

CRIMINAL CODE (AMENDMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

*Clause:*

1. Amendment of CAPC38 LFN 2004
2. Amendment of section 218
3. Amendment of Section 221
4. Amendment of Section 221
5. Amendment of Section 357
6. Amendment of Section 364
7. Citation



# 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 LIMITATION  
ON DEFILEMENT, INCREASE PUNISHMENT FOR THE OFFENCE OF KIDNAPING,  
REMOVE GENDER RESTRICTIONS IN THE OFFENCE OF RAPE AND FOR  
RELATED MATTERS

*Sponsored Senator Oluremi Tinubu*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria-

- 1           1. The Criminal Code Act Cap C.38 LFN, 2004 (referred to as "the  
2     Principal Act)" is 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 by deleting in line  
8     10 the words; "A prosecution for either of the offences defined in this section  
9     shall be commenced within two months from the date the offence is  
10    committed". Amendment of  
Section 221
- 11          4. Section 221 is amended in line 4 by substituting for the words  
12    'idiot or imbecile', the words 'mentally challenged'. Amendment of  
Section 221
- 13          5. Section 357 of the Principal Act is amended in line 1 by  
14    substituting for the words, 'woman or girl, without her consent, or with her,  
15    consent', the words, 'any person, without consent, or with consent,' Amendment of  
Section 357
- 16          6. Section 357 of the Principal Act is amended in line 3 by  
17    substituting for the words, 'in the case of a married woman, by personating  
18    her husband, is guilty of an offence which is called rape', the words, 'in the

1 case of a married man or woman, by personating his wife or her husband, is  
2 guilty of an offence which is called rape".

Amendment  
of Section 364

3 7. 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 8. This Bill may be cited as the Criminal Code Act (Amendment)  
8 Bill, 2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act Cap c.38 Laws of the Federation of Nigeria, 2004 to delete the statute of limitation on defilement, increase punishment for the offence of kidnaping and remove gender restrictions in the offence of rape.