

PASSPORT (MISCELLANEOUS PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Certain offences in respect of passports.
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An Act to create, among other things, certain offences and their punishment, in respect of passports.

[1985 No. 15.]

[8th August, 1985]

[Commencement.]

1. **Certain offences in respect of passports**

- (1) As from the commencement of this Act, it shall be an offence for any person-
- (a) not being a citizen of Nigeria, to have, hold or be in possession of any Nigerian passport;
 - (b) to have, hold or be in unauthorised possession of more than one valid standard Nigerian passport;
 - (c) unlawfully to alter, tamper with or mutilate any passport or any pages thereof;
 - (d) knowingly to make or cause to be made any false statement for the purpose of procuring a passport whether for himself or for another person;
 - (e) to submit multiple application forms to one or more passport offices with the intention of obtaining multiple passports;

(f) to knowingly conceal, hide from or fail to disclose to the proper authority the loss of a passport;

(g) to act as a broker at or in the vicinity of any passport office or elsewhere, for the procurement of a passport;

(h) to forge or traffic in passports or to hold or be in possession of any forged passport knowing the same to be forged;

(i) to attempt, aid, abet, counsel, procure or connive or conspire with any other

person to commit any of the offences set out in this subsection.

(2) Any person found guilty of an offence under paragraphs (b) to (i) of subsection (1) of this section shall be liable on conviction to imprisonment for a term not exceeding one year.

(3) A person shall not be regarded as being in possession of more than one standard Nigerian passport if, in addition thereto, he is in possession of any other passport of the following descriptions issued to him by the lawful authority, that is-

(a) a Nigerian diplomatic or official passport;

(b) a Nigerian pilgrim's passport; or

(c) a seaman's passport or seaman's card of identification.

(4) In this section, "**standard Nigerian passport**" means any passport of certain description normally issued to a Nigerian citizen, not being a passport of the description specified in paragraph (a), (b) or (c) of subsection (3) of this section.

2. Recommender or guarantor signing application containing false declaration liable

(1) It shall be an offence for any recommender or guarantor to sign any application form that contains any false declaration knowing same to be false or to hide or conceal any material information.

(2) Any person found guilty of an offence under subsection (1) of this section, shall be liable on conviction to imprisonment for a term not exceeding two years without the option of a fine.

1. Offences for procuring a Nigerian passport for an alien

(1) It shall be an offence punishable under subsection (2) of this section for any person to unlawfully assist an alien to procure or be in possession of a Nigerian passport.

(2) Any person found guilty of an offence under subsection (1) of this section, shall be liable on conviction to imprisonment for a term of five years without the option of a fine.

4. Alien offenders under this Act

(1) Any person found guilty of an offence under paragraph (a) of subsection (1) of section I of this Act shall be liable on conviction to imprisonment for a term of five years without the option of a fine.

(2) An alien who is recommended or guaranteed or in any way assisted to procure a Nigerian passport in contravention of subsection (1) of section 3 of this Act, shall on conviction be liable to imprisonment for a term of five years without the option of a fine; and it shall be immaterial that the alien concerned has not actually procured the passport.

(3) In addition to the penalty imposed under the foregoing provisions of this section, the alien concerned may be deported from Nigeria.

5. Cancellation or withdrawal of passport etc.

(1) The Minister may, at any time, cancel or withdraw any passport issued to any person if-

(a) the passport is obtained by fraud;

(b) the passport has expired;

(c) a person unlawfully holds more than one passport at the same time;

(d) it is in the public interest so to do.

(2) The number of the passport, name and particulars of the holder of any passport withdrawn or cancelled pursuant to the provisions of subsection (1) of this section shall be published in the Federal *Gazette*.

(3) An offence under this Act shall be triable in a magistrate's court.

1. Interpretation

In this Act, unless the context otherwise requires-

"citizen of Nigeria" has the meaning assigned thereto by sections 25 to 27 of the Constitution of the Federal Republic of Nigeria;

[Cap. C23.]

“Minister” means the Minister charged with responsibility for matters relating to passports;

“passport” means a document of protection and authority to travel issued by the competent Nigerian officials to Nigerians wishing to travel outside Nigeria and includes as defined in subsections (3) and (4) of section I of this Act, the following-

- (a) a standard Nigerian passport;
- (b) a Nigerian diplomatic or official passport;
- (c) a Nigerian pilgrim’s passport; and
- (d) a seaman’s passport or seaman’s card of identification.

1. **Short title**

This Act may be cited as the Passport (Miscellaneous Provisions) Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation