

A BILL

FOR

AN ACT TO AMEND THE MISCELLANEOUS OFFENCES ACT AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Honourable Tajudeen Ayo Yusuf

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The Miscellaneous Offences Act Cap M17 Laws of the
2 Federation 2004 (In this bill referred to as "The Principal Act") is amended
3 as set out in this bill.

Amendment of
Principal Act
Cap. M17
LFN 2004

4 2. Section 1 of the Principal Act is amended:
5 (a) in subsection 4, paragraph (c) by substituting the words "a term
6 not exceeding 21 years but not less than 10 years without an option of fine"
7 for the word "life";

Amendment of
Section 1

8 (b) in subsection 7, by substituting for the existing Subsection (7)
9 the following new sub section (7):

10 (7) Any person who intentionally or unlawfully:

11 (i) breaks, damages, disconnects or otherwise tampers with any
12 pipe or pipeline for the transportation of crude oil or refined oil or gas;

13 (ii) obstructs, damages, destroys or otherwise tampers or interferes
14 with the free flow of any crude oil or refined petroleum product through any
15 oil pipeline;

16 (iii) scoops, draws or siphons any crude oil or refined petroleum
17 product into any vessel, vehicle, drum, container or any receptacle
18 whatsoever from any damaged, broken, disconnected pipe or pipeline for
19 the transportation of crude oil, gas or refined petroleum product;

20 (iv) obstructs, or howsoever interferes with the oil or gas
21 production process, or any facility employed therefore, including without

1 limitation, an oil or gas production platform, rig, tank farm flow station or such
2 like facility;

3 (v) obstructs or howsoever interferes with the oil or gas production
4 process or any facility employed therefore including without limitation
5 abduction, kidnapping and or falsely imprisoning of oil and or gas company
6 workers or their relations;

7 (vi) has in his possession pipes for the transportation of crude oil, gas
8 or refined petroleum product which is stolen, unlawfully disconnected or
9 removed from any pipeline or flow station for which the person cannot give a
10 reasonable account of how he came into possession of them, commits an
11 offence and liable on conviction to be sentenced to imprisonment for a term not
12 exceeding twenty one years but not less than ten years or to a fine of not less
13 than Seven Million Naira or to both such imprisonment and fine.

14 (c) in subsection 8, paragraph (b) by substituting the words "a term not
15 exceeding 21 years but not less than 10 years without an option of fine" for the
16 word "life";

17 (d) in subsection 9, by substituting the words "a term not exceeding 21
18 years but not less than 10 years without an option of fine" for the word "life" in
19 line 4;

20 (e) in subsection 14, paragraph (a) by substituting the words "a term
21 not exceeding 21 years but not less than 10 years without an option of fine" for
22 the word "life";

23 (f) in subsection 17, paragraph (b) by substituting the words "a term
24 not exceeding 21 years but not less than 10 years without an option of fine" for
25 the word "life".

Amendment of
Section 2

26 3. Section 2 of the Principal Act is amended by substituting for the
27 existing Section 2 the following new Section (2):

28 (1); Any person who commits an offence under this Act shall be
29 arrested without warrant by a police officer or customs officer or an officer of
30 the Economic and Financial Crimes

1 Commission (EFCC) or any authorized person as the case may be.

2 (2) Notwithstanding the provisions of any other enactment
3 conferring power to search, if the Judge of the Federal High Court is
4 satisfied that there is reasonable ground to suspect that there may be found in
5 any building or other place whatsoever, any money or property or any books,
6 records, accounts, statements or information in any other form whatsoever
7 which, in his opinion, are or may be material to the subject-matter of any
8 trial under this Act, he may issue a warrant under his hand authorizing any
9 police officer or an officer of the Economic and Financial Crimes
10 Commission to search, if necessary by reasonable force, the said building or
11 other place or any part thereof, and to search for, seize and remove any such
12 thing as aforesaid found therein,

13 4. This bill may be cited as the Miscellaneous Offences Act Short Title
14 (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

The bill seeks to amend the Miscellaneous Offences Act Cap M17, Laws of the Federation 2004 which was initially enacted as Decree No 20, 1984 to abolish life imprisonment and create more offences to curb oil theft as well as increase punishment for offenders.