

CHAPTER 30
CRIMINAL CODE LAW

Arrangement of sections

Section

1. Short title.
2. Establishment of Code.
3. Construction of Law, Acts and other instruments.
4. Civil remedies, saving.
6. Contempt of Court.
7. Printing of amendments.

CHAPTER 30
CRIMINAL CODE LAW

A Law to establish a Code of Criminal Law.

[27th August 1991]

- I. This Law may be cited as the Criminal Code Law
2. (1) The provisions contained in the Code of Criminal Law set forth in the Schedule shall be the law with respect to the several matters therein dealt with.
(2) The Code may be cited as the Criminal Code.
(3) Section I of the Code shall apply to the interpretation of this Law.
(4) The provisions of Chapter 2, 4 and 5 of the Code shall apply in relation to any offence against any Law or Act and to all persons charged with any such offence.
3. The following rules shall, unless the context otherwise requires, apply with respect to the construction of Laws, Acts or other instruments—
(a) when in any Law, Act or other instrument, public or private, the term "felony" is used, or reference is made to an offence by the name of felony, it shall be taken that the reference is made to an offence which is a felony under the provisions of the Code.

(b) when in any Law, Act or other instrument, public or private, the term "larceny" is used, it shall be taken that the reference is made to the offence of stealing:

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

4. No person shall be liable to be tried or punished in any court in Enugu State for an offence except under the express provisions of the Code or Some Law or Acts.

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

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

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

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

SCHEDULE

(Section 1 (1))

CRIMINAL CODE

Chapter 1 - Interpretation

Section

1. Interpretation

CHAPTER 2. — DIVISION OF AND PARTIES TO OFFENCES

2. Definition of offence.

3. Kinds of offence
4. Parties to an offence
5. Offences committed in prosecution of common purpose
6. Mode of execution immaterial.

CHAPTER 3. — APPLICATION OF CRIMINAL LAW

7. An act constitutes offence under Law in force.
8. Offences committed wholly or partially in the State.
9. Offences procured or counseled by persons out of the State.
10. Offence procured in the State to be committed out of State.
11. Military and police forces not exempt from Code.

CHAPTER 4. — CRIMINAL RESPONSIBILITY

12. Ignorance of law
13. Bona fide claim of right
14. Intention, motive
15. Mistake of fact.
16. Extraordinary emergencies.
17. Presumption of sanity.
18. Insanity
19. Intoxication.
20. Immature age
21. Judicial officers,
22. Justification and excuse compulsion.
23. Compulsion of husband
24. No conspiracy between husband and wife alone
25. Offences by partners and members of companies with respect to partnership or corporate property
26. Liability of husband and wife for offences committed by either with respect to the other's property
27. Execution of sentence

28. Execution of process
29. Execution of warrant
30. Erroneous sentence or process or w arrant
31. Sentence or process or warrant without jurisdiction.
32. Arrest of wrong person
33. Irregular process or w arrant
29. Force used in executing process or in arrest
30. Peace officer preventing escape from arrest
36. Other cases of preventing escape from arrest
37. Preventing escape or rescue alter arrest
38. Preventing a breach of the peace
39. Suppression of riot.
40. Suppression of riot by peace officers
41. Suppression of riot by person acting under lawful orders.
42. Suppression of riot by person acting without order in case of emergency
43. Riot: persons subject to military law of members of the police force.
44. Prevention of offences for which offender may he arrested without warrants.
45. Defence of dwelling house.
46. Provocation.
47. Defence of provocation.
48. Prevention of repetition of insult
49. Self-defence against unprovoked assault
50. Self-defence against provoked assault
51. Aiding in self-defence
52. Defence of movable property against trespassers
53. Defence of movable property with claim of right.
54. Defence of movable property without claim of right
55. Defence of premises against trespassers removal of disorderly persons

- 56. Defence of possession of real property or vessel with claim of right
- 57. Exercise of right of way or easement
- 58. Correction of child, servant etc.
- 59. Use of force for preserving order on board a vessel
- 60. Surgical operation.
- 61. Excessive force.
- 62. Consent to death immaterial.
- 63. Duty in pros ide necessities
- 64. Duh of head of family
- 65. Duty of masters.
- 66. Duty of persons doing dangerous acts
- 67. Duty of persons in charge of dangerous things.
- 68. Duty to do certain acts.

CHAPTER 5.— PUNISHMENTS

- 69. Kinds of punishment
- 70. Whipping for male persons under seventeen.
- 71. Forfeiture of bribe.
- 72. Prerogative of mercy.

CHAPTER 6 — ATTEMPTS. INCITEMEN IS AND PREP ARATIONS I OCOMMH OFFENCES: NEGLECT TO PREVENT COMMISSION OF FELONY

- 73. Definition of attempt
- 74. Attempt to commit offense
- 78. Punishment of attempts to commit felonies
- 76, Punishment of attempts to commit misdemeanors
- 77. Punishment of attempts to commit simple offences
- 78. Reduction of punishment
- 79. Attempts to procure omission of criminal acts

- 80. Preparation to commit crimes with explosives. etc.
- 81. Neglect to prevent felony.

CHAPTER 7 —ACCESSORIES AFTER THE FACT

- 82 Accessories after the fact: definition of
- 83. Accessories after the fact to felonies
- 84 Accessories after the fact to misdemeanors
- 85 Accessories after the fact to simple offences.

CHAPTER 8.—TREASON AND ANALOGOUS OFFENCES

- 86 promoting local war
- 87 Time for commencement of prosecution
- 88 Interference with Executive or Legislature.

CHAPTER 9,—SEDITION UNLAWFUL OATHS; AND UNDESIRABLE PUBLICATION

- 89. Interpretation.
- 90. Offences,
- 91. Possession of seditious publication.
- 92. Legal proceedings
- 93. Unlawful oaths to commit capital offences.
- 94. Other unlawful oaths to commit offences.
- 95. Compulsion: how far a defence
- 96. Effect of prosecution.
- 97. Publication of false news with intent to cause fear and alarm to the public.

CHAPTER 10. — UNLAWFUL SOCIETIES

- 98. Definition of society and unlawful society
- 99. Managing an unlawful society.
- 100. Members of unlawful society Persons permitting an unlawful society to meet on their premises
- 101. Provisions relating to prosecution for offence under sections 99 and 100.
- 102 Powers of peace officers to relation to unlawful societies.

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

104. Forfeiture

CHAPTER 11—UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE

105. Definition of unlawful assembly find riot.

106. Punishment of unlawful assembly

107. Punishment of riot.

108. Making proclamation for rioters to disperse

109. Dispersion of rioters after proclamation made.

110. Rioting after proclamation.

111. Preventing or obstructing the making of proclamation.

112. Rioters demolishing buildings, railway, etc.

113. Rioters damaging buildings, machinery, railway etc.

114. Going armed so as to cause fear.

115. Forcible entry

116. Forcible detainer

117. Affray

118. Challenge to fight a duel

119. Prize fight

120. Threatening violence

121. Unlawful processions

CHAPTER 12.—DISCLOSURE OF OFFICIAL SECRETS AND ABSTRACTING DOCUMENTS

122. Discloser of official secrets,

123. Public servant abstracting etc , document

124. Disclosure of official secrets by person not employed in public services
Restriction on prosecution.

CHAPTER 13.— CORRUPTION AND ABUSE OF OFFICE

I 25. Official corruption.

126. Extorting by public officers

127. Public officers receiving property to show favour.

128. Public officers interested in contracts.

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

130. False claims by officials

131. Abuse of office.

132. False certificate by public officers.

133. Administering extra judicial oaths.

134. False assumption of authority

135. Adjudication of authority

136. Personating public officers

137. Personating soldiers or police.

138. Unlawfully wearing the uniform of Nigeria force.

139. Selling uniform to unauthorized persons

CHAPTER 14.—SELLING AND TRAFFICKING IN OFFICES

140. Bargaining for offices in public service.

CHAPTER 15. — OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

141. Definition of judicial proceeding.

142. Judicial corruption.

143. Accepting reward to influence members of customary courts.

144. Official corruption not judicial but relating to offences.

145. Perjury

146. Punishment for perjury

147. Evidence on charge of perjury

148. Fabricating evidence.

- 149. Corruption of witnesses.
- 150. Deceiving witnesses.
- 151 Destroying evidence
- 152. Preventing witnesses from attending court.
- 153. Conspiracy to bring false accusation.
- 154. Making false statement to public officers with intern.
- 155. Presenting justice
- 156 Compounding felonies.
- 157. Compounding penal action,
- 158 Advertising a reward for the return of stolen or lost property,
- 159. Delay to take person arrested before court
- 160. Bringing fictitious action on Penal Act or law
- 161 Inserting advertisement without authority of court
- 161 . Contempt of court.

CHAPTER 16. — ESCAPE, RESCUES, OBSTRUCTING OFFICERS OF COURTS

- 165. Rescue.
- 164. Escape.
- 165. Aiding prisoner* to escape
- 166. Permitting escape.
- 167 .Negligent escape
- 168. Prison officers accessory to breaches of discipline
- 169. Taking prohibited things into or out of prison.
- 170. Interfering with convicts at work.
- 171. Harboursing escaped prisoners
- 172. Rescuing insane persons
- 173. Removing, etc, property under lawful seizure
- 174. Obstructing officers of courts of justice

**CHAPTER 17. — MISCELLANEOUS OFFENCES AGAINST
PUBLIC AUTHORITY**

- 175. False declaration as to execution of sentence of death.
- 176. False statements in statements required to be under oath or solemn declaration
- 177. False declaration and statements.
- 178. Evidence.
- 179. Resisting public officers.
- 180. Refusal by public officer to perform duty
- 181. Neglect of peace officer to suppress riot.
- 182. Neglect to aid in suppressing riot
- 183. Neglect to aid in arresting offenders.
- 184. Disobedience to Law or Act
- 185. Disobedience to lawful order issued by constituted authority.

**CHAPTER 18. — OFFENCES RELATING TO RELIGIOUS
WORSHIP**

- 186. Insult to a religion.
- 187. Offering violence to officiating ministers of religion.
- 188. Disturbing religious worship.

**CHAPTER 19. — ORDEAL, WITCHCRAFT, JUJU AND CRIMINAL
CHARMS**

- 189. Unlawful trial by ordeal, Prohibited juju.
- 190. Directing, etc, unlawful trial by ordeal
- 191. Being present at or making poison for, unlawful trial by ordeal
- 192. Offences in relation to witchcraft and juju,
- 193. Chiefs permitting unlawful ordeal and prohibited juju worship
- 194. Destruction of place where unlawful ordeal or prohibited juju worship is held.
- 195. Criminal charms.

CHAPTER 20.—OFFENCES AGAINST MORALITY

- 196 Unnatural offences.
- 197 Attempt to commit unnatural offences
- 198 Indecent treatment of boys under fourteen
- 199 Indecent practices between males
- 200 Defilement of girls under eleven
- 201 Householder permitting defilement of young girls on his premises.
- 202 Defences to charge under preceding section.
- 203. Defilement of girls under thirteen and above eleven and of idiots
- 204 Indecent treatment of girls under thirteen
- 205 Causing or encouraging the seduction or prostitution of a girl under thirteen.
- 206 Allowing persons under thirteen to be in brothels
- 207. Procuration.
- 208 Procuring defilement of woman by threats or fraud or administering drugs.
- 209 Abduction of girl under eighteen with intent to have carnal knowledge
- 210 Persons trading in prostitution.
- 211. Keeping a brothel
- 212 Unlawful detention with intent to defile or in a brothel
- 213. Conspiracy to defile.
- 214. Attempts to procure abortion,
- 215. The like by woman will child
- 216. Supplying drugs or instruments to procure abortion,
- 217. Indecent acts.
- 218. Obscene publications and exhibitions.
- 219. Knowledge of age immaterial

CHAPTER 21. — INCEST

- 220 Interpretation.

- 221 Relationship.
- 222 Incest by males
- 223. Incest by females of over sixteen.
- 224. Conviction of alternate offences.
- 225. Spouse a compellable witness
- 226. Sanction of Attorney-General

CHAPTER 22. — NUISANCES; GAMING-HOUSES; LOTTERIES:

MJSCONDUCT RELATING TO CORPSES

- 227. Common nuisance.
- 228. Gaming-houses, unlawful gaming,
- 229. Police may be authorized to enter gaming-houses etc, obstructing entry of police to be evidence of unlawful gaming.
- 230. Indemnity of witnesses.
- 231. Belling houses
- 232. Penalty for running belting house,
- 233 Interpretation.
- 234. Offences relating to lotteries
- 235. Recovery of money paid for lottery ticket,
- 236. Contract for safe of lottery ticket void
- 237 Saving of certain race club lotteries and sweepstakes.
- 238. Lotteries carried on in clubs with approval
- 239 Acting as keeper of brothels, gaming-houses and betting houses,
- 240. Misconduct with regard to corpses

CHAPTER 23. - OFFENCES AGAINST PUBLIC HEALTH

- 241 Exposing for sale things unfit for food or drink, adulteration of foods or drink intended for sale
- 242. Dealing in diseased meal
- 243. Fouling water
- 244 Burials in house.

245. Noxious acts

246 Safe of matches made with white phosphorus t -se of white phosphorus in man
n lav: lire ol matches

CHAPTER 24. — ROGUES AND VAGABONDS

247. Idle and disorderly person.

248 Rogues and vagabonds.

249. Bringing contempt on uniform.

CHAPTER 25. — ASSAULTS

250 Definition of assault

251 Assaults unlawful.

252. Punishment for assault

253 Assault with intent to commit unnatural offences

254. Indecent assaults on males

255 Indecent assaults on females

256 Assault with intent to steal

257 Assault on persons protecting Wrecks

258. Assault occasioning harm

259. Serious assault

260. Compelling action by assault

CHAPTER 26. — HOMICIDE; SUICIDE; INFANTICIDE; CONCEALMENT OF BIRTH; UNLAWFUL POSSESSION OF HUMAN HEAD

26|. Killing of a human being unlawful

262. When a child becomes a human being.

263 Definition of killing

264. Death by acts done at child birth.

265 Causing death by threats.

266 Acceleration of death

- 267. When injury or death might be prevented by proper precaution
- 268 Injury causing death in consequence of subsequent treatment
- 269. Limitation to time of death
- 270 Unlawful homicide.
- 271. Definition of murder
- 272. Definition of manslaughter.
- 273. Killing on provocation
- 274 Punishment for murder. Provision for juveniles, Provisions for pregnant women.
- 275, Attempts to murder.
- 276. Attempt to murder by convict
- 277 Accessory after the fact to murder.
- 278 Written threats to murder
- 279 Punishment of manslaughter.
- 280 Aiding suicide.
- 281 Attempting to commit suicide.
- 282 Offence of infanticide,
- 283. Killing unborn child
- 284. Concealing the birth of children.
- 285 Unlawful possession of human head.

CHAPTER 27. — OFFENCES IS ENDANGERING LIFE OR HEALTH

- 286. Disabling in order to commit felony or misdemeanor.
- 287 Stupefying in order to commit felony or misdemeanors
- 288 Acts intended to cause grievous harm or prevent arrest,
- 289. Preventing escape from wreck
- 290. Grievous harm
- 291 Attempting to injure by explosive substance
- 292 Maliciously administering poison with intent to harm,

- 293 Poison and poisonous matter
- 294 Sale or possession of poison for illegal purpose
- 295 Possession deemed to be illegal unless contrary is proved.
- 296. Poisoned arrows prohibited
- 297. Wounding and similar acts.
- 298. Failure to supply necessities
- 299. Endangering life or health of apprentices or servants.
- 300 Abandoning or exposing children
- 301. Setting mantrap
- 302- Reckless and negligent acts
- 303, Negligent acts causing harm.
- 304. Endangering steamships by tampering with machinery
- 305 The like by engineers.
- 306 Evading laws as to shipping dangerous goods
- 307. Hiding, etc. explosives

CHAPTER 28. — RAPE.

- 308. Definition of rape.
- 309. Punishment of rape
- 310. Attempt to commit rape
- 311. Offender may be convicted of incest

CHAPTER 29. — ABDUCTION

- 312. Abduction.
- 313. Abduction of girls under sixteen.
- 314. Ignorance of age of girl or consent, no defence

CHAPTER 30.—OFFENCES AGAINST LIBERTY: SLAVE

DEALING

- 315 Kidnaping,
- 316 Deprivation of liberty

- 317. Compelling action by intimidation
- 318. Concealment of matters affecting liberty.
- 319. Slave dealing

CHAPTER 31 — OFFENCES RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES

- 320. Bigamy
- 321. Child stealing. .
- 322. Desertion of children

CHAPTER 32— DEFAMATION

- 323. Definition of defamatory matter
- 324. Definition of publication.
- 325. Publication of defamatory matter
- 326. Publishing defamatory matter with intent to extort
- 327. Publication of truth for public benefit
- 328. Case in which publication is absolutely privileged
- 329. Cases in which publication is conditionally privileged.
- 330. Publication in a periodical
- 331. Protection of innocent sellers of books and newspapers

CHAPTER 33. — STEALING

- 332 General
- 333. Inanimate thing.
- 334. Tame animals
- 335. Wild animals
- 336. Wild animals in confinement
- 337. Definition of confined wild animal
- 338. Ostrich.
- 339. Definition of animal.
- 340. Dead animals

- 341 Animal pan
- 342 Definition of stealing
- 343 Definition of fraudulent intention.
- 344 Special property.
- 345. Movement of thing.
- 346 Act of servant when not stealing
- 347 Act of a factor when not stealing
- 348 Funds.
- 349 Funds, etc, received by agents for sale.
- 350 Money received for another
- 351 Stealing in persons having an interest in the thing stolen
- 352. Husband mid wife.
- 353. Punishment of stealing.
 - (a) Stealing, Wills
 - (b) Stealing postal matter, etc.
 - (c) Stealing cattle.
 - (d) Stealing from the person, stealing goods in transit, etc.
 - (e) Stealing by persons in public service.
 - (f) Stealing by clerks and servants
 - (g) Stealing by directors or officers of companies.
 - (h) Stealing by agents, etc.
 - (i) Stealing property of value of ₦1,000
 - (j) Stealing by tenants or lodgers.
 - (k) Stealing after previous conviction.
 - (l) Stealing property, value over ₦2.000

CHAPTER 34.—OFFENCES ANALOGOUS TO STEALING

- 354. Concealing registers;
- 355. Concealing Wills.

- 356. Concealing Deeds
- 357. Killing animals with intent to steal
- 358. Severing with intent to steal
- 359. Bringing stolen goods into Enugu State
- 360. Fraudulent disposition of mortgaged goods
- 361. Definition of mortgaged goods, consent of mortgagee
- 362. Fraudulent appropriation of power

CHAPTER 35. — ROBBERY AND ANALOGOUS OFFENCES

- 363. Definition of robbery
- 364. Punishment of robbery generally
- 365. Punishment of armed offender
- 366. Attempted robbery.
- 367. Attempt when offender is armed.
- 368. Public servants demanding property. etc.
- 369. Falsely representing to be public servant
- 370. Further parties to robbery.
- 371. Demanding property with menaces with intent to steal.
- 372. Demanding property by written threats.
- 373. Attempts at extortion by threats
- 374. Procuring execution of deeds, etc. by threat.

CHAPTER 36. — BURGLARY: HOUSE-BREAKING AND LIKE OFFENCES

- 375. Interpretation.
- 376. Definition of entry
- 377. Definition of breaking and entry
- 378. House-breaking; burglary
- 379. Entering dwelling house with intent to commit felony}
- 380. Breaking into building and committing felony

381 Breaking into building with intent to commit felony.

382. Breaking into place of worship and committing felony

383. Breaking into place of worship with intent to commit felony

384. Persons found amend, etc, with intent to commit felony

CHAPTER 37.—OBTAINING PROPERTY BY FALSE PRETENCES; CHEATING

385 Definition of false pretence

386. Obtaining goods by false pretences.

387. Obtaining execution of a security by fake pretences

388. Cheating.

389. Conspiracy to defraud.

390. Frauds on sale or mortgage of property

391. Pretending to exercise witchcraft or tell fortunes

392. Obtaining registration, etc by false pretence.

CHAPTER 38 — RECEIVING PROPERTY STOLEN OR FRAUDULENTLY OBTAINED AND LIKE OFFENCES

393. Receiving stolen property, etc.

394 Unlawful possession of arms, etc, belonging to military or police force.

395. Receiving after change of ownership.

396. Having possession of being reasonably suspected of having been stolen.

397. Penalty for being in possession of stolen goods

398. Meaning of possession by a carrier, etc.

399. Unlawfully using animals or vehicles

400. Suspicion of stealing animals.

401. Taking reward for recovery of property obtained by means of felony or misdemeanor.

CHAPTER 39. — FRAUD BY TRUSTEES. AND OFFICERS OF

COMPANIES AND CORPORATIONS; FALSE ACCOUNTING

- 402. Trustees fraudulently disposing of trust property.
- 403. A trustee cannot be put into double jeopardy.
- 404. Who are trustees.
- 405. Punishment of directors for companies.
- 406. False statements by officials of companies.
- 407. Defense.
- 408. Fraudulent false accounting.
- 409. False accounting by public officer.
- 410. Unlawful acts.
- 411. Being in possession etc, immaterial.
- 412. Damage in self-defense,
- 413. Acts done with intent to fraud.
- 414. Definition of damage.
- 415. Malicious injuries in general.
- 416. Arson.
- 417. Attempts to commit arson.
- 418. Setting fire to crops and growing plants
- 419. Attempting to set fire to crops etc.
- 420. Casting away ships.
- 421. Attempts to cast away ships
- 422. Injuring animals.
- 423. Punishment for specific offences under section 422
- 424. General punishment under section 422.
- 425. Attempts to destroy property by explosives.
- 426. Communicating infections discuses to animals
- 427. Removing boundary marks with intent to defraud
- 428. Willful damage, etc, to survey and boundary marks.

429 Sending letters threatening to burn or destroy

430. Arrest without warrant

CHAPTER 41. -FORGERY AND LIKE OFFENCES

430. Interpretation.

432. Further interpretation.

433. Definition of counterfeit seal or mark.

434. A representation of a seal.

435. Definition of resemble.

436. Definition of forger.

437. Definition of a forgery

438. Definition of false document

439. Language immaterial.

440. Intention of the forger immaterial

441. Incomplete forged matter.

442. Certain matters immaterial.

443. Punishment of forgery in general.

444. Uttering false documents and counterfeit seals.

445. Uttering canceled or exhausted documents

446. Uttering canceled stamps.

447. Procuring execution of documents by false pretenses.

448. Obliterating crossings on cheque.

449. Making documents without authority.

450. Demanding property upon forged testamentary instruments.

451. Purchasing forged bank notes.

452. Falsifying warrants for money payable under public authority.

453. Falsification of register.

454. Sending false certificate of marriage to register.

- 455. False statement for the purpose of registers of births, deaths, and marriages.
- 456. Instruments and materials for forgery.
- 457. Unlawful inquiries relating to the possibility of forgery.
- 458. Written inquiries.
- 459. Counterfeit stamps.

CHAPTER 42. — PERSONATION

- 460. Personation in general
- 461. Falsely acknowledging deeds, recognizances, etc.
- 462. Personation of a person named in a certificate.
- 463. Lending, etc. certificate for personation
- 464. Personation of person named in a testimonial of character.
- 465. Lending, etc., testimonial for personation

CHAPTER 43. — FRAUDULENT DEBTORS

- 466. Fraudulent dealing with property by debtors.

CHAPTER 44. — MALICIOUS BREACH OF CONTRACT

- 467. Breach of contract of person employed in certain services.
- 468. Breach of contract of service that endangers life
- 469. Meaning of “maliciously” and termination
- 470. Punishment.
- 471. Consent of Attorney-General.

CHAPTER 45.— SECRET COMMISSION AND CORRUPT PRACTICES

- 472. Corrupt acceptance of gifts
- 473. Meaning of consideration.
- 474. Meaning of an agent
- 475. Consent of Attorney-General

CHAPTER 46. — CRUELTY TO ANIMALS

475. Offences of cruelty.

477. Cruelty by the owner

478. Exceptions.

479. Court may order destruction of animal

480. Court may deprive person of ownership.

481. Power of police to take charge of animal or vehicle

482. Interpretation.

CHAPTER 47. — MISCELLANEOUS OFFENCES IN RELATION TO SHIPS AND WHARVES

483. Interpretation.

484. Offences in relation to ships

485. Arrests by any members of the crew

486. Punishment

487. Entering ship or wharf without ticket.

488. Arrests by members of the crew

489. Power to exclude drunken person from ship

490 Jurisdiction.

CHAPTER 48. — OFFENCES BY MEMBERS OF A CREW

491. Interpretation

492. Obligation to complete voyage.

493. Offences by members of a crew.

CHAPTER 49. — CONSPIRACY

494 Conspiracy to murder

495 Conspiracy to commit felony.

496 Conspiracy to commit misdemeanor

497 Other conspiracies.

498 Conspiracy in trade dispute.

CHAPTER 50. — PREVENTION OF CRIMES

499. Persons twice convicted may be subjected to police supervision.

500. Penalty for harboring thieves, etc.

SCHEDULE

THE CRIMINAL CODE

CHAPTER 1.-INTERPRETATIONS

1. In this Code—

Interpretation

"Act" means Act of the National Assembly, or any other enactment which has effect as such:

"arrest with or without" the expression "the offender may be arrested without warrant" means that the provisions of this code relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in question, either generally or subject to such conditions, if any, as to time place, or circumstance or as to the person authorized to make the arrest as are specified in the particular case. Except when otherwise stated, the fact that an offence is within the definition of a felony as set forth in this Code imports that the offender may be arrested without warrant, the expression "the offender cannot be arrested without warrant" means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are not applicable to the offence in question, except subject to such conditions, if any as to time, place, or circumstance, or as to the person authorized to make the arrest, as are specified in the particular case;

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

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

"Christian marriage" means a marriage which is recognized by the law of the place where it is contracted as the voluntary union for life of one man and woman to the exclusion of all others.

"clerk" or "servant" includes any person employed for any purpose as or in the capacity of a clerk or servant, or who is a collector of money, although temporarily

only, or although employed also by other persons than the person alleged to be his employer, or although employed to pay as well as receive money, and any person employed as or in the capacity of a commission agent for the collection or disbursement of money or in any similar capacity, although he has no authority from his employer to receive money or other property on his accounts;

“company ” means an incorporated company

"court" a court", "the court" includes—

(a) a high Court and the Chief Judge and other judges of the High Court sitting together or separately;

(b) a magistrate being engaged in any judicial act or proceeding or inquiry;

(c) an administrative officer being engaged in any judicial act or proceeding or inquiry;

(d) the Supreme Court and the justices thereof sitting together or separately;

(e) the Court of Appeal and the justices thereof sitting together or separately;

(f) the customary court and the members thereof sitting together or separately.

"criminally responsible" means liable to punishment as for an offence; and "criminal responsibility" means liability to punishment as for an offence; "customary court" means a court established, or deemed to have been established, under any Jaw authorizing the establishment of customary courts;

"dangerous harm" means harm endangering life;

"dwelling-house" includes any building or structure, or part of a building or structure, which is for the time being kept by the owner or occupier for the residence therein of himself, his family, or servants, or any of them: it is immaterial that it is from time to time uninhabited; and a building or structure adjacent to, and occupied with, a dwelling-house is deemed to be part of the dwelling-house if there is a communication between such building or structure and the dwelling-house either immediately or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

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

"Governor" means Governor of the State;

"grievous harm" means any harm which amounts to a maim or dangerous harm as defined in this section, or which seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member, or sense

"harm" means any bodily hurt, disease, or disorder, whether permanent or temporarily;

"have in possession" includes having under control in any place whatever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question,

"judicial officer" include* the Chief Judge, a judge of the High Court, a magistrate, the Chief Justice and Justices of the Supreme Court, the President and Justices of the Court of Appeal

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

"law" means an enactment of the Legislature of Enugu State or any other enactment which has effect as such: and includes any order, rule of court, regulation or proclamation made under the authority of such law.

"law officer" means the Attorney-General of the State or a member of his staff acting under and in accordance with his general or special Instructions;

"local government" means a local government established under the Constitution of the federal Republic of Nigeria:

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

"money" includes banknotes, bank drafts, cheques, and any other orders. Warrants or requests, for the payment of money

"night" or "night-time" means the interval between half past six o'clock in the evening and half past six o'clock in the morning

"peace officer" includes any magistrate 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) the office of President or of Governor;

(b) any civil office, the power of appointing a person to which, or of removing a person from which, is vested in the President or in the Governor or in any Civil Service Commission

(c) any office to which a person is appointed by or under any Act or Law;

(d) any civil office the power of appointing to which or of removing from which is Vested in any person or persons holding an office of any Kind included in either of the two last preceding subheads of this section; or

(e) 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 Act or Law; or

(f) a member of a commission of inquiry appointed under any Act or Law.

(g) any justice of the peace;

(h) any person employed to execute any process of a court, including a customary court;

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

(j) all persons in the employ of any Ministry or non-Ministerial Department;

(k) a person acting as a minister of religion of whatsoever denomination insofar as he performs functions in respect of the notification of intended marriage, or in respect of the solemnization 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;

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

(m) A person in the employ of a local government in connection with any power or duties exercised or performed by such local government in respect of the duties for which the employment actually exists

"Person not employed in the public service" includes any company or association of persons corporate or unincorporate,

"police officer" means any member of the Police Force;

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

"prostitution" (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment although there is no act or oiler of an act of ordinary sexual connection;

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

"public place" includes any public way. and any building, place, or conveyance, to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition or making any payment, and any building or place which is (or 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 die 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 the 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;

"State waters" means any waters within Enugu State;

"State" means Enugu State and "a State" means any State of the Federation or die Federal Capital Territory':

'Uncorroborated testimony" means testimony which is not corroborated in some material particular by other evidence implicating the accused person;

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

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

"vessel" includes a ship, a boat, and every other kind of vessel used in navigation either on the sea or in inland water

"wound" means any incision or puncture which divides or pierces am 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.

CHAPTER 2. — KINDS OF AND PARTIES TO OFFENCES

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

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

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

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

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

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

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

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who aids another person in committing the offence.

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

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

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

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

5. 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 not the prosecution of such purpose, each of them is deemed to have committed the offence.

6 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.

Mode of
execution
immaterial

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

CHAPTER 3. — APPLICATION OF CRIMINAL LAW

7. 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

An act
constitutes
offence under
Law in force

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

Offences
committed
wholly or
partially in the
state

(2) With regard to any such offence which is of such a nature that it comprises several elements, if any facts 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 elements or omissions or events which, if they occurred in the State, would be elements of the offence occur elsewhere than in the State, then—

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

(b) if that act or omission occurs elsewhere than in the State, and the person who does it comes into the State, he is, on coming into the State, guilty of an offence of the same kind and is liable to the same punishment, as if the act or omission had occurred in the State when it occurred

But in any such case it is a defense to the charge to prove that the accused person did not intend that the act or omission should have effect in the State. This subsection does not extend to a case in which the only material event that occurs in the State is the death 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 lie was not in the State

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

Offences
procured or
counselled by
persons out of
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 afterword comes into the State is by such coming into the State guilty of an offence or the same kind, and is liable to the same punishment, as if he had been in the State when the offence was committed.

10. Any person who while in Enugu State procures another to do an act or make an omission at a place not in the Stale of such a nature that, if he had himself done the act or made the omission in the State he would have been guilty of an offence against a law of the State, and that, if he had himself done the act or made the omission he would have been guilty of an offence under the laws of the place where the act or omission is done or made, is guilty of an offence of the same kind, and is liable to the same punishment, as if the act had been done or the omission had been made in the State in which the act or a mission was procured.

Offences
procured in the
committed out
of State

11. Members of the military forces and of the police force of Nigeria arc subject to the special law s relating to the forces to which they' respectively belong, but are not exempt from the provisions of the Code.

Military and
forces not
exempt from
Code

CHAPTER 4 —CRIMINAL RESPONSIBILITY

12. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence, unless know ledge of live law by the offender is expressly declared to be an element of the offence.

Ignorance of law

13. A person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by him with respect to any property in the exercise of an honest claim of right and without intention to defraud.

Bona fide claim
of right

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

Intention: motive

(2) 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.

(3) 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

15. A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist the operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

Extraordinary
emergencies

16. Subject to the express provisions of this code relating to acts done upon compulsion or provocation or in self-defense, 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

17. 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

Insanity

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

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

Intoxication

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

(2) Intoxication shall be a defense to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know what he was doing and—

(a) the state of intoxication was earned without his consent by the malicious or negligent act of another person: or

(b) the person charged was in reason of intoxication insane, temporarily or otherwise, all the time of such act or omission.

(3) Where the defense under the preceding subsection is established, then in a case falling under paragraph (a) thereof the accused person shall be discharged, and in a case falling under paragraph (b) section 484 and 485 of the Criminal Procedure Law shall apply

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

{5) For the purposes of this section" intoxication" shall be deemed to include a state produced by narcotics or drugs.

20. (I) A person under the age of seven years is not criminally responsible for any act and or omission

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

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

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

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

(a) in execution of the law;

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

(c) when the act is reasonably necessary in order to resist denial and unlawful violence threatened to him, or to another person in his presence:

(d) when he does or omits to do the act in order to save himself from immediate death or grievous harm threatened to be inflicted upon

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

Justification
and excuse
compulsion

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

Compulsion
of husband

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

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

No conspiracy
between
husband and
wife alone

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

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

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

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

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

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

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

(4) In this section the term "property" used with respect to a wife means her separate property.

27. 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
sentence

28. 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

Execution of
process

a person so charged, to arrest or detain that other person according to the terms of the process.

29. 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 warrant.

Execution
of warrant

30. If the sentence was passed, or the process was issued by a court (including a customary court having)jurisdiction under any circumstances to pass such sentence or to issue such process, or if the warrant was issued by a court (including a customary court) or judicial officer or other person having authority in any circumstances to issue such warrant, it is immaterial whether the court or judicial officer or person had or had not authority to pass the sentence or issue the process or warrant in the particular case; unless the person executing the same knows that the sentence or process or warrant was in fact passed or issued without authority.

Erroneous
sentence or
process or
warrant

31. . A person who executes or assists in executing any sentence, or process, or warrant which purports to be passed or issued by a court (including a customary court), judicial officer, or other person. and who would be justified. under the provisions of the four last preceding sections in executing the same if it had been passed or issued by a court (including a customary court), or judicial officer, or person, having authority to pass or issue it. is not criminally responsible for any net dune in such execution notwithstanding that the court, judicial officer or person, had no authority to pass the sentence or issue the process or warrant if in such execution he acted in good faith and in the belief that the sentence, process or warrant was that of a court, judicial officer, or other person, having such authority.

Sentence or
process or
warrant without
jurisdiction

32. . (I) A person who, being duly authorized 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 die person arrested had been the person named in the warrant.

Arrest of
wrong person

(2) Any person who law fully 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.

33. When any process or warrant is bad in law by reason of some defect in substance or to 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

Irregular
process or
warrant

criminally responsible for anything done in such execution to any greater extent than if the process or warrant were good in law.

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

Force used
in executing
process or in
arrest

35. When a peace officer or police officer is proceeding law fully to arrest, without warrant, a person for .in offence which is a felony, and the person sought to be arrested takes to flight in order to avoid, arrest, it is lawful for then peace officer or police officer and for any person lawfully assisting him to use such force as may be reasonably necessary to prevent the escape of the person sought to be arrested and if the offence is such that the offender may be punished with death or with imprisonment for seven years or more, may kill him if he cannot by any means otherwise be arrested.

Peace officer
preventing
escape from
arrest

36. When a person who is not a peace officer or police officer is proceeding lawfully to arrest, without Warrant, another person for an offence which is such that the offender may be attested without warrant, and when any person is proceeding lawfully to arrest another person for any cause other than such an offence and in either case, the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the person seeking to arrest him to use such force as may be reasonably necessary to prevent his escape

Other cases of
preventing
escape from
arrest

(2) But this section does not authorize the use of force which is intended or is likely to cause death or grievous harm.

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

Preventing
escape or
rescue after
arrest

But, if the offence is not one which is such that the offender may be arrested without warrant, this section does not authorize the use of force which is intended or is likely to cause death or grievous harm.

38. (1) It is lawful for any person who witnesses a breach of the peace to interfere to prevent the continuance OF renewal of it and to use such force as is reasonably proportional to the danger in the apprehended from such continuance renewal, and to detain any person who is committing who is about to join in or to renew the breach of the peace for such time as may be reasonably necessary in order to give him into the custody of a peace officer or police officer.

Preventing a
breach of the
peace

(2) It is lawful for a peace officer or police officer who witnesses a breach of the peace, and for any person lawfully assisting him to, arrest any person whom he

finds committing it, or whom he believes on reasonably grounds to be about to join or renew the breach of the peace.

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

39. 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

40. It is lawful for a peace officer to use or order to be used such force as he believes on reasonable grounds, to be necessary in order to suppress a riot, and is reasonably proportioned to the danger which he believes, on reasonable ground- is to be apprehended from its continuance.

Suppression of riot by peace officers under lawful order

41. It is lawful for any person acting in good faith in obedience to orders, not manifestly unlawful, given by a peace officer for the suppression of a riot, to use such force as he believes, on reasonable grounds, to be necessary for carrying such orders into effect. Whether any particular order so given is or not manifestly unlawful is a question of law.

Suppression of riot by person acting under lawful order

42. When any person, whether subject to military law or not, believes on reasonable grounds, that serious mischief will arise from a riot before there is time to procure the intervention of a peace officer, it is lawful for him to use such force as he believes, on reasonable grounds, to be necessary for the suppression of the riot and as is reasonably proportioned to the danger which, he believes, on reasonable grounds, is to be apprehended from its continuance.

Suppression of riot by person acting without order in case of emergency

43. It is lawful for a person who is bound by the laws in force relative to the military forces of Nigeria or to the police forces to obey the lawful commands of his superior officer, to obey any command given him by his superior officer, in order to aid the suppression of a riot unless the command is manifestly unlawful.

Whether any particular command is or is not manifestly unlawful is a question of law

44. It is lawful for any person to use such force as is reasonably necessary in order to prevent the commission of an offence which is such that the offender may be arrested without warrant, or in order to prevent any act from being done as to which he believes, on reasonable grounds, that it would, if done, amount to any such offence: or in order to prevent a person whom he believes, on reasonable grounds, to be of unsound mind, from doing violence to any person or property.

Prevention of offences for which offender may be arrested without warrants

45. It is lawful for any person who is in peaceable possession of a dwelling-house, and for any person law fully assisting him or acting by his authority to use stich force as he believes, on reasonable grounds, to be necessary in order to prevent the forcible breaking and entering of the dwelling-house, either by night or day, by any person whom he believes, on reasonable grounds, to be attempting to break and enter the dwelling house with intent to commit a felony or misdemeanor therein'

Provocation

46. (1) The term "provocation" used with reference to an offence of which an assault is an element, includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely. when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master or servant to deprive him of the power of self-control, and to induce him to assault the person by whom the act or insult is done or offered.

(2) When such an ad or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

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

(4) An act which a person does in consequence of excitement given by another person in order to induce him to do the act. and thereby to punish an excuse for committing an assault, is not provocation to that other person for an assault an arrest which is unlawful is not necessarily provocation of person who knows of the illegality;

Defence
provocation

47. A person is not criminally responsible for an assault committed upon a person who gives him provocation for the assault, if he is in fact deprived by the provocation of the power of self-control and acts upon it on the sudden and before time for his passion to cool.

Provided that the force used is not disproportionate to the provocation- and is not intended, and is not such us is likely. to cause death or grievous harm Whether any particular or insult is such as to be likely in deprive an ordinary person of the power id self-control and to induce him to assault the person by whom the act or insult is done or offered and whether in any particular case, the poison provoked was actually deprived by the provocation of the power of self-control or whether any force used is or is not disproportionate to the provocation, me questions of fact.

Prevention of
repetition of
insult.

48. It is lawful for any poison to use such force as is reasonably necessary to prevent the repetition of an act or instill of such a nature as to be provocation to him for an assault.

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

Self-defence
against
unprovoked
assault

49. (1) when a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effectual defence against the assault.

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

(2) If the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, and the person using force by way of defence believes, on reasonable grounds, that he cannot otherwise preserve the person defended from death or grievous harm, it is lawful for him to use any such force to the assailant as is necessary for defence, even though such force may cause death or grievous harm.

50. When a person has unlawfully assaulted another or has provoked an assault on another, and those other assaults him with such violence as to cause reasonable apprehension of death or grievous harm, and to induce him to believe- on reasonable grounds, that it is necessary for his preservation from death or grievous harm to use force in self defence, he is not criminally responsible for using any such force as is reasonably necessary for such preservation, although such force may cause death or grievous harm.

Self-defence
provoked
assault

This protection does not extend to a case in which the person using force, which causes death or grievous harm, first began the assault with intent to kill or to do grievous harm to some person; nor to a case in which the person using force which causes death or grievous harm endeavored to kill or to do grievous harm to some person before the necessity of so preserving himself arose; the person using such force declined further conflict and quitted it or retreated from it as far as was practicable.

51. In any case in which it is lawful for any person to use force in any degree for the purpose of defending himself against assault, it is lawful for any other person acting in good faith in his aid to use a like degree of force for the purpose of defending such first-mentioned person.

Aiding in
defence

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

Defence of
movable
property against
trespassers

53. When a person is in peaceable possession of any movable property under a claim of right, it is lawful for him. and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession of the

Defence
movable
property
claim of

property even against a person who is entitled by Law to possession not the property provided that he does not do harm to such oilier person.

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

Defence of
movable
property
without c
of right

Defence of
premises
against
trespassers;
removal of
disorderly
persons

55. (1) It is lawful for a person who is in peaceable possession of any land, structure; vessel or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use such force as is reasonably necessary in Order to prevent any person from wrongfully entering upon such land, structure, vessel. or place, or in order to remove, there from a person who wrongfully remains therein, provided that he does not do harm to such person.

(2) It is lawful for a person who is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of land, structure, vessel, or place, and for any person acting by his authority, to use force in order to remove thereof any person who conducts himself in a disorderly manner therein, provided that he does not do him harm.

(3) The term 'place" includes any part of art enclosure or structure, whether separated from the rest of the enclosure of structure by a partition, fence, rope or any other means, or not

Defence of
possession
real property
or vessel with
claim of right

56. When a person is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use such force as is reasonably necessary in order to prevent any person from wrongfully entering upon such land, structure, vessel, or place, m in order to remove, there from a person who wrongfully remain therein provided that he does not do harm to such person.

Exercise of
right of way
of easement

57. 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. casement, or profit, after notice that his right to use such way or easement or take such profit is disputed by the person in possession of the land, or having entered persists in his entry after such notice, it is lawful for the person in possession, and for any person acting by his authority to use such force as is reasonably necessary for the purpose of making the person so entering desist from the entry provided dial he does not do him harm.

Correction
of child,
servant etc

58. A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction as follows—

(a) a father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, or any acting as a guardian his ward being under sixteen years of age, for misconduct or disobedience to any lawful command

(b) a master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such Servant or apprentice:

(c) the master of a ship may correct any person on board his ship who is bound to perform any manual labour, for misconduct or disobedience to any lawful command;

(d) a father or mother or guardian, or a person acting as a guardian, may delegate to any person whom he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward all his or her own authority for correction, including the power to determine in what case correction ought to be inflicted; and such a delegation shall be presumed, except insofar as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward;

(e) a person who is authorized to inflict correction as in this section mentioned may in any particular case, delegate to any fit person the infliction of such correction; and

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

59. The master of a vessel, or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel. whether among officers, seamen, or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of any other person; and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel or the preservation of any such person as aforesaid, cannot otherwise be secured.

60. A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

61. Any person authorized by law to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

Consent to
death
immaterial

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

Duties to
provide
necessities

63. It is the duty of every person basing charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with necessities of life, whether the charge is undertaken under a contract, or is imposed by law. or arises by reason of any act whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessities of life; and he is held to have caused any' consequences which result to the life or health of the other person by reason of any omission to perform that duty.

Duty of
head of
family.

64. It is the duty of every person who. as head of family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessities of life for such child, and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duly, whether the child is helpless or not that and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duly,

Duty of
master

65. It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing, or lodging, for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

Duty of
persons
doing
dangerous
acts

66. 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:

Duty of
person in
charge of
dangerous
things

67. It is the duty of every person who has in as charge or under his control anything, whether living or inanimate, land whether moving or stationary. of such a nature that, to the absence of care or precaution to its use or management, the life, safety, or health, or any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger, and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty,

Duty to do
certain acts

68. When a person undertakes to do any act the omission of which is or may be dangerous to human life or health it is his duty to do that act, and he is held to have

caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

CHAPTER 5. — PUNISHMENTS

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

Kinds of
punishment

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

Whipping for
male persons
under seventeen

71. When any person is convicted for an offence under sections 125, 126, 127, 140, 142, 143, 144, 145, 155, 157 or 472 the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture to the Governor of any property which has passed in connection with the commission of the offence or if such property cannot be forfeited or cannot be found of such sum as the court shall assess as the value of such property, and any property or sum so forfeited shall be dealt with in such manner as the Governor may direct.

Forfeiture
of bribes

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

72. Nothing in this Code affects the power of the Governor to exercise the prerogative of mercy, in accordance with the provisions of the Constitution.

Prerogative
of mercy

CHAPTER 6. — ATTEMPT S, INCITEMENTS. AND

PREPARATIONS TO COMMIT OFFENCES; NEGLIGENCE TO PREVENT COMMISSION OF FELONY

73. When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention to such an extent as to commit the offence, he is said to attempt to commit the offence,

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

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

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

74. Any person who attempts to commit a felony or misdemeanor is guilty of an offence, which, unless otherwise stated is a misdemeanor

75. Any person who attempts to commit felony of such a kind that a person convicted of it is liable to the punishment of death or of imprisonment for a term of fourteen years or upwards, with or without other punishment is guilty of felony and no other punishment is provided, to imprisonment for seven years.

Any person who attempts to commit a felony of any other kind is liable, if no other punishment is provided. To a punishment equal to one half of the greatest punishment to which an offender convicted of the felony which he attempted to commit is liable.

76. Any person who attempts to commit a misdemeanor is liable, if no other punishment is provided, to a punishment equal to one half of the greatest punishment to which an offender convicted of the Offence which he attempted to commit is liable.

77. Any person who attempts to commit a simple offence is liable, if no other punishment is provided, to one half of the greatest punishment to which an offender convicted of the offence which he attempted to commit is liable.

78. When a person is convicted of attempting to commit an offence, if it is provided that he desisted of his own motion from the further prosecution of his intention, without its fulfilment being prevented by circumstances independent of his will, he is liable to one half only of the punishment to which he would otherwise be liable. If that punishment is imprisonment for life, the greatest punishment to which he is liable is imprisonment for seven years.

79. (1) A person who attempts to procure another to do an act or make an omission of such nature that if he himself were to do the act or make the mission he would be guilty of an offence, is himself to be deemed guilty of attempting to commit such offence and to be punished accordingly.

(2) Any person who while in Enugu State attempts to procure another to do an act or make an omission at a place not in the State of such a nature—

(a) that if he were himself to do the act or make the omission in the State he would be guilty of an offence; and

(b) that if he were himself to do the act or make the omission at the place where the act or omission is proposed to be done or made he would himself be guilty of an offence under the laws in force at that place,

is guilty of an offence of the same kind and is liable to the same punishment as if he were himself to attempt to do the same act or make the same omission in Enugu State.

80. Any person who makes or knowingly has in his possession any explosive substance, or any dangerous or noxious engine, instrument, or thing whatever, with

Punishment of attempts to commit misdemeanour

Punishment of attempts to commit simple offence

Reduction of punishment

Attempt to procure commission of criminal acts

nce

Punishment of attempt to commit felonies

to
es
ves,

intent by means thereof to commit, or for the purpose of enabling any other person by means thereof to commit, any felony, is guilty of a felony, and is liable to imprisonment for three years.

81. Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof is guilty of a misdemeanor, and is liable to imprisonment for two years.

CHAPTER 7.—ACCESSORIES AFTER THE FACT

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

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

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

83. Any person who becomes an accessory after the fact to a felony is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for two years.

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

85. Any person, who becomes an accessory after the fact to a simple offence, is guilty of a simple offence, and is liable to a punishment equal to one half of the greatest punishment of which the principal offender is liable on conviction.

CHAPTER 8.—TREASON AND ANALOGOUS OFFENCES

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

87. A person cannot be tried for the felony defined in the preceding section, unless the prosecution is commenced within two years after the offence is committed.

Accessories after the fact to simple offence

Promoting local war

Time for commencement of prosecution

event

r
n

Accessories after the fact to felonies

p
.

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

Interference
with Executive
or Legislative

The offender cannot be arrested without warrant.

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

CHAPTER 9.—SEDITION; UNLAWFUL OATHS; AND UNDESIRABLE PUBLICATION

89. (1) In this Chapter—

Interpretation

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

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

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

"seditious words" means words having a seditious intention;

(2) A "seditious intention" is an intention—

(a) to bring into hatred or contempt or to excite disaffection against the person of the President or the Governor or the Government or Constitution of Nigeria as by law established or against the administration of justice in Nigeria or any thereof;

(b) to excite citizens of or the inhabitants of Nigeria attempt to procure the alteration, otherwise than by lawful means, of any other matter in Nigeria as by law established; or

(c) to raise discontent or disaffection amongst the citizens of inhabitants of Nigeria; or

(d) to promote feelings of ill-will and hostility between different classes of the population of Nigeria;

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

(i) to show that the President or Governor has been misled or mistaken in any of his measures; or

(ii) to point out errors or defects in the Government or Constitution of Nigeria as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(iii) to persuade citizens of or inhabitants of Nigeria to attempt to procure by lawful means the alteration of any matter in Nigeria as by law established; or

(iv) to point out with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Nigeria.

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

90. Any person who-

(a) does or attempts to do, or make any preparation to do, or conspires with any person to do, any act with a seditious intention;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he has no reason to believe that is seditious.

shall be guilty of an offence and liable on conviction for a first offence to imprisonment for two years or to a fine of two hundred naira or to both such imprisonment and fine and for a subsequent offence to imprisonment for three years; and any seditious publication shall be forfeited to the Governor.

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

Possession
of seditious
publication

92.(1) No prosecution for an offence under section 90 and 91 shall be begun except within six months after the offence is committed.

Legal proceedings

(2) A person shall not be prosecuted for an offence under section 90 and 91 without the written consent of the Attorney-General.

(3) No person shall be convicted of an offence under paragraph (b) of section 90 on the uncorroborated testimony of one witness.

93. Any person who—

a) administers, or is present at and consents to the administering of, any oath, purporting to bind the person who takes it to commit any offence punishable with death; or

[b) takes any such oath or engagement, not being compelled to do so; or

(c) attempts to induce any person to take any such oath or engagement, is guilty of a felony, and is liable to imprisonment for life.

94. Any person who—

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

(i) to engage in any mutinous or seditious enterprise;

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

(iii) to disturb the public peace;

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

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

(vi) not to reveal or discover any unlawful association, society, or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or

(b) takes any such oath or engagement, not being compelled to do so; or

(c) attempts to induce any person to take any such oath or engagement; is guilty of a felony, and is liable to imprisonment for seven years

95. A person who takes any such oath or engagement as is mentioned in the two last preceding sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information of oath before some peace officer, or, if he is on actual service in the military forces of Nigeria, or in the police forces, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

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

Unlawful oaths to
commit capital
offences

Compulsion how
far a defence

97.(1) Any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that such statement, rumour or report is false shall be guilty of a misdemeanour and liable, on conviction, to imprisonment for three years.

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

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

CHAPTER 10. — UNLAWFUL SOCIETIES

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

Definition of society and unlawful society

(2) A society is an unlawful society if declared by an order of the Governor to be dangerous to the good government of the State or any part thereof

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

Management of unlawful society

100. Any person who—

(a) is a member of an unlawful society; or

Person permitting an unlawful society to meet on their promises

(b) knowingly allows a meeting of an unlawful society; or of members of an unlawful society, to be held in any house, building, or place belonging to, or occupied by, him or over which he has control is guilty of a felony and is liable to imprisonment for three years.

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

Provision relating to prosecution of offence under sections 99 and 100.

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

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

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

(4) Any person who has in his possession or custody or under his control any of the insignia, banners, arms, books, papers, documents, or other property belonging

to an unlawful society, or any of the insignia or is marked with a mark of the society, shall be presumed, unless and until the contrary is, proved, to be a member of the society.

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

103. (1) When a society is declared to be unlawful by an order of the Governor, the following consequences shall ensue—

- (a) the property of the society within the State shall forthwith vest in an officer appointed by the Governor;
- (b) the officer appointed by the Governor 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 an surplus assets, shall prepare and submit to the Governor a scheme for the application of such surplus assets;
- (c) such scheme, when submitted for approval, may be amended by the Governor in such was as he shall think proper in the circumstances of the case;
- (d) the approval of the governor 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 lite scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed.
- (e) for the purpose of the winding up the officer appointed by the Governor shall have all the powers vested in a magistrate for the purpose of the discovering of the property of a debtor and the realization thereof.

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

(3) The provisions of subsection (I) shall not apply to property seized at any time under section 102.

104. Subject to the provisions of the last preceding section the insignia, banners, arms, hooks, papas, documents and other property belonging to an unlawful society shall be forfeited to the Governor, and shall be dealt with in such manner as foe Governor may direct.

Forfeiture

Power of peace
offence in relation
to unlawful
societies

Disposition of
society declared to
be an unlawful
society

CHAPTER 11. — UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE

Definition of
unlawful assembly
and riot

105. (1) When three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner, as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly

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

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

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

Punishment
of unlawful
assembly

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

Punishment
of riot

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

Making
proclamation
for rioters to
disperse

108. Any magistrate or, in his absence, any police officer of or above the rank of assistant superintendent, or any commissioned officer in the Nigerian Military Forces or the Nigerian Navy, in whose view a riot is being committed, by persons assembled within his view, may make or cause to be made a proclamation in the Governor's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion of
rioters after
proclamation
made

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

Rioting after
proclamation

110. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation,

takes or continues to take part in the assembly, is guilty of a felony, and is liable to imprisonment for five years.

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

Preventing
obstruction
marking
proclamation

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

Rioters
demolishing
buildings,
machinery,
railway, etc

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

Rioters
damaging
buildings,
machinery,
railway, etc

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

Going armed
so as to cause
fear

115. Any person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters on land which is in actual and peaceable possession of another is guilty of a misdemeanor, and is liable to imprisonment for one year.

Forcible entry

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

116. Any person who, being in actual possession of land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land is guilty of a misdemeanour, and is liable to imprisonment for one year.

Forcible
detainer.

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

Affray

118. Any person who challenges another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a felony, and is liable to imprisonment for three years.

Challenge to fight
duel

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

120. Any person who—

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

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

Threatening
violence

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

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

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

(a) bearing or wearing or having amongst them any firearm, bows and arrows, spear, sword, knife, or other offensive weapon; or

(b) publicly exhibiting any banner, emblem, flag, or symbol, the displaying of which is calculated to promote animosity between persons of different religious faiths or different factions; or

(c) being accompanied by any music, beating of drums, or other noise calculated to promote such animosity;

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

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

(2) When three or more persons are so assembled together, it is the duty of a peace officer to make or cause to be made, a command, in the Governor's name, in such words as he thinks fit, to the persons assembled to disperse peaceably. Any persons who, being so assembled, continue together to the number of three or more, and do not disperse themselves within the space of a quarter of an hour after the giving of the command are guilty of an offence, and each of them is liable to imprisonment for three years.

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

CHAPTER 12.— DISCLOSURE OF OFFICIAL SECRETS AND ABSTRACTING DOCUMENTS

122. Any person who, being employed in the public service, publishes or communicates any fact which comes to his knowledge by virtue of his office and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person

Disclosure of
official secrets

to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for two years.

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

Public servant
abstracting
document

124. Any person who, not being employed in the public service, without lawful authority, has in his possession any official document marked 'secret' or a copy of or any extract from any such document, or publishes or communicates to some person any fact or information obtained from such document, before such document or information is released for publication by the Government of Enugu State, is guilty of a misdemeanour and is liable to imprisonment for two years.

Disclosure
of official
secrets by
person not
employed in
public
services

A prosecution for an offence under the provisions of this chapter shall not be commenced except by, or with the consent of the Attorney-General.

CHAPTER 13.—CORRUPTION AND ABUSE OF OFFICE

125. Any person who—

(a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, not

Official
corruption

receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, by him in the discharge of the duties of his office; or

(b) 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 employed in the public service, or to, upon, or for, any other person, any property or benefit, of any kind on account of any such act or omission on the part of the person so employed,

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

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

127. Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, is guilty of a misdemeanour, and is liable to six months imprisonment.

128. Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of Joint Stock Company consisting of more than twenty persons, a private interest in any contract or agreement which is made on account the public service with respect to any matter concerning the department of service in which he is employed, is guilty of a felony, and is liable to imprisonment for three years, and to be fined at the discretion of the court.

The offender cannot be arrested without warrant.

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

Officers
charged with
administration
of property of
with special
duties

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

False claims
by officers

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

Abuse of
officers

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

The offender cannot be arrested without warrant.

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

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

The offender cannot be arrested without warrant,

Administering

133. Any person who administers an oath, or takes a solemn declaration or affirmation or affidavit, touching any matter with respect to which he has not by law any authority to do so, is guilty of a misdemeanour, and is liable (o imprisonment for one year. This section does not apply to an oath, declaration, affirmation, or affidavit, administered or taken before a peace officer in any matter relating to the preservation of the peace or the punishment of offences, or relating to inquiries respecting sudden death: nor to an oath, declaration, affirmation. or affidavit, administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

False
assumption
of authority

134. Any person who—

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

(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit, or to do any other act of a public nature which can only be done by persons authorized by law to do so; or

(c) represents himself to be a person authorized by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to a fact or event, and signs such document as being so authorized, when he is not, and knows that he is not, in fact, so authorized;

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

The offender cannot be arrested without a warrant.

Adjudication
of authority

135. (1) Any person who shall exercise or attempt to exercise judicial powers, except in accordance with the provisions of any written Law, is guilty of a felony, and is liable to imprisonment for three years,

(2) Nothing in this section contained shall be deemed to prohibit any person from adjudicating as an arbitrator upon any civil matter in dispute where the parties thereto have agreed, without force, fear or fraud, to submit the dispute to his decision.

Personating
public affairs

136. Any person who—

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

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

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

Personating
soldiers of
police

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

- (a) wears any part of the uniform of; or
- (b) wears any garb resembling any part of the uniform of,

a person serving in the military forces of Nigeria, or a member of the police forces, is guilty of a misdemeanour and is liable to imprisonment for one year.

138. Any person who—

- (a) not being a person serving in Nigeria military or naval forces, wears the uniform or any part of the uniform of such forces, or any dress having the appearance of bearing any of the regimental or other distinctive marks of such uniforms; or
- (b) not being a person holding any office or authority under the Government of Nigeria or of any part of thereof wears any Uniform or distinctive badge or mark or carries any token calculated to convey the impression that such person holds an office or authority under the Government;

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

Provided that this section shall not apply to the wearing of any uniform or dress in the course of a stage play or in any bona fide public entertainment.

Unlawfully
wearing the
uniform of
Nigeria
Forces

Selling:
uniform, to
unauthorized
persons.

139. Any person who sells or gives any uniform, or part of a uniform, or any dress, badge or mark, as in the last preceding section mentioned, to any person who is not authorized to wear the same, is guilty of an offence and is liable to the penalties prescribed in the said section.

CHAPTER 14. — SELLING AND TRAFFICKING IN OFFICES

Bargaining for
office in
public service.

140. 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 any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or any other person, with regard to the appointment or contemplated appointment of any person to any office or employment in the public service, or with regard to any application by any person for employment in the public service; or

(b) 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 or account of any such act or omission:

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

The offender cannot be arrested, without warrant,

CHAPTER 15. — OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

141. In this chapter the term "judicial proceeding" includes any proceeding had or take in or before any court, tribunal, commission of inquiry, or person, in which evidence may be taken on oath, or in before a customary court whether such tribunal takes evidence on oath or not

142. Any person who—

(a) being a judicial officer, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in his judicial capacity; or

(b) corruptly gives, confer, or procure, or promises or offers to give or confer, or to procure or attempt to procure, to, upon or for any judicial officer, or to, upon, or for, any other person, any property, or benefit of any kind on account of any such act or omission on the part of such judicial officer:

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

The offender cannot be arrested without warrant.

The term "judicial officer" in this section includes a member of a customary court, an arbitrator umpire, and any person appointed to act as a commissioner under the Commissions of Inquiry Act or the Commissioner of Inquiry Law or before whom under the provisions of any Act or Law proceedings are held in which evidence may be taken on oath; but in the ease of an offence committed by or with respect to any such judicial officer the longest term of imprisonment is seven years.

A prosecution tor any of the offences firstly defined in this section cannot be begun except by the direction of a law officer.

143. Any person who accepts, or obtains, or agrees to accept or attempts to obtain from any person for himself, or for any other person, any gratification or reward whatever, whether in money or in kind, for inducing by corrupt or illegal means, or by personal influence, any customary court or any member thereof to do or forbear to do , any act which such customary court is authorized to do in the exercise of its jurisdiction or to show favour or disfavour to any person, is guilty of a misdemeanour, and is liable to imprisonment for two years

144. Any person who—

Accepting
reward to
influence
members of
customary
courts

Definition of
judicial
proceeding.

Judicial
Corruption

(a) being a peace officer not acting judicially, or being a person employed in the public service in any capacity not judicial for the prosecution or detention or punishment of offenders, corruptly asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice, or the procurement of facilitation of the commission of any or the protection of any offender or intending offender from detection or punishment; or

Official
corruption just
judicial but
relating to
offences

(b) 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 such person, or to, upon or for, any other person, any property or benefit of any kind, or account of any such act or omission on the part of the peace officer or other person so employed;

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

Perjury

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

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

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

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

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given.

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

The offender cannot be arrested without warrant.

Punishment
for perjury.

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

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

Evidence on
charge perjury

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

148. Any person who, with intent to mislead any tribunal in any judicial proceeding—

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

(b) knowingly makes use of such fabricated evidence;

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

The offender cannot be arrested without warrant.

149. 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 any other person, upon any agreement or understanding that any person shall as a witness in any judicial proceeding give false testimony or withhold true testimony;

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

The offender cannot be arrested without warrant.

150. Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

151. Any person who knowing that any book, document, or that other thing of any kind, is or may be required in evidence in a judicial proceeding willfully removes, conceals or destroys or render it illegible or undecipherable or incapable of identification with intent thereby to prevent it from being used in evidence is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant

152. Any person who willfully prevents or, it 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

Fabricating
evidence.

Corruption of
witnesses.

Deceiving
witnesses.

Destroying
evidence

Preventing
witnesses from
attending court

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

Conspiracy to
facing false
accusation

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

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

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

In any other case the offender is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

Making false
statement to
public officers
with intent

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

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

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

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

(2) A prosecution for an offence under this section shall not be instituted without the consent of a superior police officer.

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

The offender cannot be arrested without warrant.

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

156. Any person who asks, receives, or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony, or will abstain from, discontinue, or delay a prosecution for a felony, or will withhold any evidence thereof, is guilty of an offence.

Preventing
justice.

Compounding
felonies.

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

In any other case the offender is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

157. Any person who, having brought, or under pretence of bringing, an action against another person upon a penal Act or Law in order to obtain from him a penalty for any offence committed or alleged to have been committed by him compounds the action without the order or consent of the court in which the action is brought or is to be brought, is guilty of a misdemeanour, and is liable to imprisonment for one year.

158. Any person who—

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

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

(c) prints or publishes any such offer;

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

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

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

161. Any person who, without authority⁷, or knowing the advertisement to be false in any material particular, inserts or causes to be inserted in the Gazette or in any newspaper an advertisement purporting to be published under the authority of any court or tribunal is guilty of a misdemeanour, and is liable to imprisonment for two years.

162. 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

Compounding
penal actions

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

Delay to take
person
arrested before
a court.

Bringing
fictitious
action on
Penal Act or
Law

Inserting
advertisement
without
authority of
court.

Contempt of
court.

or with reference to such proceeding, or any person before whom such proceeding is being had or taken; or

(b) having been called upon give evidence in a judicial proceeding, fails to attend or, having attended, refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful excuse to answer a question, or to produce a document or prevaricates, or remains in the room in which such proceeding is being had or taken after the witnesses have been ordered to leave such room; or

(c) cause an obstruction or disturbance in the course of a judicial proceeding; or

(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; or

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

(f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connection with such evidence; or

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

(h) retakes possession of land from any person who has recently obtained possession by a writ of court; or

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

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

CHAPTER 16. — ESCAPES; RESCUES; OBSTRUCTING

OFFICERS OF COURTS

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

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

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

Rescue.

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

Escape

164. Any person who, being, in lawful custody, escapes from such custody —

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

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

Aiding
prisoners
to
escape.

165. Any person who—

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

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

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

Permitting
escape.

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

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

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

Negligen
t escape.

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

Prison
officers
accessory
to breaches
of
discipline.

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

169. Any person who, without authority from the superintendent of prison, conveys anything into or out of prison, or to or from a prisoner, whether in or out of prison, is guilty of a misdemeanour, and is liable to imprisonment for six months, and to fine of one hundred naira.

Taking
prohibited
things into c
out of prison

170. Any person who in any manner interferes with any prisoner at work without the precincts of any prison, or allows him to enter his house, yard or premises, unless by the request of the prison officer or person in charge of such prisoner, or assists him to absent himself or neglect work, is liable to imprisonment for three months, and to a fine of sixty naira.

Interfering
with convicts
at work.

171. Any person who honours, maintains or employs a person who is, to his knowledge, an offender under sentence of such a kind as to involve deprivation of liberty, and illegally at large, is guilty of a misdemeanour, and is liable to imprisonment for two years or to a fine of four hundred naira.

Harboring
escaped
prisoners.

172. Any person who—

Rescuing
insane
persons.

(a) rescues any person during his conveyance as an insane person to a hospital, lunatic asylum, or a reception house for the instance, or to a house licensed under the laws relating to insane persons for the reception of patients, or to a prison, or rescues any person during his confinement as an insane person in any such place; or

(b) being in charge of a person during his conveyance as an insane person to any such place, wilfully permits him to escape from custody; or

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

(d) conceals any such person as aforesaid, who has, to his knowledge, been rescued during such conveyance or confinement or has, to his knowledge, escaped during such conveyance, or from such confinement.

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

The offender cannot be arrested without warrant.

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

Removing etc,
property under
lawful seizure.

174. Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of two hundred naira.

Obstructin
g officers
of courts
of justices.

CHAPTER 17. —MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORIT

175. Any person who subscribes a certificate or declaration as to the execution of a sentence of death, which, in any material particular, is to his knowledge false, is guilty of a felony and is liable to imprisonment for fourteen years.

False
declaration as
to execution of
sentence of
death

176. Any person who, on any occasion on which a person making a statement touching any matter is required by law to make it on oath, or under some sanction which may by law be substituted for an oath, or is required to verify it by solemn declaration or affirmation, makes a statement touching such matter which, in any material particular, is to his knowledge false, and verifies it on oath, or under such

False
statements in
required to be
under oath or
solemn
declaration.

other sanction or by solemn declaration or affirmation, is guilty of a felony, and is liable to imprisonment for seven years.

The offender cannot be arrested without warrant.

False
Declaration
and statement.

177. Any person who, on any occasion on which he is permitted or required by law to make a statement or declaration before any person authorized by law to permit it to be made before him, makes a statement or declaration before that person which in any material particular, is to his knowledge false, is guilty of felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant

Evidence

178. A person cannot be convicted of any of the offences defined in the two last preceding sections upon the uncorroborated testimony of one witness.

179. Any person who in any manner obstructs or resists any public officer while engaged in the discharge or attempted discharge of the duties of his office under any Law or Act or obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by any Law or Act, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Resisting
public
officers.

180. Any person who, being a person employed in the public service, and being required by any Law or Act, to do any act by virtue of his employment, perversely and without lawful excuse omits or refuses to do any such act is guilty of a misdemeanour and is liable to imprisonment for two years.

Refusal by
public officer
to perform
duty.

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

181. Any person who, being a peace officer, and having notice that there is a riot in his neighborhood, without reasonable excuse omits to do his duty in suppressing such riot is guilty of a misdemeanour, and is liable to imprisonment for two years.

Neglect of
peace officer
to suppressing
riot

182. Any person who, having reasonable notice that he is required to assist any peace officer in suppressing a riot, without reasonable excuse omits to do so, is guilty of a misdemeanour and is liable to imprisonment for one year

183. Any person who, having reasonable notice that he is required to assist any peace officer or member of the police force in arresting any person, or in preserving the peace, without reasonable excuse omits to do so, is guilty of a misdemeanour and is liable to imprisonment for one year.

Neglect to a
suppressing

184. Any person who, without lawful excuse, the proof of which lies on him, does any act which he is by the provisions of any Law or Act, forbidden to do, or omits to do any act, which he is, by the provisions of any such Law or Act required to do, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by Law or Act, intended to be exclusive of all other punishment the offender is liable to imprisonment for one year.

in this section the terms "Law" and "Act" do not include an order, regulation or proclamation made under the authority of a Law or Act.

Disobedience to lawful order issued by constituted authority.

185. Any person who, without lawful excuse, the proof of which lies on him, disobeys any lawful order issued by any person authorized by any Law or Act, to make the order, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by Law or Act and is intended to be exclusive of all other punishment.

The offender is liable to imprisonment for one year.

CHAPTER 18. —OFFENCES RELATING TO RELIGIOUS WORSHIP

Insult to a religion.

186. Any person who does an act which any class of persons considers as a public insult on their religion with the intention that they should consider such act as an insult, and any person who does an unlawful act with the knowledge that any class of person will consider it as an insult is guilty of a misdemeanour, and is liable to imprisonment for two years.

187. Any person who—

Offering violence to officiating ministers of religion.

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

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

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

is guilty of a misdemeanour and is liable to imprisonment for two years.

188. Any person who wilfully and without lawful justification or excuse, the proof of which lies on him disquiets, or disturbs any meeting of persons lawfully assembled for religious worship, or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled, is guilty of a simple offence, and is liable to imprisonment for two months, or to a fine of ten naira.

CHAPTER 19. —ORDEAL WITCHCRAFT JUJU AND CRIMINAL CHARMS

189. (1) The trial by ordeal by ass wood, esere bean, or other poison, boiling oil, fire, immersion in water or exposure to the attacks of crocodiles or other wild

Unlawful trial by ordeal.

animals, or by any ordeal which is likely to result in the death of or bodily injury to any party to the proceeding is unlawful.

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

Prohibited
juju.

190. Any person who directs or controls or presides at any trial by ordeal which is unlawful is guilty of felony and is liable, when the trial which such person directs, controls or presides at results in the death of any party to the proceeding, to the punishment of death, and in every other case to imprisonment for ten years.

Directing, etc,
unlawful trial
by ordeal.

191. Any person who. —

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

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

Being present
at or making
poison for,
unlawful trial
by ordeal.

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

192. Any person who—

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

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

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

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

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

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

Offences in
relation to
witchcraft and
juju.

is guilty of a misdemeanour and is liable to imprisonment for two years.

193. (1) Any chief who directly or indirectly permits, promotes, encourages or facilitates any trial by ordeal which is unlawful, or the worship or invocation of any juju which has been prohibited by an order made under section 189, or who knowing of such trial, worship or invocation, or intended trial, worship or invocation, does not forthwith report the same to an administrative officer is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

(2) An act of betrothal or marriage purportedly of a female person to a juju or deity is unlawful and any person presiding at or taking part in the ceremony for such betrothal or marriage or in any other manner concerned or connected with such betrothal or marriage is guilty of a felony and is liable to imprisonment for seven years,

(3) Any person who—

(a) wilfully gives to another, or

(b) solicits for; or

(c) takes away, whether forcibly or not, or attempts to takeaway; or

(d) detains or attempts to detain.

a female person purportedly for the purpose of betrothing or giving in marriage to a juju or deity of that female person, is guilty of a felony and is liable to imprisonment for seven years.

Destruction of place where unlawful ordeal or prohibited juju worship is held.

194. Any house, grove or place in which it has been customary to hold any trial by ordeal which is unlawful, or the worship or invocation of any juju which is prohibited by an order made under section 189 may, together with all articles found therein, be destroyed or erased upon the order of any court by such persons as the court may direct.

195. Any person who—

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

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

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

Criminal charms.

CHAPTER 20.— OFFENCES AGAINST MORALITY

Unnatural offences

196. Any person who—

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

(c) permits a male person to have Carnal knowledge of him or her against the order of nature;

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

197. Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony and is liable to imprisonment for seven years.

Attempt to commit
unnatural offence

The offender cannot be arrested without warrant.

Indecent
treatment of
boys under
fourteen

198. Any person who unlawfully and indecently deals with a boy under the age of fourteen years is guilty of a felony and is liable to imprisonment for seven years.

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

Indecent
practices
between
males

199. Any male person who, whether in public or private commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

Defilement of
girls under
eleven

200. Any person who has unlawful carnal knowledge of a girl under the age of eleven years is guilty of a felony, and is liable to imprisonment for life.

Any person who attempts to have unlawful carnal knowledge of a girl under the age of eleven years is guilty of a felony, and is liable to imprisonment for fourteen years

A prosecution for either of the offences defined in this section must begin within two months after the offence is committed.

Evidence

A person cannot be convicted of either of the offences defined in this section upon the uncorroborated testimony of one witness.

Householder
permitting
defilement
of young
girls on his
premises

201. Any person who, being the owner or occupier of any premises, or having, or acting, or assisting in the management or control of any premises, induces or knowingly permits any girl of such age as in this section mentioned to resort to or he in or upon such premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, is guilty of an offence.

If the girl is of or above eleven and under thirteen years of age, he is guilty of a misdemeanour; and is liable to imprisonment for two years.

If the girl is of or above eleven and under thirteen years of age, he is guilty of a misdemeanour; and is liable to imprisonment for two years.

If the girl is under the age of eleven years, he is guilty of a felony, and is liable to imprisonment for life.

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

203. Any person who—

(a) has or attempts to have unlawful carnal knowledge of a girl being or above eleven years and under thirteen years of age; or

(b) knowing a woman or girl to be an idiot or imbecile has or attempts to have unlawful carnal knowledge of her;

is guilty of a misdemeanour and is liable to imprisonment for two years.

It is defence to a charge of either of the offences firstly defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of thirteen years.

A prosecution for any of the offences defined in this section must be begun within two months after the offence is committed

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

204. Any person who unlawfully and indecently deals with a girl under the age of thirteen years is guilty of a misdemeanour and is liable to imprisonment for two years

If the girl is under the age of eleven years, he is guilty of a felony and is liable to imprisonment for three years.

It is a defense to a charge of the offence defined in this section to prove that the girl was of or above the age of thirteen years.

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

205. (1) Whoever, having the custody charge or care of a girl under the age of thirteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of or the commission of an indecent assault upon, such a girl, shall be liable to imprisonment for two years.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute if he has

Causing or encouraging the seduction or prostitution of a girl under thirteen

Defences i
charge un
preceding
section.

Defilemen
girls under
thirteen an
above elev
and of idio

Indecent
treatment
girls under
thirteen

knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Procuring
defilement of
threats or
fraud or
administering
drugs.

206. (1) Whoever, having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of thirteen years, allows that child or young person to reside in or frequent a brothel shall be liable to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

(2) If upon the trial of a person charged with an offence against section 201 the facts proved in evidence authorized a conviction for an offence against this section, the person charged may be convicted of the offence against this section although he was not charged with that offence.

Procuraton.

207. Any person who—

(a) procures a woman or girl who is under the age of eighteen years, to have unlawful carnal connection with any other person or persons, either in the State or elsewhere; or

(b) procures a woman or girl to become a common prostitute, either in the State or elsewhere; or

(c) procures a woman or girl to leave the State with intent that she may become an inmate of a brothel elsewhere; or

(d) procures a woman or girl to leave her usual place of abode in the State, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in the State or elsewhere, is guilty of a misdemeanour, and is liable to imprisonment for two years.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

The offender may be arrested without warrant.

208. Any person who—

(a) by threats or intimidation of any kind procures a woman or girl to have unlawful carnal connection with a man, either in the State or elsewhere; or

(b) by any false pretence procures a woman or girl to have unlawful carnal connection with a man, either in the State or elsewhere; or

(c) administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her;

is guilty of a misdemeanour and is liable to imprisonment for two years

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

Procuring the
defilement of
woman by threat
fraud, or
administering o

Evidence

Abduction
girl under
eighteen w
intent to ha
carnal
knowledge

209. Any person who, with intent that an unmarried girl under the age of eighteen years may be unlawfully carnally known by any man, whether a particular man or not, takes her or causes her to be taken out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour and is liable to imprisonment for two years.

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

210. (1) Every male person who—

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes;

Shall be liable to imprisonment for two years.

(2) Any magistrate who is satisfied, by evidence upon oath, that there is reason to suspect that any premises or any part of any premises are or is used by a female for purposes of prostitution, and that any male person residing in or frequenting the premises is living wholly or in part on the earnings of the prostitute, may issue a warrant under his hand authorizing any constable to enter and search the premises and to arrest that male person.

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

(4) Every female who is proved to have, for the purposes, of gain, exercised control direction or influence over the movements of a prostitute in such manner as to show that she is aiding, abetting or compelling her prostitution with any person or generally shall be liable to imprisonment for two years.

211. Whoever—

(a) keeps or manages or assists in the management of a brothel; or

(b) being the tenant, lessee, or occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or

(c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is willfully a party to the continued use of such premises or any part thereof as a brothel,

Keeping a
brothel.

Persons
trading in
prostitution

shall be liable —

(i) to a fine of one hundred naira or to imprisonment for six months; and

(ii) on a second or subsequent conviction, to a fine of three hundred naira or to imprisonment for fourteen years;

and in either case, to both such fine and imprisonment.

212. Any person who—

(a) detains a woman or girl against her will in or upon any premises in order to her being unlawfully carnally known by any man, whether a particular man or not; or

(b) detains a woman or girl against her will in a brothel;

is guilty of a misdemeanour and is liable to imprisonment for two years.

When a woman or girl is in or upon any premises in order to her being unlawfully carnally known by any man whether a particular man or not. or is in a brothel, a person is deemed to detain such woman or girl in or upon such premises in order to her being so unlawfully carnally known, or to detain her in such brothel, if, with intent to compel or induce her to remain in or upon the premises or in the brothel, he withholds from her any wearing apparel or other property belonging to her, or if, after wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of such person or any other person, he threatens the woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

It is lawful for a woman or girl to take any such wearing apparel as may be necessary to enable her to leave a brothel or any premises in or upon which she is in order to her being unlawfully carnally known by any man.

213. Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

214. Any person who with intent to procure miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony and is liable to imprisonment for fourteen years.

215. Any woman who, with intent to procure her own miscarriage whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permit any such thing or means to be administered or used to her is guilty of a felony and is liable to imprisonment for seven years.

Unlawful detention
with intent to
defile or in a
brothel.

Conspir
to defile

Atten
tto
procu
abort

The like
woman
child.

Supplying
drugs or
instruments
to procure
abortion

216. Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

Indecent acts

217. Any person who—

(a) wilfully and without lawful excuse does any indecent act in any public place; of

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

is guilty of a misdemeanour and is liable to imprisonment for two years.

Obscene
publications
and
exhibitions

218. (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 has in his possession any one or more obscene writings, drawings, prints, emblems, photographs, cinematograph films or any other obscene objects, or any other object tending to corrupt morals; or

(b) for any of the purposes above mentioned imports, conveys, or exports, or causes to be imported, Conveyed, or exported any such matters or things, or in any manner whatsoever puts them into circulation; or

(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; or

(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

(e) advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or

(f) publicly exhibits any indecent show or performance or any show or performance lending to corrupt morals;

is guilty of a misdemeanour and is liable to imprisonment for two years or to a fine of two hundred naira or to both such imprisonment and fine

(2) If, in respect of any of the offences specified in paragraphs (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 offender or the person accused of such offence triable thereof 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 the provisions of this section in respect of such obscene matter or thing.

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

Knowledge
age immate

CHAPTER 21.— INCEST

220. In this chapter—

Interpretation

“brother” and “sister” respectively include half-brother and half sister.

Relationship

221. The provisions of this Chapter shall apply whether the relationship between the person charged with an offence under This Chapter and the person with whom the offence is alleged to have been committed, is or is not traced through lawful wedlock.

Incest by
males

222. (1) Any male person who has carnal knowledge of a female person who is to his knowledge his grand-daughter, daughter, sister or mother is guilty of a misdemeanour and is liable to imprisonment for seven years.

(2) If the female person is under the age of eleven years, he is guilty of a felony and liable to imprisonment for fourteen years.

(3) It is immaterial that the carnal knowledge was had with the consent of the female person.

(4) If any male person attempts to commit any such offence as aforesaid he is guilty of a misdemeanour and liable to imprisonment for two years

(5) On the conviction of any male person of an offence under this section, or of an attempt to commit the same the court may divest the offender of all authority over the female person against whom the offence is committed, and, if the offender is the guardian of such female person, may remove the offender from such guardianship and in any such case may appoint any person or persons to be guardian or guardians of such female person during her minority or any less period:

Provided that the court may at any time vary or rescind the order by the appointment of any other person as such guardian or in any other respect,

Incest by
Females of
over sixteen

223. Any female person of or above the age of sixteen years who with consent permits the grandfather, father, brother or son to have carnal knowledge of her

(knowing him to be her grandfather, father, brother, or son, as the case may be) is guilty of a misdemeanour and liable to imprisonment for seven years.

Conviction of
alternate
offences.

224. If on the trial of any information for an offence under this Chapter, the court is satisfied that the defendant is guilty of any offence under sections 200, 203, 204 or 255 of the Criminal Code, but is not satisfied that the defendant is guilty of an offence under this Chapter, the court may acquit the defendant of an offence under this Chapter and find him guilty of an offence under section 200, 203, 204, 254 or 255 of the Criminal Code, and he shall be liable to be punished accordingly.

225. The wife or husband or a person charged with an offence under this Chapter may be called as a witness either for the prosecution or the defence and without the consent of the person charged.

Spouse
compellable
witness.

226. No prosecution for an offence under this Chapter shall be commenced without the sanction of the Attorney-General,

Sanction of
Attorney-
General

CHAPTER 22.— NUISANCES; GAMING-HOUSES; LOTTERIES:

MISCONDUCT RELATING TO CORPSES.

227. Any person who—

Common
nuisance

(a) obstructs any highway, by any permanent work or erection thereon or injury thereto, which renders the highway less commodious to the public than it would otherwise be; or

(b) prevents the public from having access to any part of a highway by an excessive and unreasonable temporary use thereof, or by so dealing with the land in the immediate neighbourhood of the highway as to prevent the public from using and enjoying it securely; or

(c) does not repair a highway which he is bound to repair; or

(d) does not repair a bridge which he is bound to repair; or

(e) wilfully diverts or obstructs the course of any navigable river so as appreciably to diminish its convenience for purposes of navigation; or

(f) does any act not warranted by law, or omits to discharge any legal duty, which act in omission obstructs or causes inconvenience or damage to the public in the exercise of right common to the public;

is guilty of a misdemeanour, and is liable to imprisonment for two years.

It is immaterial whether the act complained of is convenient to a larger number of the public than its inconveniences but the fact that the act complained of facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

The owner of a vessel wrecked in a navigable river is not guilty of a

Gaming-
houses,
unlawful
gaming

228. (1) A person being the owner or occupier, or having the use of any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein. and any person, who being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is said to keep a common gaming-house.

Unlawful
gaming

(2) In this section "unlawful gaming" includes roulette, every game of dice except backgammon, every game of cards which is not a game of skill, the game known as *chacha* and other games of cowries, and any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players Stake, play or bet.

(3) Any person who keeps a common gaming-house is guilty of a misdemeanour and is liable to a fine of one thousand naira or imprisonment for two years or to both such fine and imprisonment.

(4) Any person other than the person mentioned in subsection (1) who is found in a common gaming-house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming and shall be guilty of an offence and shall be liable to a fine of ten naira or imprisonment for three months or to both such fine and imprisonment.

Police may be
authorized to
enter gaming-
house etc

229. (1) A superior police officer, if he has reasonable grounds for believing that any house, room, or place is kept as a common gaming-house, may by order in writing authorize any police officer to enter and search such house, room or place at any time and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to arrest all persons who shall be found therein, and to seize all instruments of gaming found in such house or premises, and also to seize all money found therein.

Obstructing
entry of
police to be
evidence of
unlawful
gaming

(2) Where a police officer so authorized to enter any house, room or place is wilfully prevented from or obstructed or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to, any such house, room or place shall be found to be fitted or provided with any bolt, bar chain or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the same or any part thereof of any police officer authorized as aforesaid or for giving an alarm in the case of such entry, or if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming or with any means or contrivance for concealing, removing or destroying any instrument of gaming. it shall be evidence until the contrary be proved, that such house, room or place is used as a common gaming-house within the meaning of the last preceding section and that the persons found therein were unlawfully playing therein.

Indemnity
witnesses.

230. Any person who shall be called to give evidence against any other person charged under the provisions of section 228 shall be freed from all criminal prosecution in respect of the offence with which such other person is charged or any other offence under section 228.

231. Any house, room or place, which is used for any of the following purposes—

(a) for the purpose of bets being made therein between person resorting to the place; and

(i) the owner, occupier, or keeper of the place, or any person using the place; or

(ii) any person procured or employed by or acting for or on behalf of any such owner, occupier, or keeper, or person using the place; or

(iii) any person having the care or management, or in any manner conducting the business, of the place; or

(b) for the purpose of any money or other property being paid or received therein by or on behalf of any such owner, occupier, or keeper, or person using the place, as or for the consideration—

(i) for an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race, or other race, fight, game, sport, or exercise; or

(ii) for securing the paying or giving by some other person of any' money or other property' on any such event or contingency;

is called a common betting house.

Penalty for
running betting
house

232. Any person who being the owner or occupier of any house, room or place, knowingly and wilfully permits it to be opened, kept, or used, as a common betting house by another person, or who has the use or management, or assists in conducting the business of a common betting house, is guilty of a misdemeanour and is liable to imprisonment for one year, and to a fine of one thousand naira;

Provided always that nothing herein contained shall make illegal the use of a totalizator by a race club recognized by the Government, at a race meeting with the approval of the Superintendent of Police in charge of area where the meeting is to be held.

In this proviso "totalizator" includes the instrument, machine, or contrivance, commonly known as the totalizator, and any other instrument, machine, or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

Interpretation.

233. In this Chapter—

“lottery” includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance to lot;

"lottery ticket" includes any paper, ticket, token or other article whatsoever, which either expressly or tacitly entitles or purports to entitle any person to receive any money or money's worth on the happening of any event or contingency connected with any public lottery.

.234. Every person who-

(a) gives or sells or offers for sale or delivers any lottery ticket or pays or receives directly or indirectly any money or moneys worth for or in respect of any chance in or event or contingency connected with a public lottery; or

(b) draws, throws, declares or exhibits, expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol or other result of any public lottery; or

(c) writes, prints, publishes, or causes to be written, printed, or published, any lottery ticket, or any announcement relating to a public lottery; or

(d) advances, furnishes or receives money for the purpose of a public lottery; or

(e) in any manner carries on, or assists in carrying on, or invites or solicits any person to take part, in a public lottery;

shall be liable to a fine not exceeding one hundred naira or to

imprisonment for a period not exceeding six months.

235. Any money or money's worth paid or deposited for or in respect of the purchase of a lottery' ticket shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

236. Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract, except by the purchaser for the return of the money or other consideration (if any) paid thereon.

237. (1) Nothing in this Code contained shall apply to any lottery or sweepstake organized and controlled by any race club in the State to which the controlling Ministry may by notice in the Gazette extend the provisions of this section, at or in connection with any race meeting held under the auspices of any such club or association.

(2) Nothing in this Code contained shall apply to or prevent the sale by raffle or lottery or articles exposed for sale at any bazaar or fancy fair held for raising funds in aid of any institution of a public character provided that permission for such sale shall have been given in writing by the controlling Ministry.

Recovery of
money paid
for lottery ticket

Contract for
sale of lottery
ticket is
void.

Saving of
certain race
club lotteries
and
sweepstakes

238. (1) The controlling Ministry may grant to any club a licence authorizing a lottery to be promoted and carried on, subject to any conditions contained in the licence, as an incident of entertainment by members of the club, on the premises of the club.

(2) It shall be a condition of every licence granted to a club under subsection (1) in respect of a lottery that only members of the club and their guests introduced in accordance with the rules of the club shall have access to the lottery.

(3) A lottery promoted and carried on in a club in accordance with the terms of a licence issued under this section shall not be deemed to be a public lottery.

(4) When any condition of a licence granted under this section is contravened, every person concerned in the promotion or carrying on of the lottery shall be guilty of an offence, unless he proves that the contravention was committed without his knowledge, and shall be liable on summary conviction to a fine of forty naira or to imprisonment for four months.

Acting as
keeper or
brothels,
gaming-
houses and
betting
houses.

239. Any person who appears, acts, or behaves, as master or mistress, or as the person having the care or management of any such premises, house, room, set of rooms, or place, as is mentioned in sections 211.228 231 and 232 is to be taken to be the keeper thereof, whether he is or not the real keeper.

Misconduct
with regard
to corpses

240. Any person who—

(a) without lawful justification or excuse, the proof of which lies on him—

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

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

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

is guilty of a misdemeanour, and is liable to imprisonment for two years.

CHAPTER 23.— OFFENCES AGAINST PUBLIC HEALTH

Exposing for
sale things
unfit for food
or drink.

241. (1) Any person who sells, as food or drink, or has in his possession with intent to sell it as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink or is in a state unfit for food, or drink is guilty' of a misdemeanour, and is liable to imprisonment for one year.

Adulteration
of foods or
drink
intended for
sale.

(2) Any person who adulterates any article of food or drink so as to make such article noxious as food or drink, intending to sell such article as food or drink or knowing it to be likely that the same will be sold as food or drink, is guilty of a misdemeanour, and is liable to imprisonment for one year.

242. Any person who—

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

is guilty of a misdemeanour, and is liable to imprisonment for two years.

243. Any person who corrupts or fouls the water of any spring, stream, well, tank, survey, or place, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour, and is liable to imprisonment for six months

244. Any person who without the consent of the Commissioner of Health buries or attempts to bury any corpse in any house, building, premises, yard, garden, compound, or within a hundred yards of any dwelling-house, or in any open space situated within a township is guilty of a misdemeanour, and is liable to imprisonment for six months.

245. Any person who—

- (a) vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood, or passing along a public way; or
 - (b) does any act which is and which he knows or has reason to believe to be, likely to spread the infection or any disease dangerous to life, whether human or animal;
- is guilty of a misdemeanour, and is liable to imprisonment for six months.

246. Any person who—

- (a) sells or has in his possession for the purpose of sale any matches made with white (yellow) phosphorus; or
 - (b) uses white (yellow) phosphorus in the manufacture of matches;
- is guilty of an offence and liable to a fine of twenty naira, and the matches in respect of which the offence shall have been committed shall be forfeited.

CHAPTER 24.— IDLE AND DISORDERLY PERSONS; ROGUES AND VAGABONDS; BRINGING CONTEMPT ON UNIFORM

247. The following persons—

- (a) every common prostitute;
- (i) behaving in a disorderly or indecent manner in any public place;
- (ii) loitering and persistently importuning or soliciting persons for the purpose of prostitution;

Dealing in diseased meat

Fouling water

Burials in house.

Noxious atmosphere

Sale of matches made with white phosphorus.

Use of white phosphorus in manufacture of matches

Idle and disorderly person.

(b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do;

(c) every person playing at any game of chance for non money or money's worth in any public place; and

(d) every person who, in any public place, conducts himself in a manner likely to cause a breach of the peace.

shall be deemed an idle and disorderly person, and may be arrested without warrant, and shall be guilty of a simple offence, and shall be liable to imprisonment for one month.

248. The following persons—

(a) every person convicted of an offence under the last preceding section after having been previously convicted as an idle and disorderly person;

(b) every person wandering about and endeavoring by the exposure of wounds or deformation to obtain or gather alms;

(c) every person going about as a gatherer or collector of alms, or endeavoring to procure charitable contributions of any nature or kind, under a false or fraudulent pretense;

(d) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;

(e) every person who exercises control, direction or influence over the movements of a prostitute in such manner as to show that he is aiding, abetting, or controlling her prostitution with any man, whether a particular man or not;

(f) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose,

shall be deemed to be a rogue and vagabond, and is guilty of a misdemeanour, and is liable on summary conviction for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

An offender may be arrested without warrant.

249. Any person who, not being a person serving in the naval or military forces or the police force of Nigeria, wears the uniform of any of these forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to wear such uniform or dress, is guilty of a simple offence, and is liable to imprisonment for three months or to a fine of forty naira.

CHAPTER 25 — ASSAULTS

250. A person who strives, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault.

Definition of assault.

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

251. An assault is unlawful, and constitutes an offence unless it is authorized or justified or excused by law. The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

Assaults unlawful.

Punishment for assault

252. Any person who unlawfully assaults another is guilty of a misdemeanour, and is liable, if no greater punishment is provided, to imprisonment for one year.

Assault with intent to commit unnatural offences.

253. Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony, and is liable to imprisonment for fourteen years.

Indecent assault on males.

254. Any person who unlawfully and indecently assaults any male person is guilty of a felony, and is liable to imprisonment for three years.

Indecent assault on females.

255. Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.

Assault with intent to steal
Assault on person protecting wrecks

256. Any person who assaults any person with intent to steal anything is guilty of a felony, and is liable to imprisonment for three years.

Assault occasioning harm

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

Serious assault.

258. Any person who unlawfully assaults another and thereby does him harm is guilty of a felony, and is liable to imprisonment for three years.

259. Any person who—

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

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

- (a) unlawfully assaults, resists or obstructs, any person engaged in the lawful execution of any process against any property, or in making a lawful distress so engaged; or
 - (b) assaults, resists, or obstructs any person engaged in such lawful execution of process, or in making a lawful distress, with intent to rescue any properly lawfully taken under such process or distress; or
 - (c) assaults any person on account of any act done by him in the execution of any duty imposed on him by law; or
 - (f) assaults any person in pursuance of any unlawful conspiracy respecting any manufacture, trade, business, or occupation, or respecting any person or persons concerned or employed in any manufacture, trade, business, or occupation, or the wages of any such person or person;
- is guilty of a felony, and is liable to imprisonment for three years.

260. Any person who with any of the intents in section 317, any other person or any one in whom he is interested, is guilty of a felony, and is liable to imprisonment for five years.

Compelling act
by assault

**CHAPTER 26.—HOMICIDE; SUICIDE; INFANTICIDE: CONCEALMENT
OF BIRTH; UNLAWFUL POSSESSION OF HUMAN HEAD**

261. It is unlawful to kill any person unless such killing is authorized or justified or excused by law.

Killing
human
unlawfu

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

When a c
becomes
human
being.

263. 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.

Definition
of killing

Death by
acts done at
child birth

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

Causing
death by
threats

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

Acceleration
of death

266. 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

Injury causing death in consequence of subsequent treatment

Limitation as to time of death

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

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

269. A person is not deemed to have killed another, if the death of that other person does not take place within a year and a day of the cause of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased, whichever is the later.

270. Any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter, according to the circumstances of the case.

Unlawful homicide

271. Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say —

Definition of murder

(a) If the offender intends to cause the death of the person killed, or that of some other person;

(b) if the offender intends to do to the person killed or to some other person some grievous harm;

(c) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;

(d) if the offender intends to do grievous harm to some person for the purpose of facilitating the commission of an offence which is such that the offender may be arrested without warrant for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such offence;

(e) if death is caused by wilfully stopping the breath of any person for either of such purposes; is guilty of murder

In the second case it is immaterial that the offender did not intend to hurt the particular person who is killed.

In the third case it is immaterial that the offender did not intend to hurt any person.

In the three last cases it is immaterial that the offender did not intend to cause death or did not know that death was likely to result.

272. A person who unlawfully kills another in such circumstances as not to constitute murder is guilty of manslaughter

Definition
manslaugh

Killing on
prosecution

273. When a person who unlawfully kills another in circumstances which, but for the provisions of this section, would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation and before there is time for this passion to cool, he is guilty of manslaughter only.

Punishment
for murder.

274. (1) Subject to the provisions of this section any person who commits the offence of murder shall be sentenced to death,

Provision
for pregnant
women

(2) Where an offender who in the opinion of the court has not attained the age of seventeen years has been found guilty of murder such offender shall not be sentenced to death but shall be ordered to be detained during the Governor's pleasure and upon such an order being made the provisions of Chapter 37 of the Criminal Procedure Law shall apply

(3) Where a woman who has been convicted of murder alleges she is pregnant or where the judge before whom she is convicted considers it advisable to have inquiries made as to whether or not she be pregnant the procedure laid down in section 380 of the Criminal Procedure Law shall first be complied with.

Attempt to
murder

275. 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 duty to do, such act of omission being of such nature as to be likely to endanger human life; is guilty of a felony, and is liable to imprisonment for life,

Attempt to
murder by
Convict

276. Any person who, being under sentence of penal servitude or of imprisonment for three years or more, attempts to commit murder, is liable to imprisonment for life

Accessory
after the
fact to
murder.

277. Any person who becomes an accessory after the fact to murder is guilty of a felony, and is liable to imprisonment for life

Written
threats to
murder

278. Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.

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

Punishment of
manslaughter

280. Any person who—

(a) procures another to kill himself; or

(b) counsels another to kill himself and thereby induces him to do so; or

Aiding
suicide

(c) aids another in killing himself;

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

281. Any person who attempts to kill himself is guilty of a misdemeanour, and is liable to imprisonment for one year.

Attempting
commit suicide

282. Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to (he child or by reason of the effect of lactation consequent upon birth of the child, then notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of a felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

Offence of
infanticide

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

Killing
unborn child

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

Concealing the
birth of child

285. (1) Any person who receives or has in his possession a human head or skull within six months of the same having been separated from the body or skeleton with the intention that such head or skull shall be possessed by himself as a trophy, juju or charm or transferred by him to any other person as a trophy, juju or charm, is guilty of a felony and is liable to imprisonment for five years.

Unlawful
possession of
human head

(2) Where in any prosecution under this section it is proved that the person charged received or had in his possession a human head or skull within six months of the same having been separated from the body or skeleton it shall be presumed that the person charged received or had in his possession such head or skull with the intention specified in the preceding subsection unless the contrary is proved.

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

CHAPTER 27.— OFFENCES ENDANGERING, LIFE OR HEALTH

286. Any person who, by any means calculated to choke, suffocate, or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanor, or to facilitate the flight of an offender after the commission or attempted commission

Disabling in
order to commit
felony or
misdemeanor

Stupefying in
order to commit
felony or
misdemeanor

of a felony or misdemeanor, renders or attempts to render any person incapable of resistance, is guilty of a felony, and is liable to imprisonment for life.

287. Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanor, or facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanor, administers or attempts to administer any stupefying or overpowering drug or thing to any person is guilty of a felony, and is liable to imprisonment for life

Acts intended to cause grievous harm or prevent arrest.

288. 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; or

(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; or

(c) unlawfully causes any explosive substance to explode; or

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

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

(f) puts any corrosive fluid or any destructive or explosive substance in any place; or

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

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

289. Any person who unlawfully—

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

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

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

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

291. Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years

292. Any person who unlawfully, and with intent to injure or annoy another, causes any poison or other noxious thing to be administered to, or taken by, any person,

Preventing escape from wreck

Grievous harm

Attempting injure by explosive substance

Maliciously administering poison with intent to harm

“Poison” and “poisonous matter”

and thereby endangers his life, or does him some grievous harm, is guilty of a felony, and is liable to imprisonment for fourteen years.

293. In sections 294, 295, and 296, the terms ‘poison’: or “poisonous matter” includes all animal, vegetable and mineral poisons.

Sale or possession of poison for illegal purpose

294. Any person who shall sell or transfer, make or possess any poison or poisonous matter, with the intent that it shall be used for an illegal purpose shall be liable to a fine of two hundred naira, or to imprisonment for a term to two years, or to both such fine and imprisonment.

Possession deemed to be illegal unless contrary is proved

295. Any person found in possession of, or making, selling or transferring any poison or matter, shall, unless he is a registered or licensed assistant, qualified veterinary surgeon, or a person authorized under the Pharmacy Act to deal in such poison or shall have received the same from a person authorized to deal therein he deemed to be in possession of poisonous to be making, selling or transferring the same for an illegal purpose unless he shall prove the contrary.

Poisoned arrows prohibited.

296. Any person found in possession of arrows or other weapons or missiles, which contain or bear upon them any poison or poisonous matter or any concoction of decomposed or other animal matter or ingredient of a poisonous nature shall be liable to the penalties provided in section 294 and the forfeiture of such arrows, weapons or missiles.

Wounding and similar acts.

297. Any person who—

(a) unlawfully wounds another; or

(b) unlawfully and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person;

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

Failure to supply necessities.

298. Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of the other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

Endangering or health of apprentices or servants.

299. Any person who, being charged as a master or mistress with the duty of providing necessary food, or lodging, for a servant or apprentice

under the age of sixteen years, unlawfully fails to perform that duty, or in any other manner does any harm or causes any harm to be done to such servant or apprentice, whereby, in either case, the life of such servant or apprentice, is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony and is liable to imprisonment for three years.

The offender cannot be arrested without warrant.

300. Any person who unlawfully abandons or exposes a child under the years, in such a manner, that any grievous harm is likely to be caused to it, is guilty of a felony, and is liable to imprisonment for five years.

Abandoning
exposing
children

301. Any person who sets or places any spring-gun, man-trap or other engine calculated to destroy human life or to inflict grievous harm or causes any such thing to be set or placed in any place with the intent that it may kill or inflict grievous harm upon a trespasser or any person coming in contact with it, or sets or places, any such thing in any such place and in any such manner that it is likely to cause any such result, is guilty of a felony, and is liable to imprisonment for three years.

Setting mar

Any person who knowingly permits any such spring-gun, man-trap, or other engine, which has been set or placed by another person in any such place and in any such manner or to continue to set or place in any place which is then in, or afterwards comes into, his possession or occupation, is deemed to have set and placed the gun, trap, or engine, with the intent aforesaid.

This section does not make it unlawful to set any gun or trap such as is usually set for the purpose of destroying vermin, or to set any spring-gun, man-trap, or engine, at night in a dwelling house for the protection of the dwelling-house.

The offender cannot be arrested without warrant.

Reckless and
negligent acts

302. Any person who-

(a) in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person-

(i) drives any vehicle or rides on any public way; or

(ii) navigates, or takes part in the navigation or working of any vessel; or

(iii) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession; or

(iv) omits to take precautions against any probable danger from any animal in his possession; or

(v) gives medical or surgical treatment to any person whom he has undertaken to treat; or

(vi) dispenses, supplies, sells, administers, or gives away medicine or poisonous or dangerous matter; or

(vii) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his possession; or

(b) conveys or causes to be conveyed, for hire, any person by water in a vessel in such a state or so loaded as to be unsafe;

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

Negligent
acts causing
harm

303. Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour; and is liable to imprisonment for six months.

Endangering
steamships by
tampering with
machinery

304. Any person who in State waters, being a person having actual control over a steam vessel, or over any part of the machinery of a steam vessel, does any act or makes any omission or is privy to any act or omission with respect to the machinery of the vessel, whereby to his knowledge, the safety of any person on board the vessel is or is likely to be endangered, is guilty of a felony, and is liable to imprisonment for three years.

The offender cannot be arrested without warrant

The like by
engineers

305. Any person who is an engineer, or one of the engineers, in charge of the machinery of a steam vessel in State waters at any time when any act is done or omitted to be done by any other person with respect to the machinery of the vessel, whereby the safety of any person on board the vessel is, or is likely to be endangered, is guilty of a simple offence, and is liable to a fine of two hundred naira.

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

306. Any person who in State waters knowingly sends by any vessel, or carries in any vessel, any explosive substance, or any acid, or other thing of a dangerous or destructive nature, under a false description of the substance or thing, or with a false description of the sender thereof, is guilty of a felony and is liable to imprisonment for three years.

Evading
laws as
shipping
dangerous
goods.

The offender cannot be arrested without warrant.

307. Any person who—

(a) being charged by law with any duty respecting the shipping, unshipping, landing, putting off-shore, conveyance, delivery or storage of any explosive substance, or of any acid, or other thing of a dangerous or destructive nature, from any vessel, fails to perform that duty; or

Landing
etc,
explosives

(b) being concerned in the shipping, unshipping, landing, putting off-shore, conveyance, delivery or storage of any such substance, acid or thing violates the provisions of the laws relating to such shipping, unshipping, landing, putting off-shore, conveyance, delivery or storage;

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

This section does not apply to any explosive, acid or other thing the property of the State while it is under the control of an officer of the military or naval forces of Nigeria.

The offender cannot be arrested without warrant.

CHAPTER 28.— RAPE

308. Any person who unlawfully has carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape

Definiti
of rape

Punishme
nt of rape

309. Any person who commits the offence of rape is liable to imprisonment for life.

Attempt to
commit rape.

310. Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years.

Offender may
be convicted
or incest

311. If, on the trial of any information for rape, the court is satisfied that the defendant is guilty of an offence under Chapter 21 of this Code, but is not satisfied that the defendant is guilty of rape, the court may acquit the defendant of rape and convict him of the said offence under Chapter 21 and he shall be liable to be punished accordingly.

CHAPTER 29.— ABDUCTION

Abduction

312. Any person who, with intent to marry or carnally know a female of any age, or to cause her to be married or carnally known by any other person, takes away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

Abduction of
girls under
sixteen

313. Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of misdemeanour, and is liable to imprisonment for two years.

Ignorance of
age of girl or
consent no
defence

314. In the case of proceedings in respect of an offence under the preceding section—

(a) it is immaterial that the offender believed the girl to be of or above the age of sixteen years;

(b) it is immaterial that the girl was taken with her own consent or at her own suggestion.

CHAPTER 30.—OFFENCES AGAINST LIBERTY; SLAVE DEALING

Kidnapping.

315. Any person who—

(a) unlawfully imprisons any person, and takes him out of the State, without his consent; or

(b) unlawfully imprisons any person without the State in such a manner as to prevent him from applying to a court for his release or from discovering to any other

person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned,

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

316. Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour, and is liable to imprisonment for two years.

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

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

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

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

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

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

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

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

318. Any person who—

(a) being required by law to keep any record touching any matter relating to any person in confinement, refuses or neglects to keep such record, or makes in such record an entry which, in any material particular, is to his knowledge, false; or

(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 is so required to give the information or show the person or place; or

Concealment
of matters
affecting
liberty.

Deprivation
of liberty.

Compelling
action by
intimidation.

(ii) gives to any person to whom he is so required to give it, information touching any such matter which, in any material particular, is to his knowledge, false, is guilty of a felony, and is liable to imprisonment for three years.

319. Any person who—

- (a) deals or trades in, purchases, sells, transfers, or takes any slave;
 - (b) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave;
 - (c) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known;
 - (d) conveys or induces any person to come within the limits of the State in order or so that such person should be held, possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security far debt;
 - (e) conveys or sends or induces any person to go out of the limits of the State in order or so that such person should be possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as pledge or security for debt;
 - (f) holds or possesses any person as a slave;
 - (g) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated,
- is guilty of slave dealing and is liable to imprisonment for fourteen years.

CHAPTER 31.—OFFENCES RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES.

320. Any person who. having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, is guilty of a felony, and is liable in imprisonment for seven years.

Bigamy

This section does not extend to any person whose marriage with such husband or wife has been dissolved or declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

321. Any person who, with intent to deprive any parent, guardian, or, other person who has the lawful care or charge of a child under the age of twelve years, of the possession of such child, or with intent to steal any article upon or about the person of any such child—

Child steali

- (a) forcibly or fraudulently' takes or entices away, or detains the child; or

(b) receives or harbours the child, knowing it to have been so taken or enticed away or detained;

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

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

322. Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Desertion
children.

CHAPTER 32.— DEFAMATION

Definition of
defamatory
matter

323. Defamatory matter is a matter likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation

Such matter may be expressed in spoken words or in any audible sound, or in words legibly marked on any substance whatever, or

by any sign or object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

It is immaterial whether at the time of the publication of the defamatory matter, the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney-General

Definition of
publication

324. For the purposes of this Code the publication of defamatory matter is—

(a) in the case of spoken words or audible sounds, the speaking of such words or the making of such sounds in the hearing of the person defamed or any other person;

(b) in other cases, the exhibiting it in public, or causing to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with intent that it may be read or seen by the person defamed or by any other person.

Publication
of
defamatory
matter

325. Subject to the provisions of this Chapter, any person who publishes any defamatory matter is guilty of a misdemeanour, and is liable to imprisonment for one year, and any person who publishes any defamatory matter knowing it to be false is liable to imprisonment for two years.

Publishing
defamatory
matter with
intent to
extort

326. Any person who publishes, or threatens to publish, or offers to abstain from publishing, or offers to prevent the publication of defamatory matter, with intent to extort money or other property, or with intent to induce any property or benefit of any kind, is guilty of a felony, and is liable to imprisonment for seven years.

The defender cannot be arrested without warrant.

327. The publication of defamatory matter is not an offence if the publication is, at the time it is made, for the public benefit, and if the defamatory matter is true.

328. The publication of defamatory matter is absolutely privileged, and no person is criminally liable in respect thereof, in the following cases—

- (a) if the matter is published by the President or in any official document. Gazette, or proceeding; or
- (b) if the publication is made in a petition to the President or Governor; or
- (c) if the publication takes place in any proceeding held before or under the authority of any court, or in any inquiry held under the authority of any Act, or Law or under the authority of the President or Governor; or
- (d) if the publication takes place in an official report made by a person appointed to hold an inquiry under the authority of any Law or Act or under the authority of the President or of a Governor; or
- (e) if the matter is concerning a person subject to military discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct.

329. The publication of defamatory matter is conditionally privileged, and no person is criminally liable in respect thereof, in the following cases—

- (a) if the defamatory matter consists of an extract from, or an abstract of, a petition to, or a Gazette or document published by or under the authority of, the President or a Governor, and the publication is made without ill-will to the person defamed; or
- (b) if the defamatory matter constitutes, in whole or in part a fair report for the information of the public, of any proceeding of any court, whether preliminary or final; or of any public proceeding of any body, constituted or authorized to hold such proceeding, by any Law or Act or of any public meeting so far as the public is concerned in the matter published; if in every such case the publication is made without ill-will to the person defamed; or
- (c) if the publication is for the information of the public at the request of any Government, Ministry or department or peace officer, or if the defamatory matter is any notice or report issued by such department or officer, for the information of the public, and if in every such case the publication is made without ill will to the person detained; or
- (d) if the defamatory matter consists of fair comment either on any matter the publication of which, or on any report which, is hereinbefore in the proceeding or this section referred to; or
- (e) if the defamatory matter consists of fair comment upon the public conduct of any person in public affairs, or upon the public conduct of any person employed in the

Publication
truth for
public bene

Cases in
which
publicat
is
absolute
privileg

Cases in whi
publication is
conditionally
privileged.

public service in the discharge of his public duties, or upon the character of any of such persons so far as it appears by such conduct; or

(f) if the defamatory matter consists of fair comment on any published book or other literary production, or any composition or work of art, or performance publicly exhibited, or any other communication made to the public on any subject; or of the character of the author of such book, production, composition, work of art, or the person exhibiting such performance, so far as their characters may appear therefrom respectively; or

(g) if the publication is in good faith for the purpose of seeking remedy or redress for any private or public wrong or grievance from a person who has, or is reasonably believed by the person publishing to have the right to remedy or redress such wrong or grievance; or

(h) if the publication is made in good faith by a person having any lawful authority over another, and is made by him in the course of a censure passed by him on the conduct of that other, in matters to which such lawful authority relates; or

(i) if the publication is made on the invitation or challenge of the person defamed; or

(j) if the publication is made in order to answer or refute some other defamatory matter published by the person; defamed, concerning the person making the publication or some other person; or

(k) if the defamatory matter constitutes an answer to inquiries made by the person publishing it, relating to some subject as to which the person by whom or on whose behalf the inquiring is made has or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth, and if the publication is made in good faith for the purpose of giving information in respect of that matter to that person; or

(l) if defamatory matter constitutes information given to the person to whom the defamatory matter is published, with respect to some subject as to which he has, or is on reasonable grounds believed to have, such an interest in knowing the truth, as to make the conduct of the person giving the information reasonable in the circumstances;

Provided that as regards paragraphs (g) (h) (i) (j) and (k) the person making the publication honestly believes the matters published to be true, the matter published is relevant to the matters the existence of which may excuse the publication of defamatory matter, and the manner and extent of the publication do not exceed what is reasonably sufficient for the occasion; and as regards paragraph (l) mentioned, and that it is either true, or is made without ill-will to the person defamed and in the honest belief, on reasonable grounds, that it is true.

330. (1) In this and the next succeeding section the term "periodical" includes any newspaper, review, magazine, or other writing or print, published periodically.

(2) The criminal responsibility of the proprietor, editor, or publisher, of any periodical for the publication of any defamatory matter contained therein, may be rebutted by proof that such publication took place without his knowledge and without negligence on his part.

331. The sale by any person of any book, pamphlet, or other printed or written matter, or of any number or part of any periodical, is not a publication thereof for the purpose of this Chapter, unless such person knows that such book, pamphlet, printed or written matter, or number or part, contains defamatory matter; or in the case of any part or number of any periodical, that such periodical habitually contains defamatory matter.

Protection
innocent
sellers of
and
newspape

CHAPTER 33 — STEALING

THINGS CAPABLE OF BEING STOLEN

332. Every inanimate thing whatever which is property of any person, and which is movable, is capable of being stolen.

General

Inanimate
thing.

333. Every inanimate thing which is property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Tame animal

334. Every, tamed animal, whether tamed by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen; but tame pigeons are not capable of being stolen except while they are in a pigeon-house or on their owner's land.

Wild animals.

335. Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person, and which are usually kept in a state of confinement are capable of being stolen, whether they are actually in confinement or have escaped from confinement

Wild animal in
confinement

336. Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Nigeria, which are the property of any person are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement but not at any other time.

Definition of
confined wild
animal

337. An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

Ostrich

338. An ostrich on an enclosed ostrich farm is capable of being stolen.

Definition of animal

339. The term "animal in this Chapter includes any living creature other than mankind.

Dead animal

340. Wild animals in the enjoyment of their natural liberty are not capable of being stolen, hut their dead bodies are capable of being stolen

Animal part

341. Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

Definition of stealing.

342. A person who fraudulently takes anything capable of being stolen, or fraudulently converts to his own use or to the use of any other person anything capable of being stole, is said to steal that thing

Definition of fraudulent intention.

343. A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents—

- (a) an intent permanently to deprive the owner of the thing of it;
- (b) an intent permanently to deprive any person who has any special property in the thing of such property;

The term "special property" includes any charge upon the thing in question, and any right arising from or dependent upon lidding possession of the thing in question whether by the person entitled to such right or by some other person for his benefit;

- (c) an intent to use the tiling as a pledge or security;
- (d) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (e) an intent to deal with it in such a manner that it cannot he returned in the condition m which it was at the time of the taking or conversion;
- (f) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

Special
fraudulent
practices

344. (1) The taking or conversion may be fraudulent although it is affected without secrecy or attempt at concealment.

(2) In the case of conversion, it is immaterial whether the thing converted is taken for the purpose of conversion, or whether it is at time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the property is the holder

A power of attorney for the disposition of it, or is otherwise authorized dispose of the property

(3) When a thing converted has been lost by the owner and found by the person who converts it; the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who the owner is, and believes on reasonable grounds that the owner cannot be discovered.

345. A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

346. When a servant, contrary to his master's orders takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be stealing.

Movement of
things

Acts of several
when not
stealing.

Act of a factor
when not
stealing.

347. When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be stealing.

Funds, etc.

348. When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition, of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security or of such mortgage, pledge, or other disposition. shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power of attorney, was received until the direction has been complied with:

Provided that if the person receiving the money, security, or power of attorney, and the person from whom he receives it, ordinarily deal with each other on such terms that in the absence of any special direction all money paid to the former on account

of the latter would be properly treated as an item in a debtor and creditor account between them, the former cannot be charged with stealing the money or any such proceeds unless the direction is in writing

Funds, etc.
received by
agents for sale.

349. When a person receives, either alone or jointly with another person, any property properly from another on terms authorizing or requiring him to sell it or otherwise dispose of it. and requiring him to pay or account for the proceeds of the property or any part of such proceeds or to deliver anything received in exchange for the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was so received, unless it is part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

Money received
for another.

350. When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account and that the relation of debtor and creditor only shall exist between the parties in respect of it.

Stealing by
person having
an interest in
the thing stolen.

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

**Husband
and wife.**

352. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be stealing if they were not married, is deemed to have stolen the thing, and may be charged with stealing it.

Punishmen
t of stealing

353. Any person who steals anything capable of being stolen is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years, but—

Stealing
Wills.

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

Stealing postal
mailer, etc.

(b) if the thing stolen is postal matter or any chattel, money, or valuable security, contained in any postal matter, the offender is liable to imprisonment for life.

Stealing from castle.

(c) if the thing stolen is any of the things following, that is to say: horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, whether goat, or pig, or the young of any such animal, the offender is liable to imprisonment for seven years.

Stealing from the person stealing goods in transit etc.

(d) if the offence is committed in any of the following circumstances—

(i) if the thing is stolen from the person of another;

(ii) if the thing is stolen in a dwelling-house, and its value exceeds ten naira, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;

(iii) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another;

(iv) if the thing stolen is attached to or forms part of a railway;

(v) if the thing is stolen from a vessel which is in distress or wrecked or stranded;

(vi) if the thing is stolen from a public office in which it is deposited or kept;

(vii) if the offender, in order to commit the offence, opens any locked rooms, box or other receptacle, by means of a key or other instrument;

the offender is liable to imprisonment for seven years.

Stealing by persona in public service
Stealing by clerks and servants

(e) if the offender is a person employed in the public service and the thing stolen is the property of the State, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for seven years,

(f) if the offender is a clerk or servant, and the thing stolen is the property of an employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for seven years

Stealing by directors or officers of companies

(g) if the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for seven years.

Stealing by agents etc.

(h) if the thing stolen is any of the following things—

(i) property which has been received by the offender with a power of attorney for the disposition thereof;

(ii) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;

(iii) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;

(iv) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that

the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;

(v) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable to imprisonment for seven years.

Stealing property
of value of
N1,000

(i) If the thing stolen is of the value of one thousand naira or upwards, the offender is liable to imprisonment for seven years.

Stealing by
tenants or
lodgers.

(j). if the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds ten naira, he is liable to imprisonment for seven years.

Stealing after
previous
conviction

(k) if the offender, before committing the offence, has been convicted of any of the felonies or misdemeanours defined in this Chapter, he is liable to imprisonment for seven years.

Stealing property
value over
N2,000

(l) notwithstanding anything contained in paragraphs (e), (f), (g), (h) and (i), where, in those paragraphs the value of the property stolen exceeds two thousand naira the offender is liable to imprisonment for fourteen years.

CHAPTER 34— OFFENCES ANALOGOUS TO STEALING

Concealing
registers.

354. Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births,

baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for fourteen years

Concealing wills

355. Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony, and is liable to imprisonment for fourteen years.

Concealing wills

356. Any person who, with intent to defraud, conceals the whole or part of a document which is evidence to title to any land or estate in land is guilty of a felony, and is liable to imprisonment for three years

Killing of animals
with intent to
steal.

357. Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of an offence, and is liable to the same punishment as if he had stolen the animal.

Serving with
intent to steal.

358. Any person who makes anything movable with the intent to steal it is guilty of an offence, and is liable to the same punishment as if he had stolen the thing after it had become movable.

Bringing stolen
goods into
Enugu state.

359. Any person who, having at any place not in Enugu State obtained any property by any act which if it had been done in the State would have constituted the offence of stealing, and which is an offence under the laws in force in the place where it was done, brings such property into the State, or has it in his possession in the State, is guilty of an offence, and is liable to the same punishment as if he had stolen it in the State; but so that the punishment does not exceed that which would be incurred for the same act under the laws in force in the place where the act by which he obtained the property was done.

Fraudulent
disposition of
mortgaged
goods,

360. Any person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with the intent to defraud, is guilty of a felony and is liable to imprisonment for three years

The offender cannot be arrested without warrant

Definition of
mortgaged
goods, consent
of mortgage.

361. In the preceding section the term "mortgaged goods" includes any goods and chattels of any kind, and any live animals, and any progeny of any animals, and any crops or produce of the earth, whether growing or severed, which are subject for the

time being to the provisions of any written instrument by which a valid charge or then is created upon them by way of security or any debt or obligation.

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

Fraudulent
appropriation of
power.

362. Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance, the property of another person, is guilty of a felony, and is liable to imprisonment for three years

The offender cannot be arrested without warrant.

CHAPTER 35— ROBBERY AND ANALOGOUS OFFENCES

Definition of
robbery

363. Any person who steals anything, and at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or properly in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is said to be guilty of robbery.

364. Any person who commits the offence of robbery is liable to imprisonment for fourteen years.

Punishment or
robbery generally

365. If 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 if, at or immediately before or immediately after the time of the robbery, he wounds or uses any other personal violence to any person, he is liable to imprisonment for life.

Punishment for
robbery when
offender is armed

366. Any person who assaults any person 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, is guilty of a felony, and is liable to imprisonment for seven years.

Attempted
robbery

367. If 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 if, at or immediately before or immediately after the time of the assault, he wounds or uses any other personal violence to any person, he is liable to imprisonment for life.

Attempt when
offender is armed

368. Any person who, being employed in the public service of Enugu State, or in that of any other Government. corruptly and under colour of his employment—

- (a) demands or takes property from any person; or
- (b) compels any person to sell any property at other than its fair market value; or
- (c) obtains lodging from him against the will of any person without

Public servants
demanding
property, etc.

- payment or for inadequate payment; or
- (d) compels, whether partially or wholly for his own profit, any person to work without payment or for inadequate payment:

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

369. Any person who, falsely representing himself by words, conduct, or otherwise, to be a person employed in the public service of Enugu State, or of any other Government, or to be an agent of or acting under the authority of the Government of the State, or of any other Government, unlawfully and in such assumed character—

- (a) does any of the acts or things specified in paragraphs (a), (b), (c), and (d) in the last preceding section; or
- (b) compels or orders any person to hand any property over to any other person, whether such property does or does not rightly belong, or is or is not rightly due, to the last-named person;

Falsely
representing to
be public servant

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

370. Any person attempting, or inciting, soliciting, counseling, procuring, aiding, or abetting any person, to commit any of the offences enumerated in the last two preceding sections is guilty of a felony, and is liable to imprisonment for five years.

371. Any person who, with intent to steal anything, demands it from any person with threats of any injury or detriment of any kind to be caused to him, either by the offender or by any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for three years

Further parties
to robbery

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

Demanding
property with
measures with
intent to steal

373. Any 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 and as inducement to commit or permit the commission of any felony or misdemeanour; or

(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 as aforesaid;

is guilty of a felony, and if the accusation or threat of accusation is of—

Demanding
property by
without
threats

Attempts at
extortion by
threats

- (i) an offence for which the punishment of death or imprisonment for life may be inflicted; or
- (ii) any of the offences defined in Chapter 20 or an attempt to commit any of such offences; or
- (iii) an assault with intent to have carnal knowledge of any person against the order of nature; or an unlawful and indecent assault upon a male person; or
- (iv) an attempt to commit the offence of rape, or an assault with intent to commit the offence of rape, an unlawful and indecent assault upon a woman or girl; or
- (v) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid; the offender is liable to imprisonment for fourteen years,

In any other case the offender is liable to imprisonment for three years. It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Procuring
execution of deeds,
etc. by threats

374. 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, or Order that it may be afterwards made or converted into or used or dealt with as a valuable security; is guilty of a felony, and is liable to imprisonment for fourteen years.

CHAPTER 36— BURGLARY: HOUSE-BREAKING AND LIKE OFFENCES

Interpretation

375. A person who breaks any pan, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar flap, or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is said to break the building.

Definition of entry.

376. A person is said to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

Definition of breaking and entry.

377. A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

house
breaking; burglary

378. Any person who —

(a) breaks and enters the dwelling-house of another with intent to commit a felony therein; or

(b) having entered the dwelling-house of another with intent to commit a felony therein, or having committed a felony in the dwelling-house of another breaks out of the dwelling-house;

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

If the offence is committed in the night, the offender is liable to imprisonment for life.

Entering dwelling
house with intent to
commit felony.

379. Any person who enters or is in the dwelling-house of another with intent to commit a felony therein is guilty of a felony, and is liable to imprisonment for seven years.

If the offence is committed in the night the offender is liable to imprisonment for fourteen years.

Breaking into
building and
committing
felony.

380. Any person who—

(a) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling house and occupied with it but is not part of it, and commits a felony therein; or

(b) having committed a felony in a schoolhouse, shop, warehouse, store, office, or counting-house, or in any such other building as last mentioned, breaks out of the building:

is guilty of an offence, and is liable to imprisonment for fourteen years.

Breaking into building with intent to commit felony.

375. Any person who breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house or a building which is adjacent to a dwelling - house and occupied with it but is not part of it, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for seven years.

Breaking into place of worship and committing felony,

382. Any person who breaks and enters a building ordinarily used for religious worship, with intent to commit a felony therein, or having committed a felony in any such building breaks out of it, is guilty of a felony, and is liable to imprisonment for fourteen years.

Breaking into place of worship with intent to commit felony.

383. Any person who breaks and enters a building ordinarily used for religious worship, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for seven years.

Person found armed, etc. with intent to commit felony.

384. Any person who is found in any of the following circumstances—

- (a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house, and to commit a felony therein;
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein;
- (a) having in his possession by night without lawful excuse, the proof of which lies on him. any instrument of house-breaking;
- (b) having in his possession by day any such instrument with intent to commit a felony;
- (c) having his face masked or blackened or being otherwise
- (d) Being in any building whatever by night with intent to commit a felony therein, or
- (e) Being in any building whatever by day with intent to commit a felony therein; and having taken precautions to conceal his presence;

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

If the offender has been previously convicted of felony relating to property, he is liable to imprisonment for seven years,

CHAPTER 37 —OBTAINING PROPERTY BY FALSE PRETENSES; CHEATING

385. Any representation made by words, writing, or conduct; of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

Definition of false pretenses.

386. Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony, and is liable to imprisonment for three years,

Obtaining goods
by false
pretences.

If the thing is of the value of one thousand naira or upwards, he is liable to imprisonment for seven years,

It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence

The offender cannot be arrested without warrant unless found committing the offence.

387. Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter, or destroy, the whole or any part of any valuable security, or to write, impress, or affix, any name or seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a felony and is liable to imprisonment for three years.

Obtaining
execution of a
security by false
pretences.

The offender cannot be arrested without warrant unless found committing the offence.

Cheating

388. Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods, or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment for two years.

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

389. Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of felony, and is liable to imprisonment for seven years.

390. Any person who being a seller or mortgagor of any property, or being the solicitor or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

- (a) conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrance; or
- (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;

Conspiracy to
defraud.

Frauds on sale
or mortgage of
property

Pretending to
exercise
witchcraft or
tell fortunes.

Obtaining
registration,
etc. by false
pretence.

Receiving stolen
property, etc.

is guilty of a misdemeanour, and is liable to imprisonment for two years.

391. Any person who for gain or reward pretends to exercise or use any kind of witchcraft, juju, secrecy, enchantment, or conjuration, or undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, is guilty of a misdemeanour, and is liable to imprisonment for one year.

392. Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any Law, or Act or the Constitution of the Federation by any false pretence is guilty of a misdemeanour, and is liable to imprisonment for one year.

CHAPTER 38— RECEIVING PROPERTY STOLEN OR FRAUDILY OBTAINED AND LIKE OFFENCES

393. Any person who receives anything which has been obtained by means of any act constituting a felony or misdemeanour, or by means of any act done at a place not in the State, which if it had been done in the State would have constituted a felony or misdemeanour, and which is an offence under the law in force in the place where it was done, knowing the same to have been so obtained, is guilty of a felony

If the offence by means of which the thing was obtained is a felony, the offender is liable to imprisonment for fourteen years, except in the case in which the thing so obtained was postal matter, or any chattel, money or valuable security contained therein, in which case the offender is liable to imprisonment for life.

In any other case the offender is liable to imprisonment for seven years. For the purpose of proving the receiving of anything it is sufficient to show that the accused

person has, either alone or jointly with some other person, had the thing in his possession, or has aided in concealing it or disposing of it

Unlawful possession of arms, etc., belonging to military or police forces.

394. Any person who—

(a) knowingly detains, buys, exchanges, or receives, from any non-commissioned officer or private of the military forces of Nigeria or from any member of the police forces, or from any deserter from either of such forces, or from any person acting for and on behalf of any of the persons above named; or

(b) solicits or entices any of the said persons to sell, make away with, or dispose of; or

(c) shall be employed by any of the said persons, well knowing him to belong to one or other of such forces in one of the several capacities herein before mentioned, or to be a deserter from any of the said forces, to sell make away with, or dispose of: or

(d) shall have in his possession and not give a satisfactory account of his possession of any arms, ammunition, clothing, accoutrements, medals or other appointments, furnished for the use of the military forces of Nigeria or of the police forces;

Is liable on conviction to a fine of forty naira and to pay double the value of all or any of the several articles which he shall so become or be possessed of.

Receiving after change of ownership

395. When a thing has been obtained by means of any act constituting a felony or misdemeanour. or by means of an act done at a place not in the State, which if it had been done in the State would have constituted an offence, and which is an offence under the laws in force in the place where it was done, and another person has acquired a lawful title to it, a subsequent receiver of the thing is not an offender although the receiver knows that the thing had previously been so obtained,

Having possession of thing reasonably suspected of having been stolen

396. Every person who is charged before any court with having in his possession or under his control in any manner or in any place, or that he at any time within the three months immediately preceding the making of the complaint did have in his possession or under his control in any manner or in any place, anything which is reasonably suspected of having been stolen or unlawfully obtained and who does not give an account, to the satisfaction of the court, as to how he came by the same, is guilty of an offence and is liable, on conviction, to a fine of two hundred naira or to imprisonment for six months.

Penalty for being in possession of stolen goods

397. Where any person is charged before any court with having had in his possession or under his control in any manner or in any place anything which has been stolen or unlawfully obtained or which is reasonably suspected of having been stolen or unlawfully obtained and declares that he received the same for some other person or that he was employed as a carrier, agent or servant for some other person, the court is hereby authorized and required, if practicable, to cause every such other person and also it necessary every former or pretended purchaser or other person through whose possession such thing as aforesaid has passed or who has had control thereof to be

brought before it and to examine witnesses upon oath touching the same; and if it appears to the court that any person has had possession or control of such thing and had reasonable cause to believe the same have been stolen or unlawfully obtained every such person shall be deemed to have had possession or control of such thing at the time and place when the same was found or seized and shall be guilty of an offence and liable on conviction,30 to a fine of two hundred naira or to imprisonment for six months

398. The possession of or control by a earner, agent or servant shall be deemed to be the possession of or control by the person who employed such carrier, agent or servant to have or deal with such thing and such person shall be liable, on conviction, to the punishment herein mentioned.

The offender in foregoing sections 396, 397 and 398 may be arrested without warrant.

399. Any person who unlawfully uses a horse, mare, gelding, as, mule, camel, ostrich, bull, cow, ox, ram, ewe, whether, goat, or pig, or the young of any such animal, or any circle or other vehicle whatsoever without the consent of the owner, or of the person in lawful possession thereof, is guilty of a misdemeanaour, and is liable to imprisonment for one year, or to a fine of forty naira for every animal or vehicle so

Meaning of
possession
by a Carrier;
.

Unlawfully
using animals
or vehicles

used.

The offender may be arrested without warrant by a police officer, or by the owner of the property in question, or his servant, or by any person authorized by such owner or servant,

Suspicion of stealing animals.

400. When any horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram. Ewe, whether, goat, or pig, or the young of any such animal, is suspected on reasonable grounds, to have been stolen, any person in whose possession or custody the skin, feathers or carcass, or any part of the skin or carcass, of the animal or bird so suspected to have been stolen, is found, is guilty of an offence punishable by a fine of one hundred naira unless he proves that he came lawfully by the thing in question.

The offender may be arrested without warrant by a police officer, or by the owner of the property in question or his servant; or by any person authorized by such owner or servant

Taking reward for recovery of property obtained by means felony

401. Any person who corruptly receives or obtains, or corruptly agrees to receive or obtain, any property or benefit of any kind upon an agreement or understanding that he will help any person to recover anything which has been obtained by means of any act constituting a felony or misdemeanour, or by means of any act done at a place within the State, which if it had been done in the State would have constituted an offence, and which is an offence under the laws in force in the place where it was done, is, unless he has used all due diligence to cause the offender to be brought to trial for the offence, guilty of a felony and is liable to imprisonment for seven years.

CHAPTER 39— FRAUD BY TRUSTEES, AND OFFICERS OF COMPANIES AND CORPORATIONS; FALSE ACCOUNTING

Trustees fraudulently depositing of trust property.

402. 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 authorized by the trust, is guilty of a felony, and is liable to imprisonment for seven years

A trustee Cannot be put into double jeopardy

The offender cannot be arrested without warrant.

Who are trustee.

403. if civil proceedings have been taken against a trustee in respect of any act done by him, which is an offence under the provisions of section 402, he cannot be afterwards prosecuted for the same cause, as for an offence, on the complaint of the person by whom the civil proceedings were taken, without the sanction of the court or judge before whom the civil proceedings were heard or are pending.

404. For the purposes of sections 402 and 403 the term "trustee" includes the following persons and no others—

Publishing of
directors for
offence
committed.

- (a) trustees upon express trusts treated 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 a Law or Act for any such purposes;
- (c) persons upon whom the duties of any such trust as aforesaid devolve;
- (d) executors and administrators.

405. Any person who—

(a) being director or officer of a corporation or company, receives, or possesses himself as Such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such, an entry to be made therein; or

(b) being a director, officer, or member of a corporation or 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 corporation or company, or any entry in any such book, document, or account, or is privy to any such act; or
- (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 particular from any such book, document or account;

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

The offender cannot be arrested without warrant.

406. Any person who, being a promoter, director, officer, or auditor, of a corporation or company, either existing or intended to be formed, makes, circulates, or publishes, or concurs in making, circulating, or publishing, any written statement or account which in any material particular, is to his knowledge false, with intent thereby to effect any of the following purposes—

- (a) To deceive or to defraud any member, shareholder, or creditor,
of the corporation or company, whether a particular person or not;
- (b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to the corporation or company, or to enter into any security for the benefit thereof;

False
statements by
official of
companies.

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

The offender cannot be arrested without warrant

407. It is a defence to a charge of any of the offences hereinbefore in this Chapter defined to prove that the accused person, before being charged with the offence, and in consequence of the compulsory process of a court in an action or proceeding instituted in good faith by a party aggrieved in a compulsory examination or deposition before a court, disclosed on oath the act alleged to constitute the offence.

A person is not entitled to refuse to answer any question or interrogatory in any civil proceeding instituted in good faith by a party aggrieved, or in a compulsory examination or deposition before a court, disclosed on oath the act alleged to constitute the offence.

Defence

A person is not entitled to refuse to answer any question or interrogatory in any civil proceeding in any court, on the ground that his doing so might tend to show that he had committed any such offence.

408. Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the following acts with intent to defraud—

- (a) destroys, alters, mutilates, or falsifies, any book, document, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him on account of his employer, or entry in any such book, document, or account, or is privy to any such act; or
- (b) makes, or is privy to making any false entry in any such book, document, or account; or
- (c) omits or is privy to omitting, any material particular from any such book, document, or account;

Fraudulent
false
accounting

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

409. Any person who, being an officer charged with the receipt, custody, or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour, and is liable to imprisonment for two years.

False accounting
by public officer.

CHAPTER 40 – UNLAWFUL INJURY OR WILLFUL DAMAGE TO PROPERTY

410. An act which causes injury to the property of another, and which is done without his consent, is unlawful, unless it is authorized or justified or excused by the law

411. It is immaterial whether the person who does the injury is in possession of the property injured or has a partial interest in it.

Unlawful
acts

Being
possession
etc,
immaterial

Damage
in self
defence

412. A person is not criminally responsible for any injury caused to property by the use of such force as is reasonably necessary for the purpose of defending or protecting himself, or any other person, or any property, from injury which he believes, on reasonable grounds, to be imminent.

413. When an act which causes injury to property, and which would be otherwise lawful, is done with intent to defraud any person, it is unlawful.

Acts done
with intent
defraud

When an act which causes injury to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender himself.

414. The term "damage" used in relation to a document, or to a writing or inscription, includes obliterating and rendering illegible, either in whole or in part.

Definition
of damage

415.(1) Any person who willfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanor, and he is liable, if no other punishment is provided, to imprisonment for two years.

Malicious
injuries in
general

(2) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance and if—

(a) any person is in the dwelling-house or vessel: or

(b) the destruction or damage actually endangers the life of any person,

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

(3) If the property in question —

(a) is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or work which appertains to a dock, reservoir, or inland water, and the injury causes actual danger of inundation or damage to any land or building; or

Riverbank
or wall, or
navigation
works, or
bridge

(b) is a bridge, viaduct, or aqueduct, which is constructed over a highway, railway or canal, or over which a highway, railway or canal passes, and the property is destroyed; or

(c) being any such bridge, viaduct, or aqueduct, is damaged, and the damage is done with intent to render the bridge, viaduct, or aqueduct. Or the highway, railway, or canal, passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable,

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

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorized or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a felony and is liable to imprisonment for fourteen years.

Will and
registers.

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender is guilty of a felony, and is liable to imprisonment for seven years.

Wrecks.

Other
things of
special
value.

(6) If the property in question—

- (a) being a vessel, whether complete or not, is destroyed; or
- (b) being a vessel, whether complete or not, is damaged, and the damage is done with intent to destroy it or render it useless; or
- (c) is a light, beacon, buoy, mark or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation, or
- (d) is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or which is used for the purposes of loading or unloading goods; or
- (e) being a bridge, viaduct, or aqueduct, which is constructed over a highway, or canal, or over which a highway, or canal passes, is damaged, and the damage is done with intent to render the bridge, viaduct, or aqueduct, or the highway, or canal, passing over or under the same, or any part thereof, dangerous or impassable; or
- (f) being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed;

or

- (g) being any such thing, machine, implement, or appliance as last aforesaid, is damaged, and the damage is done with intent to destroy the thing, in question or to render it useless; or
- (h) is a well, or bore for water, or the dam, bank, wall, or floodgate or mill-pond or pool;

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

(7) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land; the offender is guilty of a felony and is liable to imprisonment for seven years.

416. Any person who wilfully and unlawfully sets fire to any of the following things—

- (a) any building or structure whatever, whether completed or not;
- (b) any vessel, whether complete or not;
- (c) any stack of cultivated vegetable produce, or of mineral or vegetable fuel;
- (d) a mine, or the workings, fittings, or appliance of a mine;

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

417. Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it;

Arson

Attempt to
commit
arson

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

418. Any person who willfully and unlawfully sets fire to any of the following things—

(a) a crop of cultivated vegetable produce, whether standing or cut;

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut;

(c) any standing trees, saplings, or shrubs, whether indigenous or not, under cultivation;

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

419. Any person who—

(a) attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or

(b) willfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it;

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

420. Any person who in State waters—

(a) willfully and unlawfully casts away or destroys any vessel, whether complete or not; or

(b) willfully and unlawfully does any act which tends 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;

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

421. Any person who in state waters attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of felony, and is liable to imprisonment for fourteen years.

422. Any person who willfully and unlawfully kills, maims, or wounds, any animal capable of being stolen is guilty of an offence punishable either in section 423 or 424 of this Code as the case may be.

423. If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, whether, or ostrich, or the young of any such animal, the offender is guilty of a felony, and is liable to imprisonment for seven years.

424. In any other case the offender is guilty of a misdemeanor, and is liable to imprisonment for two years.

425. Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever is guilty of a felony, and is liable to imprisonment for fourteen years

Setting fire to
crop and
growing plant

Punishment
for specific
offences
under section
422

General
punishment
under
section
422

Attempts
to destroy
property
by
explosive

Attempting to
set fire to crops
etc.

Casting away
ships.

Attempts to
cast away
ships.

Injuring
animals

426. Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Communicati
infectious dis
to animals

427. Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land is guilty of a felony, and is liable to imprisonment for three years.

Removing
boundary
marks
intent t
defraud

428. Any person who—

(a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any Ministry or Government department or in the course of or for the purposes of a Government survey; or

Willfully
damages
to surve
and
boundary
marks

(b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid neglects or refuses to repair the same;

is guilty of a simple offence and is liable to imprisonment for three months or to a fine of forty naira, and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

429. Any person who, knowing contents of the writing, causes any person to receive any writing threatening that any building or vessel, whether complete or not, or any stack of cultivated vegetable produce, or any such produce that is in or under a building, shall be burnt or destroyed, is guilty of a felony, and is liable to imprisonment for seven years.

Sending
letters
threatening
to burn or
destroy

430. A person found committing any of the misdemeanors or simple offences defined in this Chapter may be arrested without warrant by a peace officer or a member of the police force, or by the owner of property injured or his servant, or by any person authorized by such owner or servant.

Arrest
without
warrant

CHAPTER 41. — FORGERY AND LIKE OFFENCES

431. In this Chapter—

"bank note" includes any negotiable instrument issued by or on behalf of any person or corporation in any part of the world, or issued by the authority of any country, prince, or Government, and intended to be used as equivalent to money, either immediately on issue or at any time afterwards: it also includes a bank bill or bank post bill, or notes of the Central Bank of Nigeria or any note (by whatever name called) which is legal tender in the country in which it is issued;

"document" includes a register or register-book, or part of either, and any other books, and any paper, parchment, or other material whatever, used for writing or printing, which is marked with any letters or marks denoting words, or with any other signs capable of conveying a definite meaning to persons conversant with them; but does not include trade marks on articles of commerce;

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

Interpretation

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

432.A document or writing is said to be false—

(a) in the case of a document which is a register or record kept by lawful authority, or an entry in any such register, or which purports to be issued by lawful authority as testifying to the contents of any register or record kept by lawful authority, or as testifying to any fact or event, if any material particular stated in the document is untrue; or

(b) if the whole or some material part of the document or writing purports to be made by or on behalf of some person who did not make it or authorize it to be made, or if, in a case where the time or place of making is material, although the document or writing is made by or by the authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time or place of making; or

(c) if the whole or some material part of the document or writing purports to be made by or on behalf of some person who does not, in fact, exist; or

(d) if document or writing is made in the name of an existing person, either by that person himself or by his authority, with the fraudulent intention that it should pass as being made by some person, real or fictitious, other than the person who makes it or authorized it to be made.

433.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.

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

435. 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.

436.A person who makes a false document or writing knowing it to be false, and with intent that it may in any way be used or acted upon as genuine, whether in the State or elsewhere, to the prejudice of any person, or with intent that any person may, in the belief that it is genuine, be induced to forge the document or writing.

437.A person who makes a counterfeit seal or mark, or makes an impression of a counterfeit seal knowing the seal to be counterfeit, or makes a counterfeit representation of the impression of a genuine seal, or makes without lawful authority an impression of a genuine seal, with intent in either case that the thing so made may in any way be used or acted upon as genuine, whether in the State or elsewhere, to the prejudice of any person, or with intent that any person may, in the belief that it is genuine, be induced to do or refrain from doing any act whether in the State or elsewhere, is said to forge the seal or mark.

438.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

Definition of counterfeit seal mark

A representation of seal

Definition of resemble

Definition of forgery

Further interpretation

Definition of forger

Definition of false document

Language immaterial

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.

439. It is immaterial in what language a forged document or writing is expressed.

Intention of
the forger
immaterial

440. It is immaterial that the forger of anything forged may not have intended that any particular person should use or act upon it, or that any particular person should be prejudiced by it or be induced to do or refrain from doing any act.

Incomplete
forged matters
immaterial

441. It is immaterial that the thing forged is incomplete or does not purport to be a document, writing, or seal, which would be binding in law for any particular purpose, if it is so made and is of such a kind as to indicate that it was intended to be used or acted upon.

Certain
matters
immaterial

442. In the case of an offence which involves the forging or uttering of a document or writing relating to the payment of money, or to the delivery or transfer of any property, are to the creation or performance of any obligation, it is immaterial in what country the money or property is or purports to be an obligation to be performed: and if the money or the property purports to be payable, deliverable, or transferable, or the obligation purports to be an obligation to be performed, in some country out of Nigeria, it is immaterial whether the document or writing is under seal or not.

443.(1) Any person who forges any document, writing, or seal, is guilty of an offence which, unless otherwise stated, is a felony, and he is liable, if no other punishment is provided, to imprisonment for three years.

Punishment
of forgery i
general

(2) If the thing forged—

Public
seals etc.

(a) purports to be, or is intended by the offender to be understood to be or to be used as the public seal of Nigeria or of the Government of any State thereof, or the seal of the President or of the Governor or any public seal lawfully appointed to be used for authenticating an act of State in any part of the Commonwealth; or

(b) is a document having on it or affixed to it any such seal, signet, or sign manual, or anything which purports to be, or is intended by the offender to be understood to be any such seal, signet, or sign manual;

the offender is liable to imprisonment for life.

(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—

Securities
title
registers,
etc.

(a) a document which is evidence of title to any portion of the public debt of any part of the Commonwealth, or of any foreign State, or to any dividend or interest payable in respect of any such debt, or a transfer 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 of assignment of a share in any corporation, company, or society, whether domestic or foreign, or of any share or interest in the capital stock of any such corporation, company or society, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such share, interest, or debt;

(c) a document acknowledging or being evidence of the indebtedness of the Government of Nigeria or the Government of any State of Nigeria or of Government of any part of the Commonwealth or of any foreign prince or State, to any person;

(d) a document which by the law of the Federation of Nigeria or of any State of the Federation, or of any other country is evidence of the title to any land or estate in land in Nigeria or that other country or an entry in any register or book which is such evidence;

(e) a document which by law is required for procuring the registration of any title to any land or estate in land;

(f) a testamentary instrument, whether the testator is living or dead, or a probate or letters of administration, whether with or without a will annexed;

(g) a deed, bond, or writing obligatory, or a draft, warrant, order, or other security for the payment of money, or for the delivery or transfer of valuable security, or for procuring or giving credit, whether negotiable or not, or an endorsement or assignment of any such document;

(h) an accountable receipt, or an acknowledgment of the deposit, receipt, payment or delivery, of money or goods, of any valuable security, or an endorsement or assignment of any such document;

(i) 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 authorizing or purporting to authorize, 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;

(j) a charter party, or shipping document accompanying a bill of lading, or an endorsement or assignment of either;

(k) a power of attorney or other authority to execute any such document as is hereinbefore in this section mentioned;

(l) the signature of a witness to any of the documents herein-before in this section mentioned to which attestation is by law required;

(m) a register of births, baptisms, marriages, deaths, or burials, authorized or required by law to be kept, or any entry in any such register;

(n) a copy of any such register or entry as last aforesaid, which is authorized or required by law to be given or sent to or by any person;

(o) a seal used by a register appointed to keep any such register as is hereinbefore mentioned, or the impression of any such seal, or the signature of any such register;

(p) a bank note, bill of exchange, or promissory note, or an acceptance endorsement, or assignment, or either;

(q) a policy of insurance of any kind;

the offender is liable to imprisonment for fourteen years.

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

(a) the signature of the President, or a Governor, upon any grant, commission, warrant, or order;

(b) a seal or stamp used for the purposes of the public revenue in Nigeria or any part of the Commonwealth, or in any foreign State;

(c) a document relating to the obtaining or receiving of any money payable on account of the public service of any part of Nigeria, or any part of the Commonwealth, or a power of attorney or other authority to execute any such document;

the offender is liable to imprisonment for fourteen years.

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

(a) the seal of a court of record in any part of the Commonwealth, or a court of record in Nigeria for stamping or sealing summonses or orders;

(b) a seal or signature by virtue whereof any document can by law be used as evidence;

(c) any process of any court of justice in any part of the Commonwealth;

(d) a document issued or made by or out of or by the authority of, any such court as last aforesaid;

(e) a document or copy of a document of any kind, which document or copy is intended by the offender to be used as evidence in any such court as last aforesaid;

(f) a record or other document of or belonging to, a court of record in any part of the Commonwealth;

(g) copy or certificate of any record of any such court as last aforesaid;

(h) an instrument, whether written or printed, or partly written and partly printed, which is made evidence by any Law or Act, in force in the State;

(i) a document which a judicial officer is required or authorized by law to make, attest, or issue, and purporting to be made, attested, or issued, by a judicial officer;

(j) a stamp used for denoting the payment of fees or percentages in any court;

(k) a licence or certificate required or authorized by law to be given for the celebration of marriage;

(l) a consent to the marriage of a minor given by a person authorized by law to give it;

(m) a certificate of marriage given under the provisions of the laws relating to the solemnization of marriage;

(n) a copy of the registration of a marriage;

(o) a stamp issued or made under the laws relating to the post office;

(p) a power of attorney or a letter of attorney;

Documents
relating to
revenue and
act of state,
etc.

Court seals,
record,
process,
evidence, etc.

- (q) the signature of a witness to a power of attorney or letter of attorney;
- (r) the superscription of any postal matter by any person empowered under any Law or Act to frank postal matter;
- (s) a contract or a writing which with other writings constitutes a contract or is evidence of a contract;
- (t) an authority or request for the payment of money or for the delivery of property;
- (u) an acquittance or discharge or a voucher of having received any property, or any document which is evidence of the receipt of any property;
- (v) any mark which under the authority of any Law, or Act, is impressed upon or otherwise attached to or connected with any article or the fact that it has been examined or approved by or under the authority of some public body or public officer;

the offender is liable to imprisonment for seven years

(6) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, a message to be sent by telegraph, or a message received by telegraph, the offender is liable to the same punishment as if he had forged a document to the same effect as the message,

444. Any person who knowingly and fraudulently utters a false document or writing, or a counterfeit seal, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the thing in question.

It is immaterial whether the false document or writing, or counterfeit seal, was made in the State or elsewhere.

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

445. Any person who knowingly utters as and for a subsisting and effectual document any document which has by any lawful authority been ordered to be revoked, cancelled, or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of any offence of the same kind and is liable to the same punishment as if he has forged the stamp seal.

446. Any person who knowingly utters as and for a valid and uncanceled stamp a stump, or an impression of a seal, used for any purpose connected with the public revenue of the Federation of Nigeria or of any part thereof or of any part of the Commonwealth, which has been already used or which has been cancelled, is guilty of an offence of the same kind and is liable to the same punishment as if he has forged the stamp or seal

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

Uttering false documents and counterfeit seals.

Uttering cancelled or exhausted documents

Uttering cancelled stamp

Procuring execution of document by pretences

Obliterating crossings on cheque

448. Any person who, with intent to defraud—

(a) obliterates, adds to or alters the crossing on a cheque; or

(c) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered;

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

449. Any person who, with intent to defraud—

(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 utters any document or writing so made, signed, or executed, by another person;

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

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

451. Any person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives from any person, or has in his possession, a forged banknote, whether filled up or in blank, knowing it to be forged, is guilty of a felony, and is liable to imprisonment for seven years.

452. Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of a felony, and is liable to imprisonment for seven years.

453. Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which, in any material particular, is to his knowledge false, to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

454. Any person who signs or transmits to a person authorized by law to register marriages, a certificate of marriage, or any document purporting it to be a certificate of marriage, which in any material particular is to his knowledge false, is guilty of a felony, and is liable to imprisonment for seven years.

455. Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths, or marriages, makes any false statement touching any matter required by law to be registered in any such register, is guilty of a felony, and is liable to imprisonment for three years.

Making documents without authority

Demanding property upon forged testamentary instruments

Purchasing forged bank notes

Falsifying warrants for money payable under public authority

Falsifying of register

Sending false certificate of marriage to register

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

The offender cannot be arrested without warrant

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

(a) makes, or begins or prepares to make, or uses, or knowingly has in his possession or disposes of, any paper resembling any paper such as is specially provided by the proper authority for the purpose of being used for making any of the following things—

(i) any document acknowledging or being evidence of the indebtedness of the Government of the State to any person; or

(ii) any stamp, licence, permit, or other document, used for the purposes of the public revenue of Nigeria, or any machinery or instrument or material for making such paper, or capable of producing in or on paper any words, figures, letters, marks, or lines, resembling any words, figures, letters, marks, or lines used in any such document as aforesaid; or

(b) impresses or makes upon any plate or material, any words, figures, letters, marks, or lines, the print whereof resembles, in whole or part, the words, figures, letters, marks, or lines used in any such document as aforesaid; or

(c) uses, or knowingly has in his possession or disposes of, any plate or material upon which any such words, figures, letters, marks or lines, are impressed or made; or

(d) uses, or knowingly has in his possession or disposes of, any paper on which is written or printed the whole or any part of the usual contents of any such document as aforesaid;

is guilty of a felony, and is liable to imprisonment for fourteen years and any such paper, document, banknote, or any machinery or instrument or material for making or capable of producing such paper, document or banknote which is found in his possession shall be forfeited to the Governor by order of the court before which he is tried or if there is no trial by order of the court before which the offence is inquired into.

457. Any person who, without authority or excuse the proof of which lies on him, either orally or in writing makes inquiries of any other person, whether in the State or at any place not in the State—

(a) as to the cost of obtaining or the cost of supplying or as to obtaining or supplying any machinery or instrument or material for the making of any paper or capable of producing in or on any paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on paper specially provided for any purpose mentioned in paragraph (a) of section 456; or

(b) as to the cost of printing or otherwise reproducing or as to printing or otherwise reproducing any document referred to in paragraph (a) of section 456; no matter by what name such document may be referred to; or

(c) as to whether such other person or any other person is prepared to print or otherwise reproduce or would be prepared to print or otherwise reproduce any such document as aforesaid; or

(d) as to whether such other person or any other person is prepared to obtain or would be prepared to obtain any such document as aforesaid by any means other than paying full value for the same;

Instrument and
materials or
forgery

Unlawful
inquiries
relating to the
possibility of
forgery

shall be guilty of an offence and liable to imprisonment for one year;

Written
inquiries

458. In the case of written inquiries in connection with any of the matters or subjects to which section 457 relates the fact that such inquiries were reduced into writing shall be sufficient proof of any attempt to commit the offence and the offender shall be subject to a like penalty as if he had committed the offence.

Counterfeit
stamps

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

(a) makes or mends, or begins or prepares to make or mend, or uses or knowingly has in his possession or disposes of, any die, plate, or instrument, capable of making an impression resembling that made by any die, plate, or instrument, used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purpose of the public revenue in the federation of Nigeria or any State of the federation or capable of producing in or on paper any words, figures, letters, marks, or lines, used in or on any paper specially provided by the proper authority for any such purpose; or

(b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate, or instrument, or any paper which has on it or in it any such words, figures letters, marks, or line, as aforesaid; or

(c) fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever, or

(d) fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp; or

(e) fraudulently fixes or places upon any material or upon any such stamp, any stamp or part of a stamp which has been in any way removed from any other material, or out of or from any other stamp; or

(f) fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it; or

(g) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid;

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

CHAPTER 42. — PERSONATION

460. Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of felony, and is liable to imprisonment for three years

Presentation
in general

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he is liable to imprisonment for fourteen years.

461. Any person who, without lawful authority or excuse, the proof of which lies on him, makes, in the name of any other person, before any court or person lawfully authorized to

Falsely
acknowledging
deeds
recognizances,
etc

take such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, is guilty of a felony, and liable to imprisonment for seven years

462. Any person who utters any document which has been issued by lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by the law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

463. Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to have been 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 may represent himself to be the person named therein, is guilty of a felony, and is liable to imprisonment for three years

The offender cannot be arrested without warrant

464. Any person who, with the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanor and is liable to imprisonment for one year

465. Any person who, being a person to whom any such document as is mentioned in the preceding section has been given, gives, sells or lends such document to another person with the intent that, that other person may utter such document for the purpose of obtaining employment, is guilty of a misdemeanor, and is liable to imprisonment for three years.

CHAPTER C11— FRAUDULENT DEBTORS

466. Any person who, with intent to defraud his creditor or any of them—

(a)makes any gift, delivery, or transfer of his progeny, or any charge on his property; or

(b)conceals or removes any part of his property after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

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

CHAPTER 44. —MALICIOUS BREACH OF CONTRACT

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

Fraudulent dealing with property by debtors

Breach of contract of person employed in certain services

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

Breach of contract of services that endangers life

469. For the purpose of this Chapter—

(a) "maliciously" means with the intention of producing any of the consequences set out in section 467 or 468, as the case may be, or with the reckless disregard of whether such consequences are produced or not; or

Meaning of "maliciously" and termination

(b) the termination of any contract of service, whether 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 section 467 or 468, shall; where the length of such notice required by any Act or Law, or by any contract of service, is more than seven days, be deemed to be malicious breach of contract, and the words "maliciously breaks in this section shall be construed accordingly.

Punishment

470. Any person guilty of an offence against any of the provisions of this Chapter shall be liable, on conviction, to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment,

Consent of Attorney-General

471. No prosecution for an offence under this Chapter shall be instituted without the written consent of the Attorney-General.

CHAPTER 45,— SECRET COMMISSIONS AND CORRUPT PRACTICES

Corrupt acceptance of gifts

472. Any person who—

(a) being an agent corruptly accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do or for having after the commencement of this Code done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or do favour to any person in relation to his principal's affairs or business; or

Corrupt gift to agree

(b) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Code done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

Gift to agent to receipt etc, with intent to mislead principal

(c) knowingly gives to any agent, or being an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested and which contains any statement which is false or erroneous or deceptive in any material particular, and which, to his knowledge, is intended to mislead his principal:

473. For the purposes of section 472—

Meaning of consideration

"agent" includes any person employed by or acting for another,

"consideration" includes valuable consideration of any kind;

"principal" includes an employer

474. A person serving under the Federal or State Government or any local government is an agent within the meaning of section 472.

Meaning of
an agent

475. A prosecution for an offence under section 472 shall not be instituted except by or with the consent of Attorney-General

Consent of
Attorney-
General

CHAPTER 46.— CRUELTY TO ANIMALS

476. Any person who—

Offences of
cruelty

(a) cruelly bears, kicks, ill-treats, over-rides, over-drives, overloads, tortures, infuriates, or terrifies any animal, or causes or procures, or, being the owner, permits any animal to be so used; or

(b) by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, to be caused to any animal: or

(c) conveys or carries, or, being the owner, permits to be conveyed or carried any animal in such manner or position as to cause such animal unnecessary suffering; or

(d) wilfully without any reasonable cause or excuse administers, or causes or procures, or, being the owner, permits such administration of, any poisonous or injurious drug or substance to any animal, or wilfully without any reasonable cause or excuse causes any such substance to be taken by any animal; or

(e) subjects, or causes or procures, or, being the owner, permits, to be subjected, any animal to any operation which is performed without due care and humanity ; or

(f) causes, procures, or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of, any premises or place for the purpose or partly for the purpose, of fighting or baiting any animal, or permits any place to be so kept, managed or used, or receives or causes or procures any person to receive money for the admission of any person to such premises or place;

is guilty of an offence of cruelty and is liable to imprisonment for six months or to a fine of fifty naira, or to both such imprisonment and fine.

477. For the purposes of the preceding section an owner shall be deemed to have committed cruelty within the meaning of this Chapter if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, when an owner is convicted of permitting cruelty within the meaning of this Chapter by reason only of his having failed to exercise such care and supervision, he is not liable to imprisonment without the option of a fine.

478. Nothing in this Chapter shall apply—

Cruelty by the
owner, section

Exceptions

(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 unless such destruction, or such preparation was accompanied by the infliction of unnecessary suffering; or

(b) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated or exhausted condition; but a captive animal shall not, for the purposes of this section be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

Court may
order destruction
of animal

479. When the owner of any animal is convicted of an offence of cruelty under this Chapter it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to a suitable person for that purpose. Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and thereupon shall be recoverable in like manner as a fine

Court may
deprive person
of ownership

480. If the owner of any animal shall be guilty of cruelty within the meaning of this Chapter to any animal, the court upon his conviction thereof may, if it thinks fit, in addition to any other punishment deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as it may think fit:

Provided that no order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal if left with the owner, is likely to be exposed to further cruelty.

481. When a person in charge of an animal or vehicle is arrested it shall be lawful for any police officer to take charge of such animal or vehicle and to deposit the same in the place of safe custody until the termination of the proceedings or until the court shall direct such animal or vehicle to be delivered to the person charged or to the owner, and the reasonable costs of such detention, including the reasonable costs of any veterinary treatment, shall in the event of a conviction in respect of the animal, be paid by the owner, and such costs may be recovered in like manner as a fine

Court may
deprive person
of ownership

482. In this Chapter—

Interpretation

"animal" means any domestic or captive animal

"captive animal" means any animal (not being a domestic animal) of whatsoever kind or species, and any bird, fish or reptile, which is in captivity or confinement, or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement,

"domestic animal" means any animal or bird which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man.

CHAPTER 47.—MISCELLANEOUS OFFENCES IN RELATION TO SHIP AND WHARVES

Interpretation

483. In this Chapter—

"crew" includes masters, mates, pilots, engineers, stokers, deck hands and all persons engaged in the navigation or service of the ship;

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

"ship" includes every description of vessel in the service of the Government and every passenger steamer employed in local navigation in State waters;

Offences
relating
to
ships

484. If any of the following offences is committed on any ship in State waters—

(a) if any person being drunk or disorderly has been on that account refused admission thereto by any duly authorized members of the crew and nevertheless persists in attempting to enter in ship;

(b) if any person being drunk or disorderly on board the ship is requested by any duly authorized member of the crew to leave the ship at any place at which he can conveniently do so, and does not comply with that request;

(c) if any person on board the ship, after warning by any duly authorized member of the crew molests or continues to molest any passenger;

(d) if any person shall obstruct, impede or molest the crew or any member of them in the navigation or management of the ship;

(e) if any person, after having been refused admission to the ship by any duly authorized member of the crew on account of the ship being full, persists in attempting to enter the ship;

(f) if any person having gone on board the ship at any place and being requested, on account of the ship being full, by any duly authorized member of the crew to leave the ship, before it has quitted that place, does not comply with that request;

(g) if any person travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;

(h) if any person having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship without first paying the additional fare for the additional distance, and with intent to avoid payment thereof;

(i) if any person on arriving in a ship at the point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the ship;

(j) if any person on board the ship fails when requested by any duly authorized member of the crew either to pay his fare or exhibit such or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare on the ship;

(k) if any person travels or attempts to travel in that part of a ship which is set apart from passengers of a superior class to that for which he holds a ticket;

(1) if any person travels or attempts to travel in any ship or part of a ship which is not set apart for public passengers and on being ordered by any duly authorized member of the crew to leave such place refuses so to do;

the person so offending shall for such offence be liable to a fine often naira but that liability shall not prejudice the recovery of any fare payable by him,

485. Any member of the crew in charge of any ship, and all persons called by him to his assistance, may without warrant, arrest any person who commits any offence against section 484 and whose name and address are unknown to him.

486. Any person who commits an offence against section 484 and on the application of the officer or quartermaster in charge of the ship, refuses to give his name and address, or gives a false name or address. shall be liable to a fine of forty naira.

487. Any person who in, or in relation to. State waters—

(a) not being a passenger by a ship or not having purchased a ticket to travel by a ship enters upon any enclosed quay, wharf, or landing place, and on being ordered to leave such quay, wharf, or landing place by any officer of the Inland Waterways; or

(b) not being a passenger by a ship or not having purchased a ticket to travel by a ship attempts to enter upon any enclosed quay, wharf or landing place, and on being ordered to desist by any officer or quartermaster of the Inland Waterways or person in charge of such quay, wharf or landing place, or any police officer persists in so doing:

is guilty of a simple offence and is liable to a fine of four naira or in default to imprisonment for one month.

488. Any duly authorized member of the crew of any ship, police officer and all persons called by him to his assistance may, without warrant, arrest any person who commits any offence against section 487 and whose name and address are unknown to him

489. Any duly authorized member of the crew of any ship in State waters may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place,

490. For the purpose of giving jurisdiction under this Chapter, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the district in which the same actually was committed or arose, or in any district in which the offender or person complained against is or may be found.

CHAPTER 48. — OFFENCES BY MEMBERS OF A CREW

491. In this Chapter -

"ship" includes every description of vessel used in inland navigation on State waters or in the service of the Government, but does not include -

(a) ocean-going ships not in the service of the Government; or

(b) vessels or canoes of Nigerian manufacture;

"voyage" means the period from the date of the entry of the starting of a ship, in the ship's log to the date when the ship's log is handed over to the employer or his agent and the voyage terminates.

Arrests
any member
of the crew

Punishment

Entering
ship
wharf
without
ticket

Arrest
members
the crew

Power
exclude
drunken person
from ship

Jurisdiction.

Interpretation

Obligation to complete voyage 492. A person serving in State waters in the crew of a ship shall complete any voyage the ship may be engaged in making when the period of his engagement expires:

Provided that the person serving after the term of his agreement has expired shall be paid up to the date or the termination of the voyage, at the rate stipulated for under the terms of the agreement under which he is serving,

Offence by members of crew. 493. (1) Any person who in State waters—

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

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

(2) Any person serving in State waters in the crew of any ship who combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage shall be liable to imprisonment for three months.

(3) The offender may be tried in any place where he is or to which he may be brought

(4) A master or person in charge of an ocean-going ship may inquire into any offence under this section, and may impose upon the offender a fine not exceeding ten naira to be levied by stoppage from the offender's wages.

CHAPTER 49. — CONSPIRACY

494. Any person who conspires with any other person to kill any person, whether such person is in the State or elsewhere, is guilty of a felony and is liable to imprisonment for fourteen years

Conspiracy to murder

495. Any person who—

- (a) conspires with another to commit any felony in the State, or
- (b) while in the State conspires with another to do any act not in 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,

Conspiracy to commit felony

is guilty of an offence and is liable, if no other punishment is provided, to imprisonment for seven years or if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

Conspiracy to commit misdemeanor

496. Any person who—

(a) conspires with another to commit any offence in the State which is not a felony; or

(b) while in the State conspires to do any act not in the State which if done in the State would be an offence against the law of the State (other than a felony) and which is an offence against the law of the place where it is proposed to be done;

is guilty of a misdemeanor and is liable to imprisonment for two years The offender cannot be arrested without warrant.

497. 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 Act; or

(b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person; or

(c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value; or

(d) to injure any person in his trade or profession; or

(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 part, the free and lawful exercise by any person of his trade, profession, or occupation; or

(f) to effect any unlawful purpose; or

(g) to effect any lawful purpose by any unlawful means;

is guilty of a misdemeanor, and is liable to imprisonment for two years.

An offender cannot be arrested without warrant.

Conspiracy in trade dispute

498. (1) The provisions of sections 495, 496 and 497 shall not apply to an agreement or combination of two or more persons to do or procure to be done any act in contemplation of furtherance of a trade dispute if such act committed by one person would not be punishable as an offence;

Provided that—

(a) nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is provided by any written law , and

(b) nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State.

(2) For the purposes of this section—

"offence" does not include an offence punishable only by a fine; and

“trade dispute” has the same meaning as in the Trade Unions Act

CHAPTER 50. — PREVENTION OF CRIMES

499.(I) Where any person is convicted of a crime, and a previous conviction of a crime is proved against him the court before which he is convicted may, in addition to any other punishment which it may award, direct that he is to be subject to the supervision of the police for a period not exceeding five years commencing immediately after the expiration of the sentence passed on him for the last of such crimes

Person twice
convicted may
be subjected
to police
supervisor

(2) Every person subject to the supervision of the police, who is at large in the State, shall notify the place of his residence to the nearest superior police officer and, whenever he is about to change his residence, shall notify such intention to the said superior police officer, stating the place to which he is going, and so soon as he arrives at his new place of residence he shall forthwith notify his arrival to the superior police officer stationed nearest to such last mentioned place.

(3) Every such person shall once in each month report himself at such time and in such manner as may be prescribed by the nearest superior police officer, either to such officer himself or to such other person as that officer may direct.

(4) If any person fails to comply with any of the requirements of this section, he shall be guilty of an offence unless he proves that he did his best to act in conformity with the law and was prevented by circumstances beyond his control, and shall be liable on conviction to imprisonment for one year.

(5) The Attorney-General may by order under his hand remit, any of above requirements either generally or in the case of any person subject to supervision of the police

Penalty for
harbouring
thieves, etc

500.(1) Every person who occupies or keeps a lodging house or any licensed premises, or any place of public entertainment or public resort, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be guilty of an offence and shall be liable on conviction to a fine of twenty naira or to imprisonment for four months, and the court before which he is convicted may, in addition to or in lieu of such punishment, require him to enter into his own recognizance with or without sureties for keeping the peace and being of good behaviour during twelve months, and may order him to be imprisoned until such recognizance, with sureties, if so directed, is entered into: but so that the imprisonment for not entering into recognizance shall not extend for a term longer than two months.

(2) Any licence for the sale of intoxicating liquor, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place referred to in subsection (1), may, in the discretion of the court, be forfeited on his first conviction for such an offence under this section and on his second conviction for such an offence, his licence shall be forfeited, and he shall be disqualified for a period of two years from receiving any such license.