

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

(First publication)

## A BILL FOR

AN ACT TO PROVIDE FOR THE MAINTAINING AND SECURING OF PUBLIC SAFETY  
AND PUBLIC ORDER IN SPECIAL AREAS.

Title.

[ ]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

Enactment.

### PART I.—PRELIMINARY

1. This Act may be cited as the Public Order (Special Areas) Act, 1960, and shall apply throughout the Federation.

Short title  
and  
application.

2. In this Act, unless the context otherwise requires—

“the Attorney-General” means the Attorney-General of the Federation ;

“the Commissioner of Police” means the Commissioner of Police of the Region in which a special area is situated ;

“the Inspector-General” means the Inspector-General of the Nigeria Police ;

"law of a Region" means a law enacted by the Legislature of a Region or having effect as if it were so enacted and includes any order, regulation or proclamation made under the authority of such a law ;

"meeting" means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters ;

"the Minister" means the Federal Minister responsible for public safety and public order ;

"police officer" means a member of the Nigeria Police Force and includes a member of a local government police force or native authority police force, the operational control of which has been taken over under section 5 by the Inspector-General ;

"public meeting" includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise ;

"public place" means any highway, public park or garden, any sea beach, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise ;

"public procession" means a procession in a public place ;

"special area" means any area declared under section 3 to be a special area for the purposes of this Act ;

"superior police officer" means any member of the Nigeria Police Force of or above the rank of Assistant Superintendent.

## PART II.—DECLARATION OF SPECIAL AREAS

Power of  
Inspector-  
General to  
declare  
special areas.

3. (1) Whenever it appears to the Inspector-General, *after such inquiry as he may consider necessary or expedient*, or upon representations made to him, that public order cannot be maintained or secured, or is threatened, in any area by reason of the inadequacy or ineffectiveness of the police forces in that area, he shall, by notice in the *Gazette*, declare that area to be a special area for such period not exceeding three months as he shall specify in the notice.

(2) The period specified in any such notice may be extended by the Inspector-General from time to time for such periods not exceeding one month as he may consider necessary or expedient, by a further notice published in the *Gazette* and the said area shall continue to be a special area for the purpose of this Act for such period as he shall specify in such further notice.

## PART III.—CONSEQUENCES ENSUING ON DECLARATION UNDER PART II

Con-  
sequences of  
declaration  
of an area to  
be a special  
area.

4. Upon the publication of a notice under section 3 declaring an area to be a special area for the purposes of this Act, and for the period specified in any such notice or further notice, the provisions of this Part shall have effect in such special area, notwithstanding the provisions of any other enactment.

## 5. (1) It shall be the duty of the Inspector-General—

(a) to take all such steps as he may consider reasonably necessary, in accordance with the provisions of any written law, for the suppression of riot or civil commotion in any special area, and for controlling public meetings and public processions in any special area in accordance with the provisions of Part IV, if in force in such special area by virtue of section 9;

(b) to cause all necessary investigations to be made as expeditiously as possible by police officers into all offences against public order or public security, and in particular, into any of the offences specified in Part II of the Criminal Code, alleged to have been committed in any special area;

(c) if the Governor of the Region in which a special area is situated consents, to take over the operational control of any local government police force or native authority police force in such special area, and to use any such force for such police duties as he sees fit in the circumstances.

(2) The Inspector-General shall have full power and authority to carry out the duty imposed on him by subsection (1) of this section, to the exclusion of any other person or civilian authority, and if the Governor's consent under paragraph (c) of subsection (1) of this section is not granted within twenty-four hours of a request for such consent being made, the Inspector-General shall carry out the duty imposed on him by paragraphs (a) and (b) of the said subsection, to the exclusion of any other person or civilian authority, and no police force other than the Nigeria Police Force shall operate for the purpose of carrying out the provisions of paragraph (a) and paragraph (b) of this section.

(3) Any person who hinders or obstructs the Inspector-General or any police officer in the performance of the duty imposed by subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for three years.

6. (1) No prosecution shall be instituted for any of the offences specified in paragraph (b) of subsection (1) of section 5 alleged to have been committed in a special area, without the consent in writing of the Attorney-General.

(2) The Attorney-General may delegate the function conferred upon him by subsection (1) of this section to the Director of Public Prosecutions of a Region.

7. Any person charged with any of the offences specified in paragraph (b) of subsection (1) of section 5 shall be tried by the High Court or by a Magistrate's Court having jurisdiction in the matter.

PART IV.—PUBLIC MEETINGS AND PUBLIC PROCESSIONS IN SPECIAL  
AREAS

8. This Part shall apply in any special area if the Inspector-General by notice published in the *Gazette*, whether simultaneously with a notice published under section 3 or not, declares that this Part shall be in force in such special areas,

Special powers and duties of the Inspector-General.

Consent of Attorney-General of the Federation required before institution of prosecution for offences specified in section 5.

Jurisdiction to try offences specified in section 5.

Application of this Part.

Prohibition  
of offensive  
weapons at  
public meet-  
ings and  
processions.

Prohibition  
of offensive  
conduct  
conducive to  
breaches of  
the peace.

Penalty on  
endeavour to  
break up  
public  
meeting.

Power to  
require  
notice of  
public  
meetings and  
processions.

9. (1) Any person who, while present at any public meeting on the occasion of any public procession, has with him any offensive weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purpose of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Crown, or as special constable, or as a member of a local government police force or a native authority police force.

10. Any person who in any public place or at any public meeting uses threatening, abusive or insulting words or behaviour, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

11. (1) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called together, shall be guilty of an offence and shall be liable on conviction to a fine of ten pounds or to imprisonment for one month or to both such fine and imprisonment.

(2) Any person who incites others to commit an offence under this section shall be guilty of a like offence.

(3) If any police officer reasonably suspects any person of committing an offence under the foregoing provisions of this section, he may, if requested so to do by the chairman of the meeting, require that person to leave the meeting, and if he fails so to do, to declare to him immediately his name and address and, if that person refuses or fails to declare his name and address or gives a false name and address, he shall be guilty of an offence under this subsection and liable on conviction to a fine of forty shillings and, if he refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name and address, the police officer may arrest him without a warrant.

12. (1) If the Inspector-General is of the opinion that it is expedient in the interests of good order in a special area that notice should be given of public meetings or public processions intended to be held in that area, he may by order published in the *Gazette* direct that not less than twenty-four hours' notice in writing shall be given to such person or authority as may be specified in the order of every public meeting or public procession of such class as may be specified in the order, which is intended to be held in that area.

(2) The notice given in pursuance of an order made under this section shall be signed by the person, or one of the persons organising the public meeting or public procession to which the notice relates, or if the meeting or procession is organised by a body of persons having a director, manager, secretary or other officer, by any such officer, and shall specify—

(a) the name and address of such person or body of persons; and

(b) (i) in the case of a public meeting, the time and place at which the meeting will be held;

(ii) in the case of a public procession the route to be taken by the procession and the time and place at which the procession will start; and the person by whom the notice is given shall forthwith furnish such further particulars as the person or authority receiving the notice may reasonably deem necessary for the purpose of determining whether any exercise of the powers conferred by section 13 may be expedient,

(3) Any person who—

(a) knowingly organises or assists in organising any public meeting or public procession intended to be held without notice thereof being given as required by an order made under this section ; or

(b) in any notice given in pursuance of an order made under this section, or in any particulars furnished to a person or authority receiving such notice, knowingly or recklessly makes any false statement ; or

(c) refuses or neglects to furnish any particulars which he is required to furnish under the provisions of subsection (2) of this section, shall be guilty of an offence.

13. (1) If a superior police officer, having regard to the time or place at which and the circumstances in which any public meeting or public procession is taking place or is intended to take place and (in the case of a public procession) to the route taken or proposed to be taken by the procession, has reasonable grounds for apprehending that the meeting or procession may occasion serious public disorder he may give directions imposing upon the persons organising or taking part in the meeting or procession such conditions as appear to him necessary for the preservation of public order including (in the case of a public procession) conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions :

Provided that no conditions restricting the display of flags, banners or emblems shall be imposed under the provisions of this subsection.

(2) (a) If at any time a superior police officer is of opinion that, by reason of particular circumstances existing in a special area or any part thereof, the powers conferred upon him by subsection (1) of this section will not be sufficient to enable him to prevent serious public disorder he shall, except as provided in paragraph (b) of this subsection, apply to the Commissioner of Police for an order prohibiting for such period not exceeding three months as may be specified in the application, the holding of all public processions or of any class of public processions as specified either in the special area or in that part thereof as the case may be, and upon receipt of the application, the Commissioner of Police may make an order either in terms of the application or with such modifications as he thinks fit.

(b) Where a superior police officer is of the opinion that it is necessary for the purpose of preventing an immediate danger of a breach of the peace he may, whether or not application has been made to the Commissioner of Police, himself make an order prohibiting for such period not exceeding fourteen days the holding of all public processions or of any class of public processions as specified either in the special area or in any part thereof, as the case may be, and may apply to the Commissioner of Police who may in his discretion make a similar order extending the period of prohibition up to three months.

(3) If at any time the Inspector-General is of the opinion that, by reason of particular circumstances existing in any special area, or in any part thereof, the powers conferred by subsection (1) of this section will not be sufficient to enable him to prevent serious public disorder being occasioned by the holding of public processions, he may make an order prohibiting for such period not exceeding thirty days as may be specified in the order the holding of all public processions or of any class of public processions either in the special area or in any part thereof, as the case may be, and may apply to the Minister who may make a similar order extending the period of prohibition up to three months.

Powers for the preservation of public order in respect of public meetings and processions.



(4) An order made under this section shall be published in the Gazette and in such other manner as may be deemed sufficient.

(5) An order made under this section shall have effect from the time when it is first published in any manner authorised by the provisions of this section or from such later time as may be specified in the order, and a certificate under the hand of the superior police officer specifying the time of publication (other than a publication in the Gazette) shall be conclusive evidence thereof in all legal proceedings.

(6) Any person who knowingly—

(a) fails to comply with any directions given or conditions imposed under this section; or

(b) organises or assists in organising any public meeting or public procession held or intended to be held in contravention of an order made under this section; or

(c) attends or takes part in, or incites any other person to attend or take part in, any such meeting or procession, shall be guilty of an offence.

Enforce-  
ment.

14. (1) Any person guilty of any offence against the provisions of this Part shall be liable to imprisonment for three months or to a fine of fifty pounds, or to both such imprisonment and fine.

(2) A police officer may without warrant arrest any person reasonably suspected by him to be committing an offence against any of the provisions of this Act.

#### *Objects and Reasons*

Under the Constitution, responsibility for law and order is concurrent. Paragraph 18 of the Concurrent Legislative List contains the item: "The maintaining and securing of public safety and public order; . . . . .". The effect of this is to give paramount legislative and executive authority to the Federal Government in regard to all matters pertaining to the maintenance of public order and public security.

2. The principal instruments for the purposes of public order and public security in this country have always been the Nigeria Police constituted originally under the Police Ordinance (and now provided for under the Constitution), the Local Government Police constituted under the Local Government Police Law in the Western Region and the Native Authority Police constituted under the Native Authority Police Law in the Northern Region. No force other than the Nigeria Police operates in the Eastern Region and the Federal Territory of Lagos.

3. The principal aim of this Bill is to confer upon the Inspector-General of Police necessary legal powers to assume supreme control over all Police Forces in the country whenever the circumstances so require. This was done during the last Federal elections as a temporary measure.

4. Clause 1 deals with the Short Title and application of the Bill.

5. Clause 2 contains the interpretation of the various terms used in the Bill.

6. Clause 3 confers on the Inspector-General the power to declare any part of the country in which public order cannot be maintained by existing Police Forces as a Special Area.

7. Part III (Clause 4 to 8) of the Bill spells out the consequences of declaring an area as a "Special Area" under section 3. The consequences are:—

(i) The Inspector-General will assume full control of Police Forces in the area and (subject to the consent of the Governor of the Region), he will also take over the operational control of any Local Government or Native Authority Police Forces;

(ii) No other Police authority, apart from the Inspector-General, will have the power to suppress riots or civil commotion or to control public meetings and processions or to investigate crimes against public order or public security. In other words, if a Region does not permit its Police Force in the area to come under the operational control of the Inspector-General, it will be illegal for such Force to perform Police duties relating to public order and public security.

(iii) Only a Magistrate Court or a High Court having jurisdiction in the area will be entitled to try persons for offences relating to public order and public security.

8. Part IV applies to special areas the provisions of the Public Order Ordinance which is already in force in Lagos. Similar enactments are in force in the Regions.

ANTHONY ENAHORO,  
*Member for Ishan East*

## MEMORANDUM

With the attainment of Independence certain changes of designation are necessary. Among these is the title of the Military Forces which are now to be known as the Royal Nigerian Army.

This Bill seeks to give statutory recognition to the change.

MUHAMMADU RIBADU,  
*Minister of Defence*

## ROYAL NIGERIAN ARMY BILL

## ARRANGEMENT OF CLAUSES

*Clause*

1. Short title, application and commencement.
2. Royal Nigerian Army.



# A BILL

FOR

AN ACT TO MAKE PROVISION FOR A CHANGE OF DESIGNATION OF THE ROYAL  
NIGERIAN MILITARY FORCES AND FOR OTHER PURPOSES CONNECTED  
THEREWITH.

Title.

Commence-  
ment.

[ ]

BE IT ENACTED by the Legislature of the Federation of Nigeria in  
this present Parliament assembled and by the authority of the same as  
follows :—

1. (1) This Act may be cited as the Royal Nigerian Army Act, 1960,  
and shall be read as one with the Royal Nigerian Military Forces Ordinance,  
1960, hereinafter referred to as the Ordinance.

(2) This Act shall be of Federal application.

Short title  
and appli-  
cation.  
No. 26 of  
1960.

Royal  
Nigerian  
Army  
No. 26 of  
1960.

2. (1) The Royal Nigerian Military Forces established under the Royal Nigerian Military Forces Ordinance, 1960, shall on the coming into operation of this Act be known as the Royal Nigerian Army, and accordingly references—

(a) in the Ordinance to the Royal Nigerian Military Forces shall be read as references to the Royal Nigerian Army;

(b) in any Act to Reserves or a reserve or to the Royal Nigerian Military Forces Reserve shall be read as references to the Reserve or to a reserve of the Royal Nigerian Army or to the Royal Nigerian Army Reserve, as the case may require;

(c) in the Ordinance to the Royal Nigerian Military Forces Council or to the Forces Council shall be read as references to the Royal Nigerian Army Council or to the Army Council, as the case may be; and

(d) in the Ordinance to a benefit fund or other fund shall be read as references to the Royal Nigerian Army Benefit Fund, or other fund created or operated on account of the Royal Nigerian Army, as the case may require.

(2) The titles to the Ordinance are amended—

(a) in the title, by substituting for the words "Military Forces" the word "Army", and

(b) in the short title, by substituting for the words "Military Forces" the word "Army".

(3) References in the Local Forces Ordinance [as amended by the Nigerian Military Forces (Change of Title) Ordinance, 1960] to the Royal Nigerian Military Forces shall, where they occur, be read and construed as references to the Royal Nigerian Army; and the Local Forces Ordinance shall be amended accordingly.

Cap. 110.  
No. 3 of  
1960.