



CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

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CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT

An Act to provide stiffer penalties for damages to telephone communication works, electricity transmission lines and oil pipelines and to enable armed patrols arrest any person committing an offence under this Act.

[Commencement.] [16th October, 1975]

1. Damage to telecommunication works an offence

(1) Any person who wilfully and unlawfully-

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

(b) otherwise prevents or obstructs the sending or delivering of a communication by means of telecommunication, shall be guilty of an offence under this Act.

(2) Any person found guilty of an offence under subsection (1) of this section shall, on conviction be liable-

(a) in the case of an offence under paragraph (a) of subsection (1), to a fine of two times the value of any such telecommunication works as might have been destroyed, damaged or removed by him or N2,000, whichever is higher, or to imprisonment for ten years or to both such fine and imprisonment; or

(b) in the case of an offence under paragraph (b) of subsection (1), to a fine of N500 or to imprisonment for three years or to both such fine and imprisonment.

2. Damage to electricity lines, etc., an offence

(1) Any person who wilfully and unlawfully-

(a) destroys, damages or removes any electricity lines; or

- (b) destroys or damages any main transmission line or removes anything connected therewith; or
 - (c) otherwise prevents or obstructs the transmission of electricity through any electricity or main transmission line, shall be guilty of an offence under this Act.
- (2) Any person found guilty of an offence under subsection (1) of this section shall, on conviction be liable-
- (a) in the case of an offence under paragraphs (a) and (b) of subsection (1), to a fine of two times the value of any such electricity line or any main transmission line or part thereof as might have been destroyed, damaged or removed by him or N2, 000, whichever is higher, or to imprisonment for ten years or to both such fine and imprisonment; or
 - (b) in the case of an offence under paragraph (c) of subsection (1), to a fine of N500 or to imprisonment for three years or to both such fine and imprisonment.

3. Damage, etc., to oil pipelines an offence

- (1) Any person who wilfully and unlawfully-
- (a) destroys, damages or removes any oil pipelines or installation connected therewith; or
 - (b) otherwise prevents or obstructs the flow of oil along any such oil pipelines or interferes with any installation connected therewith, shall be guilty of an offence under this Act.
- (2) Any person found guilty of an offence under subsection (1) of this section shall, on conviction be liable-

- (a) in the case of an offence under paragraph (a) of subsection (1), to a fine of two times the value of any such oil pipeline or installation as might have been destroyed, damaged or removed, or of any oil that might have escaped as a result of such destruction, damage or removal N2, 000, whichever is higher, or to imprisonment for ten years or to both such fine and imprisonment; or
- (b) in the case of an offence under paragraph (b) of subsection (1), to a fine of N500, or imprisonment for three years or to both such fine and imprisonment.

4. Ascertainment of damage under this Act

For the purposes of this Act, the certificate of any of the following persons shall be conclusive evidence as to any sum to be ascertained pursuant to the relevant provision hereinafter mentioned, that is to say-

- (a) in the case of section 1 (2) (a) of this Act, of the Director of Telecommunications;
- (b) in the case of section 2 (2) (a) and (b) of this Act, of the General Manager of the National Electric Power Authority; and
- (c) in the case of section 3 (2) (a) of this Act, of the Director of Petroleum Resources.

5. Punishment for parties to offences under this Act

Any person who-

- (a) aides, counsel, abets or procures any person to commit an offence under section 1,2 or 3 of this Act; or
- (b) conspires with any person to commit an offence under section 1, 2 or 3 of this Act,

whether or not he is present when the offence is committed, shall be deemed to be guilty of the offence as a principal offender and shall be liable to be proceeded against and punished accordingly under this Act.

6. Power to arrest without warrant

- (1) An armed patrol may arrest, without warrant, any person reasonably suspected of having committed or of being about to commit an offence under this Act, and an armed patrol may use minimum force to effect the arrest of that person or to prevent his escape.
- (2) The foregoing provisions of this section shall have effect-
 - (a) without prejudice to any other power conferred by any law on members of the Nigeria Police Force or members of the Armed Forces of the Federation; and
 - (b) notwithstanding anything to the contrary in any law.

7. Trials and prosecution of offences

- (1) Offences under this Act shall be triable summarily by the appropriate High Court and the provisions of Chapter 4 of the Criminal Procedure Act or, where applicable, Chapter 18 of the Criminal Procedure Code Law, shall apply accordingly.

[Cap. C41.]

- (2) The prosecution of offences under this Act shall be at the instance of the Attorney-General of the Federation.

8. Repeals

The provisions of the enactments specified in the Schedule to this Act and in so far as those provisions are in force anywhere in Nigeria, are hereby repealed to the

extent specified in that Schedule, and all other enactments to the like effect are similarly repealed.

9. Interpretation

In this Act, unless the context otherwise requires-

"Armed patrol" means any patrol comprising either both armed members of the Nigeria Police Force and armed members of the Armed Forces of the Federation or only armed members of the Nigeria Police Force or of the Armed Forces;

"Electricity line" and "main transmission line" have the meanings assigned thereto in section 44 (2) of the

National Electric Power Authority Act;

[Cap. N33.]

"Oil" means crude oil within the meaning of the Petroleum Act and any refined products thereto;

"Oil pipeline" has the meaning assigned thereto by section 11 (2) of the Oil Pipelines Act;

[Cap. 07.]

"Telecommunication works" means a wire or wires used for the purpose of telegraph or telephone communications, with any casing, coating, tube, pipe, insulator or post enclosing or supporting the same or any apparatus connected therewith, and includes-

- (a) any apparatus for transmitting messages or other matters, including television, by means of electric signals either by overhead lines or underground cable or cables lying under water; and
- (b) any apparatus for transmitting messages with or without wires.

10. Short title

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

SCHEDULE

[Section 8.]

Enactments repealed

Title	Chapter	Extent of Repeal
Criminal Code Act	Cap. C38	Section 84 and 185
Oil Pipelines Act	Cap. O7	Section 24(2)
Penal Code	Cap. 89 Laws of Northern Nigeria 1963	Section 467

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation