

Chapter 3 Part IV

Documentary Materials

The reader will see that sometimes, in reproducing the statutory materials that follow, we have given section titles by the side (e.g. 1.a); sometimes we have given them all together at the beginning (e.g. 1.b); and sometimes we haven't given them at all (e.g. 1.c). Where we have not given them at all, this is because no section titles were given in the materials reproduced. We have given them all at the beginning in the cases of the longer statutes, where significant space is saved by extracting the section titles and letting the statutory texts run across the whole page. We have left them at the side in the other cases, to give readers some sense of how the statutes are usually presented. Ideally the section titles should run along the outsides of pages, on the left on even-numbered pages and on the right on odd-numbered ones, but we have not taken the trouble to arrange this.

As elsewhere in this work, we have corrected (and in the cases of some words have standardised) spellings, and have also corrected other aspects of grammar and standardised the mode of presentation of the texts. See the Preface to Volumes I – V for further details.

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1.

Omnibus laws

a. Borno State Repeals and Savings Provisions Law (2000)²⁷¹

A LAW TO REPEAL AND SAVE SOME BORNO STATE LAWS

BE IT ENACTED by the Borno State House of Assembly as follows:

1. This Law may be cited as the Borno State Repeals and Savings Provisions Law and shall be deemed to have come into effect on the ... day of 2000. Title and commencement
2. In this Law unless the context otherwise requires: Interpretation
 - “gambling” means any game of chance with the purpose of winning money or other property but excludes sporting events.
 - “Governor” means the Governor of the State;
 - “State Laws” means all laws enacted or deemed to have been enacted by the State House of Assembly which are in force in the State.
 - “State” means Borno State of Nigeria.
3. The following laws of Borno State 1994 are hereby repealed: Repeal
 - (i) Betting Tax Law (CAP 18);
 - (ii) Gambling Machines (Licensing and Taxation) Law (CAP 57);
 - (iii) Tombola (Licensing and Taxation) Law (CAP 135);
 - (iv) Money Lenders Law (CAP 93);
 - (v) Pawnbrokers Law (CAP 100);
 - (vi) Pool Betting (Control and Taxation) Law (CAP 105); and
 - (vii) Liquor (Licensing) Law (CAP 81).
4. (1) Any person who directly or indirectly operates or otherwise engages in the operation of any of the businesses covered by the laws repealed under section 3 of this Bill shall be guilty of an offence and shall upon conviction be liable to punishment as contained in the Holy Qur’an and Hadith. Prohibition and penal provisions

(2) Any person who engages in gambling or practises any game of chance with the expectation and purpose of winning money or other property shall be guilty of an offence and be liable upon conviction to punishment as prescribed under sub-section 1 of this section.
5. All other State Laws not repealed under Section 3 hereto shall remain in force. Savings
6. Any Sharia Court or Upper Sharia Court with jurisdiction in the area where an offence under this Law occurs shall have jurisdiction. Jurisdiction

²⁷¹ Borno State of Nigeria Gazette No. 42 Vol. 26, 18th October 2001. The law was assented to by Governor Kachalla on 10th December 2000.

b. Yobe State Prohibition of Certain un-Islamic Practices Law (2000)²⁷²

A LAW FOR THE PROHIBITION OF PROSTITUTION AND OTHER UN-ISLAMIC PRACTICES, INCLUDING CINEMATOGRAPHIC EXHIBITIONS, PRODUCTION AND SALE OF LIQUOR, AND OTHER MATTERS RELATED THERETO

Arrangement of sections:²⁷³

- | | |
|---|--|
| 1. Commencement and citation. | 14. Prohibition of advertisement. |
| 2. Interpretation. | 15. Power to issue search warrant. |
| 3. Prohibition of exhibition of pictures etc. | 16. Prohibition of prostitution. |
| 4. Power of entry. | 17. Keeping of brothel. |
| 5. Prohibition of sale and consumption of liquor. | 18. Prohibition of hawking. |
| 6. Power of alkali and police officer. | 19. Trial of offences. |
| 7. Special search warrant. | 20. Procedural law. |
| 8. Things liable to forfeiture. | 21. Revocation of licences. |
| 9. Sale of obscene books or publications, etc. | 21A. Penal provisions on alcohol and gambling. |
| 10. Obscene songs. | 22. Repeal. |
| 11. Prohibition of pool betting business. | 23. General penal provision. |
| 12. Keeping gaming house or lottery office. | 24. Jurisdiction. |
| 13. Prohibition of gaming machines. | |

BE IT ENACTED by the Yobe State House of Assembly as follows:

1. This Law may be cited as the Yobe State Prohibition of Certain un-Islamic Practices Law 2000 and shall come into force on the 1st day of October, 2000.

2. In this Law unless the context otherwise requires:

“alkali” means an Area Court Judge;

“alcohol or intoxicant” means any liquid which, if used as a beverage may have an intoxicating effect and includes wine, beer, spirit and local liquor;

“brothel” includes a house, premises, or place where men pay, maintain, take women to have sex with other than offenders husband or with a person who is married to another or to commit fornication and it includes premises resorted to for homosexual practices;

“commercial video exhibition” means any commercial exhibition of pictures or other optical effects produced by video camera, machines or other similar apparatus;

“exhibition” means any display of un-Islamic picture or other optical effect produced by means of cinematography or other similar apparatus;

“film” means a film exceeding eight millimetres (8 mm) in width designed for use with a cinematograph, video machine or other similar apparatus;

²⁷² As amended by the Yobe State Prohibition of Certain un-Islamic Practices (Amendment) Law 2000. The principal law was signed by Governor Bukar Abba Ibrahim on 7th August 2000; we have not been able to obtain a gazetted copy. The amending law is in Yobe State of Nigeria Gazette No. 3, Vol. 11 of 18th January 2001, Supplement Part C pp. C13-C14.

²⁷³ For this list we have extracted the section titles from the law itself; we do not repeat the section titles subsequently.

DOCUMENTARY MATERIALS: OMNIBUS LAWS

“game of chance” includes a game of chance or chance and skill combined for winnings in money or money’s worth, whether any person playing the game is at risk of losing money or money’s worth or not;

“gaming machine” means any machine which is constructed or adapted for playing of game of chance by means of a machine;

“local liquor” means fermented liquid essentially made by indigenes in or around Nigeria;

“machine” includes any apparatus;

“mobile cinema” means any cinematograph or other similar projection apparatus which is operated in, on or from a vehicle or which is carried from place to place for the purpose of being used for occasional exhibition;

“obscene picture, publication and song” means any picture, publication or song tending to corrupt public morals by its indecency or lewdness;

“prostitute” means one who permits common sexual activity for hire in distinction with sexual activity confined exclusively to lawfully married couples;

“prostitution” means act of performing or offering or agreeing to perform a sexual act for hire;

“premises” includes building, land and a mobile cinema;

“premises in relation to sections 5 and 7” includes any room or place where alcohol is suspected to be sold or stored;

“State” means Yobe State of Nigeria.

3. (1) Any person who exhibits or causes to be exhibited any un-Islamic video pictures, films, or other optical effects produced by way of video camera, machines, projector, mobile cinema or other similar apparatus in the State commits an offence.
(2) Any person who contravenes the provision of subsection (1) shall be liable on conviction to a fine of fifty thousand naira (₦50,000.00) or five years imprisonment.
4. (1) Any police officer authorised by an alkali may at any time enter any premises in which he has reason to believe that an exhibition is being or is about to be carried out with a view to seeing whether the provisions of this Law or any regulation made thereunder has been complied with.
(2) Any person who prevents or obstructs the entry of any officer referred to in subsection (1) of this section is guilty of an offence and shall be liable on conviction to a fine of twenty thousand naira (₦20,000.00) or two years imprisonment.
5. (1) Any adult Muslim legally responsible for his action who wilfully and without excuse or necessity or the pleading of an error on his part as to the nature of what he drunk yet drinks any intoxicating liquor even a small quantity insufficient to produce intoxication commits an offence and shall be liable on conviction to eighty lashes to be inflicted after he has recovered from his drunkenness.
(2) Whoever being a Muslim brews, sells or deals in any way with anything; containing alcohol (*sharab*) or other intoxicants shall be punished with eighty lashes and one hundred thousand naira or ten years imprisonment.

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- (3) Any person who brews, sells or deals with anything containing alcohol (*sharab*) or any intoxicant shall be liable on conviction to a fine of one hundred thousand naira or ten years imprisonment.
6. Any police officer authorised in writing by an alkali may:
- (a) enter any premises at any time between the hours of 6.00 a.m. and 6.00 p.m. time for the purpose of detecting or preventing any breach of the provision of this Law;
 - (b) having reasonable ground for suspecting that intoxicating liquor is being sold, stored, introduced or otherwise dealt with, enter and inspect any premises and examine any package, vessel or conveyance;
 - (c) seize and detail any intoxicating liquor which he has reason to believe has been distilled, manufactured, imported, introduced, sold or removed or possessed contrary to the provision of this Law, for the purpose of sale and any receptacle containing the same and any vessel, conveyance or animal used in transporting liquor contrary to the provision of this Law.
7. (1) Any alkali may grant a warrant to any police officer to enter at any time and if need be by force any premises or place, whether a building or not, situated, within the limit specified in the warrant where the officer has reasonable ground for believing that an offence against this Law is being committed and examine and search the said premises or place for any spirit, stills, apparatus or portions of apparatus suitable for the distillation of alcohol or the rectification or the distillation of spirit and to seize and remove any spirit stills, apparatus as aforesaid together with any vessel cohabiting the same.
- (2) Where any spirit, stills, apparatus or portion of apparatus as aforesaid are removed from any premises or place in accordance with sub-section (1) the occupier of the premises or place may, if in the opinion of the officer executing the search warrant it is considered necessary so to do, be thereupon apprehended and there after dealt with in accordance with the provision of this Law.
- (3) No search warrant shall be granted the alkali granting the same shall be satisfied by information on earth taken in accordance with Islamic law:
- (a) that offences against the provision of this Law are prevalent in the area for which the warrant is being required;
 - (b) that owing, to difficulties or communication or otherwise the course of justice might be defeated or delayed if it were necessary for a search warrant to be obtained as and when sufficient information was obtained in respect of each individual premises or places as aforesaid;
- (4) A warrant granted in accordance with the provision of this Law shall remain in force for seven days from the date thereof unless a shorter period is specified in the warrant.
8. The following things may be forfeited on the order of an alkali:
- (a) intoxicating liquor distilled, manufactured, sold, removed, transported, introduced, possessed or otherwise dealt with by contravention of this Law;
 - (b) any vessel, car, animal for conveyance used intentionally in conveying intoxicating liquor in contravention of this Law, and any vessel in which any goods are thrown overboard to prevent seizure;

9. Any person who sells or distributes, imports or prints or makes for sale or hire or willingly exhibits in public view any obscene book, pamphlet, paper or similar article, drawing, printing, representation of figure or attempt so to do or has in his possession any such obscene book or other thing with the purpose of sale and distribution for public exhibition, commits an offence and shall be liable on conviction to a fine of (₦50,000.00) fifty thousand naira or five years imprisonment.
10. Any person who sings, recite, utters or reproduces by any mechanical means any obscene song or word in it near any public place commits an offence and shall be liable on conviction to a fine of (₦25,000.00) twenty-five thousand naira or two years imprisonment.
11. No person shall under any form, pretence, description whatever or by means of any device, contrivance or by any other means whatsoever, carry on in the State a pools betting business and no person shall distribute, print or publish or cause to be done in the State any other thing for any purpose incidental to a pools betting business.
12. Any person who keeps any house or place or converges in a place for the purpose of betting or playing game of chance or keep any office for the purpose of drawing any lottery or assists in the conduct of any such house or place commits an offence and shall be liable on conviction to a fine of (₦50,000.00) fifty thousand naira or five years imprisonment.
13. Any person who operates gaming machine in the State commits an offence and shall be liable on conviction to a fine of (₦50,000.00) fifty thousand naira or five years imprisonment.
14. No advertisement of pools betting shall be published or otherwise exhibited within the State and any person who publishes such an advertisement or any person carrying on any pools betting business or advertisement is guilty of an offence and shall be liable on conviction to a fine of (₦50,000.00) fifty thousand naira or five years imprisonment.
15. (1) Any person who is satisfied by information on oath taken in accordance with Islamic Law that there is reasonable ground to suspect that any building or place is being used for the purpose of, or in connection with the commission of an offence under this Law, may issue a search warrant under his hand authorising any police officer at any time or times within seven days from the date thereof to enter, if necessary by force the said building or place and every part thereof of, and to search for, seize and remove any document, money or valuable thing found therein which he has reasonable ground to suspect is in such building or place for any purpose connected with the infringement of any provision of this Law.
- (2) Any person who realises or fails to answer any question put to him under sub-section (1) of this section respecting any matter or, who fails to produce for inspection any books or account, records or documents in his possession or under his control that he is required to produce for the purpose of inspection shall be guilty of an offence and liable on conviction to a fine of (₦20,000.00) twenty thousand naira or to imprisonment for a term of not less than two years.
16. (1) As from the commencement of this Law prostitution is hereby prohibited in the State.
- (2) Any person who contravenes sub-section (1) of this section is guilty of an offence and shall be liable on conviction to a fine of (₦10,000.00) ten thousand naira or one year imprisonment.

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17. Any person who keeps or manages a brothel shall be guilty of an offence and liable on conviction to a fine of (₦20,000.00) twenty thousand naira or to a punishment which may extend to a three years imprisonment or both.

18. (1) Hawking by female persons of 10 years and above is hereby prohibited.

(2) Any person who contravenes the provision of this section shall be guilty of an offence and liable on conviction:

(a) if the hawker is minor his parent, guardian or any other person responsible for causing the contravention shall be liable to a fine of two thousand naira (₦2,000.00) or one month imprisonment;

(b) if the hawker has attained the age of maturity, he shall be personally liable to a fine of two thousand naira (₦2,000.00) or one month imprisonment.

19. Trial of offences under this Law shall be at the instance of the police and the Attorney-General of the State.

20. For the purpose of trial and prosecution under this Law the Criminal Procedure Code shall be the procedural law applicable.

21. As from the commencement of this Law all licences issued in respect of:

- (a) the sale and production of liquor;
- (b) the operation of gaming houses; and
- (c) pool betting

are hereby revoked.

21A. Notwithstanding any other provisions in this Law any person who:

- (a) produces or sells liquor;
- (b) operates any gaming machine; or
- (c) operates any pool betting house

commits an offence and is liable on conviction to a fine of one hundred thousand naira or to five years imprisonment.

22. As from the commencement of this Law the following Laws are hereby repealed:

- (a) Betting Tax Cap 18;
- (b) Cinematograph (Censorship) Cap 27;
- (c) Commercial Video Exhibition Cap 33;
- (d) Gaming Machine (Licensing & Taxation) Cap 57;
- (e) Liquor Law Cap 81;
- (f) Pool Betting (Control & Taxation) Cap 105;

Laws of Yobe State of Nigeria.

23. Any person who contravenes any penal provision of this Law save where specific punishment is provided, commits an offence and is liable on conviction to fine of ten thousand naira or two years imprisonment.

24. Offences under this Law shall be triable in Area Court.

c. Giwa Local Government (Kaduna State) bye-law on liquor, gambling and prostitution (1999)²⁷⁴

In exercise of the powers conferred by the fourth schedule of the 1999 Constitution of the Federal Republic of Nigeria, the following Bye-Law is hereby made by the Giwa Local Government:

1. This Bye-Law may be cited as the Giwa Local Government Sale and Drinking of Alcohol, Gambling and Prostitution (Prohibition) Bye-Law 1999.
2. This Bye-Law shall come into operation on the 18th October, 1999.
3. In this Bye-Law unless the context otherwise requires:
 - “Local Government” means Giwa Local Government of Kaduna State.
 - “court” means Magistrate Courts.
 - “hotel” means any building held out to the public as a place of selling and drinking alcohol as well as prostituting.
 - “prostitute” means any woman who permits common indiscriminate sexual activity for hire.
 - “gambling” means a game of betting.
 - “gambler” means a person who practises games of chance or skill with the expectation and purpose of winning money or property.
4. (a) From the commencement of this Bye-Law sale and drinking of alcohol is prohibited throughout the Local Government
 - (b) All existing liquor licences issued by the Local Government are hereby cancelled.
 - (c) A liquor licence shall not be issued to any person to operate either a beer parlour or an hotel for the purpose of selling alcohol.
5. Any person who fails to comply with the provisions of section 4 shall be guilty of an offence and shall be liable on conviction:
 - (a) For a first offence to a fine not exceeding ~~₦~~20,000.00 in the case of a seller or to imprisonment for a period not exceeding two years or both.
 - (b) For a second or subsequent offence to a fine not exceeding ~~₦~~30,000.00 or to imprisonment for a period not exceeding four years or both in the case of a seller and in a case of a drunkard to a fine not exceeding ~~₦~~10,000.00 or to imprisonment not exceeding three years or both. In addition he shall be liable to eight lashes of *hadd* lashing.
6. From the commencement of this Bye-Law prostitution is prohibited throughout the Local Government.
 - (a) No house shall be used to accommodate free women for the purpose of prostitution in the Local Government.
 - (b) Any person who fails to comply with the provision of section 6 shall be guilty of an offence and shall be liable on conviction:

²⁷⁴ KD.S.L.G.L.N. No. 4 of 2000, dated 18th October 1999.

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- (i) for a first offence to a fine not exceeding ₦30,000 or to imprisonment for a period not exceeding three years or both.
 - (ii) for a second or subsequent offence to a fine not exceeding ₦50,000.00 or five years imprisonment.
 - (iii) In addition such house shall be seized and or confiscated by the Local Government and same shall be forfeited to the Local Government property.
7. As from the commencement of this Bye-Law gambling is prohibited throughout the Local Government.
8. (a) Any person who fails to comply with the provision of section 7 shall be guilty of an offence and liable on conviction to a fine not exceeding ₦20,000.00 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment for a first offence.
- (b) For a second or subsequent offence to fine not exceeding ₦30,000.00 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment
9. Notwithstanding the provisions of the Criminal Procedure Code a Magistrate Court shall have jurisdiction to try the offences under this Bye-Law
10. All offences under this Bye-Law may be tried summarily and the full penalties and forfeiture authorised by this Bye-Law may be imposed upon summary conviction.
11. Any magistrate or a person authorised in writing by a magistrate and every police officer may: -
- (a) Enter any premises at any time for the purpose of detecting or preventing any breach of the provisions of this Bye-Law.
 - (b) Having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold, stored or a house is being used for prostituting or gambling enter and inspect such premises.

d. Makarfi Local Government (Kaduna State) bye-law on liquor, brothels and gambling (2000)²⁷⁵

In exercise of the powers conferred by the 4th Schedule of the Constitution of the Federal Republic of Nigeria 1999 and Local Government Law Cap 91 Laws of Kaduna State 1993, the following Bye-Law is hereby made by the Makarfi Local Government Council.

- 1. This Bye-Law may be cited as the Makarfi Local Government (Control of Liquor, Brothel and Gambling) Bye-Law 2000. Short title
- 2. This Bye-Law shall be deemed to have come into operation on the 30th day of June 2000. Commencement
- 3. In this Bye-Law unless the context otherwise requires: Interpretation
“Chairman” means the Executive Chairman Makarfi Local Government.

²⁷⁵ KD.S.L.G.L.N. NO. 6 OF 2000, dated 1st July 2000.

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- “Local Government” means Makarfi Local Government.
- “liquor” means any liquid which if used as a beverage, may have intoxicating effect and include wines, beer, spirits and any kind of fermented liquor usually made by natives of Nigeria or in the adjacent territories.
- “retail” means the sale of liquor in quantities not exceeding one litre to any person.
- “sale” includes exchange, barter and offering or exposing for sale.
- “wholesale” means the sale of liquor in quantities of not less than one litre to any person.
- “person in authority” includes a judge, village or ward head.

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| <p>4. All licences issued by the Local Government for the sale of liquor are revoked with effect from the date of commencement of this Bye-Law.</p> | <p>Revocation of licences to sell liquor</p> |
| <p>5. Any person who sells liquor in wholesale or retail within the Local Government shall be guilty of an offence.</p> | <p>Prohibition of sale of liquor</p> |
| <p>6. Any person who engages in any form of gambling within the Local Government Area shall be guilty of an offence.</p> | <p>Prohibition of gambling</p> |
| <p>7. Any person who keeps or manages a brothel shall be guilty of an offence.</p> | <p>Prohibition of keeping a brothel</p> |
| <p>8. Any person who organises or otherwise controls any premises on which the act of gambling takes place shall be guilty of an offence.</p> | <p>Prohibition of managing a gambling house</p> |
| <p>9. (1) A person in authority having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold, stored, introduced or otherwise dealt with, may enter and inspect any premises and examine any package, vessel or conveyor and;</p> <p>(2) A police officer may at any time enter any premises for the purpose of detecting or preventing any offence under the provisions of this Bye-Law.</p> | <p>Authorisation of searches</p> |
| <p>10. Whoever is guilty of an offence under paragraph five of this Bye-Law shall upon conviction be punished with imprisonment for a term which may extend to five months or with fine which may extend to ten thousand naira or to both, provided that the trial court may in addition to the punishment imposed, order the forfeiture to Government of any liquor or container found in possession of the offender, at the time the offence is committed.</p> | <p>Punishment for sale of liquor</p> |
| <p>11. Whoever is guilty of an offence under paragraph six of this Bye-Law shall upon conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to two thousand naira or with both.</p> | <p>Punishment for gambling</p> |
| <p>12. Whoever is guilty of an offence under paragraph seven of this Bye-Law shall upon conviction be punished with imprisonment for a term which may extend to one year or with fine which may extend to twenty</p> | <p>Punishment for keeping a brothel</p> |

thousand naira or to both.

13. Whoever is guilty of an offence under paragraph eight of this Bye-Law shall upon conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand naira or with both. Punishment for managing a gambling house

14. All offences under this Bye-Law maybe tried summarily by a court of competent jurisdiction. Trial court

15. Nothing in this Bye-Law shall apply to: Exemptions

(a) any qualified medical practitioner or licensed pharmacist administering or selling for purely medical purposes any medicine containing intoxicating liquor.

(b) The conveyance of liquor for transit through the Local Government.

16. The Chairman may appoint any officer of the Local Government or agents with responsibility for giving effect to the provisions of this Bye-Law. Enforcement

e. Gusau Local Government (Zamfara State) law on prostitution, gambling, and other social vices (2000)²⁷⁶

A LAW TO PROHIBIT AND ERADICATE PROSTITUTION, GAMBLING, GAMES OF CHANCE AND OTHER FORMS AND SOURCES OF SOCIAL VICIES AND MORAL DECADENCE IN THE STATE²⁷⁷

WHEREAS the Local Government Council is vested with powers and responsibilities to ensure good governance and the socio-economic well-being of the people in the area;

AND WHEREAS the adoption of the Sharia Legal System in the State calls for the cultivation and protection of good moral standards of the people and to control rampant anti-social behaviours;

NOW THEREFORE the Council of the Gusau Local Government hereby enacts following Bye-Law:

1. This Bye-Law may be cited as the Prostitution, Gambling etc. (Prohibition and Control) Bye-Law, 2000.

2. The commencement date of this Bye-Law shall be the day of 2000.

3. The words used in this Bye-Law shall have, unless otherwise provided, the meaning ascribed to them in this section:

- i. "Prostitute" or "prostitution" means a person of the female sex, of easy virtue, who engages in sexually offering her womanhood to the opposite sex for monetary or other gains in a professional or otherwise way; this art is referred to as prostitution.

²⁷⁶ Bye-Law No. 3, 2000, dated 4th July 2000. No gazetted copy available; copy signed by the Local Government Chairman obtained from the Ministry for Local Government in Gusau.

²⁷⁷ Sic: no doubt "in the Local Government Area" is meant.

DOCUMENTARY MATERIALS: OMNIBUS LAWS

- ii. "Local Government Council or Area" or "Council" means and refers to the Gusau Local Government Council of Zamfara State.
 - iii. "State" means Zamfara State of Nigeria.
 - iv. "Game of chance" means any game carried out by persons with a view to make unlawful or wrongful monetary or material gain therefrom or otherwise to take undue advantage that is illegal or wrongful under the principles of Sharia.
 - v. "Hawking" means to trade in wares or food or other items to the public or individuals by carrying the items around.
4. Prostitution in all its ramifications by women of easy virtue is hereby prohibited.
 5. Any woman found parading herself as a prostitute in any place commits an offence.
 6. Any person who keeps, conceals, harbours or allows any prostitute to live or stay in any dwelling house commits an offence.
 7. Whoever commits any of the offences in articles 4, 5 & 6 of this Bye-Law shall be liable to imprisonment for six months or a fine of three thousand naira or to both fine and imprisonment; and in either case, may in addition be sentenced to 50 strokes of the cane if the convict is of the Muslim faith.
 8. Any form of a game of chance including and not limited to pools betting, *kalo-kalo*, gambling with cards, ludo or (*kodago*) etc. is hereby prohibited.
 9. Any two or more people found playing a game of chance of whatever kind and in whatever form in any private or public place commits an offence.
 10. Whoever commits the offence of playing a game of chance shall be liable to imprisonment for three months or to a fine of two thousand naira or to both, and in either case may in addition be sentenced to 50 strokes of the cane if the convict is of the Muslim faith.
 11. Whoever admits any person into any dwelling place for money with the purpose of showing to that person any form of cinematography commits an offence.
 12. Whoever violates the provision of article 11 of this Bye-Law shall be punished with imprisonment for three months or to a fine of two thousand naira or to both.
 13. Hawking by unmarried girls of more than ten (10) years of age and divorcees in whatever form is hereby prohibited.
 14. Any unmarried girl of more than ten (10) years of age or divorcee found roaming about the street hawking in whatever form shall be guilty of an offence.
 15. Whoever commits the offence stated in articles 13 and 14 of this Bye-Law shall be liable to a fine of five hundred naira. If the said offence is committed by a girl who cannot afford to pay the fine the parent or guardian of that girl shall be held responsible for the payment of the said fine.
 16. All offences covered by this Bye-Law may be tried by a Magistrate Court or a Sharia Court in whose jurisdiction the offence is committed.

f. Kaura Namoda Local Government (Zamfara State) bye-law on liquor, prostitution, gambling and other social vices (2001)²⁷⁸

WHEREAS the 1999 Constitution and the Local Government Law of Zamfara State vest the Local Government with powers and responsibilities to ensure good governance and the socio-economic well-being of the people.

AND WHEREAS the adoption of the Sharia Legal System in the State calls for the cultivation and protection of good moral standards of the people, the control and eradication of anti-social vices and behaviours. This Bye-Law repeals Bye-Laws No. 1 and 2 of the year 2000.

NOW THEREFORE, The Council of the Kaura Namoda Local Government hereby enacts the following Bye-Law:

- | | |
|---|--------------|
| 1. This Bye-Law may be cited as The Prohibition, Eradication and Control of Anti-Social Vices and Behaviours Bye-Law 2001. | Short title |
| 2. The commencement date of this Bye-Law shall be the 16 th day of October, 2001. | Commencement |
| 3. (i) The sale, consumption, prohibition and general dealing in liquor and alcoholic products and substances are prohibited within the Local Government Area. | Liquor |
| (ii) No person shall operate or rent out a hotel, beer parlour, tavern, off licence or any other place whether private or public and whatsoever name called for the purpose of the sale, consumption or production of liquor or related substances. | |
| (iii) Whoever is found in any private or public place for the production, sale, or consumption of liquor or if found to have violated the provisions of this section commits an offence. | |
| (iv) Whoever commits an offence under this section shall be liable on conviction to imprisonment for a period not exceeding 3 years or fine not exceeding twenty thousand naira: if the offender is of Islamic faith shall also be liable to appropriate lashes of the cane as prescribed under the Sharia Penal Code. In addition, the exhibit recovered be destroyed on the orders of convicting judge. | Punishment |
| 4. (i) Prostitution in all forms is hereby prohibited. | Prostitution |
| (ii) Any person who parades himself or herself as a prostitute, lesbian or homosexual commits an offence; | |
| (iii) Any person who solicits, pimps, engages, assists, keeps, conceals, harbours or facilitates another person to live or stay in a house to engage in prostitution, homosexual and lesbian commits an offence. | |
| (iv) Whoever commits any of the above offences shall be liable to imprisonment for a period not exceeding 2 years or a fine of ₦7,000.00 or both. If the offender is of Islamic faith, he shall in addition be liable | Punishment |

²⁷⁸ Bye-Law No. 1 of 2001, dated 16th October 2001. No gazetted copy available; copy signed by the Local Government Chairman obtained from the Ministry for Local Government in Gusau.

DOCUMENTARY MATERIALS: OMNIBUS LAWS

- to punishment as prescribed by the Sharia Penal Code of the State.
5. (i) Gambling and all forms of games of chance including pools betting, gambling with cards, ludo, “*dara*”, *kodago* etc. are hereby prohibited. Gambling, games of chance
- (ii) Any two or more people who engage in playing any game of chance of whatever kind and in any private or public place commit an offence;
- (iii) Whoever commits an offence shall be liable to imprisonment for a period not exceeding 2 years or a fine not exceeding ₦10,000.00 and if the offender is of Islamic faith, shall in addition be liable to strokes of lashes not exceeding forty.
6. (i) All forms of commercial display of video or cinema in any dwelling, private or public place for the purpose of showing to another person(s) the video or cinematography are prohibited, provided that the objective of such a show is not to educate and enlighten the people on worthy issues to the society. Video and cinematography shows
- (ii) Whoever violates the provision of this Bye-Law commits an offence and shall be liable on conviction to imprisonment for a period not exceeding 2 years or ₦15,000.00 fine or both. The offender shall be liable to strokes of lashes not exceeding forty. Punishment
7. (i) All forms of procession during marriage, naming or any other ceremonies by motorcyclists (*kebu-kebu* operators) whether it was preceded with conveyance of members of the opposite sex or not, is hereby prohibited throughout the Local Government Area. Processions
- (ii) Bathing naked by members of opposite sex in a river, ponds, pools, lakes or in any other place is hereby prohibited throughout the Local Government Area. Bathing naked
- (iii) Any person who violates the provision of this Bye-Law shall be liable to a fine of ₦5,000.00 or 1 year imprisonment or both. In addition, offenders who are of Islamic faith shall also be liable to strokes not exceeding forty. Punishment
8. The provisions of this Bye-Law shall apply only in the area that falls within Kaura Namoda Local Government. Area of jurisdiction
9. Any offender under this Bye-Law may be tried by a Magistrate or Sharia Court within the area of jurisdiction where the offence was committed. Court of trial
10. “Alcohol” or liquor means any alcoholic or intoxicating substance e.g. Indian Hemp, solution, etc. Interpretation
- “Dealing” means to either sell, purchase, consume, produce, transport, store, possess, advertise, propagate, hire or lease out premises to do with liquor or alcoholic substance.
- “Prostitute/Prostitution” means a male or female who engages including a pimp in sexually offering himself or herself, manhood or womanhood for homosexual, lesbianism or fornication for monetary gain or otherwise.

CHAPTER 3: SANITIZING SOCIETY

“Local Government Council” means Kaura Namoda Local Government Council.

“State” means Zamfara State.

“Game of Chance” includes any game carried out by persons with a view to take monetary or valuable gains or otherwise to take undue or wrongful advantage contrary to the principles of Sharia.

2.

Corruption

a. Zamfara State Anti-Corruption Commission Law (2003) Annotated²⁷⁹

A LAW TO PROVIDE FOR THE ESTABLISHMENT, COMPOSITION AND
POWERS OF ZAMFARA STATE ANTI-CORRUPTION COMMISSION²⁸⁰

Arrangement of sections:²⁸¹

Preamble

General Provisions

1. Short title.
2. Commencement.
3. Interpretation.

Establishment and Composition of the Anti-Corruption Commission

4. Establishment of the Commission.
5. Composition of the Commission.
6. Powers of the Commission.
7. Inquiry to be specified.
8. Power of Commissioner with respect to obtaining of evidence and conduct of proceedings.
9. Proceedings of the Commission.
10. Remuneration of members.
11. Removal of members.
12. Independence of Commission.
13. Appointment and duties of Secretary.

Offences and Punishment

14. Prohibition on dealing with government property without lawful authority.
15. Misuse of government vehicles.
16. Prohibition of improper handling of government property.
17. Offence disclosed from investigation of another.
18. Official gratification defined.
19. Corrupt offers to public officers.
20. Corrupt demand by person.
21. Deliberate frustration of investigation by the Commission.
22. Making false statement of returns.
23. Gratification by and through agents.

²⁷⁹ Zamfara State's Anti-Corruption Commission Law draws heavily on the Federal Corrupt Practices and Other Related Offences Act, No. 5 of 2000, Cap. C31 of LFN 2004, although it evidently has other sources as well which we have not traced. The annotations to the sections of Zamfara's law which follow correlate its sections with those of the Corrupt Practices and Other Related Offences Act, where applicable, and note some but by no means all of the differences in their language. The Federal statute is referred to in the notes as "ICPC Act".

²⁸⁰ No. 12 of 2003, assented to 28th July 2003; published in Zamfara State of Nigeria Gazette No. 1 Vol. 2, 10th October 2003 pp. A1-A27.

²⁸¹ For this list we have extracted the section titles from the gazetted version of the law; we do not repeat the section titles below.

CHAPTER 3: SANITIZING SOCIETY

24. Bribery for giving assistance etc. in regard to contracts.

[Investigations and Prosecutions]

25. Prosecutions; keeping report and books.
26. Power to examine person.
27. Summons against suspect.
28. Summons to be signed by Chairman.
29. Service against summons.
30. Substituted service.
31. Acknowledgement of service.
32. Detention of person refusing to acknowledge service.
33. Failure to appear after receipt.
34. Forceful entry of premises.
35. Seizure of movable or immovable property.
36. Custody of seized property etc.
37. Legal obligation to give information.
38. Obstruction of inspection and search.
39. Offence under this law to be bailable.
40. Right of the accused to be taken before a court of law.
41. Bail by the court of an accused person.
42. Presumption in certain offences etc.
43. Admissibility of translation of documents.
44. Protection of informers and information.
45. Protection of officer of the Commission.

[Miscellaneous]

46. Application of the provisions of this Law to any prescribed offence.
47. General penalty for other offences.
48. Right of appeal.
49. Repeal of Anti-Corruption Law No. 17 of 2000.

Preamble

WHEREAS by the provisions of section 15(5) of the 1999 Constitution, the State is mandated to abolish all corrupt practices and abuse of power;

AND WITHOUT PREJUDICE to the Code of Conduct contained in the Fifth Schedule of the 1999 Constitution;

NOW THEREFORE, be it enacted by the Zamfara State House of Assembly as follows:

General Provisions

1. This Law may be cited as the Zamfara State Anti-Corruption Commission (Establishment) Law, 2003.
2. This Law shall come into force on the 28th day of July, 2003.
3. In this Law, unless the context otherwise requires:
 - “Chairman” means the Chairman of the Commission;
 - “circulars” means Government directives to civil and public servants in the State on general administration of the State;

“Commission” means the Anti-Corruption Commission established pursuant to section 4 of this Law or where the context so admits the Local Government Anti-Corruption offices established pursuant to the Law.

“Constitution” means the Constitution of the Federal Republic of Nigeria, 1999.

“contract” means any agreement entered by or on behalf of the Zamfara State Government and any other individual or company or organisation whether international or local to render services, supply goods, or exercise works etc. anywhere.

“Governor” means the Governor of Zamfara State.

“House of Assembly” means the House of Assembly of Zamfara State.

“Commissioner” means a Commissioner of the Commission and includes the Chairman of the State Anti-Corruption.

“powers” includes functions.

“State” means Zamfara State of Nigeria.

“offices” means Local Government offices of the Commission.

“employees and servants” means and includes supporting staff of the Commission.

“corruption” includes fraud, bribery and any other related offences.

“agent” includes a trustee, an administrator or executor of the deceased person, any person employed by or acting [for] such trustee, executor, administrator, or an officer serving in or under any public body in the State.

“false pretence” means any representation made by writing, conduct or by words, of a matter, which representation is false in fact, and which the person making it knows to be [false] or does not believe to be true.

“gratification” includes money, fees, donation, gift, reward, valuable security, property or interest in property being property of any description whether movable [or immovable] or any other advantage given or promise [made] to any person with intent to influence such a person in the performance of his duties.

“court” means Upper Sharia Court and Magistrate Court.

“person” means a natural person or juristic personality.

“Local Government” means Local Government Council in Zamfara State of Nigeria.

“public officer” means a person employed or engaged in any capacity in the public service of the State or Local Government and includes officers serving in the Sharia Courts, Magistrate Courts (District Courts) and Tribunals.

“property” includes real or personal property of every description including money.

“official working hours” means the period between 7:00 a.m. to 5:00 p.m.

Establishment and Composition of the Anti-Corruption Commission

4.²⁸² (1) There is hereby established a body for the State to be known as the State Anti-Corruption Commission in this Law referred to as the Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its name.

²⁸² Cf. ICPC Act §3(1) and (2).

- 5.²⁸³ (1) The Commission shall consist of the following members to be appointed by the Governor:
- (a) Chairman;
 - (b) five Permanent Commissioners, of whom one must be a legal practitioner and knowledgeable in Islamic education; and
 - (c) not less than seven and not more than fifteen other part-time members at least seven of which must be ex-officio.
- (2) Persons to be appointed as members of the Commission shall be persons of proven integrity.
- (3) A member of this Commission shall remain a member for a period of four years from the date of his appointment and may be eligible for re-appointment.
- 6.²⁸⁴ (1) Subject to the provisions of the Constitution and other enactments, the Commission shall have power:
- (a) to investigate any allegation of corrupt practices against any civil or public servant in the service of the State and to prosecute the accused on the advice of the Attorney-General of the State;
 - (b) to monitor proper handling of all Government movable and immovable properties;
 - (c) to monitor and inquire into any case of suspected corrupt practices in the public service of the State;
 - (d) to organise workshops, seminars, public campaigns against corrupt practices in the State;
 - (e) to receive and inquire into any public allegation concerning any public officer;
 - (f) to report to the office of the Attorney-General for legal advice and prosecution, and to the Governor for his information and notice;
 - (g) to seek information from other public officers and the general public regarding any case of corrupt practices reported to it;
 - (h) to establish offices in each of the Local Government Areas under their full control;
 - (i) to investigate and send to the Attorney-General any allegation of improper or non-performance of any Government contract for necessary legal action;
 - (j) to receive allegations submitted through the Local Government Anti-Corruption offices and act on same;
 - (k) to reverse, confirm or vary the decisions or findings of the Local Government Anti-Corruption offices; and
 - (l) to do any other things for the proper discharge of any or all of these powers.
- (2) Nothing in this section shall prevent the Commission from reporting a particular public officer to the Code of Conduct Bureau or the police for alleged allegation [sic] of corrupt practice.

²⁸³ Cf. ICPC Act §3(3), (6) & (7). There are significant differences in the compositions of the two Commissions.

²⁸⁴ This section corresponds generally to ICPC Act §6, but specifies the powers of Zamfara State's Commission in much more detail.

7. The Commission shall specify the allegations and the subject of inquiry, and the inquiry must be held in public, provided that the Commission may exclude any person or persons from its proceedings for the preservation of order and in the interest of justice to any party in the conduct of the proceedings.

8. The Commissioners shall have the following powers:

(a) to procure all such evidence, written or oral, and to examine all such persons as witnesses, as the Commissioners may think it necessary or desirable to procure or examine.

(b) to require the evidence, whether written or oral, of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in Magistrate Courts or Sharia Courts.

(c) to summon any person in Zamfara State to attend any meeting of the Commissioners to give evidence or produce any document or other thing in his possession and to examine him as a witness, subject to all just exceptions.

(d) to issue [sic: receive?] any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;

(e) to admit or exclude the press from any meeting of the Commission;

(f) to enter upon any land, for the purpose of obtaining evidence or information required by, or which may be required by, or which may be of assistance to, the Commission;

(g) to direct any law enforcement agency within the State to question, investigate or interrogate any person whose conduct or affairs are under investigation or who is likely to impede or interfere with the conduct of their assignment;

(h) to do any other thing that is necessary or conducive to the attainment of the objectives of the inquiry.

9.²⁸⁵ Subject to the provisions of this Law, the Chairman may make standing orders to regulate the proceedings of the Commission during inquiry.

10.²⁸⁶ The Chairman and all other members of the Commission shall be paid such remuneration, whether by way of salary or allowances, as the Governor may determine.

11.²⁸⁷ A member of the Commission appointed under this Law shall only be removed from office by the Governor for inability to discharge the function of the office (arising from unsoundness of mind of body) or for misconduct.

12.²⁸⁸ In exercising its powers under this Law, the Commission shall not be subjected to the direction and control of any other authority.

13.²⁸⁹ (1) There shall be a Secretary to the Commission to be appointed by the Governor.

(2) The Secretary of the Commission shall conduct the correspondence and keep the records thereof and perform such other duties as the Commission may from time to time direct or which are assigned to him under the provisions of this Law.

²⁸⁵ Cf. ICPC Act §§7(1) and 70.

²⁸⁶ Cf. ICPC Act §3(5).

²⁸⁷ Cf. ICPC Act §3(8).

²⁸⁸ Cf. ICPC Act §3(14).

²⁸⁹ Cf. ICPC Act §4(6).

(3) The Secretary shall be an officer and not a member of the Commission and he shall be the Accounting Officer, and shall be responsible to the Chairman.

Offences and Punishment

14. No person shall buy or sell or transfer or expose for sale or transfer or have in his possession for sale or transfer any movable property belonging to the Government without lawful authority.

15. No person shall use or order to be used any Government vehicle outside the official working hours without permission from the appropriate authority or official.

Provided that nothing shall be an offence by reason only that the vehicle is used for Government special services or upon obtaining a written permission from the appropriate authority.

16. (1) Any person who uses a Government vehicle not in accordance with the laid down rules shall be guilty of an offence and shall on conviction be sentenced to a term of one month imprisonment and/or a fine of ₦2,000.

(2) Any person who damages or causes to be damaged or in any way facilitates the destruction, damage, demolition or vandalism of any Government property whether movable or immovable shall be guilty of an offence, and shall be made to repair, renovate, refurbish or otherwise be surcharged to pay the value of the property damaged.

(3) Whoever negligently allows any Government property movable or immovable under his custody to be vandalised or damaged or destroyed shall be guilty of an offence under this Law and shall on conviction be liable to imprisonment for three months or a fine of ₦10,000.

(4) Whoever being in custody, control or entrusted with any Government money or property in his capacity as a public servant and uses the said money or property in contravention of the Government laid down principles, or to his own personal uses, shall be guilty of an offence which on conviction shall be sentenced to fifteen years imprisonment and shall also be liable to payment of the value and/or replacement of the property.

17. (1)²⁹⁰ If in the course of any investigation or proceedings in any court in respect of the commission of an offence under this Law, there is disclosed an offence under any written law [not] being an offence [under this Law], whether the offence was committed by the same person or any other person, the officer of the Commission responsible for the investigation or proceeding shall notify the Attorney-General of the State.

(2)²⁹¹ The Commission may after the completion of investigation of an allegation recommend any of the following to the appropriate authority or office:

- (a) admonishing (*wa'az*);
- (b) transfer;
- (c) suspension;
- (d) prosecution; and/or
- (e) dismissal from the service.

²⁹⁰ Cf. ICPC Act §5(2).

²⁹¹ No correlate of this subsection is in ICPC Act.

DOCUMENTARY MATERIALS: CORRUPTION

18.²⁹² (1) Any person who corruptly:

- (a) asks for, receives or obtains property or benefit of any kind for himself or for any person; or
- (b) agrees or attempts to receive or obtain any property or benefit of any kind for himself or for any other person, on account of:
 - (i) anything already done or omitted to be done, or for any favour or disfavour already shown to any person by himself in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, or other organisation or institution in which he is serving as an official; or
 - (ii) anything to be afterwards done or omitted to be done or favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid,

is guilty of an offence of official gratification [sic: corruption] and is liable to imprisonment for two years, and shall also be liable to canning which may extend to ten lashes.

(2) If in any proceedings for an offence under this section it is proved that any property or benefit of any kind, or any promise thereof, was received by a public officer, or by some other person at the instance of a public officer from a person -

- (a) holding or seeking to obtain a contract, licence, permit, employment or anything whatsoever from a Government department, public body or organisation or institution in which that public officer is serving as such;
- (b) concerned, or likely to be concerned, in any proceeding or business transacted before or by that public body or other organisation or institution in which that public officer is serving as such; and
- (c) acting on behalf of or related to such a person,

the property, benefit or promise shall, unless the contrary is proved, be presumed to have been received corruptly on account of omission, favour or disfavour as is mentioned in subsection (1)(a) or (b).

19.²⁹³ (1) Any person who corruptly:

- (a) gives, confers or procures any property or benefit of any kind to, on or for a public officer or to, on or for any other person; or
- (b) promises or offers to give, confer, procure or attempt to procure any property or benefit of any kind to, on or for a public officer or any other person, on account of any such act, omission, favour or disfavour to be done or shown by the public officer except under threat or necessity,

is guilty of an offence of official corruption and shall on conviction be sentenced to imprisonment for two years, and shall be liable to canning which may extend to ten lashes.

²⁹² Cf. ICPC Act §8, which however has two further subsections not included here.

²⁹³ Cf. ICPC Act §9.

(2) If in any proceedings for an offence under this section it is proved that property or any promise thereof, was given to a public officer or some other person at the instance of a public officer, by a person:

- (a) holding or seeking to obtain a contract, licence, permit, employment or anything whatsoever from a Government department, public body or other organisation or institution in which that public officer is serving as such; or
- (b) concerned or likely to be concerned in any proceeding or business transacted, pending or likely to be transacted before [or by that public officer or] a Government department, public body or other organisation or institution in which that public officer is serving as such; or
- (c) acting on behalf of or relative to such a person,

the [property or] promise shall unless the contrary is proved, be deemed to have been given corruptly on account of such past or future act, omission, favour or disfavour as is mentioned in subsection (1)(b) and (2) of this section [sic].²⁹⁴

20.²⁹⁵ Any person who asks for, receives or obtains property or benefits of any kind for himself or any other person, or agrees or attempts to receive or obtain any property [or benefit of any kind for himself or any other person] on account of—

- (a) anything already done [or omitted to be done] or any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, public body or other organisation or institution in which the public officer is serving as such; or
- (b) anything to be afterwards done or omitted, or any favour or disfavour to be afterwards shown to any person, by a public officer in the discharge of his official duties in relation to any such matter as aforesaid,

is guilty of an offence of official corruption and shall on conviction be sentenced to imprisonment for a period not exceeding four years and may also be liable to caning which may extend to ten lashes.

21.²⁹⁶ Any person who, with intent to defraud or conceal crime or frustrate the Commission in its investigation of any suspected crime of corruption under this Law or under any other law destroys, alters mutilates, or falsifies, any book, document, valuable security, account, computer system, diskette, computer printout or other electronic device which belongs to or is in the possession of his employer, or has been received by him on account of his employment, or any entry in any such book, document, accounts or electronic device, or is privy to any such act, is guilty of an offence, and shall on conviction be liable to two years imprisonment, and may also be liable to caning which may extend to ten lashes.

²⁹⁴ The corresponding clause of the ICPC Act refers back to what are here subsections (1) and (2) of section 18, which makes more sense than the gazetted text.

²⁹⁵ Cf. ICPC Act §10.

²⁹⁶ Cf. ICPC Act §15. In the ICPC Act, all the language from the word ‘destroys’ to the phrase ‘or is privy to any such act’ forms subsection (a); there are then two further subsections as follow: “(b) makes, or is privy to making any false entry in any such book, document, account or electronic record; or (c) omits, or is privy to omitting, any material particular from any such book, document, account or electronic record,” – is guilty of an offence etc.

22.²⁹⁷ Any person who, being an officer responsible for custody or receipt, and collection of remuneration to the State, uses any part of the revenue or uses or mismanages or furnishes any false statement or return in respect any money received by him or entrusted to his care, or any balance of money in his possession or under his control, is guilty of an offence, and shall on conviction be sentenced to one year imprisonment.

23.²⁹⁸ (1) Any person who corruptly–

(a) accepts, obtains or agrees to accept or obtain or attempts to obtain from any person for himself or for any other person, any gift or consideration as inducement or reward for doing, forbearing to do, or for having done, or forborne to do, any act or thing;

(b) gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done, or forborne to do, any act or thing in relation to his principal's affairs or business;

(c) knowingly gives to any agent, or being an agent knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which [the principal is interested and which contains any statement which] is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead his principal or any other person,

is guilty of an offence and shall on conviction be liable to one year imprisonment, and shall also be liable to canning which may extend to ten lashes.

(2) For the purposes of this section, the expression “consideration” includes valuable consideration of any kind; the expression “agent” includes any person employed by or acting for another; and the expression “principal” includes an employer.

24.²⁹⁹ (1) Any person who, without lawful authority or reasonable excuse, offers an advantage to a public servant as an inducement to or reward for or otherwise on account of such public servant's giving assistance or using influence in the promotion, execution or procuring of–

(a) any contract with a public body for the performance of any work, the providing of any service, the supplying of any article, material or substance to be secured or supplied under any contract with a public body; or

(b) any sub-contract to perform any work, provide any article, materials or substance required to [be performed, provided, done or] supplied under any contract with a public body; or

(c) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or sub-contract as foresaid,

shall be guilty of an offence.

²⁹⁷ Cf. ICPC Act §16.

²⁹⁸ Cf. ICPC Act §17.

²⁹⁹ Cf. ICPC Act §22. In the gazetted version of Zamfara's law the formatting of this section is badly garbled; we have corrected it here. ICPC Act includes four further subsections, three of which define other related offences and the last of which specifies the punishment for violation of subsection (1), which Zamfara has failed to do.

(2) Any public official who in the course of his official duties inflates the price of any goods or service above the prevailing market price or professional standards shall be guilty of an offence under this Law and shall on conviction be liable to imprisonment for a term of one year and indictment [sic: in addition] to a fine of the current price of the property.

[Investigations and Prosecutions]

25.³⁰⁰ (1) Prosecution for an offence under this Law shall be initiated by the Attorney-General of the State or any person or authority to whom he shall delegate his authority, in the Court so designate by the Chief Judge, Grand Kadi of the State [sic] and every prosecution for an offence under this Law or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the State.

(2) Every report whether in writing or reduced into writing shall be entered in a book kept at the office of the Commission and there shall be appended to such entry the date and hour at which such report was made.

(3) Where an officer of the Commission has reason to suspect the commission of an offence under this Law following a report made [or information otherwise received by him, he shall cause investigation to be made] and for such purpose may exercise all the powers of investigation provided for under this Law or any other law.

(4) A report made shall not be disclosed by any person other than officers of the Commission or the Attorney-General until the accused person has been arrested or charged to court for an offence under this Law or any other written law arising from such report.

(5) Any document, certified by any officer of the Commission in respect of a report shall be admissible as evidence of the contents of the original and of the time, place and manner in which the report was recorded.

26.³⁰¹ (1) An officer of the Commission investigating an offence under this Law may—

(a) order any person to attend before him for the purpose of being examined in relation to any matter which may, in his opinion, assist in the investigation of the offence;

(b) order any person to produce before him any book, document or any other article which may, in his opinion, assist in the investigation of the offence; or

(c) by written notice require any person to furnish a statement in writing made under oath or affirmation setting out therein all such information required under the notice, being information which, in such officer's opinion, would be of assistance in the investigation of the offence.

(2) A person to whom an order has been given shall—

³⁰⁰ Subsection (1) of this section tracks ICPC Act §26(2); subsections (2)-(5) track ICPC Act §27(2)-(5). The gazetted version of Zamfara's law clearly omits some language necessary to the sense of subsection (3); it is an open question however whether the first clause inserted in brackets was or was not intended to be included.

³⁰¹ Cf. ICPC Act §28. Zamfara omits ICPC Act subsections (2), (4) and (7), and materially alters ICPC Act subsection (9) = Zamfara subsection (6).

DOCUMENTARY MATERIALS: CORRUPTION

(a) attend in accordance with the terms of the order to be examined, and shall continue to attend from day to day where so directed until the examination is completed; and

(b) during such examination disclose all information required under the notice which is within his knowledge.

(3) A person to whom a written notice has been given shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge, or which is available to him.

(4) A person to whom an order or notice is given shall comply with such order or notice.

(5) An officer of the Commission examining a person under this Law, shall record in writing any statement [made by the person and the statement] so recorded shall be read over to the maker who on being satisfied that it is a true [record] of his statement shall sign same before a superior officer of the Commission; and where such person refuses to sign the record, the officer shall endorse thereon under his hand the fact of such refusal and the reason therefore, if any, stated by the person examined; and any person who shall write [for a person] who is an illiterate shall also write on such document his own name and address as the writer of the document.

(6) The records of an examination or written statement on oath or affirmation made pursuant to [sic] or any book, document or article produced or otherwise in the course of an examination or under a written statement on oath or affirmation made shall notwithstanding any written law or rule of law to the contrary, be admissible in evidence in any proceedings in any court.

(7) Any person who contravenes this section shall be guilty of an offence punishable with a term of imprisonment not exceeding four months.

27.³⁰² Subject to the provisions of this Law the Commission may issue a summons directed to a person [complained against] to attend before the Commission for the purpose of being examined in relation to the direction [sic] or in relation to any other matter which may aid or facilitate the investigation of the allegation; and summons so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.

28.³⁰³ Every summons issued by the Commission under this Law shall be in duplicate and signed by the Chairman or such officer as the Chairman may authorise to issue summons.

29.³⁰⁴ Every summons under this Law shall be served by an officer of the Commission in the manner prescribed in the Sheriffs and Civil Process Act and any other laws relating to the service [of process and the person effecting the service] shall have and exercise all the powers conferred by the law and any other law relating to the service of process.

30.³⁰⁵ Where the person summoned by the Commission is in the service of Government, the Commission may deliver the summons in duplicate to the Head of Department in which such person is employed for the purpose of its being served on that person and such officer shall thereupon cause the summons to be served on that person.

³⁰² Cf. ICPC Act §29.

³⁰³ Cf. ICPC Act §30.

³⁰⁴ Cf. ICPC Act §31.

³⁰⁵ Cf. ICPC Act §32.

CHAPTER 3: SANITIZING SOCIETY

31.³⁰⁶ Where a summons has been served upon a person to whom it is addressed or is delivered to any other person, the person to whom it is addressed or delivered as the case may be, shall sign a receipt therefor on the duplicate, and where service is not effected by handing the summons to an individual but by some other method approved by this Law, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.

32.³⁰⁷ A person required to sign a receipt on the back of the duplicate of the summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and shall be guilty of an offence and upon conviction be liable to one month imprisonment or one thousand naira fine.

33.³⁰⁸ Where the Commission is satisfied that a summons directed to a person complained against or any person has been served and that person does not appear at the time and place appointed in the summons, the Commission shall have power to arrest and detain any such person, [who] shall be brought before a court of law within 48 hours.³⁰⁹

34.³¹⁰ (1) Where it appears to the Chairman upon information and after such inquiry as he shall think necessary, that there is reasonable cause to suspect that in any place there is evidence of the commission of any offence under this Law, he may by written order direct an officer of the Commission to obtain a court order to—

- (a) enter any premises and make search for, seize and take possession of any book, document or other articles evidencing the commission of such offence;
- (b) inspect, make copies of, or take extras from any book, record or document;
- (c) search any person who is in or on such premises, and for the purpose of such search detain such person and remove him to such place as may be necessary to facilitate such search and seize and detain any article found on such person;
- (d) break open, examine, and search any article, container or receptacle; or
- (e) stop, search and seize any vehicle or conveyance.

(2) Whenever it is necessary so to do, an officer of the Commission exercising any power under subsection (1) shall obtain a warrant from a Sharia Court Judge or Magistrate to—

- (a) break open any outer or inner door or window of any premises and enter thereto, or otherwise forcibly enter the premises and every part thereof;
- (b) remove by force any obstruction to such entry, search, seizure or removal as he is empowered to effect; or
- (c) detain any person found in or on any premises or in any conveyance searched under subsection (1), or until such premises or conveyance has been searched.

(3) No person shall be searched under this section or under any section except by a person who is of the same gender as the person to be searched.

³⁰⁶ Cf. ICPC Act §33.

³⁰⁷ Cf. ICPC Act §34.

³⁰⁸ Cf. ICPC Act §35.

³⁰⁹ The ICPC Act allowed detention “until the person complies with the summons”; this was found unconstitutional in *Attorney-General of Ondo State v. Attorney-General of the Federation* (2002) 9 NWLR 222 S.C.; Zamfara State has corrected this defect in the Federal Act.

³¹⁰ Cf. ICPC Act §36.

- 35.³¹¹ (1) If in the course of an investigation into an offence under this Law any officer of the Commission has reasonable grounds to suspect that any movable or immovable property is the subject matter of an offence or evidence relating to the offence, he shall seize such property.
- (2) A list of all movable or immovable property seized pursuant to subsection (1) and of the place in which they are respectively found shall be prepared by the officer of the Commission effecting the seizure and signed by him.
- (3) A copy of the list referred to in subsection (2) shall be served on the owner of such property or on the person from whom the property was seized as soon as possible.
- 36.³¹² (1) Where any movable property is seized under this Law, the seizure shall be effected by removing the movable property from the custody or control of the person from whom it is seized and placing it under the custody of such person or authority and at such place as an officer of the Commission may determine.
- (2) Where it is not practicable, or it is otherwise not desirable, to effect removal of any property under subsection (1), the officer referred to in that subsection may leave it at the premises in which it is seized under the custody of such person as he may detail for the purpose.
- (3) When any movable property has been seized under this Law, an officer who effected the seizure may, in his discretion—
- (a) temporarily return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled thereto, subject to such terms and conditions as may be [imposed, and subject, in any case, to] sufficient security being furnished to ensure that the movable property shall be surrendered on demand being made by the officer who authorised the release or any other officer of the Commission and that such terms and conditions, if any, shall be complied with.
- (b) return the movable property to the owner thereof, or to the person from whose possession, custody or control it was seized, or to such person as may be entitled thereto, with liberty for the person to whom the movable property is so returned to dispose of the property, such return being subject to security being furnished in an amount not less than an amount which represents the present market value of such property on the date on which it is returned.
- (4) Where any person to whom movable property is temporarily returned [under subsection (3)(a) of this section] fails to surrender such property on demand or to comply with any term or condition imposed under that [subsection]—
- (a) the security furnished in respect of such property shall be forfeited; and
- (b) that person shall be guilty of an offence and shall on conviction be liable to a fine of not less than two times the amount of the security furnished by him, and to imprisonment for a term not exceeding one year.
- (5) Where any movable property seized is liable to decay or deterioration, or is property which cannot be maintained without difficulty, or which it is not practicable to maintain,

³¹¹ Cf. ICPC Act §37.

³¹² Cf. ICPC Act §38.

and which cannot be dealt with [under subsection (3) of this section], an officer of the Commission may sell or cause such property to be sold at the prevailing market value and shall hold the proceeds of the sale after deducting therefrom the costs and expenses of the maintenance and of the [sale of the property, to abide with the] result of any proceedings under this Law.

37.³¹³ Subject to such limitation as is provided under this Law, every person required by an officer of the Commission to give information on any subject which it is the duty of such officer to inquire into [under] this Law and which it is in that person's statutory power to give, shall be legally bound to give information, failing which he shall be guilty of an offence on conviction liable to imprisonment for one month or a fine of five thousand naira.

38.³¹⁴ Any person who—

- (a) refuses any officer of the Commission access to any premises, or fails [to submit] to a search by a person authorised by the Commission to search him under this Law;
- (b) assaults or obstructs any [officer of the Commission or any] person [authorised by the Commission in the execution of his duty] under this Law;
- (c) fails to produce to or conceals from an officer of the Commission any book, document or article, in relation to which such officer has reasonable grounds for suspecting or believing that an offence under this Law or any other law prohibiting corruption has been or is being committed, or which is liable [to seizure] under this Law;
- (d) rescues or endeavours to rescue or cause to be rescued any person who has been duly [arrested or anything which has been duly] seized; or
- (e) destroys anything to prevent the seizure thereof, or the securing of the thing,

shall be guilty of an offence punishable with imprisonment for one month or option of five naira [sic] fine.

39.³¹⁵ (1) Every offence under this Law shall be a bailable offence for the propose of the Criminal Procedure Code.

(2) Every person arrested under subsection (1) may be released from custody on his executing a bond with sureties, as an officer of the Commission may require.

(3) Any person who has been released from custody may be re-arrested without warrant by any officer of the Commission—

- (a) if such officer has reasonable grounds for believing that any condition on or subject to which [such] person was released [or otherwise admitted to bail has been broken]; or
- (b) on being notified in writing by the [surety or] sureties of such person that such person has broken or is likely to break any condition on or subject to which [such] person was released and that the surety wishes to be relieved of his obligation as a surety.

³¹³ Cf. ICPC Act §40.

³¹⁴ Cf. ICPC Act §41.

³¹⁵ Cf. ICPC Act §42(1)-(3). The formatting of Zamfara's §39 is garbled in the gazetted version, this has been corrected here.

40.³¹⁶ Any person arrested under this Law who is not released on bail shall, without unreasonable delay, and in any case within 48 hours (excluding the time for any necessary journey) be produced before the court.

41.³¹⁷ (1) If it appears to the court that any condition on or subject to which such person was released or otherwise admitted to bail has been or is likely to be broken, the court may—

(a) remand such person in custody; or

(b) admit such person to bail on the same condition or on other conditions as it thinks fit.

(2) Where a person who is arrested for an offence under this Law is serving a sentence of imprisonment or is in detention under any law relating to preventive detention, or is otherwise in lawful custody, he shall, upon an order in writing by an officer of the Commission be produced before such officer or before any other officer of the Commission for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding five days.

(3) A person who is detained in lawful custody under subsection (2) or otherwise under any other written law may, at any time, be made available to an officer of the Commission for the purpose of investigation, or may be taken to any other place for the purpose of searching the place, seizing any property, or identifying any person [or for any other purpose related to the investigation].

(4) The period during which a person is under lawful custody under subsection (2) of this section shall count towards the period of his imprisonment, detention, or other custody.³¹⁸

42.³¹⁹ (1) Where in any proceedings against any person for an offence under this Law it is proved that any gratification has been accepted or agreed to be accepted, obtained or attempted to be [obtained, solicited, given or agreed to be] solicited or given, promised or offered, by or to the accused, the gratification shall be presumed to have been corruptly accepted or agreed to be [accepted, obtained or attempted to be obtained, solicited, given or agreed to be solicited or given, promised or offered as an] inducement or a reward for or on account of the matters set out in the particulars of the offence, until the contrary is proved.

(2) Where in any proceedings against any person for an offence under this Law or any other law prohibiting corruption it is proved that such person has [accepted] or agreed to accept, obtained or attempted to obtain any gratification, such person shall be presumed to have done so as a motive or reward for the matters set out in the particulars of the offence, until the contrary is proved.

³¹⁶ Cf. ICPC Act §42(4) (part). The gazetted version of the Zamfara Act again garbles things: part of ICPC Act §42(4) is put in Zamfara §40 and part in §41(1), and the division is made in such a way that §40 is left making little sense; the language has been reorganised (but not changed) here.

³¹⁷ Cf. ICPC Act §42(4) (part = what is here put as subsection (1)) and 42(5)-(7).

³¹⁸ In the gazetted version of Zamfara's Law this subsection (4) is run together incomprehensively with subsection (3); it is only by looking at ICPC Act §42 that one sees what was intended.

³¹⁹ Subsections (1)-(3) of §42 are copied from ICPC Act §53(1)-(3); subsections (4) and (5) are copied from ICPC Act §56(2)-(3).

(3) Where in any proceeding against any person for an offence under this Law or any other law prohibiting corruption it is proved that such person has accepted or attempted to obtain any valuable thing without consideration or for a consideration which he knows to be inadequate, such person shall be presumed to have done so with such knowledge as to the circumstances set out in the particulars of the offence, until the contrary is proved.

[In any trial on inquiry by a court into any offence under this Law, any statement, whether the statement amounts to a confession or not, and whether oral or in writing, made at any time, whether before or after the person is charged and whether or not in the course of an investigation, and whether wholly or partly in answer to a question, by the accused person to or in the hearing of any officer of the Commission, whether or not interpreted to him by any officers of the Commission or any other person concerned or not in the arrest of that person, shall, notwithstanding any written law or rule of law to the contrary, be admissible in evidence at the trial.]³²⁰

Provided that the officer who procured such statement shall make himself available at the trial for the purpose of cross-examination.

(4) No statement made under subsection (1) [sic: referring to the subsection inserted immediately above] shall be admissible or used as provided for in that subsection if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the person, proceeding from a person in authority and sufficient in the opinion of the court to give that person grounds which would appear to him reasonable [for supposing] that [by making it] he would gain any advantage or avoid any evil [of a] temporal nature in reference to the proceedings against him.

(5) Where any person is arrested or is informed that he may be prosecuted for any offence under this Law, he shall be served with notice in writing, which shall be explained to him, to the following effect—

“You have been arrested on the allegation concerning and whatever you say or write may be used in any court of law hereafter.”

43. (1)³²¹ Where any document which is to be used in [any] proceedings against any person for an offence under this Law is in a language other than the English language, [a translation of such document into the English language] shall be admissible, where the translation is accompanied by a certificate of the person who translated the document, setting out that it is a true and faithful translation and the translation has been done by such person at the instance of the Chairman or an officer of the Commission.

(2)³²² The Chief Judge and the Grand Kadi of the State shall assign Principal District Court and Upper Sharia Court Judges by order under their hand, as they shall deem appropriate to hear and determine all cases of bribery, corruption, fraud or other related offences arising under this Law or any other law prohibiting fraud, bribery or corruption.

³²⁰ What is inserted here is the text of ICPC Act §56(1), which appears to have been inadvertently omitted from the gazetted version of Zamfara’s Law – except for the proviso to it which follows the inserted text. The subsection that follows the proviso in §42 of Zamfara’s Law – numbered (4) – refers to the omitted subsection, further evidence that it was meant to be included.

³²¹ Subsection 43(1) copies ICPC Act §59(1).

³²² Subsection 43(2) adapts ICPC Act §61(3).

[Miscellaneous]

44.³²³ (1) Where any complaint made by any officer of the Commission states that the complaint is made in consequence of information [received by the officer making the complaint, the information] referred to in the complaint and the identity of the person from whom such information is received shall be secret between [the officer who made the complaint and] the person who gave the information, and everything contained in such information, the identity of the person who gave the information [and all other circumstances relating to the information,] including the place where it was given, shall not be disclosed in public but only to the trial judge and the defence lawyer in attendance in any civil, criminal or other proceedings in any court or tribunal.

(2) Any person who gives the information referred to in subsection (1) knowing the information to be false shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not less than one month or a fine not exceeding ₦1,000.

Provided that subsection (1) and (2) shall not apply to any investigation or prosecution for any offence arising from any breach of the provisions of this subsection.

45.³²⁴ No legal proceeding, civil or criminal, shall be instituted against any officer of the Commission or any other person assisting such officer for any act which is done in good faith by such officer or other person.

46.³²⁵ Notwithstanding any other written law to the contrary, the provisions of this Law shall apply to [a prescribed offence regardless of whether the prosecution or] any other proceedings in respect of such offence are instituted or taken by an officer of the Commission [or] any other officer having power to investigate, prosecute or take any proceedings in respect of such offence.

47.³²⁶ A person convicted for an offence under this Law for which no penalty is specifically provided shall be liable to a fine not exceeding ₦10,000 or to imprisonment for a term not exceeding one year or both.

48.³²⁷ A person convicted for an offence under this Law or any other law prohibiting bribery or corruption shall have right of appeal to the High Court or Sharia Court of Appeal within thirty days.

49. The Zamfara State Anti-Corruption Commission (Establishment) Law No. 17 of 2000 is hereby repealed.

³²³ Cf. ICPC Act §64, subsection (2) of which is however omitted here.

³²⁴ Cf. ICPC Act §65, which additionally protects officers of the Commission and their assistants from liability for *omissions* in good faith.

³²⁵ Cf. ICPC Act §67.

³²⁶ Cf. ICPC Act §68.

³²⁷ Cf. ICPC Act §71.

b. Two documents from the Zamfara Anti-Corruption Commission

(i) PUBLIC ANNOUNCEMENT ON BRIBERY AND CORRUPTION³²⁸

Collecting bribes and engaging in corruption are violations of the rights of the people. Those who do these things bring enmity and dishonour on themselves in this world and in the hereafter, when the phrase “if only I had known” will have no place. We therefore call on all Muslims not to give or collect bribes and to avoid corruption on all its ramifications. Nor should you even help anybody in giving or collecting bribe, whether you are a chief, a common citizen, a civil servant, or a political appointee. Do your best to assist in the fight against this most unfortunate practice among our people. If you find yourself in a situation where you are asked to give a bribe, get in touch immediately with the Zamfara State Anti-Corruption Commission, Second Floor, Umaru Mai Littafai House, Zaria Road, Gusau, or call 203700 or 262124. You will definitely see a quick result.

This announcement is from the Zamfara State Anti-Corruption Commission, under the Chairmanship of Alhaji Muhammad Dansanda Maru.

Produced by :

[signed and dated 20-10-05]

Idris Haruna Magami
ZRTV, Gusau

(ii) REPORT ON VISITS OF THE COMMISSION TO EMIRATES
IN THE STATE: 7TH – 15TH MARCH 2005³²⁹

In the performance of its statutory functions, this Commission has laid down the following guidelines, with the aims of correcting the menace of corruption in our society, of ensuring peaceful co-existence among the people, and of fostering economic development. The general slogan is: DO NOT COLLECT AND DO NOT GIVE.

1. Bribery and corruption must be eliminated from every transaction.
2. The execution of all contracts awarded, whether by the State or Local Governments, must be closely monitored to ensure proper completion according to the terms of the contract.
3. The imposition and collection of “commissions” from citizens of the State, particularly by Ward Heads and District Heads, must be avoided.
4. Closer working relationships between farmers and cattle-rearers should be established, in order that there may be peace and harmony among them; this will also bring about an improved financial position in the State.

³²⁸ This announcement was sponsored by the Zamfara State Anti-Corruption Commission and read out from time to time, around the time it was prepared, on Zamfara State Radio and Television (ZRTV).

³²⁹ Members of the Zamfara State Anti-Corruption Commission made a tour of the State’s seventeen Emirates on the dates indicated, meeting in each case with the Emirate Councils. This document was distributed and discussed during those meetings. Per interview with the Secretary of the Anti-Corruption Commission, Gusau, 11th May 2007, by A. Garba.

5. The practice according to which more powerful people deprive the less powerful of their farmlands by force, so that the lands may be kept, given out as gifts, sold, or turned into *burtali* (cattle tracks), must be avoided.
6. Selfishness and greediness among public servants, in all their ramifications, must be eliminated, in order to ensure justice and fairness.
7. It is not correct to connive with the police or with court staff to deny the common man – such as the Fulani – his rights, or to cheat him.
8. It is also an offence for a court staff or a District Head to benefit unlawfully from the property of a deceased person, and so on.
9. Emirs should cultivate the habit of visiting schools and hospitals regularly in order to know the conditions there and to advise the Government correctly.
10. The issue of ensuring the security of the people is a gigantic work. Authorities must be vigilant of strangers coming into the State, in order to reduce the number of undesirable elements.
11. Where bail is to be granted, it is free. Therefore, it is an offence to give or collect money for bail.
12. Payment of all types of debts should be ensured. Those who are unable to pay should not borrow more. This is because payment of just debts is an act of worship in Islam.

The function of this Commission is to work for the achievement of these goals. We call for the support of the Emirs in this important work. We need your support and co-operation to succeed in this effort.

Wassalam.

c. Zamfara State Public Complaints Commission Law (2003) Annotated³³⁰

A LAW TO ESTABLISH ZAMFARA STATE PUBLIC COMPLAINTS
COMMISSION³³¹

Arrangement of sections:³³²

1. Establishment of the Commission.
2. Appointment and tenure of office.
3. Removal of Chairman and members.

³³⁰ Zamfara State's Public Complaints Commission Law closely tracks the Federal Public Complaints Commission Act, enacted by Decree No. 31 of 1975, included as Cap. 377 of the 1990 LFN and now as Cap. P37 of the 2004 LFN. The annotations to the sections of Zamfara's law which follow below correlate the sections of the two statutes and note some but by no means all of the differences in their language. The Federal statute is referred to in the notes as "PCC Act".

³³¹ No. 19 of 2003, assented to 28th July 2003; published in Zamfara State of Nigeria Gazette No. 3 Vol. 5, 10th October 2003 pp. A18-A25.

³³² For this list we have extracted the section titles from the gazetted version of the law; we do not repeat the section titles below.

CHAPTER 3: SANITIZING SOCIETY

4. Remuneration of members.
5. Prohibition of holding any office of remuneration.
6. Powers and duties of the Commission.
7. Restrictions.
8. Recommendations after investigation.
9. Offences and penalties.
10. Meetings and quorum.
11. Votes.
12. Committees.
13. Resignation of member.
14. Power to summon persons.
15. Immunity from legal process.
16. Interpretation.
17. Short title.
18. Commencement.

BE IT ENACTED by the House of Assembly of Zamfara State as follows:

1.³³³ (1) There shall be established a Commission to be known as Zamfara State Public Complaints Commission (hereinafter referred to as the “Commission”) which shall consist of a Chairman and five other Permanent Commissioners.

(2) The Commission may establish offices in the thirty-four Local Government Areas of the State.

2.³³⁴ (1) The Chairman and five other Permanent Commissioners, [of] whom one shall be a legal practitioner, shall be persons of proven integrity to be appointed by the Governor.

(2) Subject to subsection (1) of this section the Chairman and the Permanent Commissioners shall hold office for a term of four years in the first instance and may be eligible for re-appointment.

3.³³⁵ The Chairman or any Commissioner may at any time be removed from his office or appointment by the Governor for inability to discharge his duties.

4.³³⁶ There shall be paid to the Chairman and other Commissioners such remuneration and allowances as the Governor may from time to time direct.

5.³³⁷ A Chairman or any other Commissioner shall not while holding office hold any other office of emolument whether in the public service or elsewhere.

6. [body to which Commissioners are responsible]³³⁸

³³³ Cf. PCC Act §1.

³³⁴ Cf. PCC Act §2(1) and (2). In the case of the Federal Public Complaints Commission, the Commissioners are appointed by the National Assembly (not the President), to which they are responsible (PCC Act §5(1)) and by whom they may be removed (§2(3)). In Zamfara State, by contrast, the Commissioners are appointed and removable by the Governor, not the House of Assembly.

³³⁵ Cf. PCC Act §2(3) (National Assembly may remove Federal Commissioners).

³³⁶ Cf. PCC Act §2(4).

³³⁷ Cf. PCC Act §2(7).

(1)³³⁹ A Commissioner shall have power to investigate either on his own initiative or following complaints lodged before the Commission by any person, any administrative action taken by any Department or Ministry of the State Government, or Local Government or such other Government agencies and parastatals.

(2)³⁴⁰ For the purposes of this Law:

(a) the Commission may determine the manner by which complaints are to be lodged;

[discretion of Commissioner to notify public]³⁴¹

(b) the Chairman shall have access to all information necessary for the efficient performance of his duties under this Law and for this purpose may visit and inspect any premises belonging to any person or body mentioned under this Law;

(c) every Commissioner shall ensure that administrative action by any person mentioned under this Law will not result in the commission of any act of injustice against any citizen of the State or any other person resident in the State and for that purpose he shall investigate with special care administrative acts which are or appear to be:

- (i) contrary to any law or regulation;
- (ii) mistaken in law or arbitrary in the ascertainment of fact;
- (iii) unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs;
- (iv) improper in motivation or based on irrelevant considerations;
- (v) unclear or inadequately explained; or
- (vi) otherwise objectionable.

(3)³⁴² Where concurrent complaints are lodged with more than one Commissioner, the Chairman shall decide which Commissioner shall deal with the matter and his decision thereon shall be final.

(4)³⁴³ The Chairman, Permanent Commissioners and the staff of the Commission shall maintain secrecy in respect of matters before it by reason of source or content, however a Commissioner may, in any report made by him, disclose such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

³³⁸ PCC Act §5(1) provides: “All Commissioners shall be responsible to the National Assembly but the Chief Commissioner shall be responsible for coordinating the work of all other Commissioners.”

³³⁹ Cf. PCC Act §5(2). The investigative powers of the Federal PCC are of course far broader than those of Zamfara State’s.

³⁴⁰ Cf. PCC Act §5(3).

³⁴¹ The Zamfara law omits PCC Act §5(3)(b): “any Commissioner may decide in his absolute discretion whether, and if so, in what manner he should notify the public of his action or intended action in any particular case.”

³⁴² Cf. PCC Act §5(4).

³⁴³ Cf. PCC Act §5(5).

[freedom of Commissioners from direction or control of other persons and authorities]³⁴⁴

(5)³⁴⁵ It shall be the duty of any body or person required by a Commissioner to furnish information pursuant to [subsection (2)(b)]³⁴⁶ of this section to comply with such requirement not later than fifteen days from receipt thereof.

(6) [The Commission shall have the power:]³⁴⁷

- (a) to receive and inquire [into] any public complaint concerning any public officer;
- (b) to organise workshops, seminars, public campaigns and enlightenment in the media;
- (c) to ensure prompt and proper compliance with Government relevant rules, regulations and circulars;
- (d) to receive complaints submitted through the Local Government offices;
- (e) to reverse, confirm or vary the decisions or findings of the Local Government offices; and
- (f) to do any other things for the proper discharge of its powers.

7.³⁴⁸ (1) A Commissioner shall not investigate any matter:

- (a) that is clearly outside his terms of reference; or
- (b) which is pending before the State House of Assembly or the Executive Council of the State; or
- (c) which is pending before any court of law in the State; or
- (d) relating to anything done or purported to be done in respect of any member of the Armed Forces in Nigeria or the Nigeria Police Force under the Nigerian Army Act, the Navy Act, the Air Force Act, or the Police Act, as the case may be except where the case involves members of these forces with an individual.³⁴⁹

[three further restrictions in PCC Act]³⁵⁰

³⁴⁴ The Zamfara law omits PCC §5(6), which provides: “In the exercise of the powers conferred upon a Commissioner by this section, the Commissioner shall not be subject to the direction or control of any other person or authority.”

³⁴⁵ Cf. PCC Act §5(7).

³⁴⁶ The gazetted version of the Zamfara law has “subsection (6)(c)” here, but this makes no sense, and from comparison with the Federal PCC act it is clear that the reference should be to Zamfara’s subsection (2)(b).

³⁴⁷ Subsection 6(6) is missing from the Zamfara law, and then what are here shown as sub-subsections 6(6)(a)-(f) are given as subsections 6(7)-(12). It seems clear however that the arrangement should be as given here, with some such language as we have given for the introductory part of subsection 6(6). None of this subsection is in the PCC Act.

³⁴⁸ Cf. PCC Act §6.

³⁴⁹ PCC Act omits “except where the case involves members of these forces with an individual”.

³⁵⁰ PCC Act includes three further restrictions: “(e) in which the complainant has not, in the opinion of the Commissioner, exhausted all available legal or administrative procedures; (f) relating to any act or thing done before 29th July 1975 in or respect of which the complaint is lodged later than twelve months after the date of the act or thing done from which the complaint arose; (g) in which the complainant has no personal interest.”

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- (2) In any case where a Commissioner decides not to investigate a complaint he shall state his reasons therefor.
- 8.³⁵¹ (1) The Commission may recommend to the appropriate person or responsible administrative agency after due investigation of any complaint any of the following steps:
- (a) that a further consideration of the matter be made;
 - (b) that a modification or cancellation of the offending administrative or other act be effected;
 - (c) that an alteration of a regulation or ruling be effected;
 - (d) that full reasons behind a particular administrative or other act be given.
- (2) Where appropriate, the Commission may refer cases where it feels that existing laws or administrative regulations or procedures are inadequate to the State Assembly or the Governor or to any other appropriate person or body.
- (3) In every case where the Commission discovers that a crime may have been committed by any person, it shall report its findings to the appropriate authority or recommend that that person be prosecuted.
- (4) In every case where the Commission is of the opinion that the conduct of any person is such that disciplinary action against him be taken, it shall make a report in that regard to the appropriate authority which shall take further action as may be necessary in the circumstances.
- 9.³⁵² (1) Any complaint lodged before the Commission shall not be made public by any person except a Commissioner and any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine of ₦10,000 or imprisonment for six months or to both such fine and imprisonment.
- (2) If any person required to furnish information under this Law fails to do so or in purported compliance with such requirement to furnish information knowingly or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine of ₦10,000 or imprisonment for six months or to both.
- (3) Any person who wilfully obstructs, interferes with, assaults or prevents any Commissioner or any other officer or servant of the Commission in the execution of his duty under this Law or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such Commissioner, officer or servant shall be guilty of an offence and liable on conviction to a fine of ₦15,000 or imprisonment for six months or to both.
- (4) Any person who in respect of any complaint lodged by him knowingly makes to a Commissioner any statement, whether or not in writing, which is false in any material particular shall be guilty of an offence and shall on conviction be sentenced to imprisonment for one year or with a fine of ₦15,000.

³⁵¹ Cf. PCC Act §7. The only notable difference is that the PCC Act refers to the Commissioners severally; the Zamfara law refers to the Commission.

³⁵² Cf. PCC Act §8.

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- 10.³⁵³ (1) The Commission shall have regular meetings in the conduct of its business. In any case members of this Commission shall meet at least once in every month.
- (2) The quorum for every meeting of the Commission shall be two-thirds of the members.
- (3) The Chairman shall preside at the meetings a which he is present and in his absence the members present shall elect one of them to be the Chairman of the meeting.
11. Questions for determination shall be decided by a majority of the votes of members present and voting. In the event that the votes are equal the Chairman shall have a second casting vote.
12. The Commission may appoint one or more committees either standing or ad hoc, to carry out on behalf of the Commission such functions as the Commission may determine.
13. A member of the Commission may resign his appointment by giving notice of his resignation in writing to the Chairman. Any such vacancy created shall be filled in by appointment of another person in accordance with the provisions of this Law.
- 14.³⁵⁴ (1) In the discharge of its functions under the Law, the Commission shall have power to summon in writing any person who in the opinion of the Commission is in a position to testify on any matter before it, to give evidence in the matter, and any person who fails to appear when required to do so shall be guilty of an offence under this Law.
- (2) Any person guilty of an offence under this section shall on conviction be liable to a fine of ₦5,000 or imprisonment for six months or to both.
- 15.³⁵⁵ (1) No Commissioner or any member, servant or employee of the Commission shall be liable to be sued in any court of law for any act done or omitted to be done in the due exercise of his duties under or pursuant to this Law.
- (2) Any report, statement or other communication or record of any meeting, investigation or proceedings which a Commissioner, officer or servant of the Commission may make in the due exercise of his functions shall be privileged in that its production may not be compelled in any legal proceedings if the Attorney-General of the State or any person delegated certifies that such production is not in the public interest.
- 16.³⁵⁶ In this Law unless the context otherwise requires:
- “Commission” means the Public Complaints Commission established under section 1 of this Law;
- “law” means any law, and includes any subsidiary legislation made under any of them;
- “Commissioner” means any person appointed as such pursuant to section 2 of this Law and references to Commissioner or Commissioners include, where appropriate, references to the Chairman.
- 17.³⁵⁷ (1) This Law may be cited as the Zamfara State Public Complaints Commission Law.

³⁵³ §§10-13 not in PCC Act.

³⁵⁴ Cf. PCC Act §9. The only notable difference is that the PCC Act refers to the Commissioners severally; the Zamfara law refers to the Commission.

³⁵⁵ Cf. PCC Act §10.

³⁵⁶ Cf. PCC Act §11.

(2) The provisions of this Law are in addition to and do not in any manner derogate from the provisions of any other laws guaranteeing liberty of access to courts of law for redress.

(3) For the avoidance of doubt, the powers granted to a Commissioner or any member of the Commission, servants or employees under this Law, may be exercised by him notwithstanding the provisions of other laws which declare the finality of any administrative law.

18. This Law shall come into operation on the 28th day of July, 2003.

d. Report of the Zamfara Public Complaints Commission 2003-2005

REPORT OF ZAMFARA STATE PUBLIC COMPLAINTS COMMISSION SINCE ITS INCEPTION: 2003-2005

Introduction

Zamfara State Law No. 19 of 2003, assented to by Executive Governor Alhaji Ahmad Sani, *Yariman* Bakura, on 28th July 2003, establishes a Public Complaints Commission for the State.

The importance of the functions of the Public Complaints Commission are obvious. It ensures peaceful co-existence among the people by resolving conflicts related to various acts of dishonesty and the use of superior strength to violate people's rights among others.³⁵⁸

History reveals that Nigeria's first Public Complaints Commission was established in Kaduna State in 1975. A year later, the then Federal Military Government enacted a decree which established a Public Complaints Commission for the entire Federation.³⁵⁹ Today this type of Commission can be found not only in Nigeria but in other African countries and other countries in the world. Public Complaints Commissions have become so popular because of their important function of resolving conflicts through mediation rather than through adversarial procedures resulting in judgments. This helps to reduce the caseloads of the courts.

The role of leaders in entertaining people's complaints is well entrenched in Sharia. It was reported that the Messenger of Allah (SAW) himself listened to people's complaints up to the period of the *sababat*. During the rule of Umar bin Khattab a special department for the purpose of entertaining people's complaints was established. Umar made this department to be directly under his control. Subsequent Islamic governments have made provisions for the entertainment of people's complaints right up to the present.

Here in Zamfara State, this type of Commission was first set up as a division of the State's Anti-Corruption Commission. Later, the Public Complaints Commission was

³⁵⁷ Cf. PCC Act §12. In PCC Act, the last words of subsection (3) are "the finality of any administrative act."

³⁵⁸ "...dinke duk barakar da ke tasowa tsakanin su ga abinda ya shafi zalunce-zalunce, nuna fin karfi ta danne hakki da makamantan su."

³⁵⁹ In fact the Federal Public Complaints Commission was established by Decree No. 31 of 1975 and the Commission began its work that same month. See p. 16 supra.

separated from the Anti-Corruption Commission and established under its own statute. This was as a result of the importance of its functions. The Commission's aim is to completely eradicate dishonesty and oppression among the people and to create an atmosphere that is in accordance with the Sharia. That is why the Commission commenced its activities immediately after its establishment and inauguration. In its first year of operation it gained popularity throughout the State.

The first factor contributing to its success was to have people of integrity as its leaders. Their commitment and perseverance in the discharge of their duties made it possible for the Commission to achieve a lot within a short time.

For instance, within two years of its inception, the Commission received 1288 complaints and disposed of 421 raising a variety of different issues. Out of this, it succeeded in resolving 278 cases, sent 85 cases to other agencies, and the rest were either stricken out or withdrawn by the complainant.

Of the 421 complaints disposed of, 115 cases were on debt, another 115 cases related to land and farm disputes, 76 involved disputes with various departments of Government, and 7 bordered on different Sharia-related issues.³⁶⁰

The Commission succeeded in recovering people's claims of about thirty-two million, one hundred and twenty five thousand, five hundred and seventy five naira (₦32,125,575.00) from various departments of Government (both State and Local), organisations, and individuals. This amount consisted of ₦10,993,075.00 cash and different items estimated at ₦21,132,500.00. For further details see the pages attached.

[Attachment]

Zamfara State Public Complaints Commission, Gusau

1. Total number of complaints received:

| | | |
|--|---|-------------|
| a. 2003 | – | 655 |
| (including 542 complaints inherited and 113 complaints received in 2003) | | |
| b. 2004 | – | 387 |
| c. 2005 | – | 246 |
| d. Total | – | 1288 |

2. Of this number, the Commission succeeded in disposing of 421 complaints as follows:

| | | |
|----------|---|------------|
| a. 2003 | – | 115 |
| b. 2004 | – | 185 |
| c. 2005 | – | 121 |
| d. Total | – | 421 |

3. The complaints disposed of related to alleged acts of dishonesty or oppression in various areas as follows:

| | | |
|-------------|---|-----|
| a. Debt | – | 115 |
| b. Land | – | 115 |
| c. Marriage | – | 76 |

³⁶⁰ These numbers do not tally with those in the more detailed summaries below.

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| | | |
|----------------|---|------------|
| d. Cheating | – | 63 |
| e. Chieftaincy | – | 7 |
| f. Court cases | – | 7 |
| g. Hajj | – | 4 |
| h. Government | – | 13 |
| i. Other | – | 21 |
| j. Total | – | 421 |

4. How the 421 complaints were disposed of:

| | | |
|----------------------------|---|------------|
| a. Treated | – | 278 |
| b. Sent to other agencies | – | 80 |
| c. Withdrawn or struck out | – | 63 |
| d. Total | – | 421 |

[...³⁶¹]

[6. Breakdowns of disposed-of complaints by category:]

6.1. Treated complaints – 421

| | | |
|------------------|------------|-------------|
| i. Debt | 115 | 27.3% |
| ii. Land dispute | 115 | 27.3% |
| iii. Marital | 76 | 18.1% |
| iv. Cheating | 63 | 14.9% |
| v. Court case | 7 | 1.6% |
| vi. Chieftaincy | 7 | 1.6% |
| vii. Admin Dept. | 13 | 3.1% |
| viii. Hajj | 4 | 0.9% |
| ix. Others | 21 | 4.9% |
| | 421 | 100% |

6.2. Settled complaints – 278

| | | |
|------------------|------------|-------------|
| i. Debt | 91 | 32.7% |
| ii. Land dispute | 63 | 22.6% |
| iii. Marital | 52 | 18.7% |
| iv. Cheating | 39 | 14.0% |
| v. Court case | 3 | 1.1% |
| vi. Chieftaincy | 0 | 0% |
| vii. Admin Dept. | 3 | 1.1% |
| viii. Hajj | 9 | 3.2% |
| ix. Others | 18 | 6.5% |
| | 278 | 100% |

6.3. Referred complaints – 85

| | | |
|---------|----|-------|
| i. Debt | 15 | 17.6% |
|---------|----|-------|

³⁶¹ Item 4 of the summary ends at the bottom of a page. The next page begins with Item 6.1. In Items 6 and 7 the lists of types of complaints are given in English and in a slightly different order than in Item 3. There are discrepancies in the numbers that we cannot account for.

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| | | |
|------------------|-----------|-------------|
| ii. Land dispute | 34 | 40.0% |
| iii. Marital | 16 | 18.8% |
| iv. Cheating | 10 | 11.7% |
| v. Court case | 1 | 1.1% |
| vi. Chieftaincy | 5 | 5.8% |
| vii. Admin Dept. | 1 | 1.1% |
| viii. Hajj | 1 | 1.1% |
| ix. Others | 2 | 2.3% |
| | 85 | 100% |

6.4. Struck out or withdrawn complaints³⁶² – 63

| | | |
|------------------|-----------|-------------|
| i. Debt | 9 | 14.2% |
| ii. Land dispute | 18 | 28.5% |
| iii. Marital | 10 | 15.8% |
| iv. Cheating | 17 | 26.9% |
| v. Court case | 3 | 4.7% |
| vi. Chieftaincy | 2 | 3.1% |
| vii. Admin Dept. | 0 | 0.0% |
| viii. Hajj | 3 | 4.7% |
| ix. Others | 1 | 1.5% |
| | 63 | 100% |

[7. Progress recorded on treated complaints:]

7.1 Debt cases – 115

| | | |
|-----------------------|------------|-------------|
| i. Settled | 91 | 79.4% |
| ii. Referred | 15 | 13% |
| iii. Struck/withdrawn | 9 | 7.6% |
| | 115 | 100% |

7.2. Land Disputes – 115

| | | |
|-----------------------|------------|-------------|
| i. Settled | 63 | 54.8% |
| ii. Referred | 34 | 29.6% |
| iii. Struck/withdrawn | 18 | 15.6% |
| | 115 | 100% |

7.3. Marital – 78

| | | |
|-----------------------|-----------|-------------|
| i. Settled | 52 | 66.6% |
| ii. Referred | 16 | 20.5% |
| iii. Struck/withdrawn | 10 | 12.8% |
| | 78 | 100% |

7.4. Cheating – 66

| | | |
|--------------|----|-------|
| i. Settled | 39 | 59.1% |
| ii. Referred | 10 | 15.2% |

³⁶² In the original: “Stroke or withdrawn”.

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| | | |
|--|-----------|-------------|
| iii. Struck/withdrawn | 17 | 25.6% |
| | 66 | 100% |
| 7.5. Court cases – 7 | | |
| i. Settled | 0 | 0.0% |
| ii. Referred | 5 | 71.5% |
| iii. Struck/withdrawn | 2 | 28.5% |
| | 7 | 100% |
| 7.6. Chieftaincy – 7 | | |
| i. Settled | 3 | 42.8% |
| ii. Referred | 1 | 14.4% |
| iii. Struck/withdrawn | 3 | 42.8% |
| | 7 | 100% |
| 7.7. Admin Dept. – 13 | | |
| i. Settled | 9 | 69.6% |
| ii. Referred | 1 | 7.7% |
| iii. Struck/withdrawn | 3 | 22.8% |
| | 13 | 100% |
| 7.8. Hajj – 4 | | |
| i. Settled | 3 | 75.0% |
| ii. Referred | 1 | 25.0% |
| iii. Struck/withdrawn | 0 | 0.0% |
| | 4 | 100% |
| 7.9. Others – 21 | | |
| i. Settled | 18 | 85.7% |
| ii. Referred | 2 | 4.7% |
| iii. Struck/withdrawn | 1 | 9.5% |
| | 21 | 100% |
| 1. [name omitted] ³⁶³ ₦325,440=00 | | |
| 2. [name omitted] ₦968,378=40 | | |
| 3. Complaints against court registrars for non-remittance of monies collected by the registrars on behalf of the complainants. | | |
| i. The court in [name omitted] ₦19,000=00 | | |
| ii. The court in [name omitted] ₦12,000=00 | | |

Achievements

Branches of the Commission were established in all fourteen Local Government Areas of the State.

³⁶³ Here and in items 2 and 3 following we omit names to preserve the privacy of the individuals involved.

e. The Sharia Penal Codes on corruption and abuse of office

As with the Penal Code of 1960, the Sharia Penal Codes all define and prescribe punishments for a variety of crimes which, if committed by public servants, might, in particular cases, also be instances of corruption or abuse of office. As set forth in the Harmonised Sharia Penal Code (see Chapter 4), these include groups of sections on:

- In the chapter on HUDUD AND HUDUD-RELATED OFFENCES:
 - *Theft* §§143-47
 - *Robbery* §§151-54
 - *Extortion* §§155-59
 - *Criminal Misappropriation* §§160-62
 - *Criminal Breach of Trust* §§163-67
 - *Receiving Stolen Property* §§168-71
 - *Cheating* §§172-177
- In the chapter on TA'AZIR OFFENCES:
 - *Criminal Intimidation* §§240-242
 - *Forgery* §§251-260
 - *Screening of Offenders* §§338-341
 - *Fraudulent Dealings with Property* §§345-48
 - *Miscellaneous Offences* §§349-353 including giving false information respecting an offence, taking gift to help recover stolen property, and influencing the course of justice.

The most interesting variation in these sections, among all the codes, is Kano's treatment of criminal breach of trust by a public servant or by a banker, merchant or agent, §167 in the Harmonised Sharia Penal Code. Kano puts this section under the heading of Theft and treats it thus:

- 134B. (1) Whoever is a public servant or a staff of a private sector including bank or company connives with somebody or some other people or himself and stole public funds or property under his care or somebody under his jurisdiction he shall be punished with amputation of his right hand wrist and sentence of imprisonment of not less than five years and stolen wealth shall be confiscated.
- (2) If the money or properties stolen are mixed with another different wealth it will all be confiscated until all monies and other properties belonging to the public are recovered. If the confiscated amount and stolen properties are not up to the amount the whole wealth shall be confiscated and he will be left with some amount to sustain himself.

The codes also define and punish the following offences related specifically to public servants:

- Breach of Official Trust §§272-73
- Public servant taking gratification in respect of official act §289
- Taking gratification in order to influence public servant §290
- Abetment by public servant of offence mentioned in section 290 §291
- Offering or giving gratification to public servant §292

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- Public servant obtaining valuable thing without consideration from person concerned in proceeding or business transacted by such public servant §293
- Offering or giving valuable thing without consideration §294
- Third person profiting by gratification §295
- Public servant dishonestly receiving money or property not due §296
- Public servant disobeying direction of law with intent to cause injury or to save person from punishment or property from forfeiture §297
- Public servant framing incorrect document with intent to cause injury §298
- Public servant in judicial proceeding acting contrary to law §299
- Wrongful committal or confinement by public servant §300
- Public servant omitting to arrest or aiding escape §301
- Public servant negligently omitting to arrest or permitting to escape §302
- Public servant causing danger by omitting to perform duty §303
- Abandonment of duty by public servant §304
- Public servant unlawfully purchasing property §305

The reader is referred to Chapter 4 for further details.

3.

Liquor

a. Liquor in the omnibus laws

The subject of liquor is dealt with in all but one of the laws reproduced in Part IV.1 above. Borno State's Repeals and Savings Provisions Law and Yobe State's Prohibition of Certain un-Islamic Practices Law both repeal the old Liquor Law and enact new provisions on the subject of alcohol, and all but one of the Local Government bye-laws also regulate liquor or dealings in it.

b. Niger State Liquor Law (as amended 2001) Annotated

LIQUOR LAW

Chapter 71 of the Laws of Niger State of Nigeria 1989

Incorporating all amendments through that signed into law on 5th January 2004.³⁶⁴

Arrangement of Sections:³⁶⁵

1. Short title.
2. Interpretation.
3. Exemptions.
4. Division of the State into prohibited and licensed areas.
5. Repealed.
6. Licensing Boards.
7. Prohibition of sale of trade spirits and injurious spirits.
8. Distillation of spirits prohibited.
9. Licence to manufacture wines.
10. Penalty for offence against sections 7 and 8.
11. Possession of tubing in certain places an offence unless shown not to be for purpose of distillation.
12. Introduction of liquor into a prohibited area.
13. Exemptions.
14. Penalty for conveying liquor into prohibited area.
15. Duty of persons in charge of transport to require production of permit.
16. Power to inspect and detain packages containing intoxication liquor.
17. Offence to supply spirits to an indigene in a prohibited area.
18. Indigenes not to purchase spirits in a prohibited area.
19. Possession of trade spirits.
20. Sale of liquor in a prohibited or licensed area.
21. Sale of liquor by a non-indigene in restricted area.
22. Sale of liquor by indigenes in a licensed area may be regulated.

³⁶⁴ The latest amendment being the Liquor (Amendment) Law, 2001, enacted as part of the programme of Sharia implementation in Niger State; signed by the Governor and coming into force on 5th January 2004. This text of the law as amended taken from a pamphlet, published by the Niger State Government, containing the full text.

³⁶⁵ We give the section titles as they appear in the code itself; these are sometimes fuller than the titles given in the list at the front.

DOCUMENTARY MATERIALS: LIQUOR

23. Sale of beer or wine by the manufacturer thereof.
24. Licences authorising the sale of liquor.
25. Licences deemed to contain condition against discrimination.
26. Authority for the issue of licences.
27. Definition and conditions of licences.
28. Hours during which liquor may be sold.
29. Licences to expire on 31st day of December.
30. Application to whom made.
31. Form and time of making application.
32. Procedure on receipt of application.
33. Who may object to issue of licences.
34. Objections – how made.
35. Issue of licence by appropriate officer on unopposed applications for renewal.
36. Inquiry.
37. After inquiry application and report thereon to be furnished to the board.
38. Sitting of licensing boards.
39. Discretion of licensing boards.
40. Confirmation by the Commissioner of certificates for new licences may be required.
41. Notification of decision of the Board.
42. Extension of existing licence when renewal refused.
43. Death or insolvency of applicant.
44. Refused applications not to be renewed within 12 months.
45. Transfer of licence.
46. Removal of licensed premises.
47. Fresh application to be made on expiration of a licence transferred.
48. Death or insolvency of a licence-holder.
49. Duties and liabilities of a transferee.
50. Signboards.
51. Breach of condition by a licence-holder.
52. Both employer and employee liable for offence of latter.
53. Licence liable to forfeiture on conviction.
54. Local liquor.
55. Offences by retail licence-holder.
56. Persons under sixteen years prohibited from bars.
57. Restriction as to goods sold on certain licensed premises.
58. Conviction to be endorsed on licence.
59. Offences by persons other than the licence-holder or servant.
60. Power to expel drunkards, etc. from licensed premises.
61. Onus of proof of lawful possession of liquor in a prohibited area.
62. Power of magistrate and police officers.
63. Special search warrants in certain cases.
64. Offences may be tried summarily.
65. Imprisonment may be enforced on second or subsequent conviction.
66. Things liable to forfeiture.
67. Incriminated informer not to incur penalty.
68. Local liquor.
69. Power of Commissioner to rectify omissions and to order special meeting of licensing board.
70. When debt for liquor supplied not recoverable.

71. Power to make regulations.

First Schedule

Second Schedule

A LAW TO REGULATE THE MANUFACTURE AND SALE
OF INTOXICATING LIQUOR

Date of Commencement: *1st January 1989*

1. This Law may be cited as the Niger State Liquor Law.³⁶⁶

2. Definitions:

“Liquor Law Cap. 71” means the Liquor Law Cap. 71 of the Laws of Niger State of Nigeria Revised Edition, 1989;³⁶⁷

“principal law” means the Liquor Law Cap. 71;³⁶⁸

“beer” includes every description of beer, porter, cider, and perry and any fermented malt liquor;

“club” includes an institute;

“denatured spirits” means an intoxicating liquor which by the addition of some substance has been rendered impossible for use as a beverage;

“indigene” includes all persons resident in a prohibited area;³⁶⁹

“injurious spirits” means distilled liquors containing essential oils or chemical products, which are recognised as being injurious to health, such as thujone, star anise, benzoic aldehyde, salicylic esters, hyssop, absinthe and similar substances, unless such spirits have been denatured;

“intoxicating liquor” and “liquor” mean any liquid which, if used as a beverage, may have an intoxicating effect, and include wines, beer, spirits, and local liquor;³⁷⁰

“licensed premises” and “premises” in relation to sections 54, 58, 59 and 61 include any room or place adjacent to and communicating with any portion of any premises licensed for the sale of liquor;

“local liquor” means fermented liquor usually made by indigenes in or about Nigeria, and palm wine.³⁷¹

³⁶⁶ 1963: “as the Liquor Law”.

³⁶⁷ Nothing similar in 1963.

³⁶⁸ Nothing similar in 1963.

³⁶⁹ Instead of ‘indigene’, 1963 defines ‘native of a prohibited area’; and wherever this statute subsequently has ‘indigene’, the 1963 statute had ‘native’: this will not be subsequently noted. ‘Native of a prohibited area’ was defined as “any person one of whose parents was a member of any tribe indigenous to a prohibited area as declared in section 5, and the descendants of such persons; provided that where a tribe occupies land both within and without a prohibited area this definition shall apply only to the part of the tribe which occupies land within such prohibited area”.

³⁷⁰ 1963: “and include wines, beer and spirits, but do not include native liquor”.

³⁷¹ 1963: “‘native liquor’ means fermented liquor usually made by natives in or about Nigeria”.

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“retail” means the sale of liquor in quantities not exceeding two gallons to any one person during the space of twenty-four hours;

“sale” includes the distribution of liquor the property of the members of a club amongst such members;

“spirits” means distilled liquors and all mixtures and compounds made with such liquors, and includes any wine or beer containing more than twenty per centum of pure alcohol;

“the board” means a licensing board;

“trade spirits” means such spirits as under the Customs and Excise Management Act and the regulations made thereunder,³⁷² were to be regarded as “trade spirits”.

“wholesale” means the sale of liquor in quantities of not less than two gallons to be delivered at one time to one person.

3. Nothing in this Law other than the provisions of section 53³⁷³ shall apply to:

** [native liquor]³⁷⁴

(a) The possession, sale, transfer, conveyance or removal of denatured spirits imported to Nigeria or distilled in Nigeria under a licence;

(b) Any qualified medical practitioner, or licensed druggist administering or selling for purely medical purposes any *bona fide* medicine containing intoxicating liquor;

(c) The sale of intoxicating liquor by any person acting under the order of a court or selling liquor forfeited to the Government;

(d) The sale of intoxicating liquor by an executor or administrator when such liquor forms part of the estate of a deceased person;

(e) The sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave Nigeria;

(f) The sale of liquor the property of the members of an officers' or non-commissioned officers' mess in the armed forces of the Federation or of any civilian mess approved in that behalf by the Governor to the members of such mess;

³⁷² 1963: “as under the Customs Ordinance and the regulations made thereunder in force on the 31st day of March, 1959”.

³⁷³ 1963 omits “other than the provisions of section 53”.

³⁷⁴ 1963: subsection (a) exempts native liquor, and in a footnote says: “See the Native Authority Law (Cap. 77) and the Native Liquor (Townships and Certain Areas) Law (Cap. 79).” §2 of the Native Authority Law defined ‘native liquor’ as “palm-wine and any kind or description of fermented liquor usually made by natives of Nigeria or of the adjacent territories”; §38(57) then gave Native Authorities the power to make rules “prohibiting, restricting or regulating the manufacture, distillation, sale, transport, distribution, supply, possession and consumption of native liquor”. The Native Liquor (Townships and Certain Areas) Law, using the same definition of ‘native liquor’ as the Native Authority Law, permitted the Governor in Council to “make regulations prohibiting, restricting or regulating the manufacture, distillation, sale, transport, distribution, supply, possession and consumption of native liquor” in townships and other areas as the Governor in Council might specify.

(g) The conveyance of intoxicating liquor imported for transit through Nigeria subject to the provisions of the law regulating goods in transit;

(h) The sale of liquor to members of the crews of ships of the Nigerian Navy under conditions approved by the Head of the Nigerian Navy;

** [the Government Hill Station at Jos]³⁷⁵

(i) The possession of imported spirits intended solely for the purpose of testing palm-oil by, or the sale thereof to any person in possession of a permit to sell or possess such spirits for such purpose;

(j) The sale of intoxicating liquor to any *bona fide* organisation engaged in supplying food or drink solely to members of the armed forces of the Federation.

** [proviso]³⁷⁶

4. For the purposes of this Law the State³⁷⁷ shall be divided into:

(a) Prohibited areas – areas “as contained in the First Schedule” in which intoxicating liquor may not be sold;³⁷⁸

(b) Licensed areas – areas “as contained in the Second Schedule” in which intoxicating liquor may not be sold except under a licence.³⁷⁹

** [restricted areas]³⁸⁰

5. Repealed.³⁸¹

6. (1) The Governor may by regulations appoint such licensing boards for the purposes of this Law as he may think proper, and define the areas over which such boards shall exercise jurisdiction.

(2) The Chairman and members of a licensing board shall be appointed by the Commissioner and shall hold their seats on the board during the pleasure of the Commissioner.

³⁷⁵ 1963 has here a subsection as follows: “the sale of intoxicating liquor by the management of the Government hill station at Jos to persons residing on the premises thereof”.

³⁷⁶ 1963 has here a proviso: “Provided however that this section shall not apply to the case of a sale of spirits to a native in a prohibited area, except in the circumstances mentioned in paragraph (c) [here (b)]”.

³⁷⁷ 1963: “Northern Nigeria”.

³⁷⁸ 1963: “prohibited areas – areas in which intoxicating liquor may not be sold except under a licence, and in which the sale of spirits to, and the possession of spirits by natives of a prohibited area is prohibited”.

³⁷⁹ 1963 does not include the clause “as contained in the Second Schedule”.

³⁸⁰ 1963 has a subsection (c): “restricted areas – areas in which intoxicating liquor may not be sold by a non-native or native foreigner except under a licence, and in which the sale of liquor by natives may be restricted by by-laws made by a native authority”.

³⁸¹ 1963: “5. (1) The Governor in Council may by order declare any area therein defined to be a prohibited area or a licensed area. (2) Unless otherwise ordered the whole of Northern Nigeria shall be a prohibited area. (3) All parts of Northern Nigeria not included in a prohibited area or licensed are restricted areas.”

DOCUMENTARY MATERIALS: LIQUOR

(3) Every unofficial member of the board shall vacate his seat on the expiration of two years from the date of his appointment, but may be reappointed by the Commissioner.³⁸²

Prohibition of Trade Spirits and Injurious Spirits

7. The distribution, sale, disposal, and possession of trade spirits and injurious spirits is hereby prohibited.

** [penalty]³⁸³

** [subsection (2)]³⁸⁴

Manufacture of Intoxicating Liquors

8. (1) No person shall distil any spirits or possess, sell or dispose of any spirits distilled in the State.³⁸⁵

(2) The distribution, sale, disposal and possession of stills, and of all apparatus³⁸⁶ suitable for the distillation of alcohol and the rectification or redistillation of spirits are hereby prohibited.

(3) Notwithstanding the provision of subsections (1) and (2) the Commissioner may grant licences with or without conditions to authorise:

(a) the distillation of spirits to be denatured or used exclusively for scientific, medical, surgical or pharmaceutical purposes. The provisions of subsection (1) shall not apply to spirits distilled under such licence;

(b) the distribution, sale, disposal or possession of distilling apparatus of the nature set out in the Schedule.³⁸⁷

(4) Any person found offending against the provision of this section may be arrested without a warrant.

(5) In any proceedings under subsection (1) of this section upon proof that the person charged possessed, sold or disposed of, any spirits which are certified by a Government

³⁸² In this and subsequent sections 1963 refers to “the Minister” rather than “the Commissioner”. This is not noted subsequently. In neither law is it made clear which minister or commissioner is meant.

³⁸³ 1963 provides after subsection (1) a penalty provision as follows: “Penalty: a fine of one hundred pounds for a first offence, and of five hundred pounds for any subsequent offence, and the spirits may be forfeited.” Compare §10 of the Niger law *infra*.

³⁸⁴ 1963: subsection (2): “This section shall not apply to the distribution, sale, disposal or possession according to law of any spirits lawfully being in Nigeria on the 22nd day of December 1919.”

³⁸⁵ 1963: “in Nigeria”.

³⁸⁶ 1963 inserts here: “or portions of apparatus”.

³⁸⁷ The only schedule to the 1963 law then lists (1) testing stills, (2) apparatus used for experiments in scientific institutions, (3) apparatus used for definite purposes other than the production of alcohol by qualified pharmacists and others who can show good cause for possession, and (4) apparatus necessary for the manufacture of alcohol for commercial persons and employed by duly authorised persons. Although the same schedule is evidently referred to in the Niger State law, it does not appear in the pamphlet version of the law published by the government of Niger State in 2004, which we have reproduced here.

Chemist of the Federation or the State to be a liquid having the characteristics of locally and crudely prepared spirits, the burden of proof that such spirit were not illicitly distilled in Nigeria shall lie upon the person so charged.

9. No person shall manufacture wine except under a licence granted by the Commissioner, and subject to the prescribed conditions.

10. Any person who shall commit an offence under either section 7 or section 8³⁸⁸ shall be liable for a first offence to a fine of not less than one hundred thousand naira and not more than two hundred and fifty thousand naira and in default to imprisonment for a term of not less than three years; and for any second or subsequent offence to a fine of not less than one hundred thousand naira and in default to imprisonment for a term of not less than five years.³⁸⁹

11. If any part of the State to which the Governor may by order apply this section any person shall have in his possession any metal tubing and shall not be able to show that it was not in his possession with a view to its being used by himself or any other person in connection with the distillation of spirits, he shall be guilty of an offence and shall be liable in the case of a first offence to a fine of two hundred thousand naira and in default to imprisonment for 12 months, and for any second or subsequent offence to a fine of two hundred thousand naira and default to imprisonment for twelve months, or to both such penalties.³⁹⁰

Provided that this section shall not apply to any person to whom the Commissioner has granted a licence under subsection (3) of section 8.

Introduction of Intoxicating Liquor into a Prohibited Area

12. Subject to the provision of section 13, no person shall introduce any intoxicating liquor into a prohibited area.

Penalty: a fine of not less than two hundred thousand naira for a first offence and not less than two hundred and fifty thousand naira for any subsequent offence and in default to imprisonment for a term of not less than five years.³⁹¹

13. Intoxicating liquor other than trade spirits may be introduced into a prohibited area in the following cases without a permit:³⁹²

- (i) by a recognised instruction for teaching and research purpose;³⁹³
- (ii) by a traveller, not being an indigene of a prohibited area, in quantities not exceeding that which he may reasonably require for his personal use in the course of his journey;

³⁸⁸ 1963: "either section 8 or section 9". In the Niger law, the revisers made good their omission of the penalty originally provided under subsection (1) of §7 by putting it here; but they then omitted to provide any specific penalty for violation of §9.

³⁸⁹ 1963: 1st offence: £500 and in default of payment to 3 years; 2nd or subsequent offences: same, or to 2 years, or both.

³⁹⁰ 1963: 1st offence: £100 and in default of payment to 12 months; 2nd or subsequent offences: same, or 12 months, or both.

³⁹¹ 1963: 1st offence: £100; subsequent offences: £500, "and the liquor may be forfeited".

³⁹² 1963: has two subsections: (a), without a permit, and (b), with a permit issued by the prescribed authority. Here the three subsections are as in subsection (a) of 1963, except as noted.

³⁹³ 1963: "(i) by the Minister or for government purposes".

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(iii) by the holder of a restaurant car licence, in quantities not exceeding that which may be reasonably required by the passengers travelling on the train on which the liquor is carried and to which the restaurant car is attached.

14. Except as provided in section 13, no intoxicating liquor shall be conveyed into a prohibited area or licensed area without licence.³⁹⁴ In the case of a contravention of this section, the owner and the master or person in charge of any vessel, vehicle or other means of transport employed in such conveyance or any carrier shall each be liable to fine of not less than one hundred and fifty thousand naira and in default to imprisonment for a term of not less than three years.³⁹⁵

15. The master of a vessel, any railway servant, or other person in charge of transport or a carrier shall before accepting any intoxicating liquor for carriage into a prohibited area in circumstances or quantities other than those mentioned in section 13 require the production of the permit authorising the introduction of such liquor into the prohibited area.

Penalty: a fine of not less than one hundred thousand naira and in default to imprisonment for a term of not less than three years.³⁹⁶

16. (1) The master of a vessel, any railway servant, or other person in charge of transport or a carrier may open and inspect any package or parcel tendered for carriage, if he has reasons to suspect that the same contains intoxicating liquor, and may detain at the risk of the owner any package or parcel which may contain intoxicating liquor in respect of which a permit is required by this Law, and for which no such permit is produced, but shall forthwith report such detention to the nearest magistrate or superior police officer.

(2) The master of a vessel or any other person in charge of transport or any carrier who shall fail to report such detention as aforesaid shall be liable to a fine of fifty thousand naira.³⁹⁷

Sale, Supply and Possession of Intoxicating Liquor

17. No person, whether a licence holder or not, shall in a prohibited area sell, give or supply to any indigene of a prohibited area any spirit:

Provided that no person shall be convicted of an offence against this section if he shall satisfy the court that the spirit was supplied to the indigene of a prohibited area for *bona fide* medical purposes.

Penalty: A fine of not less than two hundred thousand naira for a first offence and not less than three hundred thousand naira [for every subsequent offence] and in default to imprisonment for a term of not less than five years.³⁹⁸

18. No indigene of a prohibited area shall purchase or be in possession of any spirits in a prohibited area, unless for *bona fide* medical purposes.

Penalty: a fine of not less than one hundred thousand naira and in default to imprisonment for a term of not less than three years.³⁹⁹

³⁹⁴ 1963 omits "or licensed area without licence".

³⁹⁵ 1963: £50.

³⁹⁶ 1963: £50.

³⁹⁷ 1963: £50.

³⁹⁸ 1963: £100/£500; no provision for imprisonment in case of default of payment.

19. No person shall be in possession of trade spirits in a prohibited area.

Penalty: a fine of not less than two hundred thousand naira for a first offence and not less than three hundred thousand naira for any subsequent offence, and in default to imprisonment for a term of not less than three years.⁴⁰⁰

20. No person shall, within a prohibited area or licensed area possess or sell intoxicating liquor to any person except under a licence authorising such stock or sale.⁴⁰¹

Penalty: a fine of not less than two hundred thousand naira for first offence, and not less than three hundred thousand naira for any subsequent offence, and in default to imprisonment for a term of not less than three years.⁴⁰²

21. No non-Nigerian shall within a prohibited area⁴⁰³ sell intoxicating liquor to any person except under a licence authorising such sale.

Penalty: a fine of not less than five hundred thousand naira for a first offence, and not less than one million naira for any subsequent offence, and in default to imprisonment for a term of not less than five years.⁴⁰⁴

22. The governor may make rules, regulating the sale of intoxicating liquor by indigenes within a prohibited area.⁴⁰⁵

23. The holder of a licence to brew beer granted under the provisions of section 101 of the Customs and Excise Management Acts, 1958 or of a licence to manufacture wine granted under the provisions of this Law may sell by wholesale beer or wine manufactured by him to the holder of a licence to sell beer or wine.

Licensing

24. Licences of the several descriptions following authorising the sale of intoxicating liquor subject to the provisions of this Law may be issued by the prescribed officers:

- (a) a store liquor licence;
- (b) a tavern licence;
- (c) a wine and beer on licence;
- (d) a wine and beer off licence;
- (e) a general wholesale liquor licence;
- (f) a general retail liquor licence;
- (g) a hotel liquor licence;
- (h) a club liquor licence;

³⁹⁹ 1963: £50, "and the spirits shall be forfeited."

⁴⁰⁰ 1963: £100/£500, "and the spirits shall be forfeited."

⁴⁰¹ 1963 omits "possess or" and "stock or".

⁴⁰² 1963: £50/£100; no provision for imprisonment in case of default of payment.

⁴⁰³ 1963: "No non-native or native foreigner shall within a restricted area".

⁴⁰⁴ 1963: £50/£100; no provision for imprisonment in case of default of payment.

⁴⁰⁵ 1963: "(1) The Governor may make rules, or a native authority may make by-laws, regulating the sale of intoxicating liquor by natives within a restricted area. (2) A by-law made by a native authority under this section shall be binding on and apply to all natives within the area of the jurisdiction of the native authority whether such natives are ordinarily subject to the jurisdiction of a native court or not. (3) No by-law made by a native authority under this section shall come into operation until it has been submitted to and approved by the Minister."

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** [native club liquor licence]⁴⁰⁶

- (i) a railway station liquor licence;
- (j) a temporary liquor licence;
- (k) a local liquor licence.⁴⁰⁷

25. Every licence of a description mentioned in section 24⁴⁰⁸ shall be subject to and shall be deemed to contain a condition that the holder of such licence shall not refuse to sell liquor to any person who may otherwise lawfully be supplied, on account of the race, colour or creed of such person.

26. Subject to the provisions of section 35, none of the licences (a) to (k) mentioned in section 24 shall be issued except on a certificate of a licensing board.⁴⁰⁹

27. The following definitions and provisions shall apply to the aforementioned licences:

- (a) a “*store liquor licence*” authorises the sales by retail of liquor, other than trade spirits, to be consumed elsewhere than on the licensed premises;
- (b) a “*tavern licence*” authorises the sale by retail of liquor, other than trade spirits, to be consumed on the licensed premises;
- (c) a “*wine and beer on licence*” authorises the sale by retail of wine and beer to be consumed on the licensed premises. The licence does not authorise the sale of wine or beer containing more than twenty per centum of pure alcohol;
- (d) a “*wine and beer off licence*” authorises the sale in quantities not exceeding two bottles to any one person during the space of twenty-four hours, of wine and beer to be consumed elsewhere than on the licensed premises. The licence does not authorise the sale of wine or beer containing more than twenty per centum of pure alcohol;
- (e) a “*general wholesale liquor licence*” authorises the sale by wholesale of any liquor for consumption off the licensed premises;
- (f) a “*general retail liquor licence*” authorises the sale by retail of any liquor for consumption off the licensed premises;
- (g) an “*hotel liquor licence*” authorises the sale of liquor, other than trade spirits, by retail:
 - (i) on any day and at any hour to persons sleeping on the premises to be consumed thereon;
 - (ii) to persons taking meals in the hotel to be consumed therein with the meals, on Christmas Day, Good Friday, or Sunday between the hours of 11.30 a.m. and 2.30 p.m. and 6.30 p.m. and 10.30 p.m. and on other days between the hours of 8.00 a.m. and 11.30 p.m.;
- (h) (i) a “*club liquor licence*” authorises the sale of liquor, other than trade spirits, to the members of the club to be consumed on the premises;

⁴⁰⁶ 1963 inserts here: “a native club liquor licence”.

⁴⁰⁷ Not in 1963.

⁴⁰⁸ 1963 inserts here: “other than a licence of a description mentioned in paragraph (h) [club] or paragraph (i) [native club] thereof”.

⁴⁰⁹ 1963 has another subsection: “(2) A temporary liquor licence shall not be issued except with the approval of the Provincial Commissioner of the province.”

CHAPTER 3: SANITIZING SOCIETY

(ii) no place of accommodation, entertainment or refreshment shall be considered a club where other than members or their invited guests are allowed entry or accommodation or where other than members are charged or permitted to pay for any refreshment or accommodation they may obtain therein;

(iii) every club licence shall be issued to the proprietor, secretary or manager of the club;

Provided that no transfer of any such licence shall be necessary upon any change of any such proprietor, secretary or manager, but the person for the time being holding any such office shall be entitled to the privilege granted by the licence and subject to the duties and obligations imposed upon the holder thereof;

(iv) a copy of the rules of the club certified by the secretary or chairman shall be deposited by the applicant with the officer authorised to receive applications for the grant or renewal of licences;

** [native club liquor licence]⁴¹⁰

(i) a “*railway station liquor licence*” authorises the sale by retail of liquor, other than trade spirits, at any railway station refreshment room or other railway premises named in such licence, to *bona fide* passengers travelling by train to be consumed on the railway premises;

(j) (i) a “*temporary liquor licence*” may be issued to the holder of a licence to sell intoxicating liquor by retail⁴¹¹ at any place of recreation or public amusement or other assembly, subject to such restrictions and conditions as the officer issuing the licence shall think proper;

(ii) a temporary liquor licence shall not be granted for any period exceeding three days;

(iii) the licence shall specify the number of days and the hours during which the sale thereunder is authorised;

(iv) the officer issuing the licence shall notify the senior police officer in the place of the issue of the licence and of the particulars thereof;

(k) a “*local liquor licence*” authorises the sale of all locally made liquor.⁴¹²

28. The licences mentioned in section 24 shall only authorise the sale of liquor between the hours of 8:00 a.m. and 10.30 p.m.⁴¹³

⁴¹⁰ 1963 has here: “(i) a ‘native club liquor licence’ authorises the sale of wine and beer not containing more than twenty per centum of pure alcohol to the members of the club, to be consumed on the premises; (ii) the provisions of sub-paragraphs (ii), (iii) and (iv) of paragraph (h) shall apply to a native club liquor licence”.

⁴¹¹ 1963 inserts here: “and authorises the holder to sell liquor by retail”.

⁴¹² Not in 1963.

⁴¹³ 1963: “(1) No licence mentioned in section 24 other than licences (g), (h), (i), (j) and (k) [hotel, club, native club, railway station and temporary] authorises the sale of liquor on Christmas Day, Good Friday or Sunday, except between the hours of 12:30 p.m. and 2:00 p.m. and 5:00 p.m. and 8:00 p.m., or on any other day except after 6:00 a.m. and before 10:30 p.m. (2) Notwithstanding

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29. (1) Every licence mentioned in section 24 other than a temporary licence, shall expire on the 31st day of December in the year in which it is issued;

Provided that when proper application for the renewal of a licence has been made, such licence shall continue in force until such time as the applicant has been notified of the decision of the licensing board or of the Commissioner as the case may be.

- (2) Notwithstanding the provisions of subsection (1), where under any regulation the prescribed fee for any licence may be paid by instalments the licence shall become void as soon as any instalment is in arrear and shall thereafter be and remain of no effect.

Application for Licences and Renewals

30. All applications for new licences or for the renewal of licences, which may be issued on the certificate of a licensing board, shall be made to the secretary of the Local Government authority in the area.⁴¹⁴

31. All applications for new licences or for the renewal of licences shall be made in the prescribed form in triplicate if for consideration at the meeting of the licensing board:

- (a) to be held in June – not later than the 15th day of April;
- (b) to be held in December – not later than the 15th day of October:

Provided that:

- (i) in case any such application shall through inadvertence not be made in due time, but shall be made before the necessary inquiry under section 36 has been concluded the officer holding the inquiry may, if he thinks fit, accept the same for consideration upon payment of the prescribed fee; and

- (ii) the Commissioner may, if he thinks fit, remit the whole or any part of such fee.

32. The officer authorised to receive applications for the grant or renewal of licences shall on the receipt of an application:

- (a) cause a copy of the application to be posted in some conspicuous place outside his court or on some other principal building in the place where his court is situate;
- (b) notify the applicant in writing, and the public by a notice posted as provided in paragraph (a) of the date and place at which he will sit to inquire into the application and hear objections thereto, which date shall not be less than ten days after the posting of such notice.

33. Any public officer or Local Government Council and any person residing in the district or place wherein the licence or renewal is applied for, may, either individually or jointly with others, object to the granting or renewal of a licence.

34. All objections to the granting or renewal of a licence shall be sent in writing to the officer to whom the application has been made, and where the objection is to the renewal of a licence, notice thereof stating the reasons for such objections shall be given to the applicant

the provisions of subsection (1) a district officer may extend the hours during which liquor may be sold on any special occasion in respect of all or any licence holders.

⁴¹⁴ 1963: “shall be made—(a) in a township, to the local authority thereof; (b) in Kaduna, to the Administrator; (c) elsewhere than in a township or Kaduna, to the divisional officer of the division in which they are situate.”

either personally or by means of registered letter by the person objecting, at least two days before the inquiry:

Provided that the officer holding the inquiry may, in his discretion, hear an objector to the granting or renewal of a licence notwithstanding that he shall not have made his objections in writing or have given notice as aforesaid, but when the notice required has not been given to the applicant, the officer shall adjourn the inquiry for such time as he may think proper in the interest of the applicant.

35. (1) If no objection is made in accordance with the provisions of section 34 to the renewal of a licence:

(a) Sections 36, 37, 38, 39, 40, 41, 42 and 43 shall not apply to an application; and

(b) The officer to whom such application has been made shall on receipt of the prescribed fee issue the appropriate licence to the applicant; and

(c) Such licence shall have effects as if it were a licence issued on a certificate of a licensing board.

(2) Such officer may in his discretion certify that any particular application for the renewal of a licence ought to be considered by a licensing board and in such case the provisions of subsection (1) shall not apply to such application.

(3) The section shall not apply to licences referred to in paragraphs (i) and (j) of section 24.

36. (1) The inquiry into an application for a new licence, or an opposed application for the renewal of a licence, or an application for the renewal of a licence certified by the appropriate officer under subsection (2) of section 35 shall be held by a public officer appointed by the Chairman of the Local Government Council.⁴¹⁵

(2) Such officer shall hold an inquiry sitting alone unless the commissioner directs that such officer shall sit with two other persons, appointed by him for the purpose, resident in the Local Government Area where the premises in respect of which the application is made are situated.⁴¹⁶

(3) Every applicant for a new licence shall appear either in person or by a representative at the time and place appointed for the inquiry or to which the inquiry may be adjourned.

(4) Every applicant for the renewal of a licence, and persons opposing an application, may, and shall if required by the officer holding the inquiry, appear in person before such officer,

(5) All persons appearing at any inquiry, whether as or for an applicant or a person opposing an application may be required to give evidence on oath on any question which the inquiring officer may think proper affecting the application or the opposition thereto.

⁴¹⁵ 1963: "appointed by the Provincial Commissioner, or in the case of Kaduna, appointed by the Administrator".

⁴¹⁶ 1963: "Such officer shall hold an inquiry sitting alone or, in the case of an inquiry into an application in respect of premises in a township or in Kaduna, if the Governor shall so direct sitting with two other persons resident in the township or in Kaduna, as the case may be who have been appointed by the Governor for that purpose."

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(6) An inquiry may be adjourned from time to time as the officer holding the same may think proper, provided that the inquiry is completed by such time as will permit of the report thereon being furnished to the board within the time mentioned in section 37.

37. (1) Immediately on the completion of such inquiry, the officer shall forward a copy of the application together with the written opposition (if any) thereto, and a certified copy of any evidence taken thereon to the chairman of the licensing board, so that the same shall be received not later than the last day of the month next preceding that in which the meeting of the licensing board at which they are to be considered is to be held.

(2) The officer when forwarding the application shall report to the licensing board on all matters which may affect the decision of the licensing board in respect of the application, and shall furnish the board with his recommendation, and also when the inquiry has been held by him, sitting with other persons, with the recommendation of such persons.

** [sections 38-53 omitted]⁴¹⁷

54. (1) This section shall apply to such areas as the Governor may by order specify.⁴¹⁸

(2) The Governor may make regulations authorising, prohibiting or regulating the manufacture, distillation, sale, transport, distribution, supply, possession and consumption of local liquor.

(3) Such regulations may be made in respect of all or any particular areas or area specified by the order under the provisions of subsection (1) and shall apply to the exclusion of any bye-laws made in respect of any such area by a Local Government Council.

** [sections 55-71 omitted]⁴¹⁹

FIRST SCHEDULE⁴²⁰

| | <u>Town</u> | <u>Prohibited Areas</u> |
|----|-------------|---|
| 1. | Minna | All areas within 8 kilometres radius of the town from the old Post Office excluding the Military Barracks along Paiko Road. |
| 2. | Bida | All areas within 8 kilometres radius of the town from the Post Office. |
| 3. | Suleja | All areas within 8 kilometres radius of the town the Post Office. |

⁴¹⁷ These sections are identical to the corresponding sections of the 1963 law, except for changes in the monetary amounts of some penalties.

⁴¹⁸ This section is not in the 1963 law. Note: this same §54 of the Niger law is included twice, once as §54 and again as §68, except that in subsection (3) of §68, the words “and shall apply to the exclusion of any bye-laws made in respect of any such area by a local government council” are omitted.

⁴¹⁹ §§55-67 of the Niger law are identical to §§54-66 of the 1963 law, except for changes in the monetary amounts of some penalties. §68 of the Niger law repeats §54, see previous note. §§69-71 of the Niger law are then identical to §§67-69 of the 1963 law.

⁴²⁰ The only schedule to the 1963 law lists distilling apparatus the distribution, sale, disposal or possession of which may be authorised by the Minister (Niger: Commissioner) under §8(3)(b), see note to that section. Although the same schedule is referred to in the Niger law, the schedule itself does not appear in the pamphleted version of the law published by the government of Niger State in 2004, which we have reproduced here.

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4. Kontagora All areas within 8 kilometres radius of the town from the Post Office excluding Nagwamatse Military Barracks.
5. Lapai All areas within 8 kilometres radius of the town from the Post Office.
6. Agaie All areas within 8 kilometres radius of the town from the Post Office.
7. Kogara All areas within 8 kilometres radius of the town from the Emir's Palace.
8. New Bussa All areas within 8 kilometres radius of the town from the Emir's Palace, excluding Military Barracks and Bases.
9. Mokwa All areas within 8 kilometres radius of the town from the District Head's Office.

SECOND SCHEDULE

All other towns, villages, hamlets, settlements etc. in the State not mentioned in the First Schedule.

c. Niger State Liquor Licensing Regulations 2000

THE LIQUOR LAW CAP 71 LIQUOR (LICENSING) REGULATIONS 2000⁴²¹

In exercise of the power conferred upon me by section 71 of the Liquor Law Cap 71 and of all other powers enabling me in that behalf, I ENGR. ABDULKADIR A. KURE, Governor Niger State of Nigeria hereby make the following regulations:

1. These Regulations may be cited as the Liquor (Licensing) Regulations 2000 and shall come into force on the 27th day of April 2000.
2. In these regulations unless the context otherwise requires:
 - “Licensing Board” means the Licensing Board appointed under section 6(1) of the Liquor Law Cap. 71;
 - “Liquor Law Cap. 71” means the Liquor Law Cap. 71, the Laws of Niger State of Nigeria, Revised Edition 1989;
 - “prescribed fees” means the fees specified in the second column of the Schedule against a licence in the first column of the Schedule.
3. The Licensing Board shall not issue any licence under the Liquor Law Cap. 71 to any person except upon payment of the prescribed fees.

SCHEDULE

| <u>First Column</u> | <u>Second Column</u> |
|--|----------------------|
| | ₦ K |
| (a) a store liquor licence | 500,000.00 |
| (b) a tavern licence | 200,000.00 |
| (c) a wine and beer on licence | 200,000.00 |
| (d) a wine and beer off licence | 200,000.00 |
| (e) a general wholesale liquor licence | 1,000,000.00 |
| (f) a general retail liquor licence | 1 000,000.00 |

⁴²¹ Niger State of Nigeria Gazette No. 4 Vol. 25, 9th March 2000, Supplement Part B pp. B11-B12. The law was signed by Governor Kure on 9th February 2000.

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| | |
|--------------------------------------|------------|
| (g) a hotel liquor licence | 500,000.00 |
| (h) a club liquor licence | 500,000.00 |
| (i) a railway station liquor licence | 500,000.00 |
| (j) a temporary liquor licence | 200,000.00 |
| (k) a local liquor licence | 200,000.00 |

d. Kebbi Liquor (Prohibition Restriction and Control) Law 2000

A LAW TO REGULATE THE MANUFACTURE, SALE
AND CONSUMPTION OF LIQUOR⁴²²

Arrangement of sections:⁴²³

1. Citation and commencement.
2. Interpretation.
3. Prohibition and restriction.
4. Offences.
5. Prohibited and restricted areas.
6. Power of Governor to declare any area as prohibited area.
7. Exemptions.
8. Cancellation of licences and permits.
9. Establishment of licensing boards.
10. Responsibilities of licensing boards.
11. Type of liquor licences.
12. Scope of liquor licences.
13. Application and issuance of licences.
14. Sign boards.
15. Forfeiture of liquor licence.
16. Summary trials.
17. Power of magistrate, justice of peace and police officers.
18. Court order.
19. Power to make regulations.
20. Repeal.

Schedule 1: Prohibited Areas.

Schedule 2: Restricted Areas.

BE IT ENACTED by the Kebbi State House of Assembly as follows: -

1. This Law may be cited as the Liquor (Prohibition Restriction and Control) Law 2000 and shall come into effect on the ____ day of _____ 2000 [sic].

2. In this Law, unless the context otherwise requires: -

“beer” includes every description of beer, cider or perry and any fermented liquor;

“clubs” includes institute;

“spirits” means distilled liquor;

⁴²² No. 10 of 2000, assented to 13th March 2000; published in Kebbi State Gazette No. 1 Vol. 1, 12th June 2000, pp. 85-91

⁴²³ For this list we have extracted the section titles from the gazetted version of the law; we do not repeat the section titles below.

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“governor” means the Executive Governor of Kebbi State;
“liquor” means any liquid which, if used as beverage, may have an intoxicating effect and includes wine, beer, spirits and local liquor;
“local liquor” means crude or unrefined fermented liquor;
“retail” means the sale of liquor otherwise than by wholesale;
“sale” or “sell” includes display, distribution or conveyance of liquor;
“board” means a Licensing Board established under section 9 of this Law;
“licence” means a permit to sell or manufacture liquor;
“wholesale” means the sale of liquor otherwise than by retail;
“prohibited area” means a place or area in which the sale, manufacture, consumption or possession of liquor is prohibited;
“restricted area” means a place or area in which the sale or manufacture of liquor is restricted under licence;
“member” includes chairman;
“manufacture” includes distillation howsoever prepared;
“person” includes a company, institution or organisation;
“State” means Kebbi State.

3. (1) No person shall sell, manufacture, consume or possess liquor within the prohibited areas of the State.
(2) No person shall sell or manufacture liquor within restricted areas of the State except under a licence issued under this Law.
4. (1) Any person who contravenes the provisions of sub-section (1) of section 3 of this Law commits an offence and shall be liable on conviction to a fine of not less than ₦2,000.00 and not more than ₦20,000.00 or not less than 3 months imprisonment and not more than 1 year imprisonment or to both such fine and imprisonment.
(2) Any person who contravenes the provisions of sub-section (2) of section 3 of this Law commits an offence and shall be liable on conviction to a fine of not less than ₦5,000.00 and not more than ₦25,000.00 or not less than 3 months imprisonment and not more than 1 year imprisonment or to both such fine and imprisonment.
(3) Notwithstanding the provisions of sub-section (1) and (2) of this section, eighty *baddi* lashes shall be inflicted on any Muslim who contravenes the provisions of this section.
5. For the purposes of application of this Law, the State shall be divided into prohibited areas and restricted areas as defined under the Schedules to this Law.
6. The Governor may, subject to approval by resolution of the State House of Assembly, declare any area in the State as a prohibited area.
7. Nothing in this Law shall apply to: -
 - (a) the manufacture, possession, administering or sale of any bona fide medicine containing liquor;
 - (b) the sale of forfeited liquor by any person acting under the order of a court;

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- (c) the sale of liquor by an administrator or executor when such liquor forms part of the estate of a deceased person;
 - (d) the sale of liquor in army barracks or mammy markets or any other area approved by the Governor.
8. All liquor licences or permits given or issued within the prohibited areas before the commencement of this Law shall, as at the commencement of this Law, be deemed to be cancelled.
9. (1) There shall be established a Licensing Board in each Emirate Council Headquarters in the State.
- (2) Each Licensing Board shall comprise not more than 5 members, including the chairman, to be appointed by the Governor on the recommendation of the chairman of the Local Government Area in which the Emirate Headquarters is situated.
- (3) Every member of the board, other than ex-officio member, shall vacate his seat on the expiration of two years from the date of appointment and may be eligible for reappointment for one further term.
- (4) The remuneration or allowances of the members of the Licensing Boards shall be prescribed by the Governor subject to the approval of the House of Assembly.
10. The Licensing Board shall be responsible for the issuing of liquor licences or renewal of liquor licences on such terms and under such conditions as the Board may specify.
11. The following liquor licences may be issued by the Licensing Board: -
- (a) liquor manufacture licence;
 - (b) store liquor licence;
 - (c) wine and beer on licences;
 - (d) wine and beer off licence;
 - (e) general wholesale liquor licence;
 - (f) general retail liquor licence;
 - (g) hotel liquor licence;
 - (h) club liquor licence; and
 - (i) temporary liquor licence.
12. For the purposes of section 11 of this Law: -
- (a) a liquor manufacture licence authorises the manufacture of liquor;
 - (b) a store liquor licence authorises the sale of liquor by retail to be consumed elsewhere than on the licensed premises;
 - (c) a wine and beer on licence authorises the sale of wine and beer by retail to be consumed on the licensed premises;
 - (d) a wine and beer off licence authorises the sale of wine and beer to be consumed elsewhere on the licensed premises;
 - (e) a general wholesale liquor licence authorises the sale of liquor by wholesale for consumption off the licensed premises;
 - (f) a general retail liquor licence authorises the sale of liquor by retail for consumption off the licensed premises

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- (g) a hotel liquor licence authorises the sale of liquor by retail on the premises to be consumed thereon;
 - (h) a club liquor licence authorises the sale of liquor to members of the club to be consumed on the premises;
 - (i) a temporary liquor licence may be issued to a holder of any liquor licence to sell liquor by retail at any place of recreation or public amusement or other assembly for a period specified therein.
13. (1) Application for new licence or for the renewal of licence shall be made to the Licensing Board.
- (2) No new licence shall be issued and no licence shall be renewed by the Licensing Board except on the recommendation of the Local Government Chairman in whose jurisdiction the licence or renewal of the licence is being sought for.
- (3) There shall be paid such fees for new licences or for renewal of licences as the Governor may from time to time determine.
- (4) Every liquor licence, other than temporary liquor licence, shall expire after 1 year from the date it is issued and may upon application thereof, be renewed.
14. (1) Every holder of a liquor licence (other than club licence) shall affix and maintain over the entrance to the licensed premises a signboard of a reasonable size on which shall be inscribed or printed in legible characters the name and class of the licence to which he is a holder.
- (2) Any person who contravenes the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of not more than ₦10,000.00.
15. Where a licence holder is convicted for an offence under this Law, the licence of such holder and any liquor recovered therefrom shall be forfeited.
16. Offences under this Law shall be tried summarily in Magistrate Court.
17. Any justice of peace or magistrate or person authorised in writing by a magistrate or any police officer may: -
- (a) enter any licensed premises at any time for the purpose of detecting or preventing any breach of the provisions of this Law or of any licence granted under this Law;
 - (b) at any time demand the production of any licence or permit under this Law;
 - (c) having reasonable grounds for suspecting that liquor is being unlawfully sold, stored, consumed or otherwise manufactured, enter and inspect any premises and examine any package, vessel or conveyance; and
 - (d) seize and detain any liquor which he has reasonable grounds to believe is being sold, manufactured, consumed or possessed contrary to the provisions of this Law.
18. The court may order the forfeiture of any: -
- (a) liquor sold, manufactured, conveyed, transported or possessed in contravention of any of the provisions of this Law;
 - (b) receptacle or package containing liquor liable for forfeiture;

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(c) vessel, cart, carriage animal, vehicle, machine or any conveyance used in contravention of any of the provisions of this Law; and

(d) apparatus, implements, materials used for the manufacture of liquor contrary to the provisions of this Law.

19. The Governor may make regulations for the purpose of giving effect to any of the provisions of this Law.

20. The Liquor Law Cap. 81 1978 and the Liquor (Prohibition and Restriction) Law 2000 are hereby repealed.

SCHEDULE 1: PROHIBITED AREAS

Subject to section 7 of this Law, the prohibited areas appearing in the first column of this Schedule shall be as delineated or demarcated in the second column of this Schedule.

| <u>Column I</u> | <u>Column II</u> |
|--|---|
| 1. Gwandu Emirate Headquarters, Birnin Kebbi | (1) All the areas comprising the Old Town, including Baiti, Kofar Sauna, Yar'yara, Gamagira, Takalafiya, Kofar Dindi, Kofar Kola, Illela and Zoramawa. (2) All the areas comprising the Nasarawa area, including Makerar Gandu, Rafin Atiku, Shiyar Sarakuna, Shiyar Fada, Junji and Shiyar Zabarmawa. (3) The whole of Badariya Area. (4) The whole of Gwadangwaji. |
| 2. Argungu Emirate Headquarters, Argungu | All the areas of Argungu town comprising Dankoji, Merawa, Tudun Wada, Dagwau, Filin Sukuwa, Matan Fada, Bakin Kasuwa, Bakin Gari, Yar'Mahauta, Sabon Garin Kanta, Wazange and Yar'Aduwa. |
| 3. Yauri Emirate Headquarters, Yauri | The whole of Yauri town. |
| 4. Zuru Emirate Headquarters, Zuru | The whole of Zuru town excluding Unguwan Zuru, Unguwan Mishon, Dam site area and Filin Jirgi area. |
| 5. All other Local Government Headquarters in the State, other than the Emirate Headquarters | All the capital towns of the Local Government Area |
| 6. All District Headquarters in the State | All the capital towns of the Districts. |

SCHEDULE 2: RESTRICTED AREAS

Any other area or areas in the State not included in the prohibited areas as shown in Schedule 1 shall be restricted areas.

e. Bauchi State Liquor (Repeal) Law 2001

A LAW TO REPEAL THE LIQUOR LAW, CAP 85, LAWS OF BAUCHI STATE 1991⁴²⁴

- | | |
|---|---------------------------|
| 1. This Law may be cited as the Liquor (Repeal) Law and shall come into operation on day of 2001 [sic]. | Citation and commencement |
| 2. The Liquor Law Cap 85 Laws of Bauchi State 1991 and all subsequent amendments thereto, is hereby repealed | Repeal of Cap 85 |
| 3. As from the commencement of this Law, any licence, permit, certificate or any similar instrument granting or conferring any right to any person to deal in alcohol or alcoholic drinks issued pursuant to any Local Government Bye-Law or Law of Bauchi State is hereby revoked. | Revocation of [sic] |

f. Bauchi State Penal Code (Amendment) Law 2001

A LAW TO AMEND BAUCHI STATE PENAL CODE LAW
CAP 108 LAWS OF BAUCHI STATE 1991⁴²⁵

- | | |
|--|--|
| 1. This Law may be cited as the Bauchi State Penal Code (Amendment) Law 2001 and shall come into operation on day of 2001 [sic]. | Citation and commencement |
| 2. The Penal Code Law Cap 108 Laws of Bauchi State (hereinafter referred to as “the principal law”) is hereby amended as follows: | Interpretation |
| 3. There shall be substituted for section 403 ⁴²⁶ the following new section that is: | |
| Section 403(1) “Whoever prepares alcohol or any intoxicant by either manufacturing, pressing, extracting or tapping whether for himself or for another; or loads alcohol whether for himself or for another; or trades in alcohol by buying or selling or supplying or leasing out or providing premises for the storing or preserving or consumption or advertising or otherwise dealing in or handling in any way alcoholic drinks in predominantly Muslim towns and villages commits an offence and shall be punished with imprisonment for a term which may extend to 2 years or with fine which may extend to ten thousand naira or with both fine and imprisonment and in addition the liquor involved shall be confiscated and destroyed in public. | [Prohibition of dealings in alcohol in predominantly Muslim areas] |
| (2) Without prejudice to sub-section (1) above, the preparation, sale, storing, consumption or otherwise dealing in or handling alcoholic drinks is not punishable where it occurs in any of the following areas in | [Exempted areas] |

⁴²⁴ Bauchi State of Nigeria Gazette No. 1 Vol. 26, 29th June 2001, Supplement Part B p. B1. The law was assented to by Governor Mu’azu on an unspecified date.

⁴²⁵ Bauchi State of Nigeria Gazette No. 9 Vol. 26, 29th June 2001, Supplement Part B p. B25. The law was assented to by Governor Mu’azu on 29th June 2001.

⁴²⁶ Section 403 formerly provided: “Whoever being of the Moslem faith drinks anything containing alcohol other than for a medicinal purpose shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to five pounds or with both.” This is now provided for in the Sharia Penal Codes, Bauchi State’s among others.

the State:

- (a) Military and police barracks and mess.
- (b) National and international tourist centres.⁴²⁷

g. Borno State Liquor Business (Prohibition) Law 2000⁴²⁸

A LAW PROHIBITING LIQUOR BUSINESS
AND MATTERS RELATED THEREWITH

BE IT ENACTED by the Borno State House of Assembly as follows:

- | | |
|--|--|
| <p>1. This Law may be cited as the Liquor Business (Prohibition) Law and shall come into effect on a date to be prescribed by the Governor.</p> | <p>Title and commencement</p> |
| <p>2. In this Law unless the context otherwise requires: “Intoxicating substance” means any drink capable of intoxicating a person. “Governor” means the Governor of the State; “Liquor business” means and includes brewing, manufacturing, storage, distribution and transportation into or out of the State any intoxicating substance.</p> | <p>Interpretation</p> |
| <p>3. Any licence issued in the State under any State Law for the purpose of liquor business is deemed revoked with the coming into effect of this Law.</p> | <p>Revocation of licence</p> |
| <p>4. (1) Whoever being a Muslim brews, sells, manufactures, stores, distributes, or transports into or out of the State intoxicating drink shall be guilty of an offence and shall be liable upon conviction to punishment with eighty (80) lashes and ₦50,000 fine. (2) Any other person who takes alcohol, liquor or intoxicating substance in an open or public place shall be guilty of an offence and shall on conviction be liable to a fine of two thousand naira ₦2,000.00.</p> | <p>Offences</p> |
| <p>5. Any adult Muslim, legally responsible for his action under Sharia, who wilfully and without excuse or necessity or the pleading of an error on his part as the nature of what he drank, yet he drinks any intoxicating substance even a small quantity insufficient to produce intoxication, commits an offence and shall be liable upon conviction to eighty lashes to be inflicted after he has recovered from his drunkenness.</p> | <p>Prohibition of the consumption of liquor, alcohol or intoxicating substance</p> |
| <p>6. The Governor in consultation with the Council of Ulama shall by regulation prescribe the period, manner and mode of the operations of this Law.</p> | <p>Regulations</p> |
| <p>7. The Sharia Court of Appeal, the Upper Sharia and Lower Sharia Courts shall have jurisdiction to try offences under this Law.</p> | <p>Jurisdiction</p> |
| <p>8. Without prejudice to the provisions of this Law and subject to the</p> | <p>Exception</p> |

⁴²⁷ This exception is principally for the Yankari Game Reserve, an important tourist attraction in Bauchi State.

⁴²⁸ Borno State of Nigeria Gazette No. 42 Vol. 26, 18th October 2001. The law was assented to by Governor Kachalla on 10th December 2000.

provision of the constitution of the Federal Republic of Nigeria, a person shall not be liable for an offence under this Law if such offence is committed within the premises of any military formation, paramilitary formation, attaché, embassy office and or foreign mission.

h. Kano State Penal Code (Amendment) Law 2004⁴²⁹

PENAL CODE (AMENDMENT) LAW 2004

Law No. 4 of 2004

BE IT ENACTED by the Kano State House of Assembly as follows:

- | | |
|--|---|
| <p>1. This Law may cited as the Penal Code (Amendment) Law 2004 and shall come into operation on 11th day of May, 2004.</p> | <p>Citation and commencement</p> |
| <p>2. Sections 401, 403 and 404 of the Penal Code hereinafter referred to as the “Principal Law” are hereby amended by deleting sections 401, 403 and 404 of the Principal Law and replacing same with new sections as follows:</p> | <p>Amendment of sections 401, 403 and 404</p> |
| <p>401. The manufacture, distillation, distribution, disposal, haulage, consumption and possession of all brands of intoxicating liquors, trade spirits and any other intoxicating substance is hereby prohibited throughout the State.</p> | <p>Manufacture and use of intoxicants</p> |
| <p>403. (1) The cultivation of Indian Hemp popularly known as wee-wee and procurement of any substance that enhances the manufacture, or making of any alcoholic materials in whatever form is hereby prohibited throughout the State.</p> <p>(2) In section 401 and sub-section (1) of this section, intoxicants include pills, herbs or any substance which when inhaled, chewed, sucked, eaten, injected into human body, or rubbed on any part of the body can cause intoxication.</p> | <p>Cultivation of weeds</p> |
| <p>404. Whoever is convicted of an offence under section 401 shall be punished:</p> <p>(a) In case of conviction under section 401(1) with imprisonment which may extend to one year or a fine of ₦50,000 (fifty thousand naira) or both and shall also forfeit the material used for any of the purpose of that section.</p> <p>(b) In case of conviction under section 403(1)</p> | <p>Punishment for offence</p> |

⁴²⁹ Kano State of Nigeria Gazette No. 5, Vol. 36, 27th May, 2004 Supplement Part A pp. A13-A14. The law was assented to by Governor Shekarau on 11th May 2004.

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with imprisonment which may extend to six months or a fine which may be up to ₦25,000 (twenty-five thousand naira) or both and the materials used in the commission of the offence shall in addition be destroyed.

3. Section 402 of the Principal Law is hereby deleted. Deletion of section 402
4. The Liquor Law (Cap 82) Laws of Kano State of Nigeria 1991 as hereby repealed. Repeal of Cap 82 Laws of Kano State 1991

**i. Jibia Local Government (Katsina State)
Regulation of the Sale of Liquor Bye-Law, 1999⁴³⁰**

In exercise of the powers conferred by Section 7(5) of the Constitution of the Federal Republic of Nigeria 1999 and all other powers enabling it in that regard, the following Bye-Law is hereby made by the Jibia Local Government Council.

1. This Bye-Law may be cited as the Jibia Local Government (Regulation of the Sale of Liquor) Bye-Law, 1999 and shall be deemed to have come into operation on the 12th day of July 1999. Citation and commencement
2. In this Bye-Law:
 “authorised person” includes a medical officer of health, sanitary inspector or other person acting under the authority, whether general or specific, of a medical or health officer; or any other person so authorised by the Local Government;
 “liquor” includes beer, denatured spirits, injurious spirits, intoxicating liquor, local liquor, spirits etc., and shall have the same meaning as contained in the Liquor Law Cap. 78 of Katsina State of Nigeria, 1979;
 “Local Government” means Jibia Local Government. Definitions
3. Every beer parlour (by whatever name), club house, (by whatever name), tavern, liquor store etc., and any other premises used in the trade including manufacture, sale and consumption of liquor shall be registered annually by the proprietor, occupier, manager or owner thereof with the Local Government. Registration of beer parlours etc. and other premises
4. No premises shall be registered under this Bye-Law until they have been inspected and approved by the authorised person. Approval by authorised person
5. A certificate of registration issued under this Bye-Law expires on the 31st day of December of every year. Validity of certificate
6. (1) All premises sought to be registered under this Bye-Law shall be of permanent structure as defined in the Rent Control and Recovery of Premises Law Cap. 117 Laws of Katsina State, 1991. Provided that all premises to be used as on licence shall in addition comply with all Premises to be registered

⁴³⁰ Katsina State Local Government Gazette, 2nd Quarter 1999, Supplement Part B, pp. B5-B6.

conditions and terms applicable to those of a bake house or other premises as contained in sections 8-17 of the Jibia Local Government (Bake House and other Premises) Bye-Law, 1984 as adopted and applicable in Jibia Local Government.

(2) In addition to the conditions contained in sub-section (1) of this section all premises sought to be registered shall be outside of two kilometres radius the outermost dwelling house and residential area of any town, city, village, hamlet, etc.

7. Any proprietor, occupier, manager or owner of premises registered under this Bye-Law who contravenes any of the provisions of the Bye-Law commits an offence and shall be liable upon conviction to a fine of ₦500.00 or a term of imprisonment not exceeding 3 months or to both, and shall in addition have his registration revoked. Offence

**j. Tarauni Local Government (Kano State)
Liquor Sales (Prohibition) Bye-Law 1999⁴³¹**

In exercise of the powers conferred upon it by section 7(5) of the Constitution of the Federal Republic of Nigeria 1999, and of section 22 of the Liquor Law (Cap. 82) Laws of Kano State of Nigeria 1991, and all other powers enabling it in that behalf, the TARAUNI LOCAL GOVERNMENT COUNCIL with the approval of the State Commissioner for Local Government hereby makes the following Bye-Laws:

- | | |
|--|--|
| <p>1. This Bye-Laws may be cited as the Liquor Sale (Prohibition) Bye-Laws 1999.</p> | <p>Title and commencement</p> |
| <p>2. In these Bye-Laws unless the context otherwise requires: “Chairman” means the Local Government Chairman; “Commissioner” means State Commissioner responsible for Local Government; “Local Government” means the Tarauni Local Government; “liquor” means any intoxicating liquor.</p> | <p>Interpretation</p> |
| <p>3. No person shall within the Tarauni Local Government Area sell, offer for sale, or display for sale, give or supply to any person or group of persons any intoxicating liquor.</p> | <p>Prohibition of sale</p> |
| <p>4. No person shall within the Local Government Area purchase or be in possession of any intoxicating liquor.</p> | <p>Prohibition from purchase</p> |
| <p>5. (1) Any Magistrate or Area Court Judge who is satisfied that there is reason to suspect that any premises or any part thereof within the Local Government Area are used or is used by any person for the purpose of sale of intoxicating liquor may issue a warrant under his hand authorising any police officer to enter and search the premises and to seize any liquor found in such premises. (2) The police officer shall also arrest the owner of such premises,</p> | <p>Power of court to issue warrant</p> |

⁴³¹ No gazetted copy available; copy signed by the Local Government Chairman and dated 20th October 1999 in the possession of the editor.

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where the liquor is found.

6. (1) No person shall display any sign board, bill board, direction, or in any other means advertise the sale of any intoxicating liquor within the Local Government. Advertisement
- (2) Any person who commits an offence under subsection (1) of this section shall be liable upon conviction to a fine of ten thousand naira (₦10,000.00) or imprisonment for a term not exceeding 3 years or both.
7. (1) Any person who contravenes or fails to comply with the provisions of section 3, 4 or 5 of these Bye-Laws shall be guilty of an offence and liable on conviction: Penalty
- (a) for a first offence to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding one year, or both.
- (b) for a subsequent offence, to a fine not exceeding eight thousand naira or to imprisonment for a term not exceeding three years, or both.
- (2) Where a person is convicted of an offence under these Bye-Laws, he shall in addition to any punishment which the court may deem fit to impose, forfeit to the Local Government any intoxicating liquor and its receptacles found with him.

k. Gummi Local Government (Zamfara State) Law for the Control of the Sale, Storage, Preparation and Consumption of Liquor Within Gummi Local Government Area 2000⁴³²

Date of commencement: Thursday 10th of August, 2000.

In the exercise of powers conferred upon Gummi Local Government Council by section 120(1) of the Local Government Law No. 9 of 1983, the following Bye-Law is hereby enacted:

1. This Bye-Law may be cited as Gummi Local Government Law control of sale, storage, possession and consumption of liquor within Gummi Local Government Area Bye-Laws, 2000 and shall apply to the entire Gummi Local Government Area.
2. (i) This Bye-Law shall come into operation on a date to be appointed by the Council Chairman.
(ii) The sale, storage, possession and consumption of liquor is hereby prohibited throughout the villages and towns of Gummi Local Government.
3. No person shall operate a hotel, beer parlour, tavern or any other place howsoever called for the purpose of storage, sales, possession, preparation or consumption of liquor throughout the towns and villages of the Gummi Local Government Area.
4. Any person who contravenes the provisions of these Bye-Laws shall be liable to a fine of five thousand naira or to an imprisonment term of twelve months (12) or both.

⁴³² No gazetted copy available; copy signed by the Local Government Chairman obtained from the Ministry for Local Government in Gusau.

5. All offences covered by these laws are to be tried by a Magistrate Court or a Sharia Court in whose jurisdiction the offence is committed.
6. Upon conviction of any person under these Bye-Law any liquor seized there shall be impounded and destroyed on the orders of the convicting Magistrate or Sharia Court Judge as the case may be.

1. Talata Mafara Local Government (Zamfara State) Dealings in Alcohol and Allied Substances Prohibition Bye-Law 2001⁴³³

Date of Commencement: 29TH May, 2001

WHEREAS the people of Talata Mafara Local Government are continuously yearning for a society that is free from ill-vices and moral pollution;

WHEREAS the people of Talata Mafara Local Government consider drunkenness as the major cause of such ill-vices and moral pollution;

WHEREAS the people of Talata Mafara Local Government voted a civilian administration to power with the hope of eradicating such ill-vices and moral pollution;

WHEREAS the Local Government Authority under section 27 of the Local Government (Basic Constitutional and Transitional Provisions) Decree No. 15 of 1999 (as amended) has been conferred with enabling powers to make laws in its domain for the common good of its society;

WHEREAS a Bye-Law which was cited as Talata Mafara Local Government (Control of Storage, Possession, Sales and Consumption of Liquor within Talata Mafara Local Government Area) Bye-Law⁴³⁴ has earlier on been made to prevent all dealings in liquor;

AND WHEREAS the said Bye-Law requires some amendments and clarification which are now made and approved by the Talata Mafara Local Government Authority in order to give the same force of law with effect from the 29th day of May, 2001:

NOW THEREFORE, the Talata Mafara Local Government Authority hereby makes the following Bye-Law:

1. This Bye-Law may be cited as the Talata Mafara Local Government (Dealings in Alcohol and Allied Substances Prohibition) Bye-Law No. 1 of 2001 hereinafter called Bye-Law where the context so applies.
2. The provisions of Talata Mafara Local Government (Control of Storage, Possession, Sales and Consumption of Liquor within Talata Mafara Local Government Area) Bye-Law of 1999 are hereby repealed. Provided always that this repeal shall not affect cases that are now pending in court as regards the culpability or otherwise of accused person/s.
3. Whosoever operates a hotel, beer parlour, tavern or any other place whatsoever for the purposes of dealings in alcohol and/or its allied substances within Talata Mafara Local Government Area has committed an offence.

⁴³³ No gazetted copy available; copy signed by the Local Government Chairman obtained from the Ministry for Local Government in Gusau.

⁴³⁴ Repealed and replaced by this Bye-Law, see §2.

DOCUMENTARY MATERIALS: LIQUOR

4. Whosoever is found in possession of alcohol and/or its allied substances, for the purpose of consumption, within Talata Mafara Local Government Area has committed an offence.
5. Whosoever is found attempting to consume or consuming or intoxicated with alcohol and/or its allied substances within Talata Mafara Local Government Area has committed an offence.
6. Whosoever is found selling or buying, for the purpose of consumption, alcohol or its allied substances within Talata Mafara Local Government Area has committed an offence.
7. Whosoever is found attempting to transport or transporting or having transported, for the purpose of consumption, alcohol or its allied substances within Talata Mafara Local Government Area has committed an offence.
8. Whosoever gives out his land, building or tavern for a tenancy with the knowledge that such tenant will use the premises for the purpose of committing any of the offences listed in sections 3-7 of this Bye-Law has committed an offence.
9. Whosoever conspires with another to commit any of the above offences has committed an offence.
10. Whosoever harbours or abets a person suspected to have committed the above offences with the aim of aiding him to escape from being punished has committed an offence.
11. Whosoever takes gratification in order to hide the commission of any of the above offences has committed an offence.
12. Whosoever gives false information in order to cover the commission of any of the above offences has committed an offence.
13. Whosoever being a public servant refuses to arrest anybody suspected to have committed any of the above offences or to search any hotel, building or tavern while he was lawfully ordered so to do has committed an offence.
14. Any building or tavern that is or has been used in furtherance of these illegal dealings in alcohol and or its allied substances within Talata Mafara Local Government Area from the 1st day of July, 1999, unless a cogent cause is shown, shall be designated as a building or tavern kept for illegal purposes and it does not matter whether or not the building or tavern belongs to the perpetrator/s of the offence/s.
15. Any means of transport, be it mechanical or otherwise and shall include all beasts of burden, wheel barrows, carts or labourers using carriers on their head or shoulders or consordrums [sic] to be pushed or pulled or rolled used in furtherance of any of the above offences within Talata Mafara Local Government Area from the 1st day of July, 1999, unless a cogent cause is shown, shall be designated as a means of transport kept for illegal purposes and it does not matter whether or not the means of transport belongs to the perpetrator/s of the offence/s.
16. Any person who committed any of the offences listed from sections 3 to 13 shall be punished with imprisonment for 2 years or with fine of ten thousand naira (₦10,000.00) or with caning or all or two of them.
17. A grant, whether actual or deemed, of any land upon which a building or tavern is constructed and then kept for illegal purposes under section 14 can be revoked by the Local

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Government Land Allocation Committee that issued the letter of grant and if such revocation is made then the occupier of the said land is entitled only to a compensation of improvements he made on the land that are affixed to the said land. Provided always that if no improvements were made or that the improvements are not affixed to the said land, the occupier is not entitled to anything.

18. Any means of transport that is designated as a means of transport kept for illegal purpose under section 15 is liable to be impounded or forfeited.

19. If a person is convicted, any alcohol and/or its allied substances found in his possession shall be destroyed as directed by the convicting court.

20. (1) The Interpretation Act shall apply for the purposes of interpretation of the provisions of this Bye-Law, unless the context states otherwise.

(2) In this Bye-Law, unless it is otherwise expressly provided or the context otherwise requires:

“Talata Mafara Local Government Area” means all that area which borders Anka Local Government Area by the South, Bukkuyum Local Government Area by the South-West, Bakura Local Government Area by the West, Maradun Local Government Area by the East-West and Maru Local Government Area by the East and it does not matter whether the area is occupied by individuals or Government (Local, State or Federal).

“alcohol” or “its allied matters” shall include any substances that intoxicate and it does not matter whether such substances are in solid, liquid or gaseous form or whether it is taken orally or through other openings of the body or is inhaled or is taken in any other way provided that it goes through the body voluntarily or whether it is a lawful commodity but is now converted by the culprit to being intoxicant when taken through any of the above forms or means or whether it was taken in small quantity in a situation where only large quantity of it can intoxicate. Provided always that a person cannot be considered to have possessed, transported, sold or bought alcohol and/or its allied substances that are primarily used for a different purposes than intoxication even if they are subsequently converted or used by another as intoxicant.

“Local Government Land Allocation Committee” has the same meaning with Local Government Land Allocation Committee in the Land Use Act of 1977.

21. All offences covered by this Bye-Law are triable by a Magistrate’s Court, a Sharia Court or a special mobile court within Talata Mafara Local Government Area.

22. The police or residents of the area in which the offence is committed or any prosecutor from the office of the Attorney-General can initiate proceedings before any court for violation of any of the provisions of this Bye-Law.

23. This Bye-Law shall come into operation on the 29th day of May, 2001.

m. The Sharia Penal Codes on alcohol⁴³⁵

Drinking alcoholic drink (Shurb al-Khamr)

148. Whoever drinks alcohol or any other intoxicant knowingly and voluntarily, shall be punished with caning of eighty lashes.⁴³⁶

149. Whoever prepares alcohol by either manufacturing, pressing, extracting or tapping whether for himself or for another; or transports, carries or loads alcohol whether for himself or for another; or trades in alcohol by buying or selling or supplying premises by either leasing or storing or leasing out premises for the storing or preserving or consumption or otherwise dealing or handling in any way alcoholic drinks or any other intoxicant shall be punished with caning which may extend to forty lashes or with imprisonment for a term which may extend to six months or with both.⁴³⁷

150. Whoever is found drunk or drinking in a public or private place; and conducts himself in a disorderly manner, to the annoyance of any person or incapable of taking care of himself, shall in addition to the punishment specified in section 148 above, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to two thousand naira or with both.⁴³⁸

⁴³⁵ Copied from the Harmonised Sharia Penal Code Annotated, see Chapter 4. In the notes that follow “PC” refers to the Penal Code of 1960 and the names of states refer to their Sharia Penal Codes.

⁴³⁶ Bauchi: “whoever, being a Muslim”. No SPC includes the word “knowingly”. Bauchi adds: “For the purpose of this section the intake of any substance that causes a change in the physical balance of the individual shall attract the same penalty.” PC §403: “Whoever being of the Moslem faith drinks anything containing alcohol other than for a medicinal purpose shall be punished with [up to 1 month or ₦5 or both].” PC §404: punishments can double or triple for 2nd or subsequent convictions within 6 months. PC §68(2): Muslims are also liable to *baddi* lashing for alcohol-related offences.

⁴³⁷ Bauchi, Jigawa, Kaduna, Kano and Katsina include “or any other intoxicant”, but Kano and Katsina, perhaps inadvertently, omit before this phrase the words “alcoholic drinks”. Punishments: Bauchi: 2 years/80 lashes. Kaduna: *ta’azir*. PC: no similar section.

⁴³⁸ Bauchi: 1 year and 80 lashes, or fine. Kano and Katsina: 6 months or ₦5,000 or both. Kaduna: *ta’azir*. PC contains two separate sections related to this one: §401: “Whoever is found drunk in a public place or in any place by entering which he commits a trespass, shall be punished (a) with [up to 3 months or ₦50 or both]; and (b) if the person so found conducts himself in such place in a disorderly manner or is incapable of taking care of himself, with [up to 6 months or ₦100 or both].” §402: “Whoever being drunk in any private place there conducts himself in a disorderly manner to the annoyance of any person having a right to exclude him from such place or fails to leave such place when requested to do so by such person, shall be punished with [up to 6 months or ₦100 or both].” §404: punishments can double or triple for 2nd or subsequent offences within 6 months.

4.

Gambling

a. Gambling in the omnibus laws

All of the omnibus laws reproduced in Part IV.1 of this chapter include provisions on gambling; the reader is referred to them for further details.

b. The Sharia Penal Codes on gambling⁴³⁹

Vagabonds

376. In this chapter:

(1) The term "idle person" shall include-

* * *

(e) any person playing at any game of chance for money or money's worth in any public place;⁴⁴⁰

* * *

377. Whoever is convicted as being an idle person shall be punished with imprisonment for a term which may extend to one year and shall also be liable to caning which may extend to twenty lashes.⁴⁴¹

* * *

[Bauchi prohibition of praise singing, drumming, begging, playing cards, etc.: Bauchi inserts after what is §379 of the Harmonised Sharia Penal Code, still in the series of sections on *Vagabonds*, the following provision (Bauchi SPC §376), which no other Sharia Penal Code has:

Prohibition of praise singing, drumming, begging, playing cards, etc. Any person who in any street or place of public resort or within sight or hearing of any person or in any social, public or private ceremony, engages in praise singing (*roko*), begging (*bara*), playing cards (*karta*), *wasan maciji*, *wasan da kura*, *wasan wuta*, *wasan wuka*, *wasan bori*, etc. is guilty of an offence and liable on conviction to imprisonment for a term which may extend to one year and a fine of not less than ₦5,000.00 and shall also be liable to canning of twenty lashes.

Lotteries and Gaming Houses

395. In this chapter:

"Lottery" includes any game, method or device (whether in private or public)⁴⁴² whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance, or lot;

⁴³⁹ Copied from the Harmonised Sharia Penal Code Annotated, see Chapter 4. In the notes that follow "PC" refers to the Penal Code of 1960 and the names of states refer to their Sharia Penal Codes.

⁴⁴⁰ Kano, Katsina: "in any place".

⁴⁴¹ PC: 1 year or fine or both. Kano: 4 months/25 lashes. Katsina: 4 months/20 lashes. Kaduna: *ta'azir*.

DOCUMENTARY MATERIALS: GAMBLING

"Lottery ticket" includes any paper, ticket, token or other article whatsoever which either expressly or tacitly entitles or purports to entitle any person to receive any money or money's worth on the happening of any event or contingency connected with any lottery.

** ["public lottery"]⁴⁴³

396. Whoever keeps any house or place to which persons are admitted for the purpose of betting or gambling⁴⁴⁴ or playing any game of chance or keeps any office or place for the purpose of drawing any lottery or assists in the conduct of any such house or place or office shall be punished with imprisonment for a term which may extend to six months or with caning of fifteen lashes or with fine or with any two of the above.⁴⁴⁵

** [proviso and subsection (2)]⁴⁴⁶

397. Whoever

** [playing game of chance]⁴⁴⁷

(a) gives or sells or offers for sale or delivers any lottery ticket or pays or receives directly or indirectly any money or money's worth for or in respect of any chance in or event or contingency connected with a lottery⁴⁴⁸; or

(b) draws, throws, declares or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery⁴⁴⁹; or

(c) writes, prints, publishes or causes to be written, printed or published any lottery ticket or any announcement relating to a lottery⁴⁵⁰; or

(d) advances, furnishes or receives money for the purpose of a lottery⁴⁵¹,

⁴⁴² PC omits "whether in private or public".

⁴⁴³ PC has a further definition omitted here and in all SPCs: "public lottery" means "a lottery to which the public or any class of the public has, or may have, access, and every lottery shall, until the contrary is proved, be deemed to be a public lottery."

⁴⁴⁴ PC omits "or gambling".

⁴⁴⁵ PC: 2 years/fine/both. Bauchi: 1 year/exactly 20 lashes/fine/any two. Kano: 5 years/exactly 30 lashes/exactly ₦500,000 fine "or both". Katsina: 2 years/exactly 30 lashes/exactly ₦5,000 fine "or both". Kebbi: as here, but leaving off "or with any two of the above". Sokoto: 6 months or exactly 15 lashes and fine. Kaduna: *ta'azir*.

⁴⁴⁶ PC adds a proviso and a subsection (2), as follows: "Provided always that nothing herein contained shall make illegal the use of a totalisator by a race club recognised by the Government at a race meeting, with the approval of the Provincial Commissioner of the province or the Administrator of Kaduna as the case may be. (2) In this section the word 'totalisator' means the instrument, machine or contrivance, commonly known as a totalisator, and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles."

⁴⁴⁷ Kano, Katsina have as subsection (a): "plays a game of chance or delegates another to play on his behalf, or plays on behalf of another person; or".

⁴⁴⁸ PC: "public lottery".

⁴⁴⁹ PC: "public lottery".

⁴⁵⁰ PC: "public lottery".

⁴⁵¹ PC: "public lottery".

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shall be punished with imprisonment for a term which may extend to six months or with caning of fifteen lashes or with fine or with any two of the above.⁴⁵²

** [exceptions]⁴⁵³

398. On conviction of an offence under section 396 or section 397 the court may in addition to any other penalty, make an order for the forfeiture of all equipment, instruments, money or money's worth and proceeds obtained and used in furtherance of the offences mentioned in sections 395 to 397 of this Law.⁴⁵⁴

⁴⁵² PC: 6 months/fine/both. Bauchi: 1 year/exactly 40 lashes/fine/any two. Kano: 5 years/exactly 40 lashes/₦50,000 fine. Katsina: 5 years/exactly 15 lashes/₦50,000 fine. Kebbi: as here, but leaving off “or with any two of the above”. Sokoto: 6 months or exactly 15 lashes and fine. Kaduna: *ta'azir*.

⁴⁵³ PC adds a subsection (2): “Nothing in this subsection shall apply: (a) to the sale by raffle or lottery of articles exposed for sale at any gathering held for the purpose of raising funds in aid of any institution of a public character where permission for such sale shall have been given in writing by the Governor; (b) to any lottery or sweepstake organised or controlled at or in connection with any race meeting held under the auspices of any race club or association in Northern Nigeria which has been exempted from the provisions of this section by the Governor by notice in the Northern Nigeria Gazette; (c) to any club to which the Governor has granted a licence authorising a lottery to be promoted as an incident of entertainment by members of the club on the premises of the club and subject to any conditions contained in the licence; (d) to any lottery or sweepstake organised and controlled by any race club in Northern Nigeria to which the Governor may by notice in the Northern Nigeria Gazette extend the provisions of this section, or in any connection with any race meeting held under the auspices of any such club or association.”

⁴⁵⁴ PC omits this section.

5.

Sexual Immoralities

a. Sexual immoralities in the omnibus laws

All of the omnibus laws reproduced in Part IV.1 of this chapter, except the first, include provisions on such matters as prostitution and the keeping of brothels; the reader is referred to them for further details.

b. Borno State law on prostitution, homosexuality, brothels and other sexual immoralities (2000)⁴⁵⁵

BE IT ENACTED by the Borno State House of Assembly as follows:

1. This Law may be cited as the Prostitution, Lesbianism, Homosexuality, Operation of Brothels and Other Sexual Immoralities (Prohibition) Law and shall be deemed to have come into effect on the day of 2000. Title and commencement
2. In this Law unless the context otherwise requires: Interpretation
 - “brothel” means place, house, vessel, tent, vehicle or other things whether of temporary or permanent nature being used to accommodate, keep, harbour, conceal, hide or screen prostitutes.
 - “homosexual” means a man who engages in sexual intercourse with another man and includes a man who dresses, behaves or acts as a woman with the aim of enticing another man to engage in homosexual intercourse or other immoral acts.
 - “lesbian” means any woman who acts or behaves with the intent of enticing any other woman into sexual relationship with her or any other woman.
 - “pimp” means any person who solicits or obtains customers for prostitute for consideration.
 - “prostitute” means any woman who solicits or offers herself for sexual intercourse for consideration and includes women of easy virtue.
 - “Governor” means the Governor of the State.
 - “other sexual immoralities” include facilitating prostitution, lesbianism, homosexual acts, pimping or other related immoral sexual activities.
 - “State” means Borno State of Nigeria.
3. Any person who engages in prostitution, lesbianism, homosexual act or pimping in the State commits an offence. Prohibition of prostitution, lesbianism and homosexual acts and pimping
4. (1) Any person who operates a brothel in the State commits an offence. Prohibition of operation of brothel
(2) For the avoidance of doubt all brothels in the State shall upon the

⁴⁵⁵ Borno State of Nigeria Gazette No. 42 Vol. 26, 18th October 2001. The law was signed by Governor Kachalla on 10th December 2000.

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commencement of this Law be deemed closed.

5. (1) Any woman who engages in the act of prostitution shall be liable upon first conviction to a term of imprisonment for up to one year or a fine of two thousand naira (₦2,000.00). Penalties for prostitution
- (2) Any woman who is found guilty and convicted for the second or subsequent times under this section shall in addition to the term of imprisonment for one year be liable to a fine of five thousand naira (₦5,000.00).
6. (1) Any person who engages in the act of pimping shall upon first conviction be liable to imprisonment for a term of up to one year or to one thousand naira (₦1,000.00). Penalties for pimping
- (2) Any person who is found guilty for a second or subsequent offence under this section shall in addition to the term of imprisonment be given 12 strokes of the cane and liable to pay five thousand naira (₦5,000.00) fine.
7. Any person who engages in sexual intercourse with another person of the same gender shall upon conviction be punished with death. Penalties for homosexuality and lesbianism.
8. (1) Any person who operates or authorises the operation of a brothel in the State shall be guilty of an offence and upon conviction shall be liable to a fine of not less than fifty thousand naira (₦50,000.00). Penalties for operation of brothels
- (2) Any person found guilty for a second of subsequent offence under this section shall in addition to the fine mentioned under subsection (1) to this section be made to forfeit one half of the property used to the State.
9. The Upper Sharia Court or Competent Sharia Court, any Area Court or Magistrate Court with jurisdiction in the area where the offence mentioned under this Law occurs shall have jurisdiction to try the offence. Jurisdiction
10. Any person who screens, conceals, harbours or accommodates a prostitute, lesbian or homosexual person commits an offence and shall on conviction be liable to imprisonment for a term of one year or twenty-five thousand naira (₦25,000.00) fine or to both such fine and imprisonment. Screening, harbouring and concealing of prostitutes, lesbians and homosexuals.
11. Any person who facilitates the commission of other immoral sexual acts shall be guilty of an offence and liable on conviction to twenty lashes. Other immoral sexual offences.

c. Kano State Prostitution and Other Immoral Acts (Prohibition) Law 2000⁴⁵⁶

BE IT ENACTED by the Kano State House of Assembly:

1. This Law may cited as the Prostitution and Other Immoral Acts (Prohibition) Law 2000 and shall become into force on a date to be appointed by the Governor. Citation and commencement
2. In this Law unless the context otherwise requires: Interpretation

⁴⁵⁶ Kano State of Nigeria Gazette No. 4, Vol. 33, 22nd November 2001, pp. A15-A17. The law was signed by Governor Kwankwaso on 29th June 2000.

DOCUMENTARY MATERIALS: SEXUAL IMMORALITIES

“brothel” means a house where prostitutes are accommodated or where persons pay to have sex with a prostitute and includes tent, vessel, bus, or any other place.

“prostitute” means a person who offers himself for sexual intercourse in return for money or other considerations.

“other immoral acts” includes the action of those who facilitate prostitution, pimp and similar activities.

“pimp” means one who procures gratifications for the lust of others or who lives with and sometimes solicits for a prostitute and lives off her earnings or one who solicits for a prostitute or brothel and is paid for his services, and includes any person who acts, behaves or dresses in a manner, which imitates the behavioural attitude of women.

“Governor” means the Governor of the State.

“State” means Kano State of Nigeria.

“person of free virtue” means any person who acts indecently or conducts himself as a prostitute.

3. From the commencement of this Law, prostitution, keeping or managing a brothel and other immoral acts are hereby banned in any part of the State. Banning prostitution
4. All brothels and other places meant for harbouring prostitutes and perpetration of any other immoral acts in the State shall remain closed forthwith. Brothels
5. Any person found to be a prostitute shall be guilty of an offence and upon conviction shall be liable to a term of imprisonment for 1 year or a fine of ₦10,000 or both. Punishment for prostitution
6. Notwithstanding the provision of any law in force in the State, any person who offers his house to be used as a brothel or for other immoral act shall be guilty of an offence and: Offering of house for use as brothel
 - (a) upon conviction shall be sentenced to a prison term of 1 year or a fine of ₦25,000 or both in the case of a first offender.
 - (b) for subsequent offence under this section, to a term of imprisonment for 2 years and ₦50,000 fine. In addition to this, the court may order for the forfeiture of the house where the immoral act takes place.
7. Any person who solicits another person for the purpose of sexual intercourse personally or for another person shall be guilty of an offence and upon conviction he shall be sentenced to 1 year imprisonment or a fine of ₦3,000 or both. Soliciting
8. Any person of free virtue suspected to be a prostitute and found around night clubs, hotels and other places, believed to be areas where any immoral acts are being perpetrated shall be guilty of an offence and shall upon conviction be punished with imprisonment which may extend to 1 year or fine of ₦10,000 or both. Person of free virtue

9. Any person being a male gender who acts, behaves or dresses in a manner which imitate the behavioural attitude of women shall be guilty of an offence and upon conviction, be sentenced to 1 year imprisonment or a fine of ₦10,000 or both. Imitation of feminine behaviours
10. Any Magistrate, Area Court or Sharia Court within the area where any of the offences stated in this Law being committed shall have jurisdiction to try offenders. Jurisdiction of courts

d. Gummi Local Government (Zamfara State) law on carrying female passengers on motorcycles (2000)

This Bye-Law, which mostly has to do with reducing the expenses of weddings and naming ceremonies, is reproduced in full Part IV.7 below. It also contains the following prohibition, which is probably aimed at prostitution:

- 2(ii). Save in absolute necessity no motorcyclist shall commute female passenger between the hours of 10:00 p.m. – 6:00 a.m. throughout the Local Government Area.

Compare the more general bans on carrying female passengers on motorcycles reproduced in Part IV.5 below.

e. The Sharia Penal Codes on sexual immoralities⁴⁵⁷

Zina (Adultery or Fornication)⁴⁵⁸

125. Whoever, being a man or a woman fully responsible, has sexual intercourse through the genital of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act, is guilty of the offence of *zina*.⁴⁵⁹
126. Whoever commits the offence of *zina* shall be punished:
- (a) with caning of one hundred lashes if unmarried, and where the offender is a man shall also be liable to imprisonment for a term of one year;⁴⁶⁰ or
 - (b) if married, with stoning to death (*rajm*).⁴⁶¹

⁴⁵⁷ Copied from the Harmonised Sharia Penal Code Annotated, see Chapter 4. In the notes that follow “PC” refers to the Penal Code of 1960 and the names of states refer to their Sharia Penal Codes.

⁴⁵⁸ Compare PC §§387 and 388: “Whoever, being a [§387: man; §388: woman] subject to any native law or custom in which extra-marital sexual intercourse is recognised as a criminal offence, has sexual intercourse with a person who is not and whom [he; she] knows or has reason to believe is not [his wife; her husband] [§387: such sexual intercourse not amounting to the offence of rape] is guilty of the offence of adultery and shall be punished with imprisonment for a term which may extend to two years or with fine or with both.”

⁴⁵⁹ Bauchi: “fully responsible and of Islamic faith”. Kebbi: “no doubt exists as to the committal of the act”. Kebbi also adds: “PROVE: 1. Four male witnesses to the act of *zina* who shall be Muslims; 2. Self-confession; 3. Pregnancy.”

⁴⁶⁰ Bauchi and Kebbi: imprisonment “in a location other than his domicile”. Gombe, Jigawa, Katsina, Kebbi, Sokoto, Yobe and Zamfara omit the limitation of the punishment of imprisonment to males.

DOCUMENTARY MATERIALS: SEXUAL IMMORALITIES

Explanation:

*Mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of zina.*⁴⁶²

Rape

127. (1) A man is said to commit rape who, save in the case referred in subsection (2),⁴⁶³ has sexual intercourse with a woman in any of the following circumstances:
- (a) against her will;
 - (b) without her consent;
 - (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
 - (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
 - (e) with or without her consent, when she is under fifteen years of age or of unsound mind.⁴⁶⁴
- (2) Sexual intercourse by a man with his own wife is not rape.⁴⁶⁵

Explanation:

Mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

128. Whoever commits rape, shall be punished:⁴⁶⁶
- (a) with caning of one hundred lashes if unmarried, and shall also be liable to imprisonment for a term of one year;⁴⁶⁷ or
 - (b) if married with stoning to death (*rajm*); and
 - (c) in addition to either (a) or (b) above shall also pay the dower of her equals (*sadaq al-mithli*) and other damages to be determined by the court.⁴⁶⁸

[Explanation:]⁴⁶⁹

⁴⁶¹ Kebbi: “if married and the marriage consummated”.

⁴⁶² Gombe omits the explanation.

⁴⁶³ Kano and Katsina omit this excepting clause in subsection (1), but nevertheless include the exception as subsection (2).

⁴⁶⁴ PC: “when she is under fourteen years”. Bauchi: “under the age of maturity”. Kaduna: “under the age of *taklij*”.

⁴⁶⁵ PC adds: “if she has attained to puberty”.

⁴⁶⁶ PC omits subsections (a)-(c), punishing rape “with imprisonment for life or for any less term and shall also be liable to fine.”

⁴⁶⁷ Bauchi: “imprisonment for a term which may extend to fourteen years in a location other than his domicile”. Kano and Katsina: “imprisonment which may extend to life imprisonment”.

⁴⁶⁸ Only Kaduna includes, as here, “and other damages to be determined by the court”.

⁴⁶⁹ Kano and Katsina have the following explanation here: “The conditions for proving the offences of *zina* (fornication or adultery) or rape in respect of a married person are as follows: (a) Islam; (b) maturity; (c) sanity; (d) liberty; (e) valid marriage; (f) consummation of the marriage; (g) four witnesses; or (h) confession. If any of the above conditions has not been proved by the

*Sodomy (Liwat)*⁴⁷⁰

129. Whoever has anal coitus with any man is said to commit the offence of sodomy.⁴⁷¹
130. (1) Subject to the provisions of subsection (2), whoever commits the offence of sodomy shall be punished with stoning to death (*rajm*).⁴⁷²
- (2) Whoever has anal coitus with his wife shall be punished with caning which may extend to fifty lashes.⁴⁷³

Explanation:

*Mere penetration is sufficient to constitute anal coitus necessary to the offence of sodomy.*⁴⁷⁴

*Incest*⁴⁷⁵

131. (1) Whoever being a man, has sexual intercourse with a woman who is and whom he knows or has reason to believe to be his daughter, his grand-daughter, his mother or any other of his female ascendants or descendants, his sister or the daughter of his sister or brother or his paternal or maternal aunt has committed the offence of incest.
- (2) Whoever, being a woman, voluntarily permits a man who is and whom she knows or has reason to believe to be her son, her grandson, her father or any other of her male ascendants or descendants, her brother or the son of her brother or sister or her

person alleging *zina* or rape there is no punishment of stoning to death; the person alleging such offence shall be imprisoned for one year and shall also be liable to caning which may extend to one hundred lashes.”

⁴⁷⁰ PC omits the separate offence of sodomy, presumably including it under “Unnatural offences”: “Whoever has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine. Explanation: Mere penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.”

⁴⁷¹ Only Kaduna and Yobe have this same language. All other states: “Whoever has carnal intercourse against the order of nature with any man or woman is said to commit the offence of sodomy.” Kano and Katsina qualify this: “with any man or woman through her rectum”. All states except Kaduna also add the following proviso: “Except that whoever is compelled by the use of force or threats [Sokoto: of force or in fear of death or grievous hurt or fear of any other serious injury] or without his consent to commit that act of sodomy [Kano and Kaduna: with another shall not be the subject] [all others: upon the person of another or be the subject] of the act of sodomy nor shall he be deemed to have committed the offence.” Kebbi also adds the following: “PROVE: 1. Sound mind; 2. Self-confession; 3. Four male witnesses in the act of sodomy who shall be trustworthy Muslims.”

⁴⁷² Only Yobe is as here. Kaduna, Katsina and Kebbi: “Whoever commits the offence of sodomy shall be punished with stoning to death (*rajm*).” Bauchi adds: “or by any other means decided by the state.” Gombe, Jigawa, Kano and Zamfara: “Whoever commits the offence of sodomy shall be punished: (a) with caning of 100 lashes if unmarried and shall also be liable to imprisonment for a term of one year, or (b) if married [Kano: or has previously been married] with stoning to death (*rajm*).” Sokoto: “shall be punished (a) with stoning to death; (b) if the act is committed by a minor on an adult person the adult person shall be punished by way of *ta’azir* which may extend to 100 lashes and minor with correctional punishment.”

⁴⁷³ Only Kaduna and Yobe vary the punishment in the case of sodomy with the wife, as here. Yobe: punishment as here. Kaduna: *ta’azir*.

⁴⁷⁴ Gombe and Kaduna omit this explanation.

⁴⁷⁵ Kano and Katsina omit the offence of incest.

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paternal or maternal uncle to have sexual intercourse with her, has committed the offence of incest.⁴⁷⁶

132. Whoever commits incest shall be punished:⁴⁷⁷

(a) with caning of one hundred lashes if unmarried, and where the offender is a male shall also be liable to imprisonment for a term of not less than one year and not exceeding five years;⁴⁷⁸ or

(b) if married with stoning to death (*rajm*).

*Lesbianism (Sibhaq)*⁴⁷⁹

133. Whoever, being a woman, engages another woman in carnal intercourse through her sexual organ or by means of stimulation or sexual excitement of one another has committed the offence of lesbianism.

134. Whoever commits the offence of lesbianism shall be punished with caning which may extend to fifty lashes and in addition be sentenced to a term of imprisonment which may extend to six months.⁴⁸⁰

[Explanation:]⁴⁸¹

*Bestiality (Wat al-Babimah)*⁴⁸²

135. Whoever, being a man or woman, has carnal intercourse with any animal is said to commit the offence of bestiality.

136. Whoever commits the offence of bestiality shall be punished with caning of fifty lashes and in addition shall be sentenced to a term of imprisonment of six months.⁴⁸³

Explanation:⁴⁸⁴

Mere penetration is sufficient to constitute the carnal intercourse necessary to the offence of bestiality.

⁴⁷⁶ PC includes subsections (1) and (2) in one section, which also specifies the punishment. PC also includes an explanation: "In this section words expressing relation include relatives of the half blood and relatives whose relation is not traced through a lawful marriage."

⁴⁷⁷ PC omits subsections (a) and (b), punishing all incest "with imprisonment for a term which may extend to seven years and shall also be liable to fine."

⁴⁷⁸ Bauchi, Gombe, Jigawa, Kebbi, Sokoto, Yobe, and Zamfara omit the limitation of the punishment of imprisonment to males. All states make the term of imprisonment one year. Kebbi adds: "PROVE: Four trustworthy male witnesses to the act of incest."

⁴⁷⁹ PC omits the separate offence of lesbianism, presumably including it under "Unnatural offences": see note to *Sodomy (Linat)* above.

⁴⁸⁰ Bauchi: "imprisonment which may extend to up to five years." Kano and Katsina: stoning to death. Kaduna: *ta'azir*.

⁴⁸¹ Bauchi, Jigawa, Katsina, Kebbi, Sokoto, Yobe and Zamfara include the following explanation: "The offence is committed by the unnatural fusion of the female sexual organs and/or by the use of natural or artificial means to stimulate or attain sexual satisfaction or excitement."

⁴⁸² PC omits the separate offence of bestiality, presumably including it under "Unnatural offences": see note to *Sodomy (Linat)* above.

⁴⁸³ Bauchi: "shall be punished with caning of 40 lashes and in addition shall be sentenced to a term of imprisonment of fourteen years and animal shall be caused to be killed." Kano and Katsina: 100 lashes and two years. Kaduna: *ta'azir*.

⁴⁸⁴ Kebbi adds: "PROVE: 1. Self-confession; 2. Sound mind; 3. Four male witnesses in act of bestiality who shall be trustworthy Muslims." Explanation omitted in Gombe.

Gross Indecency

137. Whoever commits an act of gross indecency by way of kissing in public, exposure of nakedness in public and other related acts of similar nature capable of corrupting public morals shall be punished with caning which may extend to forty lashes and may be liable to imprisonment for a term not exceeding one year and may also be liable to fine.⁴⁸⁵

Kidnapping, Abduction and Forced Labour

* * *

234. Whoever, by any means whatsoever, induces any girl or woman⁴⁸⁶ to go from any place or to do any act with intent that such girl or woman may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with himself or with another person⁴⁸⁷ shall be punished with imprisonment for a term which may extend to two years and shall also be liable to caning which may extend to fifty lashes.⁴⁸⁸

235. Whoever imports into the State from any place outside the State any girl or woman⁴⁸⁹ with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with himself or with another person⁴⁹⁰ shall be punished with imprisonment for a term which may extend to two years and shall also be liable to caning which may extend to fifty lashes.⁴⁹¹

* * *

237. Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person under the age of fifteen years or any person of unsound mind,⁴⁹² with intent that such person shall be employed or used for the purpose of prostitution or for any unlawful or immoral purpose or knowing it to be likely that such minor or unsound minded person will be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to caning of fifty lashes.⁴⁹³

⁴⁸⁵ Definition of the offence: Kaduna: omits “by way of kissing”. Kano and Katsina: “in order to corrupt” instead of “capable of corrupting”. Gombe: “any sexual offence against the normal or usual standards of behaviour.” PC, Bauchi, Jigawa, Kebbi, Sokoto, Yobe and Zamfara do not define gross indecency, saying only: “Whoever commits an act of gross indecency upon the person of another without his consent or by the use of force or threat compels a person to join with him in the commission of such act shall be punished ...” Punishment: PC: up to 7 years and fine. Bauchi: 40 lashes, 7 years and fine. Kaduna: *ta’azir*. Sokoto varies the provision here only by using ‘or’ instead of ‘and’ and adding ‘or both’. All states except Kaduna add the following proviso: “Provided that a consent given by a person below the age of [PC: 16 years] [Gombe, Jigawa, Kebbi, Sokoto, Yobe, Zamfara: 15 years] [Kano, Katsina: puberty] [Bauchi: maturity] to such an act when done by his teacher, guardian or any person entrusted with his care or education shall not be deemed to be a consent within the meaning of this section.”

⁴⁸⁶ PC: “any girl under the age of eighteen years”.

⁴⁸⁷ PC: “intercourse with another person”.

⁴⁸⁸ PC: 2 years/fine. Bauchi: 5 years/40 lashes. Kaduna: *ta’azir*.

⁴⁸⁹ PC: “any girl under the age of twenty-one years”.

⁴⁹⁰ PC: “intercourse with another person”.

⁴⁹¹ PC: 10 years/fine. Bauchi: 5 years/40 lashes. Kaduna: *ta’azir*.

⁴⁹² PC: “person under the age of eighteen years”. Bauchi: “under the age of maturity or of unsound mind”. Kano, Katsina: “any person or any person of unsound mind”.

⁴⁹³ PC, Bauchi, Gombe, Jigawa, Kebbi, Yobe, Zamfara: 10 years/fine. Kano, Katsina: 10 years/up to ₦100,000 fine. Sokoto: 10 years/50 lashes. Kaduna: *ta’azir*.

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239. Whoever, in order to gratify the passions of another person, procures, entices or leads away, even with her consent, any woman or girl for immoral purposes shall be punished with imprisonment for a term which may extend to two years and shall also be liable to caning which may extend to fifty lashes.⁴⁹⁴

Public Nuisance

* * *

372. Whoever to the annoyance of others⁴⁹⁵ does any obscene or indecent act in a private or public place,⁴⁹⁶ or acts or conducts himself in an indecent manner or in a manner contrary to morality or wears indecent or immoral clothing or uniform which causes annoyance or resentment to others shall be punished with caning which may extend to forty lashes.⁴⁹⁷

373. Whoever keeps or manages a brothel or runs a place for prostitution or rents premises or allows its use knowing or having reason to believe it will be used for prostitution or any activity connected thereto,⁴⁹⁸ shall be punished with imprisonment for a term which may extend to one year and shall also be liable to caning which may extend to seventy lashes.⁴⁹⁹

Vagabonds

376. In this chapter:

(1) The term "idle person" shall include-

* * *

(d) any prostitute⁵⁰⁰ behaving in a disorderly or indecent manner in a public place or persistently importuning or soliciting persons for the purpose of prostitution;

* * *

(2) The term "vagabond" shall include-

* * *

(d) any male person who knowingly lives wholly or in part on the earning of a prostitute or in any public place solicits or importunes for immoral purposes;

(e) any male person who dresses or is attired in the fashion of a woman in a public place or who practises sodomy as a means of livelihood or as a profession.⁵⁰¹

** [women dressing as men]⁵⁰²

⁴⁹⁴ PC: 7 years/fine. Bauchi: 5 years/40 lashes. Kaduna: *ta'azir*.

⁴⁹⁵ Katsina omits "to the annoyance of others".

⁴⁹⁶ PC: "in a public place"; PC then omits all the subsequent language up to the punishment provision.

⁴⁹⁷ PC: up to 2 years/fine/both. Kaduna: *ta'azir*.

⁴⁹⁸ PC: "Whoever keeps or manages a brothel shall be punished . . .".

⁴⁹⁹ PC: 1 year or fine or both. Bauchi: 5 years/40 lashes. Kaduna: *ta'azir*. Kano and Katsina omit this section entirely.

⁵⁰⁰ PC and all SPCs except Kano and Katsina: "common prostitute".

⁵⁰¹ Kano, Katsina omit "or who practises sodomy as a means of livelihood or as a profession."

⁵⁰² Kano, Katsina insert here a subsection (f): "any female person who dresses or is attired in the fashion of a man in a public place."

CHAPTER 3: SANITIZING SOCIETY

377. Whoever is convicted as being an idle person shall be punished with imprisonment for a term which may extend to one year and shall also be liable to caning which may extend to twenty lashes.⁵⁰³

378. Whoever is convicted as being a vagabond shall be punished with imprisonment for a term which may extend to one year and shall be liable to caning which may extend to thirty lashes.⁵⁰⁴

Offences Relating to Ordeal, Witchcraft and Jujū

412. Whoever knowingly has in his possession any fetish⁵⁰⁵ or charm which is pretended or reputed to possess power to protect a person⁵⁰⁶ in the committing of any offence shall be punished with imprisonment for a term of six months and shall also be liable to caning which may extend to fifty lashes.⁵⁰⁷

[Kano and Katsina (only) add a second subsection: “Whoever engages in unlawful sexual behaviours under the guise of offering medical treatment, invocation [sic: ?] under the guise of curing an illness or causing a favour to a person shall be imprisoned for five years or sentenced to a fine of fifty thousand naira and shall also be liable to caning of sixty [Katsina: 50] lashes.”]

⁵⁰³ PC: 1 year or fine or both. Kano: 4 months/25 lashes. Katsina: 4 months/20 lashes. Kaduna: *ta’azīr*.

⁵⁰⁴ PC: 1 year or fine or both. Kano: 8 months/35 lashes. Kaduna: *ta’azīr*.

⁵⁰⁵ Kano, Katsina: “fetish object”.

⁵⁰⁶ Kano, Katsina: “to protect or give illegal benefit to any person”.

⁵⁰⁷ PC: 5 years/fine/both. Jigawa: 2 years/50 lashes/both. Kano, Katsina: exactly 6 months or ₦5,000 fine or both. Kebbi, Sokoto, Yobe, Zamfara: death. Bauchi and Kaduna omit this section entirely.

6.

Other matters related to women**a. Other matters related to women in the omnibus laws**

Both the Yobe State law on un-Islamic practices (1.b) and the Gusau Local Government law on prostitution, gambling, and other social vices (1.e) include prohibitions of hawking by young girls. The Kaura Namoda Local Government law on liquor, prostitution, etc. (1.f), also includes a ban on members of the opposite sex bathing naked together in rivers, ponds, etc. The Fika Local Government law on market practices and certain other matters (8.d) makes it an offence “for any Muslim female above the age of ten to move round within the Local Government Area at any time without wearing a *hijab* adequate to cover her head down to her toes.”

b. Kebbi State law on female hawking (2000)⁵⁰⁸A LAW TO PROHIBIT FEMALE HAWKING IN THE STATE
AND OTHERS CONNECTED THEREWITH

- | | |
|--|------------------------------|
| 1. This Law may be cited as the Hawking (Prohibition) Law 2000 and shall be deemed to have come into effect on the 1 st day of June 2000. | Short title and commencement |
| 2. In this Law, unless the context otherwise requires: - “Committee” means the Local Monitoring Committee established under section 5 of this Law; “Gazette” means Kebbi State Gazette; “goods” includes merchandise, supplies, raw materials, agricultural produce, food items, raw or cooked or finished goods; “Governor” means the State Governor; “hawking” means offering goods for sale on the road by outcry or by attracting the attention of persons or by exposing goods in a public place or by placards, labels or signals; “shops” include market. | Interpretation |
| 3. (1) A female child below the age of 10 years old is henceforth prohibited from hawking any goods. (2) Females between the ages 11 and above are allowed to sell goods but shall stay within their household or shops, but are not allowed to litter with these goods on the road. (3) Females allowed under this Law shall hawk between the hours of 6 a.m. – 11.00 p.m. and shall dress decently. | Prohibition of hawking |
| 4. (1) Any parent or guardian who contravenes the provision of subsection (1) of section 3 of this Law commits an offence and shall be liable on conviction to one month imprisonment and 10 <i>baddi</i> lashes in an open market. | Offence and penalty |

⁵⁰⁸ Kebbi State of Nigeria Gazette No. 1 of 2000, Vol. I, pp. 3-5. The law was signed by Governor Aliero on 15th May 2000.

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- (2) Any person who contravenes the provision of subsection (2) of section 3 of this Law commits an offence and shall be liable on conviction to 2 months imprisonment and 15 *haddi* lashes in an open market
- (3) Any person who contravenes the provision of subsection (3) of section 3 of this Law commits an offence and shall be liable on conviction to 2 months imprisonment and 15 *haddi* lashes in an open market.
5. (1) There shall be established in each Local Government Area of the State, a Local Monitoring Committee for the purpose of enforcing the provisions of this Law. Establishment of Local Monitoring Committee
- (2) Each Local Monitoring Committee shall comprise of not more than seven members, including the Chairman, to be appointed by the Governor on the recommendation of the Local Government Chairman concerned.
 - (3) Each Local Government Council shall establish a sub-committee at the District level.
 - (4) A member of the Committee other than an ex-officio member shall vacate his seat on the expiration of two-year term from the date of his appointment and may be eligible for re-appointment for one further term of two years.
 - (5) The Governor, subject to the approval of the House of Assembly, shall prescribe the remuneration or allowances of members of the committee.
6. Each committee shall be responsible for the arrest of any person suspected to have contravened the provisions of section 3 of this Law and charge such person to court forthwith. Responsibilities of each committee
7. (1) A court may order to be impounded any goods abandoned by a hawker for the purpose of evading arrest under this Law. Seizure of goods by court
- (2) Any goods seized under subsection (1) of this section may be claimed by the owner, provided that all such goods shall be presumed to have been abandoned while committing an offence under section 3 of this Law and the burden of proving the contrary shall lie upon the claimant.
- (3) Where the claimant succeeds in proving his goods to be released to him but without prejudice to any penalty which the court may deem fit to impose on the claimant for the offences committed by him under section 3 of this Law immediately before the abandonment of the goods.
8. An offence under this Law shall be tried summarily in an Area Court. Court with power to try the offences
9. In addition to the powers conferred by section 6 of this Law any police officer, aid group or vigilante group members can arrest any person who contravenes the provision of this Law and hand over to the committee for prosecution. Power to arrest

c. Yobe State law on un-Islamic dressing (2001)⁵⁰⁹

A LAW TO PROVIDE FOR THE PROHIBITION OF UN-ISLAMIC DRESSING IN THE STATE AND TO MAKE PROVISION FOR PROPER DRESSING TO BE USED BY FEMALE MUSLIMS THROUGHOUT YOBE STATE

| | |
|--|------------------------------------|
| Enacted by the Yobe State House of Assembly as follows: | Enactment |
| 1. This Law may be cited as Prohibition of un-Islamic Dressing Law 2000, and shall come into force on the 25 th day of April, 2001. | Citation and commencement |
| 2. "State" means Yobe State of Nigeria. | Interpretation |
| " <i>hijab</i> " means that cloth which covers the entire body of a woman except her face and palms up to the wrist and which does not show the shape, or the body of a women and includes <i>lifaya</i> . | |
| "un-Islamic dressing" means any dressing which does not conform to the definition of Jihad of proper dressing as provided under section 5 of this Law. | |
| "school" includes Primary Islamiyya (Primary, Secondary) and Tertiary institutions operating in the State. | |
| "school authority" means any person or body charged with the managing or execution of policies of a school. | |
| "appropriate punishment" means any punishment which is within the powers of the school authority to carry out against any student for misconduct or violation of the schools rules and regulation. | |
| 3. (1) This Law shall apply to all female Muslims of ten years and above throughout the State. | Application |
| (2) This Law shall not apply to such female Muslims when they are within their homes or when exclusively among females away from the view of men. | |
| 4. As from the commencement of this Law, un-Islamic dressing is prohibited in the State. | Prohibition of un-Islamic dressing |
| 5. The proper dressing shall be that which covers the entire body of the women except her face and palms up to the wrist or <i>hijab</i> or <i>lifaya</i> . | Proper dressing |
| 6. (1) Any person who contravenes the provision of this Law shall be guilty of an offence and liable on conviction to a fine of one thousand naira or one month imprisonment. | Penalty |
| (2) Where the convict is a minor his parent or guardian shall be liable for the penalty provided by this section. | |
| 7. (1) As from the commencement of this Law all authorities in charge of schools in the State shall ensure that the school uniform substantially conforms with the provisions of this Law. | Schools |
| (2) Students who fail to comply with the decision of the school authority in respect of this Law shall be given appropriate punishment | |

⁵⁰⁹ Yobe State of Nigeria Gazette No. 11, Vol. 11 of 15th March 2001, Supplement Part C pp. C49-C51. The law was signed by Governor Bukar Abba Ibrahim on 9th March 2001.

- by the school authority
- | | |
|--|-------------------------------------|
| 8. Trial of offenders under this Law shall be carried out by Area or Upper Area Court. | Jurisdiction provision |
| 9. Any Sharia or Upper Sharia Court can try offences under this Law when these courts come into being as a result of implementation of Sharia. | Transitional |
| 10. Prosecution is at the instance of the Attorney-General and the police. | Prosecution |
| 11. (1) For purposes of decency, it is required that non-Muslims should dress decently. | Provision in respect of non-Muslims |
| (2) Non-Muslims shall not be liable for punishment under this Law. | No penalty against non-Muslims |

d. Gusau Local Government (Zamfara State) law on carrying persons of the opposite sex on commercial motorcycles (2000)⁵¹⁰

A BYE-LAW TO CURB, CONTROL AND ERADICATE ANTI-SOCIAL BEHAVIOURS, MORAL DECADENCE AND OTHER VICIES IN THE SOCIETY

WHEREAS the Local Government Council is vested with powers and responsibilities to ensure good governance and the socio-economic well-being of the people in the area;

AND WHEREAS the adoption of the Sharia Legal System in the State calls for the cultivation and protection of good moral standards of the people and to control rampant anti-social behaviours;

NOW THEREFORE the Council of the Gusau Local Government hereby enacts the following Bye-Law:

1. This Bye-Law may be cited as the Commercial Motor-cycle Operators (Control) Bye-Law, 2000.
2. The commencement date for this Bye-Law shall be..... day of2000.
3. The words used in this Bye-Law shall have the natural meanings ascribed to them unless otherwise prescribed in this section:
 - i. “commercial motor-cycle operator” refers to a person who engages in operating motor-cycle to generate money or otherwise and popularly called “*kabu-kabu*” operators.
 - ii. “Local Government Council” means the Gusau Local Government Council.
 - iii. “State” means Zamfara State.
 - iv. “conveying” or “convey” means to transport or carry another person of the opposite sex on a motor-cycle.
 - v. “Motor-cycle” a mechanically driven cycle on two wheels.
 - vi. “*Kabu-kabu*” means a commercial motor-cycle used to generate money or otherwise.
4. The conveying of any person of the opposite sex for the purpose of transporting same to any destination by a “*kabu-kabu*” operator is hereby prohibited. This prohibition does not

⁵¹⁰ Bye-Law No. 2 of 2000, signed by the Local Government Council Chairman on 4th July 2000. No gazetted copy available; copy signed by the Chairman obtained from the Ministry for Local Government in Gusau.

apply to any person who conveys his or her relation of the opposite sex for the purpose of transporting same to any destination.

5. The prohibition stated in article 4 of this Bye-Law shall only apply against any person who professes the Islamic faith.
6. From the commencement date of this Bye-Law all previous licences issued to “*kabu-kabu*” operators stand cancelled. New licences and uniforms shall henceforth be issued by the Local Government.
7. Whoever violates the provisions of article 4 of this Bye-Law shall be guilty of an offence and liable to 20 lashes of the cane and shall have the motor-cycle detained for a period of two weeks in addition to the cancellation of the licence to operate the motor-cycle as “*kabu-kabu*” for a period not exceeding three months.
8. The offence covered by this Bye-Law may be tried by a Magistrate Court or a Sharia Court in whose jurisdiction the offence is committed.

e. Kano State Law on carrying women in or on commercial vehicles, including motorcycles (2005)⁵¹¹

BE IT ENACTED by the Kano State House of Assembly as follows:

1. This Law may be cited as the Kano State Road Traffic (Amendment) Law 2005 and shall come into operation on the 12th day of May 2005 (5th day of R/Akhir 1426 A.H.).

2. Section 2 of the Road Traffic Law (hereinafter referred to as the “Principal Law”) is hereby amended by inserting the following words immediately after the word “trailer”:

“motorcyclist” means a person who uses a motorcycle in uniform for the conveying of persons for which money is paid.

“Governor” means Governor of the State.

“uniform” means dress specifically designed for motorcyclist.

* * [sections 3 and 4 amend sections 23 and 24 of the principal law and are irrelevant here.]

4. The Principal Law is hereby amended by inserting immediately after section 43 thereof the following new sections 44, 45 and 46 respectively:

“44. (1) All commercial vehicles shall reserve a reasonable number of seats at the back in the vehicle for female passengers only.

(2) Any motor vehicle driver who carries male and female passengers mixed together in a manner which is offensive to the Sharia shall on conviction pay a fine of not less than ₦5,000.00 or be barred from driving any vehicle for a period which may extend to six months or ten strokes of the cane.

“45. (1) Any motorcyclist who:

- (a) carries any female as a paying passenger;
- (b) carries more than one person;
- (c) overtakes any vehicle on the right hand side;
- (d) uses a motor vehicle horn on his motorcycle; or

⁵¹¹ Kano State of Nigeria Gazette No. 2, Vol. 37, 2nd June 2005, Supplement Part A pp. A7-A10. The law was signed by Governor Shekarau on 12th May 2005.

(e) does anything that hampers the smooth flow of traffic on any public way, shall be guilty of an offence and upon conviction be liable to a fine of not less than ₦5,000.00 or be barred from driving any vehicle for a period which may extend to six months.

(2) Any tricyclist who chooses to carry male passengers shall not carry any female as a passenger, and where he chooses to carry female passengers shall also not carry any male passengers.

(3) Nothing in subsection (2) of this section shall preclude any person from being accompanied by a minor of 12 years of age and below and/or a *mubarrami*.

(4) In this section *mubarrami* means a person related to another in which the Sharia does not allow marriage between them.

(5) No tricycle rider shall provide any extra seat by his side for carrying any passenger(s).

(6) Whoever contravenes the provisions of subsections (2) and (5) of this section shall be liable upon conviction to a fine of ₦5,000.00 and shall be barred from driving any vehicle for a period which may extend to six months or ten strokes of the cane or both.”

* * [new section 46 is on posting bills on roundabouts, pavements, public buildings and/or streetlights.]

f. The Sharia Penal Codes on other matters related to women⁵¹²

Causing miscarriage, Injuries to unborn children, Exposure of infants, Cruelty to children and Concealment of births

206. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with the payment of *ghurrah*, and shall also be liable to caning which may extend to ten lashes.⁵¹³

Explanation:

A woman, who causes herself to miscarry, is within the meaning of this section.

207. Whoever uses force to any woman and thereby unintentionally causes her to miscarry, shall be punished with the payment of *ghurrah*.⁵¹⁴

208. Whoever with intent to cause miscarriage of a woman whether with child or not⁵¹⁵ does any act which causes the death of such woman, shall be punished:

(a) with the payment of *diyab*,⁵¹⁶ or

⁵¹² Copied from the Harmonised Sharia Penal Code Annotated, see Chapter 4. In the notes that follow “PC” refers to the Penal Code of 1960 and the names of states refer to their Sharia Penal Codes.

⁵¹³ PC: 14 years or fine or both. Sokoto has “*ghorrah* (one twentieth of *diyab*)”. Kano and Katsina: “(*ghurrah*) compensation”. Kaduna punishment: *ghurrah/ta’azir*.

⁵¹⁴ PC: up to 3 years or fine or both, but if the offender knew the woman was with child, up to 5 years or fine or both. Kano, Katsina: “(*ghurrah*) compensation”.

⁵¹⁵ Kano, Katsina: “with intent to cause miscarriage of a pregnant woman”.

- (b) if the act is done without the consent of the woman, with *qisas*.⁵¹⁷
209. (1) Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive and does by such act prevent that child from being born alive, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with:
- (a) Payment of *ghurrah*; and
 - (b) Caning which may extend to fifty lashes.
- (2) Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth and does by such act cause it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with *qisas*.⁵¹⁸
210. Whoever does any act in such circumstances that, if he thereby caused death he would be guilty of intentional homicide,⁵¹⁹ and does by such act cause the death of a quick unborn child, shall be punished with the payment of *ghurrah*, in addition to the punishment for the offence of attempt to cause the death of the woman.⁵²⁰
211. Whoever being the father or mother or having the care of a child under the age of fifteen years exposes or leaves such child in any place with the intention of wholly or partly abandoning such child, shall be punished with imprisonment for a term which may extend to three years and shall be liable to caning which may extend to forty lashes.⁵²¹
212. Whoever having the charge or care of a child under the age of fifteen years or being in a position of authority over him wilfully ill-treats or neglects him in such a way as to cause him unnecessary suffering, or denies him access to education shall be punished:⁵²² -
- (a) with imprisonment for a term which may extend to one year or with fine or with both;⁵²³ and

⁵¹⁶ PC: up to 14 years and fine.

⁵¹⁷ PC: up to life and fine. Jigawa: “(a) with *qisas*; or (b) if without intention with payment of *diyab*”. PC also has an explanation after this section omitted in all SPCs.

⁵¹⁸ Only Kaduna, as here, divides this section into two subsections, in effect distinguishing between the case where the child is born dead and the case where it is born alive, and varying the punishments accordingly. Kaduna’s only variation from what is here: punishment under subsection (1): *ghurrah* / *ta’azir*. PC and all other SPCs: whether the intention was to prevent a live birth or to cause the baby to die after being born alive, and whether the baby is born dead or alive, the punishment is: PC: up to 14 years or fine or both; SPCs: “(a) with *qisas*; and (b) if without intention with payment of *diyab*.”

⁵¹⁹ PC: “culpable homicide”.

⁵²⁰ PC: up to life and fine. Kano: up to 1 year and payment of *ghurrah* and up to one hundred lashes. Katsina: like Kano, except omits caning. PC also includes an illustration omitted in all SPCs.

⁵²¹ PC: “under the age of twelve years”; Bauchi: “maturity”; Kano, Katsina: “puberty”. PC: 7 years or fine or both. Bauchi: 1 year/40 lashes. Sokoto: 1 year. Kaduna: *ta’azir*. PC also has an explanation.

⁵²² Bauchi: “under the age of maturity”. Kano, Katsina: “puberty”. Only Kaduna includes “or denies him access to education”.

⁵²³ PC: 2 years/fine/both. Bauchi: 3 years/fine/both. Kano, Katsina: 1 year/fine of ₦10,000/both. Kaduna: *ta’azir*.

CHAPTER 3: SANITIZING SOCIETY

(b) if the ill-treatment or neglect results in serious injury to the health of such child, the offender shall be punished with imprisonment for a term which may extend to five years and payment of *diyyah*.⁵²⁴

213. Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such a child dies before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to caning which may extend to thirty lashes.⁵²⁵

Outraging or insulting the modesty of a woman

226. Whoever assaults or uses criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to one year and shall be liable to caning which may extend to forty lashes.⁵²⁶

* * *

242. (1) [on criminal intimidation by an anonymous communication]

(2) Whoever intending to insult⁵²⁷ the modesty of any woman utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be seen by such woman or intrudes upon the privacy of such woman, shall be punished with imprisonment for a term which may extend to one year and shall also be liable to caning which may extend to forty lashes.⁵²⁸

⁵²⁴ PC and Kebbi: 5 years/fine/both. Bauchi, Gombe, Sokoto, Yobe, Zamfara: 5 years. Jigawa: 3 years/30 lashes. Kano, Katsina: 5 years/₦5,000 fine/both. Kaduna: *diyyah*.

⁵²⁵ PC: 2 years/fine/both. Bauchi: 5 years/40 lashes. Kebbi: 1 year/30 lashes. Kaduna: *ta'azir*.

⁵²⁶ PC: 3 years/fine/both. Bauchi: 3 years/40 lashes. Kaduna: *ta'azir*.

⁵²⁷ Kano, Katsina: "Whoever insults".

⁵²⁸ PC puts this provision in a separate section, and punishes with 1 year/fine/both. Kebbi: 2 years or fine and up to 40 lashes. Kaduna: *ta'azir*.

7.

Unedifying media

a. Unedifying media in the omnibus laws

Three of the omnibus laws reproduced in Part IV.1 of this chapter include provisions on unedifying media. Yobe State's law on un-Islamic practices (IV.1.b) bans obscene books and publications, and the bye-laws of Gusau and Kaura Namoda Local Governments of Zamfara State (IV.1.e and f) both include bans on commercial displays of films, videos, etc. The reader is referred to those texts for further details.

b. Gummi Local Government (Zamfara State) law on cinema houses and video and film viewing centres (2000)⁵²⁹

A LAW FOR THE PROHIBITION OF CINEMA HOUSES, VIDEO VIEWING CENTRES, AND FILM SHOWING CENTRES WITHIN GUMMI LOCAL GOVERNMENT AREA

In the exercise of power conferred upon Gummi Local Government Council by section 120(1) of the Local Government Law No. 9 of 1983, the following Bye-Law is hereby enacted:

1. This Bye-Law may be cited as Gummi Local Government Law for the Prohibition of Cinema Houses, Video Viewing and Film Showing Centres Within Gummi Local Government Area Bye-Laws 2000 and shall apply throughout the Local Government Area.
2. (i) This Bye-Law shall come into operation on a date to be appointed by the Chairman.
(ii) Cinema houses, video viewing and film showing centres are hereby prohibited throughout Gummi Local Government Area.
3. No person shall operate cinema house, video viewing and film showing centres or any other place/centre howsoever called for commercial or any other purpose throughout the Local Government Area.
4. Any person who contravenes the provision of this Bye-Law shall be liable to a fine of three thousand naira or six months imprisonment or both.
5. All offences covered by this Bye-Law are to be tried by a Magistrate or Sharia Court Judge in whose jurisdiction the offence is committed.
6. Upon conviction of any person under this Bye-Law any gadgets or equipment seized thereof shall be impounded and auctioned on the orders of convicting Magistrate or Sharia Court as the case may be and proceeds thereof shall be remitted to the Local Government.

⁵²⁹ Bye-Law No. 3 of 2000, signed by the Local Government Chairman on 10th August 2000. No gazetted copy available; copy signed by the Chairman obtained from the Ministry for Local Government in Gusau.

c. Kano State's State Censorship Film Board Law 2001 Annotated⁵³⁰

Arrangement of sections:

PART I -- PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE BOARD

3. Establishment of the Board.
4. Composition of the Board.
5. Tenure of office of members.
6. Remuneration of members.
7. Removal of members.
8. Functions of the Board.
9. Powers of the Board.

PART III – CINEMATOGRAPHY LICENSING

10. Licensed exhibition of film.
11. Grant and revocation of licence for premises.
12. Grant and revocation of licence on projection apparatus.
13. Period of licence.
14. Exemption in case of certain mobile cinemas.
15. Supervision and enforcement of fire safety standards.

PART IV – CENSORSHIP OF FILMS

16. Prohibition of exhibition of films without approval and exemptions.
17. Power of Commissioner of Information to cancel approval of exhibition.
18. Power of entry and searching in premises for exhibiting of films.

PART V – STAFF OF THE BOARD

19. Appointment of Executive Director and his functions.
20. Other staff.
21. Pension and other benefits.

PART VI – MISCELLANEOUS PROVISIONS

22. Proceedings.
23. Funds of the Board.
24. Accounts and audit.

⁵³⁰ The annotations mainly show variations between this law and its two immediate predecessors in Kano State: Cap. 23 of the 1991 Laws of Kano State, on Cinematograph (Censorship), and Cap. 24 on Cinematograph (Licensing). Both those older laws are repealed by this one, see §28, and the work of licensing and censorship is all given to the new Board established by this law. Part I of this law tracks the definition sections of the two earlier laws quite closely; Part III borrows heavily from the Cinematograph (Licensing) law; and Part IV borrows from the Cinematograph (Censorship) law, all as indicated in the notes to those parts. The other parts of this law, relating primarily to the new Board itself, are not in the earlier statutes. The earlier statutes are referred to in the following notes as Cap. 23 and Cap. 24, respectively.

DOCUMENTARY MATERIALS: UNEDIFYING MEDIA

25. Annual report.
26. Offences and penalties.
27. Regulation.

PART VII – TRANSITIONAL PROVISIONS AND SAVINGS

28. Savings and repeal.

SCHEDULE – PROCEEDINGS OF THE BOARD

1. Standing orders.
2. Quorum.
3. Validity of proceeding.
4. Co-option of member.

KANO STATE CENSORSHIP FILM BOARD LAW 2001⁵³¹

A LAW TO ESTABLISH THE BOARD FOR THE REGULATION OF LICENSING AND CENSORSHIP OF CINEMATOGRAPHY FILM AND FOR THE SAFETY OF THE PUBLIC EXHIBITIONS AND FOR PURPOSES CONNECTED THEREWITH⁵³²

BE IT ENACTED by the House of Assembly as follows:

PART I -- PRELIMINARY

1. This Law may be cited as the State Censorship [Film] Board Law 2001⁵³³ and shall come into operation on 1st day of February, 2001.
2. In this Law, unless the context otherwise requires:
 - “exhibition” means any exhibition of pictures or other optical effects produced by means of a cinematograph⁵³⁴ or other similar apparatus;
 - “State” means Kano State of Nigeria;
 - “Commissioner” means the State Commissioner charged with responsibility for Information, Internal Affairs, Youth, Sports and Culture;⁵³⁵
 - “mobile cinema” means any cinematograph or other similar projection apparatus which is operated in, on or from a vehicle or which is carried from place to place for the purpose of being used for occasional exhibitions;
 - “Governor” means the Governor of Kano State of Nigeria;

⁵³¹ No gazetted copy available; this text reproduces a spiral-bound copy of the law obtained from the Censorship Board itself.

⁵³² Of the two main functions given to the Board – cinematography licensing and censorship of “films” (which per §2 include “pornography books and publications as may be prescribed by regulations”) – the first was formerly handled by the State Commissioner responsible for social welfare, under Cap. 24, the second by a Board of Film Censors appointed by the same Commissioner, under Cap. 23.

⁵³³ The statute seems to be of two minds about the name of the board it establishes: “State Censorship Film Board” is used in the title and in several sections; “State Censorship Board” is also used in several sections. We have inserted ‘Film’ in brackets in the latter sections.

⁵³⁴ The statute consistently uses ‘cinematography’ where it means ‘cinematograph’ – i.e. the projection apparatus. We have corrected this throughout.

⁵³⁵ Caps. 23 and 24: State Commissioner responsible for social welfare.

CHAPTER 3: SANITIZING SOCIETY

“Board” means the State Censorship Film Board;

“celluloid” includes substances containing nitrate solutions or other nitrate products;⁵³⁶

“cinematograph” includes any apparatus for the projection of enlarged images by any means on a screen or elsewhere;⁵³⁷

“film” means a film designed for use with a cinematograph (not being a film of eight millimetres or less in width) and includes film containing celluloid or other materials of an inflammable or dangerous nature and includes pornography books and publications as may be prescribed by regulations under this Law;⁵³⁸

“House of Assembly” means Kano State House of Assembly;

“occupier” with reference to premises includes any manager or any person who receives the rent of premises.⁵³⁹

PART II – ESTABLISHMENT AND FUNCTIONS OF THE BOARD

3. (1) There shall be established a Board to be known as “State Censorship [Film] Board” which shall be charged with the general management and control of films, pornography books, publications and materials.⁵⁴⁰
- (2) The board shall be a body corporate with a common seal, and with power to sue and be sued in its corporate name.
4. The Board shall consist of the following members:
 - a. a part time chairman to be appointed by the Governor;
 - b. a representative of the Ministry of Information;
 - c. a representative of Ministry of Women Affairs and Social Welfare;
 - d. a representative of Ministry of Justice;
 - e. a representative of Emirate Council;
 - f. six other members to be appointed by Governor and at least two of which shall be Islamic scholars of high repute;
 - g. one representative each of Film Producers and Marketers Association;
 - h. the Managing Director of the State Television Authority; and
 - i. the Executive Director of the Board.
5. A member of the Board shall hold office for a term of four years and may be eligible for re-appointment for a further term of four years.
6. The members shall be paid such remuneration and other allowances as may from time to time be determined by the Governor.

⁵³⁶ This term not defined in Caps. 23 or 24.

⁵³⁷ This term not defined in Caps. 23 or 24.

⁵³⁸ Caps. 23 and 24: “‘film’ means a film exceeding eight millimetres (8 mm.) in width designed for use with a cinematograph or other similar projection apparatus.”

⁵³⁹ This term defined in § 4(4)(c) of Cap. 23. §§2 of Caps. 23 and 24 both also define ‘premises’ to include buildings, lands, and (in Cap. 23) a mobile cinema.

⁵⁴⁰ Cap. 23: “The Commissioner may appoint a board of film censors to be called the Kano State Board of Film Censors in accordance with regulations made under section 7.” Cap. 23 then omits all of what is here contained in §§3(2) through 9, except as otherwise noted.

DOCUMENTARY MATERIALS: UNEDIFYING MEDIA

7. Without prejudice to section 31 of the Interpretation Law Cap. 65 (which *inter alia* provides for the removal of an appointee by the person who appoints him) a member of the Board shall cease to hold office if:
- a. he resigns his appointment by notice in writing signed by him addressed to the Governor;
 - b. he is removed from office by notice in writing served on him for any of the following reasons:
 - i. if he is absent from three consecutive meetings of the Board without reasonable cause;
 - ii. if he is convicted for an offence involving or necessarily implying dishonesty and has undergone sentence of imprisonment therefor;
 - iii. if he is incapacitated by reason of physical or mental illness from performing his functions as member;
 - iv. if he is found to be guilty of such misbehaviour or is otherwise unfit or unable to discharge his function.
8. The Board shall have power to:
- a. screen, censor any film, obscene books and literature before releasing to the general public for exhibition;
 - b. register the State film industry operators and other related persons;
 - c. issue licence, permit or provisional licence or permit;
 - d. charge and collect fees for applications and for other incidental services;
 - e. impose guidelines, regulations or conditions applicable on persons or bodies in the business of producing, sale, distributing of any film, pornography books or publications in the State;
9. (1) The Board may approve with or without conditions any application, or refuse approval for the production, distribution, sale or exhibition of any film, pornographic books or publication in the State.⁵⁴¹
- (2) The Board may, by order, ban, suspend or prohibit the productions, distributions, sales or exhibitions of any film, pornographic books or publications in the State, where in the opinion of the Board it is offensive to public morality and decency.

PART III – CINEMATOGRAPHY LICENSING⁵⁴²

10. An exhibition for the purposes of which film is used shall be:
- a. on premises or in or from a mobile cinema, vehicle or vessel licensed in accordance with this Law; and
 - b. by means of a cinematograph or other similar projection apparatus licensed in accordance with this Law.

⁵⁴¹ Compare Cap. 23 §4(2): “The Board may approve, or refuse to approve, the exhibition of any film and, when granting such approval, the Board may impose such conditions as it thinks fit upon the exhibition of the film in the State.”

⁵⁴² §§10-15 reproduce §§3-8 of Cap. 24 almost word for word, except that the word ‘Board’ replaces the word ‘Commissioner’.

CHAPTER 3: SANITIZING SOCIETY

11. (1) The Board may grant licences in respect of premises, a mobile cinema, a vehicle or a vessel under paragraph (a) of section 10 to such persons as it thinks fit on such terms and conditions and under such restrictions as, subject to regulations made hereunder, the Board may specify in the licence.
- (2) The Board may:
- refuse to grant licence; or
 - at any time modify or vary the terms and conditions of or revoke any licence already granted;
- (3) A licence shall not be granted in respect of any premises or mobile cinema, vehicle or vessel unless the Board is satisfied that such premises, mobile cinema, vehicle or vessel is safe and otherwise suitable for the proposed exhibition.
12. (1) The Board may grant licences in respect of cinematographs or other similar projection apparatus under paragraph (b) of section 10 to such persons as it thinks fit on such terms and conditions and under such restrictions as, subject to regulations made hereunder, the Board may specify in the licence.
- (2) The Board may:
- refuse to grant licence; or
 - at any time modify or vary the terms, conditions and restrictions of or revoke any licence already granted on such similar projection apparatus.
13. Every licence shall be in force for a period of one year or for such a shorter period as the Board on the grant of the licence may determine, unless the licence is previously revoked.
14. The provisions of sections 10, 11 and 12 shall not apply to a mobile cinema which operates under the control of the Government of the State or of a Local Government Council or of any statutory corporation or board.
15. (1) Where the Board has granted a licence upon the condition that the exhibition shall be conducted under the superintendence of an officer of the Government of the State, it shall in such case be lawful for such an officer at any time to order such exhibition to cease, or to give any other direction which he may think necessary for the purpose of ensuring the safety from fire of the premises or vehicle or vessel in which the exhibition takes place or safety of the people attending the exhibition, and the enforcement of fire safety standards shall be as provided by Fire Service Law 1991.⁵⁴³
- (2) Any person who in any way hinders or obstructs any such officer to perform his official duty shall be guilty of an offence and shall be liable to a fine of five thousand naira or to imprisonment for six months or both.

PART IV – CENSORSHIP OF FILMS

16. (1) Subject to the provisions of this Law, a person shall not exhibit or cause or allow to be exhibited any film in the State without the approval for exhibition given by the Censorship [Film] Board;⁵⁴⁴

⁵⁴³ The last clause, on enforcement of fire safety standards, not in Cap. 24.

⁵⁴⁴ Compare Cap. 23 §4(1): “Subject to the provisions of subsection (3) [here, the proviso to this subsection], no person shall exhibit or cause or allow to be exhibited any film, approved for

Except that nothing in this section shall apply:

- a. to any exhibition given in premises to which the public is not admitted;⁵⁴⁵
- b. to any film exempted by the Board under this Law and imported, produced or issued by or by the direction of:
 - i. the State Government;⁵⁴⁶
 - ii. the diplomatic representative of any Commonwealth or foreign country;
 - iii. the United Nations Organisation or any organ of the organisation;
 - iv. any educational, scientific or cultural body or society including any broadcasting and television organisation.⁵⁴⁷

(2) Any person who:

- a. exhibits or causes or allows to be exhibited any film contrary to the provisions of this section; or
[infringement of a condition]⁵⁴⁸

- b. being the owner of a cinematograph or occupier of premises uses or allows the cinematograph or premises to be used in contravention of this section,⁵⁴⁹

commits an offence and is liable on conviction to imprisonment of not less than one year or a fine of ten thousand naira or both, and where the offence is a continuing one shall be liable to [an additional penalty of] six months imprisonment or a fine of one thousand naira or both.⁵⁵⁰

17.⁵⁵¹ (1) Where the Commissioner after consultation with the Governor is satisfied that it is in the public interest of the State so to do, and notwithstanding:

- a. that a film has already been approved for exhibition under any enactment or law, or
- b. that an aggrieved party has appealed against such film approval,

he may by such means (including media broadcast) as he thinks fit, give public notice of the cancellation of the approval; and the cancellation shall have immediate effect.

(2) If public notice has been given of the cancellation otherwise than by publication in the Gazette, notice of such cancellation shall forthwith thereafter be published in the

exhibition in Nigeria by the Federal Board of Film Censors under the provisions of the Cinematograph Act 7 of 1963 unless the exhibition of such film in the state has also been approved by the Board.”

⁵⁴⁵ Not in Cap. 23, but in Cap. 24.

⁵⁴⁶ Cap. 23: “the Federal Government or any State Government”.

⁵⁴⁷ Not in Cap. 23.

⁵⁴⁸ Cap. 23 has here an additional subsection which provides: “or infringes or fails to comply with any condition imposed under the provisions of subsection (2)”. For the equivalent of the subsection (2) referred to, see §9(1) of this law.

⁵⁴⁹ Cap. 23 adds: “or of any condition imposed under the provisions of subsection (2)”.

⁵⁵⁰ Cap. 23: not more than 1 year or ₦400 or both, “and where the offence is a continuing one shall for each day during which the offence continues be liable to a further fine of forty naira or to two months imprisonment or to both such fine and imprisonment for every such day.”

⁵⁵¹ This section not in Cap. 23 or 24.

