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### PENAL CODE (NORTHERN STATES) FEDERAL PROVISIONS ACT

**An Act to supplement the Penal Code of the Northern States in respect of matters within the exclusive legislative competence of the National Assembly, and for purposes ancillary thereto.**

[1960 No. 25.]

[30th September, 1960]

[Commencement.]

#### **1. Short title**

This Act may be cited as the Penal Code (Northern States) Federal Provisions Act.

#### **1. Interpretation**

In this Act, unless the context otherwise requires-

**“Northern States”** means the States of Nigeria formerly known as Northern Region of Nigeria.

### **1. Application of provisions of Schedule as Law of Northern States**

(1) The provisions contained in the Schedule to this Act shall apply in respect of the Northern States and shall be read as the law of that territory and as such form part of the Penal Code contained in the Schedule to the Penal Code Law, 1959, of the Northern States (hereinafter referred to as the Penal Code of the Northern States).

[Schedule.]

(2) The provisions of Chapter I to Chapter VI of the Penal Code of the Northern States, shall apply in respect of the provisions of the Schedule to this Act as fully as though the provisions of such Chapters were enacted in this Act.

### **1. Punishment of offences in Schedule committed in Northern States**

Every person shall be liable to punishment under the provisions of section 3 of this Act and of the Schedule to this Act for every act or omission contrary to the provisions of the Schedule to this Act of which he is guilty within the Northern States:

Provided that a sentence of caning shall not be passed in accordance with section 77 of the Penal Code of the Northern States except in a case where a sentence of whipping could have been passed in accordance with section 18 of the Criminal Code or section 387 of the Criminal Procedure Act.

[Cap. C38. Cap. C41.]

### **1. Circumstances in which provisions of Schedule apply**

(1) Where by the provisions contained in the Schedule to this Act, the doing of any act or the making of an omission is made an offence, those provisions shall apply to every person who is in the territory at the time of his doing the act or making the omission.

[Schedule.]

(2) Where any such offence comprises several elements and any acts, omissions or events occur which, if they all occurred in the Northern States would constitute an offence, and any of such acts, omissions or events occur in the Northern States, although the other acts, omissions or events, which if they occurred in the Northern States would be elements of the offence, occur elsewhere than in the Northern States then-

(a) if the act or omission, which in the case of an offence committed wholly in the Northern States would be the initial element of the offence, occurs in the Northern States, the person who does that act or makes that omission is guilty of an offence of the same kind and is liable to the same punishment as if all the subsequent elements of the offence occurred in the Northern State; and

(b) if that act or omission occurs elsewhere than in the Northern States and the person who does that act or makes that omission afterwards enters the Northern States, he is by such entry guilty of an offence of the same kind and is liable to the same punishment, as if that act or omission had occurred in the Northern States and he had been in the Northern States when it occurred.

(3) Notwithstanding the provisions of subsection (2) of this section it shall be a defence to the charge in any such case to prove that the person accused did not intend that the act or omission should have effect in the Northern States.

(4) The provisions of subsection (2) of this section shall not extend to a case in which the only material event that occurs in the Northern States is the death of a person whose death is caused by an act or omission at a place outside, and at a time when that person was outside, the Northern States.

### **1. Repeal of Cap. C38 in Northern States**

The Criminal Code Act, in so far as it has effect as if it were a law enacted by the Legislature of the Federation and as it applies in the Northern States, is repealed:

Provided that such repeal shall not, in respect of proceedings taken outside the Northern States, affect the operation of the Criminal Code solely because some element or elements of the offence are alleged to have occurred within the Northern States.

#### SCHEDULE

[Section 3.]

#### CHAPTER XXVI

#### *Offences against the State*

#### **\*410. Treason**

(1) Whoever levies war against the State, in order to intimidate or overawe the President, commits treason.

(2) Nothing in this section shall prevent any act from being treason which is so by the law of England as in force in Nigeria.

\*The numbering is consecutive with that of the Penal Code of the Northern State.**411.**

**Punishment for treason**Whoever commits treason shall be punished with death, and whoever attempts or abets

treason shall be punished with imprisonment for life or for any less term or with fine or with both.**412. Treasonable crimes**

(1) Whoever intends-

[L.N. 139 of 1965.]

(a) to remove otherwise than by constitutional means during his term or office-

(i) the President of the Federal Republic; or

(ii) the Governor of any State of the Federal Republic;

(b) to levy war against Nigeria or any part of the Federation in order by force or constraint to compel the President or the Governor of a State as the case may be, to change his measures or counsels, or in order to put any force or constraint upon or to intimidate or overawe either House of the National Assembly or, as the case may be, the House of Assembly of a State; or

(c) to instigate any person not a national of Nigeria to make an armed invasion of Nigeria or any part thereof,

and manifests such intention by an overt act, shall be punished with imprisonment for life or any less term and shall also be liable to fine.

(2) A person charged with any of the offences specified in this section is not entitled to be acquitted on the ground that any act proved to have been committed by him constitutes the offence of treason; but a person who has been tried, and convicted or acquitted, on a charge of any such offence cannot be afterwards prosecuted for treason in respect of the same facts.

### **413. Inciting to mutiny**

Whoever-

(a) seduces any person serving in the armed forces or the police force from his duty of allegiance to the State;

(b) incites any such person to commit an act of mutiny,

shall be punished with imprisonment for life or for any less term and also be liable to fine.

[L.N. 193 of 1965.]

### **414. Causing disaffection among soldiers, police or prison officers**

(1) Whoever causes or does any act calculated to cause disaffection amongst persons

serving as-

(a) members of the armed forces of Nigeria; or

(b) police officers; or

(c) prison officers,

or does any act calculated to induce any person serving as aforesaid to withhold his services or to commit breaches of discipline, shall be punished with imprisonment which may extend to three years or with fine which may extend to N600 or with both.

(2) For the purposes of this section the expression “**prison officer**” shall have the same meaning as in subsection (1) of section 19 of the Prisons Act.

#### **415. Assisting or allowing escape of prisoners of war**

Whoever intentionally aids an enemy of the State, being a prisoner of war in Nigeria, whether such prisoner is confined in prison or elsewhere, or is suffered to be at large on his parole, to escape from his prison or place of confinement, or if he is at large on his parole, to escape from Nigeria, shall be punished with imprisonment for life or for any less term and shall also be liable to fine, and whoever negligently or unlawfully permits the escape of any such prisoner shall be punished with imprisonment which may extend to two years or with fine or with both.

[L.N. 139 of 1965.]

### CHAPTER XXVII

#### *Sedition*

#### **416. Inciting disaffection to the Government**

Whoever by words, either spoken or reproduced by mechanical means or intended to be read, or by signs or by visible representation or otherwise excites or attempts to excite feelings of disaffection against the person of the President or the Governor of a State, or against the Government, or the Constitution, or any State thereof or against the administration of justice in Nigeria or any State thereof, shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

*Explanation 1* – The expression “disaffection” includes disloyalty and all feelings of enmity.

*Explanation 2* – Comments expressing disapprobation of the measures of the Government of the Federation or of any State Government of Nigeria with a view to obtaining their



alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

*Explanation 3* – Comments expressing disapprobation of the administrative or other action of the Government of the Federation or any State Government of Nigeria without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

#### **417. Exciting hatred between classes**

Whoever, seeks to excite hatred or contempt against any class of persons in such a way as to endanger the public peace, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

#### **418. Publication of false news with intent to cause offence against the public peace**

Whoever circulates, publishes or reproduces any statement, rumour or report which he knows or has reason to believe to be false with intent to cause or which is likely to cause fear or alarm to the public whereby any person may be induced to commit an offence against the public peace, shall be punished with imprisonment which may extend to three years or with fine or with both.

#### **419. Possession of seditious articles**

Whoever has in his possession without lawful excuse, the proof of which shall lie on him, any book, pamphlet, paper, gramophone record, tape recording, drawing, printing, photograph, cinema film or other visible or audible representation or reproduction, the publication or exhibition of which would constitute an offence under section 416, 417 or 418 of this Chapter, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

#### **420. Power to prohibit importation of publications**

(1) The Minister charged with responsibility for such matters may, if he is of opinion that the importation or any publication would be contrary to the public interest, by order prohibit the importation of such publication.

(2) If such Minister is of opinion that it would be in the public interest to do so he may by order prohibit the importation of all publications published by or on behalf of any organisation or association of persons specified in the order.

(3) An order made under the provisions of subsection (1) of this section shall, unless a contrary intention is expressed therein, have effect-

(a) with respect to all subsequent issues of such publication; and

(b) not only with respect to any publication under the name specified in relation thereto in the order, but also with respect to any publication published under any other name if the publishing thereof is in any respect in continuation of, or in substitution for, the publishing of the publication named in the order.

(4) An order made under the provisions of subsection (2) of this section shall, unless a contrary intention is expressed therein, have effect not only with respect to all publications published by or on behalf of the organisation or association of persons named therein before the date of the order but also with respect to all publications so published on or after such date.

(5) An order made under the provisions of subsection (1) or (2) of this section shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order.

#### **421. Punishment for importation of prohibited publications**

Whoever intentionally imports, publishes, sells, distributes or reproduces or has in his possession any publication the importation of which has been prohibited under section 420 of this Chapter or any extract therefrom, shall be punished with imprisonment which may extend to three years or with fine or with both.

#### **422. Unlawful drilling**

Whoever without the permission of the President, instigates, practises, takes part in or is concerned in any exercise, movement, evolution or drill of a military nature shall be punished with imprisonment which may extend to seven years or with fine or with both.

[L.N. 139 of 1965.]

### CHAPTER XXXVIII

#### *Customs offences*

#### **423. Smuggling or rescuing goods under arms**

Whoever assembles with two or more persons armed with any dangerous weapon for any of the following purposes-

(a) to unlawfully ship, unship, load, move or carry away any goods the importation of which is prohibited, or any goods liable to customs duties, which duties have not been paid or secured;

(b) to rescue or take any such goods from any person authorised to seize them, or from any person employed by that person, or assisting that person,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

#### **424. Smuggling under arms or in disguise**

Whoever assembles with five or more persons who have with them any goods liable to forfeiture under any law relating to the customs, and who are carrying dangerous weapons, or who are disguised shall be punished with imprisonment which may extend to seven years or with fine or with both.

#### **425. Assembling for the purpose of smuggling**

Whoever assembles with two or more persons for the purpose of shipping, carrying, or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs shall be punished with imprisonment which may extend to six months or with fine which may extend to N 200.

### CHAPTER XXIX

#### *Offences relating to copyright*

#### **426. Making or dealing in copies of copyright work**

Whoever intentionally-

- (a) makes for sale or hire any copy of a work which infringes a copyright; or
- (b) sells or lets for hire any copy of any such work; or
- (c) distributes copies of any such work for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or
- (d) by way of trade exhibits in public any copy of any such work,

shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to N 1,000 or with both.

#### **427. Being in possession of plate for making copies: giving unauthorised performances of copyright work**

Whoever intentionally makes or possesses any plate for the purpose of making copies of any work which infringes a copyright, or intentionally and for profit causes any such work to be performed in public without the consent of the owner of the copyright shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to N 1,000.

### CHAPTER XXX

## **428. Definitions**

In this Chapter-

**“crew”** includes masters, mates, pilots, engineers, stokers, deckhands and all persons engaged in the navigation or service of a ship;

**“passenger steamer”** means every steamship carrying one or more persons other than the crew, and the owner, his family, friends and servants;

**“ship”** includes every description of vessel in the service of the Government or the Government of the Federation and every passenger steamer employed in local navigation on the inland and territorial waters of Nigeria, but does not include ocean going ships not in the service of the Government of the Federation or vessels or canoes of native manufacture.

## **429. Offences relating to ships**

(1) Whoever-

(a) obstructs any member of the crew in the navigation or management of a ship;

(b) after having been refused admission to a ship by any authorised member of the crew on account of the ship being full, attempts to enter the ship;

(c) having gone on board the ship at any place and being requested, on account of the ship being full, by any duly authorised member of the crew to leave the ship, before it has quitted that place, does not comply with that

(d) travels in a ship without first paying his fare and with intent to avoid payment;

(e) being on board a ship fails when requested by an authorised member of the crew to pay his fare or exhibit the ticket or other receipt, if any, showing the payment of his fare;

(f) travels in that part of a ship which is set apart for passengers of a superior class to that for which he holds a ticket;

(g) travels in any ship or part of a ship which is not set apart for public passengers and on being ordered by any authorised member of the crew to leave such place refuses to do, shall be punished with a fine which may extend to N 10.

(2) Whoever commits an offence under subsection (1) of this section and on the application of the officer in charge of the ship, refuses to give his name and address, or gives a false name or address, shall be punished with a fine which may extend to N 40.

## **430. Entering ship or wharf without ticket**

Whoever not being a passenger by a ship or not having purchased a ticket to travel by a ship enters upon any enclosed quay, wharf, or landing place and on being ordered to leave such quay, wharf, or landing place by any public servant acting in the course of his duty refuses to do so shall be punished with imprisonment which may extend to one month or with fine or with both.

#### **431. Interfering with navigation works**

Whoever intentionally and unlawfully-

(a) removes or disturbs any fixed objects or materials used for securing a bank or wall of a river, canal, aqueduct, reservoir or inland water, or for securing any work which appertains to a dock, canal, aqueduct, reservoir or inland water, or which is used for purposes of navigation or lading or unlading goods; or

(b) does any act which obstructs the carrying on or maintenance of the navigation of a navigable river or canal,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

### CHAPTER XXXI

#### *Offences relating to coin and notes*

#### **432. Coin and note defined**

(1) Coin is metal used for the time being as money and stamped and issued by or under the authority of the Government of the Federation in order to be so used.

(2) For the purposes of this chapter the word “**note**” includes every currency note issued by or under the authority of the Government of the Federation and intended to be used as equivalent to or as a substitute for money and bank note which is legally current in any country.

#### **433. Counterfeiting coin or notes**

Whoever counterfeits or knowingly performs any part of the process of counterfeiting any coin or note shall be punished with imprisonment for life or any less term and shall also be liable to fine.

*Explanation* – A person commits this offence who, intending to practise deception or knowing it to be likely that deception will thereby be practised, causes a genuine coin or note to appear like a different coin or note.

#### **434. Making or selling instrument for counterfeiting coin or notes**

Whoever makes or mends or performs any part of the process of making or mending or buys, sells or disposes of any die or instrument for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting coin or notes shall be punished with imprisonment for life or for any less term and shall also be liable to fine.

#### **435. Possession of instrument or material for counterfeiting**

Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin or notes or knowing or having reason to believe that the same is intended to be used for that purpose shall be punished with imprisonment which may extend to fourteen years or with fine or with both.

#### **436. Import or export of counterfeit coin or notes**

Whoever imports into Nigeria or exports there from any counterfeit coin or note knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

#### **437. Fraudulently diminishing weight or altering composition of coin**

Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.

*Explanation* – A person who scoops out part of a coin and puts anything else into the cavity alters the composition of that coin.

#### **438. Delivery of coin or note possessed with knowledge that it is counterfeit**

Whoever, having in his possession any counterfeit coin or note or any coin with respect to which an offence under section 437 of this Chapter has been committed and having known at the time when he became possessed of such coin or note that such coin or note was counterfeit or that such offence had been committed with respect to such coin, fraudulently or with intent that fraud may be committed delivers such coin or note to any other person or attempts to induce any other person to receive the same, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

#### **439. Possession of coin or note by person who knew it to be counterfeit when he became possessed thereof**

Whoever fraudulently or with intent that fraud may be committed is in possession of any counterfeit coin or note or of any coin with respect to which an offence under section 437 of

this Chapter has been committed having known at the time of becoming possessed thereof that such coin or note was counterfeit or that such offence had been committed with respect to such coin, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

## CHAPTER XXXII

### *Offences relating to revenue stamps*

#### **440. Revenue stamp defined**

For the purposes of this chapter the words “**revenue stamp**” mean a stamp issued by or under the authority of any government for postal or other revenue purposes.

#### **441. Counterfeiting revenue stamp**

Whoever counterfeits or knowingly performs any part of the process of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

*Explanation* – A person commits this offence who counterfeits by causing a genuine revenue stamp of one denomination to appear like a genuine revenue stamp of a different denomination.

#### **442. Having possession of instrument or material for counterfeiting revenue stamp**

Whoever has in his possession any instrument or material for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

#### **443. Making or selling instrument for counterfeiting revenue stamp**

Whoever makes or performs any part of the process of making or buys or sells or disposes of any instrument for the purpose of being used or knowing or having reason to believe that it is intended to be used for the purpose of counterfeiting any revenue stamp, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

#### **444. Import, export, use or sale of counterfeit revenue stamps**

Whoever imports into Nigeria or exports therefrom or uses as genuine or sells or offers for sale any stamp which he knows or has reason to believe to be a counterfeit of any revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

#### **445. Having possession of counterfeit revenue stamp**

Whoever has in his possession any stamp which he knows to be a counterfeit of any revenue stamp intending to use or dispose of the same as a genuine revenue stamp or in order that it may be used as a genuine revenue stamp, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

#### **446. Effacing writing from substance bearing revenue stamp, or removing from document a stamp used for it, with intent to cause loss**

Whoever fraudulently or with intent to cause loss to any government removes or effaces from any substance bearing any revenue stamp any writing or document for which such revenue stamp has been used or removes from any writing or document a revenue stamp which has been used for such writing or document in order that such revenue stamp may be used for a different writing or document, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

#### **447. Using revenue stamp known to have been used before**

Whoever fraudulently or with intent to cause loss to any government uses for any purpose any revenue stamp which he knows to have been used before, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

#### **448. Erasure of mark denoting that revenue stamp has been used**

Whoever fraudulently or with intent to cause loss to any government erases or removes from any revenue stamp any mark put or impressed upon such revenue stamp for the purpose of denoting that the same has been used or knowingly has in his possession or sells or disposes of any such revenue stamp which he knows to have been used, shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

### CHAPTER XXXIII

#### *Offences relating to weights and measures*

#### **449. Fraudulent use of false instrument for weighting**

Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

#### **450. Fraudulent use of false weight or measure**

Whoever fraudulently uses any false weight or false measure of length or capacity or fraudulently uses any weight or any measure of length or capacity as a different weight or



measure from what it is, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

#### **451. Being in possession of false weight or measure**

Whoever is in possession of any instrument for weighing or of any weight or of any measure of length or capacity which he knows to be false and intending that the same may be fraudulently used, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

#### **452. Making or selling false weight or measure**

Whoever makes, sells or disposes of any instrument for weighing or any weight or any measure of length or capacity which he knows to be false in order that the same may be used as true or knowing that the same is likely to be used as true, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

### CHAPTER XXXIV

#### *Offences relating to posts and telecommunications*

#### **453. Definitions**

In this Chapter-

**“mail”** includes any conveyance of any kind by which postal matter is carried, and also any vessels employed by or under the Nigerian Postal Services Department, or the postal authority of any other country, or the Admiralty, for the conveyance of postal matter, under contract or not, and also a ship of war or other vessel in the service of the State in respect of letters conveyed by it and also a person or animal used for the conveyance or delivery of postal matter;

[L.N. 139 of 1965.]

**“postal matter”** includes any letter, telegram, newspaper, packet, parcel, or other thing, authorised by law to be transmitted by post, which has been posted or received at a post office for delivery or transmission by post, and which is in course of transmission by post and any movable receptacle which contains any such thing, and which is in course or transmission by post;

**“post office”** and **“telegraph office”** respectively, include any structure, room, place or receptacle or any kind appointed by authority of the Postmaster-General for the receipt, despatch or delivery, of any postal matter or telegram, or for the transaction of the business of the department relating to posts and telegraphs; and

“**telegraph office**” includes any room or places used by a telegraph company for the receipt, despatch or delivery of telegrams.

#### **454. Paper and dies for postage stamps**

Whoever without lawful authority, the proof of which lies on him-

(a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his possession or disposes of any imitation or representation on paper or any other material, or any stamp used for denoting any rate or postage of Nigeria, or any other country; or

(b) make or mends, or begins or prepares to make or mend, or uses, or has in his possession or disposes of, any die, plate, instrument or material, for making any such imitation or representation,

shall be punished with imprisonment which may extend to one year or with fine which may extend to N 100 or with both.

*Explanation* – A stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

#### **455. Paper for postal purposes**

Whoever without lawful authority, the proof of which lies on him, knowingly has in his possession or disposes of any paper which has been specially provided by the proper authority for the purposes of being used for postage stamps, money orders, or postal orders, before such paper has been lawfully issued for public use, shall be punished with imprisonment which may extend to two years or with fine or with both.

#### **456. Stopping mails**

Whoever stops a mail with intent to carry out an unlawful search or to commit theft of postal matter shall be punished with imprisonment for life or any less term or with fine or with both.

#### **457. Intercepting telegrams or postal matter**

Whoever unlawfully secretes, destroys, tampers with or obtains by cheating any postal matter shall be punished-

(a) with imprisonment for a term which may extend to seven years or with fine or with both; and

(b) if the postal matter so secreted or destroyed shall contain any money or chattel or any valuable security, shall be punished with imprisonment for life or any

less term and shall also be liable to fine.

#### **458. Misdelivery of postal matters**

Whoever being a public servant charged by virtue of his employment with the delivery of any postal matter intentionally delivers it to a person other than the person to whom it is addressed or to his authorised agent shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

#### **459. Retarding delivery of postal matter**

Whoever being a public servant charged with the handling of postal matter-

[L.N. 139 of 1965.]

(a) neglects or refuses to receive, despatch, deliver or convey postal matter;

(b) intentionally detains or delays any postal matter;

(c) without proper authority allows any postal matter out of his possession;

(d) is guilty of any neglect whereby any postal matter is endangered, mislaid, detained or delayed,

shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

*Explanation 1* – Nothing in this section shall extend to the opening or detaining of any postal matter returned because the addressee is dead or cannot be found or refuses to accept delivery or refuses or neglects to pay any charges payable in respect of the postal matter.

*Explanation. 2* – Nothing in this section shall extend to the opening, detaining or delaying of any postal matter by a public servant under the authority of any act or law or in obedience to an express warrant in writing under the hand of the Minister charged with responsibility for posts and telecommunications.

#### **460. Fraudulently removing stamps**

Whoever with intent to defraud removes from any postal matter any stamp affixed thereon or removes from a stamp previously used any postal mark or knowingly uses a postage stamp which has been marked by a public servant authorised so to do shall be punished with imprisonment which may extend to one year or with fine or with both.

#### **461. Fraudulent evasion of postal laws**

Whoever with fraudulent intent-

(a) subscribes on the outside of anything sent by post a false statement of its contents; or

(b) puts into a post office anything which falsely purports to be a thing falling within any exemption or privilege declared by the laws relating to postal matter, shall be punished with a fine which may extend to N 100.

#### **462. Unlawful franking of letters**

Whoever being a public servant franks any postal matter-

(a) which does not relate to the business of his office; or

(b) which contains anything which does not relate to such business,

shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

#### **463. Sending dangerous or obscene things by post**

Whoever intentionally sends by post anything which-

(a) encloses anything of such a nature as to be likely to cause injury to any person or thing in the course of conveyance; or

(b) encloses any obscene book, pamphlet, paper, gramophone record or similar article, drawing, painting, representation or figure,

shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

#### **464. Illegally setting up of post office**

Whoever without the authority in writing of the Post-Master General places or maintains or permits to be placed or maintained, or to remain on any place under his control-

(a) the words "**post office**", or

(b) the words "**letter box**", accompanied with words, letters or marks which signify or imply, or may reasonably lead the public to believe, that it is a receptacle provided by authority for the reception of postal matter; or

(c) any words, letters or marks which signify or imply, or may reasonably lead the public to believe, that any place is a post office, or that any such receptacle is provided by authority,

shall be punished with a fine which may extend to N 10.

#### **465. Damaging post office, etc.**

Whoever intentionally destroys, damages or defaces, any post office, receptacle provided by authority for the reception of postal matter, or any card or notice relating to the postal or telegraph service set up by authority of the Post-Master General, shall be punished with a fine which may extend to N 100.

#### **466. Placing injurious substances in or against letter box**

Whoever places in or against any receptacle provided by authority for the reception of postal matter or telegrams, any fire or match, or any explosive, dangerous, noxious or deleterious substance, or any fluid or filth shall be punished with a fine which may extend to N40.

#### **467. Interference with telecommunications**

Whoever intentionally and unlawfully-

(a) destroys, damages or removes, any telecommunication works; or

(b) prevents or obstructs the sending or delivering of a communication by any telecommunication equipment,

shall be punished with imprisonment which may extend to three years or with fine or with both.

#### **468. Negligently injuring telecommunications**

Whoever negligently destroys or damages any telecommunication works shall be punished with a fine which may extend to N 4.

### CHAPTER XXXV

#### *Offences relating to railways and aircraft*

#### **469. Intentionally endangering safety of persons travelling by railway**

Whoever with intent to injure or to endanger the safety of any persons travelling by any railway-

(a) places anything on the railway; or

(b) deals with the railway or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway; or

(c) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

(d) by any omission to do any act which it is his duty to do causes the free and safe use of the railway to be endangered,

shall be punished with imprisonment for life or for any less term and shall also be liable to fine.

#### **470. Obstructing and injuring railways**

Whoever unlawfully and with intent to obstruct the use of a railway or to injure any property upon a railway-

(a) places anything on the railway; or

(b) deals with the railway or with anything whatever upon or near the railway, in such a manner as to affect or endanger the free and safe use of the railway; or

(c) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway.

#### **471. Damage to railway works**

Whoever-

(a) intentionally damages or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck material or plant belonging to any railway works; or

(b) intentionally interferes with, any pole, stake, flag, peg, line, mark, or anything driven or placed in or upon the ground, any tree, stone, or buildings, or any other material belonging to any railway works; or

(c) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works; or

(d) intentionally obstructs the officer in charge of any railway or his assistants or workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway,

shall be punished with imprisonment which may extend to three months or with fine which may extend to N 40 or with both.

#### **472. Obstructing aircraft**

Whoever, by any unlawful act obstructs, causes an alteration to be made in the course of or in any way whatsoever hinders or impedes the movement of any aircraft, which is in mo-

tion on or in flight over any aerodrome shall be punished with imprisonment which may extend to two years or with fine or with both.

#### **473. Trespass on aerodrome**

Whoever commits any nuisance or trespass in or upon any aerodrome or in or upon any building or premises situated on any aerodrome shall be punished with imprisonment which may extend to three months or with fine or with both.

### CHAPTER XXXVI

#### *Offences relating to mines and minerals*

#### **474. Fraudulently dealing with minerals in mines**

Whoever takes, conceals, or otherwise disposes of, any ore of any metal or mineral in or about a mine, with intent to defraud shall be punished with imprisonment which may extend to three years or with fine or with both.

#### **475. Attempt to injure mines**

Whoever with intent to injure a mine or to obstruct the working of a mine-

(a) unlawfully, and otherwise than by an act done underground in the course of working an adjoining mine-

(i) cause water to run into the mine or into any subterranean passage communicating with the mine; or

(ii) obstructs any shaft or passage of the mine; or

(b) unlawfully obstructs the working of any machine, appliance, or apparatus, appertaining to or used with the mine, whether the thing in question is completed or not; or

(c) unlawfully, and with intent to render it useless, injures or unfastens a rope, chain or tackle or whatever material, which is used in the mine, or upon any way or work appertaining to or used with the mine,

shall be punished with imprisonment which may extend to seven years or with fine or with both.

### CHAPTER XXXVII

#### *Deportation and passports*

#### **476. Deportation of non-citizens of Nigeria**

(1) Whoever not being a citizen of Nigeria shall, upon conviction of an offence under section 201, 275, 276, 278 or 281 be liable to be deported by order of the Minister charged with responsibility for such matters, and the provisions of the Immigration Act shall apply *mutatis mutandis* in the case of a deportation under this section.

[Cap.11 ]

(2) Where any person being a citizen of Nigeria is deported from any British possession to Nigeria under the provisions of any law of such possession and for offences similar to the offences contained in sections 201, 275, 276, 278 or 281, such person may, on arrival in Nigeria, be kept temporarily in custody and returned under police escort to the place in Nigeria to which such person belongs.

#### **477. False statements in application for passports**

Whoever for the purpose of procuring a passport, whether for himself or any other individual, makes or causes to be made in any written application to a public servant a statement which to the knowledge of such person is false in any material particular shall be punished with imprisonment which may extend to one year.

#### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*