

Criminal Code Act
Chapter 77
Laws of the Federation of Nigeria 1990

An Act to establish a code of criminal law.

1st day of June 1916

1. This Act may be cited as the Criminal Code Act.
- 1A. The provisions of this Act shall take effect subject to the provisions of the Penal Code (Northern States) Federal Provisions Act.
2.
 - (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), be State laws with respect to the several matters therein dealt with.
 - (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.
 - (3) The code may be cited as the Criminal Code.
 - (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. The following rules shall, unless the context otherwise indicates, apply with respect to the construction of Acts, Laws regulations, and other instruments-
 - (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 - (4) When in any Act, Law or other instrument, public or private, reference is made to any of the provisions hereby repealed, it shall be taken that reference is intended to be the corresponding provisions or substituted provisions of the code.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. 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 law 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. When by the code any act is declared to be lawful, no action can be brought in respect thereof.

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. 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. 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

Code of Criminal Law

Part 1

Introductory

Interpretation: Application: General Principles

Chapter 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", include-

- (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; and

"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 the 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, 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 Services Department, 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 Services Department" 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 Service 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 Department;

"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 'till kinds, and any other associations of persons capable of owning property; and also, when so used, include the State;

"person employed by or under the Nigerian Postal Services Department" includes an officer of the said Department 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 as amended 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 subheads 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 forces;

"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, include any structure room, place or receptacle, of any kind, appointed in pursuance of the Nigerian Postal Services Department 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;

"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 Services Department 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 purposes of this definition, which can be touched without dividing or piercing any other membrane.

2. An act or omission which renders the person doing the act or making the emission liable to punishment under this code, or under any Act, or Law, is called an offence.

3. Offences are of three kinds, namely, felonies, misdemeanours, and simple offence.

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

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

4. 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. 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. 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. 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, that is to say-

- (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, the 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. 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. 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, or whether the offence is committed in the way counselled or in a different way, 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. 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. (1) In this Chapter-

"Federal law" means any Act enacted by 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 Federation has effect with respect to the Federation;

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

12. Where by the provisions of any Federal law 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 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.** (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 Focused 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.** (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.** 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.** 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.** 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 himself guilty of an offence against a law of the State, and that, if he had 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. Members of the armed forces and of the police forces 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.
16. (Repealed by No. 43 of 1945.)

Chapter 4 *Punishments*

17. 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.
18. 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. When any person is convicted of an offence under section 98, 98A, 98B, 99, 112, 117, 126, 128 or 494, 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.
20. When any person is convicted of an offence under section 170, 175, 177, 179, 180 or 183, the court may, in the 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. Nothing in this code affects the prerogative of mercy where of exercised in accordance with the Constitution of the Federation.

Chapter 5 Criminal Responsibility

22. 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. 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. 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.** 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.** 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.** 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.** 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 delusions to believe to exist.

- 29.** (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 failing 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.** 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.** 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.** 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 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.** 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.** A husband and wife of Christian marriage are not criminally responsible for a conspiracy between themselves alone.
- 35.** 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.** 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.** (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.
- (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 law of England as in form in Nigeria.
- (3) *(Inserted by L.N. 112 of 1964 and deleted by L.N. 139 of 1965.)*
- 38.** 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.** (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 section 38 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.
- (2) Where a woman who has been convicted of an offence against either section 37 or section 38 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.
- 41.** Any person who-
- (1) becomes an accessory after the fact to treason; or
- (2) 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.** Any person who forms an intention to effect any of the following purposes, that is to say-
- (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 of 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. 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. 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. Any person who advisedly attempts to effect any of the following purposes, that is to say-
 - (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. Any person who-
 - (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. Any person who, by any means whatever, directly or indirectly-
 - (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. (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-

- (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 hold his services or to commit breaches of discipline, shall be guilty of an offence and shall be 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. 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. Any person who-

- (1) 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;
- (2) negligently and unlawfully permits the escape of any such person as is mentioned in the last preceding subsection is guilty of a misdemeanour, and is liable to imprisonment for two years.

49. 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. (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 shall be guilty of felony and shall on conviction suffer death.

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

Chapter 7

Sedition and the Importation of Seditious or Undesirable Publications

- 50.** (1) In this Chapter unless the context otherwise requires- "import" includes-
- (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. (1) Any person who-

- (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;

shall be 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 to the State.

- (2) Any person who without lawful excuse has in his possession any seditious publication shall be 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. (1) No prosecution for an offence under section 51 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 on the uncorroborated testimony of one witness.

53. 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. 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 purpose of doing any such acts as aforesaid;
 - (e) not to inform or give evidence against any associate, confederate, or other person;
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. 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.

56. A person who has been tried, and convicted or acquitted, on a charge of any of the offences herein before 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. (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 exercises, movements, or evolutions; or
- (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 shall be begun within six months after the offence is committed.

58. (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.

- (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 made 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.

- (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 subsection (2), or any extract there from, shall be 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.

- (7) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under sub-section (1) or subsection (2), or any extract therefrom, shall be 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.

- (8) (a) Any person to whom any publication the importation of which has been prohibited under subsection (1) or subsection (2) 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.

- (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.
- (9) (a) Any of the following officers, that is to say-
- (i) any officer of the Nigerian Postal Services Department not below the rank of assistant surveyor;
 - (ii) any officer of the Customs and Excise Department 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 subsection (8) as the case may be
- 59.** (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 shall be guilty of a misdemeanour and liable, on conviction, to imprisonment for three years.
- (2) It shall be no defence to a charge under the last preceding subsection 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.** 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.** 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 National Council of Ministers, or a State Executive Council of his duties as such member is guilty of a felony, and is liable to imprisonment for three years.

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

(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.** Without prejudice to the provisions of section 62, a society is an unlawful society if it is declared by an order of the National Council of Ministers 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 shall be construed as a reference to the consent of the Attorney-General of the State.

- 63.** 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. 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.** (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:

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 the two last preceding sections 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.** Any peace officer, and any police 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.** (1) When a society is declared to be an unlawful society by an order of the President, the following consequences shall ensue-
- (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 for such period as to him shall seem expedient.
 - (3) The provisions of subsection (1) shall not apply to any property seized at any time under section 66.

68. Subject to the provisions of the last preceding section, 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.

Chapter 10

Unlawful Assemblies: Breaches of the Peace

69. 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. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year.
71. Any person who takes part in a riot is guilty of a felony, and is liable to imprisonment for three years.
72. 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.
73. If upon the expiration of a reasonable time after such proclamation 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. 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. Any person who forcibly prevents or obstructs the making of such proclamation as is in the last section mentioned, 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.** 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.** Any persons who, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned, are guilty of a felony, and each of them is liable to imprisonment for seven years.
- 78.** 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 mentioned;
- are guilty of a felony, and each of them is liable to imprisonment for seven years.
- 79.** 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.** 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.** 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.** 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.** 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.** 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.** 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.** 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. 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. (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, Mg, 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.

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. (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
- (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,

shall be 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 shall be liable to a fine of one hundred naira or to imprisonment for a term of three months, or to both; 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, the penalty shall be the maximum prescribed for the offence.
- (3) It shall be a defence to any person charged under this section 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) above, and thereafter withdrew the record from sale or recalled any record lent or hired out by him.
- (4) This section 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.
- (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 to 96 inclusive. (Deleted by No. 31 of 1941.)

97. (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.
- (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.

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

Chapter 12
Corruption and Abuse of Office

- 98.** (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 bribes, etc.,
 - (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 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-
- (i) 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
 - (ii) 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).
- (3) In any proceedings for an offence under this section to which subsection (1)(ii) 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), where a police officer or other public official whose official duties include the prosecution, detention or punishment of offenders is charged with an offence under this section in connection with-
- (a) the arrest, detention or prosecution of any person for an alleged offence; or
 - (b) an omission to arrest, detain or prosecute any person for an alleged offence; or

- (c) the investigation of an alleged offence,

it shall not be necessary to prove that the accused believed that the offence mentioned in paragraph (a), (b), or (c), or any other offence, had been committed.

98A. (1) Any person who- Official corruption: person giving bribes, etc., on account of actions of public Official.

- (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 1966 No. 84.

- (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), 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 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-

- (i) 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
- (ii) 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).

98B. (1) Any person who--

- (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) 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 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) 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. (1) A judicial officer cannot be arrested without warrant for an offence under section 98, 98A Or 98B.

(2) No proceedings for an offence under section 98, 98A Or 98B 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(1)-

- (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
- (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.

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

99. 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. 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.** 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, 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 misdemeanour, and is liable to imprisonment for one year.
- 103.** 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.** 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.** 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 of three years.
- The offender cannot be arrested without warrant.
- 106.** 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.** Any person who-
- (1) not being a judicial officer, assumes to act as a judicial officer; or
 - (2) 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
 - (3) 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.** 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.** 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-
- (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.** Any person who- Unlawfully wearing the uniform of forces, etc. 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 the armed 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 or wear such uniform or dress, badge or mark or to carry such token:
- Provided that this section shall not apply to the wearing of any uniform or dress in the course of a stage play or in any bona fide public entertainment.
- 111.** Any person who sells or gives any uniform, or part of a or any dress, badge or mark, as in the last preceding section mentioned, 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.

Chapter 13 Selling and Trafficking in Offices

- 112.** 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 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.** 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.

114-116 inclusive. (Deleted by 1966 No. 84.)

- 117.** 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 depending in that proceeding, 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.** Any person who commits perjury is liable to imprisonment for Punishment fourteen years. of perjury.

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.** 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.** 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.** 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.** 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.** 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.** 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.** 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.** (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 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, without the consent of that administrative officer.
- 126. (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 misdemeanour, and is liable to imprisonment for two years.
- 127.** 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.** 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.** 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 questions 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.** 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.** 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. Any person who, without authority, or knowing the advertisement to be false in any material particular inserts or causes 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. 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) retakes 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 Courts

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

- (a) is, if such last-named person is under 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. Any person who, being in lawful custody, escapes from such Custody-

- (a) is, if he is charged with, or has been convicted of, 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. Any person who- Aiding prisoners to escape.

- (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. 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. 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. 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 to 142 - Repealed by 1972 No. 9.

143. Any person who-

- (1) 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, or rescues any person during his confinement as an insane person in any such place; or
- (2) 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
- (3) 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
- (4) 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.** 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.** 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.** 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 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 of coined for and lawfully current in Nigeria, and includes any other coin lawfully current in any other country;

"gild" and "silver" applied to coin, include 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;

"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. (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.** 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. (1) Any person who without lawful 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
- (b) as to making, obtaining or supplying or as to the cost of making, obtaining or supplying any counterfeit coin;

shall be guilty of an offence and shall be 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) 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. 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. 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. 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. (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 more counterfeit coins in his possession the court may presume an intent to utter unless he proves the contrary.

153. Any person who commits any of the offences defined in the two last preceding sections, after having been previously convicted of an 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. Any person who-

- (1) makes, or begins to make, any counterfeit current nickel coin; or
- (2) 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
- (3) 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. (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.** 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.** 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 defraud.
- (b) any medal or piece 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.** 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.** 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.** 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.** 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.

- 160B.** 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.

Offences relating to Posts and Telecommunications

- 161.** 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.** 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.** Any person who, being employed by or under the Nigerian Postal Services Department, 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.
- 164.** 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.** Any person who by means of any false pretence induces any person employed by or under the Nigerian Postal Services Department 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.
- 166.** 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 misdemeanour, and is liable to imprisonment for two years.
- 167.** Any person who, being employed by or under the Nigerian Postal Services Department, 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.
- 168.** Any person who, being employed by or under the Nigerian Postal Services Department, 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.
- The offender cannot be arrested without warrant.
- 169.** 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, subscribes any postal matter-
- (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.** 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. 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-

- (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. 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. (1) Any person who- being employed by or under the Nigerian Postal Services Department 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 Services Department, 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. 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 made thereon at a post 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;
- (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. 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. Any person who, not being authorised by the Postmaster-General,

- (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 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 special messenger and concerning the private affair of the sender, nor to a letter sent or carried to or from the nearest post office:

Provided always that nothing herein before set forth shall authorized any of the person hereafter, named to carried 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 Services Department;

- (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);
- (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. Any person who-

- (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,
 - (d) sells, or offers or exposes for sale, any postage stamp; or

- (e) 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. 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.

179. 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.

180. 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.

181. 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. Any person who-

- (1) wilfully obstructs a person employed by or under the Nigerian Postal Services Department or any telegraph official in the execution of the duties of his employment;
- (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 Services Department or any telegraph official may require any person committing any of the offences defined in this section 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 forces are required, on demand, to remove or assist in removing such person.

183. 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 and **185** - Deleted by N_o 30 of 1975.

- 186.** 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.** 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.** Any person who resists a person employed by or under the Nigerian Postal Services Department 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.
- 189.** (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.
- (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.
- (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.** 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 fourteen years.
- 190A.** 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.** 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.** 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.** A person cannot be convicted of any of the offences defined in the two last preceding sections upon the uncorroborated testimony of one witness.
- 194.** 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.** 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.** 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.** 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.
- 198.** 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 shall not be instituted except by or with the consent of a law officer.
- 199.** 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.** 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.** 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. Any person who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any Act, Law, or 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

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. 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 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.

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. 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.

204. 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. 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.** (1) The trial by the ordeal of sasswood, esere-bean, or other 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 State Commissioner 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.** 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.** 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.** 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 State Commissioner; 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 of 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 a misdemeanour, and is liable to imprisonment for two years.
- 211.** 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.

The offender cannot be arrested without warrant.

212. 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.

213. Any person who-

(a) makes, sells or keeps for sale or for hire or reward, any fetich 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. 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. Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

216. 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. 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. 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 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 upon the uncorroborated testimony of one witness.

- 219.** 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 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, with or without caning.

- 220.** *It is a defence to a charge of any of the offences defined in the last preceding section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

- 221.** 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
- (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 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 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 upon the uncorroborated testimony of one witness.

- 222.** 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.

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.** (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.** (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, shall be 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 the facts proved in evidence authorise a conviction for an offence against this section, the person charged may be convicted of the offence against this section although he was not charged with that offence.
- 222C.** 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 section 219, paragraph (1) of section 221 and section 222 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 twenty-one 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.** 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 upon the uncorroborated testimony of one witness.
- The offender may be arrested without warrant.
- 224.** 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.** 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 to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of eighteen years.

- 225A.** (1) Every male person who-

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any public place persistently solicits or importunes for immoral purposes, shall be 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 shall be liable to imprisonment for two years.

- 225B.** 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 of 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, shall be 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 fine and imprisonment.

226. 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. 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. 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. 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. 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. 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. 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.** (1) Any person not being a citizen of Nigeria shall, upon conviction of an offence against section 219, 222A, 222B, 223, 225A, or 225B, 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, 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. In this Chapter-

"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;

"distributes" includes circulates, lends, sells, lets on hire or offers for sale or on hire;

- 233C.** (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.
- (2) The provisions of this section 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.** (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.
- (2) A person shall not be convicted of an offence against this section if he proves that he had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his publication of it would make him liable to be convicted of an offence against this section.
- (3) In any proceedings against a person under this section, the question whether an article is obscene shall be determined without regard to any publication by another person unless it could reasonably have been expected that the publication by the other person would follow from publication by the person charged.
- (4) No prosecution for an offence against this section shall be commenced more than two years after the commission of the offence.
- 233E.** (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.

- (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 hands they had passed before being seized, shall be entitled to appear before the court on the day specified in the summons to show cause why they should not be forfeited.
 - (5) Where an order is made under this section 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, 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).
- 233F.** (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 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.
- (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. 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 appreciably to 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 misdemeanour, 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. (1) A person being the owner or occupier, of 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.

(2) In this section, "unlawful gaming" includes roulette, every game of dice except backgammon, every game of cards 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 misdemeanour and is liable to a fine of one thousand naira or imprisonment for two years or to both such fine and imprisonment.

(4) Any person other than the persons mentioned in subsection (1) 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 shall be guilty of an offence and shall be 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. (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 also to seize all money found therein.

- (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, chain 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 he proved, that such house, room or place is used as a common gaming house within the meaning of the last preceding section and that the persons found therein were unlawfully playing therein.

238. Any person who shall be called to give evidence against any other person charged under the provisions of section 236 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.

239. 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 misdemeanour, 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. (1)(2)- (Inserted by 44 of 1958 repealed by 1961 No. 69.)

(3) For the purpose of section 239 any house, room or place which is used for the purposes of a licensed pool betting business shall not be deemed to be a common betting house by reason only that it is so used.

(4) (Inserted by 44 of 1958, repealed by 1961 No. 69.)

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

240. 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. Every 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,

shall be liable to a fine not exceeding one hundred naira or to imprisonment for a period not exceeding six months.

240B. 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. 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. (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, at or in connection with any race meeting held under the auspices of any such club or association.

(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.** (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.
- (2) It shall be a condition of every licence granted to a club under subsection (1) 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 shall not be deemed to be a public lottery.
- (4) When any condition of a licence granted under this section is contravened, every person concerned in the promotion or carrying on of the lottery shall be guilty of an offence, unless he proves that the contravention was committed without his knowledge, and shall be liable on summary conviction to a fine of forty naira or to imprisonment for four months.
- 241.** 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, is to be taken to be the keeper thereof, whether he is or is not the real keeper.
- 242.** 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 receives for the purpose of eating any part of a dead human body; is guilty of a misdemeanour, and is liable to imprisonment for two years.

Chapter 23 *Offences against Public Health*

- 243.** (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 misdemeanour, and is liable to imprisonment for one year.
- (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 misdemeanour, and is liable to imprisonment for one year.
- 244.** 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 misdemeanour, and is liable to imprisonment for two years.

- 245.** 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 misdemeanour, and is liable to imprisonment for six months.
- 246.** 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 misdemeanour, and is liable to imprisonment for six months.
- 247.** 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 misdemeanour, and is liable to imprisonment for six months.
- 248.** 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.** 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 shall be guilty of a simple offence, and shall be liable to imprisonment for one month.
- 250.** The following persons-

- (1) every person convicted of an offence under the last preceding section 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 misdemeanour, 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.** 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.

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.** 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.** 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.** 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.** 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 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 term of the process.
- 256.** It is lawful for a person who is charged by law with the duty d by any court executing a lawful warrant issued by any court(including a 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.** 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.** 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 the four last preceding sections, 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.** 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.** 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.** 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 to 270 inclusive,** Repealed by No. 43 of 1945.
- 271.** 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.** 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 does not authorise the use of force which is intended or is likely to cause death or grievous harm.

- 273.** 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 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.** 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 in 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.** 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.** 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.** 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 unlawful is a question of law.
- 279.** 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.** 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 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.
- 281.** 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.** 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 misdemeanour therein.
- 283.** 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 a nature as to be likely, when done to an ordinary person, or in the presence of an 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 other 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.** 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.** 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.** 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 grounds, 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.** 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 against provoked 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.** 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.** 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.** 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.** 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.** 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.** 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.** 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, easement, or profit, after notice that his right to use such way or easement or to take such profit is disputed by the person in possession of the land, or having entered persists in his entry after such notice, it is lawful for the person in possession, and for any person acting by his authority to use such force as is reasonably necessary for the purpose of making the person so entering desist from the entry, provided that he does not do him harm.
- 295.** 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 all 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 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 reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.
- 296.** The master of a vessel, or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen, or passengers, 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 any 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.** 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.** 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 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.** 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 necessaries 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 necessaries 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.** 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 necessaries 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.** 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.** 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.** 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.** 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.** (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 thereof either wholly or to a great extent of the supply of electricity or water, shall be 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, shall be 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), 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), shall, where the length of such notice required by any enactment, or by any contract of service, is more than seven days, be deemed to be a malicious breach of contract, and the words "maliciously breaks" in this section shall be construed accordingly,
- (4) Any person guilty of an offence against any of the provisions of this section shall be 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 shall be instituted 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.** It is unlawful to kill any person unless such killing is authorised or justified or excused by law.
- 307.** 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.** 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.** When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.
- 310.** A person who, by threats 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.** 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 a person causes a bodily injury to another from which death results, it is immaterial that the injury might have been avoided by proper precaution on the part of the person injured, or that his death from that injury might have been prevented by proper care or treatment.
- 313.** 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.** 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.** 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.** 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.** A person who unlawfully kills another in such circumstances as not to constitute murder is guilty of manslaughter.

- 318.** When a person who unlawfully kills another in circumstances which, but for the provisions of this section, 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.

- 319. (1)** Subject to the provisions of this section any person who commits the offence of murder shall be sentenced to death.
- (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.
- (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.
- 320.** 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.** 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.** Any person who becomes an accessory after the fact to murder is guilty of a felony, and is liable to imprisonment for life.
- 323.** 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.** 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.** Any person who commits the offence of manslaughter is liable to imprisonment for life.
- 326.** 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.** Any person who attempts to kill himself is guilty of a misdemeanour, and is liable to imprisonment for one year.
- 327A.** 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 giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of 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.** 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.** 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 misdemeanour, and is liable to imprisonment for two years.
- 329A.** (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 felony, and is liable to imprisonment for five years.
- (2) Where in any prosecution under this section 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 the preceding subsection unless the contrary is proved.
- (3) A prosecution for an offence under this section shall not be instituted except by or with the consent of a law officer.

Chapter 28

Offences Endangering Life or Health

- 330.** 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.
- 331.** Any person who, 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, 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.** 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 explosive substance in any place; or

- (7) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person;

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

333. 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. 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.

335. Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years.

336. 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. substances.

337. Any person who unlawfully, and with intent to injure or annoy another, causes any poison or other noxious thing to be administered 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. 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. Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

340. 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 or 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. 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. 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 in any place 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 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 does not make it unlawful to set any gin 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. (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 proper precautions against any probable danger from, any explosive in his possession is guilty of a misdemeanour, and is liable to imprisonment for one year.

344. 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 the preceding section, by which act or omission harm is

caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months.

- 345.** (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 misdemeanour, 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.
- (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 misdemeanour, 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 misdemeanour under this section is liable to imprisonment for two years.
- (4) A prosecution shall not be instituted in respect of an offence under this section otherwise than by or with the consent of a law officer.

346. 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 misdemeanour, and is liable to imprisonment for two years.

347. 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. 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 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. 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 a 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. 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 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.** Any person who unlawfully assaults another is guilty of a misdemeanour, and is liable, if no greater punishment is provided, to imprisonment for one year.
- 352.** 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.** 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.** 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.** 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.** 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) assault, 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 persons;
- is guilty of a felony, and is liable to imprisonment for three years.

Chapter 30

Assaults on Females: Abduction

- 357.** 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.** Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.
- 359.** 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.
- 360.** Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.
- 361.** 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.** 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 misdemeanour, and is liable to imprisonment for two years.
- 363.** In the case of proceedings in respect of an offence under the preceding section-
- (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.** 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.** 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 misdemeanour, and is liable to imprisonment for two years.
- 366.** Subject to the provisions of the Trade Unions Act, any person who, with intent to prevent or hinder any other person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing, or to abstain from doing any act which he is lawfully entitled to do--
- (a) threatens such other person with injury to his person, reputation, or property, or to the person, reputation, or property of any one in whom he is interested; 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. Any person who, with any of the intents in the preceding section 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. Any person who- 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. 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.** 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 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.** 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 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.** 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 misdemeanour, and is liable to imprisonment for one year.

Chapter 33

Defamation

- 373.** 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 an 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.

- (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 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. Subject to the provisions of this Chapter, any person who publishes any defamatory matter is guilty of a misdemeanour, 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. 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. 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. The publication of defamatory matter is absolutely privileged, and no person is criminally liable in respect thereof, in the following cases-

- (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 any proceeding 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.

379. 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 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 herein before 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), 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.** (1) In this and the next succeeding section, 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.** 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 of any 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.** 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.

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 Loving 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.** (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 attempt 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 moves the thing or causes it to move.
- 384.** (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.** 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 such proceeds unless the direction is in writing.
- 386.** 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 for the property, to the person 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
- 387.** 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.** 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.** 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.** 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

- (1) If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for life.

- (2) If the thing stolen is postal matter or any chattel, money, or valuable security, contained in any postal matter, the offender is liable to imprisonment for life.
- (3) If the thing stolen is any of the things following, that is to say: a horse, mare, gelding, ass, mule, cancel, 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.
- (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 is 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.
- (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.
- (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.
- (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.
- (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.

- (9) If the thing stolen is of the value of one thousand naira or upwards, the offender is liable to imprisonment for seven years.
- (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.
- (11) If the offender, before committing the offence, had been convicted of any of the felonies, or misdemeanours 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.** Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for fourteen years.
- 392.** 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.** 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.** 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.** 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 had stolen the thing after it had become movable.
- 396.** 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.** 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. 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. In the preceding section 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 any written instrument by which a valid charge or Hen is created upon them by way of security or any debt or obligation.

The consent of the mortgagee may be either express or implied from the nature of the property mortgaged.

400. 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. 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. (1) Any person who commits the offence of robbery shall upon conviction be sentenced to imprisonment for not

(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. (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.

(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 said 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 Act shall upon conviction be sentenced to imprisonment for not less than fourteen years nor more than twenty years.
- 403A.** Any person who conspires with any person to commit an offence under section 402 of this Act 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.** For the purposes of section 402, 403 and 403A-
- "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 intend by the person having it for such use by him and it includes an air gun, air pistol, bow and arrow, spear, cutlass, machet, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon.
- 404.** (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 acting under the authority of, the Government of Nigeria, or of any other Government, unlawfully and in such assumed character-
- (a) does any of the acts or things specified in (a), (b), (c), and (d) in the last preceding subsection; 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 the last two preceding subsections is guilty of a felony, and is liable to imprisonment for five years.
- 405.** 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.** 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. 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. 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 misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or
- (2) threatens that any person shall be accused by any other person of any felony or misdemeanour, 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, 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. Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person-

- (a) to execute, make, accept, endorse, alter, or destroy, the whole or any part of any valuable security; or
- (b) to write, impress or affix, any name or seal 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. 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. 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. 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. 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. 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. 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. 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. 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 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.** 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.** 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.** (1) Any person who by any false pretence or by means of any other fraud obtains credit for himself or any other person-
- (a) in incurring any debt or liability; or
 - (b) by means of an entry in a debtor and creditor account between the person giving and the person receiving credit,
- 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.** Where in any proceedings for an -offence under section 419 or 419A it is proved that the accused-
- (a) obtained or induced the delivery of anything capable of being stolen; or
 - (b) obtained credit for himself or any other person, by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were standing to the credit of the drawer of the cheque in the bank on which the cheque was drawn, the thing or its delivery shall be deemed to have been obtained or induced, or the credit shall be deemed to have been obtained, by a false pretence unless the court is satisfied by evidence that when the accused issued the cheque he had reasonable grounds for believing, and did in fact believe, that it would be honoured if presented for payment within a reasonable time after its issue by him.
- 420.** 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
- The offender cannot be arrested without warrant unless found committing the offence.
- 421.** 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 misdemeanour, and is liable to imprisonment for two years.
- A person found committing the offence may be arrested without warrant.
- 422.** 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.** 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 incumbrance; 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 misdemeanour, and is liable to imprisonment for two years.
- 424.** Any person who for gain or reward pretends to exercise or use any kind of witchcraft, juju, sorcery, enchantment, or conjuration, or under- takes 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 misdemeanour, and is liable to imprisonment for one year.
- 425.** 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 Nigeria (Constitution) Order in Council, 1951, or the Nigeria (Constitution) Order in

Council, 1954, or the Constitution of the Federal Republic of Nigeria, by any false pretence is guilty of a misdemeanour, 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. Any person who receives anything which has been obtained by means of any act constituting a felony or misdemeanour, 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 misdemeanour, 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. Any person who-

- (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 herein before 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. When a thing has been obtained by means of any act constituting a felony or misdemeanour, 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. (1) Every 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 shall be 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.** 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 misdemeanour, 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.** When any horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young of any 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

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.** 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 misdemeanour, or by 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,

Chapter 40

Frauds by Trustees and Officers of Companies and Corporations: False Accounting.

- 434.** Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, 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, 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. 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, 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. The offender cannot be arrested without warrant.

436. 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.** It is a defence to a charge of any of the offences herein before in this chapter defined 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 proceeding 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.** 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.** Any person who, being an officer charged with the receipt, custody, or management of any part of the public revenue or property, 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 misdemeanour, and is liable to imprisonment for two years.

Division 2 Injuries to Property

Chapter 41 Definitions

- 440.** 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.** 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.** 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.** Any person who wilfully and unlawfully 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.** Any person who--
- (1) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or
 - (2) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for fourteen years.
- 445.** 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 product 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.** Any person who-
- (1) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or
 - (2) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for seven years.
- 447.** 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. 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. 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 deals 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. 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 misdemeanour, and is liable to imprisonment for two years.

451. Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment for two years.

Punishment in Special Cases

- (1) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any
 - (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.
- (2) (a) If the property in question is a bank or wall of a river, canal aqueduct, reservoir, or inland water, or work which appertains to a dock: 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.

- (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.
- (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.
- (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.
- (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
 - (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 unloading 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 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
 - (j) if the property in question, being a rope, chain, or tackle, of 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

- (1) 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.

- (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. 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. 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. 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. 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. 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. 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. 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 Act,

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. 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 misdemeanour, and is liable to imprisonment for two years.

459A. 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 misdemeanour, and is liable to imprisonment for two years.

459B. 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. Any person who.-

- (1) wilfully damages, injures, or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine engine, tender, carriage, waggon, 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 buildings, or any other material, belonging to any railway works; or
- (3) commits any nuisance or trespass in or upon any land, buildings, 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. 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. A person found committing any of the misdemeanours or simple offences defined in this chapter 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 Offence: Personation

Chapter 43
Forgery in General: Definitions

463. In this Division of this Part of this code unless the context otherwise requires-

"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, prince, 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. 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 an entry in any such register, or which purports to be issued by lawful authority as testifying to the contents of any register or record kept by lawful authority, or as testifying to any fact or event, if 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 document 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 a form as to resemble a genuine seal or mark, or, in the case of a seal, in such a form as to be capable of producing impressions resembling those produced by a genuine seal.

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. 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. 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. 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

- (1) If the thing forged-
 - (a) purports to be, or is intended by the offender to be understood to be or to be used as, the public seal of 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.

- (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, of 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; 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 herein before in this section mentioned;

- (n) the signature of a witness to any of the documents herein before in this section mentioned 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 used by a registrar appointed to keep any such register as is herein before mentioned, or the impression of any such seal, or the signature of any such registrar,
- the offender is liable to imprisonment for fourteen years.
- (3) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the following things--
- (a) the signature of the President or a Governor of a State or of 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.
- (4) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the following things-
- (a) the 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 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, or 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;

- (j) 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 authorized 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 ,the payment of money or for the delivery of property;
 - (u) an acquittal 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.
- (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. 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. 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.** 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.
- 471.** 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.** Any person who, with intent to defraud-
- (1) obliterates, adds to or alters the crossing on a cheque; or
 - (2) knowingly utters 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.** 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.** 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.** 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.** 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.** 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.** 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.** Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths, or marriages, makes any false statement 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.** 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, 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 document 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.** (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; or

- (b) as to the cost of printing or otherwise reproducing or as to printing or otherwise reproducing any document referred to in paragraph (1) of section 480; 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, shall be 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) 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. Any person who, without lawful 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 or of the Nigerian Postal Services Department 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 or in 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. 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 misdemeanour, and is liable to imprisonment for two years.

483. 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 misdemeanour, 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 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 Personation

- 484.** 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.** 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 a deed or other instrument, is guilty of a felony, and liable to imprisonment for seven years.
- 486.** Any person who utters 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.** 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.** Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial or character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.
- 489.** Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment is guilty of a misdemeanour, and is liable to imprisonment for three years.

Division 4 Offences Connected with Trade and Breach of Contract

Chapter 47
Fraudulent Debtors

- 490.** 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 misdemeanour, and is liable to imprisonment for one year.

Chapter 48
Offences in relation to Design Layout Copyright

See Section 18 of the Copyright Act

- 491.** 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, but not exceeding one hundred naira in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment for two months.
- 492.** 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.** The court before which any proceedings are taken for any offence under the two last preceding sections 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.** (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

- (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
- (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 misdemeanour, 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 Lagos, 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 shall not be instituted except by or with the consent of a law officer.

Part 7

Miscellaneous Offences

Chapter 50

Cruelly to Animals

- 495.** (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 substance 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 purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

496. When the owner of any animal is convicted of an offence of cruelty under the last preceding section, 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. If the owner of any animal shall be 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, 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. 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. 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 tamed 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. 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;

"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. (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, and 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;
- (j) 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 and whose name and address are unknown to him.
 - (3) Any person who commits an offence against this section 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, shall be liable to a fine of forty naira.
- 502.** (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 and whose name and address are unknown to him.

503. 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. 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. In this Chapter unless the context otherwise requires- "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
- (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 ship's log is handed over to the employer or his agent and the voyage terminates.

506. 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. (1) Any person who-

- (i) having entered into an agreement to serve in the crew of any ship fails to enter upon his employment; or
- (ii) being a member of the crew of any ship,
 - (a) deserts or without leave or lawful cause absents himself from duty;
 - (b) is intoxicated during working hours;
 - (c) refuses without reasonable excuse therefor to obey the order of any person in authority over him;
 - (d) uses abusive or insulting language to any person in authority over him;
 - (e) wilfully does any act tending to the loss of or damage or serious risk to his employers' property;
 - (f) refuses or omits without reasonable cause to do any act proper and requisite to be done by him for preserving his employers' 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, 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: Neglect to prevent Commission of Felony

- 508.** Any person who attempts to commit a felony or misdemeanour is guilty of an offence, which, unless otherwise stated, is a misdemeanour.
- 509.** Any person who attempts to commit a felony of such a kind that 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.** Any person who attempts to commit a misdemeanour 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.** 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.** 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 to 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. (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.** 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.** 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 misdemeanour, and is liable to imprisonment for two years.

Chapter 54 Conspiracy

- 516.** 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. (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 517A "law of a State" has the meaning assigned to it in section 10A of this code.

517. 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 misdemeanour and is liable to imprisonment for two years.

The offender cannot be arrested without warrant.

517A. 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 misdemeanour and is liable to imprisonment for two years.

The offender cannot be arrested without warrant.

518. Any person who conspires with another to effect any of the following purposes-

- (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 misdemeanour, and is liable to imprisonment for two years. An offender cannot be arrested without warrant.

518A. (1) The provisions of sections 516 to 518 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 persons 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.

(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. CHAPTER 55-
Accessories after the Fact

- 519.** 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.** Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour, and is liable to a punishment equal to one-half of the greatest punishment to which the principal offender is liable on conviction.
- 521.** 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-

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14	49C	449
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44	79	459A
45	87	459B
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Subsidiary Legislation

List of Subsidiary Legislation PAGE

- 1.** Prohibited Publications Orders 3300.
- 2.** Unlawful Societies Order 3303
- 3.** Witchcraft and Juju Order 3304
- 4.** Race Club Lotteries and Sweepstakes Notices 3306

Prohibited Publications Orders

Under section 58(1) of the Criminal Code

1. This Order may be cited as the Prohibited Publication ("For a Pan-African Trade Union Conference") Order.
2. 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.
1. This Order may be cited as the Prohibition of Publications (Film: "The Road to Peace") Order.
2. 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.
1. This Order may be cited as the Criminal Code (Prohibited Publication) Order.
2. The importation into Nigeria of the following publication, that is to say, the cinematograph film entitled "Song of the Rivers" is hereby prohibited.
1. This Order may be cited as the Criminal Code (Prohibited Importations) Order.
2. 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.

Part A

<i>Publication</i>	<i>Publisher</i>
This the I.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 Youth Congress.	"World Youth" Magazine, Organ of the World Federation of Democratic Youth.
The Colonies. The Way Forward.	The Communist Party, London- November, 1944.
Work with the Masses.	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. I.
Kenya under the Iron Heel.	Movement for a Democracy of Content, Contemporary Press, 26 Heber Road, London, N.W.2.

Part B

World Youth.	World Federation of Democratic Youth/World Youth, Budapest, Hungary.
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Information Service, World Federation of Democratic Youth.	World Federation of Democratic Youth/World Youth, Budapest, Hungary.
Press Communique, World Federation of Democratic Youth.	World Federation of Democratic 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 Students.	International Union of Students, Prague, Czechoslovakia.
Press Communique, International Union of Students.	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 Women's 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 News paper for the 21st 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 Workers' Parties, Bucharest, Rumania.
Information Bulletin of the Hungarian Trade Unions.	The Central Council of Hungarian Trade Unions, Budapest, Hungary.
Festival.	Newspaper of the International Preparatory Committee.

1. The importation into Nigeria of the magazine entitled the "Peking Review", a weekly magazine of Chinese news and views, is hereby prohibited.
2. This Order may be cited as the Criminal Code (Prohibited Importations) Order.

Unlawful Societies Order

under section 62(2)(ii) of the Criminal Code Act

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". 42 of 1948.
- (e) The society now operating in the Ijebu Province and purporting to operate under the style of Majeobaje or Majekobaje.

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-

- (f) The society commonly known as the Zikist Movement.
- (g) The society commonly known as Gbogbo Agbaiye.
- (h) The society commonly known as Aiye Peju.
- (i) The society commonly known as the Union des Populations du Cameroun.
- (j) The society commonly known as the Cameroons Democratic Youth but with the alternative French title Jeunesse Democratique Camerounaise.
- (k) The society commonly known as the Kamerun Women's Democratic Union but with the alternative French title Union des Femmes Camerounaises.

The society commonly known as the "Sawaba Party" or alternatively Parti Sawaba.

Witchcraft and Juju Order

under sections 207(2) and 210(f)

The worship or invocation of the jujus hereinafter mentioned is hereby prohibited-

- (1) The juju commonly called Sopono, the god of smallpox;
- (2) The juju commonly called Chuku, or the Long Juju;
- (3) The juju commonly called Obonorio or Obonorie;
- (4) The juju commonly called Iffalluni;
- (5) The juju commonly called Afa;
- (6) The juju known as Akpakpage, situated in the town of Asagba in the Warri Province;
- (7) The juju commonly known as Nwadiani;
- (8) The jujus known as Abara (Agbara, Abala) or Igwe and Raba.
- (9) The juju commonly called Nwa-Chuku or Onyilora.
- (10) The juju commonly called Odene.
- (11) The juju known as Onene.

The making, use or possession of the drum known as the Ikoro drum, which is believed to be associated with human sacrifice or other unlawful practice, is hereby prohibited.

1. The worship or invocation of the juju known as "Nyambuan" is hereby prohibited.
2. The making, use, or possession of any drug, charm or other article associated with the cult of the juju "Nyambuan" is hereby prohibited.
1. The worship or invocation of the juju known as "Mam" is hereby prohibited.
2. The making, use, or possession of any drug, charm or other article associated with the cult of the juju "Mam" is hereby prohibited.
1. The worship or invocation of the jujus known as "Chikelagulu" and "lyiakpu" is hereby prohibited.
2. The making, use, or possession of any drug, charity or other article associated with the cult of the jujus "Chikelagulu" or "lyiakpu" is hereby prohibited.
1. The worship or invocation of the juju known as "Ofufe" is hereby prohibited.
2. The making, use, or possession-of any drug, charm or other article associated with the cult of the juju "Ofufe" is hereby prohibited.
1. This Order may be cited as the Prohibited Juju (Atinga) Order.
2. The worship or invocation of the juju known as "Atinga" is hereby prohibited.
3. The making, use, or possession of any drug, charm or other article associated with the cult of the juju known as "Atinga" is hereby prohibited.
1. This Order may be cited as the Prohibited Juju (Angulama-nom- awo) Order.
2. The worship or invocation of the juju known as "Angulama-nom-awo" is hereby prohibited.
3. The making, use or possession of any drug, charm, image or other article whatsoever which is associated with the invocation or cult of the juju "Angulama-nom-awo" is hereby prohibited.

Race Club Lotteries and Sweepstakes Notices

under section 240D(I) of the Criminal Code Act

In accordance with the powers vested in him by section 240D(I) of the Criminal Code Act the Governor has extended the provisions of the said section to the following race club:

The Lagos Race Club.