

## THE POLICE PENSIONS DECREE 1966



## ARRANGEMENT OF SECTIONS

*Section*

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SCHEDULE: Provisions corresponding to Part IV of the Police Act.

## Decree No. 60

[1st September 1966]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

\* 1.—(1) Subject to the provisions of this Decree, the office of constable in the Nigeria Police Force shall be, and be deemed to have been since 1st January 1946, a pensionable office within the meaning of section 2 of the Pensions Act.

Office of constable to be a pensionable office. Cap. 147.

(2) Accordingly—

(a) in the Schedule of the Pensions (Declaration of Pensionable Offices) Order 1954, under item 33 (Police) there shall be inserted the following—

L.N. 96 of 1954.

“Constable (male or female). . . . . 1.1.46”

“Member of a police fire brigade below the rank of headman . . 1.1.46”;

(b) Part IV of the Police Act (which relates to gratuities, annual allowances and pensions) is hereby repealed; and

Cap. 154.

1966 No. 7.

(c) in section 8 of the Special Constables Decree 1966 (which relates to special constables' allowances, pensions, etc.), for subsection (5) there shall be substituted the following subsection—

“(5) Subject to subsection (7) below, section 17 of the Pensions Act (which makes provision for the payment of pensions where an officer is killed on duty) shall apply to special constables as it applies to regular police officers.”

and in subsection (8), for the words “Act under which it is granted” there shall be substituted the words “Pensions Act”.

Confirmation of police officer in office on first re-engagement.

2. A police officer who (whether before or after the commencement of this Decree) has re-engaged to serve for a further period on the expiration of his first period of enlistment shall be treated for the purposes of the Pensions Act as having been confirmed in his office at the expiration of his first period of enlistment.

Modification of Pensions Act in its application to non-commissioned officers and constables in Nigeria Police Force. Cap. 147. Cap. 154.

3.—(1) Subject to the provisions of this Decree, the Pensions Act shall, in relation to non-commissioned officers and constables in the Nigeria Police Force, have effect subject to the following provisions of this section.

(2) Notwithstanding section 7 (11) of the Pensions Act (by virtue of which a pension or gratuity could, apart from this subsection, be granted under that Act to an officer, if otherwise eligible therefor, on his retirement from the public service on discharge as time expired under the provisions of the Police Act)—

(a) no gratuity shall be granted under the Pensions Act to a non-commissioned officer or constable who is discharged as time expired at the end of his first period of enlistment; and

(b) no pension shall be granted under the Pensions Act to a non-commissioned officer or constable who is discharged as time expired at the end of a second six-year period of re-engagement under section 13 (1) of the Police Act unless within six months before completion of that period he offered to re-engage for a third six-year period but was refused the necessary approval.

(3) In its application to a non-commissioned officer or constable who is discharged as time expired at the end of his first six-year period of re-engagement under section 13 (1) of the Police Act, regulation 5 of the Pensions Regulations (which provides for the grant of gratuities where length of public service does not qualify for pension) shall have effect as if for the reference to one-eighth of a month's pensionable emoluments there were substituted a reference to eleven one-hundred-and-twentieths of a month's pensionable emoluments.

(4) Where a non-commissioned officer or constable is discharged as time expired as mentioned in paragraph (b) of subsection (2) above in circumstances such that he is eligible under that paragraph for the grant of a pension, the annual rate of that pension shall be such rate (not exceeding the annual rate which, apart from this subsection, would apply in his case under regulation 4 of the Pensions Regulations) as may be fixed in his case by the Police Service Commission, acting after consideration of a recommendation made by the Inspector-General; and in making a recommendation in respect of any person for the purposes of this subsection the Inspector-General shall have regard to that person's general conduct and standard of service as a police officer.

4.—(1) Any person who on the date of the commencement of this Decree is a non-commissioned officer or constable may within the period of six months beginning with that date give notice under this section to the Inspector-General that he does not wish the provisions of sections 1 to 3 of this Decree to apply in his case; and in relation to any such person who has given notice as aforesaid—

Right to opt out of new conditions.

(a) the provisions of those sections (except section 1 (2) (b)) shall not apply; and

(b) the provisions of the Schedule of this Decree (which correspond to the provisions of Part IV of the Police Act repealed by the said section 1 (2) (b)) shall apply.

Cap. 154.

(2) Every notice under this section must—

(a) be in writing and be signed by the person by whom it is given; and

(b) be given to the Inspector-General by sending it in a pre-paid registered letter addressed to "The Inspector-General, Force Headquarters, Lagos".

(3) For the purposes of this section—

(a) a notice sent as mentioned in subsection (2) (b) above shall be treated as having been given on the date on which it was so sent; and

(b) the production of a document purporting to be a copy of a notice sent to the Inspector-General under this section together with a certificate of posting showing that a registered letter was sent to the Inspector-General on a particular date shall, unless the contrary is proved, be sufficient evidence of the giving of notice under this section on that date by the person whose signature appears on the said document.

5.—(1) The provisions of the Schedule of this Decree shall apply in relation to any gratuity, annual allowance or pension granted before the commencement of this Decree under the Police Act as they would apply in relation to any corresponding gratuity, annual allowance or pension granted under that Schedule after the commencement of this Decree, and shall so apply in substitution for the provisions of Part IV of the Police Act.

Application of Schedule to pensions, etc., previously granted under Police Act.

(2) Subject to subsection (1) above, nothing in this Decree shall affect any gratuity, annual allowance or pension granted before the commencement of this Decree under the Police Act.

6. In this Decree—

"constable" means any police officer below the rank of lance-corporal and any member of a police fire brigade below the rank of headman;

"the Inspector-General" means the Inspector-General of the Nigeria Police;

"non-commissioned officer" means any police officer of or above the rank of lance-corporal but not above the rank of sergeant-major;

"police officer" means any member of the Nigeria Police Force.

Interpretation.

7.—(1) This Decree may be cited as the Police Pensions Decree 1966 and shall apply throughout Nigeria.

(2) In section 14D (3) of the Police Act, after the words "Pensions Act" there shall be added the words "or the Police Pensions Decree 1966".

Citation, extent, etc.

Sections 4  
and 5.

## SCHEDULE

PROVISIONS CORRESPONDING TO PART IV OF THE POLICE ACT  
(CAP. 154)

Pensions,  
gratuities  
and annual  
allowances.  
(formerly  
Police Act  
s. 15.)

Cap. 147.

1.—(1) Police officers of or above the rank of lance-corporal who are pensionable under the provisions of the Pensions Act, if promoted or re-appointed to such pensionable rank after the expiration of their initial period of enlistment, shall be deemed to be confirmed with effect from the date of such promotion or re-appointment.

(2) Subject to the provisions of this paragraph, there shall be paid to a constable on discharge after continuous good service extending over a period of not less than six years a gratuity calculated at a rate of one-half of a month's pay at the rate pertaining at the date of discharge for each completed year of service, and in addition he may be granted the following retiring benefits—

(a) on completion of ten or more years' continuous service, subject to his having reached the age of forty-five years or being required to retire on medical grounds, an annual allowance calculated at one nine-hundred-and-sixtieth of his annual emoluments at the date of retirement for each completed month of service ; or

(b) a gratuity calculated at one twentieth of a month's pay for each completed month of service ; or

(c) on completion of five years but less than ten years continuous service, a gratuity calculated at one twentieth of a month's pay for each completed month of service.

(3) Where a constable has rendered at least twenty-five years good service and has attained the age of forty-five years but whose service has not been continuous, the Federal Executive Council on the recommendation of the Nigeria Police Council may, in its discretion, treat such service for the purpose of calculation of the annual allowance and gratuities for which the constable might otherwise have been eligible under sub-paragraph (2) on final discharge as continuous service, provided that there shall be deducted from any gratuities so granted any sums previously paid to such constable by way of gratuities, and further provided that any annual allowance previously granted under sub-paragraph (2) shall have been suspended during any such further period of service.

(4) Where the service of a constable has not been such as to justify the payment of the full annual allowance and gratuities on discharge for which he would otherwise have been eligible, the Federal Executive Council may, on the recommendation of any police officer not below the rank of a Deputy Commissioner, approve the award of such reduced annual allowance and gratuities as that Council may deem just.

(5) Where a constable has completed more than six years' continuous service and is discharged as unfit for further service or on reduction of establishment, he shall receive on discharge such proportion as any police officer not below the rank of a Deputy Commissioner may deem just of the annual allowance and gratuities for which he would otherwise have been eligible had he attained the age of forty-five years at the date of his discharge.

(6) (a) Where a constable who has completed more than six years continuous service dies while serving in the Nigeria Police Force, the gratuities for which he would have been otherwise eligible under the provisions of this section shall be calculated to the date of death at the rate of pay pertaining at that date, and the Federal Executive Council on the recommendation of the Nigeria Police Council may cause such gratuities to be paid to or for the benefit of the widow or widows or child or children or any of the dependants or next of kin of such constable, and if such gratuities are paid to or for the benefit of more than one person, in such proportions as the Federal Executive Council on the recommendation of the Nigeria Police Council may deem just.

(b) Where a constable dies while serving in the Nigeria Police Force before he has completed six years continuous service, the Federal Executive Council may, on the recommendation of any police officer not below the rank of a Deputy Commissioner, award gratuities calculated on the rate of pay pertaining at the date of the death of such constable bearing such proportion to the gratuities for which he would otherwise have been eligible had he completed six years' service at the said rate of pay as the number of years of actual service bears to six years, and where any such gratuities are awarded the provisions for the payment of gratuities under paragraph (a) of this sub-paragraph shall apply to the payment of such gratuities.

2. If any person to whom an annual allowance has been granted under this Schedule is convicted before any court in any British possession and sentenced to death, penal servitude, or to any form of imprisonment with hard labour for a period of not less than three months, such annual allowance shall cease from the date of conviction : Provided that—

Loss of  
annual  
allowance  
on con-  
viction.  
(Formerly  
Police Act  
s. 16 (2)).

(a) if the conviction is before a customary court in West Africa, such annual allowance shall not cease unless the offence for which the sentence was imposed is an offence punishable by the general criminal law of Nigeria with death or imprisonment ;

(b) where an annual allowance has ceased under this section, the Federal Executive Council on the recommendation of the Nigeria Police Council may direct all or any part of the moneys to which the person to whom such conviction relates would have been entitled by way of annual allowance to be paid to or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child or children of such person, in such proportions and manner as the Federal Executive Council on the recommendation of the Nigeria Police Council thinks proper, and such moneys shall be paid or applied accordingly ;

(c) where an annual allowance has ceased under this paragraph, the Federal Executive Council on the recommendation of the Nigeria Police Council may on the expiration of a sentence of penal servitude or imprisonment or, in the case of a sentence of death, on the expiration of any sentence of penal servitude or imprisonment substituted therefor direct that the annual allowance or any part thereof be restored to the person to whom the conviction relates ;

(d) if after conviction a person whose annual allowance has ceased under this paragraph is granted a free pardon, such annual allowance shall be restored with effect from the date of conviction ; but in determining



Pensions in  
case of in-  
capacity.  
(Formerly  
Police Act  
s. 17).

whether arrears of such annual allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the provisions of sub-paragraph (b) or (c).

3. Where a constable has been permanently incapacitated by an injury sustained or a sickness contracted—

(a) in the actual discharge of his duty; and

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

and his discharge is thereby necessitated or materially accelerated, any annual allowance or gratuities granted to him under this Schedule may be supplemented by a pension based on the following proportions of his annual rate of pay at the date of his injury—

When his capacity to contribute to his support is—

slightly impaired	..	..	..	five-sixtieths
impaired	..	..	..	ten-sixtieths
materially impaired	..	..	..	fifteen-sixtieths
totally destroyed	..	..	..	twenty-sixtieths :

Provided that the amount of such pension may be reduced to such an extent as any police officer not below the rank of a Deputy Commissioner deems reasonable where the injury or sickness is not the sole cause of discharge or where the constable so incapacitated has continued to serve for not less than one year after sustaining the injury or contracting the sickness in respect of which he receives his discharge: Provided further that the annual value of his combined annual allowance and pension shall not exceed fifty-sixtieths of his annual rate of pay at the date he sustained the injury or contracted the sickness.

Pensions  
and  
gratuities  
on death.  
(Formerly  
Police Act  
s. 18.)

4.—(1) Where a constable who has completed more than six years continuous service dies while serving in the Nigeria Police Force, the Federal Executive Council acting on the recommendation of the Nigeria Police Council may grant to his estate or to any person being a relative or dependant of such constable, in addition to any other gratuities payable under the provisions of paragraph 1, a sum not exceeding one year's pay.

(2) The Federal Executive Council acting on the recommendation of the Nigeria Police Council may direct that any sum so awarded be paid to or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child, children, relative or dependant of the constable in such manner as the Federal Executive Council acting on the recommendation of the Nigeria Police Council may deem just.

(3) If a constable dies as the result of injuries received in the execution of his duty or is killed on duty, it shall be lawful for the Federal Executive Council acting on the recommendation of the Nigeria Police Council to grant in addition to the award provided for in sub-paragraph (1) the pensions set out in this sub-paragraph that is to say—

(a) if such constable leaves a widow or widows, a pension to her or divided equally between them whilst unmarried and of good character at a rate not exceeding ten-sixtieths of his pay or fifteen pounds a year whichever is the greater;

(b) if such constable leaves a widow or widows to whom a pension is granted under paragraph (a) of this sub-paragraph and a child or children, a pension in respect of each child until such child attains the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under the said paragraph (a);

(c) if such constable leaves a child or children but does not leave a widow, or leaves a child or children and a widow or widows to whom no pension under the said paragraph (a) has been granted, then a pension in respect of each child of double the amount prescribed in paragraph (b) of this sub-paragraph until such child attains the age of twenty-one years;

(d) if such constable leaves a child or children and a widow to whom a pension is granted under the said paragraph (a), and the widow subsequently dies, a pension of double the amount prescribed in the said paragraph (b) in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years;

(e) if such constable does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for support, a pension to the mother while of good character and without adequate means of support of an amount not exceeding the pension which might have been granted to his widow:

Provided that—

(i) all such pensions shall be in the discretion of the Federal Executive Council acting on the recommendation of the Nigeria Police Council, and any pension so granted shall cease if at any time the Federal Executive Council acting as aforesaid is satisfied that the person in respect of whom such pension has been granted is adequately provided with other means of support: and

(ii) pensions shall not be payable under this paragraph at any time in respect of more than six children; and

(iii) a pension granted to a female child under this paragraph shall cease upon the marriage of such child under the age of twenty-one years; and

(iv) if in any case it appears to the Federal Executive Council, acting on the recommendation of the Nigeria Police Council, that it would be proper so to do having regard to the law or custom in any area, payment of any of the foregoing pensions may by direction of the Federal Executive Council be paid to such authority having jurisdiction in that area as the Federal Executive Council may specify, for disbursement in the interests of the persons entitled thereto under the provisions of this sub-paragraph.

(4) If any constable proceeding by a route approved by the Federal Executive Council acting on the recommendation of the Nigeria Police Council to or from Nigeria at the commencement or determination of his service therein or of a period of leave therefrom, dies as a result of damage to any vessel, vehicle or aircraft in which he is travelling or of any act of violence directed against such vessel, vehicle or aircraft, and the Federal Executive Council acting as aforesaid is satisfied that such damage or act is attributable to circumstances arising out of any war in which Nigeria may be engaged, such constable shall be deemed for the purposes of this paragraph to have died under the circumstances described in sub-paragraph (3) of this paragraph.

(5) For the purposes of this paragraph the word "child" includes—

(a) a posthumous child ; and

(b) a step-child or illegitimate child born before the date of the injury or death and wholly or mainly dependent upon the deceased constable for support.

DATED at Lagos this 1st day of September 1966.

LIEUTENANT-COLONEL Y. GOWON,  
*Head of the Federal Military Government,  
Supreme Commander 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 purposes)*

This Decree makes the rank of constable in the Nigeria Police Force pensionable with effect from 1st January 1946 for the purposes of the Pensions Act (Cap. 147), subject to certain conditions. At the same time it removes certain anomalies at present existing in the grant of retiring benefits to the non-commissioned officers and constables.



## FIREARMS (AMENDMENT) (No. 2) DECREE 1966



## Decree No. 61

[1st August 1966]

Commence-  
ment

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Section 28 of the Firearms Act, as substituted by section 2 of the Firearms (Amendment) Decree 1966, is hereby amended by inserting immediately after subsection (1) a new subsection (1A) as follows —

“(1A) Where a person contrary to section 21 of this Act imports or causes to be imported firearms or ammunition by post or, contrary to section 22 exports or causes to be exported any firearms or ammunition as therein referred to, he shall be guilty of an offence and liable on conviction to imprisonment for a term of not less than ten years.”.

Penalties for  
importing or  
exporting  
certain fire-  
arms and  
ammunition  
Cap. 69  
1966 No. 31.

(2) Subsection (2) of the said section 28 is amended by inserting immediately after the figure “(1)” the words “or (1A)”.

2. In the application of section 1 above, the amendments shall have effect from the commencement of this Decree; and section 5 of the Firearms (Amendment) Decree 1966 (which relates to provisions overriding disallowance of conviction, etc., for offences in certain cases) shall be so construed accordingly.

Effect of acts  
committed  
before  
commence-  
ment of this  
Decree.

3.—(1) This Decree may be cited as the Firearms (Amendment) (No. 2) Decree 1966 and shall apply throughout Nigeria.

Citation,  
extent and  
commence-  
ment.

(2) This Decree shall be deemed to have come into operation on 1st August 1966.

MADE at Lagos this 1st day of September 1966.

LIEUTENANT-COLONEL Y. GOWON,  
*Head of the Federal Military Government,  
Supreme Commander of the Armed Forces,  
Federal Republic of Nigeria.*