(1) unlawfully wounds or does any grievous harm to any person by any means whatever; or

(2) 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; or

(3) unlawfully causes any explosive substance to explode; or

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

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

(6) puts any corrosive fluid or any destructive or explosion substances in any place; or

(7) unlawfully casts or throws any such fluid or substances at or upon any person, or otherwise applies any such fluid or substances to the person of any person,

is guilty of a felony and is liable to imprisonment for life.

### **333. Preventing escape from wreck**

Any person who unlawfully-

(1) 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

(2) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of a felony and is liable to imprisonment for life.

### **334. Intentionally endangering safety of person travelling by railway**

Any person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not-

(1) places anything on the railway; or

(2) deals with the railway, or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or

(3) shoots or throws anything at, into, or upon, or causes anything to come into contact with, any person or thing on the railway; or

(4) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

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

is guilty of a felony and is liable to imprisonment for life, with or without caning.

[30 of 1960.]

### **335. Grievous harm**

Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for seven years.

### **336. Attempting to injure by explosive substances**

Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

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

Any person who unlawfully, and with intent to injure or annoy another, causes any poison or other noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, is guilty of a felony and is liable to imprisonment for fourteen years.

### **338. Wounding and similar acts**

Any person who-

(1) unlawfully wounds another; or

(2) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person,

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

### **339. Failure to supply necessities**

Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony and liable to imprisonment for three years.

*The offender cannot be arrested without warrant.*

#### **340. Endangering life or health of apprentices or servants**

Any person who, being charged as a master or mistress with the duty of providing necessary food, clothing, or lodging, for a servant or apprentice under the age of sixteen years, unlawfully fails to perform that duty, or in any other manner does any harm or causes any harm to be done to such servant or apprentice, whereby, in either case, the life of such servant or apprentice is or is likely to be endangered, or his health is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **341. Abandoning or exposing children**

Any person who unlawfully abandons or exposes a child under the age of seven years, in such a manner that any grievous harm is likely to be caused to it, is guilty of a felony and is liable to imprisonment for five years.

#### **342. Setting man-trap**

Any person who sets or places any spring-gun, man-trap or other engine calculated to destroy human life or to inflict grievous harm, or causes any such thing to be set or placed with the intent that it may kill or inflict grievous harm upon a trespasser or any person coming in contact with it, or sets or places any such thing in any such place and in any such manner that it is likely to cause any such result, is guilty of a felony and is liable to imprisonment for three years.

Any person who knowingly permits any such spring-gun, man-trap, or other engine, which has been set or placed by another person in any such place and in any such manner that it is likely to cause any such result, to continue to be so set or placed in any place which is then in, or afterwards comes into, his possession or occupation, is deemed to have set and placed the gun, trap, or engine, with the intent aforesaid.

This section of this Code, does not make it unlawful to set any gun or trap such as is usually set for the purpose of destroying vermin, or to set any spring-gun, man-trap, or engine, at night in a dwelling-house for the protection of the dwelling-house.

The offender cannot be arrested without warrant.

#### **343. Reckless and negligent acts**

(1) Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person-

(a) drives any vehicle or rides on any public way; or

- (b) navigates, or takes part in the navigation or working of, any vessel; or
- (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; or
- (d) omits to take precautions against any probable danger from any animal in his possession; or
- (e) gives medical or surgical treatment to any person whom he has undertaken to treat; or
- (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,

is guilty of a misdemeanor and is liable to imprisonment for one year.

(2) Any person who conveys or causes to be conveyed, for hire, any person by water, in a vessel in such a state or so loaded as to be unsafe, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **344. Negligent acts causing harm**

Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in section 343 of this Code, by which act or omission harm is caused to any person, is guilty of a misdemeanor and is liable to imprisonment for six months.

#### **345. Sending unseaworthy ship to sea**

(1) Any person who sends or attempts to send or is party to sending or attempting to send a Nigerian ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, is guilty of a misdemeanor, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was in the circumstances reasonable and justifiable.

[L.N. 112 of 1964.]

(2) The master of a Nigerian ship who knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, is guilty of a misdemeanor, unless he proves that her going to sea in such an unseaworthy state was in the circumstances reasonable and justifiable.

(3) Any person convicted of a misdemeanor under this section of this Code is liable to imprisonment for two years.

(4) A prosecution shall not be instituted in respect of an offence under this section of this Code otherwise than by or with the consent of a law officer.

#### **346. Endangering safety of persons travelling by railway**

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 railway to be endangered, is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **347. Endangering steamships by tampering with machinery**

Any person who, being a person having actual control over a steam vessel, or over any part of the machinery of a steam vessel, does any act or makes any omission or is privy to any act or omission with respect to the machinery of the vessel, whereby to his knowledge, the safety of any person on board the vessel is or is likely to be endangered, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **348. The like by engineers**

Any person who is an engineer, or one of the engineers, in charge of the machinery of a steam vessel 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, is guilty of a simple offence and is liable to a fine of two hundred naira.

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

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

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

The offender cannot be arrested without warrant.

#### **350. Landing, etc., explosives Any person who-**

(1) being charged by law with any duty respecting the shipping, unshipping, landing, putting off shore, conveyance, delivery or storage of any explosive substance, or of any acid, or other thing of a dangerous or destructive nature, from any vessel, fails to perform that duty; or



(2) 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,

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

This section of this Code does not apply to any explosive, acid or other thing, the property of the State, while it is under the control of an officer of the armed forces of Nigeria.

The offender cannot be arrested without warrant.

## CHAPTER 29

### *Assaults*

#### **351. Punishment of assault**

Any person who unlawfully assaults another is guilty of a misdemeanor, and is liable, if no greater punishment is provided, to imprisonment for one year.

#### **352. Assault with intent to commit unnatural offence**

Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years.

#### **353. Indecent assault on males**

Any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **354. Assaults on person protecting wrecks**

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

#### **355. Assaults occasioning harm**

Any person who unlawfully assaults another and thereby does him harm, is guilty of a felony and is liable to imprisonment for three years.

#### **356. Serious assaults**

Any person who-

(1) 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; or

(2) 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; or

(3) 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; or

(4) 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; or

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

(6) assaults any person in pursuance of any unlawful conspiracy respecting any manufacture, trade, business, or occupation, or respecting any person or persons concerned or employed in any manufacture, trade, business, or occupation, or the wages of any such person or person,

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

## CHAPTER 30

### *Assaults on females: abduction*

#### **357. Definition of rape**

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.

#### **358. Punishment of rape**

Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.

[30 of 1960.]

#### **359. Attempt to commit rape**

Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.

[30 of 1960.]

#### **360. Indecent assaults on females**

Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor, and is liable to imprisonment for two years.

### **361. Abduction**

Any person who, with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her against her will, is guilty of a felony, and is liable to imprisonment for seven years.

### **362. Abduction of girls under sixteen**

Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanor, and is liable to imprisonment for two years.

### **363. Ignorance of age of girl, or consent, no defence**

In the case of proceedings in respect of an offence under section 362 of this Code-

- (a) it is immaterial that the offender believed the girl to be of or above the age of sixteen years;
- (b) it is immaterial that the girl was taken with her own consent or at her own suggestion.

## **CHAPTER 31**

### *Offences against liberty: slave dealing*

### **364. Kidnapping**

Any person who-

- (1) unlawfully imprisons any person, and takes him out of Nigeria without his consent; or
- (2) unlawfully imprisons any person within Nigeria in such a manner as to prevent him from applying to a court for his release or from discovering 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,

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

### **365. 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, is guilty of a misdemeanor and is liable to imprisonment for two years.

### **366. 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-

[Cap. T14.]

- (a) threatens such other person with injury to his person, reputation, or property, or to the person, reputation, or property of anyone in whom he is interested; or
- (b) persistently follows such other person about from place to place; or
- (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 thereof; or
- (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; or
- (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 Government of Nigeria or to any person employed in the public service of Nigeria,

is guilty of an offence and is liable on conviction to imprisonment for one year. 367. Compelling action by assault

Any person who, with any of the intents in section 366 of this Code mentioned, assaults any other person or anyone in whom he is interested, is guilty of a felony and liable to imprisonment for five years.

### **368. Concealment of matters affecting liberty**

Any person who-

- (1) being required by law to keep any record touching 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
- (2) being required by law to give any information to any person touching any person in confinement, or to show to any person, any person in confinement, or any place in which a person is confined-
  - (a) refuses or neglects to give such information or to show such person or place to any person to whom he is so required to give the information or show the person or place; or

- (b) gives to any person to whom he is so required to give it, information touching any such matter which, in any material particular, is to his knowledge, false,

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

### **369. Slave dealing**

Any person who-

- (1) deals or trades in, purchases, sells, transfers or takes any slave;
- (2) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave;
- (3) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known;
- (4) conveys or induces any person to come within the limits of Nigeria in order or so 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;
- (5) conveys or sends or induces any person to go out of the limits of Nigeria in order or so 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;
- (6) whether or not a citizen of Nigeria holds or possesses in Nigeria any person as a slave;
- (7) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated, is guilty of slave dealing and is liable to imprisonment for fourteen years.

## **CHAPTER 32**

### *Offences relating to marriage and parental rights and duties*

### **370. Bigamy**

Any person who, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, is guilty of a felony and is liable to imprisonment for seven years.

This section of this Code does not extend to any person whose marriage with such husband or wife has been dissolved or declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the

subsequent marriage, shall have been absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

### **371. Child-stealing**

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 years, of the possession of such child, or with intent to steal any article upon or about the person of any such child-

(1) forcibly or fraudulently takes or entices away, or detains the child; or

(2) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

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

It is a defence to a charge of any of the offences defined in this section of this Code to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

### **372. 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 years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanor and is liable to imprisonment for one year.

## **CHAPTER 33**

### *Defamation*

### **373. Definition of defamatory matter**

Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by any injury to his reputation.

Such matter may be expressed in spoken words or in any audible sounds, or in words legibly marked on any substance whatever, or by any sign or object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

It is immaterial whether at the time of the publication of the defamatory matter, the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney-General of the Federation.

### **374. Definition of publication**

(1) For the purposes of this Code, the publication of defamatory matter is-

- (a) in the case of spoken words or audible sounds, the speaking of such words or the making of such sounds in the hearing of the person defamed or any other person;
- (b) in other cases, the exhibiting of it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with intent that it may be read or seen by the person defamed or by any other person.

(2) Sounds where recorded shall, if defamatory, be deemed to be published if reproduced in any place to the hearing of persons other than the person causing it to be reproduced.

(3) In this section-

**"recorded"** means sounds collected or stored by means of 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 or from time to time thereafter, and includes the matrix, and cognate expressions shall have the like meaning;

**"sound"** includes speech and mere noise.

### **375. Publication of defamatory matter**

Subject to the provisions of this Chapter, any person who publishes any defamatory matter, is guilty of a misdemeanor and is liable to imprisonment for one year; and any person who publishes any defamatory matter knowing it to be false, is liable to imprisonment for two years.

### **376. Publishing defamatory matter with intent to extort**

Any person who publishes, or threatens to publish, or offers to abstain from publishing, or offers to prevent the publication of defamatory matter, with intent to extort money or other property, or with intent to induce any person to give, confer, procure, or attempt to procure, to, upon, or for, any person, any property or benefit of any kind, is guilty of a felony and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

### **377. Publication of truth for public benefit**

The publication of defamatory matter is not an offence if the publication is, at the time it is made, for the public benefit and if the defamatory matter is true.

### **378. Cases in which publication is absolutely privileged**

The publication of defamatory matter is absolutely privileged, and no person is criminally liable in respect thereof, in the following cases-

[L.N. 257 of 1959. L.N. 112 of 1964. 1967 No. 27.]

- (1) if the matter is published by the President, Minister or a Governor or by order of the President, Minister or a Governor in any official document, Gazette or proceedings; or
- (2) if the publication is made in a petition to the President, Minister, or a Governor; or
- (3) if the publication takes place in proceedings held before or under the authority of any court, or in any inquiry held under the authority of any Act, law, statute, or order, or under the authority of the President, Minister, or a Governor; or
- (4) if the publication takes place in an official report made by a person appointed to hold an inquiry under the authority of any Act, law, statute, or Order in Council, or of the President, Minister, or a Governor; or
- (5) if the matter is published concerning a person subject to military discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct.

[L.N. 257 of 1959. L.N. 112 of 1964. 1967 No. 19. 1967 No. 27.]

### **379. Cases in which publication is conditionally privileged**

The publication of defamatory matter is conditionally privileged, and no person is criminally liable in respect thereof, in the following cases-

- (1) if the defamatory matter consists of an extract from, or an abstract of, a petition to, or a Gazette or document published by or under the authority of, the President or a Governor of a State, or a Minister, and the publication is made without ill-will to the person defamed; or
- (2) if the defamatory matter constitutes, in whole or in part, a fair report, for the information of the public, of any public proceeding of any court, whether preliminary or final; or of any public proceeding of any body, constituted, or authorised to hold such proceeding by any Act, law, statute or order; or of any public meeting so far as the public is concerned in the matter published; if in every such case the publication is made without ill-will to the person defamed; or
- (3) if the publication is for the information of the public at the request of any government department or peace officer, or if the defamatory matter is any notice or report issued by such department or officer, for the information of the public, and if in every such case the publication is made without ill-will to the person defamed; or
- (4) if the defamatory matter consists of fair comment either on any matter the publication of which, or on any report which, is hereinbefore in the preceding or this section referred to; or



(5) if the defamatory matter consists of fair comment upon the public conduct of any person in public affairs, or upon the public conduct of any person employed in the public service in the discharge of his public duties, or upon the character of any of such persons so far as it appears by such conduct; or

(6) if the defamatory matter consists of fair comment on any published book or other literary production, or any composition or work of art, or performance publicly exhibited, or any other communication made to the public on any subject; or of the character of the author of such book, production, composition, work of art, or the person exhibiting such performance, so far as their characters may appear therefrom respectively; or

(7) if the publication is in good faith for the purpose of seeking remedy or redress for any private or public wrong or grievance from a person who has, or is reasonably believed by the person publishing to have, the right to remedy or redress such wrong or grievance; or

(8) if the publication is made in good faith by a person having any lawful authority over another, and is made by him in the course of a censure passed by him on the conduct of that other, in matters to which such lawful authority relates; or

(9) if the publication is made on the invitation or challenge of the person defamed; or

(10) if the publication is made in order to answer or refute some other defamatory matter published by the person defamed, concerning the person making the publication or some other person; or

(11) if the defamatory matter constitutes an answer to inquiries made of the person publishing it, relating to some subject as to which the person by whom or on whose behalf the inquiry is made, has, or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth, and if the publication is made in good faith for the purpose of giving information in respect of that matter to that person; or

(12) if the defamatory matter constitutes information given to the person to whom the defamatory matter is published, with respect to some subject as to which he has, or is on reasonable grounds believed to have, such an interest in knowing the truth, as to make the conduct of the person giving the information reasonable in the circumstances:

Provided that as regards paragraphs (7), (8), (9), (10) and (11) of this section, the person making the publication honestly believes the matter published to be true, the matter published is relevant to the matters the existence of which may excuse the publication of defamatory matter, and the manner and extent of the publication do not exceed what is reasonably sufficient for the occasion; and as regards paragraph (12) that the defamatory matter is relevant to the subject therein mentioned, and that it is either true, or is made without ill-will to the person defamed and in the honest belief, on reasonable grounds, that it is true.

### **380. Publication in a periodical**

(1) In this section and section 381 of this Code, the term "**periodical**" includes any newspaper, review, magazine, or other writing or print, published periodically.

(2) The criminal responsibility of the proprietor, editor, or publisher, of any periodical for the publication of any defamatory matter contained therein, may be rebutted by proof that such publication took place without his knowledge and without negligence on his part.

### **381. Protection of innocent sellers of books and newspapers**

The sale by any person of any book, pamphlet, or other printed or written matter, or of any number or part of any periodical, is not a publication thereof for the purposes of this Chapter, unless such person knows that such book, pamphlet, printed or written matter, or number or part, contains defamatory matter; or, in the case of any part or number of any periodical, that such periodical habitually contains defamatory matter.

## **Part 6**

### *Offences relating to property and contracts*

#### **DIVISION 1**

### *Stealing and like offences*

## **CHAPTER 34**

### *Stealing*

### **382. Things capable of being stolen**

Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen: but tame pigeons are not capable of being stolen except while they are in a pigeon-house or on their owner's land.

A thing in action is capable of being stolen.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

[1966 No. 84.]

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

An ostrich on an enclosed ostrich farm is capable of being stolen. The term "**animal**" includes any living creature other than mankind.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

### **383. Definition of stealing**

(1) A person who fraudulently takes anything capable of being stolen, or fraudulently converts to his own use or to the use of any other person anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen IS deemed to do so fraudulently If he does so with any of the following intents-

- (a) an intent permanently to deprive the owner of the thing of it;
- (b) an intent permanently to deprive any person who has any special property in the thing of such property;
- (c) an intent to use the thing as a pledge or security;
- (d) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (e) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;
- (f) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term "**special property**" includes any charge or lien upon the thing in question, and any right arising from or dependent upon holding possession of the thing in question, whether by the person entitled to such right or by some other person for his benefit.

(3) The taking or conversion may be fraudulent, although it is effected without secrecy or attempts at concealment.

(4) In the case of conversion, it is immaterial whether 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. It is also immaterial that 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.

(5) 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 fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(6) A person shall not be deemed to take a thing unless he moved the thing or causes it to move.

### **384. Special cases**

(1) When a factor or agent pledges or gives a lien on any goods or documents of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be stealing.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be stealing.

### **385. Funds, etc., held under direction**

When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition, of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security or power of attorney, was received until the direction has been complied with:

Provided that if the person receiving the money, security, or power of attorney, and the person from whom he receives it, ordinarily deal with each other on such terms that in the absence of any special direction all money paid to the former on account of the latter would be properly treated as an item in a debtor and creditor account between them, the former cannot be charged with stealing the money or any proceeds unless the direction is in writing.

### **386. Funds, etc., 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 otherwise 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 of the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so 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 or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

### **387. 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 it.

### **388. Stealing by persons having an interest in the thing stolen**

When any person takes or converts anything capable of being stolen, in such circumstances as would otherwise amount to stealing, it is immaterial that he himself has a special property or interest therein or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein; or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing; or that he is a director or officer of a corporation or company or society who are the owners of it.

### **389. Husband and wife**

A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be stealing, if they were not married, is deemed to have stolen the thing, and may be charged with stealing it.

### **390. Punishment of stealing**

Any person who steals anything capable of being stolen, is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for three years.

Punishment in special cases

#### **Stealing wills**

(1) If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for life.

#### **Stealing postal matter, etc.**

(2) If the thing stolen is a postal matter or any chattel, money, or valuable security, contained in any postal matter, the offender is liable to imprisonment for life.

#### Stealing cattle

(3) If the thing stolen is any of the things following, that is to say: a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat or pig, or the young of any such animal, the offender is liable on conviction to pay a fine of two hundred naira or to imprisonment for two years.

Stealing from the person; stealing goods in transit, etc.

(4) 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 in a dwelling-house, and its value exceeds ten naira, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;
- (c) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;
- (d) if the thing stolen is attached to or forms part of a railway;
- (e) if the thing is stolen from a vessel which is in distress or wrecked or stranded;
- (f) if the thing is stolen from a public office in which it is deposited or kept;
- (g) 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 to imprisonment for seven years.

#### **Stealing by persons in public service**

(5) 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 to imprisonment for seven years.

#### **Stealing by clerks and servants**

(6) 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 employer, he is liable to imprisonment for seven years.

Stealing by directors or officers of companies

(7) 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 to imprisonment for seven years.

**Stealing by agents, etc.**

(8) If the thing stolen is any of the following things-

- (a) property which has been received by the offender with a power of attorney for the disposition thereof;
- (b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;
- (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 thereof should be applied to any purpose or paid to any person specified in the direction;
- (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 such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable to imprisonment for seven years.

Stealing property of value of ₦1,000

(9) If the thing stolen is of the value of one thousand naira or upwards, the offender is liable to imprisonment for seven years.

**Stealing by tenants or lodgers**

(10) If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds ten naira, he is liable to imprisonment for seven years.

(10A) If the thing stolen is a motor vehicle or motor cycle the offender shall upon conviction be sentenced to imprisonment for not less than five years but not more than seven years without the option of a fine.

**Stealing after previous conviction**

(11) If the offender, before committing the offence, has been convicted of any of the felonies or misdemeanors defined in this division of this Part of this Code, he is liable to imprisonment for seven years.

## CHAPTER 35

### *Offences analogous to stealing*

#### **391. 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 officer, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **392. Concealing wills**

Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **393. Concealing 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, is guilty of a felony and is liable to imprisonment for three years.

#### **394. 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, is guilty of an offence and is liable to the same punishment as if he had stolen the animal.

#### **395. Severing with intent to steal**

Any person who makes anything movable with the intent to steal it, is guilty of an offence and is liable to the same punishment as if he has stolen the thing after it had become movable.

#### **396. Fraudulently dealing with minerals in mines**

Any person who takes, conceals, or otherwise disposes of, any ore of any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony and is liable to imprisonment for three years.

#### **397. Bringing stolen goods into Nigeria**

Any person who, having at any place not in Nigeria obtained any property by any act which if it had been done in Nigeria would have constituted the offence of stealing, and which is an offence under the laws



in force in the place where it was done, brings such property into the country, or has it in his possession in Nigeria, is guilty of an offence, and is liable to the same punishment as if he had stolen it in Nigeria; but so that the punishment does not exceed that which would be incurred for the same act under the laws in force in the place where the act by which he obtained the property was done.

#### **398. Fraudulent disposition of mortgaged goods**

Any person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee and with intent to defraud, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **399. Definition of mortgaged goods; consent of mortgagee**

In section 398 of this Code, the term "mortgaged goods" 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 the written instrument by which a valid charge or lien is created upon them by way of security of any debt or obligation.

The consent of the mortgagee may be either express or implied from the nature of the property mortgaged.

#### **400. Fraudulent appropriation of power**

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

The offender cannot be arrested without warrant.

### **CHAPTER 36**

Stealing with violence: extortion by threats

#### **401. 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, is said to be guilty of robbery.

#### **402. Punishment of robbery**

(1) Any person who commits the offence of robbery shall upon conviction be sentenced to imprisonment for not less than 21 years.

(2) If-

- (a) any offender mentioned in subsection (1) of this section is armed with any firearms or any offensive weapon or any obnoxious or chemical materials or is in company with any person so armed; or
- (b) at or immediately before or immediately after the time of robbery the said offender wounds any person,

the offender shall upon conviction be sentenced to death.

#### **403. Punishment for attempted robbery, etc.**

(1) Any person who with intent to steal anything, assaults any other 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 shall upon conviction be sentenced to imprisonment for not less than fourteen years but not more than twenty years.

[1970 No. 47.]

(2) If-

- (a) any offender mentioned in subsection (1) of this section, is armed with any firearms or any offensive weapon or is in company with any other person so armed; or
- (b) at or immediately before or immediately after the time of the assault the offender wounds or uses any other personal violence to any person,

the offender shall upon conviction be sentenced to imprisonment for life with or without whipping.

(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 offence under section 402 of this Code shall upon conviction be sentenced to imprisonment for not less than fourteen years or more than twenty years.

#### **403A. Conspiracy to commit robbery**

Any person who conspires with any person to commit an offence under section 402 of this Code, 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.

#### **403B. Definition of firearms and offensive weapons**

For the purposes of sections 402, 403 and 403A of this Code-

**"firearms"** includes any canon, gun, flint-lock gun, revolver, pistol, explosive or ammunition or other firearm, whether whole or in detached pieces;

**"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 and it includes an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon.

#### **404. Public servants demanding property, etc.**

(1) Any person who, being employed in the public service of Nigeria, or in that of any other government, corruptly and under colour of his employment-

- (a) demands or takes property from any person; or
- (b) compels any person to sell any property at other than its fair market value; or
- (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,

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

(2) Any person who, falsely representing himself by words, conduct, or otherwise, to be a person employed in the public service of Nigeria, or of any other government, or to be an agent of or act under the authority of, the government, unlawfully and in such assumed character-

- (a) does any of the acts or things specified in paragraphs (a), (b), (c), and (d) of subsection (1) of this section; or
- (b) compels or orders any 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 the last-named person,

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

(3) Any person attempting, or inciting, soliciting, counselling, procuring, aiding, or abetting any person to commit any of the offences enumerated in subsections (1) and (2) of this section, is guilty of a felony and is liable to imprisonment for five years.

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

Any person who assaults any person with intent to steal anything, is guilty of a felony and is liable to imprisonment for three years.

#### **406. Demanding property with menaces 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, is guilty of a felony and is liable to imprisonment for three years.

#### **407. Demanding property by written threats**

Any 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, is guilty of a felony, and is liable to imprisonment for fourteen years.

#### **408. Attempts at extortion by threats**

Any person who, with intent to extort or gain anything from any person-

(1) accuses or threatens to accuse any person of committing any felony or misdemeanor, 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 misdemeanor; or

(2) threatens that any person shall be accused by any other person of any felony or misdemeanor or of any such act; or

(3) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid,

is guilty of a felony and if the accusation or threat of accusation is of-

- (a) an offence for which the punishment of death or imprisonment for life may be inflicted; or
- (b) any of the offences defined in Chapter 21 of this Code, or an attempt to commit any of such offences; or
- (c) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or
- (d) an attempt to commit the offence of rape, or an assault with intent to commit the offence of rape, or an unlawful and indecent assault upon a woman or girl; or
- (e) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid, the offender is liable to

imprisonment for fourteen years.

In any other case, the offender is liable to imprisonment for three years.

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.

#### **409. Procuring execution of deeds, etc., 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 misdemeanor, 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 upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

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

### **CHAPTER 37**

#### *Burglary: Housebreaking: and like offences*

#### **410. Definitions**

A person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, 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.

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 within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

#### **411. Housebreaking: burglary**

Any person who-

- (1) breaks and enters the dwelling-house of another with intent to commit a felony therein; or

(2) having entered the dwelling-house of another with intent to commit a felony therein, or having committed a felony in the dwelling-house of another, breaks out of the dwelling-house, is guilty of a felony and is liable to imprisonment for fourteen years.

If the offence is committed in the night, the offender is liable to imprisonment for life.

#### **412. Entering dwelling-house with intent to commit felony**

Any person who enters or is in the dwelling-house of another with intent to commit a felony therein, is guilty of a felony and is liable to imprisonment for seven years.

If the offence is committed in the night, the offender is liable to imprisonment for fourteen years.

#### **413. Breaking into building and committing felony**

Any person who-

(1) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is not part of it, and commits a felony therein; or

(2) having committed a felony in a schoolhouse, shop, warehouse, store, office, or counting-house, or in any such other building as last mentioned, breaks out of the building,

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

#### **414. Breaking into building with intent to commit felony**

Any person who breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is not part of it, with intent to commit a felony therein, is guilty of a felony and is liable to imprisonment for seven years.

#### **415. 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 therein, or having committed a felony in any such building breaks out of it, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **416. Breaking into place of worship with intent to commit felony**

Any person who breaks and enters a building ordinarily used for religious worship, with intent to commit a felony therein, is guilty of a felony and is liable to imprisonment for seven years.

#### **417. Persons found armed, etc., with intent to commit felony**

Any person who is found in any of the following circumstances-

- (a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house, and to commit a felony therein;
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein;
- (c) having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of housebreaking;
- (d) having in his possession by day, any such instrument with intent to commit a felony;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony;
- (f) being in any building whatever by night with intent to commit a felony therein; or
- (g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

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

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for seven years.

## CHAPTER 38

### *Obtaining property by false pretences: cheating*

#### **418. Definition**

Any representation made by words, writing, or conduct, of a matter of fact, either past or present, which representation is false in fact and which the person making it knows to be false or does not believe to be true, is a false pretence.

#### **419. Obtaining goods by false pretences**

Any person who by any false pretence, and with intent to defraud, 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, is guilty of a felony and is liable to imprisonment for three years.

If the thing is of the value of one thousand naira or upwards, he is liable to imprisonment for seven years.

It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence.

The offender cannot be arrested without warrant unless found committing the offence.

#### **419A. Obtaining credit by false pretences or other fraud**

(1) Any person who by any false pretence or by means of any other fraud obtains credit for himself or any other person-

[1966 No. 84.]

- (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,

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

(2) The offender cannot be arrested without warrant unless found committing the offence.

#### **419B. Presumption as to false pretences in certain circumstances**

Where in any proceedings for an offence under section 419 or 419A of this Code it is proved that the accused-

[1966 No. 84.]

- (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 accused issued the cheque he had reasonable grounds for believing, and did in fact believe, that it would be honoured if presented within a reasonable time after its issue by him.

#### **420. Obtaining execution of a security by false pretences**

Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter, or destroy, the whole or any part of any valuable security, or to write, impress, or affix, any name or seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant unless found committing the offence.

#### **421. Cheating**



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, is guilty of a misdemeanor and is liable to imprisonment for two years.

*A person found committing the offence may be arrested without warrant.*

#### **422. Conspiracy to defraud**

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, whether a particular person or not, or to extort any property from any person, is guilty of a felony and is liable to imprisonment for seven years.

*The offender cannot be arrested without warrant.*

#### **423. 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 thereto,

is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **424. Pretending to exercise witchcraft or tell fortunes**

Any person who for gain or reward pretends to exercise or use any kind of witchcraft, juju, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **425. 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 Act or law or under any regulation made under the Nigerian (Constitution) Order in Council, 1951, or the Nigerian (Constitution) order in Council, 1954, or the Constitution of the Federal Republic of Nigeria, by any false pretence, is guilty of a misdemeanor, and is liable to imprisonment for one year.

**426.** (Repealed by Ordinance No. 20 of 1955).

## CHAPTER 39

### *Receiving property stolen or fraudulently obtained and like offences*

#### **427. Receiving stolen property, etc.**

Any person who receives anything which has been obtained by means of any act constituting a felony or misdemeanor, or by means of any act done at a place not in Nigeria, which if it had been done in Nigeria would have constituted a felony or misdemeanor, and which is an offence under the laws in force in the place where it was done, knowing the same to have been so obtained, is guilty of a felony.

If the offence by means of which the thing was obtained is a felony, the offender is liable to imprisonment for fourteen years, except in the case in which the thing so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender is liable to imprisonment for life.

In any other case the offender is liable to imprisonment for seven years.

For the purpose of proving the receiving of anything, it is sufficient to show that the accused person has, either alone or jointly with some other person, had the thing in his possession, or has aided in concealing it or disposing of it.

#### **428. Unlawful possession of arms, etc., belonging to armed or police forces**

Any person who-

[L.N. 112 of 1964.]

- (a) knowingly detains, buys, exchanges, or receives, from any non-commissioned officer or private of the armed forces of Nigeria or from any member of the police forces, or from any deserter from either of such forces, or from any person acting for and on behalf of any of the persons above named; or
- (b) solicits or entices any of the said persons to sell, make away with, or dispose of; or
- (c) shall be employed by any of the said persons, well knowing him to belong to one or other of such forces in one of the several capacities hereinbefore mentioned, or to be a deserter from any of the said forces, to sell, make away with, or dispose of; or
- (d) shall have in his possession and not give a satisfactory account of his possession of any arms, ammunition, clothing, accoutrements, medals or other appointments, furnished for the use of the armed forces of Nigeria or of the police forces,

is liable to a fine of forty naira and to pay double the value of all or any of the several articles which he shall so become or be possessed of.

#### **429. Receiving after change of ownership**

When a thing has been obtained by means of any act constituting a felony or misdemeanor, or by means of an act done at a place not in Nigeria, which if it had been done in Nigeria would have constituted an offence, and which is an offence under the laws in force in the place where it was done, and another person has acquired a lawful title to it, a subsequent receiving of the thing is not an offence although the receiver knows that the thing had previously been so obtained.

#### **430. Having possession of thing reasonably suspected of having been stolen**

(1) Any person who is charged before any court with having in his possession or under his control in any manner or in any place, or for that he at any time within the three months immediately preceding the making of the complaint, did have in his possession or under his control in any manner or in any place, anything which is reasonably suspected of having been stolen or unlawfully obtained, and who does not give an account, to the satisfaction of the court, as to how he came by the same, is guilty of an offence and is liable on conviction to a fine of two hundred naira or to imprisonment for six months.

(2) Where any person is charged before any court with having or with having had in his possession or under his control in any manner or in any place anything which has been stolen or unlawfully obtained, or which is reasonably suspected of having been stolen or unlawfully obtained, and declares that he received the same for some other person or that he was employed as a carrier, agent or servant for some other person, the court is hereby authorised and required, if practicable, to cause every such other person and also if necessary every former or pretended purchaser or other person through whose possession such thing as aforesaid has passed or who has had control thereof, to be brought before it and to examine witnesses upon oath touching the same; and if it appears to the court that any person has had possession or control of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed to have had possession or control of such thing at the time and place when and where the same was found or seized, and is guilty of an offence and liable, on conviction to a fine of two hundred naira or to imprisonment for six months.

(3) The possession of or control by a carrier, agent or servant shall be deemed to be the possession of or control by the person who employed such carrier, agent or servant to have or deal with such thing and such person shall be liable on conviction to the punishment herein mentioned.

(4) The offender may be arrested without warrant.

#### **431. Unlawfully using animals or vehicles**

Any person who unlawfully uses a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young of any such animal, or any cycle or other vehicle whatsoever without the consent of the owner, or of the person in lawful possession thereof, is guilty of a

misdemeanor, and is liable to imprisonment for one year, or to a fine of forty naira for every animal or vehicle so used.

The offender may be arrested without warrant by a police officer, or by the owner of the property in question, or his servant, or by any person authorised by such owner or servant.

#### **432. Suspicion of stealing animals**

When any horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young of any of such animal is suspected, on reasonable grounds, to have been stolen, any person in whose possession or custody the skin, feathers or carcass, or any part of the skin or carcass, of the animal or bird so suspected to have been stolen, is found, is guilty of an offence, unless he proves that he came lawfully by the thing in question; and he is liable to a fine of one hundred naira.

The offender may be arrested without warrant by a police officer, or by the owner of the property in question, or his servant, or by any person authorised by such owner or servant.

#### **433. Taking reward for recovery of property obtained by means of felony or misdemeanour**

Any person who corruptly receives or obtains, or corruptly agrees to receive or obtain, any property or benefit of any kind upon an agreement or understanding that he will help any person to recover anything which has been obtained by means of any act constituting a felony or misdemeanor, or by means of any act done at a place not in Nigeria, which if it had been done in Nigeria would have constituted an offence, and which is an offence under the laws in force in the place where it was done, is, unless he has used all due diligence to cause the offender to be brought to trial for the offence, guilty of a felony, and liable to imprisonment for seven years.

### **CHAPTER 40**

#### *Frauds by trustees and officers of companies and corporations: false accounting*

#### **434. Trustees fraudulently disposing of trust property**

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 unauthorised by the trust, is guilty of a felony and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

If civil proceedings have been taken against a trustee in respect of any act done by him, which is an offence under the provisions of this section of this Code, he cannot be afterwards prosecuted for the same cause, as for an offence, on the complaint of the person by whom the civil proceedings were taken without the sanction of the court or judge before whom the civil proceedings were had or are pending.

For the purposes of this section, the term "**trustee**" includes the following persons and no others-

- (a) trustees upon express trusts 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 an Act, law or statute for any such purpose;
- (c) persons upon whom the duties of any such trust as aforesaid devolve;
- (d) executors and administrators.

**435. Directors and officers of corporations or companies fraudulently appropriating property or keeping fraudulent accounts, or falsifying books or accounts**

Any person who-

(1) being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein; or

(2) being a director, officer, or member of a corporation or 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 corporation or company, or any entry in any such book, documents, 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 material particular from any such book, document or account,

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

The offender cannot be arrested without warrant.

**436. False statements by officials of companies**

Any person who, being a promoter, director, officer, or auditor, of a corporation or 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 in any material particular, is to his knowledge false, with intent thereby to effect any of the following purposes-

(a) to deceive or to defraud any member, shareholder, or creditor, of the corporation or company, whether a particular person or not;

- (b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

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

The offender cannot be arrested without warrant.

#### **437. Defence**

It is a defence to a charge of any of the offences defined in this Chapter to prove that the accused person, before being charged with the offence, and in consequence of the compulsory process of a court in any action or proceedings instituted in good faith by a party aggrieved, or in a compulsory examination or deposition before a court, disclosed on oath the act alleged to constitute the offence.

A person is not entitled to refuse to answer any question or interrogatory in any civil proceeding in any court, on the ground that his doing so might tend to show that he had committed any such offence.

#### **438. 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 account of his employer, 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 material particular from any such book, document, or account,

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

#### **439. False accounting by public officer**

Any person who, being an officer charged with the receipt, custody, or management of any part of the public revenue, knowingly furnishes 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, is guilty of a misdemeanor and is liable to imprisonment for two years.

### **DIVISION 2**

#### *Injuries to property*

## CHAPTER 41

### *Definitions*

#### **440. Unlawful acts**

An act which causes injury to the property of another, and which is done without his consent, is unlawful unless it is authorised or justified or excused by law.

It is immaterial that the person who does the injury is in possession of the property injured or has a partial interest in it.

A person is not criminally responsible for any injury caused to property by the use of such force as is reasonably necessary for the purpose of defending or protecting himself, or any other person, or any property, from injury which he believes, on reasonable grounds, to be imminent.

#### **441. Acts done with intent to defraud**

When an act which causes injury to property, and which would be otherwise lawful, is done with intent to defraud any person, it is unlawful.

When an act which causes injury to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender himself.

#### **442. Damage**

The term "**damage**" used in relation to a document, or to a writing or inscription, includes obliterating and rendering illegible, either in whole or in part.

## CHAPTER 42

### *Offences*

#### **443. Arson**

Any person who wilfully sets fire to any of the following things-

- (a) any building or structure whatever, whether completed or not;
- (b) any vessel, whether completed or not;
- (c) any stack of cultivated vegetable produce, or of mineral or vegetable fuel;
- (d) a mine, or the workings, fittings, or appliances of a mine,

is guilty of a felony and is liable to imprisonment for life.

#### **444. Attempts to commit arson**

Any person who-

(1) attempts unlawfully to set fire to any such thing as is mentioned in section 443 of this Code; or

(2) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 443 of this Code is likely to catch fire from it,  
is guilty of a felony and is liable to imprisonment for fourteen years.

#### **445. Setting fire to crops and growing plants**

Any person who wilfully and unlawfully sets fire to any of the following things-

- (a) a crop of cultivated vegetable produce, whether standing or cut;
- (b) a crop of hay or grass under cultivation, whether the natural or indigenous products of the soil or not, and whether standing or cut;
- (c) any standing trees, saplings, or shrubs, whether indigenous or not, under cultivation,

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

#### **446. Attempting to set fire to crops, etc.**

Any person who-

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 445 of this Code; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is

mentioned in section 445 of this Code is likely to catch fire from it, is guilty of felony and is liable to imprisonment for seven years.

#### **447. Casting away ships**

Any person who-

- (1) wilfully and unlawfully casts away or destroys any vessel, whether complete or not; or
  - (2) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or
  - (3) 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,
- is guilty of a felony and is liable to imprisonment for life.

#### **448. Attempts to cast away ships**



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

#### **449. Obstructing and injuring railways**

Any person who unlawfully and with intent to obstruct the use of a railway or to injure any property upon a railway-

(1) deals with the railway or with anything whatever upon or near the railway in such a manner as to affect or endanger the free and safe use of the railway; or

(2) shows any light or signal, or in any way deal with any existing light or signal, upon or near the railway; or

(3) by any omission to do any act which it is his duty to do, causes the free and safe use of the railway to be endangered,

is guilty of a felony and is liable to imprisonment for life.

#### **450. Injuring animals**

Any person who wilfully and unlawfully kills, maims, or wounds, any animal capable of being stolen, is guilty of an offence.

If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, wether, or ostrich, or the young of any such animal, the offender is guilty of a felony and is liable to imprisonment for seven years.

In any other case the offender is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **451. Malicious injuries in general**

Any person who wilfully and unlawfully destroys or damages any property, is guilty of an offence, which, unless otherwise stated, is a misdemeanor and he is liable, if no other punishment is provided, to imprisonment for two years.

#### *Punishment in special cases*

#### **Destroying or damaging an inhabited house or a vessel with explosives**

(1) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance, and if-

(a) any person is in the dwelling-house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offender is guilty of a felony and is liable to imprisonment for life.

#### **River bank or wall, or navigation works, or bridges**

- (2) (a) If the property in question is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, and the injury causes actual danger of inundation or damage to any land or building; or
- (b) if the property in question is a railway, or is a bridge, viaduct, or aqueduct, which is constructed over a highway, railway or canal, or over which a railway, highway, or canal passes, and the property is destroyed; or
- (c) if the property in question, being a railway, or being any such bridge, viaduct, or aqueduct, is damaged, and the damage is done with intent to render the railway, bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable,

the offender is guilty of a felony and is liable to imprisonment for life.

#### **Wills and registers**

(3) 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 is guilty of a felony and is liable to imprisonment for fourteen years.

#### **Wrecks**

(4) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender is guilty of a felony and is liable to imprisonment for seven years.

#### **Railways**

(5) If the property in question is any part of a railway, or any work connected with a railway, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

#### **Other things of special value**

- (6) (a) if the property in question, being a vessel, whether complete or not, is destroyed; or
- (b) if the property in question, being a vessel, whether complete or not, is damaged, and the damage is done with intent to destroy it or render it useless; or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for

performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed; or

- (c) if the property in question is a light, beacon, buoy, mark, or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation; or
- (d) if the property in question is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or which is used for the purposes of lading or unlading goods; or
- (e) if the property in question, being a railway, or being a bridge, viaduct, or aqueduct, which is constructed over a highway, railway or canal, or over which a highway, railway, or canal passes, is damaged, and the damage is done with intent to render the railway, bridge, viaduct, or aqueduct, or the highway, railway, or canal, passing over or under the same, or any part thereof, dangerous or impassable; or
- (f) if the property in question, being anything in process of manufacture, or an agricultural or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed ; or
- (g) if the property in question, being any such thing, machine, implement, or appliance, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or
- (h) if the property in question is a shaft or a passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working; or
- (i) if the property in question is a machine, appliance, apparatus, building, erection, bridge, or road, appertaining to or used with a mine, whether the thing in question is completed or not; or
- (f) if the property in question, being a rope, chain, or tackle, or whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed; or
- (k) if the property in question, being any such rope, chain, or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or
- (l) if the property in question is a well, or bore for water, or the dam, bank, wall, or floodgate of a millpond or pool,

the offender is guilty of a felony, and is liable to imprisonment for seven years.

#### **Deeds and records**

(7) 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 estate in land, the offender is guilty of a felony and is liable to imprisonment for seven years.

#### **452. Attempts to destroy property by explosives**

Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

#### **\*453. Attempts to injure mines**

Any person who, with intent to injure a mine or to obstruct the working of a mine-

(1) unlawfully, and otherwise than by an act done underground in the course of working an adjoining mine-

(a) causes water to run into the mine or into any subterranean passage communicating with the mine; or

(b) obstructs any shaft or passage of the mine; or

(2) unlawfully obstructs the working of any machine, appliance, or apparatus, appertaining to or used with the mine, whether the thing in question is completed or not; or

(3) unlawfully and with intent to render it useless, injures or unfastens a rope, chain, or tackle of whatever material, which is used in the mine or upon any way or work appertaining to or used with the mine,

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

#### **454. 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, is guilty of a felony and is liable to imprisonment for seven years.

#### **455. Interfering with navigation works**

Any person who-

(1) wilfully and unlawfully removes or disturbs any fixed objects or materials used for securing a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or for securing any work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or which is used for purposes of navigation or lading or unlading goods; or

(2) unlawfully does any act with intent to obstruct the carrying on, completion, or maintenance of the navigation of a navigable river or canal, and thereby obstructs such carrying on, completion, or maintenance,

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

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

Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony and is liable to imprisonment for seven years.

#### **457. 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, is guilty of a felony and is liable to imprisonment for three years.

#### **458. Wilful damage, etc., to survey and boundary marks**

Any person who-

(1) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been 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; or

(2) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same; or

(3) wilfully removes, defaces or injures any mark erected by an intending applicant for any lease, licence or right under the Minerals and Mining Act,

[Cap. M12.]

is guilty of a simple offence and is liable to imprisonment for three months or to a fine of forty naira, 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 the offender's act or neglect.

#### **459. 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 upon a railway to be obstructed in its passage on the railway, is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **459A. Obstructing aircraft**

Any person who, by any unlawful act, obstructs, causes an alteration to be made in the course of, or in any way whatsoever hinders or impedes the movement of any aircraft, which is in motion on or in flight over any aerodrome, is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **459B. Trespass on aerodrome**

Any person who commits any nuisance or trespass in or upon any aerodrome or in or upon any building or premises situated on any aerodrome, is guilty of a simple offence and IS liable to imprisonment for three months or to a fine of forty naira.

#### **460. Penalties for damage, etc., to railway works**

Any person who-

- (1) wilfully damages, injures, 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
- (2) 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 upon the ground, trees, stones, or building, or any other material, belonging to any railway works; or
- (3) commits any nuisance or trespass in or upon any land, building, or premises, acquired for or belonging to any railway works; or
- (4) 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,

is guilty of a simple offence and is liable to imprisonment for three months or to a fine of forty naira.

#### **461. Sending letters threatening to burn or destroy**

Any person who, knowing the contents of the writing, causes any person to receive any writing threatening that any building or vessel, whether complete or not, or any stack of cultivated vegetable produce, or any such produce that is in or under a building, shall be burnt or destroyed, is guilty of a felony and is liable to imprisonment for seven years.

#### **462. Arrest without warrant**

A person found committing any of the misdemeanors or simple offences defined in this Chapter of this Code may be arrested without warrant by a peace officer or a member of the police force, or by the owner of the property injured or his servant, or by any person authorised by such owner or servant.

### **DIVISION 3**

#### *Forgery and like offences: Impersonation*

## CHAPTER 43

### *Forgery in general: definitions*

#### **463. Definitions**

In this Division of this part of this Code unless the context otherwise requires

[L.N. 112 of 1964.]

**"bank note"** includes any negotiable instrument issued by or on behalf of any person or corporation in any part of the world, or issued by the authority of any State, province, or government, and intended to be used as equivalent to money, either immediately on issue or at any time afterwards: it also includes a bank bill or bank post bill, currency note or any note (by whatever name called) 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, parchment, or other material whatever, 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; but does not include trade marks on articles of commerce;

**"seal"** includes any stamp, die, or other thing, of whatever material, 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.

#### **464. Further definitions**

A document or writing is said to be false-

- (a) in the case of a document which is a register or record kept by lawful authority, or any 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 facts or event, if any material particular stated in the document is untrue; or
- (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, or if, in a case where the time or place of making is material, although the contents or writing is made by or by the authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time or place of making; or
- (c) 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

- (d) 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 pass as being made by some person, real or fictitious, other than the person who makes it or authorises it to be made.

A seal or mark is said to be counterfeit if it is made without lawful authority, and is in such 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.

A representation of the impression of a seal is said to be counterfeit if it is not in fact made by the seal.

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.

#### **465. Definition of forgery**

A person who makes a false document or writing knowing it to be false, and with intent that it may in any way be used or acted upon as genuine, whether in the State or elsewhere, 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, whether in the State or elsewhere, is said to forge the document or writing.

A person who makes a counterfeit seal or mark, or makes an impression of a counterfeit seal knowing the seal to be counterfeit, or makes a counterfeit representation of the impression of a genuine seal, or makes without lawful authority an impression of a genuine seal, with intent in either case that the thing so made may in any way be used or acted upon as genuine, whether in the State or elsewhere, 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, whether in the State or elsewhere, is said to forge the seal or mark.

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.

It is immaterial in what language a forged document or writing is expressed.

It is immaterial that the forger of anything forged may not have intended that any particular person should use or act upon it, or that any particular person should be prejudiced by it, or be induced to do or refrain from doing any act.

It is immaterial 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 upon.

#### **466. Certain matters immaterial**

In the case of an offence which involves the forging or uttering of 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 in what country 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; and, if the money or the property purports to be payable, deliverable or transferable or the obligation purports to be an obligation to be performed in some country out of Nigeria, it is immaterial whether the document or writing is under seal or not.

## CHAPTER 44

### *Punishment of forgery and like offences*

#### **467. Punishment of forgery in general**

Any person who forges any document, writing, or seal, is guilty of an offence which, unless otherwise stated, is a felony, and he is liable, if no other punishment is provided, to imprisonment for three years.

#### *Punishment in special cases*

##### **Public seals, etc.**

(1) If the thing forged-

[L.N. 112 of 1964, 1976 No. 27.]

- (a) purports to be, or is intended by the offender to be understood to be, or to be used as, the public seal of Nigeria or of any State of Nigeria or the great or privy seal of any country of the Commonwealth or under the protection of a Commonwealth country, or the seal of the President, or a Governor of a State; 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 to imprisonment for life.

##### **Securities, titles, register, etc.**

(2) 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 thereof 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 corporation, company, or society, whether domestic or foreign, or of any share or interest in the capital stock of any such corporation, company, or

society, or in the debt of any such corporation, company or society, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such share, interest, or debt;

- (c) a document acknowledging or being evidence of the indebtedness of the Government of Nigeria or of the government of any other country;
- (d) a document which by the law of Nigeria, or any other country is evidence of the title to any land or estate in land in Nigeria or that other country, or an entry in any register or book which is such evidence;
- (e) a document which by law is required for procuring the registration of any title to any land or estate in land;
- (f) a testamentary instrument, whether the testator is living or dead, or a probate or letters of administration, whether with or without a will annexed;
- (g) a bank note, bill of exchange, or promissory note, or an acceptance, endorsement, or assignment, of either;
- (h) a deed, bond, or writing obligatory, 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 either;
- (l) a policy of insurance of any kind;
- (m) a power of attorney or other authority to execute any such document as is mentioned in this section of this Code;
- (n) the signature of a witness to any of the documents mentioned in this section to which attestation is by law required;
- (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 any such register or entry as last aforesaid, which is authorised or required by law to be given or sent to or by any person;
- (q) a seal by a registrar appointed to keep any such register as is hereinbefore mentioned, or the impression of any such seal, or the signature of any such registrar,

the offender is liable to imprisonment for fourteen years.

**Documents relating to revenue and acts of States, etc.**

- (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-

[L.N. 112 of 1964. 1967 No. 27.]

- (a) the signature of the President or a Governor of a State or of a Minister, or a commissioner, as the case may be, upon 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 any other property of the State in any country, or a power of attorney or other authority to execute any such document,

the offender is liable to imprisonment for fourteen years.

**Courts seals, records, process, evidence, etc.**

- (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-

[L. N. 112 of 1964.]

- (a) the seal of a court of record in any part of a country of the Commonwealth or of a country under the protection of a Commonwealth country, or a seal used at the chambers of a Justice of the Supreme Court or a Judge of a High Court for stamping or sealing summonses or orders;
- (b) a seal or signature by virtue whereof any document can by law be used as evidence;
- (c) any process of any court of justice in any part of a country of the Commonwealth or of a country under the protection of a Commonwealth country;
- (d) a document issued or made by or out of or by the authority of any such court as last aforesaid;
- (e) a document or copy of a document of any kind, which document or copy is intended by the offender to be used as evidence in any such court as last aforesaid;

- (f) a record or other document of or belonging to a court of record in any part of a country of the Commonwealth or of a country under the protection of a Commonwealth country;
- (g) a copy or certificate of any record of any such court as last aforesaid;
- (h) an instrument, whether written or printed, partly written and partly printed, which is made evidence by any Act, law, statute, or order, in force in Nigeria;
- (i) a document which a judicial officer is required or authorised by law to make, attest, or issue, and purporting to be made, attested, or issued by a judicial officer;
- (f) a stamp used for denoting the payment of fees or percentages in any court;
- (k) a licence or certificate required or authorised by law to be given for the celebration of a marriage;
- (l) a consent to the marriage of a minor given by a person authorised by law to give it;
- (m) a certificate of marriage given under the provisions of the laws relating to the solemnisation of marriage;
- (n) a copy of the registration of a marriage;
- (o) a stamp issued or made under the laws relating to the post office;
- (p) a power of attorney or a letter of attorney;
- (q) the signature of a witness to a power of attorney or letter of attorney;
- (r) the superscription of any postal matter by any person empowered under any enactment to frank postal matter;
- (s) a contract or a writing which with other writings constitutes a contract or is evidence of a contract;
- (t) an authority or request for the payment of money or for the delivery of property;
- (u) an acquaintance or discharge or a voucher of having received any property, or any document which is evidence of the receipt of any property;
- (v) any mark which under the authority of any Act, law, statute, or order, is impressed upon or otherwise attached to or connected with any article for the purpose of denoting the quality of the article or the fact that it has been examined or approved by or under the authority of some public body or public officer,

the offender is liable to imprisonment for seven years.

## **Telegrams**

(5) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, a message to be sent by telegraph, or a message received by telegraph, the offender is liable to the same punishment as if he had forged a document to the same effect as the message.

### **468. Uttering false documents and counterfeit seals**

Any person who knowingly and fraudulently utters a false document or writing, or a counterfeit seal, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the thing in question.

It is immaterial whether the false document or writing, or counterfeit seal, was made in Nigeria or elsewhere.

The term "**fraudulently**" means an intention that the thing in question shall be used or acted upon 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 Nigeria or elsewhere.

### **469. Uttering cancelled or exhausted documents**

Any person who knowingly utters as and for 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, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

### **470. Uttering cancelled stamps**

Any person who knowingly utters 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 of Nigeria or of any part of a Commonwealth country or any country under the protection of a Commonwealth country which has been already used or which has been cancelled, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the stamp or seal.

[L.N. 112 of 1964.]

### **471. 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, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

### **472. Obliterating crossings on cheques**

Any person who, with intent to defraud-

(1) obliterates, adds to or alters the crossing on a cheque; or

(2) knowingly alters a crossed cheque, the crossing on which has been obliterated, added to, or altered,

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

#### **473. Making documents without authority**

Any person who, with intent to defraud-

(1) 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

(2) knowingly utters any document or writing so made, signed, or executed, by another person,  
is guilty of a felony and is liable to imprisonment for seven years.

#### **474. Demanding property upon 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 upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

#### **475. 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, is guilty of a felony and is liable to imprisonment for seven years.

#### **476. Falsifying warrants for money payable under public authority**

Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant 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 is made out is entitled, is guilty of a felony and is liable to imprisonment for seven years.

#### **477. Falsification of register**

Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which, in any material particular, is to his knowledge false, to be made in the register or record, is guilty of a felony and is liable to imprisonment for seven years.

#### **478. 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 particular is to his knowledge false, is guilty of a felony and is liable to imprisonment for seven years.

#### **479. 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 statements touching any matter required by law to be registered in any such register, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

### **CHAPTER 45**

#### *Preparation for forgery*

#### **480. Instruments and materials for forgery**

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

[L.N. 112 of 1964.]

- (1) makes, or begins or prepares to make, or uses, or knowingly has in his possession or disposes of, any paper resembling any paper such as is specially provided by the proper authority for the purpose of being used for making any of the following things-
  - (a) any document acknowledging or being evidence of the indebtedness of the Government of Nigeria or of any part of Nigeria or of the government of any Commonwealth country or any country under the protection of a Commonwealth country, or of any foreign prince or State, or of any person carrying on the business of banking, to any person; or
  - (b) any stamp, licence, permit, or other document, used for the purposes of the public revenue of Nigeria or of any part of Nigeria or of any part of a Commonwealth country or any country under the protection of a Commonwealth country; or
  - (c) any bank note,  
  
or any machinery or instrument or material for making such paper, or capable of producing in or on 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 such purpose; or
- (2) impresses or makes upon any plate or material any words, figures, letters, marks, or lines, the print whereof resembles, in whole or part, the words, figures, letters, marks, or lines used in any such document as aforesaid; or
- (3) uses or knowingly has in his possession or disposes of, any plate or material upon which any such words, figures, letters, marks or lines, are impressed or made; or

(4) uses, or knowingly has in his possession or disposes of, any paper on which is written or printed the whole or any part of the usual contents of any such documents as aforesaid,

is guilty of a felony and is liable to imprisonment for fourteen years, and any such paper, document, bank note, or any machinery or instrument or material for making or capable of producing such paper, document or bank note which are found in his possession shall be forfeited to the State by order of the court before which he is tried or if there is no trial, by order of the court before which the offence is inquired into.

#### **480A. Unlawful inquires 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 Nigeria or at any place not in Nigeria-

- (a) as to the cost of obtaining or the cost of supplying or as to obtaining or supplying any machinery or 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 480 of this Code; or
- (b) as to the cost of printing or otherwise reproducing or as to printing or otherwise reproducing any document referred to in subsection (1) of section 480 of this Code; no matter by what name such document may be referred to; or
- (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 aforesaid; or
- (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 aforesaid by any means other than paying full value for the same,

is guilty of an offence and liable to imprisonment for one 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 and the offender shall be subject to a like penalty as if he had committed the offence.

#### **481. Counterfeit stamps**

Any person who, without authority or excuse, the proof of which lies on him



- (1) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession or disposes of, any die, plate, or instrument, capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue of the Nigerian Postal Service in Nigeria or in any other country, or capable of producing in or on paper any words, figures, letters, marks, or lines, resembling any words, figures, letters, marks, or lines used in or on any paper specially provided by the proper authority for any such purpose; or
- (2) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate, or instrument, or any paper which has on it any such words, figures, letters, marks, or lines, as aforesaid; or
- (3) fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever; or
- (4) fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp; or
- (5) fraudulently fixes or places upon any material or upon any such stamp, any stamp or part of a stamp which has been in any way removed from any other material, or out of or from any other stamp; or
- (6) fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it; or
- (7) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid,

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

#### **482. 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 the 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, is guilty of a misdemeanor and is liable to imprisonment for two years.

#### **483. Paper and dies for postage stamps**

Any person who, without lawful authority or excuse, the proof of which lies on him-

- (1) makes, or begins or 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

(2) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument, or material, for making any such imitation or representation, is guilty of a misdemeanor and is liable to imprisonment for one year or to a fine of one hundred naira and any stamps, and any other such things as aforesaid, which are found in his possession, are forfeited to the State.

For the purposes of this section of this Code, 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 46

### *Impersonation*

#### **484. Impersonation in general**

Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a felony and is liable to imprisonment for three years.

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 thereof, he is liable to imprisonment for fourteen years.

#### **485. 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 an acknowledgment of deed or other instrument, is guilty of a felony and liable to imprisonment for seven years.

#### **486. Impersonation of a person named in a certificate**

Any person who alters any document which has been issued by lawful authority to another person, and whereby 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, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

#### **487. Lending, etc., certificate for impersonation**

Any person who, being a person to whom any document has been issued by lawful authority whereby he 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, sells, gives or lends the

document to another person with intent that that other person may represent himself to be the person named therein, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

#### **488. Impersonation of person named in a testimonial or character**

Any person who, with the purpose of obtaining any employment, alters any document of the nature of a testimonial or character given to another person, is guilty of a misdemeanor and is liable to imprisonment for one year.

#### **489. Lending, etc., testimonial for impersonation**

Any person who, being a person to whom any such document as is mentioned in section 488 of this Code has been given, gives, sells or lends such document to another person with the intent that that other person may alter such document for the purpose of obtaining any employment, is guilty of a misdemeanor and is liable to imprisonment for three years.

### **DIVISION 4**

#### *Offences connected with trade and breach of contract*

### **CHAPTER 47**

#### *Fraudulent debtors*

#### **490. Fraudulent dealing with property by debtors**

Any person who, with intent to defraud his creditors or any of them-

(1) makes any gift, delivery, or transfer of his property, or any charge on his property; or

(2) conceals or removes any part of his property after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

is guilty of a misdemeanor and is liable to imprisonment for one year.

### **CHAPTER 48**

#### *Offences in relation to copyright*

#### **491. Making or dealing in infringing copies of copyright work**

Any person who knowingly-

(a) makes for sale or hire any infringing copy of a work in which copyright subsists; or

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or

- (c) distributes infringing copies of any such work either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any infringing copy of any such work,

is guilty of a simple offence and is liable to a fine not exceeding four naira for every copy dealt with in contravention of this section of this Code, but not exceeding one hundred naira in respect of the same transaction; or, on the case of a second or subsequent offence, either to such fine or to imprisonment for two months.

#### **492. Being in possession of plate for making infringing copies: giving unauthorised performances of copyright work**

Any person who knowingly makes or has in his possession any plate for the purposes of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, is guilty of a simple offence and is liable to a fine of one hundred naira, or, in the case of a second or subsequent offence, either to such fine or to imprisonment for two months.

#### **493. Forfeiture of copies or plates**

The court before which any proceedings are taken for any offence under sections 491 and 492 of this Code may, whether the alleged offender is convicted or not, order all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, to be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

### **CHAPTER 49**

#### *Secret commissions and corrupt practices*

#### **494. Corrupt acceptance of gift**

(1) Any person who-

- (a) being an agent, corruptly accepts or 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 for forbearing to do or for having after the commencement of this Code done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or do favour to any person in relation to his principal's affairs or business; or

#### **Corrupt gift to agent**

- (b) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Code done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

**Gift to agent of receipt, etc., with intent to mislead principal**

- (c) knowingly gives to any agent, or, being an agent, knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement which is false or erroneous or defective in any material particulars, and which, to his knowledge, is intended to mislead his principal,

is guilty of a misdemeanor and is liable to imprisonment for two years or to a fine of one thousand naira or to both such imprisonment and fine.

(2) For the purposes of this section, the expression "**consideration**" includes valuable consideration of any kind; the expression "**agent**" includes any person employed by or acting for another; and the expression "**principal**" includes an employer.

(3) A person serving under the State or, in the Federal Capital Territory, Abuja, the government of the State, as the case may be, or any local government council, is an agent within the meaning of this section.

(4) A prosecution for an offence under this section of this Code shall not be instituted except by or with the consent of a law officer.

Part 7

MISCELLANEOUS OFFENCES

CHAPTER 50

*Cruelty to animals*

**495. Offences of cruelty**

(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; or
- (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; or

- (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; or
- (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 substances to any animal, or wilfully without any reasonable cause or excuse causes any such substance to be taken by any animal; or
- (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 and humanity; 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,

is guilty of an offence of cruelty and is liable to imprisonment for six months or to a fine of fifty naira or to both such imprisonment and fine.

(2) For the purposes of this section, an owner shall be deemed to have committed cruelty within the meaning of this Chapter if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, 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 not liable to imprisonment without the option of a fine.

(3) 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 purpose 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.

#### **496. Court may order destruction of animal**

When the owner of any animal is convicted of an offence of cruelty under section 495 of this Code, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to 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 thereupon shall be recoverable in like manner as a fine.

#### **497. Court may deprive person of ownership**

If the owner of any animal is guilty of cruelty within the meaning of this Chapter to any animal, the court upon his conviction thereof, 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 as it may think fit:

Provided that no order shall be made under this section of this Code, 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.

#### **498. Power of police to take charge of animal or vehicle**

When a person in charge of an animal or vehicle 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, and the reasonable costs of such detention, including the reasonable costs of any veterinary treatment shall, in the event of a conviction in respect of the animal, be paid by the owner, and such costs may be recovered in like manner as a fine.

#### **499. Definitions**

In this Chapter, unless the context otherwise requires- "**animal**" means any domestic or captive animal;

"**captive animal**" means any animal (not being a domestic animal) of whatsoever kind or species, including any bird, fish or reptile, which is in captivity, or confinement, or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;

"**domestic animal**" means any animal or bird which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man.

### **CHAPTER 51**

#### *Miscellaneous offences in relation to ships and wharves*

#### **500. Interpretation**

In this Chapter, unless the context otherwise requires-

"**crew**" includes masters, mates, pilots, engineers, stokers, deckhands and all persons engaged in the navigation or service of the ship;

"**Government**" means the government of the Federation and includes a State government;

[L.N. 112 of 1964.]

**"passenger steamer"** means every steamship carrying one or more persons other than the crew, and the owner, his family, friends and servants;

**"ship"** includes every description of vessel in the service of the Government and every passenger steamer employed in local navigation on the inland and territorial waters of Nigeria.

#### **501. Offences in relation to ships**

(1) If any of the following offences is committed on any ship-

- (a) if any person being drunk or disorderly has been on that account refused admission thereto by any duly authorised member of the crew and nevertheless persists in attempting to enter the ship;
- (b) if any person being drunk or disorderly on board the ship is requested by any duly authorised member of the crew to leave the ship at any place at which he can conveniently do so, and does not comply with the request;
- (c) if any person on board the ship, after warning by any duly authorised member of the crew molests or continues to molest any passenger;
- (d) if any person shall obstruct, impede or molest the crew or any member of them in the navigation or management of the ship;
- (e) if any person, after having been refused admission to the ship by any duly authorised member of the crew on account of the ship being full, persists in attempting to enter the ship;
- (f) if any person having gone on board the ship at any place and being requested, on account of the ship being full, by any duly authorised member of the crew to leave the ship, before it has quitted that place, does not comply with that request;
- (g) if any person travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;
- (h) if any person having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance, with intent to avoid payment thereof;
- (i) if any person on arriving in a ship at the point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the ship;
- (f) if any person on board the ship fails 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 the ship;



- (k) if any person travels or attempts to travel in that part of a ship which is set apart for passengers of a superior class to that for which he holds a ticket;
- (l) if any person travels or attempts to travel in any ship or part of a 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 so to do,

the person so offending shall for such offence be liable to a fine of ten naira but that liability shall not prejudice 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 against this section of this Code and whose name and address are unknown to him.

(3) Any person who commits an offence against this section of this Code and on the application of the officer or quartermaster in charge of the ship, refuses to give his name and address, or gives a false name or address, is liable to a fine of forty naira.

#### **502. Entering ship or wharf without ticket**

(1) Any person who-

- (a) not being a passenger by a ship or not having purchased a ticket to travel by a ship, enters upon any enclosed quay, wharf, or landing place, and on being ordered to leave such quay, wharf or landing place by any servant of the Nigerian Ports Authority or person in charge of such quay, wharf, or landing place or any police officer, refuses to do so; or
- (b) not being a passenger by a ship or not having purchased a ticket to travel by a ship, attempts to enter upon any enclosed quay, wharf or landing place, and on being ordered to desist by any servant of the Nigerian Ports Authority or person in charge of such quay, wharf or landing place, or any police officer, persists in so doing,

is guilty of a simple offence and is liable to a fine of four naira or in default to imprisonment for one 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 against this section of this Code and whose name and address are unknown to him.

#### **503. Power to exclude drunken person from ship**

Any duly authorised member of the crew of any ship may refuse to receive on board thereof 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.

#### **504. Jurisdiction**

For the purpose of giving jurisdiction under this Chapter, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the district in which the same actually was committed or arose, or in any district in which the offender or person complained against is or may be found.

### **CHAPTER 52**

#### *Offences by members of a crew*

#### **505. Interpretation**

In this Chapter, unless the context otherwise requires-

[L.N. 112 of 1964.]

**"Government"** means the government of the Federation and includes a State government;

**"ship"** includes every description of vessel used in inland navigation or in the service of the Government, but does not include-

- (a) ocean-going ships not in the service of the Government; or

### **Part 8**

#### *Preparation to commit offences*

#### *Conspiracy: accessories after the fact*

### **CHAPTER 53**

- (b) vessels or canoes of local manufacture;

**"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 ships' log is handed over to the employer or his agent and the voyage terminates.

#### **506. Obligation to complete voyage**

A person serving in the crew of a ship shall complete any voyage the ship may be engaged in making when the period of his engagement expires:

Provided that the person serving after the term of his agreement has expired, shall be paid up to the date of the termination of the voyage, at the rate stipulated for under the terms of the agreement under which he is serving.

#### **507. Offences by members of a crew**

- (1) Any person who-

- (a) having entered into an agreement to serve in the crew of any ship fails to enter upon his employment; or
- (b) being a member of the crew of any ship-
  - (i) deserts or without leave or lawful cause absents himself from duty;
  - (ii) is intoxicated during working hours;
  - (iii) refuses without reasonable excuse therefor to obey the order of any person in authority over him;
  - (iv) uses abusive or insulting language to any person in authority over him;
- (iv) wilfully does any act tending to the loss of or damage or serious risk to his employer's property;
- (vi) refuses or omits without reasonable cause to do any act proper and requisite to be done by him for preserving his employer's property,

is guilty of a simple offence and is liable to a fine of ten naira.

(2) Any person serving in the crew of any ship who combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, shall be liable to imprisonment for three months.

(3) The offender may be tried in any place where he is or to which he may be brought.

(4) A master or person in charge of an ocean-going ship may inquire into any offence under this section of this Code, and may impose upon the offender a fine not exceeding ten naira to be levied by stoppage from the offender's wages.

## Part 8

### *Preparation to commit offences*

### *Conspiracy; accessories after the fact*

### CHAPTER 53

### *Attempts, incitements, and preparations to commit offences*

### *to prevent commission of felony*

## **508. Attempts to commit offences**

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

#### **509. Punishment of attempts to commit felonies**

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 of imprisonment for a term of fourteen years or upwards, with or without other punishment, is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for seven years.

Any person who attempts to commit a felony of any other kind is liable, if no other punishment is provided, to a punishment equal to one half of the greatest punishment to which an offender convicted of the felony which he attempted to commit is liable.

#### **510. Punishment of attempts to commit misdemeanours**

Any person who attempts to commit a misdemeanor is liable, if no other punishment is provided, to a punishment equal to one half of the greatest punishment to which an offender convicted of the offence which he attempted to commit is liable.

#### **511. Punishment of attempts to commit simple offences**

Any person who attempts to commit a simple offence is liable, if no other punishment is provided, to one half of the greatest punishment to which an offender convicted of the offence which he attempted to commit is liable.

#### **512. Reduction of punishment**

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 will, he is liable to one half only of the punishment of which he would otherwise be liable. If that punishment is imprisonment for life, the greatest punishment to which he is liable is imprisonment for seven years.

#### **513. Attempts to procure 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 guilty of attempting to commit such offence and to be punishable accordingly.

(2) Any person who while in Nigeria attempts to procure another to do an act or make an omission at a place not in Nigeria of such a nature-

(a) that if he were himself to do the act or make the omission in Nigeria 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,

is guilty of an offence of the same kind and is liable to the same punishment as if he were himself to attempt to do the same act or make the same omission in Nigeria.

#### **514. Preparation to commit crimes with explosives, etc.**

Any person who makes or knowingly has in his possession any explosive substance, or any dangerous or noxious engine, instrument, or thing whatever, with intent by means thereof to commit, or for the purpose of enabling any other person by means thereof to commit any felony, is guilty of a felony and is liable to imprisonment for three years.

#### **515. Neglect to prevent felony**

Every 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 thereof, is guilty of a misdemeanor and is liable to imprisonment for two years.

### **CHAPTER 54**

#### *Conspiracy*

#### **516. Conspiracy to commit felony**

Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in Nigeria would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

#### **516A. Conspiracy to commit felony against law of a State**

(1) Any person who while in a State conspires with another to do any act not in the State which if done in the State would be a felony against the law of the State and which is an offence against the law of the place where it is proposed to be done, is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

(2) In this section and section 517 A of this Code, "**law of a State**" has the meaning assigned to it in section 10A of this Code.

#### **517. Conspiracy to commit offence**

Any person who conspires with another to commit any offence which is not a felony, or to do any act in any part of the world, which if done in Nigeria 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, is guilty of a misdemeanor and is liable to imprisonment for two years.

The offender cannot be arrested without warrant.

#### **517 A. Conspiracy to commit offence against law of a State**

Any person who, while in a State, conspires with another to do any act not in the State which if done in the State would be an offence against the law of the State (other than a felony) and which is an offence against the law of the place where it is proposed to be done, is guilty of a misdemeanor and is liable to imprisonment for two years.

The offender cannot be arrested without warrant.

#### **518. Other conspiracies**

Any person who conspires with another to effect any of the following purposes

[L.N. 112 of 1964.]

- (1) to prevent or defeat the execution or enforcement of any Act, law, statute, or order; or
- (2) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or
- (3) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or
- (4) to injure any person in his trade or profession; or
- (5) to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession, or occupation; or
- (6) to effect any unlawful purpose; or
- (7) to effect any lawful purpose by any unlawful means,

is guilty of a misdemeanor and is liable to imprisonment for two years.

An offender cannot be arrested without warrant.

#### **518A. Conspiracy in trade dispute**

(1) The provisions of sections 516, 517 and 518 of this Code 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:

Provided that nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is provided by any other enactment:

And provided further that nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State.

[L.N. 112 of 1964.]

(2) 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.

[Cap. T14.]

## CHAPTER 55

### *Accessories after the fact*

#### **519. Accessories after the fact to felonies**

Any person who becomes an accessory after the fact to a felony is guilty of a felony and is liable, if no other punishment is provided, to imprisonment for two years.

#### **520. Accessories after the fact to misdemeanours**

Any person who becomes an accessory after the fact to a misdemeanor, is guilty of a misdemeanor and is liable to a punishment equal to one half of the greatest punishment to which the principal offender is liable on conviction.

#### **521. Accessories after the fact to simple offences**

Any person who becomes an accessory after the fact to a simple offence, is guilty of a simple offence and is liable to a punishment equal to one half of the greatest punishment to which the principal offender is liable on conviction.

Federal sections

See Preface

The following sections of the Criminal Code are, in the opinion of the Committee, purely Federal-

13	49B	345
14	49C	449
20	58	454
38	78	459
44	79	459A
45	87	459B
46	146-189	460
46A	190A	482
47	194	483
48	195	491
49	196	492
		493

## CRIMINAL CODE ACT

### SUBSIDIARY LEGISLATION

#### *List of Subsidiary Legislation*

1. Unlawful Societies Orders
2. Race Club Lotteries and Sweepstakes Notices.
3. Prohibited Publications Orders

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## UNLAWFUL SOCIETIES ORDER

[11 of 1917. 9 of 1926.]

under section 62 (2) (ii)

The following societies are hereby declared to be dangerous to the good government of Nigeria-

- (a) The society known as "Akpambe";
- (b) The society known as "Ukikwe";
- (c) The society known as "Ogrinia";
- (d) The society known as "Ekpa";
- (e) The society now operating in the Ijebu Province and purporting to operate under the style of Majeobaje or Majekobaje.

[42 of 1948.]

The following societies are hereby declared for the purposes of Chapter 9 of the Criminal Code to be societies dangerous to the good government of Nigeria-

[19 of 1950.]

- (f) The society commonly known as the Zikist Movement;

[10 of 1953.]

- (g) The society commonly known as Gbogbo Agbaiye;

[23 of 1954.]

- (h) The society commonly known as Aiye Peju;

[65 of 1957.]

- (i) The society commonly known as the Union des Populations du Cameroun;

[64 of 1957.]

- (j) The society commonly known as the Cameroons Democratic Youth but with the alternative French title Jeunesse Democratique Camerounaise;

[66 of 1957.]

- (k) The society commonly known as the Kamerun Women's Democratic Union but with the alternative French title Union des Femmes Camerounaises;

[L.N. 83 of 1965.]

(I) The society commonly known as the "Sawaba Party" or alternatively Parti Sawaba.

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#### RACE CLUB LOTTERIES AND SWEEPSTAKES NOTICES

[Notice 2465 of 1937.]

under section 240D (1)

In accordance with the powers vested in him by section 240D (1) of the Criminal Code Act, the Governor has extended the provisions of the said section to the following race club  
The Lagos Race Club.

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#### PROHIBITED PUBLICATIONS ORDERS

[12 of 1951.]

under section 58 (1)

##### **1. Short title**

This Order may be cited as the Prohibited Publication ("For a Pan-African Trade Union Conference") Order.

##### **2. Prohibition of importation**

The importation into Nigeria of a publication purporting to be issued by the World Federation of Trade Unions and entitled "For a Pan-African Trade Union Conference" is hereby prohibited.

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##### **1. Short title**

This Order may be cited as the Prohibition of Publications (Film: "The Road to Peace") Order.

##### **2. Prohibition of importation**

The importation into Nigeria of a publication purporting to be issued by the World Peace Council and entitled "The Road to Peace" is hereby prohibited.

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**1. Short title**

This Order may be cited as the Criminal Code (Prohibited Publication) Order.

[74 of 1955.]

**2. "Song of the Rivers" Prohibited**

The importation into Nigeria of the following publication, that is to say, the cinematograph film entitled "Song of the Rivers" is hereby prohibited.

**1. Short title**

This Order may be cited as the Criminal Code (Prohibited Importations) Order.

[75 of 1955.]

**2. Prohibition of importation of publications**

The importation into Nigeria of-

- (a) any of the publications specified in Part A of the Schedule to this Order; and
- (b) any past or future issue of the periodical publications specified in Part B of the Schedule to this Order,

is hereby prohibited.

**SCHEDULE**

**PART A**

Publication

Publisher

This the L.U.S., 1953

International Union of Students

For Real Social Security	World Federation of Trade Unions
Terror in Kenya	W.F.T.U. Publications Ltd., London
For Peace and Friendship: The Work of the Third World Democratic Youth congress	"World Youth" Magazine, organ of the world Federation of Youth Congress
The Colonies. The Way Forward theWork with the Masses	The Communist Party, London, organ of W.F.T.U. Publications Ltd., London, W.C.2.
Under the Banner of Unity and International solidarity	W.F.T.U. Publications Ltd., London, W.C.2.
Defend Trade Union Rights	Published in September, 1952, by W.F.T.U. Publications Ltd., London, W.C.2.
Report of the Commission of the Women's International Democratic Federation in Korea May 16th to 27th, 1951.	Women's International Democratic Federation , Berlin, Germany.
The Mask is Off	Thames Publications Ltd., England
The Right to Live.	Kenya Committee, 86 Rochester Row, London, S.W.1
Kenya under the Iron Heel.	Movement for a Democracy of Content, Contemporary Press, Heber Road, London, N.W.2

## PART B

World Youth	World Federation of Democratic Youth/World Youth, Budapest, Hungary
Information Service, World Federation Democratic Youth	World Federation of Democratic Youth/World of Budapest, Hungary
Press Communique, World Federation Federation of Democratic	World Federation of Democratic Youth World Youth World Youth, Budapest, Hungary
Annual Diary	World Federation of Democratic Youth/World Youth, Budapest, Hungary
News Service, International Union of Students	Press and Information Department, International Union of Students, Prague, Czechoslovakia

Information Service, International Union of student	International Union of Students, Prague, Czechoslovakia.
Press Communique, International Union of Student.	International Union of Students, Prague Czechoslovakia
World Student News	International Union of Students, Prague Czechoslovakia
Annual Diary	International Union of Students, Prague Czechoslovakia
Czechoslovakia Information Bulletin	Central Council of Trade Unions, Prague, Czechoslovakia
World Trade Union Movement	World Federation of Trade Unions Publications Ltd., London, W.C.2
Information Bulletin	International of Agricultural and Forestry Workers Trade Unions and Working Peasants Organisations, Rome, Italy.
Special Information Bulletin published by womens International Democratic Federation.	Women's International Democratic Federation, Berlin, Germany.
Women of the Whole World	Women's International Democratic Federation, Berlin, Germany
Africa News Letter	Africa Committee of the Communist Party, London, W.C.2
Africa Bulletin	M. Basset, London, N.W.3.
21st February (Special newspaper for The 21 <sup>st</sup> February)	World Federation of Democratic Youth, Budapest, Hungary.
Article Service, World Federation of Democratic Youth.	World Federation of Democratic Youth, Budapest, Hungary.
For A Lasting Peace for a People's Democracy.	Information Bureau of the Communist and Worker's Parties, Bucharest, Rumania.
Information Bulletin Of the Hungarian Trade Unions.	The Central Council of Hungarian Trade Unions, Budapest, Hungary.
Festival.	Newspaper of the International Predatory Committee.

## 1. Prohibition of importation

The importation into Nigeria of the magazine entitled the "Peking Review", a weekly magazine of Chinese news and views, is hereby prohibited.

[L.N. 27 of 1965.]

## **2. Short title**

This Order may be cited as the Criminal Code (Prohibited Importations) Order.