

# A BILL

## FOR

AN ACT TO AMEND THE CRIMINAL CODE ACT CAP. C.38, LAWS OF THE  
FEDERATION OF NIGERIA, 2004 TO DELETE THE STATUTE OF LIMATATION  
ON DEFILEMENT, INCREASE PUNISHMENT FOR THE OFFENCE OF  
KIDNAPPING, REMOVE GENDER RESTRICTIONS IN THE OFFENCE OF RAPE  
AND FOR RELATED MATTERS

*Sponsored by Hon, Dachung Musa Bagos*

[ ] Commencement

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

- 1           **1.** The Criminal Code Act Cap. C38 LFN, 2004 (referred to as  
2 "the Principal Act") is hereby amended as set out in this Bill. Amendment of  
Cap. C38 LFN,  
2004
- 3           **2.** Section 218 of the Principal Act is amended by deleting in line 5  
4 the words; "A prosecution for either of the offences defined in this section  
5 shall be commenced within two months from the date the offence is  
6 committed". Amendment of  
Section 218
- 7           **3.** Section 221 of the Principal act is amended as follows: Amendment of  
Section 221
- 8           (a) In line 4, by substituting for the words 'an idiot or imbecile', the  
9 words "mentally challenged", and
- 10           (b) In line 10, by deleting the words: "A prosecution for any of the  
11 offences define in this section of this Code shall be begun within two months  
12 after the offence is committed".
- 13           **4.** Section 357 of the Principal Act is amended as follows: Amendment of  
Section 357
- 14           (a) In line 1, by substituting for the words 'woman or girl, without  
15 her consent, or with her consent', the words "any person, without consent, or  
16 with consent";
- 17           (b) In line 3, by substituting for the words 'in the case of a married  
18 woman, by personating her husband, is guilty of an offence which is called

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	1	rape' in line 3, the words 'in the case of a married man or woman, by personating
	2	his wife or husband, is guilty if an offence which is called rape".
Amendment of Section 364	3	<b>5.</b> Section 364 (2) of the Principal Act is amended in line 5 by
	4	substituting for the words "is guilty of a felony, and is liable to imprisonment
	5	for ten years", the words "is guilty of a felony and is liable to imprisonment for
	6	life".
Citation	7	<b>6.</b> This Bill may be cited as the Criminal Code Act (Amendment)
	8	Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act Cap. C38 Laws of the Federation of Nigeria, 2004 to delete the statute of limitation on defilement, increase punishment for the offence of kidnapping and remove gender restrictions in the offence of rape.