

INDIAN HEMP (AMENDMENT) DECREE 1984



Decree No. 27

[31st December 1983]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Indian Hemp Act 1966, as amended by the Indian Hemp (Amendment) Act 1975, is hereby further amended as follows :—

Substitution
of new
penalties in
1966 No. 19.
1975 No. 34.

(a) in section 2 (1) as amended as aforesaid, for the words "to imprisonment for not less than 10 years", there shall be substituted the words "sentenced to imprisonment for a term of not less than 21 years" ;

(b) in section 3 (1) as amended as aforesaid, for the words, "to imprisonment for not less than 10 years", there shall be substituted the words "sentenced to imprisonment for a term of not less than 21 years" ;

(c) in section 4 as amended as aforesaid, for the words "for ten years" there shall be substituted the words "for a term of not less than 21 years" ;

(d) for section 5 (1), as amended as aforesaid there shall be substituted the following new subsection, that is—

"(1) Any person who—

(a) smokes any indian hemp ; or

(b) knowingly has any indian hemp in his possession,

shall be guilty of an offence and liable on conviction to imprisonment for a term of not less than 4 years without the option of a fine :

Provided that—

(i) paragraph (b) above shall not apply to the possession of any medical preparation of indian hemp in circumstances such that no offence against the Dangerous Drugs Act is committed thereby ; and

Cap. 48.

(ii) where a person convicted of an offence under this subsection is a child or a young person within the meaning of the Children and Young Persons Act (that is to say, a person who is not more than 17 years of age) he shall in addition to 21 strokes of the cane, be sentenced to 2 years in a borstal or such similar institution or to a fine of ₹200." ;

Cap. 32.

(c) in subsections (1) and (2) of section 7 (which relate to the use of premises for the sale, smoking, etc. of indian hemp) for the words "for ten years", as amended as aforesaid, there shall be substituted the words "for a term of not less than 10 years without the option of a fine" ;

Appropriate
penalty in
certain cases.
1964 No. 1.

2. Notwithstanding anything to the contrary in the Interpretation Act 1964, the appropriate penalty prescribed in respect of an offence by the Indian Hemp Act 1966, as amended by this Decree, shall be applicable in respect of any person who after the commencement of this Decree is convicted of that offence whether or not the offence was committed before the commencement of this Decree.

Citation,
commence-
ment
and repeal.
1975 No. 34.

3.—(1) This Decree may be cited as the Indian Hemp (Amendment) Decree 1984 and shall be deemed to have come into force on 31st December 1983.

(2) The Indian Hemp (Amendment) Act 1975 is hereby repealed.

MADE at Lagos this 14th day of September 1984.

MAJOR-GENERAL M. BUHARI,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree amends the Indian Hemp Act 1966 as amended by the Indian Hemp (Amendment) Act 1975 to impose more severe penalties for the various offences created by the Decree. Notably, minors convicted of smoking indian hemp shall, in addition to 21 strokes of the cane, be committed to a term in a borstal home or to a fine of ₦200.