

CHAPTER C42**CRIMINAL PROCEDURE (NORTHERN STATES) ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Interpretation.
3. Provision for courts in respect of Federal offences.
4. Jurisdiction of specified courts.
5. Powers of arrest in respect of Federal offences, and method of process.
6. Modifications to Northern States Criminal Procedure Code Law.
7. Preservation of certain matters in Criminal Procedure Act.

APPENDIX**CHAPTER C42****CRIMINAL PROCEDURE (NORTHERN STATES) ACT**

An Act to make new provisions for the jurisdiction, powers, practice and procedure of the courts of the Northern State of Nigeria in respect of Federal offences, to continue certain inter-State arrangements provided for in the Criminal Procedure Act and for purposes ancillary to the matters aforesaid.

[1960 No. 20.]

[30th September, 1960]

[Commencement.]

1. Short title

This Act may be cited as the Criminal Procedure (Northern States) Act.

2. Interpretation

In this Act unless the context otherwise requires—

“**Federal offence**” means an offence contrary to the provisions of a Federal Act, and a reference to a Federal offence committed in any of the Northern States shall include an offence committed in such circumstances that the provisions of the Schedule to the Penal Code (Northern States) Federal Provisions Act, apply by reason of section 4 of that Act;

[Cap. P3.]

“**Federal Act**” means an Act enacted by the National Assembly or taking effect as if it had been so enacted;

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

3. Provision for courts in respect of Federal offences

(1) Subject to the provisions of this Act and of the Penal Code (Northern States) Federal Provisions Act, the courts of the Northern States shall in respect of Federal offences committed in any of the Northern States have the like jurisdiction and powers, and shall follow the like practice and procedure, as they respectively have and follow in respect of offences other than Federal offences.

[Cap. P3.]

(2) Section 37 of the Interpretation Act is repealed in its application to the Northern States.

[Cap. I23.]

4. Jurisdiction of specified courts

(1) An offence contrary to the provisions of the Penal Code (Northern States) Federal Provisions Act, may be tried by the court specified in the sixth column of the Appendix to this Act in respect of that offence or by any court with greater powers.

[Cap. P3.]

(2) An abatement, attempt or conspiracy to commit a Federal offence may be tried by a court having jurisdiction to try such Federal offence or by any court with greater powers.

(3) An offence which is contrary to the provisions of a Federal Act other than the Penal Code (Northern States) Federal Provisions Act, may be tried by any court specified as having jurisdiction in the Act creating the offence or by any court with greater powers, and where no court is specified as having jurisdiction, the offence may be tried by the High Court or any court constituted under the Criminal Procedure Code Law, 1960, of the Northern States, subject to the same limitations that are prescribed by the proviso to subsection (2) of section 13 of that Law and by sections 15 to 25 of that Law.

5. Powers of arrest in respect of Federal offences, and method of process

(1) The powers of arrest provided for in Part III of the Schedule to the Criminal Procedure Code Law, 1960, of the Northern States, shall be applicable in respect of Federal offences as they apply in respect of offences other than Federal offences, and references in section 26 of the Schedule to that Law to the third column of Appendix A to the Law, shall be construed as reference to the third column of the Appendix to this Act.

(2) Process to compel the attendance of the accused person shall ordinarily be a summons or a warrant according as in the opinion of the court, a summons or a warrant according to the fourth column of the Appendix hereto issued in the first instance.

6. Modifications to Northern States Criminal Procedure Code Law

In its application to the jurisdiction, powers, practice and procedure of the courts of the Northern States in relation to Federal offences, the Criminal Procedure Code Law, 1960, of the Northern States, shall be read and construed as though references to the Director of Public Prosecutions of the relevant Northern States were references to the

Attorney-General of the Federation, but shall include the Director of Public Prosecutions of the relevant Northern States to the extent that powers vested in the Attorney-General of the Federation have been delegated to such Director.

7. Preservation of certain matters in Criminal Procedure Act

Notwithstanding the repeal of the Criminal Procedure Act by the Criminal Procedure Law, 1960, of the Northern States in respect of matters not preserved by this section—

- (a) sections 402 to 412 of that Act (relating to deportation) shall continue to apply in respect of deportation into any of the Northern States from a place outside such State and from any of the Northern States to a place outside any such States; and
 - (b) sections 477 to 486 of that Act (relating to service and executions of process throughout Nigeria) shall continue to apply in and in relation to the Northern States.
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APPENDIX

[Sections 4 and 5.]

Tabular statement of offences

Explanatory Notes. — 1. The entries in the second and fifth columns of this Appendix, headed respectively “Offences” and “Punishment under the Penal Code,” are not intended as definitions of the offences and punishment described in the several corresponding sections of the Penal Code or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2. By virtue of section 4 of the Criminal Code (Northern States) Act, any offence may be tried by any court mentioned in column 6.

CHAPTER XXVI <i>Offences against the State</i>					
1	2	3	4	5	6
Section	Offence	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
411	Treason	Shall not arrest without warrant	Warrant	Death	High Court
	Attempting or abetting the same	Ditto	Ditto	Imprisonment for life or fine or both	Ditto
412	Treasonable crimes	Ditto	Ditto	Imprisonment for life and fine	Ditto
413	Incitement to mutiny	Ditto	Ditto	Ditto	Ditto

APPENDIX—*continued*
CHAPTER XXVI—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
414	Causing disaffection in forces, police or amongst prison officers	Ditto	Ditto	Imprisonment for three years or fine of ₦600 or both	Ditto
415	Assisting or allowing escape of prisoners of war— (a) if offender intentionally aids escape (b) if offender negligently or unlawfully permits escape	Ditto	Ditto	Imprisonment for life and fine Imprisonment for two years or fine or both	Ditto Ditto
CHAPTER XXVII <i>Sedition</i>					
416	Inciting disaffection to the Government	Shall not arrest without warrant	Warrant	Imprisonment for seven years or fine or both	High Court
417	Exciting hatred between classes	Ditto	Ditto	Imprisonment for three years or fine or both	Magistrate of the First Grade

APPENDIX—*continued*CHAPTER XXVII—*continued*

1	2	3	4	5	6
Section	Offence	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
418	Publication of false news with intent to cause offence against the public peace	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the First Grade
419	Possession of seditious article	Ditto	Ditto	Imprisonment for two years or fine or both	Ditto
421	Importation of prohibited publications	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the First Grade
422	Unlawful drilling	Ditto	Ditto	Imprisonment for seven years or fine or both	Ditto
CHAPTER XXVIII <i>Customs offences</i>					
423	Smuggling or rescuing goods under arms	May arrest without warrant	Summons	Imprisonment for seven years or fine or both	Magistrate of the First Grade
424	Smuggling under arms or in disguise	Ditto	Ditto	Ditto	Ditto

APPENDIX—*continued*CHAPTER XXVIII—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
425	Assembling for the purpose of smuggling	Ditto	Ditto	Imprisonment for six months or fine of ₦200	Ditto

CHAPTER XXIX

Offences relating to copyright

426	Making or dealing in copies of copyright work	Shall not arrest without warrant	Warrant	Imprisonment for two months or fine of ₦100 or both	Magistrate of the First Grade
427	Being in possession of plate for making copies; giving unauthorised performances of copyright work	Shall not arrest without warrant	Warrant	Imprisonment for two months or fine of ₦100 or both	Magistrate of the First Grade

CHAPTER XXX

Offences relating to ships and wharves

429	Offences relating to ships	Shall not arrest without warrant	Warrant	Fine of ₦10	Magistrate of the Third Grade
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APPENDIX—*continued*CHAPTER XXX—*continued*

[Issue I]

C42 – 8

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
429— <i>continued</i>	If offender after committing such offence refuses to give name and address	Ditto	Ditto	Fine of ₦40	Ditto
430	Entering ship or wharf without ticket	Ditto	Ditto	Imprisonment for one month or fine or both	Ditto
431	Interfering with navigation works	Shall not arrest without warrant	Warrant	Imprisonment for seven years or fine or both	Magistrate of the First Grade

CHAPTER XXXI

Offences relating to coin and notes

433	Counterfeiting coin or notes	Shall not arrest without warrant	Warrant	Imprisonment for life and fine	Chief Magistrate
434	Making or selling instrument for counterfeiting coin or notes	Ditto	Ditto	Ditto	Ditto
435	Possession of instrument or material for counterfeiting	Ditto	Ditto	Imprisonment for fourteen years or fine or both	Ditto

APPENDIX—*continued*
CHAPTER XXXI—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
436	Import or export of counterfeit coin or notes	Shall not arrest without warrant	Warrant	Imprisonment for fourteen years and fine	Chief Magistrate
437	Fraudulently diminishing weight or altering composition of coin	Ditto	Ditto	Imprisonment for ten years and fine	Ditto
438	Delivery of coin or note possessed with knowledge that it is counterfeit	Ditto	Ditto	Imprisonment for seven years and fine	Ditto
439	Possession of coin or note by person who knew it to be counterfeit when he became possessed thereof	Ditto	Ditto	Ditto	Ditto

CHAPTER XXXII
Offences relating to revenue stamps

441	Counterfeiting revenue stamp	Shall not arrest without warrant	Warrant	Imprisonment for seven years and fine	Chief Magistrate
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APPENDIX—*continued*
CHAPTER XXXII—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
442	Having possession of instrument or material for counterfeiting revenue stamp	Ditto	Ditto	Imprisonment for fourteen years and fine	Ditto
443	Making or selling instrument for counterfeiting revenue stamp	Shall not arrest without warrant	Warrant	Imprisonment for fourteen years and fine	Chief Magistrate
444	Import, export, use or sale of counterfeit revenue stamps	Ditto	Ditto	Imprisonment for seven years or fine or both	Ditto
445	Having possession of counterfeit revenue stamp	Ditto	Ditto	Ditto	Ditto
446	Effacing writing from substances bearing revenue stamp, or removing from document a stamp used for it, with intent to cause loss	Ditto	Ditto	Imprisonment for three years or fine or both	Magistrate of the First Grade

APPENDIX—*continued*
CHAPTER XXXII—*continued*

1	2	3	4	5	6
Section	Offence	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
447	Using revenue stamp known to have been used before	Ditto	Ditto	Imprisonment for two years or fine or both	Ditto
448	Erasure of mark denoting that revenue stamp has been used	Ditto	Ditto	Imprisonment for three years or fine or both	Ditto

CHAPTER XXXIII

Offences relating to weights and measures

449	Fraudulent use of false instrument for weighing	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of the Second Grade
450	Fraudulent use of false weight or measure	Ditto	Ditto	Ditto	Ditto
451	Being in possession of false weight or measure	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of the Second Grade
452	Making or selling false weight or measure	Ditto	Ditto	Ditto	Ditto

APPENDIX—*continued*
CHAPTER XXXIII—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
CHAPTER XXXIV					
<i>Offences relating to posts and telegraphs</i>					
454	Paper and dyes for postage stamps	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine of ₦100 or both	Magistrate of the Third Grade
455	Paper for postal purposes	Ditto	Ditto	Imprisonment for two years or fine or both	Ditto
456	Stopping mails	Ditto	Ditto	Imprisonment for life or fine or both	Chief Magistrate
457	Intercepting telegrams or postal matter	Ditto	Ditto	Imprisonment for seven years or fine or both	Magistrate of the First Grade
	If postal matter contains money, etc.	Ditto	Ditto	Imprisonment for life or fine	Chief Magistrate
458	Misdelivery of postal matter	Ditto	Ditto	Imprisonment for three years or fine or both	Magistrate of Third Grade
459	Retarding delivery of postal matter	Ditto	Ditto	Imprisonment for one year or fine or both	Ditto

APPENDIX—*continued*
CHAPTER XXXIV—*continued*

1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
460	Fraudulent removing stamps	Ditto	Ditto	Ditto	Ditto
461	Fraudulent evasion of postal law	Ditto	Ditto	Fine of ₦100	Ditto
462	Unlawful franking of letters	Ditto	Ditto	Imprisonment for one year or fine or both	Ditto
463	Sending dangerous or obscene things by post	Ditto	Ditto	Ditto	Ditto
464	Illegally setting up of post office	Ditto	Ditto	Fine of ₦10	Ditto
465	Damaging post office, etc.	Ditto	Ditto	Fine of ₦100	Ditto
466	Placing injurious substances in or against a letter box	Ditto	Ditto	Fine of ₦40	Ditto
467	Interference with telegraphs	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the Third Grade
468	Negligently injuring telegraphs	Ditto	Ditto	Fine of ₦4	Ditto

CHAPTER XXXV <i>Offences relating to railway and aircraft</i>					
1	2	3	4	5	6
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
469	Intentionally endangering safety of persons travelling by railway	May arrest without warrant	Summons	Imprisonment for life and fine	Magistrate of the First Grade
470	Obstructing and injuring railways	Ditto	Ditto	Ditto	Ditto
471	Damage to railways works	May arrest without warrant	Summons	Imprisonment for three months or fine of ₦40 or both	Magistrate of the Third Grade
472	Obstructing aircraft	Ditto	Ditto	Imprisonment for two years or fine or both	Ditto
473	Trespass on aerodrome	Ditto	Ditto	Imprisonment for three months or fine or both	Ditto
CHAPTER XXXVI <i>Offences relating to mines and minerals</i>					
474	Fraudulently dealing with minerals in mines	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the First Grade

APPENDIX—*continued*
CHAPTER XXXVI—*continued*

1 <i>Section</i>	2 <i>Offence</i>	3 <i>Whether the police may arrest without warrant or not</i>	4 <i>Whether a warrant or a summons shall ordinarily issue in the first instance</i>	5 <i>Punishment under the Penal Code</i>	6 <i>Court with least powers by which triable (but see Explanatory Note (2) at head of Appendix)</i>
475	Attempts to injure mines	Ditto	Ditto	Imprisonment for seven years or fine or both	Ditto
CHAPTER XXXVII					
<i>Deportation and passports</i>					
477	False statements in application for passports	Shall not arrest without warrant	Warrant	Imprisonment for one year or fine or both	Magistrate of the Third Grade

CHAPTER C42
CRIMINAL PROCEDURE (NORTHERN STATES) ACT
SUBSIDIARY LEGISLATION

No Subsidiary Legislation
