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Lagos State Government Notice No. 8

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MR AKINWUNMI AMBODE
Governor of Lagos State

Law No. 2

2017



Lagos State of Nigeria

**A LAW TO PROVIDE FOR THE PROHIBITION OF THE ACT
OF KIDNAPPING AND FOR CONNECTED PURPOSES.**

(1st February 2017)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. "Assault" means the threat or use of force either directly or indirectly without consent on another person, to have a reasonable apprehension of an imminent harmful or offensive contact, it includes the act of forcefully striking or threat to apply force of any kind to another person: Interpretation.

"Court" means The High Court of Lagos State;

"Firearms" includes any canon, gun, rifle, carbine, machine-gun, cap gun, flintlock gun, revolver, pistol, explosive or ammunition or other firearms, whether whole or in detached pieces;

"Governor" means the Governor of Lagos State;

"Harbouring" means keeping, sheltering or protecting a person who has committed an offence under this law;

"Kidnap" includes the act of unlawful removal or abduction of person(s) from a place to another against the person(s)' will, either by force or use of offensive weapons, firearms or deception or the act of holding somebody hostage with or without the person's consent with the intent to demand ransom, for ritual killing or for any other unlawful purpose;

“Offensive weapon” includes any article (apart from a firearm) made or adapted for causing injury to a person or intended by the person having it for such use by him and it includes an air gun, air pistol, bow and arrow, spear, cutlass, machet, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon;

“Premises” includes building, property or place belonging to a person of which such person has control over;

“State” means Lagos State of Nigeria;

“Security Agency” includes an organisation or agency responsible for the investigation or prosecution of an offender under this Law.

Kidnapping. 2. – (1) From the commencement of this Law, any person who-

- (i) forcibly takes, holds, abducts, detains or captures;
- (ii) instil ‘s’ fear in another for the purpose of kidnapping through coercion or by any other means against that person’s will with intent to demand ransom;

commits an offence, and is liable on conviction to life imprisonment.

(2) Where death occurs as a result of the commission of the offence of kidnapping, the offender(s) shall be liable on conviction to death sentence.

(3) The death sentence imposed under subsection (2) may be executed by -

- (i) hanging;
- (ii) lethal injection; or
- (iii) as the Court may direct.

Conspiracy. 3. – Where two or more persons conspire to commit the offence of kidnapping, each offender shall on conviction be liable to twenty (20) years imprisonment.

Attempt to Kidnap.

4. – (1) A person who -

- (i) (a) assaults;
- (b) uses force; and
- (c) threatens to use violence on any person in an attempt to kidnap;

- (ii) causes extreme fear, or threatens any person by means of a letter, e-mail, SMS, telephone call or any other means of communication with the intent to kidnap,

commits an offence and is liable on conviction to twenty-five (25) years imprisonment.

Traffic in
Person

10. A person who for the purpose of exploitation-

- (i) recruits, transports, harbours, transfers, or receives a person(s) by use of threat, force or any other form of coercion, abduction, deceit, abuse of power or inducement,
- (ii) gives or receives payment or benefit in order to obtain the consent of any person having control over the person so recruited, transported, harboured, transferred or received

commits an offence and is liable on conviction to fifteen (15) years imprisonment.

Offence of
harbouring
sheltering.

11. A person who knowingly or wilfully permits his premises to be used for the purpose of keeping a person kidnapped commits an offence and is liable on conviction to twenty (20) years imprisonment.

Duty to give
information.

12. Notwithstanding the provisions of any other law, any person who is aware of the commission of or intention to commit the offence of kidnapping under the provisions of this Law, and fails to give such information to security agencies, or any relevant authority of such commission or intention, commits an offence and is liable on conviction to five (5) years imprisonment.

Power to
obtain
information.

13. In the course of an investigation relating to an offence by any person under this Law, or of a conspiracy for an attempt to commit or an abetment of any such offence, the security Agency or any relevant authority may by order require such person to -

- (a) furnish a sworn statement in writing enumerating all moveable and immovable property belonging to or possessed by that person and specifying the date on which each of the properties enumerated was acquired; or
- (b) furnish a sworn statement in writing of any money or other property paid or disposed of by him during such period as may be specified in the order; if the security agency or relevant authority has reasonable grounds to believe that such information may be relevant to the investigation.

Protection of
Informant.

14. - (1) A Police Officer or an Officer of a security agency in charge of investigating any act of kidnapping shall not disclose the name and details of any informant or reveal any information which might lead to the discovery of the informant's identity.

(2) A Police Officer or an Officer of a security agency who contravenes the provisions of subsection (1) above commits an offence and is liable on conviction to ten (10) years imprisonment.

(2) Where one or more person(s) in furtherance of Section 3 do any overt act to effect the offence of conspiracy commits an offence under this Section and is liable on conviction to twenty-five (25) years imprisonment.

5. A person who overtly or covertly puts himself forward to be kidnapped or abducted by another for the purpose of extracting money or any ransom from another or for any other reason commits an offence and shall be liable on conviction to fourteen (14) years imprisonment.

Faked Kidnap

6. - (1) A person who under false pretence or in any other manner presents himself to -

False Representation to Release a Kidnapped Person

(i) be the person kidnapped or abducted;

(ii) have influence, power or ability to obtain the release of a person kidnapped or abducted for purposes of obtaining any ransom or reward; or

(iii) extort or extract from another person anything of value to falsely effect the release of a kidnapped person;

commits an offence and is liable on conviction to twenty (20) years imprisonment.

(2) Nothing in this Section prohibits a person who, in good faith believes that he or she can rescue or obtain the release of a person who has been kidnapped or abducted provided that the person has no part in, or connection with the commission of the offence.

7. - (1) Any person who aids, counsels, abets or procures any person to commit an offence under Sections 2 and 3 of this Law, whether or not he is present when the offence is committed or attempted to be committed, shall be deemed to be a principal offender and is liable on conviction to twenty (20) years imprisonment.

Aiding, Abetting or Assisting the Escape of Offender

(2) A person who assists an offender or intentionally aids, facilitates, abets by an act, omission or commission the escape of an offender commits an offence and is liable on conviction to twenty five (25) years imprisonment.

8. A person who knows of the presence or existence of kidnappers and the occurrence of kidnapping activities but fails to report same to any security agency, commits an offence and is liable on conviction, to five (5) years imprisonment.

Punishment for Non-Disclosure of Kidnap

9. A person who knows that a person has been kidnapped, or abducted and conceals such information or confines such person, commits an offence and is liable on conviction to three (3) years imprisonment.

Concealment

15. – Any property movable or immovable, used for or in connection with the commission of an offence of kidnapping under the provisions of this Law may be forfeited to the State.

Forfeiture of
Property.

16. – (1) A police officer or a member of any security agency may arrest without warrant any person reasonably suspected of having committed or about to commit an offence under this Law.

Power to
Arrest without
Warrant, etc.

(2) A Police Officer or member of a security agency may use such force, including the use of firearms, as may be reasonably necessary to effect arrest under subsection (1) above or to prevent escape.

(3) The provisions of this Section shall have effect without prejudice to any other power conferred by any Law on members of the Nigeria Police Force or members of any security agency.

17. – (1) Offences under this Law shall be triable in the High Court of the State.

Jurisdiction

(2) The Chief Judge of the State shall ensure that any matter brought in relation to this Law is tried and concluded expeditiously within sixty (60) days of arraignment.

18. – A Court shall have power for the purpose of concluding investigation for any offence under this Law, to remand in custody any person who is alleged to have committed an offence under this Law for a maximum period of thirty (30) days in the first instance and for a further renewable period of not more than fifteen (15) days in the second and final instance upon an ex-parte application by the relevant authority.

Power to
Remand in
Custody.

19. – Section 271 of the Lagos State Criminal Code Law, Cap C17 Laws of Lagos State of Nigeria, 2015 is repealed.

Repeal of
Section 271
Criminal Code
Law, Cap 17
LLS 2015.

20. – This Law may be cited as Kidnapping Prohibition Law 2017 and shall come into force on 1st day February, 2017.

Citation and
Commence-
ment.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZ A. SANNI

Acting Clerk of the House of Assembly