

Extraordinary



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Amendment of Section 92 of PCL 1959.	1	3. Section 92 of the principal Law is repealed and the following new
	2	sections is substituted—
	3	"92.—(1) A person who abets an offence punishable with imprisonment—
	4	(a) the offence is not committed in consequence of the abetment; and
	5	(b) there is no express enactment for its punishment, be punishable
	6	with imprisonment for a term which may extend to a quarter of the maximum
	7	imprisonment or fine, or both
	8	(2) Where a person who abets is a public servant whose duty it is to
	9	prevent the commission of that offence, the punishable imprisonment term
	10	may extend to one half of the maximum imprisonment or fine, or both.
Amendment of Section 97 of PCL 1959.	11	4. Subsection (1) of Section 97 of the principal law is amended by inserting
	12	the word "life" between the words "with" and "imprisonment".
Amendment of Section 99 of PCL 1959.	13	5. Section 99 paragraph (b) of the principal Law is amended by deleting
	14	the phrase "two years or with fine or with both" and inserting the phrase "five
	15	Years or fine, or both".
<b>Amendment I</b> of Section <b>103</b> of PCL 1959.	16	6. Section 103 of the principal Law is amended by deleting the phrase
	17	"two years or with fine or with both" and inserting the phrase "five years or
	18	fine .or both".
Amendment of Section 104 of PCL 1959.	19	7. Section 104 of the principal Law is amended by deleting the phrase
	20	"five years or with fine or with both" and inserting the phrase "two years or
	21	fine or both".
Amendment of Section 106 of PCL 1959.	22	8. Section 106 of the principal Law is amended by deleting the phrase
	23	"three years or with fine, or with both" and inserting the phrase "five years and
	24	Fine".
Amendment of Section 107 of PCL	25	9. Section 107 of the principal Law is amended by deleting the phrase
	26	"five years or with fine or with both" and inserting the phrase "seven years or
	27	Fine, or both".
Amendment of <b>Section 113</b> of PCL 1959.	28	10. Section 113 of the Principal Law is amended by deleting the phrase
	29	"three years or with fine which may extend to three hundred pounds or with
	30	both" and inserting the phrase "one year or fine of three thousand Naira, or
	31	both".

1	<b>11.</b> Section 114 of the principal Law is amended by deleting the phrase	
2	"with fine which may extend to three hundred pounds or with both", and inserting	
3	the phrase "fine of five thousand Naira, or both".	
4		
5	12. Section 116 of the principal Law is amended by deleting the phrase	Amendment
6	"three years or with fine or with both" and inserting the phrase "five years or	of Section
7	fine, or both".	114 of PCL
8		
9	13. Section 117 of the principal Law is amended by deleting the phrase	Amendment
10	"three years or with fine or with both" and inserting the phrase "five years or	of Section
11	fine, or both".	114 of PCL
12		1959.
13		o
14		f Section
15		114 of PCL
16		1959.
17		
18	14. Section 118 of the principal Law is amended by deleting the phrase	<b>Amendment</b>
19	"three years or with fine or with both" and inserting the phrase "five years or	<b>of Section</b>
20	fine, or both .	<b>118 of PCL</b>
21		<b>1959.</b>
22		
23	15. Section 123 of the principal Law is amended by deleting the phrase	Amendment
24	"two years or with fine or with both" and inserting the word "five years or fine,	of Section
25	or both	123 of PCL
26		1959.
27		
28	16. Section 124 of the principal Law is amended by deleting the phrase	Amendment
29	"three years or with fine or with both" and inserting the phrase "five years or	of Section
30	fine, or both".	124 of PCL
31		1959.
	17. Section 133 of the principal Law is amended by deleting the phrase	Amendment
	"six months or with fine which may extend to twenty pounds or. with both" and	of Section
	inserting the phrase "one year or fine of three thousand Naira both"	<b>133 of PCL</b>
		<b>1959.</b>
	18. Section 134 of the principal Law is amended " by deleting in—	Amendment
		of Section
	(1) paragraph (a) the phrase "with fine which may extend to ten pounds or	134 of PCL
	with both" and inserting the phrase "fine of eight hundred Naira, or both";	1959.
	(2) paragraph (b) the phrase "with fine which may extend to twenty pounds	
	or with both" and insetting the phrase "fine of two thousand five hundred	
	Naira, or both".	
	19. Section 135 of the principal law is amended by deleting in—	Amendment
		of Section
	(1) paragraph (d) (i) the phrase "with fine which may extend to ten pounds	135 of PCL
	or with both" and inserting the phrase "fine of eight hundred Naira, or both";	1959.
	(2) paragraph (d) (ii) the phrase "with fine which may extend to twenty	

	1	pounds or with both" and inserting the phrase "fine of two thousand five
	2	Hundred Naira, or both".
Amendment of Section ] 36 of PCL 1959.	3	20. Section 136 of the principal Law is amended by deleting in—
	4	(1) paragraph (a) the phrase " with fine which may extend to ten pounds or
	5	with both" and inserting the phrase "fine of eight hundred Naira, or both";
	6	(2) paragraph (b) the phrase "with fine which may extend to twenty pounds
	7	or with both" and inserting the phrase "fine of two thousand five hundred
	8	Naira or both".
Amendment of Section 137 of PCL 1959.	9	21. Section 137 of the principal Law is amended by deleting in—
	10	(1) paragraph (a) the phrase ""with fine which may extend to ten pounds or
	11	with both" and inserting the phrase "fine of eight hundred Naira, or both";
	12	(2) paragraph (b) the phrase "with fine which may extend to twenty pounds
	13	or with both" and inserting the words "fine of two thousand five hundred
	14	Naira or both".
Amendment of Section 138 of PCL 1959.	15	22. Section 138 of the principal Law is amended by deleting—
	16	(1) paragraph (a) the phrase "which may extend 10 ten pounds or with
	17	both" and inserting the phrase "of eight hundred Naira, or both";
	18	(2) paragraph (b) the phrase "which may extend to twenty pounds or with
	19	both" and inserting the phrase "of two thousand five hundred Naira, or both".
Amendment of Section 139 of PCL 1959.	20	23. Section 139 of the principal Law is amended by deleting in—
	21	(1) paragraph (a) the phrase "which may extend to twenty pounds or with
	22	both" and inserting the phrase "of two thousand five hundred Naira, or both";
	23	(2) paragraph (b) the phrase "with fine or with both" and inserting the
	24	phrase "fine of four thousand Naira, or both".
Amendment of Section 140 of PCL 1959.	25	24. Section 140 of the principal Law is amended by deleting the phrase
	26	"with fine which may extend to twenty pounds or with both and inserting the
	27	phrase "fine of three thousand Naira, or both".
Amendment of Section 141 of PCL 1959.	28	25. Section 141 of the principal Law is amended by deleting the phrase
	29	"with fine which may extend to twenty pounds or with both" and inserting the
	30	Phrase "fine of two thousand five hundred Naira? or both™.

1	26. Section 142 of the Principal law is amended by deleting the phrase	Amendment of Section
2	"with fine which may extend to twenty pounds or with both" and inserting the	HI of PCL
3	phrase "fine of two thousand five hundred Naira, or both".	
4	27. Section 143 of the principal Law is amended by deleting the phrase	Amendment of Section
5	"with fine which may extend to ten pounds or with both" and inserting the	H3 of PCL
6	phrase "fine of one thousand five hundred Naira, or both".	1959.
7	28. Section F44 of the principal Law is amended by deleting the phrase	Amendment of" Section
8	"with fine which may extend to twenty pounds or with both" and inserting the	144 of ]
9	phrase "fine of two thousand five hundred Naira, or both"	
	29. Section 145 of the principal Law is amended by deleting the phrase	Amendment of Section
11	"with fine which may extend to ten pounds or with both" and inserting the	145 of PCL
12	phrase "fine of eight hundred Naira, or both".	1959
13	30. Section 147 of the principal Law is amended by deleting the phrase	Amendment of Section
14	((with fine which may extend to ten pounds of with both" and inserting the	147 of PCL
15	phrase "fine of eight hundred Naira, or both".	1959
16	31. Section 148 of the principal Law is amended by deleting the phrase	Amendment of Section
17	((with fine which may extend to twenty pounds or with both" and inserting the	■ 148 of PCL
18	phrase "fine of one thousand five hundred Naira, or both".	1959.
19	32. Section 150 of the principal Law is amended by deleting the phrase	Amendment of Section
20	({with fine which may extend to twenty pounds or with berth" and inserting the	150 of PCL
21	phrase "fine of two thousand five hundred Naira, or both".	1959.
22		
	33. Section 151 of the principal Law is amended by deleting the phrase	Amendment of Section
23	with fine which may extend to fifty pounds and inserting	
24	phrase "fine of two thousand five hundred Naira, or both".	
25	34. Section 152 of the principal Law is amended by deleting in—	
26		Amendment of Section
27	(1) paragraph (n) the phrase "with fine which may extend to twenty pounds	152 of
28	or with both and inserting die phrase "fine of one thousand five hundred	1959
29	Naira, or both";	
30	(2) Paragraph (b) the phrase "with fine which may extend to fifty pounds or	
31	with both" and inserting the phrase "fine of two thousand five hundred Naira, or both".	

**Amendment  
of Section  
155 of PCL  
1959.**

38. Section 177 of the principal Law is amended by deleting the phrase  
11 "two years or with fine or with both" and inserting the phrase "five years or

**Amendment  
of Section  
166 of PCL  
1959.**

12 fine, or both"

**Amendment  
of Section  
174 of PCL  
1959.**

13 39. Section 184 (if the principal Law is amended by deleting the phrase  
14 "one year or with fine not exceeding one hundred pounds" and inserting the  
15 phrase "five years or fine, or both"

**Amendment  
of Section  
177 of PCL  
1959,**

16 40. Section 185 of the principal Law is amended by deleting the phrase  
17 "fine which may extend to ten pounds" and inserting the phrase "imprisonment  
18 for a term which may extend to six months and fine of two thousand five hundred  
19 Naira"

**Amendment  
of Section  
184 of PCL  
1959.**

20 41. Section 186 of the principal Law is amended by deleting the phrase  
21 "six months or with fine not exceeding fifty pounds or with both" and inserting

**Amendment  
of Section  
185 of PCL  
1959.**

1 35. Section 155 of the principal Law is amended by deleting the phrase  
2 "with fine which may extend to twenty pounds or with both" and inserting the  
3 words "fine of three thousand Naira, or both"

**Amendment  
of Section  
186 of PCL  
1959.**

4 36. Section 166 of the principal Law is amended by deleting the phrase  
5 "two years or with fine or with both" and inserting the phrase "five years or  
fine, or both"

**Amendment  
of Section  
187 of PCL  
1959.**

6 37. Section 174 of the principal Law is amended by deleting the phrase "two  
years or with fine or with both" and inserting the phrase "five years or fine,  
or both" 10

**Amendment  
of Section  
188 of PCL  
1959.**

22 the phrase "three years or five, or both"

**Amendment  
of Section  
189 of PCL  
1959.**

23 42. Section 187 of the principal Law is amended by deleting the phrase  
24 "two years or with fine or with both" and inserting the phrase "five years or  
25 fine, or both"

26 43, Section 188 of the principal Law is amended by deleting the phrase  
27 "six months or with fine which may extend to fifty pounds or with both" and  
28 inserting the phrase "five years or fine, or both"

29 44. Section 189 of the principal Law is amended by deleting  
the phrase

30 "six months or with fine which may extend to fifty pounds or with both" and  
31 inserting the phrase "two years or fine of four thousand Naira, or both"

1	45. Section 190 of the principal Law is amended by deleting the phrase	Amendment
2	words six months or time which may extend to fifty pounds or with both" and	of Section
3	inserting the phrase "two years or fine of four thousand Naira, or both"	
4	46. Section 196 of the principal Law is amended by deleting the phrase	Amendment
5	"with fine which may extend to fifty pounds or with both," and inserting the	of Section
6	phrase "fine to two thousand live hundred Naira, or both".	of POL
7	47. Section 201 of the principal Law is amended by deleting the phrase	Amendment
8	"one year or with fine or with both" and inserting the phrase "three years or	of Section
9	fine, or both"	201 of PCL
10	48. Section 207 of the principal Law is amended by deleting the phrase	1959.
11	"with fine which may extend to fifty pounds or with both" and inserting die	Amendment
12	phrase "fine of three thousand Naira, or both "	of Section
13	49. Section 208 of the principal Law is amended by deleting the phrase	207 of PCL
14	"with fine which may extend to fifty pounds or with both and inserting die	1959.
15	phrase "fine of three thousand Naira, or both"	Amendment
16	50. Section 216 of the principal Law is amended by deleting the phrase	of Section
17	"two years or with fine, or with both" and inserting the phrase "five years or	216 of PCL
18	fine, or both"	1959.
19	51. Section 218 of the principal law is amended by deleting the phrase	Amendment
20	"two years or with fine, or with both" and inserting the phrase "five years or	of Section
21	fine ,or both".	218 of PCL
22	52. Section 244 of the principal Law is amended by deleting the phrase	1959.
23	"with fine which may extend to ten pounds or with both" and inserting the	Amendment
24	phrase "fine of eight hundred Naira, or both".	of Section
25	S3. Section 245 of the principal Law is amended by deleting the phrase	244 of PCL
26	"with fine which may extend to fifty pounds or with both" and inserting the	1959.
27	phrase "fine of two thousand, five hundred Naira, or both".	Amendment
28	54. Section 246 of the principal Law is amended by deleting the phrase	of Section
29	"with fine which may extend to twenty pounds or with both" and inserting the	246 of PCL
30	phrase "fine of three thousand Naira, or both".	1959.



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Amendment Section 256 of PCL 1959.	1	55. Section 256 of the principal Law is amended by deleting the phrase
	2	"with fine which may extend to thirty pounds or with both" and inserting the
	3	phrase "fine of eight hundred Naira, or both"
Amendment of Section 266 of PCL 1959.	4	56. Section 266 of the principal Law is amended by deleting the phrase
	5	"with fine which may extend to twenty pounds or with both" and inserting the
	6	phrase "fine of one thousand five hundred Naira, or both"
Amendment of Section 279 of PCL 1959.	7	57. Section 279 of the principal Law is amended by deleting the phrase
	8	"against his will"
Amendment of Section 341 of PCL 1959.	9	58. Section 341 of die principal Law is amended by deleting the phrase
	10	"five years and shall also be liable to a fine" and inserting the phrase "seven
	11	years and fine"
Amendment of Section 348 of PCL 1959.	12	59. Section 348 of the principal Law is amended by deleting the phrase
	13	"with fine which may extend to fifty pounds or with both" and inserting the
	14	phrase "fine of three thousand Naira, or both"
Amendment of Section 349 of PCL 1959.	15	60. Section 349'of the principal Law is amended by deleting the phrase
	16	"with fine which may extend to fifty pounds or with both" and inserting the
	17	phrase "fine of three thousand Naira, or both"
Amendment of Section 358 of PCL 1959.	18	61. Section 358 of the principal law is amended by deleting the phrase
	19	"two years or with fine or with ,both" and inserting the phrase "five years or
	20	fine, or both"
Amendment of Section 359 of PCL 1959.	21	62. Section 359 of the principal Law is amended by deleting the phrase
	22	"three years or with fine or with both" and inserting the phrase "seven years or
	23	fine,- or both"
Amendment of Section 361 of PCL 1959.	24	63. Section 361 of the principal Law is amended, by deleting the phrase
	25	"two years and shall also be liable to fine" and inserting the phrase "three years
	26	and fine"
Amendment of Section 365 of PCL 1959.	27	64. Section 365 of the principal Law is repealed and substituted with the
	28	following new section—
	29	'365. Whoever forges—
	30	(a) anything purporting to be the seal of a government of the Federation
	31	of Nigeria or the Federal Capital Territory, Abuja or any arm of

Government;

(b) a document with such a seal referred to in paragraph (a) affixed,  
may be punished with imprisonment for life and fine'

65. Section 374 of the principal Law is amended by deleting the phrase "one year or with fine or with both" and inserting the phrase "three years or fine, or both" Amendment of Section 374 of 1959

66. Section 375 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "three years or fine, or both" Amendment of Section 375 of PCL 9

67. Section 376 of the principal Law is amended by deleting the phrase "three years and shall also be liable to fine" and inserting the phrase "five years and fine" Amendment of Section 376 of PCL 1959.

68. Section 377 of the principal Law is amended by deleting the phrase "three years or with fine or with both" and inserting the phrase "five years or fine, or both" Amendment of Section 377 of PCL -1959.

69. Section 380 of the principal Law is amended by deleting the phrase "one year or with fine or with both" and inserting the phrase "three years or fine, or both" Amendment of Section 380 of PCL 1959.

70. Section 381 of the principal Law is amended by deleting the phrase "one month or with fine which may extend to five pounds or with both" and inserting the phrase "six months or fine of two thousand, five hundred Naira, or both" Amendment of Section 381 of PCL 1959.

71. Section 382 of the principal Law is amended by deleting the phrase "Three months or with fine which may extend to ten pounds or with both" and inserting the phrase "one year or fine of three thousand Naira, or both" Amendment of Section 382 of PCL 1959,

72. Section 385 of the principal Law is amended by deleting the phrase "ten years and shall also be liable to fine" and inserting the phrase "seven years and fine" Amendment of Section 335 of PCL 1959

73. Section 389 of the principal Law is amended by deleting the phrase "two years or with fine or with both" and inserting the phrase "five years or fine, or both". Amendment Of Section 389 of PCL 1959.

Amendment of Section 392 of PCL 1959.	1	74. Section 392 of the principal Law is amended by deleting the phrase
	2	"two years or with fine or with both" and inserting the phrase "five years or
	3	fine, or both"
Amendment of Section 393 of PCL 1959.	4	75. Subsection (1) of section 393 of the principal Law is amended by
	5	deleting the respective phrases—
	6	(1) "Government authority in the Northern Region" and inserting die
	7	phrase "Authority in the Federal Capital Territory, Abuja";
	8	(2) "two years or with fine or with both" and inserting the phrase "five
	9	years or fine, or both"
Amendment of Section 394 of PCL 1959.	10	76. Section 394 of the principal Law is amended by deleting the phrase
	11	"two years or with fine or with both" and inserting the phrase "five years or
	12	fine, or both"
Amendment of Section 395 of PCL 1959.	13	77. Section 395 of the principal Law is amended by deleting the phrase
	14	"two years or with fine or with both" and inserting the phrase "five years or
	15	fine, or both"
Amendment of Section 4(j1) of PCL 1959.	16	78. Section 401 of the principal Law is amended by deleting in—
	17	(1) paragraph (1) the phrase "with fine which may extend to fifty pounds or
	18	with both" and inserting the phrase 'fine of one thousand five hundred Naira,
Amendment of Section 402 of PCL 1959.	19	or both"; and
	20	(2) paragraph (2) the phrase "with fine of one hundred pounds or with
	21	both" and inserting the phrase "fine of two thousand five hundred Naira, or
Amendment of Section 403 of PCL 1959.	22	both"
	23	79. Section 402 of the principal Law is' amended by deleting the phrase
	24	"with fine which may extend to one hundred pounds or with both" and inserting
Repealed of Section 405 409.	25	the phrase "fine of two thousand five hundred Naira, or both"
	26	80. Section 403 of the principal Act is amended by deleting die phrase
	27	"with fine which may extend to five pounds OF with both" and inserting the
	28	phrase "fine of eight hundred Naira, or both "
	29	81. Sections 405,406,407,408 and 409 of the principal Law are repealed.

'**410.** Whoever levies war against the Sovereign Constitution of Nigeria in order to overawe the President commits treason'.

6 following new section—

7

8 (a) depose the Sovereign State of Nigeria or any of its Federating  
9 States or the Federal Capital Territory Abuja; or

10 (b) levy war against the Sovereign State of Nigeria in order to compel  
11 any arm of Government to change her policies;

12 (c) to instigate any foreigner to make an armed invasion of Nigeria or  
13 a part of it,

14 and manifests such intention by an overt act shall be punished with imprisonment  
15 for life, or a lesser term and fine.

16 (2) It shall not be a ground for acquittal that any act proved to have been  
17 committed by a person charged with any offence in this section constitutes  
18 the offence of treason, but a person who has been tried, convicted or acquitted  
19 on a charge of any such offence can no more be prosecuted for treason in  
20 respect of the same facts'

21 84. Section 413 of the principal Law is repealed and substituted with the Amendment  
22 following new section— 413 of PCL of Section  
1959.

23 **413.** Whoever-

24 (a) seduces any person serving in the armed forces for the federation,  
25 or the police from his duty and allegiance to the Commander-in-Chief; or

26 (b) incites any such person to commit an act of mutiny, shall be punished  
27 with imprisonment for life, or a lessened term and fine'

28 85. Section 414 of the principal Law is repealed and substituted with the Amendment  
29 following new section— 414 of PCL of Section  
1959.

30 **"414.** Whoever does an act calculated to cause disaffection among persons  
31 serving as—

	1	(a) members of the armed forces;
	2	(b) police officers; or
	3	(c) Prison officers,
	4	or calculated to induce any such person to withhold his services or
	5	commit breaches of discipline, shall be punished with imprisonment which
	6	may extend to three years or fine, or both"
Amendment of Section 51S of PCL 1959.	7	86. Section 415 of the principal Law is amended by deleting the phrase "of
	8	Her Majesty"
Amendment of Section 416 of PCL	9	87. Section 416 of the principal Law is repealed and substituted by the
	10	following new section—
	11	"416. Whoever—
	12	(a) by words spoken or reproduced by mechanical means or intended to
	13	be read; or
	14	(b) by signs or visible representation, excites or attempts to excite
	15	feelings of disaffection against the person of the President,
	16	Commander-in-Chief of the Armed Forces or the Government or
	17	Constitution of Nigeria or the Federal Capital Territory, Abuja or its
	18	administration of Justice, shall be punished with imprisonment for a term
	19	which may extend to seven years or fine, or both.
Amendment of Section 419 of PCL 1959.	20	88. Section 419 of the principal Law is amended by deleting the phrase
	21	"two years or with fine or with born" and inserting the phrase "three years or
	22	fine, or both".
Amendment of Section 422 of PCL 1959.	23	89. Section 422 of the principal Law is amended by deleting the phrase
	24	"Governor-General" and inserting the phrase "President, Commander-in-Chief
Amendment of Section 425 of PCL 1959.	25	90. Section 425 of the principal Law is amended by deleting the phrase
	26	"with fine which may extend to one hundred pounds" and inserting the phrase
	27	"fine of two thousand five hundred Naira"
Amendment of Section 426 of PCL 1959.	28	91. Section 426 of the principal Law is amended by deleting the phrase
	29	"two months or with fine which may extend to fifty pounds or with both" and
	30	inserting the phrase "three years or fine, or both"

Amendment of Section 468 of PCL 1959.	1	<b>102.</b> Section 468 of the principal Law is amended by deleting the Phrase
	2	"fine which may extend to two pounds" and inserting the phrase "imprisonment
	3	for a term which may extend to one month or fine of eight hundred Naira"
Amendment of Section 471 of PCL 1959.	4	<b>103.</b> Section 471 of the principal Law is amended by deleting the phrase
	5	"with fine which may extend to twenty pounds or with both" and inserting the
	6	phrase "fine of one thousand five hundred Naira, or both".
Amendment of Section 472 of PCL 1959.	7	<b>104.</b> Section 472 of the principal Law is amended by deleting the phrase
	8	"two years or with fine or with both" and inserting the phrase "seven years and
	9	fine".
Amendment of Section 473 of PCL 1959.	10	<b>105.</b> Section 473 of the principal Law is amended by deleting the phrase
	11	"three months or with fine or with both" and inserting the phrase*"three years
	12	and fine".
Amendment of Section 477 of PCL 1959.	13	<b>106.</b> Section477 of the principal Law is amended by deleting the phrase
	14	"one year or with fine or with both" and inserting the phrase "five years or fine,
Short Title.	15	or both".
	16	<b>107.</b> This Act may be cited as the Penal Code (Application to Federal
	17	Capital Territory, Abuja) (Amendment) Bill, 2005.

## EXPLANATORY NOTE

The Bills seek to Amend the Penal Code Law 1959, By Providing Certain New Sentencing Provisions, Repealing Certain Sections and the Short Title to the Penal Code Law, 1959 and for Related Matters, Applicable to the Federal Capital Territory, Abuja.