

# PREVENTION OF CRIMES ACT

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### ARRANGEMENT OF SECTIONS

#### SECTION

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## An Act for the more effectual prevention of crime.

[25 of 1922. 33 of 1936.]

### 1. Short title

[Commencement.]

[16th November, 1922]

This Act may be cited as the Prevention of Crimes Act.

### 2. Interpretation

In this Act, unless the context otherwise requires- “**crime**” means any felony as defined in the Criminal Code; “**criminal**” means a person convicted of a crime;

“**superior police officer**” includes an administrative officer in charge of police and such other person as may be authorised in writing by a superior police officer within the meaning of the Police Act to perform the duties of a superior police officer under this

Act.

### **3. Persons twice convicted may be subjected to police supervision**

- (1) Where any person is convicted of a crime, and a previous conviction of a crime is proved against him, the court before which he is convicted may, in addition to any other punishment which it may award, direct that he is to be subjected to the supervision of the police for a period not exceeding five years commencing immediately after the expiration of the sentence passed on him for the last of such crimes.
- (2) Every person subjected to the supervision of the police who is at large in Nigeria, shall notify the place of his residence to the nearest superior police officer and, whenever he is about to change his residence, shall notify such intention to the said superior police officer, stating the place to which he is going, and also, if required, and so far as is practicable, his address at that place, and so soon as he arrives at his new place of residence he shall forthwith notify his arrival to the superior police officer stationed nearest to such last-mentioned place.
- (3) Every such person shall once in each month report himself at such time and in such manner as may be prescribed by the nearest superior police officer, either to such officer himself or to such other person as that officer may direct.
- (4) If any person fails to comply with any of the requirements of this section, he shall be guilty of an offence against this Act, unless he proves that he did his best to act in conformity with the law and was prevented by circumstances beyond his control, and shall be liable on conviction to imprisonment for one year.

### **4. President may remit requirements of section 3**

The President may, by order under his hand, remit any of the requirements of section 3 of this Act either generally or in the case of any person subject to supervision of the police.

### **5. Penalty for harbouring thieves, etc.**

- (1) Every person who occupies or keeps a lodging house or any premises licensed under the Liquor Act, or any place of public entertainment or public resort, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be guilty of an offence and shall be liable on conviction to a fine of twenty naira or to imprisonment for four months.
- (2) The court before which a person is convicted under subsection (1) of this section may, in addition to or in lieu of such punishment, require him to enter into his own recognisance with or without sureties for keeping the peace and being of good behaviour during twelve months, and

may order him to be imprisoned until such recognisance, with sureties, if so directed, is entered into: but so that the imprisonment for not entering into recognisance shall not extend for a term longer than two months.

(3) Any licence for the sale of intoxicating liquor, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place referred to in subsection (1) of this section, may, in the discretion of the court, be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence his licence shall be forfeited, and he shall be disqualified for a period of two years from receiving any such licence.

## 6. Power to make regulations

The President may make regulations for all or any of the purposes following-

(a) providing for the registration and photographing of criminals and persons detained by the police or in custody awaiting trial, and the manner, form and places in which registers of criminals and such other persons shall be kept;

(b) prescribing the duties of officers of police or officers in charge of prisons in connection with the registration and photographing of criminals and persons detained or in custody awaiting trial;

(c) providing for the taking by any authorised person of the fingerprints of criminals and persons charged with or being suspected of having committed any felony, misdemeanour, or other offence punishable by imprisonment for one month or more and for the taking of the fingerprints, for comparison, of any person reasonably suspected of having made a finger impression on any document or object likely to become an exhibit in a criminal case;

(d) generally for the purpose of giving effect to the objects and purposes of this Act.

## SUBSIDIARY LEGISLATION

### *List of Subsidiary Legislation*

I. Prevention of Crimes Regulations.

## PREVENTION OF CRIMES REGULATIONS

[2 of 1937.]

under section 6

### *Short title*

1. These Regulations may be cited as the Prevention of Crimes Regulations.

## *Interpretation*

**2.** In these regulations, unless the context otherwise requires-

**“central registrar”** means the person for the time being in charge of the central registry;

**“habitual criminal”** means any person who has been twice convicted of a crime;

**“offence”** means any felony, misdemeanour or other offence punishable by imprisonment for one month or more;

**“police station”** means the office of a police officer (as defined in the Police Act), or the office of an administrative officer in charge of police;

**“superintendent”** means a superintendent of police.

**3.** (1) There shall be appointed a central registrar, who, subject to the directions of the Inspector-General of Police, shall be responsible for the carrying out of the provisions of the Act and of these Regulations.

(2) Superintendents, subject to the directions of the Inspector-General of Police, shall be responsible for their own internal arrangements to ensure that the movements of all or certain habitual criminals, within their provinces, are properly recorded.

## *Central registry*

**4.** (1) The central registrar shall keep the following books and records-

(a) register of offenders;

(b) register of habitual criminals;

(c) register of persons sentenced to police supervision;

(d) A copy of the fingerprints of all persons convicted of an offence.

(2) The registers referred to in (a) and (b) of paragraph (1) shall be in the Forms C.R. 3 and (c) in the Form C.R. 5 in the Schedule in each case, and the copy of the fingerprints

referred to in (d) of paragraph (1) shall be taken on Forms C.R. 4 and 4A in the Schedule. [Forms 3, 4, 4A and 5.]

**5.** In the register of offenders shall be entered particulars of every person convicted of an offence.

**6.** When a person is convicted a second time of a crime and thereby becomes an habitual criminal, his name shall be transferred from the register of offenders to the register of habitual criminals.

**7.** Particulars of every new conviction of an offence shall be entered in the Form C.R. 2 of the person convicted and filed in Form C.R. 16 in the Schedule.

[Forms 2 and 16.]

### *Duties of superintendents*

**8.** (1) Superintendents shall keep the following records-

(a) register of habitual criminals in his province;

(b) register of persons sentenced to police supervision in his province.

(2) The registers referred to in (a) and (b) of paragraph (1) shall be in the Form CR. 3 and Form CR. 6 in the Schedule respectively.

[Forms 3 and 6.]

**9.** When an habitual criminal permanently leaves the colony or a province notice shall be given by the superintendent of that province to the superintendent of the province to which he has gone (such notice shall be on Form CR.8 in the Schedule) and his name

shall be transferred to the records of the province to which he has gone. When an habitual criminal is haunting several provinces his name is to be entered on the records of each of them.

[Form 8.]

**10.** When an habitual criminal dies his name shall be struck out from all registers and the central registrar informed.

**11.** The superintendent or other person in charge of a prison shall notify the superintendent of the province in which the prison is situated, on Form CR.12 in the Schedule, of the date of discharge of every prisoner sentenced to imprisonment for two years or more, such notification to be made not less than 28 days before the date of discharge.

[Form 12.]

### *Powers of Police*

**12.** (1) All persons charged with having committed and all persons convicted of any offence may be photographed and measured and their fingerprints may be taken at any time during their detention or imprisonment.

(2) When a fingerprint is likely to become an exhibit in a criminal case it shall be lawful for any police officer to take, for comparison, the fingerprints of any person who is reasonably suspected of having made that fingerprint.

## *Procedure*

**13.** The fingerprints of every person in the custody of the police, charged with having committed any offences shall be taken and forwarded to the central registrar with Form CR. 13 before such person appears before the court.

[Form 13.]

**14.** All copies of fingerprints received in the central registry shall be carefully compared with the fingerprints filed in the central registry. If the central registrar finds a set of fingerprints in his collection corresponding to any set received he will at once forward the necessary information concerning the previous criminal record of the person thus identified to the police station concerned, with Form C.R. 14. The fingerprints will be retained by the central registrar. In the event of no set of fingerprints being found identical, the fingerprints will be returned to the police station with Form CR. 15.

[Forms 14 and 15.]

**15.** The photographs taken under regulation 12 may be either in the dress of the prison, or in the dress that the person wore at the time of his arrest or trial or in any other dress

suitable to his ostensible position in life. The photographs taken shall include a photograph of the full face and a photograph of the true profile of the person.

**16.** Fingerprints shall be taken on Forms CR. 4 and 4A in the Schedule and shall be a record of the external filament of the fingers and thumb of each hand, to be taken by pressing them, first on an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

[Forms 4 and 4A.]

**17.** The measurements to be taken shall include the prisoner's height when standing without boots, the description of all tribal marks and the relative position of every scar and distinction mark on any part of the body.

## *Fingerprints and photographic records to be destroyed in certain cases*

**18.** When a person who has not previously been convicted of an offence is discharged by the magistrate or acquitted upon his trial or is not charged, all fingerprint impressions, photographs and records of measurements, taken or made under these Regulations shall forthwith be destroyed.

## *Police supervision*

**19.** Every person sentenced to police supervision (in these Regulations called a supervisee) shall on his release report himself to the superior police officer of the district in which he is released in

order that his particulars may be registered and such superior police officer shall carefully instruct him in the requirements of the law.

**20.** The superintendent or other person in charge of the prison from which a prisoner sentenced to police supervision is about to be discharged, shall serve upon such prisoner a notice in Form CR. 9 in the Schedule before his discharge. The form shall be explained to the prisoner and he shall be directed to report as stated therein.

[Form 9.]

**21.** (1) On a supervisee making his first report he shall be served with Form CR. 10 in the Schedule. This form is to be explained to him and he is to be particularly instructed that he must report himself personally to the person named therein between the hours of 9 a.m. and 5 p.m. on the day of each month stated in the form.

[Form 10.]

(2) The supervisee shall produce this form when reporting and the officer to whom he is required to report shall enter the date of the report and sign it in the space on the back thereof.

**22.** If the supervisee states his intention of removing from one police district to another he is to be served with Form CR. 11 in the Schedule and informed that he must personally report his arrival to the superior police officer of that district as soon as possible on his arrival there.

[Form 11.]

**23.** When a supervisee changes his residence from one district to another the superior police officer receiving the report shall immediately notify the superior police officer of the district to which the supervisee states his intention of removing and also notify the superintendent. Where the change of residence is from one province to another the superintendent receiving the report of the change of residence shall notify the superintendent of the province into which the supervisee has removed. Form CR. 8 in the Schedule shall be used for this purpose.

[Form 8.]

**24.** (1) The superintendent or other officer in charge of a prison shall, 28 days before the release from such prison of any person sentenced to police supervision, inform the superintendent of the province in which the prison is situated, on Form CR. 12 in the Schedule, of such intended release, and of the place and district which the prisoner has notified as his intended place of residence.

[Form 12.]

(2) The superintendent shall enter the information on his register, and will forward an extract from his register to the superior police officer of the district where such person intends to reside.

## *General*

**25.** (1) Whenever Forms C.R. 4 and 4A in the Schedule are forwarded to the central registrar, they shall be accompanied by a covering letter in Form CR. 13 in the Schedule.

(2) Correspondence respecting identification of fingerprints shall as far as possible be conducted on Forms CR. 14 and 15 in the Schedule.

(3) All records (other than Forms CR. 4 and 4A) pertaining to a person registered in the central registry shall be filed in Form CR. 16 in the Schedule.

(4) On conviction of a first offender, Forms CR. 1,4, 4A and 7 duly completed, together with the photographic negative of the accused, shall be forwarded to the central registrar.

(5) On conviction of an offender who has been previously convicted and registered in the central registry, Form CR. 14 will be completed and forwarded together with Form CR. 7 and the photographic negative (if not previously recorded) of the offender, to the central registrar.

## *Forms*

**26.** The forms set out in the Schedule to these Regulations, with such variations as the central registrar may from time to time require, shall be used for the various purposes to which they relate.

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