

Supplement to Official Gazette Extraordinary No. 8, Vol. 68, 12th February, 1981—Part B

S.I. 5 of 1981

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1979

Constitution of the Federal Republic of Nigeria (Adaptation of
Public Order Act) Order 1981

Commencement : 10th February 1981

In exercise of the powers conferred upon me by section 274 (2) of the Constitution of the Federal Republic of Nigeria 1979, and of all other powers enabling me in that behalf, I, Shehu Usman Aliyu Shagari, President of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces of the Federation, hereby make the following Order :—

1. The enactment specified in the Schedule to this Order (being an enactment having effect by virtue of the Constitution of the Federal Republic of Nigeria 1979 throughout the Federation) as modified by the Adaptation of Laws (Re-designation of Decrees, etc.) Order 1980 is hereby further modified to the extent therein specified.

Modification
of existing
law.

2. The modification effected by this Order shall not—

Savings.

(a) render invalid any notification, order, regulation or direction which was duly given or made, or anything which was duly done before the date this order and any such notification, order, regulation or direction given or made, or thing so done under or in pursuance of the enactment modified by this order shall be deemed to have been given, made or done in accordance with the said enactment as so modified and shall have effect accordingly ; or

(b) affect the previous operation of the enactment or anything duly done or suffered under the said enactment or affect any right, privilege, obligation or liability accrued or incurred under the enactment or affect any penalty, forfeiture or punishment incurred in respect of any offence committed under the enactment.

3. This order may be cited as the Constitution of the Federal Republic of Nigeria (Adaptation of Public Order Act) Order 1981.

Citation.

SCHEDULE

MODIFICATION OF PUBLIC ORDER ACT 1979
(1979 No. 5)

Provision

Extent of Modification

Section 1

(a) Delete "Military Administrator" in subsection (1) and substitute "Commissioner of Police".

(b) Delete "Military Administrator" and "Administrator" in subsection (2) and substitute "Commissioner of Police" for both.

Provision

Extent of Modification

(c) *Delete* "Military Administrator" in subsection (3) and *substitute* "Commissioner of Police".

(d) *Delete* "Military Administrator" where it twice occurs in subsection (4) and *substitute* "Commissioner of Police" in each case and *delete* the words "the Commissioner of Police of the State or" in paragraph (a) of that subsection.

(e) For subsection (5) *substitute* the following :—

"(5) Any person—

(a) aggrieved by any decision of the Commissioner of Police or any superior police officer under paragraph (a) of subsection (4) of this section, may within 15 days of such decision appeal to the Inspector-General of Police ;

(b) aggrieved by any decision of any police officer mentioned in paragraph (b) of subsection (4) of this section, may within 15 days of such decision appeal to the Commissioner of Police and shall have a right of further appeal from any decision of the Commissioner of Police under this paragraph to the Inspector-General ;

and the Inspector-General or, as the case may require, the Commissioner of Police shall give a decision on any appeal lodged pursuant to this section not later than 15 days after the date of its receipt by him."

(f) *Delete* subsection (6).

Section 4 (3) *Delete* the words "after consultation with the Military Administrator of the State" and *substitute* "with the concurrence of the Governor of the State".

Section 6 (2) *Delete* "Attorney-General of the State" and *substitute* "Attorney-General of the Federation".

Section 10 For section 10 *substitute* the following :—

"Forms. 10. The Minister may by order published in the *Gazette* prescribe additional forms to be used for the purposes of this Act."

Section 11 For section 11 *substitute* the following :—

"Power to make regulations, etc. 11.—(1) The Minister may make regulations generally for the purpose of carrying into effect the objects of this Act.

(2) Subject to subsection (1) above, the Minister may from time to time issue to the Nigeria Police Force such general or special guidelines as he considers expedient for the better and uniform administration throughout Nigeria of the provisions of this Act."

*Provision**Extent of Modification*

Section 12

(a) In subsection (1), there shall be inserted in alphabetical sequence the following definition :—

“Minister” means the Minister of the Government of the Federation for the time being charged with responsibility for police affairs ;’.

(b) In subsection (2), immediately after the words “that is to say” there shall be inserted the words “Inspector-General of Police”.

MADE at Lagos this 10th day of February 1981.

SHEHU SHAGARI,
*President of the Federal Republic
of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Order but is
intended to explain its effect)*

The Public Order Decree 1979 (1979 No. 5) (since re-designated as the Public Order Act 1979) vested in the Military Administrator of each State the general control of public assemblies, meetings and processions which are primarily the responsibility of the Nigeria Police Force.

The Order has now modified the said Act No. 5 of 1979 (pursuant to the powers conferred upon the President under the Constitution of the Federal Republic of Nigeria 1979) to bring it into conformity with the provisions of the Constitution.