

**CHAPTER 93**

**DEFAMATORY AND OFFENSIVE PUBLICATIONS  
ACT**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Extended definition of publication in relation to defamation.
2. Provoking breach of peace by offensive publications, etc.
3. Interpretation.
4. Short title.

**CHAPTER 93**

**DEFAMATORY AND OFFENSIVE PUBLICATIONS  
ACT**

**An Act to prohibit and create offence for publishing, display or offer to the public of any pictorial representation of any person living or dead in a manner likely to provoke any section of the community in Nigeria or to do anything in whatever manner likely to provoke or bring into disaffection any section of the community in Nigeria; and to provide the penalty for such offence.** 1966 No. 44.

[1st June, 1966] Commence-  
ment.

1. Sounds where recorded shall, if defamatory, be deemed to be published if reproduced in any place to the hearing of persons other than the person causing it to be reproduced; and in any prosecution, the penal provisions whether of the Criminal Code to the extent of its operation elsewhere than in the Northern States, or as to the said Northern States, of the Penal Code shall, in so far as they relate to or purport to define publication of defamatory matter, be construed and have effect subject to this section.

Extended  
definition  
of publica-  
tion in  
relation to  
defamation.  
Cap. 77.

Provoking  
breach of  
peace by  
offensive  
publication,  
etc.

2. (1) Any person who—

- (a) in any manner or form publishes or displays or offers to the public the pictorial representation of any person living or dead in a manner likely to provoke any section of the community; or
- (b) publishes or circulates publications either in the form of newspapers, or leaflets, periodicals, pamphlets or posters, if such publications are likely to provoke or bring into disaffection any section of the community; or
- (c) sings songs, plays any instrument or recording of sounds, or sells, lends, or lets on hire any record of sounds, the words of which are likely to provoke any section of the community,

shall be guilty of an offence for which he may be arrested without warrant by any police officer or member of the armed forces in uniform, and upon conviction shall be liable to a fine of ₦100 or to imprisonment for a term of 3 months, or to both; and the court convicting may order confiscation of any material (including records) used for purposes contemplated by this section, and of any instrument used in connection therewith.

(2) Where any person is subsequently convicted of the like or any other offence under this section, the penalty shall be the maximum prescribed for the offence.

(3) It shall be a defence to any person charged under this section with selling, lending or letting on hire of any record that after reasonable enquiry was made by him before the sale, lending or hiring out as the case may be (the proof of which enquiry shall lie upon the person charged with the offence), he was unaware of the possibility that it might be used for purposes mentioned in subsection (1) of this section, and thereafter withdrew the record from sale or recalled any record lent or hired out by him.

(4) This section shall have effect notwithstanding any other penalty which may be prescribed for any offence of a similar nature in any criminal code or penal code in force in Nigeria.

*Defamatory and Offensive Publications Act*

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3. In this Act, unless the context otherwise requires—
- “pictorial representation” includes any photograph, and any plate or film, positive or negative; Interpretation.
- “recorded” means sounds collected or stored by means of any tape, disc, cylinder or other means whatsoever where the sounds are capable of being reproduced or are intended for reproduction by electrical or mechanical means at any time or from time to time thereafter, and includes the matrix, and cognate expressions shall have the like meaning;
- “sounds” includes speech and mere noise.

4. This Act may be cited as the Defamatory and Offensive Publications Act. Short title.
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CAP. 93]

*Defamatory and Offensive Publications Act*

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**DEFAMATORY AND OFFENSIVE PUBLICATIONS ACT**

**CHAPTER 93**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*