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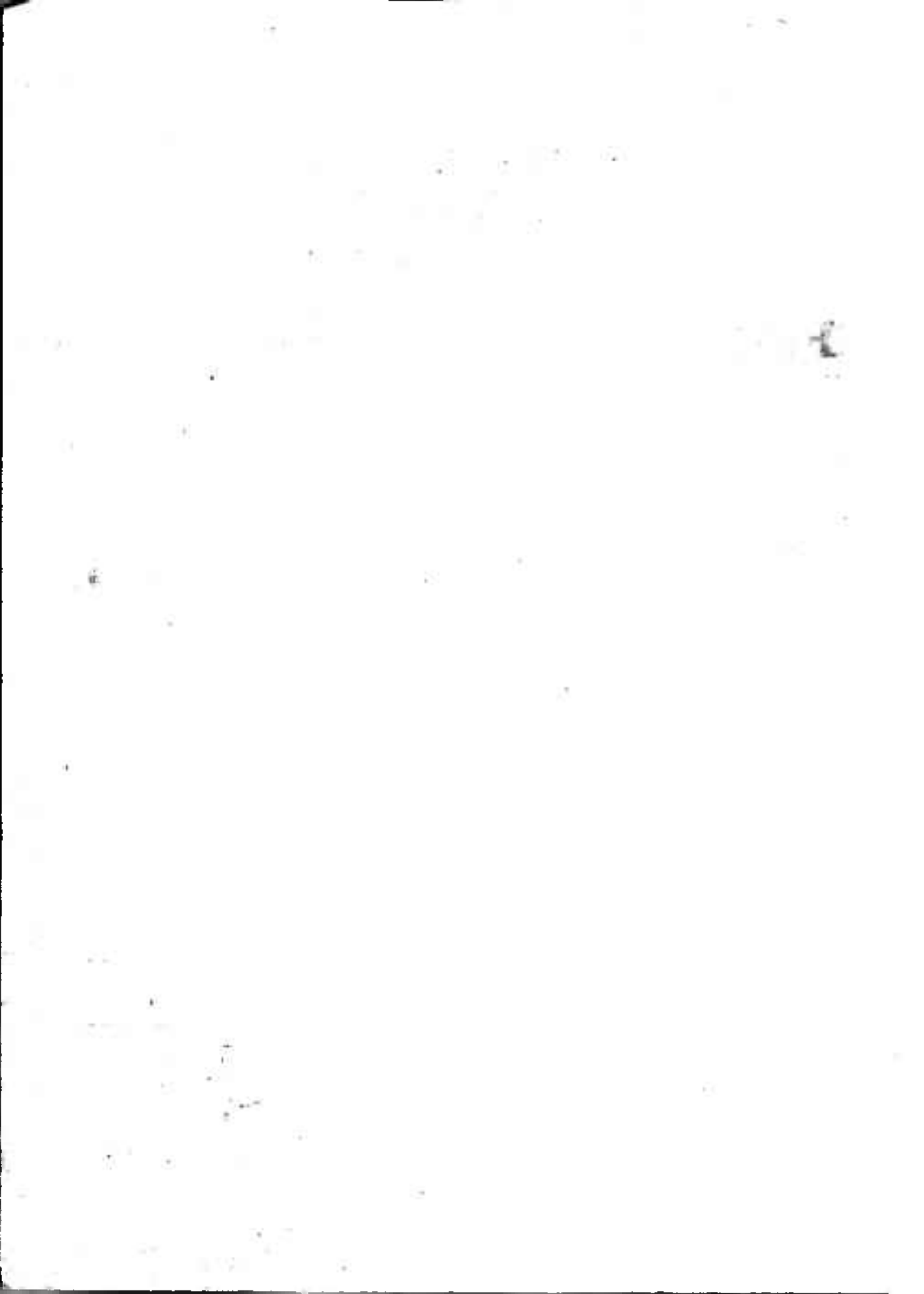
Government Notice No. 34

The following is published as Supplement to this *Gazette* :

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POLICE SERVICE COMMISSION ACT, 2001

ARRANGEMENTS OF CLAUSES

CLAUSE :

1. Establishment of the Police Service Commission
2. Management of the Commission
3. Tenure of Office
4. Cessation of Membership of the Commission, etc.
5. Removal from Office, etc.
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SCHEDULE

POLICE SERVICE COMMISSION (ESTABLISHMENT) ACT 2001



2001 No. 1

AN ACT TO ESTABLISH THE POLICE SERVICE COMMISSION, WHICH SHALL BE CHARGED WITH RESPONSIBILITY, AMONG OTHER THINGS TO APPOINT PERSONS TO OFFICES (OTHER THAN THE OFFICE OF THE INSPECTOR-GENERAL OF POLICE) IN NIGERIA POLICE FORCE AND TO DISMISS AND EXERCISE DISCIPLINARY CONTROL OVER ANY PERSON HOLDING OFFICE IN THE NIGERIA POLICE FORCE (OTHER THAN THE INSPECTOR-GENERAL OF POLICE) ; AND FOR RELATED PURPOSES

[4th January, 2001]

Commence-
ment

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

PART I—ESTABLISHMENT, ETC OF THE POLICE SERVICE COMMISSION

1. —(1) There is hereby established a body to be known as the Police Service Commission (in this Act referred to as “the Commission”).

Establish-
ment of the
Police
Service
Commis-
sion.

(2) The Commission—

- (a) shall be a body corporate with perpetual succession and a common seal ; and
- (b) may sue or be sued in its corporate name

(3) The headquarters of the Commission shall be at the Federal Capital Territory, Abuja.

2.—(1) The management of the Commission shall vest in the following members, whose appointment shall be in line with the Federal Character provision of the Constitution—

Management
of the
Commission.

- (a) a Chairman who shall be the Chief Executive of the Commission ;
- (b) a retired Justice of the Supreme Court or Court of Appeal ;
- (c) a retired Police Officer not below the rank of Commissioner of Police ;
- (d) one representative each of—
 - (i) women interest ;
 - (ii) the Nigerian Press ;
 - (iii) Non-Governmental human rights organisations in Nigeria
 - (iv) organized Private Sector ;
 - (v) the Secretary to the Commission.

(2) The Chairman and other members of the Commission shall—

- (a) be appointed by the President subject to the confirmation by the Senate ;
- (b) be persons of proven integrity and ability.

(3) The members of the Commission referred to in paragraph (d) of Subsection (1) of this section shall be part-time members.

(4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Commission and the other matters contained therein.

Tenure of
Office.

3.—(1) Subject to the provisions of Section 4 of this Act, a member of the Commission, other than ex-officio members shall each hold office—

- (a) for a term of four years and no more ; and
- (b) on such terms as to remuneration ; salaries and allowances as may be prescribed by the National Assembly but not exceeding the amount as shall have been determined by the National Revenue Mobilization Allocation and Fiscal Commission.

Cessation of
membership
of the
Commission,
etc.

4.—(1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as member of the Commission if—

- (a) he becomes bankrupt, suspends payment or compounds with his creditors ; or
- (b) he is convicted of a felony or any offence involving dishonesty or fraud ; or
- (c) he becomes of unsound mind, or is incapable of carrying out his duties ; or
- (d) he is guilty of serious misconduct in relation to his duties ; or
- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member.

(2) A member of the Commission may be removed by the President if he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.

(3) Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed by the President subject to confirmation by the Senate.

Removal
from Office,
etc.

5.—(1) Notwithstanding the provisions of Section 4 of this Act, the Chairman and any other member, may at any time be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he be removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause or for misconduct).

(2) A member may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall on the date of the receipt of the notice by the President cease to be a member of the Commission.

PART II—FUNCTIONS AND POWERS OF THE COMMISSION

6.—(1) The Commission shall—

Functions of
the Commis-
sion.

(a) be responsible for the appointment and promotion of persons to offices (other than the office of the Inspector-General of Police) in the Nigeria Police Force ;

(b) dismiss and exercise disciplinary control over persons (other than the Inspector-General of Police) in the Nigeria Police Force ;

(c) formulate policies and guidelines for the appointment, promotion, discipline and dismissal of officers of the Nigeria Police Force ;

(d) identify factors inhibiting or undermining discipline in the Nigeria Police Force ;

(e) formulate and implement policies aimed at the efficiency and discipline to the Nigeria Police Force ;

(f) perform such other functions which in the opinion of the Commission are required to ensure the optimal efficiency of the Nigeria Police Force ; and

(g) carry out such other functions as the President may, from time to time, direct.

(2) The Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions other than as is prescribed in this Act.

7. The Commission shall have power to—

Powers of
the Commis-
sion.

(a) pay the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Civil Service of the Federation ;

(b) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission ; and

(c) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission.

8. The Commission may, subject to such conditions as it may think fit, delegate any of its powers under this Act—

Powers of
delegation.

(a) to any officer in the service of the Nigeria Police Force ; or

(b) to a committee consisting of such number of persons, one of whom shall be named as Chairman, as may be prescribed by the Commission.

PART III—STRUCTURE OF THE COMMISSION

9.—(1) There shall be established in the headquarters of the Commission the following Departments—

Establishment
of
Departments.

(a) the Department of Administration and Personnel Management ;

(b) the Department of Investigation ;

(c) the Department of Finance and Supply ;

(d) the Department of Planning, Research and Statistics ; and

(e) the Department of Legal Services.

(2) The Commission may, with the approval of the President, increase the number of Departments as it may deem necessary and expedient to facilitate the realization of the objectives of the Commission.

PART IV—STAFF

Appointment
of Secretary
to the
Commission,
etc.

10.—(1) There shall be for the Commission, a Secretary to the Commission who shall—

(a) be an officer in the Civil Service of the Federation not below the rank of a Permanent Secretary ;

(b) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Act ;

(c) be accounting officer of the Commission ;

(d) be appointed by the President subject to the confirmation by the Senate ; and

(e) hold office on such terms and conditions as to emolument, conditions of service as are applicable to the Civil Service of the Federation.

(2) The Secretary shall subject to the general direction of the Commission through the Chairman be responsible—

(a) for the day to day administration of the Commission ;

(b) for keeping the books and proper records of the proceedings of the Commission ; and

(c) for—

(i) the administration of the secretariat of the Commission ; and

(ii) the general direction and control of all other employees of the Commission subject to the directives of the Commission.

(3) The Commission shall have power to—

(a) employ either directly or on secondment from any civil or public service in the Federation or a State such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Act ; and

(b) pay to persons so employed such remuneration (including allowances) as are applicable to other officers of equivalent rank in the Civil Service of the Federation.

Service in the
Commission
to be
Pensionable,
Cap. 346
LFN.

11.—(1) Service in the Commission shall be approved service for the purposes of the Pensions Act.

(2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.

(3) Nothing in Subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

PART V—FINANCIAL PROVISIONS

12.—(1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.

Funds of the
Commission.

(2) There shall be paid and credited to the fund established pursuant to Subsection (1) of this section—

(a) such monies as may, from time to time, be granted or lent to or deposited with the Commission by the Federal or State Government or any other body or institution whether local or foreign ;

(b) all monies raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary dispositions or otherwise ; and

(c) proceeds from all other assets that may, from time to time, accrue to the Commission.

(3) The fund shall be managed in accordance with the rules made by the Commission, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions—

(a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the Fund ; and

(b) requiring the keeping of proper accounts and records for the purpose of the Fund in such form as may be specified in the rules.

13. The Commission shall apply the proceeds of the Fund established pursuant to Section 12 of this Act to—

Expenditure
of the
Commission.

(a) the cost of administration of the Commission ;

(b) the payment of salaries, allowances and benefits of members of the Commission or any Committee of the Commission ;

(c) the payment of salaries, remuneration, allowances, benefits, pensions and gratuities payable to officers and employees of the Commission ;

(d) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration ;

(e) the payment for all purchases ; and

(f) undertake such other activities as are connected with all or any of the functions of the Commission under this Act.

14.—(1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

Gifts to the
Commission.

(2) The Commission shall not accept any gift if the conditions attached thereto are inconsistent with the functions of the Commission under this act.

Annual
Estimates
and expendi-
ture.

15.—(1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year.

(2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Quarterly
Report.

16. The Commission shall, at the end of every quarter in each year submit to the President a report on the activities and administration of the Commission.

Annual
Report.

17.—(1) The Commission shall prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(2) The President, upon receipt of the report referred to in Subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor's report thereon to be submitted to each House of the National Assembly.

PART VI—MISCELLANEOUS

Offices and
Premises of
the
Commission,
Cap. 202
LFN.

18.—(1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act—

- (a) purchase or take on lease any interest in land, or other property ; and
- (b) construct offices and premises and equip and maintain same.

(2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.

Directives by
the President.

19. Subject to the provisions of this Act, the President, may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance by the Commission of its functions and it shall be the duty of the Commission to comply with the directives.

Limitation of
Suits against
the Commis-
sion, etc.
Cap. 379
LFN.

20.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.

(2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Commission, the Secretary or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, shall lie or be instituted in any Court unless—

(a) it is commenced within three months next after the Act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Commission, the Secretary, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.

(4) The notice referred to in Subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief, which he claims.

21. A notice, summons or other document required or authorized to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post and addressed to the Secretary at the principal office of the Commission.

Service of Documents.

22.—(1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission.

Restriction on execution against property of the Commission.

(2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

23. A member of the Commission, the Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which is acquitted, if any such proceeding is brought against him in his capacity as a member of the Commission, the Secretary, officer or employee of the Commission.

Indemnity of Officers.

24. Any person who, immediately before the coming into force of this Act is the holder of any office in the Nigeria Police Force shall on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Commission under this Act.

Transitional provisions.

25. The Commission may, with the approval of the President make regulations, generally for the purposes of giving full effect to this Act.

Regulations.

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

Interpretations.

“Commission” means the Police Service Commission established by Section 1 of this Act;

“member” means a member of the Commission and includes the Chairman.

“President” means the President, Commander-in-Chief of the Armed Forces.

“Secretary” means Secretary to the Commission appointed pursuant to Section 10 of this Act.

27. This Act may be cited as the Police Service Commission (Establishment etc.) Act, 2001.

Citation.

SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

PROCEEDINGS OF THE COMMISSION

Cap. 192
LFN.

1.—(1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 4 other members of the Commission, and the quorum of any Committee of the Commission shall be as determined by the Commission.

2.—(1) The Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other Members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) When the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

COMMITTEES

3.—(1) The Commission may appoint one or more Committees to carry out, on behalf of the Commission, such functions as the Commission may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Commission shall be of no effect until it is confirmed by the Commission.

MISCELLANEOUS

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission generally or specifically authorized by the Commission to act for that purpose and the Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Secretary or any person generally or specifically authorized by the Commission to act for that purpose.

(3) A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Commission or of a Committee shall not be adversely affected by—

- (a) a vacancy in the membership of the Commission or Committee ; or
- (b) a defect in the appointment of a member of the Commission or Committee ; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Commission or Committee.

EXPLANATORY MEMORANDUM

This Act Establishes the Police Service Commission, which is charged with responsibility, among other things to appoint persons to offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).

I Certify, in accordance with Section 2 (1) of the Acts authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly.
27th day of December, 2000.

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SCHEDULE TO THE POLICE SERVICE COMMISSION BILL, 2001

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Police Service Commission Bill, 2001	A Bill for an Act to Establish the Police Service Commission, which shall be charged with responsibility, among other things to appoint persons to Offices (other than the office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police) ; and for related Purposes.	A Bill for an Act to Establish the Police Service Commission which shall be charged with responsibility, among other things to appoint persons to offices (other than the Office of the Inspector-General of Police) in Nigeria Police Force and to dismiss and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police).	11th October, 2000.	16th November, 2000.

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 of 1961.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
27th December, 2000

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
4th January, 2001

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