

CYBERCRIMES

**(PROHIBITION, PREVENTION, ETC)
(AMENDMENT)**

ACT, 2024

CYBERCRIMES (PROHIBITION, PREVENTION, ETC) (AMENDMENT) ACT, 2024

EXPLANATORY MEMORANDUM

This Act amends the Cybercrimes (Prohibition, Prevention, Etc.) Act, No. 17, 2015 to insert some consequential words that were inadvertently omitted in the Act.

CYBERCRIMES (PROHIBITION, PREVENTION, ETC) (AMENDMENT) ACT, 2024

Arrangement of Sections

Section:

1. Amendment of Act No. 17, 2015
2. Amendment of section 17
3. Amendment of section 21
4. Amendment of section 22
5. Amendment of section 24
6. Amendment of section 27
7. Amendment of section 30
8. Amendment of section 37
9. Amendment of section 38
10. Amendment of section 41
11. Amendment of section 44
12. Amendment of section 48
13. Citation

CYBERCRIMES (PROHIBITION, PREVENTION, ETC) (AMENDMENT) ACT, 2024

A Bill

For

An Act to amend Cybercrimes (Prohibition, Prevention, etc.) Act, No. 17, 2015 to insert some consequential words that were inadvertently omitted in the Act; and for related matters.

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria —

1. The Cybercrimes (Prohibition, Prevention, etc.) Act, No. 17, 2015 (in this Act referred to as “the Principal Act” is amended as set out in this Act. Amendment of Act No. 17, 2015
2. Section 17 of the Principal Act is amended — Amendment of section 17
 - (a) in subsection (2) by substituting for the word “geniuses” the word “genuineness”; and
 - (b) in subsection (4) by inserting after the word “signature”, the words, “except where they are legally verified in “Certified True Copies”.
3. Section 21 (1) of the Principal Act is amended — Amendment of section 21
 - (a) in subsection (1) by inserting after the words “Coordination Center” in line 6, the words, “through their respective sectoral CERTs or sectoral Security Operations Centres (SOC)”;
 - (b) in subsection (3) by substituting for the expression “7 days of its occurrence”, the expression, “72 hours of its detection”.
4. Section 22 (1) of the Principal Act is amended by inserting after the words “any Financial Institution”, the words “public or private organisation”. Amendment of section 22
5. Section 24 (1) of the Principal Act is amended by substituting for paragraphs (a) and (b), new paragraphs “(a)” and “(b)” — Amendment of section 24
 - “(a) is pornographic; or
 - (b) he knows to be false, for the purpose of causing a breakdown of law and order, posing a threat to life, or causing such message to be sent.”.

6. Section 27 (2) of the Principal Act is amended by substituting for the words “a financial institution” in lines 1 and 2, the words, “any public or private organisation”: Amendment of section 27
7. Section 30 of the Principal Act is amended — Amendment of section 30
- (a) in subsection (1) by inserting after the word “terminals”, the words “or any other payment technology means”; and
 - (b) in subsection (2) by substituting for the words “or point of sales device”, the words “or any other payment technology means”.
8. Section 37 (1) (a) of the Principal Act is amended by inserting after the word “present”, the words, “National Identification Number issued by the National Identity Management Commission and other valid”. Amendment of section 37
9. Section 38 of the Principal Act is amended by substituting for subsection (1) a new subsection “(1)” — Amendment of section 38
- “(1) A service provider shall keep and protect specific traffic data and subscriber information in accordance with the provision of the Nigeria Data Protection Act and as may be prescribed by the relevant authority for the time being, responsible for the regulation of communication services in Nigeria, for a period of two years.”
10. Section 41 (1) of the Principal Act is amended by substituting for paragraphs (d) – (h) new paragraphs “(d)”–“(j)” — Amendment of section 41
- “(d) ensure the establishment of sectoral Computer Emergency Response Teams (CERT) and sectoral Security Operation Centres (SOC) that shall feed into the national CERT;
 - (e) ensure that all public and private organisations integrate and route their internet and data traffic to the sectoral SOCs thereby protecting the national cyberspace;
 - (f) establish and maintain a National Computer Forensic Laboratory and coordinate utilisation of the facility by all law enforcement, security and intelligence agencies;

- (g) build capacity for the effective discharge of the functions of all relevant security, intelligence, law enforcement and military services under this Act or any other law on cybercrime in Nigeria;
- (h) establish appropriate platforms for public private partnership (PPP);
- (i) coordinate Nigeria's involvement in international cyber security cooperation to ensure the integration of Nigeria into the global frameworks on cyber security; and
- (j) do such other acts or things that are necessary for the effective performance of the functions of the relevant security and enforcement agencies under this Act."

11. Section 44 of the Principal Act is amended —

Amendment of
section 44

- (a) in subsection (1) by substituting for paragraph (a) a new paragraph "(a)"

"(a) a levy of 0.5% (0.005) equivalent to a half percent of all electronic transactions value by the business specified in the Second Schedule to this Act"; and

- (b) by substituting for subsection (6), new subsections "(6)" — "(8)" —

(6) The Office of the National Security Adviser shall administer, keep proper records of the accounts and shall ensure compliance monitoring mechanism.

(7) The account of the Fund shall be audited in accordance with guidelines provided by the Auditor General for the Federation.

(8) A business specified in the Second Schedule to this Act that fails to remit the levy under section 44 (2)(a) of this Act commits an offence and is liable on conviction to a fine of not less than 2% of the annual turnover of the defaulting business and failure to comply shall lead to closure or withdrawal of the business operational licence.

12. Section 48 of the Principal Act is amended by deleting subsection "(4)"

Amendment of
section 48

13. This Act may be cited as the Cybercrimes (Prohibition, Prevention, etc.) (Amendment) Act, 2024

Citation

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA, 2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.




SAM MAGAJI TAMBAWAL, fca
CLERK TO THE NATIONAL ASSEMBLY

27th Feb., 2004
... DAY OF, 20

CHEDULE TO THE CYBERCRIMES (PROHIBITION, PREVENTION, ETC) (AMENDMENT) BILL, 2024

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Cybercrimes (Prohibition, Prevention, etc.) Bill, 2024	An Act to amend the Cybercrimes (Prohibition, Prevention, etc.) Act, No. 17, 2015 to insert some consequential words that were inadvertently omitted in the Act; and for related matters.	This Bill amends the Cybercrimes (Prohibition, Prevention, etc.) Act, No. 17, 2015 to insert some consequential words that were inadvertently omitted in the Act.	21st December, 2023	14th February, 2024

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


SANI MAGAJI TAMBAWAL, fena
Clerk to the National Assembly

27th Day of February, 2024



ASSENT.
BOLA AHMED TINUBU, GCFR
President of the Federal Republic of Nigeria

28th Day of February, 2024