

A BILL

FOR

AN ACT TO AMEND THE NATIONAL DRUG LAW ENFORCEMENT AGENCY
ACT, CAP. N30 LAWS OF THE FEDERATION OF NIGERIA, 2016

Sponsored by Senator Olugbenga B. Ashafa

[] Commencement

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

1 1. The National Drug Law Enforcement Agency Act, Cap. N30 Establishment of
2 Laws of the Federation of Nigeria, 2004 (hereinafter referred to as "the the Principal Act
3 Principal Act") is hereby amended as set out in this Bill.

4 2. Amendment of Section 11 (a) (b) (c) and (d). Change the word Amendment of
5 "heroin" in line 2 of each of the subsections to "heroin". Section 11
6 "Importation, etc., of cocaine, heroin, or similar drugs, etc;"

7 11. Any person who, without lawful authority:

8 (a) imports, manufactures, produces, processes, plants or grows
9 the drugs popularly known as cocaine, LSD, heroin or any other similar
10 drugs shall be guilty of an offence and liable on conviction to be sentenced
11 to imprisonment for life; or

12 (b) exports, transports or otherwise traffics in the drugs popularly
13 known as cocaine, LSD, heroin or any other similar drugs shall be guilty of
14 an offence and liable on conviction to be sentenced to imprisonment for life;

15 (c) sells, buys, exposes or offers for sale or otherwise deals in or
16 with the drugs popularly known as cocaine, LSD, heroin or any other similar
17 drugs shall be guilty of an offence and liable on conviction to be sentenced to
18 imprisonment for life, or

19 (d) knowingly possesses or uses the drugs popularly known as
20 cocaine, LSD, heroin or any other similar drugs by smoking, inhaling or
21 injecting the said drugs shall be guilty of an offence and liable on conviction

1 to imprisonment for a term not less than fifteen years but not exceeding 25
2 years".

Amendment of
Section 12

3 3. Change the word "heroin" to "heroin" in line 3.

4 "Occupier unlawfully permitting use of premises;

5 12. Any person, who being the occupier or is concerned in the
6 management of any premises, unlawfully permits or causes the premises to be
7 used for the purpose of storing, concealing, processing or dealing in the drug
8 popularly known as cocaine, LSD, heroin, or any other similar drug shall be
9 guilty of an offence under this Act and liable on conviction to be sentenced to
10 imprisonment for a term not exceeding 25 years".

Amendment of
Section 13

11 4. Change the word "heroin" in line 2 to "heroin".

12 "Offender being armed;

13 13. Any person who is unlawfully concerned in the storage, custody,
14 movement, carriage or concealment of the drug popularly known as cocaine,
15 LSD, heroin, or any other similar drug and who, while so concerned is armed
16 with any offensive weapon or is disguised in any way, shall be guilty of an
17 offence under this Act and liable on conviction to be sentenced to
18 imprisonment for life".

Amendment of
Section 16

19 5. Change the word "heroin" in line 2 to "heroin".

20 "Tampering with drug;

21 16. Any person who unlawfully removes, conceals, destroys or in any
22 way tampers with the drug popularly known as cocaine, LSD, heroin or any
23 other similarly drug seized from any person or otherwise in the possession of
24 the Agency or any authorized person shall be guilty of an offence under this Act
25 and liable on conviction to be sentenced to imprisonment for a term not
26 exceeding 25 years".

Amendment of
Section 19

27 6. Change the word "heroin" to "heroin".

28 "Unlawful possession of cocaine, etc;

29 19. Any person who, without lawful authority, knowingly possesses
30 the drugs popularly known as cocaine, LSD, heroin or any other similar drugs

1 shall be guilty of an offence under this Act and liable on conviction to be
2 sentenced to imprisonment for a term not less than fifteen years and not
3 exceeding 25 years".

4 7. Section 26 of the Principal Act is amended by inserting a new
5 subsection 3 and renumbering sub section 3 of the Principal Act as
6 subsection 4 as follows:

Amendment of
Section 26

7 "Jurisdiction, etc;

8 26.-(3) The penalties provided for in this Act shall be strictly
9 adhered to, and notwithstanding any provision in any other law or rule of
10 practice, a trial judge shall not have the power to vary such penalties either
11 by imposing a lesser term of imprisonment or granting a convict an option of
12 fine.

13 (4) In any trial for an offence under this Act, the fact that an accused
14 person is in possession of pecuniary resources or property for which he
15 cannot satisfactorily account and which is disproportionate to his known
16 sources of income, or that he had at or about the time of the alleged offence
17 obtained an accretion to his pecuniary resources or property for which he
18 cannot satisfactorily account, may be proved and may be taken into
19 consideration by the Federal High Court as corroborating the testimony of
20 any witness in such trial".

21 8. Change "N20,000" in the Principal Act to "N100,000".

Amendment of
Section 49

22 "Obstruction of the Agency or authorized officers;

23 49. Any person who:

24 (a) willfully obstructs the Agency or any authorized officer of the
25 Agency in the exercise of any of the powers conferred on the Agency by this
26 Act; or

27 (b) fails to comply with any lawful enquiry or requirements made
28 by any authorized officer in accordance with the provisions of this Act, shall
29 be guilty of an offence under this Act and shall be liable on conviction to
30 imprisonment for a term not exceeding five years or to a fine of N100, 000 or

1 to both such imprisonment and fine.

Citation

2 9. This Act may be cited as the National Drug Law Enforcement
3 Agency Act (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Drug Law Enforcement Agency Act Cap. N30 Laws of the Federation of Nigeria, 2004 to close any loophole by having a clear, unambiguous and unequivocal provision that judges cannot vary the sentences provided by the Act among other things