



EDO STATE

A LAW TO REPEAL THE CRIMINAL CODE LAW 1916; ENACT A LAW TO PROVIDE RULES ON CRIMINAL CONDUCT; REGULATE PUBLIC ORDER AND FOR CONNECTED PURPOSES.

- Enactment** **1.** Be it enacted by the Edo State House of Assembly and by the Authority of same as follows:
- Citation** **2.** This Law may be cited as the Criminal Law of Edo State Law, 2022.
- Commencement** **3.** This Law shall come into force on the day.....2022.
- Purpose of this Law** **4.** The purpose of this Law is to:
- (a) promote an orderly society;
 - (b) foster collective obligations and duties towards the preservation and protection of life and property including public property;
 - (c) forbid and deal with conducts that unjustifiably and inexcusably inflict or threaten substantial harm to individual or public interests;
 - (d) subject to public control, persons whose conducts indicate that they are disposed to commit offences;
 - (e) safeguard conduct that is without fault from condemnation as criminal;

(f) give fair warning of the nature of the conduct declared to be an offence; and

(g) differentiate on reasonable grounds between serious and minor offences.

Guiding Principles for this Law

5. (1) The guiding principles underlying this Law are-

(a) the need to balance the protection of private rights and public interest;

(b) the interests of justice; and

(c) the need to ensure that the sentence prescribed for an offence serves any of the following purposes:

(i) Rehabilitation;

(ii) Restoration;

(iii) Deterrence;

(iv) Prevention, and

(v) Retribution.

(2) Subsection (1) of this section and section 4 shall guide the interpretation and the application of this Law or any other law, or regulation creating offences.

Application of General Principles

6. Sections 4, 5, and 7-39 of this Law shall apply in relation to any offence under this Law, any other law or regulation and to all persons charged with any such offence.

PART 1

GENERAL PROVISIONS

DEFINITION OF OFFENCE GENERAL PRINCIPLES

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| Provisions of this Law exclusive with certain exceptions | 7. (1) A person shall not be liable to be tried or punished in any court in the State for an offence except under this Law, any other law or regulation.

(2) In the case of an offence committed before the commencement of this Law, the offender may be tried and punished under the law in force when the offence was committed. |
| Civil remedies | 8. When by the law any act is declared to be lawful, no action can be brought in respect of it, except where the lawfulness of the act is in question. |
| Contempt of court | 9. Nothing in this Law 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 this Law for the same act or omission. |
| Definition of offence | 10. An act or omission which renders the person doing the act or making the omission liable to punishment under this Law, or any other law or regulation is an offence. |
| Classification of offences | 11. Offences are of three kinds, namely, felonies, misdemeanours, and simple offences.

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

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

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

**Attempt to
commit
offences**

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

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

(a) the offender does all that is necessary on his or her part for completing the commission of the offence;

(b) the complete fulfilment of the intention is prevented by circumstances independent of the will of the offender;

(c) the offender desists from manifesting the intention by some overt act; or

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

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

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

Specially
aggravaated
offence

13. (1) An offence is specially aggravated under section 393 of this Law where-

(a) at the time of committing the offence, or immediately before or after, the offender demonstrates towards the victim of the offence hostility based on the victim's membership, or presumed membership, of a particular ethnic, religious, racial group or other special group; or

(b) the offence is motivated, wholly or partly, by hostility towards members of an ethnic, religious, racial group or other special group based on their membership of that group.

(2) In subsection (1):

“membership” in relation to an ethnic, religious or racial group, includes association with members of that group;

“presumed” means presumed by the offender;

“ethnic group” means a group of persons defined by reference to ethnic or national origin;

“religious group” means a group of persons defined by reference to a religion;

“racial group” means a group of persons defined by reference to a race or colour;

“special group” includes a refugee and an internally displaced person.

(3) It is immaterial for the purposes of subsection (1) whether or not the offender's hostility is also based, to any extent, on-

- (a) the fact or presumption that any person or group of persons belongs to any ethnic, religious or racial group; or
- (b) any other factor not mentioned in that subsection.

**Sexual
Intercourse**

14. The term “sexual intercourse” means any act of a person with another person which involves the penetration of certain body parts with any object, thing or body part, or causing to be inserted into certain body parts any object, thing or body part, and it is complete upon such penetration or insertion.

“Acts of sexual intercourse” include:

- (a) intentionally penetrating the vagina or anus of another person with any part of one’s own body, object or anything else, or the mouth of another person with one’s sexual organ;
- (b) intentionally causing to be inserted into one’s own mouth or anus the sexual organ of another person; or
- (c) having a vagina, intentionally causing to be inserted into it the penis or mouth of another person.

**Expression
referring to
communicating
or receiving in
section 68**

15. Expressions referring to communicating or receiving in section 68 of this Law include-

- (b) any communicating or receiving whether in whole or in part and whether the sketch, plan, model, article, note, document or information itself or the substance affected or description of it can only be communicated or received;

(c) expressions referring to obtaining or retaining any sketch, plan, model, article, note or document;

Expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document.

A- PARTIES TO OFFENCES

Principal offenders

16. When an offence is committed, each of the following persons are deemed to have taken part in committing the offence and to be liable for 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; or

(d) any person who counsels or procures any other person to commit the offence.

(1) In subsection (1)(d), the person may be charged either with committing the offence or with counselling or procuring its commission.

Offences committed in prosecution of common purpose

17. 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.

Mode of execution immaterial

18. (1) 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.

(2) The person who gave the counsel in subsection (1) is deemed to have counselled the other person to commit the offence actually committed by him or her.

Accessories after the fact

19. A person who receives or assists another who, to the person's knowledge, has committed an offence, in order to enable the other person escape punishment, is said to become an accessory after the fact to the offence.

C- APPLICATION OF CRIMINAL LAW

Effect of changes in law

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

Offences against laws of Edo

21. (1) Where by any law of Edo State the doing of any act or the making of any omission is constituted an offence, that law shall apply to every person who is in the State at the time of his or her 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 commits 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 the 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, that person by such coming into the State commits 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 or she had been in the State when it occurred.
- (3) It is a defence to a charge for an offence under subsection (2) to prove that the defendant did not intend that the act or omission should have effect in the State.
- (4) Subsection (2) 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 the person was not in the State.

**Offences
procured or
counselled
by person
out of the
State**

- 22.** (1) Any person who, having while out of the State procured another to do or omit to do in the State an act of such a nature that if the person had done the act or

made the omission in the State, the person would have committed an offence, afterwards comes into the State, commits an offence of the same kind by such coming into the State, and is liable to the same punishment, as if he or she had done the act or made the omission in the State.

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

(3) In this section, "offence" means an offence against any law of Edo State.

**Offences
procured
in the State
to be
committed
out of the
State**

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

**Armed
Forces and
Police
Force**

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

A- PUNISHMENTS

**Kinds of
punishment**

- 25.** Subject to any other written law, the punishments which may be inflicted under this Law are death, imprisonment, fine and forfeiture.
- a. Other disposition measures which may be ordered under this Law are compensation, restitution, suspended sentence, community service orders, probation, curfew orders, binding-over orders, rehabilitation and correctional orders, victim-offender mediation and other restorative justice measures.
 - b. Where any person is convicted of an offence other than a capital offence under this Law, the court may, in addition to or in lieu of any punishment which may be imposed, order any of the disposition measures.
 - c. Where a body corporate is liable for an offence in respect of which a specific amount of fine is prescribed under this Law, applicable fine shall be double the amount prescribed for the offence.

Perogative

- 26.** Nothing in this Law affects the prerogative of mercy exercised in accordance with the Constitution of the Federal Republic of Nigeria 1999 (as amended).

B- CRIMINAL RESPONSIBILITY

**Ignorance
of the law**

- 27.** a. 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.

- b. Where a defendant proves to the satisfaction of the court that he or she took reasonable steps to ascertain the position of the Law from the appropriate authority and acted in accordance with the guidance provided by the appropriate authority, the court shall take that fact into consideration in determining the appropriate punishment.

Claim of right made in good faith

- 28.**
- a. Subject to this Law or any other law of the State, a person is not criminally responsible for an offence relating to property, for an act done or omitted to be done by the person with respect to any property in the exercise of an honest claim of right and without intention to defraud.
 - b. A person relying on subsection (1) must have reasonable grounds for making the claim and the act or omission is a reasonable means of executing or protecting the claim of right.

Fault as a basis of liability

- 29.**
- (1) Subject to the sections relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs-
 - (a) independently of the exercise of the person's will, or
 - (b) for an event which occurs by accident.
 - (2) A result is accidental when it is not intended or when it is not reasonably foreseeable by a person of ordinary prudence as a probable consequence of the act that brings it about.
 - (3) Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or

omission, the result intended to be caused by an act or omission is immaterial.

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

**Mistake
of fact**

30. (1) 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 the person believed to exist.

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

**Extraordinary
emergencies**

31. Subject to the sections 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.

**Presumption
of sanity**

32. 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.

**Mental
disorder**

33. (1) A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission the person is in such a state of mental disorder as to deprive him or her of capacity

to understand what he or she is doing, or of capacity to control his or her actions, or of capacity to know that he or she ought not to do the act or make the omission.

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

**Puerperal or
post-partum
psychosis**

34.

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

- (a) depression as a result of childbirth post-partum or puerperal psychosis; or
- (b) previous history of depression or psychosis triggered by a reoccurrence because of childbirth or lactation.

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

Intoxication

35.

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

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

negligent or accidental act of another person; or by the defendant mistakenly.

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

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

Immature age **36.** A person under the age of ten (10) years is not criminally responsible for any act or omission.

Judicial officers **37.** Subject to this Law, a judicial officer is not criminally responsible for anything done or omitted to be done by him or her in the exercise of his or her judicial functions.

Justification and excuses, compulsion **38.** (1) A person is not criminally responsible for an act or omission if the person does or omits to do the act under any of the following circumstances-

(a) in execution of the law;

(b) in obedience of the order of a competent authority which that person is bound by law to obey, unless the order is manifestly unlawful;

(c) when the act is reasonably necessary in order to resist actual and unlawful violence threatened to the person or to another in the presence of the person;

(d) when the person does or omits to do the act in order to save himself or herself from immediate death or grievous harm threatened to be inflicted upon him or her by some other person actually present and in a position to execute the threats, and the person believing himself or herself to be

unable otherwise to escape the carrying of the threats into execution.

(2) Subsection (1)(c) and (d) do not extend to an act or omission which would constitute an offence punishable with death, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has by entering into an unlawful association or conspiracy rendered himself or herself liable to have such threats made to him or her.

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

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

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

PART 2

OFFENCES AGAINST PUBLIC ORDER

A- UNDESIRABLE PUBLICATIONS

Publication of false news with intent to cause fear or alarm to the public

- 40.** (1) Any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that such statement, rumour or report is false, commits a felony and liable on conviction to imprisonment for three (3) years.

(2) It shall be no defence to a charge under subsection (1) that the person did not know or did not have reason to believe that the statement, rumour or report was false unless the person proves that, prior to publication, he or she took reasonable measures to verify the accuracy of such statement, rumour or report.

B- UNLAWFUL SOCIETIES

Definition of society and unlawful society

41.

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

(2) A society is an unlawful society-

(a) if formed for any of the following purposes-

(i) levying war or encouraging or assisting any person to levy war on the Government of Nigeria, of a State in Nigeria or the inhabitants of any part of Nigeria; or

(ii) killing or injuring or encouraging the killing or injuring of any person; or

(iii) destroying or injuring or encouraging the destruction or injuring of any property; or

(iv) subverting or promoting the subversion of the Government of Nigeria or of a State in Nigeria; or

- (v) committing or inciting to acts of violence or intimidation; or
 - (vi) interfering with, or resisting, or encouraging interference with or resistance to the administration of the law; or
 - (vii) disturbing or encouraging the disturbance of peace and order in any part of the State; or
- (b) if declared by an order of the appropriate court to be a society dangerous to the good government of the State or of any part thereof.

Unlawful societies in the State

42. All the unlawful societies prohibited under the Criminal Code Law 1916 shall remain prohibited.

Managing an unlawful society

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

Offences relating to unlawful society

44. Any person who-

- a. is a member of an unlawful society; or
- b. knowingly allows a meeting of an unlawful society to be held in any house, building, or place belonging to, or occupied by, the person or over which the person has control, commits a felony and is liable on conviction to imprisonment for three (3) years.

Presumptions relating to prosecutions for offences under section 44

- 45.** (1) Any person who attends a meeting of an unlawful society shall be presumed, until the contrary is proved, to be a member of the society.
- (2) Any person who possesses, or has custody of, or control over, 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, until the contrary is proved, to be a member of the society.

Disposal of property of society declared to be an unlawful society

- 46.** (1) When a society is declared to be an unlawful society by an order of the appropriate court, the following consequences shall ensue-
- (a) the property of the society within the State shall forthwith vest in an officer appointed by an order of the court;
- (b) the officer appointed by the court 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 court a scheme for the application of such surplus assets;
- (c) such scheme, when submitted for approval, may be amended by the court in such way as it thinks proper in the circumstances of the case;
- (d) the approval of the court to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the Governor, and, upon this being done, the

surplus assets, the subject of the scheme, shall be held by such court upon the terms and to the purposes thereby prescribed;

(e) for the purpose of the winding up, the officer appointed by the court 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 court may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section for such period as the court shall deem expedient.

Forfeiture **47.** Subject to section 46, 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 appropriate court may direct.

C- UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE

Unlawful assembly **48.** (1) When two or more persons, with intent to carry out some common purpose, assemble in such a manner or, being assembled, conduct themselves in such a manner, as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will disturb the peace, or will by such assembly provoke other persons to disturb the peace, they are an unlawful assembly.

(2) For the purposes of subsection (1) it is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a

common purpose in the manner stated in subsection (1).

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

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

Riot **49.** (1) When persons who unlawfully assemble begin to act in a disorderly manner as to disturb the peace, the assembly is called a riot, and the persons assembled are said to be involved in a riot.

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

Making proclamation for rioters to disperse **50.** A magistrate or 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 or her view, may make or cause to be made a proclamation in the name of the State, in such form as he or she thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion of rioters after making proclamation **51.** If at the expiration of a reasonable time after a proclamation under section 50 is made, or after the making of such proclamation has been prevented by force, five or more persons continue to riot 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 arrest the persons who refuse to disperse.

Preventing or obstructing the making of proclamation

52. Any person who forcibly prevents or obstructs the making of proclamation mentioned in section 50 commits a felony and is liable on conviction to imprisonment for five (5) years.

Rioting after proclamation

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

(2) If the making of the proclamation referred to in section 50 is prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, commits a felony and is liable on conviction to imprisonment for five (5) years.

Rioters demolishing building, machinery, railway

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

Unlawful display of dangerous or offensive weapons in public

55. Any person who is armed with any dangerous or offensive weapon in public without lawful authority in such a manner as to cause fear or terror to any person, commits a misdemeanour, and is liable on

conviction to imprisonment for two (2) years, and the dangerous or offensive weapon shall be forfeited.

- Forcible entry**
- 56.** (1) Any person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters on land which is in actual and peaceable possession of another, commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) It is immaterial whether the person is entitled to enter on the land or not.
- Forcible possession**
- 57.** Any person who, being in actual possession of land without a claim of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land, commits a felony and is liable on conviction to imprisonment for three (3) years.
- Affray**
- 58.** Any person who takes part in a fight in a public place commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.
- Challenge to fight**
- 59.** Any person who, challenges another to fight, or attempts to provoke another to fight, or attempts to provoke any person to challenge another to fight, commits a misdemeanour, and is liable on conviction to imprisonment for (6) months.
- Prize fight**
- 60.** (1) Any person who, fights in a prize fight, or subscribes to or promotes a prize fight, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.
- (2) This section shall not apply to any prize fight organized by any authorized body.

Threatening
violence

62.

- (1) Any person who-
 - (a) with intent to intimidate or annoy any person, threatens to break or injure a residential building;
 - (b) with intent to alarm any person, discharges loaded firearms or commits any other breach of the peace; or
 - (c) threatens harm, death, or injury to another person or property where such threat induces fear, anxiety or discomfort, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.
- (2) If the offence is committed in the night the offender commits a felony and is liable on conviction to imprisonment for three (3) years.

Unlawful
procession

63.

- (1) Any two or more persons who assemble under any of the following circumstances-
 - (a) bearing or wearing or having amongst them any dangerous or offensive weapon;
 - (b) publicly exhibiting any banner, emblem, flag, or symbol, the displaying of which is calculated to promote animosity between persons of different religious faiths or different factions; or

(c) being accompanied by any music, beating of drums, or other noise calculated to promote such animosity, and, being so assembled, join in any parade or procession for the purpose of celebrating or commemorating any festival, anniversary, or event relating to or connected with any religious or other distinction or difference between persons residing in Nigeria or of demonstrating any such religious or other distinction or difference, commit an offence and each of them is liable on conviction to imprisonment for one (1) month.

(2) Any of the offenders in subsection (1) who bears any dangerous or offensive weapon is liable to imprisonment for six (6) months.

(3) When two or more persons are assembled in a manner described in subsection (1), it is the duty of a peace officer to make or cause to be made a command in the name of the State, to the persons assembled to disperse peaceably.

(4) Any two or more persons who, being so assembled, continue together and do not disperse themselves within the space of a quarter of an hour after the giving of the command, commits an offence and each of them is liable on conviction to imprisonment for three (3) years.

(5) 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 in the judicial officer's own view.

Promoting
armed
attack on
community

- 64.** 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 armed attack for, by or against any chief, traditional ruler or members of a community commits a felony and is liable on conviction to imprisonment for life.

D- OFFENCES RELATING TO TERRORISM

Offences
relating to
terrorism

- 65.** (1) A person who wilfully provides or collects by any means, directly or indirectly, any money from any other person with intent that the money shall be used or with the knowledge that the money shall be used to promote any act of terrorism, commits a felony and is liable on conviction to imprisonment for life.

(2) Any person who does or attempts to do an act of terrorism or participates in or facilitates the commission of an act of terrorism, commits a felony and is liable on conviction to imprisonment for life.

(3) Any person who makes funds, financial assets or economic resources or financial or other related services available for use of any other person to commit or attempt to commit, facilitate or participate in the commission of an act of terrorism commits a felony and is liable on conviction to imprisonment for life.

Definition of
terrorism

- 66.** “Terrorism” includes-

(a) any act which may endanger the life, physical integrity or freedom of, or cause serious injury or death of any person, group of persons,

or causes or may cause damage to property, natural resources, environmental or cultural heritage and is calculated or intended to-

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of it to do or abstain from doing any act or to adopt or abandon a particular stand point, or to act according to certain principles; or

(ii) disrupt any public service, the delivery of any essential service to the public or to create public emergency, or

(iii) create a situation of breakdown of law and order in the State; or

(b) any promotion, sponsorship of, contribution to, command, aid incitement, encouragement, attempt, threat, conspiracy, organisation or procurement of any act referred to in paragraph (a).

PART 3

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

A- DISCLOSURE OF OFFICIAL SECRETS AND ABSTRACTING DOCUMENT

Disclosure
of official
secrets

67. Any person employed in the public service, who publishes or communicates, except to another person to whom the person is bound to publish or communicate it-

- a. any fact which comes to the person's knowledge by virtue of the office held, and which the person has a duty to keep secret; or;
- b. any document which comes to the person's possession by virtue of the office held and which the person has a duty to keep secret, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Public
servant
removing
document**

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

**Wrongful
communication
of information**

- 69.** (1) Any person who-
- (a) having received in confidence possession of, or control over, any information or sketch, plan, model, article, note or document or knowledge of the contents of any such material from a public officer of the State;
 - (b) having obtained possession of, or control over, or has or had access to, any information or sketch, plan, model, article, note or document or has or had knowledge of the contents of such material owing to the person's position as a serving or former public officer of the State, or as a current or former employee under a serving or former public officer of the State; or

(c) having obtained possession of, or control over, or has or had access to, any information or sketch, plan, model, article, note, document or has or had knowledge of the contents of any such material owing to the person's position as a person who holds or has held a contract made on behalf of the Government, or as a current or former employee under a person who holds or has held such a contract, communicates the information or the contents of any such material to another person other than a person to whom he or she is authorised to communicate it, or a person to whom it is in the interest of the State his or her duty to communicate it, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year or to a fine of one hundred thousand naira (₦100,000.00) or both-

(2) If a person referred to in subsection (1)-

(a) uses the information or sketch, plan, model, article, note or document or the knowledge of the content of such material in a manner prejudicial to the interest of the State;

(b) gives the sketch, plan, model, article, note or document to any person other than a person to whom he or she is authorised to give it to, or a person to whom it is in the interest of the State his or her duty to give it to;

- (c) withholds the information or retains the sketch, plan, model, article, note or document when he or she has no right to withhold the information or retain the material, or when it is contrary to his or her duty to withhold or retain it, or fails to comply with all directions issued by lawful authority with regard to the disclosure of the information or the return or disposal of the material; or
 - (d) fails to take reasonable care of, or so conducts himself or herself as to endanger the safety of the information or sketch, plan, model, article, note or document, the person is liable on conviction to imprisonment for one (1) year or to a fine of one hundred thousand naira (~~₦~~100,000.00) or both.
- (3) Any person who receives any information, sketch, plan, model, article, note or document knowing or having reasonable grounds to believe at the time it was received that the information or sketch, plan, model, article, note or document is being given in contravention of subsection (1) and (2) of this section and section 66, 67 and 69 commits an offence and is liable on conviction to imprisonment for six (6) months or to a fine of fifty thousand naira (~~₦~~50,000.00) or both unless the person proves that such giving of the information or sketch, plan, model, article, note or document was without the person's consent.

**Offences
relating to
official**

- 70.** (1) A person who-
- (a) retains for any purpose prejudicial to the interest of the State any official document, whether or not completed or issued for use, when the person has no right to retain it, or when it is contrary to his or her duty to retain it, or fails to comply with any directions issued by any Government department or any person authorised by such department with regard to the return or disposal of it; or
 - (b) allows any other person to have possession of any official document issued for the exclusive use of the person, or without lawful authority or excuse is in possession of any official document issued for the use of some other person, or on obtaining possession of any official document by finding, neglects or fails to return it to the person or authority by whom or for whose use it was issued or to a police officer; commits an offence and is liable on conviction to imprisonment for two (2) years or to a fine of three hundred and sixty thousand naira (₦360,000.00) or to both imprisonment and fine.
- (2) In this section “official document” means an official document relating to the affairs of the State or in the custody of the Government.

**Laws
relating to
freedom of
information
documents**

- 71.** Sections 66 to 69 are subject to any applicable laws relating to freedom of information.

B- BRIBERY, CORRUPTION AND ABUSE OF OFFICE

**Public
officials
demanding
bribe**

72. Any public official who, directly or indirectly asks for, receives or obtains any property or benefit of any kind for the benefit of the official or for any other person in order that the official acts or refrains from acting in the performance of official duties commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Offering bribe
to public
officials**

73. Any person who promises, offers or gives to a public official, for the benefit of the official or any other person, directly or indirectly, any property or benefit of any kind in order that the official acts or refrains from acting, in the exercise of official duties commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Person inviting
bribe on
account of
Public Service**

74. Any person who directly asks for, receives or obtains any property or benefit of any kind on account of actions of a public official in order that the official acts or refrains from acting in the performance of official duties commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Bargaining for
offices Public
Service**

75. Any person who-

(a) corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or herself 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 her or any other person, with regard to the appointment or contemplated appointment of any person to any

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

(c) corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for, any person any property or benefit of any kind on account of any such act or omission, commits a felony and is liable on conviction to imprisonment for three (3) years.

Extortion by public officers

76. Any person who, being employed in the public service, takes, or accepts from any other person, for the performance of his or her duty, any reward beyond such officer's proper pay and emoluments, or any promise of such reward, commits a felony and is liable on conviction to imprisonment for three (3) years.

Public officers interested in contracts

77. 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 the person is employed, commits a felony and is liable on conviction to imprisonment for three (3) years and to be fined at the discretion of the court.

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

78. Any person who, being employed in the public service, and being charged by virtue of his or her employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade, or business of a special character, and having acquired or holding, directly or indirectly, a

private interest in any such property, manufacture, trade, or business, discharges any such duties with respect to the property, manufacture, trade or business, or with respect to the conduct of any other person in relation thereto, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**False claims
by officials**

79. Any person who, being employed in the public service in such a capacity as to require or to enable such person to furnish returns or statements touching any sum payable or claimed to be payable to himself or herself 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 or her knowledge, false in any material particular, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Abuse of
office**

80. (1) Any person who, being employed in the public service, does or directs to be done in abuse of the authority of his or her office, any arbitrary act prejudicial to the rights of another, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

(2) If the act referred to in subsection (1) is done or directed to be done for purposes of gain, the person commits a felony and is liable on conviction to imprisonment for three (3) years.

(3) A prosecution for any offence under this section and sections 76, 77 and 78 shall not be instituted except by or with the consent of a law officer.

**False
certificates
by public
officers**

81. Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any other person may be prejudicially affected, gives a certificate which is, to his or her knowledge, false in any material particular, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Administering
extra-judicial
oaths**

82. (1) Any person who, administers an oath or takes a solemn declaration or affirmation or affidavit touching any matter with respect to which the person has not by law any authority to do so, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

(2) 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 in respect of 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.

**False
assumption of
authority**

83. Any person who-

(a) not being a judicial officer, assumes to act as a judicial officer;

(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit, or to do any other act of a public

- (c) nature which can only be done by persons authorised by law to do so; or
- (d) represents himself or herself 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 the person is not, and knows that he or she is not, in fact, so authorised, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Impersonating
public officers**

84. Any person who-

- (a) impersonates another 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 or her employment; or
- (b) falsely represents himself or herself 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, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Impersonating
uniformed
officials of
state agencies**

85. Any person who, not being an official authorised to wear uniforms in any State agency and with intent that he or she may be taken to be such an official-

- a. wears any part of the uniform of officials of the agency; or
- b. wears any garb resembling any part of such uniform, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

Unlawfully wearing the uniform of officials of agencies

- 86.** (1) Any person who-
- (a) not being a person serving in any of the State agencies who is authorised to wear a uniform, wears the uniform or any part thereof, or any dress having the appearance or bearing any of the regimental or other distinctive marks of such uniforms; or
 - (b) not being a person holding any office or authority under the Government 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, commits an offence and is liable to imprisonment for one (1) month, unless the person proves that he or she had the permission of the State Governor to wear such uniform or dress, badge or mark or to carry such token:
- (2) This section does not apply to the wearing of any uniform or dress in the course of a stage play or in any bona fide public entertainment.

Selling, etc, uniform, etc, to unauthorized persons

- 87.** Any person who, sells or gives any uniform, or part of a uniform, or any dress, badge or mark, as mentioned in sections 84 and 85, to any person who is not authorised to wear the same, commits an offence and is liable on conviction to the penalties prescribed in the said section.

Offering bribe to official of private sector entity

- 88.** Any person who, directly or indirectly promises, offers or gives any property or benefit of any kind to any official of a private sector entity, for the benefit

of the official or any other person, in order that the official acts or refrains from acting in the performance of official duties commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Private official
demanding
bribe**

89. Any official of a private sector entity who directly or indirectly asks for, receives or obtains any property or benefit of any kind for the benefit of the official or any other person in order that the official acts or refrains from performing official duties commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Unlawful
enrichment**

90. Any person who owns or is in possession of assets, wealth, or property, the source of which the owner or person in possession cannot reasonably explain in relation to lawful income or means commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Acceptance of
gift by agentt**

91. (1) Any person who-

(a) being an agent accepts, obtains or agrees to accept or attempts to obtain, from any person, for himself or herself or for any other person, any gift or consideration as an inducement or reward for doing or refraining from doing any act in relation to the affairs or business of the agent's principal, or for showing or failing to show favour to any person in relation to the principal's affairs or business; or

(c) gives, agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or refraining from doing, or for having after the commencement of this Law done or refrained from doing, any act in

(d) relation to the principal's affairs or business, or for showing or refraining from showing favour or disfavour to any person in relation to the principal's affairs or business; commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or to a fine of not less than one hundred thousand naira (₦100,000.00) or both.

(2) For the purposes of this section, the expression –

(a) "consideration" includes valuable consideration of any kind;

(b) "agent" includes any person employed by or acting for another; and

(c) "principal" includes an employer.

(3) A person serving under the State or any Local Government Council is an agent within the meaning of this section.

C- OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

Perjury **92.** (1) Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony concerning any matter which is material to any question intended to be raised in that proceeding, commits the offence of perjury.

(2) It is immaterial whether-

- (a) the testimony is given on oath or under any other sanction authorised by law;
 - (b) the false testimony is given orally or in writing;
 - (c) the court or tribunal is properly constituted, or is held in the proper place or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given; or
 - (d) the person who gave the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.
- (3) The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if the person, assents to the forms and ceremonies actually used.

**Punishment
for perjury**

- 93.**
- (1) Any person who commits perjury is liable to imprisonment for three (3) years.
 - (2) 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, the offender is liable to imprisonment for fourteen (14) years.
 - (3) If any person is convicted for an offence punishable with life imprisonment or death

on the account of the perjury of another, the offender is liable to life imprisonment.

**Fabricating
evidence**

94. Any person who, with intent to mislead any court or tribunal in any judicial proceeding-

- (a) fabricates evidence by any means other than perjury or counselling or procuring the commission of perjury; or
- (b) knowingly makes use of such fabricated evidence, commits a felony, and is liable on conviction to imprisonment for seven (7) years.

**Corruption
of witnesses**

95. Any person who-

- (a) 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
- (b) attempts by any other means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony or to withhold true testimony; or
- (c) asks, receives or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or herself 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, commits a felony and is liable on conviction to imprisonment for seven (7) years.

- Deceiving witness** **96.** Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, commits a felony and is liable on conviction to imprisonment for three (3) years.
- Destroying evidence** **97.** 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 commits a felony, and is liable on conviction to imprisonment for three (3) years.
- Preventing witnesses from attending court** **98.** 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, commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year.
- Conspiracy to bring false accusation**
- 99.** Any person who, causes another to be charged with any offence, whether alleged to have been committed in the State or elsewhere, knowing that such person is innocent of the alleged offence, commits a felony.
- False accusation** **100.** A person who, conspires with another to cause any person to be charged with an offence, whether alleged to have been committed in the State or

elsewhere, knowing that such person is innocent of the alleged offence, commits a felony.

**Punishment
for false
accusation
and
conspiracy
to bring
false
accusation**

101. Any person who commits an offence under sections 98 and 99 shall be liable-

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

**Making false
statement to
public
officers with
intent**

102. (1) Any person who, gives any information which he or she 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 or her lawful powers as a person employed in the public service to the injury or annoyance of any other person, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**Perverting
justice**

103.

- (1) Any person who, conspires, with another to obstruct, prevent, pervert, or defeat the course of justice commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (2) Any person who attempts, in any way not specially defined in this Law, to obstruct, prevent, pervert, or defeat, the course of justice, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Concealing or
failing to report
felonies**

104.

- (1) Subject to this Law or any other law, any person who asks, receives, obtains, agrees or attempts to receive or obtain any property or benefit of any kind for himself or herself or any other person on any arrangement or understanding that he or she will not disclose any information concerning a felony that may be of material assistance to the prosecution of an offender, commits an offence and is liable on conviction to imprisonment for three (3) years.
- (2) Where the felony referred to in subsection (1) is such that a person convicted of it is liable to be sentenced to death or imprisonment for life, the offender is liable on conviction to imprisonment for five (5) years.

**Compound
penal actions**

105.

Subject to this Law or any other law, any person who, having brought, or under pretext of bringing, an action against another person upon a penal law, in order to obtain from that person a penalty for any offence committed or alleged to have been committed by him or her, compounds the action without the order or consent of the court in which the action is brought or is to be brought, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**Advertising a
reward for
the return of
stolen
property**

106.

Any person who-

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

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

(c) prints or publishes any such offer, commits a simple offence and is liable on conviction to a fine of not less than twenty thousand naira (₦20,000.00).

**Delay to
take person
arrested
before a
court**

107.

Any person who, having arrested another upon a reasonable suspicion of having committed an offence, wilfully delays to take such person before a court to be dealt with

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

**Bringing or
defending
fictitious
action**

108.

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

**Inserting
advertisement
without
authority of
court**

109.

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

**Contempt
of court**

110.

Any person who-

- (a) 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;
- (b) 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;

- (c) causes an obstruction or disturbance in the course of a judicial proceeding;
- (d) while a judicial proceeding is pending, makes use of any speech or writing, misrepresenting such proceeding, or capable of prejudicing any person in favour of or against any party to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken;
- (e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;
- (f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after the witness gives evidence, in connection with such evidence;
- (g) dismisses an employee because the employee has given evidence on behalf of a certain party to a judicial proceeding;
- (h) retakes possession of land from any person who has recently obtained possession by a writ of court; or commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being had or taken, commits a simple offence and is liable on conviction to imprisonment for three (3) months.

D- UNLAWFUL RELEASE; ESCAPES; OBSTRUCTING OFFICERS OF COURT

**Unlawful
release from
custody**

111.

- (1) Any person who unlawfully releases or attempts to unlawfully release from lawful custody any other person commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (2) Where the person in lawful custody is under a sentence of death or imprisonment for life, or charged with an offence punishable with death or imprisonment for life, the offender commits a felony and is liable on conviction to imprisonment for life.
- (3) For the purposes of this section, if the person unlawfully released or sought to be released is in the custody of a private person, the offender must have notice of the fact that the person unlawfully released is in such custody.

**Escape from
lawful
custody**

112.

- (1) Any person who escapes from lawful custody commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.
- (2) Where the person referred to in subsection (1) is charged with or convicted of a felony or misdemeanour, the person commits a felony and is liable on conviction to imprisonment for seven (7) years.

- Aiding prisoners to escape** **113.** Any person who, aids a prisoner in escaping or attempting to escape from lawful custody, or conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner, commits a felony and is liable on conviction to imprisonment for seven (7) years.
- Permitting escape** **114.** (1) Any person who, being an officer of a prison, or a member of the police force, wilfully permits any other person in lawful custody to escape commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) Where the person in lawful custody is charged with an offence punishable by death, or penal servitude or imprisonment for life, the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.
- Negligently permitting escape** **115.** Any person who, being an officer of a prison, or a member of the police force, negligently permits a person in lawful custody to escape, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.
- Prison officers accessory to breaches of discipline** **116.** 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 the prisoner, such prison officer or person commits a misdemeanour and is liable on conviction to imprisonment for six (6) months and to a fine of not less than ten thousand naira (₦10,000.00).

**Releasing
insane
persons**

117. Any person who-

(a) releases another person being conveyed 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 releases any person during that person's confinement as an insane person in any such place;

(b) being in charge of another person being conveyed as an insane person to any such place, wilfully permits the person to be released from custody;

(c) being a superintendent of, or person employed in, any such place, wilfully permits a person confined as an insane person to be released; or

(d) conceals any person, knowing that the person has been released during such conveyance in paragraph (a) or (b) or confinement in paragraph (a) or (c), or has escaped during such conveyance, or from such confinement, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Removing
property under
lawful seizure**

118. Any person who, when any property has been attached or taken under the process or authority of any court, knowingly, and with intent to hinder or defeat the attachment or

process, receives, removes, retains, conceals, or disposes of such property, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Obstructing
officers of
courts of
justice**

119.

Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court commits a misdemeanour and is liable on conviction to imprisonment for one (1) year or to a fine of not less than twenty thousand naira (₦20,000.00).

E- MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY

**False declaration
as to execution of
death sentence**

120.

Any person who subscribes a certificate or declaration as to the execution of a death sentence, which, in any material particular, is to the person's knowledge false, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**False Statements
in application for
government
permit**

121.

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

**False Statements
and declarations**

122.

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

**Resisting
public
officers**

123. Any person who, in any manner -

(a) obstructs or resists any public officer while engaged in the discharge or attempted discharge of the public officer's duties under any law or regulation; or

(b) obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on the person by any law or regulation, commits a felony and is liable on conviction to imprisonment for three (3) years or to a fine of two hundred thousand naira (₦200,000.00).

**Refusal by
public officer
to perform
duty**

124. Any person required by any law, or regulation, to perform any act by virtue of the person's employment or office, who perversely and without lawful excuse omits or fails to do any such act, where such act or omission results in any of the following:

(a) breakdown of law and order;

(b) exposure of any person to the risk of death or grievous bodily harm;

(c) a public health hazard;

(d) damage to property;

(e) significant economic loss; or

(f) significant loss of opportunity, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Neglect to aid
in arresting
offenders**

125. Any person who, having reasonable notice that he or she 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, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**Disobdience
to law or
regulation**

126.

- (1) A person who-
- (a) without lawful excuse, the proof of which lies on the person, does any act which he or she is, by any law or regulation, forbidden to do; or
- (b) omits to do any act, which he or she is, by any such law or regulation, required to do, commits a misdemeanour, and is liable on conviction to imprisonment for one (1) year.
- (2) The person referred to in subsection (1) shall be triable under this Law unless some other mode of proceeding against the person for such disobedience is expressly provided by the law or regulation and is intended to be exclusive of all other punishments.

PART 4

ACTS INJURIOUS TO THE PUBLIC IN GENERAL

A- OFFENCES RELATING TO RELIGIOUS WORSHIP

**Insult to
religion**

127.

Any person who does an act which any class of persons consider as a public insult to their religion, with the intention that they should consider the act an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it an insult to their religion, commits a

misdemeanour and is liable on conviction to imprisonment for two (2) years or a fine of fifty thousand naira (N50,000.00).

**Offering
violence to
officiating
minister of
religion**

128.

Any person who-

(a) 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 or her duty in the lawful burial of the dead in any cemetery or other burial place;

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

(c) assaults, or under the pretext of executing any civil process, arrests any minister of religion who is engaged in, or is, to the knowledge of the offender about to engage in, any of the offices or duties earlier mentioned, or who is to the knowledge of the offender, going to perform the same or returning from the performance of it; commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

**Disturbing
religious
worship**

129.

Any person who wilfully and without lawful justification or excuse, the proof of which lies on the person, disquiets, or disturbs any meeting of persons lawfully assembled for religious worship, or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year or to a fine of twenty thousand naira (N20,000.00).

B- TRIAL BY ORDEAL, WITCHCRAFT, JUJU AND CRIMINAL CHARMS

- | | | | |
|--|-------------|-----|--|
| Trial by
ordeal | 130. | (1) | The trial by ordeal of any person by any means which is likely to result in death or bodily harm to any party to the proceedings is unlawful. |
| | | (2) | The court may by order prohibit the worship or invocation of any juju which appears to the court to involve or tend towards the commission of any crime or breach of peace, or to the spread of any infectious or contagious disease. |
| Directing
trial by
ordeal | 131. | (1) | Any person who directs, controls or presides at any trial by ordeal commits a felony and is liable on conviction to imprisonment for ten (10) years. |
| | | (2) | Where the trial results in the death of any party to the proceeding, the offender is liable on conviction to imprisonment for life. |
| Being present
at, or making
poison for,
trial by ordeal | 132. | (1) | Any person who- |
| | | (a) | is present at or takes part in any trial by ordeal; or |
| | | (b) | makes, sells or assists or takes part in making or selling, or possesses for sale or use any poison or thing which is intended to be used for the purpose of any trial by ordeal, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year. |

- 133.** (1) Any person who-
- (a) by his or her statements or actions claims to be a witch or to have the power of witchcraft;
 - (b) accuses or threatens to accuse another of being a witch or with having the power of witchcraft;
 - (c) makes, sells, uses, assists or takes part in making or selling or using, or is in possession of, or claims to be in possession of any juju, drug or charm which is intended to be used or reported to possess the power to prevent or delay any person from doing an act which such person has a legal right to do, or to compel any person to do an act which such person has a legal right to refrain from doing, or which is alleged or reported to possess the power of causing any natural phenomenon or any disease or epidemic;
 - (d) directs, controls, presides at or is present at or takes part in the worship or invocation of any juju which is prohibited by law; or
 - (e) is in possession of, or has control over any human remains which are used or are intended to be used in connection with the worship or invocation of any juju;

- (f) makes, uses or assists in making, using, or is in possession of anything whatsoever, the making, use or possession of which has been prohibited by an order of court as being or believed to be associated with human sacrifice or other unlawful practice, commits a felony, and is liable on conviction to imprisonment for five (5) years.

Permitting trial by ordeal and prohibited juju worship

- 134.** Any person who directly or indirectly permits, promotes, encourages or facilitates any trial by ordeal, the worship or invocation of any juju which has been prohibited by an order of court, or who, knowing of such trial, worship or invocation or intended trial, worship or invocation, does not report the same to a police officer or any other security agent, commits a felony and is liable on conviction to imprisonment for three (3) years.

Destruction of place where ordeal or prohibited juju worship is held

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

Criminal charms

- 136.** Any person who-
- (a) buys, procures either for personal use or the use of another person, makes, sells or keeps for sale or for hire or reward, any fetish or charm which is pretended or reputed to possess power to protect burglars, robbers, thieves or other malefactors, or to aid or

assist in any way in the perpetration of any burglary, housebreaking, robbery or theft, or in the perpetration of any offence whatsoever, or to prevent, hinder or delay the detection of or conviction for any offence whatsoever; or

- (b) is found in possession of any fetish or charm mentioned in paragraph (a) without lawful and reasonable excuse, commits a felony and is liable on conviction to imprisonment for five (5) years.

OFFENCES AGAINST MORALITY

Unnatural offences

137.

Any person who-

- (a) has sexual intercourse with another person against the order of nature; or
- (b) has sexual intercourse with an animal; or
- (c) permits another person to have sexual intercourse with him or her against the order of nature; commits a felony and is liable on conviction to imprisonment for seven (7) years.

Attempt to commit unnatural offences

138.

Any person who attempts to commit any of the offences defined in section 136 commits a felony and is liable on conviction to imprisonment for three (3) years.

Indecent treatment of a child

139.

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

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

Indecent practices

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

Householder permitting sexual intercourse with a child on premises

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

Sexual intercourse with person of diminished mental capacity

142. (1) Any person who, knowing another to be of diminished mental capacity, has sexual intercourse with him or her commits a felony and is liable on conviction to imprisonment for life.

(2) A person charged with an offence under this section is excused from liability where he or she can prove that the other person knowingly consented.

Causing or encouraging the seduction or prostitution of a child

143. (1) Whoever, having the custody, charge or care of a child, causes or encourages the seduction or prostitution of, or sexual intercourse with, or the commission of an indecent assault upon such a child, commits a felony and is

liable on conviction to imprisonment for seven (7) years.

- (2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction or prostitution of, or sexual intercourse with, or the commission of an indecent assault upon, a child who has been seduced, sexually or indecently assaulted, or who has become a prostitute, if the person has knowingly allowed the child to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Allowing a child to be in a brothel

- 144.** Any person having the custody, charge or care of a child who has attained the age of four years and allows that child to reside in or frequent a brothel, commits a misdemeanour and is liable on conviction to a fine of not less than ninety thousand naira (₦90,000.00) or to imprisonment for six (6) months or both.

Knowledge of age immaterial

- 145.** With respect to any of the offences defined in sections 138, 140, 142 and 143, it is immaterial that the defendant did not know that the person was a child, or a child up to the age specified, or believed that the person was not a child, or a child under the age specified.

Procuration

146.

- (1) Any person who procures another-
- (a) to have sexual intercourse with any other person or persons, either in the State or elsewhere;
- (b) to become a prostitute, either in the State or elsewhere;

- (c) to leave the State with intent that he or she may become an inmate of a brothel elsewhere; or;
- (d) to leave his or her usual place of abode in the State, with intent that he or she may, for the purposes of prostitution, become an inmate of a brothel, either in the State or elsewhere, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Procuring sexual intercourse of persons by threats, or fraud, or administering drugs

147. Any person who-

- (a) by threats or intimidation of any kind procures a person, to have sexual intercourse with another either in the State or elsewhere;
- (b) by any false pretence procures a person who is not a prostitute or of known immoral character to have sexual intercourse with another, either in the State or elsewhere; or
- (c) administers to, or causes a person to take any drug or other thing with intent to stupefy or overpower him or her, in order to enable another person to have sexual intercourse with him or her; commits a felony, and is liable on conviction to imprisonment for seven (7) years.

Abduction of a child with intent to have sexual intercourse

148.

- (1) Any person who, with intent that another person may have sexual intercourse with a child, takes or causes the child to be taken out of the custody or protection of the father, mother, or other person having the lawful care or charge of the child, and against the will of such father, mother or other person, commits

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

- (2) It is a defence to a charge under subsection (1) to prove that the defendant believed, on reasonable grounds, that the child was of or above the age of eighteen (18) years.

**Person
trading in
prostitution**

149.

- (1) Any person who-
- (a) knowingly lives wholly or in part on the earnings of prostitution; or
 - (b) in any public place persistently solicits or importunes for immoral purposes; commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.
- (2) A magistrate who is satisfied by evidence on oath that there is reason to suspect that any premises or any part of any premises is used for the purposes of prostitution, and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, may issue a warrant authorising any police officer to enter, search the premises and arrest such a person.
- (3) A person who is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting, or compelling the prostitution with any person or generally shall, unless he or she can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Keeping
a brothel

150.

- (1) Any person who-
- (a) keeps a brothel;
 - (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part of it to be used as a brothel or for the purposes of habitual prostitution; or
 - (c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part of it with the knowledge that such premises or some part of it is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part of it as a brothel, commits an offence and is liable on conviction to imprisonment for one (1) year or a fine of not less than ninety thousand naira (~~₦~~90,000.00) or both.

(2) In the case of a second or subsequent conviction for an offence under subsection (1), the offender is liable to imprisonment for two (2) years or to a fine of not less than two hundred thousand naira (~~₦~~200,000.00) or both.

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

**Unlawful
detention
with intent
to have
sexual
intercourse**

151.

- (1) Any person who detains another person against such person's will in or on any premises for the purpose of having sexual intercourse with the person detained commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) A person is deemed to detain another person in or on any premises for the purpose of sexual intercourse if, with intent to compel or induce the other person to remain in or on the premises, the person puts him or her in a state or condition which makes it impracticable to leave.
- (3) It is lawful for a person to take any such wearing apparel as may be necessary to enable the person leave a brothel or any premises upon which he or she had been unlawfully detained.

**Conspiracy
to induce a
person to
have sexual
intercourse**

152.

Any person who conspires with another to induce a person, by means of any false pretence or other fraudulent means, to permit another to have sexual intercourse with him or her, commits a felony, and is liable on conviction to imprisonment for three (3) years.

**Procurement
of
miscarriage**

153.

- (1) Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, administers to her or causes her to take any substance, whether harmful or not, or uses any force of any kind, or uses any other means whatever on her, commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) Where the offence committed in subsection (1) was committed without the woman's consent, the offender shall be liable on conviction to imprisonment for fourteen (14) years.

Attempt to procure own miscarriage

154. Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any substance, whether harmful or not, or uses any force of any kind, or uses any other means whatever on herself, commits a felony and is liable to imprisonment for seven (7) years.

Permitting miscarriage

155. Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, permits another person to administer to her any substance, whether harmful or not, or use any force of any kind or other means whatever on her, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Supplying drugs or instruments to procure miscarriage

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

Exclusion of liability relating to miscarriage

157. A person shall not be liable for any act done in contravention of section 152, 154 and 155, where-

- a. the intent to procure a miscarriage arises from the need to prevent or terminate a pregnancy resulting from rape or incest; and
- b. the person administering the substance, applying force or using any means whatever

to procure the miscarriage is a qualified medical practitioner.

**Indecent
acts**

158.

Any person who wilfully-

- (a) without lawful excuse does any indecent act in any public place; or
- (b) does any indecent act in any place with intent to insult or offend any person, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Obscene
publications
and
exhibitions**

159.

(1) Any person who-

- (a) for the purposes of or by way of trade, or for the purposes of distribution or public exhibition, makes, produces, or is in possession of, any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects, or any other object tending to corrupt morals;
- (b) for any of the purposes above-mentioned conveys, or causes to be conveyed, any such matters or things, or in any manner whatsoever puts any of them into circulation;
- (c) carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any

of them, or exhibits any of them publicly, or makes a business of lending any of them;

(d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or to a fine of two hundred and fifty thousand naira (N250,000.00) or to both imprisonment and fine.

(2) If, in respect of any of the offences specified in paragraph (a), (b), (c) or (d) of subsection (1), any constitutive element thereof is committed in the State such commission shall be sufficient to render the person accused of such offence triable in the State.

(3) A court, on convicting any person of an offence against this section, may order to be destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of a law officer or a superintendent of police, order the destruction of any obscene matter or thing to which this section relates, whether any person may or may

not have been convicted under this section in respect of such obscene matter or thing.

- (5) Nothing in this section shall apply in relation to exhibitions in private houses to which the public are not admitted, or to a performance of a play given on a domestic occasion in a private dwelling, or to anything done in the course of television or sound broadcasting.

C- NUISANCES

**Common
nuisances**

160.

- (1) 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;
 - (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;
 - (c) does not repair a highway which he or she is bound to repair;
 - (d) does not repair a bridge which he or she is bound to repair;
 - (e) wilfully diverts or obstructs the course of any navigable river so as to appreciably diminish its convenience for purposes of navigation; or
 - (f) does any act not warranted by law, or omits to discharge any legal duty, which act or omission obstructs or causes inconvenience

or damage to the public in the exercise of rights common to the public; commits an offence and is liable on conviction to imprisonment for six (6) months.

- (2) It is immaterial whether the act complained of in subsection (1) 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.

D- OFFENCES AGAINST PUBLIC HEALTH

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

- 161.** Any person who sells, as food or drink, or has in his or her possession with intent to sell it as food or drink, any article which has been rendered or has become harmful, or is in a state unfit for food or drink, knowing or having reason to believe that the same is harmful as food or drink, or is in a state unfit for food or drink, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Adulteration
of food or
drink**

- 162.** (1) Any person who adulterates any article of food or drink commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (2) A food or drink is adulterated when it is mixed with or composed of substances which are harmful or impure making them unfit or unsafe for human consumption.

**Dealing in
diseased
meat**

- 163.** Any person who-
- (a) knowingly takes into a slaughter-house used for the slaughter of any animals intended as food for humans, the whole or any part of the carcass of any animal which has died of any disease; or

- (b) knowingly sells the whole or part of the carcass of any animal which has died of any disease, or which was diseased when slaughtered, commits a felony and is liable on conviction to imprisonment for five (5) years.

**Fouling
water**

164.

- (1) Any person who by any act or default contaminates or allows to be contaminated, the water of any spring, stream, river, well, tank, reservoir, aqueduct or pond so as to render it less fit for the purpose for which it is ordinarily used, commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) Where an offence under subsection (1) is committed by a body corporate during its business, it shall be liable on conviction for a felony punishable with a fine of not less than two million naira (~~₦~~2,000,000.00).

**Burials in
houses**

165.

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

**Harmful
acts**

166.

Any person who-

- (a) vitiates the atmosphere in any place so as to make it harmful 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 the person knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, whether human or animal, commits a felony and is liable on conviction to imprisonment for five (5) years.

E- DISORDERLY PERSONS; BRINGING CONTEMPT ON UNIFORM

Disorderly persons 167.

- (1) The following persons-
 - (a) every prostitute-
 - (i) behaving in a disorderly or indecent manner in any public place;
 - (ii) loitering and persistently importuning or soliciting persons for the purpose of prostitution;
 - (b) every person who places himself or herself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children to do so;
 - (c) every person who, in any public place, conducts himself or herself in a manner likely to cause a breach of the peace;
 - (d) every person endeavouring by the exposure of wounds or deformation to obtain or gather alms;
 - (e) 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;
 - (f) every person who exercises control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding or controlling prostitution with any person; or
 - (g) every person found wandering in, on or near any premises or in any road or highway or any place adjacent to it or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose, shall be deemed to be a disorderly person.

- (2) A person found to be a disorderly person commits a misdemeanour and is liable on conviction to a fine of not less than one hundred thousand naira (₦100,000.00) or imprisonment for one (1) year or both.

**Bringing
contempt
on
uniform**

168.

Any person who, not being an official authorised to wear uniforms in any of the State agencies, wears the uniform of any of the agencies, 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 to wear such uniform or dress, commits an offence, and is liable on conviction to imprisonment for three (3) months or to a fine of not less than fifty thousand naira (₦50,000.00).

PART 5

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

A- ASSAULTS AND VIOLENCE TO THE PERSON GENERALLY: JUSTIFICATION AND EXCUSE

**Punishment
for assault**

169.

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

**Definition
of assault**

170.

- (1) A person who-
- (a) strikes, touches, moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his or her consent;
or

(b) by any bodily act, or gesture, attempts or threatens to apply force of any kind to the person of another without his or her consent, in such circumstances that the person making the attempt or threat has actual or apparent ability to effect the purpose is said to assault that other person.

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

**Unlawful
assaults**

171.

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

(2) The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

**Assault
occasioning
harm**

172.

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

**Serious
assaults**

173.

Any person who-

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

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

- (c) unlawfully assaults, resists, or obstructs, any person engaged in the lawful execution of any process against any property, or in making a lawful distress, while so engaged;
- (d) assaults, resists, or obstructs any person engaged in such lawful execution of process, or in making a lawful distress, with intent to recover any property lawfully taken under such process or distress;
- (e) assaults another on account of any act done in the execution of any duty imposed on him or her by law; or
- (f) assaults another 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, commits a felony and is liable on conviction to imprisonment for three (3) years.

Execution of sentence 174. 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 court, to execute or give effect to that sentence.

Execution of process 175. 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 court, and who is required to arrest or detain another person under such process, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the terms of the process.

Execution of warrant 176. It is lawful for a person who is charged by law with the duty of executing a lawful warrant issued by any court, including a customary 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.

**Sentence
or process
or warrant
without
jurisdiction**

177. A person who executes or assists in executing any sentence, or process, or warrant which purports to be passed or issued by a court, judicial officer, or other person, and who would be justified, under sections 173, 174 or 175, in executing the same if it had been passed or issued by a court or judicial officer, or person having authority to pass or issue it, is not criminally responsible for any act done in such execution notwithstanding that the court, judicial officer or person had no authority to pass the sentence or issue the process or warrant, if in such execution he or she 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.

**Arrest of
wrong
person**

178. (1) 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.

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

**Irregular
process or
warrant**

179. 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.

Force used in executing process or in arrest

180. 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 other person lawfully assisting him or her, to use such force as may be reasonably necessary to overcome any force used in resisting such execution or arrest.

Peace officer preventing escape from arrest

181. 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 or her, to use such force as may be reasonably necessary to prevent the escape of the person sought to be arrested.

Other cases of preventing escape from arrest

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

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

Preventing escape or rescue after arrest

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

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

**Preventing
a breach of
the peace** 184.

(1) 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 or her into the custody of a peace officer or police officer.

(2) It is lawful for a peace officer or police officer who witnesses a breach of the peace, and for any person lawfully assisting the peace officer or police officer, to arrest any person whom he or she finds committing it, or whom he or she believes on reasonable grounds to be about to join in or renew the breach of the peace.

(3) It is lawful for a peace officer or police officer to receive into custody and detain in custody any person given into his or her 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.

**Suppression
of riot** 185.

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.

- Suppression of riot by peace officers** **186.** It is lawful for a peace officer to use or order to be used such force as he or she believes, on reasonable grounds, to be necessary in order to suppress a riot, and is reasonably proportioned to the danger which the peace officer believes, on reasonable grounds, is to be apprehended from its continuance.
- Suppression of riot by person acting under lawful orders** **187.** 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 or she believes, on reasonable grounds, to be necessary for carrying such orders into effect.
- Suppression of riot by person acting without order in case of emergency** **188.** 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 that person to use such force as he or she believes, on reasonable grounds, to be necessary for the suppression of the riot, and as is reasonably proportioned to the danger which the person believes, on reasonable grounds, is to be apprehended from its continuance.
- Riot: persons subject to military law or members of the Police Force** **189.** 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 Force to obey the lawful commands of his or her superior officer, to obey any command given to him or her by the superior officer, for the suppression of a riot, unless the command is manifestly unlawful.
- Prevention of offences** **190.** It is lawful for any person to use such force as is reasonably necessary in order to prevent any act from being done which the person believes, on reasonable grounds, would, amount to any offence or in order to prevent a person whom he or she believes on reasonable grounds, to be of unsound mind, from doing violence to any person or damaging any property.

Defence of residence

191.

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

Provocation

192.

- (1) The term "provocation", includes any wrongful act or insult of such a nature which when done to a person, or in the presence of another with whom that person has a special relationship, could likely make the person to lose power of self-control, and to induce him or her to do an act which amounts to an offence.
- (2) In this section, two or more persons are deemed to be in a special relationship if they are in a conjugal, parental, filial or guardianship relationship or such other relationships that given the cultural context, can reasonably be expected to create a strong bond of affection and respect between the parties.
- (3) A person provokes another when he or she does the act or offers the insult referred to in subsection (1)-
 - (a) to that other person; or
 - (b) to a person in the presence of that other person where the special relationship or circumstance in subsection (2) exists.
- (4) A lawful act is not provocation to any person for an assault.
- (5) An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence

of provocation to a person who knows of the illegality.

**Defence of
provocation**

193.

- (1) A person is not criminally responsible for an assault committed against another who provokes him or her or an assault against any person by mistake or accident if-
 - (a) the person is, in fact, deprived of his or her power of self-control by the provocation and acts on it suddenly and before there is time for his or her passion to cool; and
 - (b) the force is proportionate to the provocation, is not intended, and is not likely, to cause death or grievous bodily harm.
- (2) The following shall be questions of fact:
 - (a) whether any particular act or insult is such as to be likely to deprive an ordinary person of the power of self-control and to induce him or her to commit an assault;
 - (b) whether in the particular case, the person provoked was actually deprived of the power of self-control, by reason of the provocation; and
 - (c) whether any force used is proportionate to the provocation.

**Prevention of
repetition of
insult**

194.

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 or her for an assault:

Provided that the force used is not intended and is not such as is likely, to cause death or grievous harm.

**Self-
defence
against
unprovoked
assault**

- 195.** (1) When a person is unlawfully assaulted, and has not provoked the assault, it is lawful for that person to use such force to the assailant as is reasonably necessary to defend himself or herself against the assault, provided that the force used is not intended and is not such as is likely to cause death or grievous harm.
- (2) When a person is unlawfully assaulted and has not provoked the assault, and the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, it is lawful for that person to use such force as is reasonably necessary to defend himself or herself from death or grievous harm even though such force may cause death or grievous harm.

**Self-
defence
against
provoked
assault**

- 196.** (1) When a person has unlawfully assaulted another or has provoked an assault from another, and that other person assaults him or her with such violence as to cause reasonable apprehension of death or grievous harm, it shall be lawful for that other person to use such force as is reasonably necessary to defend himself or herself from death or grievous harm, although such force may cause death or grievous harm.
- (2) Subsection (1) does not apply where the person using force which causes death or grievous harm-
- (a) first began the assault with intent to kill or to do grievous harm to some person; or
- (b) endeavoured to kill or to do grievous harm to some person before the necessity of defending himself or herself arose, except before such necessity arose, the person using such force declined further conflict, quitted or retreated from it as far as practicable.

- Aiding in self-defence** **197.** In any case in which it is lawful for any person to use force in any degree for the purpose of defending himself or herself against an assault, it is lawful for any other person acting in good faith in his or her aid to use a like degree of force for the purpose of defending such person.
- Defence of movable property** **198.** It is lawful for any person who is in peaceable possession of any movable property, and for another acting by his or her 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 no harm is done to the trespasser.
- Defence of movable property with claim of right** **199.** When a person is in peaceable possession of any movable property under a claim of right, it is lawful for the person, and for another acting by his or her authority, to use such force as is reasonably necessary in order to defend the person's possession of the property, even against a person who is entitled by law to possession of the property, provided that no harm is done to such other person.
- Defence of movable property without claim of right** **200.** When a person who is entitled by law to the possession of movable property attempts to take from another 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 or her, it is lawful for the person so entitled to possession to use force in order to obtain possession of the property, provided that he or she does not do harm to the person in possession.
- Defence of premises against trespassers; removal of disorderly persons** **201.** (1) It is lawful for any person who is in peaceable possession or entitled to the control or management of any land, structure, vessel or place, and for another acting on his or her

authority to use such force as is reasonably necessary in order to-

- (a) prevent any person from wrongfully entering on such land, structure, vessel, or place;
- (b) remove from it a person who wrongfully remains there, provided that neither of them does grievous harm to such person; or
- (c) remove from it any person who conducts himself or herself in a disorderly manner, provided that neither of them does grievous harm to such person.

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

Defence of possession of real property or vessel with claim of right

202. When a person is in peaceable possession of any land, structure, or vessel, with a claim of right, it is lawful for the person, and for another acting by his or her authority, to use such force as is reasonably necessary in order to defend the person's possession, even against a person who is entitled by law to the possession of the property provided that neither of them does harm to such person.

Exercise of right of way or easement

203. 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 or her 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 entry after such notice, it is lawful for the person in possession, and for another acting by his or

her authority, to use such force as is reasonably necessary for the purpose of making the person so entering desist from the entry, provided that neither of them does harm to such person.

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

- 204.** (1) Any application of force which does not result in grievous harm may be justified where-
- (a) a parent or guardian corrects his or her child or ward for misconduct or disobedience to any lawful instruction;
 - (b) a master or mistress corrects his or her apprentice who is a child for misconduct or default in duty;
 - (c) the captain of a ship corrects any person on board the ship for misconduct or disobedience to any lawful command; or
 - (d) any person to whom a parent or a guardian has entrusted the custody of his or her child or ward corrects the child for disobedience to any lawful directive.
- (2) A person who is authorised to inflict correction mentioned in this section may, in any particular case, delegate to any fit person the infliction of such correction.
- (3) No correction can be justified which is unreasonable in kind or in degree, having regard to the age, physical and mental condition of the person on whom it is inflicted; and in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

Use of force for preserving order on board a vessel

- 205.** (1) The captain of a vessel or any person acting by his or her order, may authorise the use of any such force on or against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, crew members, or passengers, where-
- (a) the safety of the vessel, or of any person in it or about to enter or leave is likely to be endangered; or
 - (b) the captain is threatened to be subjected to the command of any other person.
- (2) The captain may kill any person who commits, or abets, such mutiny or disorder mentioned in subsection (1) if the safety of the vessel or the preservation of any such person cannot be otherwise secured.

Surgical operations

- 206.** 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 or her 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.

Excessive force

- 207.** (1) 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.
- (2) Where in the exercise of a right of self-defence, the defendant uses more force than is reasonably necessary, which results in death, the defendant is liable to be convicted for manslaughter.

Consent to death immaterial

208. Consent by a person to the causing of his or her own death does not affect the criminal responsibility of any person by whom such death is caused.

Assault with intent to commit unnatural offence

209. Any person who assaults another with intent to have sexual intercourse with him or her against the order of nature commits a felony, and is liable on conviction to imprisonment for fourteen (14) years.

Assaults on persons protecting wrecks

210. Any person who unlawfully assaults and uses actual violence to a peace officer or any other person while acting in the execution of his or her duty in or concerning the preservation of a vessel in distress, or of any vessel or goods wrecked, or stranded or lying under water, commits a felony and is liable on conviction to imprisonment for seven (7) years.

B- SEXUAL OFFENCES

Definition of rape

- 211.** (1) A person who performs any act of sexual intercourse on another person without his or her consent commits the offence of rape.
- (2) “Without his or her consent” in subsection (1) means the other person-
- (a) does not consent to sexual intercourse;
 - (b) gives consent where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false or fraudulent representation as to the nature of the act;
 - (c) consents to sexual intercourse because the assailant posed as his or her spouse or sexual partner;

(d) is administered any substance capable of taking away his or her will; or

(e) is below the age of eighteen (18) years.

(3) This section does not apply to sexual intercourse between husband and wife.

**Punishment
for rape**

212.

(1) A person convicted of the offence of rape under section 210 is liable to imprisonment for life without an option of fine provided that he or she shall-

(a) receive a minimum of twelve (12) years imprisonment; or

(b) receive a minimum of twenty (20) years imprisonment in the case of rape by a group of persons.

(2) The court may order the convict to pay appropriate compensation to the victim of rape.

**Attempt
to commit
rape,
accessory
to rape**

213.

(1) A person who attempts to commit the offence provided for in section 210 commits an offence and is liable on conviction to a term of twelve (12) years imprisonment but not less than three (3) years imprisonment without an option of fine

(2) A person who incites, aids, abets, or procures another person to commit the offence provided for in section 210 is deemed to have taken part in committing the offence and is liable on conviction to the punishment prescribed in section 211.

(3) A person who receives another, unless for the purpose of handing him or her over to law enforcement authority, or assists him or her

knowing that he or she committed the offence provided for in section 210 is an accessory after the fact and is liable on conviction to imprisonment for twelve (12) years without an option of fine.

- Aggravated indecent assault** **214.** (1) A person who, for sexual gratification, and without consent-
- (a) penetrates the mouth or any other opening in the body of another person other than the anus or vagina with anything; or
 - (b) causes to be inserted into his or her mouth or any opening in his or her body other than the anus or vagina, anything by another person, commits a felony and is liable on conviction to imprisonment for twenty-one (21) years.
- (2) “Without consent” in subsection (1) has the same meaning as “without his or her consent” in subsection (2) of section 210.
- Indecent assaults** **215.** (1) Any person who, for sexual gratification, touches another person without his or her consent commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) In this section, touching may be done with any part of the body or with anything else.
- Abduction** **216.** Any person who, with intent to marry or have sexual intercourse with a female of any age, or to cause her to be married, or cause another person to have sexual intercourse with her, takes her away, or detains her, against her will, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Abduction
from custody
of parents**

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

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

218. In the case of proceedings, in respect of an offence under section 216, it is immaterial that-

- (a) the offender believed the girl to be of or above the age of eighteen (18) years; or
- (b) the girl was taken with her own consent or at her own suggestion.

**Sexual
harassment**

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

(2) Sexual harassment is unwelcome sexual advances, request for sexual favours, and other visual, verbal or physical conduct of a sexual nature by a person in authority, fiduciary relationship or position of trust or any other social relationship, which when submitted to or rejected-

- (a) implicitly or explicitly affects a person's employment or educational opportunity; unreasonably interferes with the person's work or educational performance; or impacts on the person's religious, political, social, or legal relationship;
- (b) implicitly or explicitly suggests that submission to or rejection of the conduct

will be a factor in academic or employment decisions, or in relation to any other opportunities; or

- (c) creates an intimidating, hostile or offensive learning and working environment.

Causing a person to engage in sexual activity without consent

220.

- (1) Any person who causes another person or persons to engage in a sexual activity without that other person's consent commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) Where the sexual activity caused involves sexual intercourse, the offender commits a felony and is liable on conviction to imprisonment for life.

C- DUTIES RELATING TO THE PRESERVATION OF HUMAN LIFE

Duty to provide necessaries

221.

- (1) It is the duty of every person having charge of another to provide for that other person the necessaries of life if the other person is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge and is unable to provide himself or herself with the necessaries of life.
- (2) The person having charge of another is deemed to have caused any consequences which result to the life or health of the other person by reason of any omission to perform the duty imposed in subsection (1).
- (3) It is immaterial to liability under subsection (1) 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.

Duty of head of family

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

Duty of master or mistress

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

Duty of persons doing dangerous acts

224. 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 or she 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.

Duty of persons in charge of dangerous things

225. It is the duty of every person who has in his or her charge or 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 or she 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.

Duty to do certain acts

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

Breach of contract of person employed in certain services

227. (1) Any person employed in any undertaking concerned in the supply of electricity or water, who maliciously breaches the contract of service, knowing or having reasonable cause to believe that the probable consequence of his or her 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, commits an offence.

(2) Any person who maliciously breaches a contract of service knowing or having reasonable cause to believe that the probable consequences of his or her 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, commits an offence.

(3) For the purposes of this section-

(a) "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

(b) 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 or service, is more than seven days, be deemed to be a malicious breach of contract, and the words "maliciously breaches" in this section shall be construed accordingly.

- (4) An offender under this section is liable, on conviction, to-
- (a) a fine of one hundred thousand naira (₦100,000.00) or to imprisonment for two (2) months or both;
- (b) a fine of one million naira (₦1,000,000.00), if a corporation.

D- HOMICIDE; SUICIDE; CONCEALMENT OF BIRTH; UNLAWFUL POSSESSION OF HUMAN PART

Definition of killing **228.** 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.

Killing of a human being **229.** It is unlawful to kill any person unless such killing is authorised or justified or excused by law.

When a child becomes a human being **230.** A child becomes a person capable of being killed when the child has completely proceeded in a living state from the body of the mother, whether the child has breathed or not, has an independent circulation or not, and whether the navel-string is severed or not.

Death by acts done at childbirth **231.** When a child dies in consequence of an act done or omitted to be done by any person before or during the birth of the child, the person who did or omitted to do such acts is deemed to have killed the child.

Causing death by threats	232.	A person who, by threat or intimidation or by deceit, causes another person to do an act or make an omission which results in the death of that other person, is deemed to have killed him or her.
Acceleration of death	233.	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.
When injury or death might be prevented by proper precaution	234.	When a person causes bodily injury to another from which death results, it is immaterial that the injury might have been avoided by proper precaution on the part of the person injured, or that his or her death from that injury might have been prevented by proper care or treatment.
Injury causing death in consequence of subsequent treatment	235.	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 or she 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.
Unlawful homicide	236.	Any person who unlawfully kills another commits an offence which is called murder or manslaughter, according to the circumstances of the case.
Definition of murder	237.	<p>(1) Subject to this Law, a person who unlawfully kills another-</p> <p>(a) with intention to kill that person or some other person; or</p> <p>(b) with intention to do grievous harm to the person killed or to some other person; commits a felony called murder.</p>

- (2) For the purposes of this section, a person is deemed to have intended to kill or to cause grievous harm when death or grievous harm is-
 - (a) the desired consequence of his or her act or omission; or
 - (b) not the desired outcome of his or her act or omission but in bringing about the desired outcome, he or she foresees death or grievous harm as the probable and likely consequence of his or her act or omission.

Definition of manslaughter **238.** A person who unlawfully kills another in such circumstances as not to constitute murder commits manslaughter.

Involuntary manslaughter **239.** A person commits involuntary manslaughter if the person causes death-

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

Voluntary manslaughter by provocation **240.** (1) A person commits voluntary manslaughter if death at the hand of the person is caused by an act or omission done-

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

 (2) For purposes of this section, the definition of provocation in section 191 shall apply.

**Diminished
responsibility**

241.

- (1) A person who kills or is a party to the killing of another is not to be convicted of murder, but manslaughter if the person was suffering from an abnormality of mental function which-
 - (a) arose from a recognised medical condition;
 - (b) substantially impaired the person's ability to understand the nature of his or her conduct, or to form a rational judgment, or to exercise self-control, and
 - (c) provides an explanation for the person's acts and omissions in doing or being a party to the killing.
- (2) For the purposes of subsection (1)(c) of this section, an abnormality of mental function provides an explanation for the person's conduct if it causes, or is a significant contributory factor in causing, the person to carry out that conduct.

**Punishment
for murder**

242.

- (1) Subject to 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 eighteen (18) years at the time the offence was committed has been found guilty of murder, such offender shall be ordered to be dealt with in accordance with the Child Rights Law, the Administration of Criminal Justice Law and any other applicable law.
- (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 is pregnant, the procedure laid in the Administration of Criminal Justice Law and any other applicable law shall apply.

- Attempt to murder** **243.** Any person who-
- (a) attempts unlawfully to kill another; or
 - (b) with intent unlawfully to kill another does any act, or omits to do any act which it is his or her duty to do, such act or omission being of such a nature as to be likely to endanger human life, commits a felony, and is liable on conviction to imprisonment for life.
- Attempt to murder by convict** **244.** Any person who, being under sentence of penal servitude or of imprisonment for three (3) years or more, attempts to commit murder is liable on conviction to imprisonment for life.
- Accessory after the fact to murder** **245.** Any person who becomes an accessory after the fact to murder commits a felony, and is liable on conviction to imprisonment for twenty one (21) years.
- Written threats to murder** **246.** Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person, commits a felony, and is liable on conviction to imprisonment for seven (7) years.
- Conspiring to murder** **247.** Any person in the State who conspires with another to kill a person, whether that other person is in the State or elsewhere, commits a felony and is liable to imprisonment for life.
- Punishment for manslaughter** **248.** Any person who commits the offence of manslaughter is liable on conviction to imprisonment for life.
- Aiding suicide** **249.** Any person who-
- (a) procures another to kill himself or herself;

- (b) counsels another to kill himself or herself and thereby induces him or her to do so; or
 - (c) aids another to commit suicide, commits a felony and is liable on conviction to imprisonment for life.
- Attempting to commit suicide** **250.** Any person who attempts to kill himself or herself commits a simple offence and the court shall make a hospitalisation order.
- Killing unborn child** **251.** 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, the person would be deemed to have unlawfully killed the child, commits a felony and is liable on conviction to imprisonment for life.
- Concealing the birth of a child** **252.** 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, the birth, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.
- Unlawful disposal of a child** **253.** Any person who, when a woman is delivered of a child, endeavours, by any secret disposal of the child to substitute the said child with another child, commits a felony and is liable to imprisonment for life.
- Unlawful possession of human part** **254.** Any person who receives or is in possession of any part of a human body except as permitted by law commits a felony and is liable on conviction to imprisonment for fourteen (14) years.
- Misconduct with regard to corpses** **255.** Any person who-
- (a) without lawful justification or excuse, the proof of which lies on him or her,

- (i) neglects to perform any duty imposed on the person by law, or undertaken by him or her, whether for reward or otherwise, touching the burial or other disposition of a human body or human remains;
- (ii) improperly or indecently interferes with, or offers any indignity to, any dead human body or human remains, whether buried or not;
- (b) eats or receives for the purpose of eating any part of a dead human body; commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

E- OFFENCES ENDANGERING LIFE OR HEALTH

Incapacitating in order to commit felony or misdemeanour

256. Any person who with intent to commit or facilitate the commission of a felony or a misdemeanour, uses any means calculated to choke, suffocate, strangle, stupefy or in order to incapacitate another person, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Stupefying in order to commit felony or misdemeanour

257. Any person who, with intent 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, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Acts intended to cause grievous harm or prevent arrest

258. 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-

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever;
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon;
- (c) unlawfully causes any explosive substance to explode;
- (d) sends or delivers any explosive substance or other dangerous or harmful thing to any person;
- (e) causes any such substance or thing to be taken or received by any person;
- (f) puts any corrosive fluid or any destructive or explosive substances in any place;
- (g) unlawfully casts or throws any such fluid or substances at or upon any person, or otherwise applies any such fluid or substance to the person of another, commits a felony and is liable on conviction to imprisonment for twenty one (21) years.

**Preventing
escape from
wreck**

259.

A person who unlawfully-

- (a) prevents or obstructs another who is on board of, or is escaping from a vessel which is in distress or wrecked, in that other person's endeavours to save his or her life; or
- (b) obstructs another in his or her endeavours to save the life of any person so situated, commits a felony and is liable on conviction to imprisonment twenty one (21) years.

Intentionally endangering safety of travellers

- 260.** Any person who, with intent to injure or to endanger the safety of any other person travelling by any means of transportation-
- (a) places anything on the route of transportation;
 - (b) deals with such route of transportation or with anything whatever on or near it in such a way as to affect or endanger its free and safe use, or the safety of any person;
 - (c) shoots or throws anything at, into, or on, or causes anything to come into contact with any person or thing on such route;
 - (d) shows any light or signal or in any way deals with any existing light or signal, on or near any such route; or
 - (e) by any omission to do any act which it is his or her duty to do causes the safety of any person to be endangered, commits a felony and is liable on conviction to imprisonment for twenty-one (21) years.

Grievous harm

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

Attempting to injure by explosive substances

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

Maliciously administering poison with intent to harm

- 263.** A person who unlawfully, and with intent to injure or annoy another, causes any poison or other harmful thing to be administered to, or taken by, any person, and thereby endangers the life of that person, or does the person some grievous harm, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

- Wounding and similar acts** **264.** Any person who-
- (a) unlawfully wounds another; or
 - (b) unlawfully, and with intent to injure or annoy any other person, causes any poison or other harmful thing to be administered to, or taken by, any person, commits a felony and is liable on conviction to imprisonment for three (3) years.
- Failure to supply necessaries** **265.** 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 or her health is or is likely to be permanently impaired, commits a felony and liable on conviction to imprisonment for three (3) years.
- Endangering life or health of employees and apprentices** **266.** Any person who being charged as a master or mistress of an employee or apprentice in any manner causes any harm to such employee or apprentice such that the life of the employee or apprentice is or likely to be endangered, or the health of the employee or apprentice is likely to be impaired commits a felony and is liable on conviction to imprisonment for three (3) years.
- Abandoning or exposing children** **267.** Any person who unlawfully abandons or exposes a child under the age of twelve (12) years, in such a manner that any grievous harm is likely to be caused to the child, commits an offence and is liable on conviction to imprisonment for six (6) months, or a fine of fifty thousand naira (₦50,000) or community service.
- Setting trap** **268.** (1) Any person who-
- (a) sets or places any spring-gun, trap or other device calculated to kill or inflict grievous harm on any person;

- (b) sets or places any such thing in any place in a manner that it is likely to kill or inflict grievous harm on any person; or
 - (c) causes any such thing to be set or placed in any place with intent to kill or inflict grievous harm on any person coming into contact with it, commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) Any person who comes into possession or occupation of a place where a spring-gun, trap or other device has been set or placed by another person in a manner that it is likely to kill or inflict grievous harm on any person and who knowingly permits such spring-gun or trap to remain commits a felony is liable on conviction to imprisonment for three (3) years.
 - (3) This section does not make it unlawful to set any trap such as is usually set for the purpose of destroying vermin, or to set any spring-gun, trap or other device, at night in a residence for the protection of the residence.

**Reckless
and
negligent
acts**

- 269.** (1) Any person who in a reckless or negligent manner as to endanger human life or cause harm to any other person-
- (a) drives any vehicle or rides on any public way;
 - (b) navigates, or takes part in the navigation or working of, any vessel;
 - (c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his or her possession;

- (d) omits to take precautions against any probable danger from any animal in his or her possession;
- (e) gives medical or surgical treatment to any person whom he or she has undertaken to treat;
- (f) dispenses, supplies, sells, administers, or gives away, any medicine, or poisonous or dangerous matter;
- (g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he or she is solely or partly in charge; or
- (h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his or her possession, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

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

**Negligent
acts
causing
harm**

270.

Any person who unlawfully does any act, or omits to do any act which it is the person's duty to do, which act or omission causes harm to another person commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Operating
unfit
ferries on
intrastate
waterways**

271. (1)

Any person who operates, attempts to operate, is a party to operating or attempting to operate a ferry or other vessel in a state that is unfit for

navigation into intrastate waterways such that the life of any person is likely to be endangered, commits a misdemeanour.

- (2) It shall be a defence for a person charged under subsection (1) to show that he or she used all reasonable means to ensure that the ferry or vessel was fit for navigation or that her being operated on intrastate waterways in a state unfit for navigation was in the circumstances reasonable and justifiable.
- (3) The person in charge of a ferry or other vessel unfit for navigation who knowingly navigates same on intrastate waterways such that the life of any person is likely to be endangered commits a misdemeanour, unless he or she proves that navigating such vessel was in the circumstances reasonable and justifiable.
- (4) Any person convicted under this section is liable to imprisonment for two (2) years.

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

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

**Endangering
vessel used
as means of
transporta-
tion**

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

Endangering vessel used as means of transportation by person in charge

- 274.** (1) Any person who is in charge of the machinery of a vessel used as a means of transportation at any time when any act is done or omitted to be done by any other person with respect to the machinery of the vessel, whereby the safety of any person on board the vessel is, or is likely to be endangered commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (2) It is a defence to a charge of the offence defined in this section to prove that the act or omission was done or made without the knowledge of the defendant, and without any neglect or default on the defendant's part.

Evading laws as to shipping dangerous goods

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

Landing explosives

- 276.** (1) Any person who-
- (a) being charged by law with any duty in respect of the shipping, offloading, landing, putting offshore, conveyance, delivery or storage of any explosive substance, acid, or other thing of a dangerous or destructive nature, from any vessel, fails to perform that duty; or
- (b) being concerned in the shipping, offloading, landing, putting offshore, conveyance, delivery or storage of any such substance, acid or thing violates the laws relating to such shipping, offloading, landing, putting offshore, conveyance, delivery or storage, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Sending
dangers
or
obscene
things
by post**

- 277.** (1) Any person who knowingly sends or attempts to send by post anything which encloses anything, whether living or inanimate, of such a nature as is likely to injure or cause damage to any other thing while being conveyed, or to injure any person commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) Any person who knowingly sends or attempts to send by post anything which encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card or article, which has on it, or in it, or on its cover, any indecent, obscene or grossly offensive words, marks or designs commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

F- OFFENCES AGAINST LIBERTY: SLAVE DEALING

**Deprivation
of liberty**

- 278.** Any person who unlawfully confines or detains another in any place against his or her will, or otherwise unlawfully deprives another of his or her personal liberty, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Deprivation
of liberty
for the
purpose of
extortion**

- 279.** Any person who unlawfully confines or detains another in any place against his or her will, or otherwise unlawfully deprives another of his or her personal liberty for the purpose of extortion commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**Compelling
action by
intimidation**

- 280.** Subject to the Trade Unions Act, any person who, with intent to prevent or hinder any other person from doing any act which he or she is lawfully entitled to do, or with intent to compel such person to do any act which he or she is lawfully entitled to abstain from doing, or to

abstain from doing any act which he or she is lawfully entitled to do:

- (a) threatens such other person with injury to his or her person, reputation, or property, or to the person, reputation, or property of anyone in whom he or she is interested;
- (b) persistently follows such other person about from place to place;
- (c) hides any tools, clothes, or other property owned or used by such other person, or deprives that person of or hinders that person in the use of it;
- (d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place;
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road; or
- (f) induces or attempts to induce that person to believe that he or she, or any person in whom he or she is interested, will become an object of displeasure to the State or to any person employed in the public service of the State, commits a felony and is liable on conviction to imprisonment for three (3) years

**Compelling
action by
assault** **281.**

Any person who, with any of the intents mentioned in section 279 assaults any other person, commits a felony and liable on conviction to imprisonment for three (3) years.

**Concealment
of matters
affecting
liberty**

282.

Any person who-

- (a) being required by law to keep any record touching any matter relating to any other 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 or her knowledge, false; or
- (b) 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-
 - (i) refuses or neglects to give such information or to show such person or place to any person to whom he or she is required to give the information or show the person or place; or
 - (ii) gives to any person to whom he or she is required to give it, information
 - (iii) touching any such matter which in any material particular, is, to his or her knowledge, false, commits a felony and is liable on conviction to imprisonment for three (3) years.

**Human
trafficking and
contemporary
slavery**

283. Any person who-

- (a) deals or trades in, purchases, sells, transfers or takes another person in order that such person should be held or treated as a slave or in servitude;
- (b) places or receives another person's personal service as a pledge or security for debt if the value of those services as reasonably assessed is not applied towards the redemption of the pledge or liquidation of the debt or the length and nature of those services are not respectively limited and defined;
- (c) participates in any institution or practice by which a woman without the right to refusal, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;
- (d) participates in any institution or practice by which the husband of a woman, his family or his clan, has the right to transfer her to another person for value received or otherwise;
- (e) participates in any institution or practice by which a woman on the death of her husband is liable to be inherited by another person;
- (f) participates in any institution or practice whereby a child is delivered by either or both parents or by the child's guardian to another person, whether for reward or not, with a view to the exploitation of the child or of his or her labour;
- (g) conveys or induces another person to come within the limits of the State in order that such person should be held, possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt;

- (h) conveys or sends or induces another person to go out of the limits of the State in order that such person should be possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt;
- (i) whether or not a citizen of Nigeria holds or possesses in the State another person as a slave or in servitude; or
- (j) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes mentioned in this section, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

G- OFFENCES RELATING TO PARENTAL RIGHTS AND DUTIES

Child stealing

284.

- (1) Any person who with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child, of the possession of such child, or with intent to steal any article on or in custody of such child-
 - (a) forcibly or fraudulently takes or entices away, or detains the child; or
 - (b) receives or harbours the child, knowing such child to have been taken or enticed away or detained, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.
- (2) It is a defence to a charge under this section to prove that the defendant claimed in good faith a right to the possession of the child.

**Desertion
of child**

285.

- (1) Any person who being the parent, guardian or other person having the lawful care or charge of a

child, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves the child without means of support, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

- (2) In the case of a first-time offender, the court may suspend the sentence for two (2) years and the sentence shall lapse if the offender complies with the order of court for the maintenance and care of the child.
- (3) In the case of a repeated offence, the offender may be liable to a sentence of imprisonment without the option of suspension.
- (4) Nothing in this section shall affect the right of any person to recover any cost reasonably incurred with respect to the upkeep of the child during the time the parent or guardian deserted the child.

**Desertion of
pregnant
woman
or girl**

286.

- (1) Any person who impregnates a woman or girl and fails, refuses or neglects to contribute to maternity-related costs from ante-natal to post-natal stages commits an offence and is liable on conviction to a fine of forty-five thousand (~~N~~45,000.00) without prejudice to the recovery of any cost that any other person may have reasonably incurred in relation to the upkeep of the woman or girl.
- (2) For the purposes of this section, maternity-related costs include all medical expenses, food expenses, reasonable shelter and other necessities.
- (3) In determining the financial liability of a person under subsection (1), the Court shall have regard to the means and resources available to him.

- (4) Nothing in this section shall affect the right of any person to recover from the defendant any maternity-related cost reasonably incurred by the person in relation to the upkeep of the woman or girl.

PART 6

OFFENCES RELATING TO PROPERTY AND CONTRACTS

A- STEALING

**Definition
of stealing**

- 287.** (1) Any person who fraudulently or dishonestly-
- (a) takes anything capable of being stolen; or
 - (b) converts anything capable of being stolen to his or her own use or to the use of any other person,
 - (c) commits the offence of stealing.
- (2) A person is deemed to fraudulently or dishonestly take or convert any property capable of being stolen if the person does so with-
- (a) intent to permanently deprive the owner of the property;
 - (b) intent to permanently deprive any person who has a special interest in the property;
 - (c) intent to use the property as a pledge or a security;
 - (d) intent to part with the property on a condition as to its return which he or she may be unable to perform;
 - (e) intent to deal with the property in a manner that it cannot be returned in the condition it was in at the time of the taking or conversion; or

- (f) in the case of money, an intent to use it at will although he or she may intend to repay the owner afterwards.
- (3) The term “special interest” includes any charge or lien on the property, any right arising from or dependent on holding possession of it, whether by the person entitled to such right or by another person on his or her behalf.
- (4) The taking or conversion may be fraudulent or dishonest although it is effected without secrecy or attempt at concealment.
- (5) In the case of conversion, it is immaterial whether-
 - (a) the thing converted is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it; or
 - (b) the person who converts the property is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of the property.
- (6) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent or dishonest, if at the time of the conversion the person taking or converting the thing does not know the owner, and believes on reasonable grounds that the owner cannot be found.
- (7) A person shall not be deemed to take a thing unless the person moves the thing or causes it to move.

Things
capable
of being
stolen

- 288.** (1) Anything which is the property of another or a body corporate is capable of being stolen.

(2) In subsection (1), “property” –

- (a) means money and all other properties, including things in action and other intangible properties which is the property of another;
- (b) does not include real property.

Special cases

289.

An agent will not be liable for stealing if the agent pledges or gives a lien on any goods or documents entrusted to him or her for an amount not greater than the obligation of the principal to the agent.

Funds held under direction

290.

(1) When a person receives, either alone or jointly with another person-

- (a) any money or valuable security with a direction that such money or any part of it, or any other money received in exchange for such money or valuable security or any part of both; or
- (b) a power of attorney for the disposition of any property with a direction that the proceeds of such disposition shall be applied to any purpose or paid to any person specified in the direction,
- (c) such money or proceeds shall be deemed to remain the property of the person who gave the money, valuable security or power of attorney until the direction has been complied with.

(2) Where the person receiving the money, valuable security, or power of attorney, and the person who gave the money, valuable security or power of attorney ordinarily maintain a debtor and creditor account between themselves, the person who receives the money, valuable security, or power of attorney cannot be charged with stealing the money or any such proceeds in the absence of a direction in writing.

Proceeds of Property received by agents for sale

291.

When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him or her to sell it or dispose of it, and requiring him or her to pay or account for the

proceeds of the property or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property and anything received in exchange for it, are deemed to be the property of the person from whom the property was received, until they have been disposed of in accordance with the terms on which the property was received unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him or her and the person to whom he or she is to pay them to or account for them, and that the relationship of debtor and creditor only shall exist between them in that respect.

**Money
received
for another**

292.

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 relationship of debtor and creditor only shall exist between the parties in respect of it.

**Stealing by
persons
having
an interest an
interest in
the thing
stolen**

293.

When any person takes or converts anything capable of being stolen, in such circumstances as would otherwise amount to stealing, it is immaterial that the person has a special interest therein, or that the person is the owner of the thing taken or converted subject to some special interest of some other person therein, or that he or she is lessee, or is one of two or more joint owners, of the thing, or that he or she is a director or officer of a corporation or company or society who are the owners of it.

**Punishment
for stealing**

294.

- (1) Any person who steals anything capable of being stolen commits a felony, and is liable on conviction if no other punishment is provided, to imprisonment for three (3) years.

- (2) Any person previously convicted of a felony under subsection (1) is liable on conviction to imprisonment for seven (7) years.
- (3) If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable on conviction to imprisonment for seven (7) years.
- (4) If the thing stolen is an animal which is the property of any person whether it be in a confinement, has escaped from confinement or the young of any such animal, the offender is liable on conviction to imprisonment for one (1) year or to a fine of thirty thousand naira (₦30,000.00) or both.
- (5) If the offence is committed in any of the following circumstances-
 - (a) if the thing is stolen from the person of another;
 - (b) if the thing is stolen from any kind of vessel, vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;
 - (c) if the thing stolen is attached to or forms part of a road, highway or railway;
 - (d) if the thing is stolen from a vessel which is in distress or wrecked or stranded;
 - (e) if the thing is stolen from a public office in which it is deposited or kept; or
 - (f) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle by means of a key or other instrument,
 - (g) the offender is liable on conviction to imprisonment for seven (7) years.

- (6) 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 or her employment, the offender is liable on conviction to imprisonment for seven (7) years.
- (7) If the offender is a clerk or employee, and the thing stolen is the property of the offender's employer, or came into the possession of the offender on account of his or her employment, the offender is liable on conviction to imprisonment for seven (7) years.
- (8) 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, the offender is liable on conviction to imprisonment for seven (7) years.
- (9) If the thing stolen is any of the following-
 - (a) property which has been received by the offender with a power of attorney for its disposition;
 - (b) property which has been entrusted to the offender either alone or jointly with any other person for him or her to keep in safe custody or to apply, pay or deliver for any purpose or to any person, the whole, any part of or any proceeds of it;
 - (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
 - (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds should be applied to any purpose or paid to any person specified in the direction; or

- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that the proceeds should be applied to any purpose or paid to any person specified in the direction,
 - (f) the offender is liable on conviction to imprisonment for seven (7) years.
- (10) If the thing stolen is a motor vehicle or motor cycle the offender is liable on conviction to imprisonment for seven (7) years.

B- Offences similar to stealing

Concealing registers

295. 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 for keeping official records, or a copy of any part of any such register which is required by law to be sent to any public office, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Concealing testamentary instruments

296. Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Concealing deeds

297. Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land commits a felony and is liable on conviction to imprisonment for seven (7) years.

Bringing stolen goods into the State

298. Any person who obtains any stolen property outside the State and brings such property into the State, or

has it in his or her possession in the State, commits an offence and is liable on conviction to the same punishment as if the person had stolen it in the State.

Fraudulent disposition of mortgaged good

299. Any mortgagor of any goods who removes or disposes of the goods without the consent of the mortgagee with the intent to defraud commits a felony and is liable on conviction to imprisonment for three (3) years.

(1) The term "mortgaged goods" in subsection (1) 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 any written instrument by which a valid charge or lien is created on them by way of security for any debt or obligation.

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

Fraudulent appropriation of power

300. Any person who fraudulently abstracts or diverts to his or her own use or to the use of any other person any mechanical, illuminating or electrical power derived from any machine, apparatus, or substance, the property of another person commits a felony and is liable on conviction to imprisonment for three (3) years.

B- STEALING WITH VIOLENCE; EXTORTION BY THREATS

Definition of robbery

301. 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 other person or to any property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, commits the offence of robbery.

**Punishment
of robbery**

- 302.** (1) Any person who commits the offence of robbery shall upon conviction be sentenced to imprisonment for twenty one (21) years.
- (2) Where-
- (a) the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons; or
 - (b) at or immediately before or immediately after the time of the robbery, the offender wounds or uses any other personal violence to any person, the offender shall upon conviction be sentenced to death.

**Punishment
for attempted
robbery**

- 303.** (1) Any person who assaults another with intent to steal anything and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, commits felony and is liable on conviction to imprisonment for ten (10) years.
- (2) If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with any one or more other person or persons, or, if, at or immediately before or immediately after the time of the assault, the offender wounds or uses any other personal violence to any person, the offender is liable on conviction to imprisonment for life.

**Public servants
demanding**

- 304.** (1) Any person who, being employed in the public service of the State, corruptly and under colour of his or her employment-
- (a) demands or takes property from any other person;

- (b) compels any person to sell any property at a price other than its fair market value;
 - (c) obtains lodging from and against the will of any other person without payment or for inadequate payment; or
 - (d) compels, whether partially or wholly for his own profit, any other person to work without payment or for inadequate payment,
 - (e) commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) Any person who, falsely representing himself or herself by words, conduct, or otherwise, to be a person employed in the public service of the State, or of any other government, or to be an agent or acting under the authority of, the Government, unlawfully and in such assumed character-
- (a) does any of the acts or things specified in subsection (1)(a), (b), (c), (d); or
 - (b) compels or orders any other person to hand any property over to any other person, whether such property does or does not rightly belong, or is not rightly due, to the last-named person,
 - (c) commits a felony and is liable on conviction to imprisonment for five (5) years.
- (3) Any person attempting, or inciting, soliciting, counselling, procuring, aiding, or abetting any person to commit any of the offences enumerated in subsection (1) and (2), commits a felony and is liable on conviction to imprisonment for five (5) years.

**Assault with
intent to steal**

305.

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

**Demanding
property with
menaces with
intent to steal**

306.

Any person who, with intent to steal anything, demands it from any other person with threats of any injury or detriment of any kind to be caused to him or her, either by the offender or by any other person, if the demand is not complied with, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Demanding
Property by
written threats**

307.

A person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Attempt to
extort**

308.

- (1) A person who, with intent to extort or gain anything from any person-
 - (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour;
 - (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
 - (c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat,
 - (d) commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) Where the accusation or threat of accusation in subsection (1) is of-

- (a) an offence for which the punishment of death or imprisonment for life may be inflicted;
 - (b) any of the offences defined in sections 136 - 158, or an attempt to commit any of such offences; or
 - (c) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences referred to in this section,
 - (d) the offender is liable on conviction to imprisonment for seven (7) years.
- (3) For the purposes of this section, it is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which the person is accused or threatened to be accused of.

Unlawful harassment of debtors

- 309.** (1) A person who with the object of coercing any person to pay money claimed from the other as a debt due under a contract-
- a. harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or her or members of his or her family or household to alarm, distress or humiliation;
 - b. falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
 - c. falsely represents himself or herself to be authorised in some official capacity to claim or enforce payment; or
 - d. uses or deals with a document falsely represented by him or her to have some official

character or purporting to have some official character which such person knows he or she does not have, commits an offence and is liable on conviction to a fine of fifty thousand naira (₦50,000.00) and on a second or subsequent conviction to a fine of one hundred thousand naira (₦100,000.00).

- (2) A person may be liable for an offence under subsection (1)(a) if the person acts in concert with others in taking such action as described in this section, notwithstanding that the person's own course of conduct does not by itself amount to harassment.
- (3) Subsection (1)(a) does not apply to anything done by a person which is reasonable (and otherwise permissible in law) for the purpose-
 - (c) of securing the discharge of an obligation due, or believed by him or her to be due, to himself or herself or to persons for whom he or she acts, or protecting himself or herself or them from future loss; or
 - (d) of the enforcement of any liability by legal process.

**Procuring
execution of
deeds by
threats**

- 310.** 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,
- (c) commits a felony and is liable on conviction to imprisonment for seven (7) years.

C- BURGLARY, HOUSEBREAKING AND LIKE OFFENCES

Definitions

- 311.** (1) A person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting or by any other means, any door, window, shutter, cellar flap or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is said to break the building.
- (2) A person is said to enter a building as soon as any part of the person's body or any part of any instrument used by him or her is in the building.
- (3) A person who obtains entrance into a building by means of any threat or tool used for that purpose, or by collusion with any person in the building, or who enters any chimney or other opening of the building permanently left open for any necessary purpose but not intended to be ordinarily used as means of entrance, is deemed to have broken and entered the building.

Burglary, housebreaking

- 312.** (1) Any person who-
- (a) breaks and enters the residence of another with intent to commit a felony in it;
 - (b) having entered the residence of another with intent to commit a felony in it; or
 - (c) having committed a felony in the residence of another, breaks out of the residence,

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

Entering residence with intent to commit felony

313.

- (2) If the offence is committed in the night, the offender is liable on conviction to imprisonment for fourteen (14) years.
- (1) Any person who enters or is in the residence of another with intent to commit a felony in it, commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) If the offence is committed in the night, the offender is liable on conviction to imprisonment for seven (7) years.

Breaking into building and committing felony

314.

- Any person who-
- (a) breaks and enters a school building, shop, warehouse, store, office or a building which is adjacent to a residence and occupied with it but is not part of it, and commits a felony in it; or
- (b) having committed a felony in a school building, shop, warehouse, store, office, or in any such other building as mentioned in subsection (1), breaks out of the building,
- (c) commits a felony and is liable on conviction to imprisonment for seven (7) years.

Breaking into building with intent to commit a felony

315.

Any person who breaks and enters a school building, shop, warehouse, store, office, or a building which is adjacent to a residence and occupied with it but is not part of it with intent to commit a felony in it, commits a felony and is liable on conviction to imprisonment for three (3) years.

Breaking into place of worship and committing

316.

Any person who, breaks and enters a building ordinarily used for religious worship and commits a felony in it, or having committed a felony in any such building breaks out of it, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Breaking into
place of
worship with
intent to
commit felony**

317. Any person who, breaks and enters a building ordinarily used for religious worship, with intent to commit a felony in it, commits a felony and is liable on conviction to imprisonment for five (5) years.

**Persons found
armed, with
intent to
commit felony**

318. (1) Any person who is found in any of the following circumstances-

- (a) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a residence, and to commit a felony in it;
- (b) in possession by night without lawful excuse, the proof of which lies on him or her, of any instrument of housebreaking;
- (c) in possession by day or night, of any instrument with intent to commit a felony;
- (d) having his or her face blackened or being otherwise disguised, with intent to commit a felony;
- (e) being in any building whatsoever by night with intent to commit a felony in it; or
- (f) being in any building whatsoever by day with intent to commit a felony in it, and
- (g) having taken precautions to conceal his or her presence,
- (h) commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) An offender who has been previously convicted of a felony relating to property, shall on subsequent convictions be liable to imprisonment for seven (7) years.

D- OBTAINING PROPERTY BY FALSE PRETENCES: CHEATING

Definition of false pretence

319. A false pretence means a representation, whether deliberately or recklessly, made by word, in writing or by conduct, of a matter of fact or law, either past or present, which representation is false in fact or law, and which the person making it knows to be false or does not believe to be true.

Obtaining by false pretence

320. (1) Notwithstanding anything contained in any other enactment or law, any person who by any false pretence, and with intent to defraud-

(a) obtains, from any other person, in the State or in any other State for himself or herself or any other person; or

(b) induces any other person, in the State or in any other State, to deliver to any person, any property, whether or not the property is obtained or its delivery is induced through the medium of a contract induced by the false pretence,

(c) commits an offence.

(2) A person who by false pretence, and with the intent to defraud, induces any other person, in the State or in any other State, to confer a benefit on him or her or on any other person by doing or permitting a thing to be done on the understanding that the benefit has been or will be paid for, commits an offence.

(3) A person who commits an offence under subsection (1) or (2) commits a felony and is liable on conviction to imprisonment for seven (7) years.

Obtaining credit by false pretence or other fraud

321. Any person who by any false pretence or by means of other fraud obtains credit for himself or herself 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,
- (c) commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Presumption
as to false
pretences
in certain
circumstances**

322. Where in any proceedings for an offence under sections 319 or 320 it is proved that the defendant-

- (a) obtained or induced the delivery of anything capable of being stolen; or
- (b) obtained credit for himself or herself or any other person, by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the grounds that no funds or insufficient funds were standing to the credit of the drawer of the cheque in the bank on which the cheque was drawn, the thing or its delivery shall be deemed to have been obtained or induced, or the credit shall be deemed to have been obtained, by a false pretence unless the court is satisfied by evidence that when the defendant issued the cheque he or she 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 or her.

**Obtaining
execution of
a security by
false pretence**

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

Cheating

324. 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 or she would have paid or delivered but for such trick or device, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Cheating at examination

325. (1) Any person who in anticipation of or at any examination-

- (a) by any fraudulent trick or device or in abuse of the person's office or with intent to unjustly enrich himself or herself or any other person procures any question paper produced or intended for use at any examination of persons whether or not the question paper concerned is proved to be false, not genuine or not related to the examination in question;
- (b) by any false pretence or with intent to cheat or secure any unfair advantage for himself or herself or any other person, procures from or induces any other person to deliver to himself or herself or another person any question paper intended for use at any examination;
- (c) by any false pretence, with intent to cheat or unjustly enrich himself or herself or any other person whatsoever buys, sells, procures or otherwise deals with any question paper intended for use or represented as a genuine question paper in respect of any particular examination; or
- (d) fraudulently or with intent to cheat or secure any unfair advantage for himself or herself or any other person or in abuse of his or her office procures, sells, buys or otherwise deals with

- (e) any question paper intended for the examination of persons at any examination,
 - (f) commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (2) Any person who brings in any unauthorised material to assist himself or herself or another in an examination of persons whether or not the material relates to the examination concerned commits a felony and is liable on conviction to imprisonment for seven (7) years.
 - (3) Any person who unlawfully assists a candidate in the course of an examination commits a felony and is liable on conviction to imprisonment for seven (7) years.
 - (4) Any person who unlawfully alters or forges any document relating to an examination commits an offence and is liable on conviction to imprisonment for seven (7) years.
 - (5) Where a person charged with an offence under this section is a child, the person shall be dealt with in line with the Child Rights Law, 2007.
 - (6) Where the offender is an employee of anybody concerned with the conduct of examinations, a head teacher, teacher or other person entrusted with the safety and security of question papers, the offender shall be proceeded against and punished as provided in this section, notwithstanding that the question paper concerned is proved not to be live, genuine or does not relate to the examination concerned.
 - (7) For the purposes of this section, "material" includes anything written on substance or person by means of letters, figures or marks and further includes anything transmitted through fax or any other electronic device.

Conspiracy
to defraud

326. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything

publicly sold, or to defraud the public or any person commits a felony and is liable on conviction to imprisonment for seven (7) years.

Use of premises to commit false pretence

327. A person who being the occupier or is concerned in the management of any premises, causes or knowingly permits the premises to be used for obtaining by false pretence commits a felony and is liable on conviction to imprisonment for seven (7) years.

Fraudulent invitation

328. A person who by false pretence, and with the intent to defraud any other person, invites or otherwise induces that person or any other person to visit the State for the purpose of obtaining by false pretence commits a felony and is liable on conviction to imprisonment for fifteen (15) years.

Receipt of fraudulent document by victim to constitute attempt

329. Where a false pretence which constitutes an offence is contained in a document, it shall be sufficient in a charge of an attempt to commit an offence under this Law to prove that the document was received by the person to whom the false pretence was directed.

Possession of fraudulent document

330. A person in possession of a document containing a false pretence which constitutes an offence, and who knows or ought to know that the document contains the false pretence commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

Frauds on sale or mortgage of property

331. 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 or her, and with intent to defraud-

- (a) conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrance;
- (b) falsifies any pedigree on which the title depends or may depend; or

- (c) makes any false statement as to the title offered or conceals any fact material thereto,
- (d) commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

Pretending to exercise witchcraft or tell fortunes

332. Any person who, for gain or reward pretends to exercise or use any kind of witchcraft, juju, sorcery, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his or her 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, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

Obtaining registration, etc., by false pretence

333. Any person who wilfully procures or attempts to procure for himself or herself or any other person any registration, licence or certificate under any law or any regulation made under any law, by any false pretence, commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

E- RECEIVING STOLEN PROPERTY OR FRAUDULENTLY OBTAINED PROPERTY AND SIMILAR OFFENCES

Receiving stolen or fraudulently obtained property

334. (1) Any person who dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen property or any property fraudulently obtained commits a felony and is liable on conviction to imprisonment for seven (7) years.

(2) For the purposes of this section-

- (a) “stolen property” includes property obtained by means of any act constituting a misdemeanour or felony in this Law;
- (b) a person receives anything when-
- (c) either alone or jointly with some other person, he or she had the thing in his or her possession; or

(d) the person has aided in concealing it or disposing of it.

(3) When another person has acquired a lawful title to a property received under this section, a subsequent receiving of the thing is not an offence.

**Money
laundering**

335.

(1) Any person who converts, or transfers resources or properties derived directly or indirectly from any offence or an illegal act, with the aim of either concealing or disguising the illegal origin of the resources or property, or aiding a person involved in any such offence or illegal act to evade the legal consequences of his or her action commits a felony.

(2) Any person who collaborates in concealing or disguising the genuine nature, origin, location, disposition, movement or ownership of the resources, property or right derived directly or indirectly from any other crime or an illegal act, commits a felony.

(3) Any person convicted under subsection (1) or (2) is liable to imprisonment for not less than seven (7) years.

**Transfer of
criminal
proceeds
to nominee**

336.

(1) Any person who-

(a) whether by concealment, removal, or transfer to nominees or otherwise, retains the proceeds of a crime or an illegal act on behalf of another person knowing or suspecting that other person to be engaged in a criminal conduct or has benefited from a criminal conduct; or

(b) knowing that any property either in whole or in part directly or indirectly represents another person's proceeds of a criminal conduct, acquires or uses that property or has possession of it,

- (c) commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) For the purposes of subsection (1), criminal proceeds relates to the proceeds of any crime committed under this Law.

Having possession of thing reasonably suspected of having been stolen

- 337.** Any person who is charged before a court with-
- (a) having in his or her possession or control in any place;
 - (b) having at any time within three months immediately preceding the making of the complaint, in his or her possession or control in any place; or
 - (c) having unlawfully obtained, a thing reasonably suspected to have been stolen, and does not give an account to the satisfaction of the court as to how he or she came by the thing, commits an offence and is liable on conviction to imprisonment for six (6) months or a fine of ninety thousand naira (₦90,000.00).

Taking reward for recovery of property obtained by committing an offence

- 338.** Any person who receives or obtains, or agrees to receive or obtain any property or benefit of any kind on an agreement or understanding that the person will help any other person to recover anything which has been obtained by any act constituting an offence, unless he or she has used all due diligence to cause the offender to be brought to trial for the offence, commits a misdemeanour, and liable on conviction to imprisonment for one (1) year.

F- FRAUDS BY TRUSTEES AND OFFICERS OF COMPANIES AND CORPORATIONS: FALSE ACCOUNTING

Trustees fraudulently disposing of trust property

- 339.** (1) Any person who being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, commits a

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

- (2) For the purposes of this section, the term "trustee" includes the following persons-
- (a) trustees appointed by an express trust created by a deed, will or instrument in writing, whether for a public or private or charitable purpose;
 - (b) trustees appointed by or under the authority of any law for any such purpose;
 - (c) persons on whom the duties of any such trust as in paragraph (a) or (b) devolve; or
 - (d) executors and administrators who are deemed to be trustees in other circumstances by operation of law.

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

340. Any person who-

- a. being a director or officer of a company receives or takes possession of any of the property of the company and with intent to defraud, omits either to make a full and true entry in the books and accounts of the company, or to cause or direct such an entry to be made in it; or
- b. being a director, officer, or member of a company, does any of the following acts with intent to defraud-
 - (i) destroys, alters, mutilates or falsifies, any book, document, valuable security, or account, which belongs to the company, or any entry in any such book, document, or account, or is privy to any such act;
 - (ii) makes or is privy to making any false entry in any such book, document, or account; or
 - (iii) omits or is privy to omitting any material fact from any such book, document or account,
 - (iv) commits a felony and is liable on conviction to imprisonment for seven (7) years.

**False
statements
by officials of
companies**

- 341.** Any person who being a promoter, director, officer, or auditor of a company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which is to the person's knowledge false, with intent to effect any of the following purposes-
- a. to deceive or to defraud any member, shareholder, or creditor, of the company, whether a particular person or not;
 - b. to induce any other person to become a member of, or to entrust or advance any property to the company, or to enter into any security for its benefit,
 - c. commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Fraudulent
false
accounting**

- 342.** Any person who being a clerk or employee, or being employed or acting in the capacity of a clerk or employee, 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 the person's employer, or has been received by the person on behalf of his or her employer, or any entry in any such book, document or account, or is privy to any such act;
 - b. makes, or is privy to making, any false entry in any such book, document, or account; or
 - c. omits, or is privy to omitting, any material fact from any such book, document, or account,
 - d. commits a felony and is liable on conviction to imprisonment for seven (7) years.

**False
accounting
by public
officers**

- 343.** Any person who being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly makes any false statement or return of any money or property received

by, or entrusted to such person's care, or of any balance of money or property in his or her possession or control, commits a felony and is liable on conviction to imprisonment for seven (7) years.

G- CRIMINAL DAMAGE TO PROPERTY, ARSON, AND OTHER OFFENCES

**Criminal
damage
to property**

- 345.** (1) Any act by any person which causes damage to public property or the property of another and done without the consent of the owner is unlawful, unless it is authorised or justified or excused by law and it is immaterial if the person did not know that the property is public property or the property of another.
- (2) When a lawful act which causes damage to property is done with intent to defraud any person, it becomes an unlawful act, and it is immaterial that the person who does the damage is in possession of the property damaged, or has a partial interest in it.
- (3) A person is not criminally responsible for any damage caused to property by the use of such force as is reasonably necessary for the purpose of defending himself or herself, any other person, or any property from imminent attack.
- (4) When an act which causes damage to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender.
- (5) The term "damage":
- a** used in relation to a document, writing or inscription, includes obliterating and rendering illegible, the document or writing either in whole or in part;
 - b.** used in relation to property includes loss, destruction or alteration of a property.

- (6) A property is damaged when the property has been rendered inoperative or imperfect for the purpose for which the property was procured such as to impose on the owner the need to expend money or effort in restoring it to the original state.

**Unlawful
interference
with property**

- 346.** Any person who unlawfully disconnects, removes, tampers with, or in any manner interferes with the use of, any private or public property commits a felony and is liable on conviction to imprisonment for three (3) years.

Arson

- 347.** Any person who wilfully and unlawfully sets fire or causes fire to any of the following-
- (a) any building or structure whether completed or not;
 - (b) any vessel, whether completed or not;
 - (c) any farm, a barn of agricultural products or any other property used as a business premises or any article of merchandise or other property used for trade or profession;
 - (d) a mine, or the workings, fittings, or appliances of a mine;
 - (e) any pipeline, cables, masts, towers, or any urban furniture;
 - (f) any property;
 - (g) commits a felony and is liable on conviction to imprisonment for life.

**Attempts to
commit arson**

- 348.** Any person who-
- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 345; or
 - (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is

mentioned in section 345 is likely to catch fire from it,

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

Unlawful acts concerning vessels, etc.

349.

Any person who-

- (a) wilfully and unlawfully releases, casts away any vessel or destroys any vessel, whether complete or not;
- (b) wilfully and unlawfully does any act which leads to the immediate loss or destruction of a vessel in distress; or
- (c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for purposes of navigation, or exhibits any false light or signal,
- (d) commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Attempts to commit unlawful acts concerning vessel

350.

Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress commits a felony and is liable on conviction to imprisonment for ten (10) years.

Obstructing and damaging roads, highways or railways

351.

Any person who unlawfully and with intent to obstruct the use of any road, highway, railway or damages any property on a road, highway or railway-

- (a) deals with the road, highway, railway or with anything on or near the road, highway or railway in such a manner as to affect or endanger its free and safe use;
- (b) shows any light or signal, or in any way deals with any existing light or signal, on or near the road, highway or railways; or

- (c) by any omission to do any act which it is his or her duty to do, causes the free and safe use of the road, highway or railway to be endangered,
- (d) commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

**Injuring
animals**

352. Any person who wilfully and unlawfully kills, maims, or wounds, any animal which is the property of another commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Wilful damage
to property in
general**

353. Any person who wilfully and unlawfully destroys or damages any property commits an offence which unless otherwise stated, is a misdemeanour, and is liable on conviction, if no other punishment is provided, to imprisonment for two (2) years.

**Special cases
of wilful
damage to
property**

354. (1) Any person who wilfully and unlawfully destroys or damages:

- (a) a public building, structure or a repository of public record;
- (b) a bank, wall of a river, canal, aqueduct, reservoir, inland water, or a work which is connected to a dock, reservoir or inland water, and the damage causes actual danger or flooding or damage to any land or building;
- (c) a road, a highway or railway, or any work connected to it;
- (d) a bridge, viaduct or aqueduct which is constructed over a road, highway, railway or canal, or waterway over which a railway, highway or canal passes; or
- (e) a railway, road or highway or being such bridge, viaduct, or aqueduct, or the highway, railway, road or canal, passing over or under the same,
- (f) commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

- (2) Any person who wilfully and unlawfully destroys or damages 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, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.
- (3) Any person who wilfully and unlawfully destroys or damages a vessel or other vehicle in distress, wrecked or stranded, or anything which belongs to such vessel or vehicle, commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (4) Any person who wilfully and unlawfully destroys or damages:
 - (a) a vessel or vehicle, whether complete or not;
 - (b) a vessel or vehicle, whether complete or not, such that the damage is done with intent to destroy it or render it useless;
 - (c) a light, beacon, buoy, mark or signal used for the purposes of navigation, or for the guidance of persons engaged in navigation;
 - (d) a bank or wall of a river, canal, aqueduct, reservoir or inland water, or a work which is connected to a dock, canal, aqueduct, reservoir or inland water, or which is used for the purposes of loading or unloading of goods;
 - (e) anything in process of manufacture or an agricultural or manufacturing machine or a manufacturing implement;
 - (f) a machine or implement or appliance used or intended to be used for performing any process;or

- (g) a well, mine, mast, urban furniture or bore hole for water, or the dam, bank, wall or floodgate of a millpond or pool,
 - (h) commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (5) Any person who wilfully and unlawfully destroys or damages a document which is deposited or kept in a public office, or which is evidence of title to any land or interest in land, commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (6) In subsection (4)(f), “process” includes mining, dredging or oil exploration interfering with signals used for purposes of navigation.

Attempts to destroy property with any device

355. Any person who, unlawfully and with intent to destroy or damage any property, puts any device in any place, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Interfering with signals used for purposes of navigation

356. Any person who wilfully and unlawfully removes, defaces, or renders invisible, any light, beacon, buoy, mark or signal, used for purposes of navigation, or for the guidance of persons engaged in navigation, or unlawfully attempts to remove, deface, or render invisible, any such thing, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Interfering with navigation works

357. Any person who-

- (a) wilfully and unlawfully removes or disturbs any fixed objects or materials used for securing any work for purposes of navigation, loading or unloading of goods; or
- (b) unlawfully does any act with intent to obstruct the carrying on, completion, or maintenance of the navigation of any navigable route, and

thereby obstructs such carrying on, completion, or maintenance,

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

Communicating infectious diseases to animals

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

Removing boundary marks with intent to defraud

- 359.** Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, commits a felony and is liable on conviction to imprisonment for three (3) years.

Wilful damage to survey and boundary marks

- 360.** Any person who-
- (a) wilfully removes, defaces or damages any survey mark or boundary mark which was made or erected by or under the direction of any government department or in the course of, or for the purposes of, a government survey;
 - (b) being under an obligation to maintain or repair any boundary mark made or erected as mentioned in subsection (1) neglects or refuses to repair the same;
 - (c) commits a misdemeanour and is liable on conviction to imprisonment for two (2) years or to a fine of three hundred and sixty thousand naira (N360,000.00) and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by his or her act or neglect.

Obstructing roads, etc.

- 361.** Any person who, by any unlawful act or refusal to do his or her lawful duty, causes any obstruction on any road, walkway, rail, inland water way or right of

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

Sending letters threatening to burn or destroy things

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

Unlawful conversion of public property

363. (1) Any person who unlawfully converts to his or her use or the use of another any public property commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.

(2) For the purposes of this section, a person converts public property when the person occupies, alters or uses public property without lawful authority.

Unlawful sand dealing and dredging

364. (1) Any person who unlawfully engages in sand dealing or dredging in, or around waterfront and embankments, along waterways, rivers, creeks, lakes and lagoons within the State, commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) The court shall order the defendant upon conviction, to pay any fees, levies or charges that the defendant would have been liable to pay under any law for the duration of the illegality.

H- FORGERY IN GENERAL; DEFINITIONS

Definitions

365. In section 364 to 386 unless the context otherwise requires-

"bank note" includes any negotiable instrument issued by or on behalf of any person or corporation or issued by the authority of any government of a country and intended to be used as equivalent to money, either immediately on issue or at any time afterward and also includes a bank bill or a bank post bill, currency note or any note which is legal tender in the country in which it is issued;

"document" includes a register or register-book, or part of either, and any book, and any paper or other material used for writing or printing, which is marked with any letters or marks denoting words, or with any other signs capable of conveying a definite meaning to persons conversant with them; or any disc, tape, soundtrack or other device on or in which information is recorded or stored by electronic or other means but does not include trade marks on articles of commerce;

"seal" includes any stamp, die or other thing from which an impression can be taken by means of pressure or of ink, or by any other means;

"writing" includes an inscription on wood, stone, metal or other material; it also includes a mere signature and a mark of any kind.

**Definition
of false
document**

- 366.** (1) A document or writing is said to be false if-
- (a) in the case of a document which is a register or record kept by lawful authority, or an entry in any such register, or which purports to be issued by lawful authority as testifying to the contents of any register or record kept by lawful authority; or as testifying to any fact or event, if entry stated in the document is untrue;
 - (b) the whole or some material part of the document or writing purports to be made by or on behalf of some person who did not make it or authorise it to be made;
 - (c) in the case where the time and place of making it is material, although it is made by or on the

authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time and place of the making;

- (d) the whole or some material part of the document or writing purports to be made by or on behalf of some person who does not, in fact, exist; or
- (e) the document or writing is made in the name of an existing person, either by the person or by his or her authority, with the fraudulent intention that it should appear as made by some other person, real or fictitious.

(2) A seal or mark is said to be counterfeit if it is made without lawful authority, and is in such a form as to resemble a genuine seal or mark, or in the case of a seal, in such a form as to be capable of producing impressions resembling those produced by a genuine seal.

(3) A representation of the impression of a seal is said to be counterfeit if it is not, in fact, made by the seal.

(4) The term "resemble", applied to anything, includes the case where the thing is made to resemble, or is apparently intended to resemble the object spoken of.

**Definition
of forgery**

367. (1) A person who knowingly makes a false document or writing with intent that-

- (a) it may in any way be used or acted on as genuine, whether in the State or elsewhere, to the prejudice of another; or
- (b) any person may, in the belief that it is genuine, be induced to do or refrain from doing any act, whether in the State or elsewhere, is said to forge the document or writing.

(2) A person who makes-

- (a) a counterfeit seal or mark, or an impression of a counterfeit seal knowing the seal to be counterfeit; or
 - (b) a counterfeit representation of the impression of a genuine seal; or
 - (c) without lawful authority and impression of a genuine seal, with intent that the thing so made may in any way be used or acted on as genuine to the prejudice of any person, or with intent that any person may, in the belief that it is genuine, be induced to do or refrain from doing any act, is said to forge the seal or mark.
- (3) The term "make a false document or writing" includes altering a genuine document or writing in any material part, either by erasure, obliteration, removal or otherwise; and making any material addition to the body of a genuine document or writing and adding to a genuine document or writing any false date, attestation, seal or other material matter.
- (4) It is immaterial-
- (a) in what language a forged document or writing is expressed;
 - (b) that the forger of anything forged may not have intended that any particular person should use or act on it, or that any particular person should be prejudiced by it, or be induced to do or refrain from doing any act;
 - (c) that the thing forged is incomplete or does not purport to be a document, writing, or seal, which would be binding in law for any particular purpose, if it is so made, and is of such a kind, as to indicate that it was intended to be used or acted on.

**Certain
matters
immaterial**

368. In the case of an offence which involves the forging or using or dealing with a document or writing relating to the payment of money, or to the delivery or transfer of

any property, or to the creation or performance of any obligation, it is immaterial-

- a. where the money or property is, or purports to be payable, deliverable, or transferable, or the obligation is, or purports to be, an obligation to be performed; or
- b. if the money or property is or purports to be payable, deliverable or transferable, or the obligation is or purports to be an obligation to be performed in some place outside the State that the document or writing is under seal or not.

**Punishment
for forgery in
general**

369. (1) Any person who forges any document, writing or seal commits an offence which, unless otherwise stated, is a felony, and is liable on conviction if no other punishment is provided, to imprisonment for three (3) years.

(2) If the thing forged-

- (a) purports to be, or is intended by the offender to be understood to be or to be used as any public seal belonging to any agency of the State or any other State within Nigeria or the Federal Republic of Nigeria or any other country or the seal of the President of Nigeria or the Governor; or
- (b) is a document having on it or affixed to it any such seal, signet or sign manual, or anything which purports to be, or is intended by the offender to be understood to be any such seal, signet or sign manual,
- (c) the offender is liable on conviction to imprisonment for fourteen (14) years.

(3) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as any of the following things-

- (a) a document which is evidence of title to any portion of the public debt of Nigeria or of any State in Nigeria or of any other country, or to any dividend or interest payable in respect of any such debt, or a transfer or assignment of any such document, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such public debt;
- (b) a transfer or assignment of a share in any company, whether domestic or foreign or in the debt of any such company or a receipt or certificate for any interest or money payable or accruable in respect of any such share, interest, or debt;
- (c) a document acknowledging or being evidence of the indebtedness of the Government, or the government of any other State in Nigeria or of the Federal Government of Nigeria or the government of any other country;
- (d) a document which by any law in Nigeria, or law of any other country is evidence of any title or interest in land in Nigeria or any other country, or an entry in any register or book which is such evidence;
- (e) a document which by law is required for the registration of any title to or interest in land;
- (f) a testamentary instrument or a probate or letters of administration;
- (g) a bank note, bill of exchange or promissory note, or acceptance, endorsement or
- (h) assignment of any of those;
- (i) a deed or bond, or a draft, warrant, order or other security for the payment of money, or for the delivery or transfer of a valuable security, or for procuring or giving credit, whether negotiable or not, or an endorsement or assignment of any such document;

- (j) 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;
- (k) 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;
- (l) a charter party, or a shipping document accompanying a bill of lading, or an endorsement or assignment of any of them;
- (m) a policy of insurance of any kind; a power of attorney or other authority to execute any such document as mentioned in paragraphs (a) – (l);
- (n) the signature of a witness to any of the documents mentioned in paragraphs (a) – (l) to which attestation is required by law;
- (o) a register of births, baptisms, marriages, deaths, or burials, authorised or required by law to be kept, or any entry in any such register;
- (p) a copy of any such register or entry as mentioned in paragraph (o), which is authorised or required by law to be given to or by any person;

- (q) a seal used by a registrar appointed to keep a register referred to in paragraph (o) or the impression of any such seal, or the signature of any such registrar;
 - (r) a stamp used for denoting the payment of fees or percentages in any court;
 - (s) the superscription of any postal matter by any person empowered under any enactment to frank postal matter;
 - (t) the seal of a court of record in Nigeria or any other country or the seal used at the chambers of the head of a court or for stamping or sealing summons or orders;
 - (u) a seal or signature by virtue of which any document can by law be used as evidence;
 - (v) any process of any court of justice in any country;
 - (w) a document issued or made by the authority of any such court as mentioned in paragraph (v);
 - (x) a document or copy of a document of any kind intended by the offender to be used as evidence in any court mentioned in paragraph (v); and
 - (y) a record or other document of or belonging to a Court of Record in any country of the Commonwealth or of a country under the protection of a Commonwealth country, the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.
- (4) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the following things-

- (a) the signature of the Governor, or a Governor of any other State or the President of the Federal Republic of Nigeria, or a commissioner of the government of a State or a Minister of the Federation on any grant, commission, warrant, or order;
- (b) a seal or stamp used for the purpose of the public revenue in Nigeria or in any other country;
- (c) a document relating to the obtaining or receiving of any money payable on account of the public service of Nigeria, or of any other property of the State in any country, or a power of attorney or other authority to execute any such document,
- (d) the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

Using false documents and counterfeit seals

- 370.** (1) Any person who fraudulently uses or deals with a false document or writing, or a counterfeit seal, commits an offence of the same kind and is liable on conviction to the same punishment as if he or she had forged the thing in question.
- (2) It is immaterial whether the false document or writing, or counterfeit seal, was made in the State or elsewhere.
- (3) The term "fraudulently" means an intention that the thing in question shall be used or acted upon as genuine, whether in the State or elsewhere, to the prejudice of some person, whether a particular person or not, or that some person whether a particular person, or not, shall, in the belief that the thing in question is genuine, be induced to do or refrain from doing some act, whether in the State or elsewhere.

Using cancelled or exhausted documents

- 371.** Any person who knowingly uses or deals with any document as if it is a subsisting and effectual

document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, as if the document is a subsisting and effectual document, commits a felony and is liable on conviction to imprisonment for three (3) years.

Using
cancelled
stamps

372. Any person who knowingly uses or deals with as and for a valid and un-cancelled stamp, a stamp or an impression of a seal, used for any purpose connected with the public revenue in Nigeria or any country which has been already used or which has been cancelled, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Procuring
execution of
documents by
false pretence

373. Any person who, by means of any false and fraudulent representation as to the nature, contents, or operation, of a document, procures another to sign or execute the document, commits an offence of the same kind and is liable on conviction to the same punishment as if he or she had forged the document.

Obliterating
crossings on
cheques

374. Any person who, with intent to defraud-

- (a) obliterates, adds to or alters the crossing on a cheque; or
- (b) knowingly alters a crossed cheque, the crossing on which has been obliterated, added to, or altered,
- (c) commits a felony and is liable on conviction to imprisonment for seven (7) years.

Making
documents
without
authority

375. Any person who, with intent to defraud and-

- a. without lawful authority or excuse, makes, signs, or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

- b. knowingly uses or deals with any document or writing so made, signed, or executed, by another person,
- c. commits a felony and is liable on conviction to imprisonment for seven (7) years.

Demanding property by means of forged testamentary instruments

376. Any person who procures the delivery or payment to himself or herself or any other person of any property or money by virtue of any probate or letters of administration granted by means of a forged testamentary instrument, knowing the testamentary instrument to have been forged, or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant of same to have been so obtained, commits an offence of the same kind and is liable on conviction to the same punishment as if he or she had forged the document or thing by virtue of which he or she procures the delivery or payment.

Purchasing forged bank notes

377. Any person who, without lawful authority or excuse, the proof of which lies on the person, purchases or receives from any other person, or has in his or her possession, a forged bank note, whether filled up or in blank, knowing it to be forged, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Falsifying warrants or vouchers

378. Any person in public service or private employment who knowingly and with intent to defraud makes out or delivers to any person a warrant or voucher for the payment of any money, for a greater or less amount than that to which the person on whose behalf the warrant or voucher is made out is entitled, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Falsification of register

379. 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 or her knowledge false, to be made in the register

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

Sending false certificate of marriage to registrar

380. 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 or her knowledge false, commits a felony and is liable on conviction to imprisonment for seven (7) years.

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

381. Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths or marriages, makes any false statement concerning any matter required by law to be registered in any such register, commits a felony and is liable on conviction to imprisonment for three (3) years.

I- PREPARATION FOR FORGERY

Instruments and materials used for forgery and counterfeiting

382. (1) Any person who without lawful authority or excuse, the proof of which lies on the person makes, mends, begins, prepares to make or mend, or uses, or knowingly has in his or her possession or disposes of, any instrument or material for forging any such paper mentioned resembling any paper such as is specially provided by proper authority for the purpose of making any bank notes, stamps, including postage stamps, licence, permits, certificates or other documents used for the purposes of public revenue in Nigeria or in any other country, commits a felony and is liable on conviction to imprisonment for three (3) years.

(2) Any person who, without lawful authority or excuse, the proof of which lies on the person makes, mends, begins, prepares to make or mend, uses or knowingly has in his or her possession or disposes of any machinery, instrument or material for making any such paper mentioned in subsection (1) or

counterfeiting any seal, mark or stamp, commits a felony and is liable on conviction to imprisonment for three (3) years.

- (3) Any person who, without lawful authority or excuse, the proof of which lies on the person makes, mends, begins, prepares to make or mend, uses or knowingly has in his or her possession or fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp or seal, commits a felony and is liable on conviction to imprisonment for three (3) years.

Unlawful enquiries relating to the possibility of forgery

- 383.** (1) Any person who, without lawful authority or excuse the proof of which lies on the person, either orally or in writing makes enquiries of any other person, whether in the State or elsewhere-
- (a) as to the cost of obtaining, the cost of supplying or as to obtaining or supplying of any machinery, instrument or material for the making of any paper or capable of producing in or on any paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on paper specially provided for any purpose mentioned in subsection (1) of section 380;
 - (b) as to the cost of printing or otherwise reproducing or as to printing or otherwise reproducing any document referred to in subsection (1) of section 380 no matter by what name such document may be referred to;
 - (c) as to whether such other person or any other person is prepared to print or otherwise reproduce or would be prepared to print or otherwise reproduce any such document as mentioned in paragraph (b); 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 mentioned in paragraph (b) by any means other than paying full value for the same,

- (e) commits a misdemeanour and is liable on conviction to imprisonment for one (1) year.
- (2) In the case of written enquiries in connection with any of the matters or subjects to which subsection (1) relates the fact that such enquiries were reduced into writing shall be sufficient proof of an attempt to commit the offence.

J- IMPERSONATION

Impersonation

- 384.** (1) Any person who with intent to defraud another, falsely represents himself or herself to be some other person, living or dead, commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) If the representation is that the offender is a person entitled by will or operation of law to any specific property and he or she commits the offence to obtain such property or possession, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Falsely acknowledging deeds, recognisances

- 385.** Any person who, without lawful authority or excuse, the proof of which lies on him or her, 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, commits a felony and is liable on conviction to imprisonment for seven (7) years.

Impersonation of a person named in a certificate

- 386.** Any person who uses or deals with any document which has been issued by a lawful authority to another person, and where that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any

rank or status, and falsely represents himself or herself to be the person named in the document commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Lending
certificate for
impersonation**

387. Any person to whom any document has been issued by lawful authority certifying him or her 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 or herself to be the person named in it, commits a felony and is liable on conviction to imprisonment for seven (7) years.

**Lending
testimonial
for impersona-
tion**

388. Any person to whom any document in the nature of a testimonial, attestation or character has been given, gives, sells or lends such document to another person with the intent that the other person may use or deal with such document for the purpose of obtaining any employment commits a felony and is liable on conviction to imprisonment for seven (7) years.

K- OFFENCES CONNECTED WITH TRADE AND BREACH OF CONTRACT

**Fraudulent
dealing with
property by
debtors**

389. Any person who, with intent to defraud any creditor makes any gift, delivery, or transfer of his or her property, or any charge on such property, commits a felony and is liable on conviction to imprisonment for three (3) years.

PART 7

MISCELLANEOUS OFFENCES

A- COMPUTER AND ELECTRONIC DATA MISUSE OFFENCES

- Unauthorised access to computer material**
- 390.** Any person who intentionally causes a computer to perform any function with intent to secure unauthorised access to any programme or data held in any computer commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.
- Unauthorised access with intent to commit or facilitate commission of further offences**
- 391.** (1) Any person who, with intent to facilitate the commission of any offence whether by himself or herself or another person, commits an offence under section 388 commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) For the purposes of this section, it is immaterial that the facts are such that the commission of a further offence is impossible.
- Unauthorised modification of computer data**
- 392.** (1) Any person who knowingly does any act which causes an unauthorised modification of the contents of any computer commits a felony and is liable on conviction to imprisonment for three (3) years.
- (2) For the purposes of subsection (1), a person knowingly does an act when he or she has knowledge that any modification he or she intends to cause is unauthorised.
- (3) It is immaterial for the purposes of this section whether an unauthorised modification or any intended effect of it of a kind mentioned in subsection (2) is, or is intended to be, permanent or merely temporary.

**Unauthorised
modification
of computer
data with
intent**

- 393.** (1) Where a person in committing an offence under section 390 -
- (a) impairs the operation of any computer;
 - (b) prevents or hinders access to any programme or data held in any computer; or
 - (c) impairs the operation of any such programme or the reliability of any such data,
 - (d) commits a felony and is liable on conviction to imprisonment for five (5) years.
- (2) The intent in subsection (1) need not be directed at:
- 1. any particular computer;
 - 2. any particular programme or data, or a programme or data of any particular kind; or
 - 3. any particular modification or a modification of any particular kind.

**Electronic
data of public
records**

- 394.** Where an offence is committed under sections 388 - 391 of this Law in relation to an electronic data of public records, the offender commits a felony and is liable on conviction to imprisonment for seven (7) years.

B-SPECIALLY AGGRAVATED OFFENCES

**Punishment
for specially
aggravated
offence**

- 395.** (1) Where a person is convicted of an offence under this Law and the Court is satisfied that the offence was specially aggravated, the Court shall impose punishment as follows:
- (a) where the offence is punishable with imprisonment for a term exceeding seven (7) years, not less than half of the maximum punishment prescribed for the offence;
 - (b) where the offence is punishable with imprisonment for a term exceeding three (3) years but not more than seven (7) years, not less than three (3) years imprisonment;

- (c) where the offence is punishable with imprisonment for a term not exceeding three (3) years, not less than half of the maximum punishment prescribed for the offence.

C- OFFENCES OF CRUELTY TO ANIMALS

**Cruelty to
animals**

- 396.** (1) Any person who-
- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates, or terrifies any animal, or causes or procures, or being the owner, permits any animal to be so used;
 - (b) by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or, being the owner, permits any unnecessary suffering to be caused to any animal;
 - (c) conveys or carries, or being the owner, permits to be conveyed or carried any animal in such manner or position as to cause such animal unnecessary suffering;
 - (d) wilfully without any reasonable cause or excuse administers, or causes or procures, or, being the owner, permits such administration of, any poisonous or injurious drug or substance to any animal, or wilfully without any reasonable cause or excuse causes any such substance to be taken by any animal;
 - (e) subjects, or causes or procures, or, being the owner, permits, to be subjected, any animal to any operation which is performed without due care 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,

- (g) commits an offence and is liable on conviction to imprisonment for three (3) months or to a fine of forty-five thousand naira (~~₦~~45,000.00) or both.
- (2) For the purposes of this section, an owner shall be deemed to have committed cruelty if he or she failed to exercise reasonable care and supervision in respect of the protection of the animal.
- (3) When an owner is convicted of permitting cruelty under subsection (1) by reason only of having failed to exercise such care and supervision, such owner is liable to a fine only.
- (4) Nothing in this section 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 humans, 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 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.

**Court may
order
destruction
of animal**

- 397.** (1) When the owner of any animal is convicted of an offence of cruelty under section 394, the court if satisfied that it would be cruel to keep the animal alive, may direct that the animal be destroyed, and assign the animal to a suitable person for that purpose.

- (2) Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and shall be recoverable as a fine.

**Court may
Deprive
person of
ownership**

398. (1) If the owner of any animal is found guilty of cruelty to any animal under section 394, the court may in addition to any other punishment, deprive such person of the ownership of the animal, and may make any order for the disposal of the animal.

- (2) The court shall not make the order provided for in subsection (1) 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.

**Power of
police to take
charge of
animal or
vehicle**

399. (1) When a person in charge of an animal, or vehicle in which an animal is being transported, is arrested, it shall be lawful for any police officer to take charge of such animal or vehicle and to deposit the same in a place of safe custody until the termination of the proceedings or until the Court shall direct such animal or vehicle to be delivered to the person charged or to the owner.

- (2) The reasonable costs of such custody including the reasonable costs of any veterinary treatment shall, in the event of a conviction in respect of the animal or vehicle, be paid by the owner, and such costs may be recovered as a fine.

D- MISCELLANEOUS OFFENCES IN RELATION TO SHIPS AND WHARVES

**Offences in
relation to
ships**

400. (1) Any person who-

(a) being drunk or disorderly and has on account of that been refused admission thereto by any duly authorised member of the crew persists in attempting to enter a ferry or ship;

- (b) being drunk or disorderly on board a ferry or ship is requested by any duly authorised member of the crew to leave the ferry or ship at any place at which he or she can conveniently do so, and does not comply with the request;
- (c) being on board a ferry or ship, molests or continues to molest any passenger after warning by any duly authorised member of the crew;
- (d) obstructs, impedes, or molests the crew or any of them in the navigation or management of the ferry or ship;
- (e) after having been refused admission to a ferry or ship by any duly authorised member of the crew on account of the ship being full, persists in attempting to enter a ferry or ship;
- (f) having gone on board the ferry or ship at any place and being requested, on account of the ferry or ship being full, by any duly authorised member of the crew to leave the ferry or ship before it has departed that place, does not comply with that request;
- (g) travels or attempts to travel in a ferry or ship without first paying the fare and with intent to avoid payment;
- (h) having paid the fare for a certain distance, knowingly and wilfully proceeds in the ferry or ship beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment;
- (i) on arriving on a ferry or ship at the point to which he or she has paid the fare knowingly and wilfully refuses or neglects to quit the ferry or ship;
- (j) being on board a ferry or ship fails when requested by any duly authorised member of the crew either to pay the fare or exhibit such ticket or other receipt, if any, showing such payment of fare, as is usually given to persons travelling

- (k) by and paying their fare on a ferry or ship, fails to do so;
 - (l) who travels or attempts to travel in that part of a ferry or ship which is set apart for passengers of a superior class to that for which he or she holds a ticket; or
 - (m) travels or attempts to travel in any ferry or ship or part of a ferry or ship which is not set apart for public passengers and on being ordered by any duly authorised member of the crew to leave such place refuses so to do,
 - (n) commits an offence and is liable on conviction to a fine of fifty thousand naira (₦50,000.00) without prejudice to the recovery of any fare payable by him or her and in default, to imprisonment for one (1) month.
- (2) Any member of the crew in charge of any ship, and all persons called by such member to his or her assistance, may, without warrant, arrest any person who commits any offence under this section and whose name and address are unknown to the member.
- (3) Any person who commits an offence under this section and at the request of the officer in charge of the ferry or ship, refuses to give his or her name and address, or gives a false name or address, commits an offence and is liable on conviction to a fine of fifty thousand naira (₦50,000.00) and in default, to imprisonment for one (1) month.

**Entering
ferry or ship
without ticket**

- 401.** (1) Any person who, not being a passenger of a ferry or ship or not having purchased a ticket to travel by a ferry or ship, enters or attempts to enter into any enclosed jetty, quay, wharf or such place, and on being ordered to leave such a place by any person duly authorised by the management of the place or any police officer refuses to do so commits an offence and is liable on conviction to

a fine of five thousand naira (₦5000.00) or in default to imprisonment for one (1) month.

- (2) Any duly authorised member of the crew or any police officer, and all persons called by such member or police officer to his or her assistance, may arrest any person who commits any offence under this section.

Power to exclude drunken person from ferry or ship

- 402.** Any duly authorised member of the crew of any ferry or ship may refuse to receive on board any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself or herself 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 or her on shore at any convenient place.

E- OFFENCES BY MEMBERS OF A CREW

Obligation to complete voyage

- 403.** A person serving in the crew of a ship shall complete any voyage the ship may be engaged in making when his or her engagement expires:

Provided that the person shall be paid up to the date of the termination of the voyage, at the rate stipulated for under the terms of the engagement now expired.

Offences by members of a crew

- 404.** (1) Any person who-
- (a) having entered into an agreement to serve in the crew of any ferry or ship fails to perform his or her obligation; or
 - (b) being a member of the crew of any ferry or ship:
 - (i) deserts or without leave or lawful cause absents himself or herself from duty;
 - (ii) is intoxicated during work hours;
 - (iv) refuses without reasonable excuse to obey the order of any person in authority over him or her;

- (iv) uses abusive or insulting language on any person in authority over him or her or any passenger;
 - (v) wilfully does any act tending to the loss of or damage or serious risk to his or her employer's property; or
 - (vi) refuses or omits without reasonable cause to do any act proper and required to be done by the person for preserving his or her employer's property,
 - (viii) commits an offence and is liable on conviction to a fine of fifty thousand naira (₦50,000.00) and in default, to imprisonment for one (1) month.
- (2) Any person serving in the crew of any ferry or ship who conspires with any of the crew to disobey lawful commands, neglect duty, or impede the navigation of the ferry or ship or the progress of the voyage commits an offence and is liable on conviction to imprisonment for six (6) months.

PART 8

PREPARATION TO COMMIT OFFENCES: CONSPIRACY: ACCESSORIES AFTER THE FACT

A- ATTEMPTS, INCITEMENTS, AND PREPARATIONS TO COMMIT OFFENCES; NEGLECT TO PREVENT COMMISSION OF FELONY

**Attempts to
Commit
offences**

405. Any person who attempts to commit a felony or misdemeanour commits an offence, which, unless otherwise stated, is a misdemeanour.

**Punishment
for attempts
to commit
felonies**

406. (1) Any person who attempts to commit a felony of such a kind that a person convicted of it, is liable

to the punishment of death or imprisonment for a term of fourteen (14) years or upwards with or without other punishment, commits a felony and is liable on conviction, if no other punishment is provided, to imprisonment for seven (7) years.

- (1) Any person who attempts to commit a felony of any other kind is liable on conviction, if no other punishment is provided, to a punishment equal to one-half of the maximum punishment to which an offender convicted of the felony which he or she attempted to commit is liable.

**Punishment
for attempts
to commit
other offences**

- 407.** Any person who attempts to commit any other offence is liable, if no other punishment is provided, to a punishment equal to one half of the maximum punishment to which an offender convicted of the offence which he or she attempted to commit is liable.

**Reduction
of punishment**

- 408.** (1) When a person is convicted of attempting to commit an offence, if it is proved that the person desisted of his or her own motion from the further prosecution of the intention to commit the offence, without fulfilment of the intention being prevented by circumstances independent of his or her will, such person is liable to one half only of the punishment to which he or she would otherwise be liable.
- (2) If the punishment to which the person referred to in subsection (1) would otherwise be liable is imprisonment for life, the greatest punishment to which he or she is liable is imprisonment for seven (7) years.

**Attempts to
procure
commission
of criminal acts**

- 409.** (1) Any person who attempts to procure another to do an act or make an omission of such a nature that if the person were to do the act or make the omission, he or she would have committed an offence, is to be deemed to have attempted to

commit such offence and to be punishable accordingly.

- (2) Any person who while in the State attempts to procure another to do an act or make an omission at a place not in the State of such a nature-
- (a) that if the person were to personally do the act or make the omission in the State, he or she would have committed an offence; and
 - (b) that if he or she were to personally do the act or make the omission at the place where the act or omission is proposed to be done or made, he or she would have committed an offence under the laws in force at that place,
 - (c) commits an offence of the same kind and is liable on conviction to the same punishment as if he or she attempted to do the same act or make the same omission in the State.

Preparation to commit crimes with explosives

- 410.** Any person who makes, or knowingly, is in possession of, any explosive substance, or any dangerous or harmful engine, instrument, or thing with intent to use it to commit, or for the purpose of enabling any other person to use it to commit any felony, commits a felony and is liable on conviction to imprisonment for fourteen (14) years.

Neglect to prevent felony

- 411.** 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 of it, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

B- CONSPIRACY

Conspiracy to commit felony

- 412.** (1) Any person who conspires with another to commit any felony in the State, or to do any act outside the State which if done in the State would be a felony, and which is an offence under the

laws in force in the place where it is proposed to be done, commits a felony.

- (2) A person convicted of an offence under subsection (1), is liable if no other punishment is provided, to imprisonment for seven (7) years, or, if the greatest punishment to which a person convicted of the felony in question is less than imprisonment for seven (7) years, then to such lesser punishment.

**Conspiracy
to commit
other offence**

- 413.** Any person who conspires with another to commit any offence which is not a felony in the State, or to do any act outside the State which if done in the State would be an offence but not a felony, and which is an offence under the laws in force in the place where it is proposed to be done, commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

**Other
conspiracies**

- 414.** (1) Any person who conspires with another to effect any of the following purposes-
- a. to prevent or defeat the execution or enforcement of any law, or regulation;
 - b. to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person;
 - c. to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value;
 - d. to injure any person in his or her trade or profession;
 - e. to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his or her part, the free and lawful exercise by any person of his or her trade, profession, or occupation;
 - f. to effect any unlawful purpose; or
 - g. to effect any lawful purpose by any unlawful means,

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

**Conspiracy
in trade
dispute**

- 415.** (1) Sections 410 - 412 of this Law shall not apply to an agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute if such act committed by one person would not be punishable as an offence.
- (2) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is provided by any other enactment.
- (3) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or any offence against the State.
- (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.

C- ACCESSORIES AFTER THE FACT

**Accessories
after the fact
to felonies**

- 416.** Any person who becomes an accessory after the fact to a felony, is liable, if no other punishment is provided, to imprisonment for two (2) years.

**Accessories
after the
fact to
misdemeanours**

- 417.** Any person who becomes an accessory after the fact to a misdemeanour, is liable, if no other punishment is provided, to a punishment equal to one-half of the maximum punishment to which the principal offender is liable on conviction.

**Accessories
after the fact
to simple
offences**

- 418.** Any person who becomes an accessory after the fact to a simple offence is liable, if no other punishment is provided, to a punishment equal to one-half of the

maximum punishment to which the principal offender is liable on conviction.

FINAL PROVISIONS

Repeal

419. The Criminal Code Law 1916, Chapter 48, Volume II, Laws of Bendel State 1976 is repealed.

Savings and transitional provisions

420. Without prejudice to this Law, criminal proceedings instituted under the Criminal Code Law or any other penal law before the commencement of this Law shall be continued with until disposed of in line with the said law.

Interpretation

421. In this Law, unless the context otherwise indicates-

“be in possession” or **“possesses”** 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;

“brothel” means any premises or room or set of rooms in any premises kept for purposes of prostitution;

“clerk” and **“employee”** include any person employed for any purpose as or in the capacity of a clerk, or employee, or as a collector of money, although temporarily only, or although employed also by other persons than the person alleged to be his or her 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 or she has no authority from his or her employer to receive money or other property on his or her account;

“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;

“child” means any person under the age of 18 years;

“company” includes corporations, partnerships and bodies corporate registered under any law;

“court” means any court or tribunal established by law;

“crew” includes masters, mates, pilots, engineers, deck-hands and all persons engaged in the navigation or service of a ship, ferry, boat, or canoe;

“criminally responsible” means liable to punishment for an offence;

“criminal responsibility” means liability to punishment for an offence;

“dangerous or offensive weapon” means any article apart from a firearm made or adapted for use for causing injury or intended by the person having it for such use or by some other person and includes bow and arrow, spear, cutlass, machete, dagger, cudgel or any piece of wood, metal, glass or stone capable of being used as an offensive weapon;

“document” includes part of a document or electronic document;

“dredging” includes excavating sand, mud or other substances in or around or on waterfront and embankment, along waterways, rivers, creeks, lakes and lagoons within the State.

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

“ferry” includes any craft, barge, lighter canoe, boats or tug of any kind whatsoever towed or self-propelled by any type of motor or otherwise;

“Government” means the Government of Edo State;

“grievous harm” means any harm which-

- (a) amounts to a maim,
- (b) endangers life,
- (c) seriously or permanently injures health,
- (d) is likely to seriously or permanently injure health,
- (e) 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;

“incest” means a sexual relation between a person with another, who is, to the person’s knowledge his or her daughter or son, granddaughter or grandson, sister or brother, mother or father, niece or nephew, aunt or uncle, grand-mother or grand-father, great-aunt or great-uncle;

“judicial officer” includes the Chief Justice of Nigeria and a justice of the Supreme Court, the president and a Justice of the Court of Appeal, the Chief Judge and a judge of a High Court, a Magistrate, the president of an Area Customary Court, and an administrative officer when engaged in any judicial act or proceeding or inquiry;

“judicial proceeding” includes any proceeding had or taken in or before any court, tribunal, commission

of inquiry or person, in which evidence may be taken on oath.

“knowingly” used in connection with any term denoting using, implies knowledge of the character of the thing used;

“law” includes any Act, order, rule of court, regulation or proclamation made under authority of such law.

“Law of Edo State” means any written law in force in Edo State;

“law officer” includes the Attorney-General, the Solicitor-General of the State, 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;

“maim” means the destruction or permanent disabling of any external or internal organ, member or sense;

“marriage” means any marriage which is recognised by law;

“model” includes design, pattern and specimen;

“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;

“official of a private sector entity” means any director, functionary, officer, agent, privy or

employee serving in any capacity whatsoever for a private organization, corporate body, political party, institution or other employment whether under a contract of service or contract for services or otherwise, and whether in an executive capacity or not;

“passenger steamer” means every steamship carrying one or more persons other than the crew, and the owner, his family, friends and employee;

“peace officer” includes any magistrate and any police officer of or above the rank of assistant superintendent;

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

“person employed in the public service” means any person holding any of the following offices, or performing the duties thereof, whether as deputy or otherwise-

- (a) any civil office, the power of appointing a person to which or removing a person from which is vested in the Civil Service Commission or any Board;
- (b) any office to which a person is appointed by or under the Constitution of the Federal Republic of Nigeria or any enactment;
- (c) any civil office, the power of appointing to which or of removing from which is vested in any person or persons holding an office of any kind included in either paragraph (a) or (b);
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any enactment;

- (e) a member of a commission of inquiry appointed under any law;

and the said term further includes-

- (a) any justice of the peace;
- (b) any person employed to execute any process of a court;
- (c) all persons belonging to the military or police forces of Nigeria;
- (d) all persons in the employ of any government department;
- (e) a person acting as a minister of religion of whatsoever denomination in so far as he or she 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;
- (f) a person employed by a chief or traditional ruler in connection with any powers or duties exercised or performed by such chief or traditional ruler under any law or with the consent of the Governor;
- (g) a person in the employ of a local government;

“police officer” means any member of the Nigerian Police Force;

“private sector entity” means any person who is not a public official;

“property” includes everything, animate or inanimate, capable of being the subject of ownership;

“prostitution” includes the offering by any male or female of his or her body for acts of lewdness for payment although there is no act or offer of an act of ordinary sexual connection;

“public” refers not only to all persons within Nigeria, but also to the persons inhabiting or using any particular place or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct with respect to which such expression is used;

“publication” as relates to “Undesirable Publications” 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, and publication in any electronic platform;

“public officer” means any public officer within the definition of a public officer as provided for in Part II of the 5th Schedule to the Constitution of the Federal Republic of Nigeria, 1999 as amended;

“public official” the word public official anywhere in this law is same as public officer;

“public place” includes any public way, and any building, place, or conveyance, to which for the time being the public are entitled or permitted to have access, either without any condition or 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;

“publicly”- 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;

“residential building” includes any building or structure, or part of a building or structure, which is for the time being kept by the owner or occupier for use as personal residence, residence of family, or employee, or any of them. A building or structure adjacent to, and occupied with, a residential building is deemed to be part of the residential building if there is a communication between such building or structure and the residential building, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

“sand dealing” includes the engagement of any person in the business of sale, purchase, transportation, or dealing or transportation of granite, laterite stone, gravel, clay or sand obtained from within, around or on waterfront and embankment, and from waterways, rivers, creeks, lakes and lagoons within the State;

“ship” includes every description of vessel in the service of the Government and every passenger steamer on the inland waters of the State.

“sketch” includes any photograph or other mode of representing any place or thing;

“State” means Edo State of Nigeria;

“valuable security” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

“vessel” includes a ferry, ship, boat and every other kind of vessel used in navigation either on the sea or in inland waters;

“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 or her agent and the voyage terminates;

“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.

This printed impression has been compared by me with the law which has been passed by Edo State House of Assembly and found by me to be a true and correctly printed copy of the said law.

..... 24th 12/9/2022

Clerk of the House of Assembly

Assented to by me this 2ND day NOVEMBER 2022.



.....
Governor of Edo State of Nigeria

Assent withheld by me this day of 2022.

.....
Governor of Edo State of Nigeria