The following are published as Supplement to this *Gazette*:

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<td>HB. 184</td>
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A BILL

FOR

AN ACT TO AMEND THE PENAL CODE LAW, 1959 BY PROVIDING CERTAIN NEW SENTENCING PROVISIONS, REPEALING CERTAIN SECTIONS, THE SHORT TITLE TO THE PENAL CODE LAW, 1959 APPLICABLE TO THE FEDERAL CAPITAL TERRITORY, ABUJA, AND FOR RELATED MATTERS

Sponsors: HON. BALA IBN NA’ALLAH
HON. AMINU TAMBUWAL

Sponsored by HON. BALA IBN NA’ALLAH

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

1. The Short Title to the Penal Code Law 1959 (hereinafter referred to as 'the Principal Law') is repealed and the following Short Title is substituted—

"This Act may be cited as the Penal Code (Application to Federal Capital Territory, Abuja) Act".

2. Section 74 of the schedule to the 'Principal law' is repealed and the following Section is substituted—

74. Where an offence is punishable with fine or imprisonment, or both, the Court may direct that in default of payment, the offender be imprisoned for a term not exceeding the following scale

<table>
<thead>
<tr>
<th>Period of Imprisonment</th>
<th>shall not exceed</th>
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<tbody>
<tr>
<td>Two Years</td>
<td>Does not exceed three thousand Naira</td>
</tr>
<tr>
<td>Does not exceed one thousand, five hundred Naira</td>
<td>six months</td>
</tr>
<tr>
<td>Does not exceed two thousand Naira</td>
<td>four months</td>
</tr>
<tr>
<td>Does not exceed eight hundred Naira</td>
<td>one month</td>
</tr>
<tr>
<td>Does not exceed four hundred Naira</td>
<td>fourteen days</td>
</tr>
<tr>
<td>Does not exceed two hundred Naira</td>
<td>seven days</td>
</tr>
</tbody>
</table>

Amendment of Section 74 of PCL 1959.
3. Section 92 of the principal Law is repealed and the following new sections is substituted—

"92.—(1) A person who abets an offence punishable with imprisonment—
(a) the offence is not committed in consequence of the abetment; and
(b) there is no express enactment for its punishment, be punishable
with imprisonment for a term which may extend to a quarter of the maximum
imprisonment or fine, or both

(2) Where a person who abets is a public servant whose duty it is to
prevent the commission of that offence, the punishable imprisonment term
may extend to one half of the maximum imprisonment or fine, or both.

4. Subsection (1) of Section 97 of the principal law is amended by inserting
the word "life" between the words "with" and "imprisonment".

5. Section 99 paragraph (b) of the principal Law is amended by deleting
the phrase "two years or with fine or with both" and inserting the phrase "five
Years or fine, or both".

6. Section 103 of the principal Law is amended by deleting the phrase
"two years or with fine or with both" and inserting the phrase "five years or
fine .or both".

7. Section 104 of the principal Law is amended by deleting the phrase
"five years or with fine or with both" and inserting the phrase "two years or
fine or both".

8. Section 106 of the principal Law is amended by deleting the phrase
"three years or with fine, or with both" and inserting the phrase "five years and
Fine".

9. Section 107 of the principal Law is amended by deleting the phrase
"five years or with fine or with both" and inserting the phrase "seven years or
Fine, or both".

10. Section 113 of the Principal Law is amended by deleting the phrase
"three years or with fine which may extend to three hundred pounds or with
both" and inserting the phrase "one year or fine of three thousand Naira, or
both".
11. Section 114 of the principal Law is amended by deleting the phrase 
"with fine which may extend to three hundred pounds or with both", and inserting 
the phrase "fine of five thousand Naira, or both".

12. Section 116 of the principal Law is amended by deleting the phrase 
"three years or with fine or with both" and inserting the phrase "five years or 
fine, or both".

13. Section 117 of the principal Law is amended by deleting the phrase 
"three years or with fine or with both" and inserting the phrase "five years or 
fine, or both".

14. Section 118 of the principal Law is amended by deleting the phrase 
"three years or with fine or with both" and inserting the phrase "five years or 
fine, or both".

15. Section 123 of the principal Law is amended by deleting the phrase 
"two years or with fine or with both" and inserting the word "five years or fine, 
or both"

16. Section 124 of the principal Law is amended by deleting the phrase 
"three years or with fine or with both" and inserting the phrase "five years or 
fine, or both".

17. Section 133 of the principal Law is amended by deleting the phrase 
"six months or with fine which may extend to twenty pounds or with both" and 
inserting the phrase "one year or fine of three thousand Naira both".

18. Section 134 of the principal Law is amended "by deleting in—

(1) paragraph (a) the phrase "with fine which may extend to ten pounds or 
with both" and inserting the phrase "fine of eight hundred Naira, or both";

(2) paragraph (b) the phrase "with fine which may extend to twenty pounds 
or with both" and insetting the phrase "fine of two thousand five hundred 
Naira, or both".

19. Section 135 of the principal law is amended by deleting in—

(1) paragraph (d) (i) the phrase "with fine which may extend to ten pounds 
or with both" and inserting the phrase "fine of eight hundred Naira, or both";

(2) paragraph (d) (ii) the phrase "with fine which may extend to twenty
1. pounds or with both" and inserting the phrase "fine of two thousand five
2. Hundred Naira, or both".

20. Section 136 of the principal Law is amended by deleting in—
(1) paragraph (a) the phrase "with fine which may extend to ten pounds or
with both" and inserting the phrase "fine of eight hundred Naira, or both";
(2) paragraph (b) the phrase "with fine which may extend to twenty pounds
or with both" and inserting the phrase "fine of two thousand five hundred
Naira or both".

21. Section 137 of the principal Law is amended by deleting in—
(1) paragraph (a) the phrase "with fine which may extend to ten pounds or
with both" and inserting the phrase "fine of eight hundred Naira, or both";
(2) paragraph (b) the phrase "with fine which may extend to twenty pounds
or with both" and inserting the words "fine of two thousand five hundred
Naira or both".

22. Section 138 of the principal Law is amended by deleting—
(1) paragraph (a) the phrase "which may extend 10 ten pounds or with
both" and inserting the phrase "of eight hundred Naira, or both";
(2) paragraph (b) the phrase "which may extend to twenty pounds or with
both" and inserting the phrase "of two thousand five hundred Naira, or both".

23. Section 139 of the principal Law is amended by deleting in—
(1) paragraph (a) the phrase "which may extend to twenty pounds or with
both" and inserting the phrase "of two thousand five hundred Naira, or both";
(2) paragraph (b) the phrase "with fine or with both" and inserting the
phrase "fine of four thousand Naira, or both".

24. Section 140 of the principal Law is amended by deleting the phrase
"with fine which may extend to twenty pounds or with both and inserting the
phrase "fine of three thousand Naira, or both".

25. Section 141 of the principal Law is amended by deleting the phrase
"with fine which may extend to twenty pounds or with both" and inserting the
Phrase "fine of two thousand five hundred Naira? or both™.
26. Section 142 of the Principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".

27. Section 143 of the Principal Law is amended by deleting the phrase "with fine which may extend to ten pounds or with both" and inserting the phrase "fine of one thousand five hundred Naira, or both".

28. Section 144 of the Principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".

29. Section 145 of the Principal Law is amended by deleting the phrase "with fine which may extend to ten pounds or with both" and inserting the phrase "fine of eight hundred Naira, or both".

30. Section 146 of the Principal Law is amended by deleting the phrase "with fine which may extend to ten pounds or with both" and inserting the phrase "fine of eight hundred Naira, or both".

31. Section 147 of the Principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of one thousand five hundred Naira, or both".

32. Section 148 of the Principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".

33. Section 149 of the Principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".

34. Section 150 of the Principal Law is amended by deleting in—

(1) paragraph (n) the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of one thousand five hundred Naira, or both";

(2) Paragraph (b) the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".
38. Section 177 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both"

39. Section 184 (if the principal Law is amended by deleting the phrase "one year or with fine not exceeding one hundred pounds" and inserting the phrase "five years or fine, or both"

40. Section 185 of the principal Law is amended by deleting the phrase "fine which may extend to ten pounds" and inserting the phrase "imprisonment for a term which may extend to six months and fine of two thousand five hundred Naira"

41. Section 186 of the principal Law is amended by deleting the phrase "six months or with fine not exceeding fifty pounds or with both" and inserting the phrase "three years or fine, or both"

42. Section 187 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "two years of fine, or both"

43. Section 188 of the principal Law is amended by deleting the phrase "six months or with fine which may extend to fifty pounds or with both" and inserting the phrase "five years or fine, or both"

44. Section 189 of the principal Law is amended by deleting the phrase "six months or with fine which may extend to fifty pounds or with both" and inserting the phrase "two years or fine of four thousand Naira, or both"
Section 190 of the principal Law is amended by deleting the phrase "six months or time which may extend to fifty pounds or with both" and inserting the phrase "two years or fine of four thousand Naira, or both".

Section 196 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both," and inserting the phrase "fine to two thousand live hundred Naira, or both".

Section 201 of the principal Law is amended by deleting the phrase "one year or with fine or with both" and inserting the phrase "three years or fine, or both".

Section 207 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both" and inserting die phrase "fine of three thousand Naira, or both "

Section 208 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both and inserting die phrase "fine of three thousand Naira, or both"

Section 216 of the principal Law is amended by deleting the phrase "two years or with fine, or with both" and inserting the phrase "five years or fine, or both"

Section 218 of the principal law is amended by deleting the phrase "two years or with fine, or with both" and inserting the phrase "five years or fine ,or both".

Section 244 of the principal Law is amended by deleting the phrase "with fine which may extend to ten pounds or with both" and inserting the phrase "fine of eight hundred Naira, or both".

Section 245 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of two thousand, five hundred Naira, or both".

Section 246 of the principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of three thousand Naira, or both".
55. Section 256 of the principal Law is amended by deleting the phrase "with fine which may extend to thirty pounds or with both" and inserting the phrase "fine of eight hundred Naira, or both"

56. Section 266 of the principal Law is amended by deleting the phrase "with fine which may extend to twenty pounds or with both" and inserting the phrase "fine of one thousand five hundred Naira, or both"

57. Section 279 of the principal Law is amended by deleting the phrase "against his will"

58. Section 341 of the principal Law is amended by deleting the phrase "five years and shall also be liable to a fine" and inserting the phrase "seven years and fine"

59. Section 348 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of three thousand Naira, or both"

60. Section 349 of the principal Law is amended by deleting the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of three thousand Naira, or both"

61. Section 358 of the principal law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both"

62. Section 359 of the principal Law is amended by deleting the phrase "three years or with fine or with both" and inserting the phrase "seven years or fine, or both"

63. Section 361 of the principal Law is amended, by deleting the phrase "two years and shall also be liable to fine" and inserting the phrase "three years and fine"

64. Section 365 of the principal Law is repealed and substituted with the following new section—

365. Whoever forges—

(a) anything purporting to be the seal of a government of the Federation of Nigeria or the Federal Capital Territory, Abuja or any arm of
Government;

(b) a document with such a seal referred to in paragraph (a)) affixed, may be punished with imprisonment for life and fine.

65. Section 374 of the principal Law is amended by deleting the phrase "one year or with fine or with both" and inserting the phrase "three years or fine, or both".

66. Section 375 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "three years or fine, or both".

67. Section 376 of the principal Law is amended by deleting the phrase "three years and shall also be liable to fine" and inserting the phrase "five years and fine".

68. Section 377 of the principal Law is amended by deleting the phrase "three years or with fine or with both" and inserting the phrase "five years or fine, or both".

69. Section 380 of the principal Law is amended by deleting the phrase "one year or with fine or with both" and inserting the phrase "three years or fine, or both".

70. Section 381 of the principal Law is amended by deleting the phrase "one month or with fine which may extend to five pounds or with both" and inserting die phrase "six months or fine of two thousand, five hundred Naira, or both".

71. Section 382 of the principal Law is amended by deleting the phrase "three months or with fine which may extend to ten pounds or with both" and inserting the phrase "one year or fine of three thousand Naira, or both".

72. Section 385 of the principal Law is amended by deleting the phrase "ten years and shall also be liable to fine" and inserting the phrase "seven years and fine".

73. Section 389 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both".
### Penal Code (Application to Federal Capital Territory, Abuja) (Amendment)

| Amendment of Section 392 of PCL 1959. | 74. Section 392 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both" |
| Amendment of Section 393 of PCL 1959. | 75. Subsection (1) of section 393 of the principal Law is amended by deleting the respective phrases—
  | (1) "Government authority in the Northern Region" and inserting the phrase "Authority in the Federal Capital Territory, Abuja"; |
| Amendment of Section 394 of PCL 1959. | (2) "two years or with fine or with both" and inserting the phrase "five years or fine, or both" |
| Amendment of Section 395 of PCL 1959. | 76. Section 394 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both" |
| Amendment of Section 4(2) of PCL 1959. | 77. Section 395 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both" |
| Amendment of Section 401 of PCL 1959. | 78. Section 401 of the principal Law is amended by deleting in—
  | (1) paragraph (1) the phrase "with fine which may extend to fifty pounds or with both" and inserting the phrase "fine of one thousand five hundred Naira, or both"; and |
| Amendment of Section 402 of PCL 1959. | (2) paragraph (2) the phrase "with fine of one hundred pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both" |
| Amendment of Section 403 of PCL 1959. | 79. Section 402 of the principal Law is amended by deleting the phrase "with fine which may extend to one hundred pounds or with both" and inserting the phrase "fine of two thousand five hundred Naira, or both" |
| Repealed of Section 405 409. | 80. Section 403 of the principal Act is amended by deleting the phrase "with fine which may extend to five pounds or with both" and inserting the phrase "fine of eight hundred Naira, or both" |
|  | 81. Sections 405,406,407,408 and 409 of the principal Law are repealed. |
'410. Whoever levies war against the Sovereign Constitution of Nigeria in order to overawe the President commits treason'.

following new section—

(a) deposes the Sovereign State of Nigeria or any of its Federating States or the Federal Capital Territory Abuja; or

(b) levy war against the Sovereign State of Nigeria in order to compel any arm of Government to change her policies;

(c) to instigate any foreigner to make an armed invasion of Nigeria or part of it,

and manifests such intention by an overt act shall be punished with imprisonment for life, or a lesser term and fine.

(2) It shall not be a ground for acquittal that any act proved to have been committed by a person charged with any offence in this section constitutes the offence of treason, but a person who has been tried, convicted or acquitted on a charge of any such offence can no more be prosecuted for treason in respect of the same facts'

84. Section 413 of the principal Law is repealed and substituted with the following new section—

413. Whoever—

(a) seduces any person serving in the armed forces for the federation, or the police from his duty and allegiance to the Commander-in-Chief; or

(b) incites any such person to commit an act of mutiny, shall be punished with imprisonment for life, or a lesser term and fine'

85. Section 414 of the principal Law is repealed and substituted with the following new section—

414. Whoever does an act calculated to cause disaffection among persons serving as—
1. (a) members of the armed forces;
2. (b) police officers; or
3. (c) prison officers,
4. or calculated to induce any such person to withhold his services or
5. commit breaches of discipline, shall be punished with imprisonment which
6. may extend to three years or fine, or both"
7. 86. Section 415 of the principal Law is amended by deleting the phrase "of
8. Her Majesty"
9. 87. Section 416 of the principal Law is repealed and substituted by the
10. following new section—
11. "416. Whoever—
12. (a) by words spoken or reproduced by mechanical means or intended to
13. be read; or
14. (b) by signs or visible representation, excites or attempts to excite
15. feelings of disaffection against the person of the President,
16. Commander-in-Chief of the Armed Forces or the Government or
17. Constitution of Nigeria or the Federal Capital Territory, Abuja or its
18. administration of Justice, shall be punished with imprisonment for a term
19. which may extend to seven years or fine, or both.
20. 88. Section 419 of the principal Law is amended by deleting the phrase
21. "two years or with fine or with both" and inserting the phrase "three years or
22. fine, or both".
23. 89. Section 422 of the principal Law is amended by deleting the phrase
24. "Governor-General" and inserting the phrase "President, Commander-in-Chief"
25. 90. Section 425 of the principal Law is amended by deleting the phrase
26. "with fine which may extend to one hundred pounds" and inserting the phrase
27. "fine of two thousand five hundred Naira"
28. 91. Section 426 of the principal Law is amended by deleting the phrase
29. "two months or with fine which may extend to fifty pounds or with both" and
30. inserting the phrase "three years or fine, or both"
Amendment of Section 468 of PCL 1959.

1. Section 468 of the principal Law is amended by deleting the Phrase
fine which may extend to two pounds" and inserting the phrase "imprisonment
for a term which may extend to one month or fine of eight hundred Naira"

Amendment of Section 471 of PCL 1959.

2. Section 471 of the principal Law is amended by deleting the phrase
"with fine which may extend to twenty pounds or with both" and inserting the
phrase "fine of one thousand five hundred Naira, or both".

Amendment of Section 472 of PCL 1959.

3. Section 472 of the principal Law is amended by deleting the phrase
"two years or with fine or with both" and inserting the phrase "seven years and
fine".

Amendment of Section 473 of PCL 1959.

4. Section 473 of the principal Law is amended by deleting the phrase
"three months or with fine or with both" and inserting the phrase *"three years
and fine".

Amendment of Section 477 of PCL 1959.

5. Section 477 of the principal Law is amended by deleting the phrase
"one year or with fine or with both" and inserting the phrase "five years or fine,
or both".

Short Title.

6. This Act may be cited as the Penal Code (Application to Federal

EXPLANATORY NOTE

The Bills seek to Amend the Penal Code Law 1959, By Providing Certain
New Sentencing Provisions, Repealing Certain Sections and the Short Title to
the Penal Code Law, 1959 and for Related Matters, Applicable to the Federal
Capital Territory, Abuja.