

A BILL

FOR

AN ACT TO AMEND THE CRIMINAL CODE ACT CAP C38 LFN 2004, TO PROVIDE STIFFER PENALTIES TO SELECTED SECTIONS OF THE ACT AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

[] Commencement

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

1 1. The Criminal Code Act Cap C38, LFN, 2004 (hereinafter
2 referred to as "the Principal Act) is amended as follows-

3 2. Section 226sub section 2 of the Principal Act is hereby amended
4 * by removing the term "is guilty of a misdemeanor and is liable to
5 imprisonment for two years" and replace same with is guilty of a felony and
6 is liable to imprisonment for five years.

7 Section 226 of the Principal Act will now be read as follows:

8 226. Any person who-

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

12 (2) detains a woman or girl against her will in a brothel,
13 is guilty of a felony and is liable to imprisonment for five years.

14 3. Section 227 of the Principal Act is hereby amended by removing
15 the term "and is liable to imprisonment for three years and replaced with the
16 term, "and is liable to imprisonment for five years".

17 Section 227 of the Principal Act will now be read as follows:

18 227. Any person who conspires with another to induce any woman
19 or girl, by means of any false pretence or other fraudulent means, to permit
20 any man to have unlawful carnal knowledge of her, is guilty of a felony, and

Unlawful detention
with intent to defile,
or in a brothel

Conspiracy to
defile

1 is liable to imprisonment for five years.
 2 The offender cannot be arrested without warrant.

3 4. Section 230 of the Principal Act is hereby amended by removing
 4 the term "is guilty of a felony and is liable to imprisonment for three years" and
 5 replaced with the term, "is guilty of a felony and is liable to imprisonment for
 6 three years"

7 Section 230 of the Principal Act will now be read as follows:

Supplying drugs
 or instruments to
 procure abortion

8 230. Any person who unlawfully supplies to or procures for any
 9 person anything whatever, knowing that it is intended to be unlawfully used to
 10 procure the miscarriage of a woman, whether she is or is not with child is guilty
 11 of a felony and is liable to imprisonment for five years.

12 The offender cannot be arrested without warrant.

13 5. Section 329A sub section (1) of the Principal Act is hereby
 14 amended by removing the term "is guilty of a felony and is liable to
 15 imprisonment for five years and replace same with "is guilty of a felony and is
 16 liable to imprisonment for ten years".

17 Section 329A sub section (1) of the Act will now be read as follows:

Unlawful
 possession of
 human head

18 329A. "(1) Any person who receives or has in his possession a human
 19 head or skull within six months of the same having been separated from the
 20 body or skeleton with the intention that such head or skull shall be possessed by
 21 himself as a trophy, juju or charm or transferred by him to any other person as
 22 trophy, juju or charm, is guilty of a felony and is liable to imprisonment for ten
 23 years".

24 6. Section 340 of the Principal Act is hereby amended by removing
 25 the term "is guilty of a felony and is liable to imprisonment for three years and
 26 replace same with "is guilty of a felony and is liable to imprisonment for five
 27 years."

28 Section 340 of the Principal Act will now be read as follow:

Endangering life
 or health of
 apprentices of
 servants

29 340. "Any person who, being charged as a master or mistress with the
 30 duty of providing necessary food, clothing, or lodging, for a servant or

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

7 7. Section 362 of the Principal Act is hereby amended by removing
8 the term "and is liable to imprisonment for two years" and replace same with
9 ten years imprisonment.

10 Section 362 of the Principal Act will now be read as follows:

11 "Any person who unlawfully takes an unmarried girl under the age
12 of sixteen years out of the custody or protection of her father or mother or
13 other person having the lawful care or charge of her, and against the will of
14 such father or mother or other person, is guilty of a felony, and is liable to
15 imprisonment for ten years".

16 8. The Bill may be cited as the Criminal Code Act (Amendment)
17 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act Cap C38 LFN 2004 to provide a stiffer penalty for offences under the Act. The Criminal Code Act is an old Law enacted in 1916 and as such, most of the penalties prescribed to offenders are not in tandem with the current social and economic realities, this amendment will cure that defect.