



# SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

## VOTES AND PROCEEDINGS

Tuesday, 7th July, 2020

1. The Senate met at 10:58 am. The President of the Senate read prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Wednesday, 1st July, 2020.  
*Question was put and the Votes and Proceedings were approved.*
3. **Messages from Mr. President:**  
The President of the Senate announced that he had received three (3) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:
  - (a) **Confirmation of Appointment:**



**PRESIDENT  
FEDERAL REPUBLIC OF NIGERIA**

2<sup>nd</sup> July, 2020

*Distinguished Senator Ahmad Ibrahim Lawan  
President of the Senate,  
Senate Chambers,  
National Assembly Complex,  
Three Arms Zone,  
Abuja.*

*Dear Distinguished Senate President,*

### **CONFIRMATION OF APPOINTMENT OF EXECUTIVE VICE CHAIRMAN OF THE BOARD OF THE NIGERIAN COMMUNICATIONS COMMISSION**

*In accordance with the provision of Section 8(1) of the Nigerian Communications Act, 2003, I am pleased to present for confirmation by the Senate, the nomination of Prof. Umar Garba Danbatta as Executive Vice Chairman of the Governing Board of the Nigerian Communications Commission (NCC) for a second term of five years.*

*It is my hope that the Senate will consider and confirm the nominee in the usual expeditious manner.*

Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,  
(Signed)  
Muhammadu Buhari

(b) Confirmation of Appointment:



PRESIDENT  
FEDERAL REPUBLIC OF NIGERIA

30<sup>th</sup> June, 2020

Distinguished Senator Ahmad Ibrahim Lawan  
President of the Senate,  
Senate Chambers,  
National Assembly Complex,  
Three Arms Zone,  
Abuja.

Dear Distinguished Senate President,

**CONFIRMATION OF APPOINTMENT OF MEMBERS  
OF THE CODE OF CONDUCT BUREAU (CCB)**

In compliance with the provision of Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria as amended and pursuant to Section 1 (2) & (3) of the Code of Conduct Bureau Act, LFN 2004, I write to request for confirmation by the Senate the following three (3) nominees for appointment as Members of the Code of Conduct Bureau. The Curriculum Vitae of the nominees are attached herewith:

S/n	Name	Designation	State	Zone
1.	Barr. Ben Umeano	Member	Anambra	South-East
2.	Hon. Ehiozuwa Johnson Agbonayinma	Member	Edo	South-South
3.	Olayinka Babatunde Balogun	Member	Ogun	South-West

2. It is my hope that the Senate will in their usual expeditious manner consider and confirm the nominees.

3. Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,  
(Signed)  
Muhammadu Buhari

(c) Confirmation of Appointment:



PRESIDENT  
FEDERAL REPUBLIC OF NIGERIA

30<sup>th</sup> June, 2020

Distinguished Senator Ahmad Ibrahim Lawan  
 President of the Senate,  
 Senate Chambers,  
 National Assembly Complex,  
 Three Arms Zone,  
 Abuja.

Dear Distinguished Senate President,

**CONFIRMATION OF APPOINTMENT OF ELEVEN (11) JUDGES  
 OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

In accordance to section 256(2) of the 1999 Constitution of the Federal Republic of Nigeria as amended, I have the honour to forward for confirmation by the Senate, the underlisted names of eleven (11) nominees as judges of the High Court of the FCT, Abuja. Copies of their Curriculum Vitae are attached herewith.

S/No.	Name	State
1.	Abubakar Hussein Musa	Adamawa
2.	Edward Okpe	Benue
3.	Babashani Abubakar	Borno
4.	Messiri Frances Erhuvwu	Delta
5.	Jude Ogor Onwuegbuze	Delta
6.	Obanor Josephine Enobie	Edo
7.	Christopher Opeyemi Oba	Ekiti
8.	Mohammed S. Idris	Kano
9.	Hassan Maryam Aliyu	Kebbi
10.	Fashola Akeem Adebawale	Lagos
11.	Hamza Mu'azu	Niger

2. While hoping that this request will receive the usual expeditious consideration of the Senate. Please accept, Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,  
 (Signed)  
 Muhammadu Buhari

**4. Announcement:**

**Notification of Death:**

The President of the Senate read a letter from Senator Solomon O. Adeola (*Lagos West*) as follows:



**SENATOR SOLOMON O. ADEOLA**  
 LAGOS WEST SENATORIAL DISTRICT

6<sup>th</sup> July, 2020

The President of the Senate  
 The Senate  
 National Assembly  
 Three Arms Zone  
 Abuja FCT

**NOTIFICATION OF DEATH OF MY FATHER-IN-LAW, CHIEF SEHINDEMI AWE  
OLUBIYI JP AND FUNERAL ARRANGEMENTS**

*I have the privilege of extending warm greetings to you and the entire members of the 9th Senate.*

*I write to respectfully inform you of the passing away to glory of my father-in-law, Chief Sehindemi Awe Olubiyi JP on April 15, 2020 at the age of 70.*

*The Funeral Service, which was delayed as a result of the COVID-19 Lockdown is now scheduled to hold as follows:*

**Date:** Friday, July 10, 2020

**Venue:** Christ the Light Interdenominational Church, Alausa, Ikeja Lagos State

**Time:** 11am

*Interment follows immediately after church service at Vaults and Gardens, Ikoyi, Lagos State.*

*The reception for the funeral will be held at a later opportune date after the COVID-19 Pandemic.*

*Kindly accept the assurances of my esteemed regards please.*

*Yours sincerely,*

*(Signed)*

**Senator Solomon Olamilekan Adeola FCA**

**5. Petition:**

Rising on Rule 41, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from his constituent, Hon. Justice Joseph Wowo, former Chief Justice of the Gambia, against the Republic of Gambia, over the violation of his fundamental human rights and refusal to comply with the judgement of the ECOWAS Court. He urged the Senate to look into the matter.

*Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within four (4) weeks.*

**6. Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Abdulfatai Buhari (*Oyo North*) drew the attention of the Senate on the demise of Senator Abiola Ajimobi (The Aare of Ibadanland). He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

*notes with sadness the demise of the Distinguished Senator Abiola Ajimobi at the age of 70 years. Aware that Abiola Ajimobi was born on 16<sup>th</sup> December, 1949 to the Ajimobi of Ibadan at Oja-Oba, Ibadan. It was a political family. His grandfather was Sobaloju of Ibadan Land (a chief in the royal court of Ibadan). His uncle, Hon. N.A. Ajimobi was Minister of Works and transport in the Western Region. His father, Pa Ajimobi, was also an Honourable member of the House of Assembly in the Old Western region. He started his education at Saint Patricks Primary School, Oke-Padre in Ibadan. He completed his primary education at Ibadan City Council Primary School, Aperin. His secondary education was at Lagelu Grammar School. As a high school student, he was active in athletics; table tennis, and football including serving as the school's games prefect;*

*aware further* that Ajimobi university education was in the United States of America where he studied Business Administration and Finance at the State University of New York, in Buffalo, New York graduating with a Bachelor of Science degree. His MBA was in Operations Research and Marketing with a concentration in Finance at Governors State University, University Park, Illinois. As a result of his academic credentials and excellent performance at the New York Insurance examinations, he was engaged in Buffalo, New York as a state certified underwriter, by Equitable Life Assurance Corporation, which was then the 2nd largest Insurance Company in America;

*also aware* that Ajimobi returned to Nigeria in 1977 and joined Management and Industrial Consulting firm as a Senior Consultant. Ajimobi thereafter worked briefly with Modolor Group (an architectural firm) as the Finance and Admin Controller, before joining Nestle Foods PLC. In 1979, he joined National Oil and Chemical Marketing Company as the Consumer Products Manager. Ajimobi was the youngest Manager to occupy such a sensitive position. His performance quickly earned him promotion to the level of Divisional Manager within one and a half years, thus becoming the youngest Divisional Manager to be appointed;

*notes* that Ajimobi was later promoted to head a newly created Corporate Credit Division reporting directly to the Managing Director. As a top flyer in the company and based on his problem-solving ability, he was deployed to Ibadan Business District as the Area Manager to ensure the repositioning of the company's entire activities in the area. In 1987, he built the company's first 3 in 1 and the largest Petrol Station retail outlet in Nigeria. The District Office built during his tenure still stands out today in Jericho, Ibadan. As part of the grooming program he was posted on an international assignment to Shell International Storage Company in Togo, serving the whole of West Africa as Chief Executive. He was also the Operations Director of Shell Marketing Company in Togo covering some West African countries;

*aware* that Ajimobi returned to Nigeria in 1995 and was appointed in 1996 as Oil Sales Manager. In 1998, he was appointed to the Board of the company as Executive Director-Marketing, a position he held before his appointment on February 2001 as the Managing Director/Chief Executive Officer of the National Oil and Chemical Marketing Company. As Managing Director, he substantially improved the profitability of the company and the shareholders fortune. In 2003, he voluntarily retired after successful service in the Oil industry spanning a period of about three decades.

*also aware* that in 2003, he became a Senator of the Federal Republic of Nigeria. He was a Principal Officer in the Senate, serving as the Deputy Minority Leader. He contested the gubernatorial election under the umbrella of the All Nigeria Peoples Party (ANPP) in 2007 but lost the election bid. He contested again in 2011 under the All Progressive Congress and was elected in a keenly contested election. As the incumbent, he contested for a second term in an election that took place on April 11, 2015 under the All Progressive Congress (APC) against 2 of his predecessors in office. In the event of his re-election into office as the Governor, he achieved a remarkable feat by becoming the first person to occupy the highest seat twice as well as in succession and this was made to be re-christened 'Koseleri' which means 'The Jinx Breaker'. After his remarkable successful two term as Oyo State Governor, he was made Deputy National Chairman of the ruling All Progressive Congress;

*notes* that Ajimobi stood out in several infrastructural development projects, environmental sanitation, improvement in security of lives and properties, positively impacted many lives and endowed with high sense of humour; and

*convinced* that Senator Abiola Ajimobi was a statesman, a courage instiller, a society stabilizer and a rallying point for Nigerians during his life time and an epitome of selfless service who devoted greater part of his life to humanity. The nation has lost a rare gem.

*Accordingly resolves to:*

- (i) observe a minute silence in honor of Senator Abiola Ajimobi;
- (ii) send a high powered delegation to commiserate with his family, people and the Oyo State Government; and
- (iii) urge the Federal Government to name the Ibadan Airport after him.

*Debate:*

***Proposed Resolution (i):***

*Question:* That the Senate do observe a minute silence in honor of Senator Abiola Ajimobi — *Agreed to.*

***Proposed Resolution (ii):***

*Question:* That the Senate do send a high powered delegation to commiserate with his family, people and the Oyo State Government — *Agreed to.*

***Proposed Resolution (iii):***

*Question:* That the Senate do urge the Federal Government to name the Ibadan Airport after him — *Agreed to.*

*Resolved:*

That the Senate do:

- (i) observe a minute silence in honor of Senator Abiola Ajimobi;
- (ii) send a high powered delegation to commiserate with his family, people and the Oyo State Government; and
- (iii) urge the Federal Government to name the Ibadan Airport after him (*S/Res/007/02/20*).

*One minute silence accordingly observed in honour of the deceased.*

**7. Personal Explanation:**

Rising on Rule 43, Senator Phillip A. Tanimu (*FCT*) drew the attention of the Senate to two (2) issues:

- (i) Executive Communication of Tuesday, 2<sup>nd</sup> July, 2020 on Non-Career Ambassador nominees which excluded FCT nomination. He also observed that the Career Ambassador in Sierra Leone, Ambassador Habbis Ogbede who was earlier withdrawn, should be retained as applicable to twelve (12) States Diplomats in Nigeria. He urged the Senate to intervene for the inclusion of FCT in the Non-Career Ambassadorial list and retention of Sierra Leonian Ambassador respectively; and
- (ii) He further stated that the announced Executive Communication on the Judges of the High Court excluded indigenes of the FCT. He urged the Senate to look into the matter as the FCT Parliament.

**8. Matter of Urgent Public Importance:**

Rising on Rule 42, Senator Patrick I. Ubah (*Anambra South*) drew the attention of the Senate to the plight of South East Amalgamated Market Traders Association (SEAMATA) over delays of their imported goods from China to Port Harcourt, Nigeria due to the activities of the Shipping Companies. He sought and obtained the leave of the Senate to present the matter.

*Matter to stand over to the next Legislative Day [Rule 42(2)].*

**9. Personal Explanation:**

Rising on Rule 43, Senator Michael O. Bamidele (*Ekiti Central*) draw the attention of the Senate to the National Judicial Council (NJC) decision on the appointment of Justices of the High Court of FCT. He stated that the appointments announced were made on Federal Character principle by appointing States that were not represented earlier.

**10. Presentation of Bills:**

- (i) National Institute for Brackish Water Fisheries Research, Ngo-Andoni (Establishment, etc.) Bill, 2020 (HB.417) — *Read the First Time.*
- (ii) National Primary Health Development Agency Act CAP N69 LFN 2004 (Amendment) Bill, 2020 (SB. 438) — *Read the First Time.*
- (iii) Federal University, Dutsin-Ma Act (Amendment) Bill, 2020 (SB. 453) — *Read the First Time.*
- (iv) Institute of Information and Communication Technology Uga (Establishment, etc.) Bill, 2020 (SB.457) — *Read the First Time.*
- (v) Institute of Risk and Disaster Management (Establishment, etc.) Bill, 2020 (SB. 466) — *Read the First Time.*

**11. Executive Communication:**

***Confirmation of the Nomination of Idahagbon Williams Omoregie for Appointment as Commissioner of the Federal Civil Service Commission:***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Idahagbon Williams Omoregie for Appointment as Commissioner representing Edo, Ekiti and Ondo States in the Federal Civil Service Commission (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Establishment and Public Service to report within two (2) weeks.*

**12. Executive Communication:**

***Confirmation of the Nomination of Engr. Usman Mahmud Hassan for Appointment as Commissioner of the Revenue Mobilization Allocation and Fiscal Commission:***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Engr. Usman Mahmud Hassan for Appointment as Commissioner representing Kaduna State in the Revenue Mobilization Allocation and Fiscal Commission (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on National Planning to report within two (2) weeks.*

**13. Executive Communication:**

***Confirmation of the Nomination of Dr. Tella Adeniran Rahmon for Appointment as Resident Electoral Commissioner of the Independent National Electoral Commission (INEC):***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Dr. Tella Adeniran Rahmon for Appointment as Resident Electoral Commissioner representing Osun State in the Independent National Electoral Commission (INEC) (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Independent National Electoral Commission (INEC) to report within two (2) weeks.*

**14. Executive Communication:**

***Confirmation of the Nomination of Mr. Suleiman Sani for Appointment as Career Ambassador :***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nomination of Mr. Suleiman Sani for Appointment as Career Ambassador (FCT) (*Senate Leader*).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Foreign Affairs to report within two (2) weeks.*

**15. Executive Communication:**

***Confirmation of the Nominations for Appointment as Non-Career Ambassadors:***

*Motion made:* That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation on the Confirmation of the Nominations of the following persons for Appointment as Non-Career Ambassadors:

S/no.	Name	State
1.	Eng. Umar Suleiman	Adamawa
2.	Mr. Kevin Peter	Adamawa
3.	Oboro Effiong Akpabio	Akwa Ibom
4.	Chief Elejah Onyeagba	Anambra
5.	Abubakar D. Ibrahim Siyi	Bauchi
6.	Philip K Ikurusi	Bayelsa
7.	Hon. Tarzoor Terhemèn	Benue
8.	Paul Oga Adikwu	Benue
9.	Al-Bishir Ibrahim Al-Hussain	Borno
10.	Brig. Gen. Bwala Yusuf Bukar	Borno
11.	Prof. Monique Ekpong	Cross River
12.	Oma Djebah	Delta
13.	Ominyi N. Eze	Ebonyi
14.	Yamah Mohammed Musa	Edo
15.	Maj. Gen. C. O. Ugwu	Enugu
16.	Dr. Hajara I. Salim (F)	Gombe
17.	Obiezu Ijeoma Chinyerem (F)	Imo
18.	Ali M. Magashi	Jigawa
19.	Prof. M. A. Makarfi	Kaduna
20.	Hamisu Umar Takalmawa	Kano
21.	Jazuli Imam Galandanci	Kano
22.	Sadiya Ahmad Nuhu (F)	Kano
23.	Amb. Yahaya Lawal	Katsina
24.	Dare Sunday Awoniyi	Kogi
25.	Ibrahim Kayode Laaro	Kwara
26.	Abioye Bello	Kwara
27.	Zara Maazu Umar (F)	Kwara
28.	Ademola Seriki	Lagos
29.	Henry John Omaku	Nasarawa
30.	Chief Sarafa Tunji Isola	Ogun
31.	Mrs. Nimi Akinkube (F)	Ondo



32.	Adejaba Bello	Osun
33.	Adeshina Alege	Oyo
34.	Debo Adesina	Oyo
35.	Ms. Folakemi Akinyele (F)	Oyo
36.	Shehu Abdullahi Yibaikwal	Plateau
37.	Hon. Maureen Tamuno (F)	Rivers
38.	Faruk Yabo	Sokoto
39.	Adamu M. Hassan	Taraba
40.	Alhaji Yusuf Mohammed	Yobe
41.	Abubakar Moriki	Zamfara

(Senate Leader).

*Question put and agreed to.*

*Request accordingly referred to the Committee on Foreign Affairs to report within two (2) weeks.*

**16. Committee on Judiciary, Human Rights and Legal Matters:**

***Report on the Sexual Harassment Bill, 2020 (SB. 77):***

*Motion made:* That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Sexual Harassment Bill, 2020 (Senator Michael O. Bamidele — Ekiti Central).

*Question put and agreed to.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO MAKE COMPREHENSIVE PROVISIONS FOR THE PROHIBITION AND PUNISHMENT OF SEXUAL HARASSMENT OF STUDENTS BY EDUCATORS IN TERTIARY EDUCATIONAL INSTITUTIONS; AND FOR RELATED MATTERS, 2020.

**Clause 1: Objective of the Bill**

The objective of the Bill is to create equal learning opportunities for students of tertiary institutions in an atmosphere devoid of sexual harassment and to promote ethical standards of education and respect for human dignity in tertiary educational institutions by providing for:

- (1) protection of students against sexual harassment by educators in tertiary educational institutions;
  - (a) prohibition of sexual harassment of students by educators in tertiary educational institutions; and
  - (a) Redress of complaints of sexual harassment of students by educators in tertiary educational institutions.

***Committee's Recommendation:***

That the provision in Clause 1 be retained (Senator Michael O. Bamidele — Ekiti Central) — Agreed to.

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 2: Relationship of Authority, Dependency and Trust.**

A relationship of authority, dependency and trust shall be construed to exist between an educator and a student in an institution if:

- (a) the educator is directly or indirectly involved in the full-time or part-time academic training, teaching, advising, supervision and education of the student; or
- (b) the educator has direct or indirect academic or non-academic authority over the student; or
- (c) the student depends, directly or indirectly, on the educator in any manner whatsoever.

**Committee's Recommendation:**

That the provision in Clause 2 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 2 do stand part of the Bill, put and agreed to.*

**Clause 3: Fiduciary Duty of Care.**

To uphold the Objective of this Bill, an educator shall observe a fiduciary duty of care to every student by not exploiting a student or his/her relationship with a student for personal gains, sexual pleasure, or immoral satisfaction, or in any way whatsoever that violates the sacrosanctity, honour and inviolability of the fiduciary relationship of authority, dependency and trust between him/her and a student.

**Committee's Recommendation:**

That the provision in Clause 3 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 3 do stand part of the Bill, put and agreed to.*

**Clause 4: Offences.**

An educator commits an offence of sexual harassment where he or she:—

- (a) violates the fiduciary duty of care in section 3 of this Bill; or
- (b) has sexual intercourse with a student or demands for sex from a student or prospective student; or
- (c) intimidates or creates a hostile or offensive environment for the student by soliciting for sex from the student or by making sexual advances towards a student; or
- (d) directs or induces another person to commit any act of sexual harassment under the provisions of this Bill, or conspires with another person in the commission of sexual harassment by another person without which it would not have been committed; or
- (e) grabs, hugs, kisses, rubs or strokes or touches or pinches the breasts or hair or lips or hips or buttocks or any other part of the body of a student; or

- (f) displays, requests, gives or sends by hand or courier or electronic or any other means, explicit or suggestive pornographic messages, whether by text, pictures or videos or other sex related objects to a student; or
- (g) whistles or winks at a student or screams or exclaims or jokes or makes sexually complimentary or uncomplimentary remarks about a student's physique or stalks a student.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Defence on Grounds of Marriage.**

For the purposes of the offences created in clause 4 of this Bill, it shall be a defence that the educator and the student are legally married.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6: Students' Consent not a Defence.**

It shall not be a defence to any offence created in clause 4 of this Bill that a student consented to the commission of the offence.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

**Clause 7: Proof of Commission of Offences**

For the purpose of proving the commission of any of the offences in Clause 4 of this Bill, it shall not be necessary for the prosecution to prove the intention of the accused person or the condition under which the act of sexual harassment was carried out.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 7 do stand part of the Bill, put and agreed to.*

**Clause 8: Filing of Sexual Harassment Complaint.**

A written Sexual Harassment Petition, complaining of the offence of sexual harassment against an educator may be filed or made by a student or by a student's representative who may be a relative, a guardian, or a lawyer of the student, or any person who has interest in the wellbeing of the student to the Nigerian Police Force, or the Attorney-General who shall take necessary measures to prosecute the educator in accordance with the provisions of this Bill.

**Committee's Recommendation:**

That the provision in Clause 8 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9: Petitioner or Complainant to forward Petition to Appropriate Authorities.**  
A copy of the written sexual harassment petition, complaining of sexual harassment in section 8 of this bill shall be delivered by the petitioner or complainant to the administrative head of the institution, Secretary of the Independent Sexual Harassment Investigative Committee and the head of Department of the alleged offender for record purposes and such actions that may be required under this Bill.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

**Clause 10: Penalty.**

- (1) Any person who commits any of the offences specified in Section 4 (a), (b), (c), (d) and (e) of this Bill commits an offence and shall, on conviction, be sentenced to imprisonment for 14 years, or to a fine of 5 Million Naira or both.
- (2) Any person who commits any of the offences specified in Section 4 (f) and (g) of this Bill commits an offence and shall, on conviction, be sentenced to 2 year imprisonment, or to a fine of 1,000,000 Naira or both.

**Committee's Recommendation:**

That the provision in Clause 10 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 10 do stand part of the Bill, put and agreed to.*

**Clause 11: Civil Action for Breach of Fiduciary Duty.**

Notwithstanding the provisions of Sections 4, 8, 9, 10 and 11 of this Bill or any other part thereof, the right of a student who complains or alleges sexual harassment by an educator to commence and maintain a civil action in Court for breach of fiduciary duty of care, contrary to Sections 2 and 3 of this Bill is preserved.

**Committee's Recommendation:**

That the provision in Clause 11 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 11 do stand part of the Bill, put and agreed to.*

**Clause 12: Institutional Disciplinary Measures.**

Nothing under this Bill shall preclude an institution from proceeding under its established policies, rules and regulations for the internal administrative discipline of its staff and students, provided that where:—

- (a) a student makes a Sexual Harassment Complaint against an educator, an institution's Independent Sexual Harassment Investigative Committee established under this Bill shall investigate, determine and render a final decision on the merits of the complaint in line with the provisions of this Bill. In determining a complaint of sexual harassment, the provisions of this Bill shall supersede any existing policies, rules or regulations for internal administrative discipline of its staff and students;
- (b) an Independent Sexual Harassment Investigative Committee established under this Bill has concluded its investigative proceedings and rendered a final decision, such proceedings or decision shall not operate to bar or prevent criminal prosecution or civil proceedings in a Court for acts of sexual harassment under this Bill; and
- (c) internal administrative or disciplinary sanctions are imposed by a Sexual Harassment Investigative Committee against or on an educator in accordance with the provisions of this Bill before commencement of criminal proceedings, a Court, in passing sentence, shall have regard to the sanctions already imposed on the educator.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 12 do stand part of the Bill, put and agreed to.*

**Clause 13: Independent Sexual Harassment Prohibition Committee.**

- (1) The administrative head of an institution shall establish an Independent Sexual Harassment Prohibition Committee in consultation with the highest management body of the institution.
- (2) The membership of the Independent Sexual Harassment Investigative Committee shall be seven (7), staff members and representatives of the Student Union Government of the institution, including a Chairperson who shall not be less than the rank of a Senior Lecturer or a Deputy Director in the Federal Civil Service and a Secretary who shall not be less than the rank of a Lecturer or an Assistant Director in the Federal Civil Service.
- (3) The membership of an Independent Sexual Harassment Investigative Committee shall at all times consists of at least two students, two non-academic staff members and two academic staff members of the institution and shall include at least three (3) females.
- (4) In the constitution of an Independent Sexual Harassment Investigative Committee, an administrative head of an institution shall ensure that at least one (1) lawyer is a member of the Committee at any material time, provided that there are lawyers who are staff members of the institution and satisfy the provisions of this Bill in respect of the membership of the Committee.
- (5) The administrative head of an institution who fails to comply with the provisions of sub-sections (1) and (2) of this Section commits an offence and shall be liable on conviction to 2 years or to pay a fine of ₦5,000,000, or both.

- (6) The Independent Sexual Harassment Investigative Committee shall be independent and impartial in all its dealings, proceedings and affairs.
- (7) The members of an Independent Sexual Harassment Investigative Committee shall be persons of high moral standing and good reputation.
- (8) The Chairperson and Members of the Independent Sexual Harassment Investigative Committee shall hold office for such period, not exceeding two (2) years, from the date of their appointment as may be specified in writing by the administrative head.
- (9) Where the Chairperson or any Member of the Independent Sexual Harassment Investigative Committee:—
  - (a) contravenes the provisions of this Bill; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
  - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
  - (d) has so abused his position as to render his continuance in office prejudicial to the public interest,the Chairperson or such a Member, as the case may be, shall be removed from the Committee by an institution's administrative head with the approval of an institution's highest management body and the vacancy so created or any casual vacancy shall be filled by the administrative head in consultation with the institution's highest management body.
- (10) The quorum of the Independent Sexual Harassment Prohibition Committee shall be five (5) members.
- (11) Members present at the meeting of the Committee shall select an ad-hoc Chairperson and/or Secretary for the purpose of hearing the complaint brought before it if the substantive Chairperson and/or Secretary are absent.
- (12) The Independent Sexual Harassment Investigative Committee shall conduct its proceedings with utmost thoroughness, fairness and in compliance with the rules of natural justice, and exercise its discretion judiciously and fairly with regards to facts, evidence and the number of witnesses that may be allowed to testify during its proceedings.
- (13) Decisions of the Independent Sexual Harassment Investigative Committee shall be by a simple majority; rendered in writing and read openly to the parties by the Chairperson of the Committee.
- (14) All decisions, including the final decision, of the Independent Sexual Harassment Investigative Committee shall be signed by all members of the Committee who participated in the inquiry and sealed/stamped by the Secretary with the Committee's seal or stamp which shall be kept in the custody of the Secretary.

- (15) The Secretary of the Independent Sexual Harassment Investigative Committee shall communicate the final decision of the Committee in writing and within seven (7) working days of giving the decision to all parties to a sexual harassment complaint, whether they participated in the Committee's proceedings or not.
- (16) The Secretary of the Independent Sexual Harassment Investigative Committee shall issue sealed/stamped certified true copies of the Committee's decisions, including its final decisions, in respect of sexual harassment complaints to any person, including parties in any of its proceedings within seven (7) working days of giving such a decision, provided that the person shall apply for the certified true copies of the decision and pay such reasonable fees to be prescribed by the Committee's Chairperson and remitted to the institution by the Secretary.
- (17) The Secretary of an Independent Sexual Harassment Investigative Committee who wilfully fails to comply with the provisions of subsections (14) or (15) of this Section of this Bill commits an offence and shall be liable on conviction to imprisonment for six (6) months or a maximum fine of N1,000,000, or both.
- (18) Subject to approval by the highest management body of an institution, an administrative head shall provide such resources, funding, facilities, materials and support that are reasonably required for the Independent Sexual Harassment Investigative Committee to carry out its functions under this Bill.
- (19) The Chairperson of every Independent Sexual Harassment Investigative Committee shall make and submit an annual report on sexual harassment complaints received and actions taken on them to the highest management body of the institution.
- (20) Except otherwise stated in this Bill, a person who wilfully contravenes the provisions of the Bill or fails to perform an obligation under the Bill commits an offence and shall be liable on conviction to imprisonment for twelve (12) months or a maximum fine of N2,000,000, or both.
- (21) A member of the Independent Sexual Harassment Investigative Committee shall not be removed from the Committee, except in accordance with the provision of sub-section (9) of this Section or by an order of Court.
- (22) The Independent Sexual Harassment Investigative Committee shall not be dissolved, suspended or rendered redundant or inoperative by an administrative head or any person on any ground whatsoever, except by an order of the Court.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

**Clause 14: Institutional Disciplinary Procedure.**

- (1) Where a student complains of sexual harassment, he or she shall submit a written Sexual Harassment Complaint to the administrative head of the institution where the complaint arose and shall specify the name and department, office or home address of the educator who is alleged to have committed an offence under this Bill.
- (2) The complaint mentioned in sub-section (1) of this Section may be made by the student, personally or by the student's representative who may be the student's relative, guardian, or lawyer, or any person who has interest in the wellbeing of the student.
- (3) Upon receipt of a Sexual Harassment complaint, the administrative head, shall, within fourteen (14) working days, refer or transmit the Sexual Harassment complaints to the Independent Sexual Harassment Investigative Committee for the purpose of investigation, determination and final decision.
- (4) Upon receipt of a Sexual Harassment Complaint, an Independent Sexual Harassment Investigative Committee shall take immediate steps to investigate, determine and reach a final written decision on the complaint within 45 working days from the date of receipt of the complaint from the administrative head.
- (5) Where the complaint of a student is proved or made out, the Independent Sexual Harassment Investigative Committee shall take the circumstances of the proven complaint into account and recommend any of the following sanctions to both the administrative head and the highest management body of the institution for implementation:—
  - (a) the prosecution or dismissal of the educator and reasons for the dismissal shall be stated in writing and given to all the parties; or
  - (b) a reduction in the rank of the educator and reasons for the reduction shall be stated in writing and given to all the parties; or
  - (c) ensure appropriate restitution for the student; or
- (6) Where after the expiration of 14 days the administrative head fails or neglects to refer or transmit the sexual harassment complaints, pursuant to sub-section (3) of this section, the Independent Sexual Harassment Investigative Committee shall proceed to take action on the copy of the Sexual Harassment complaints submitted to its Secretary under section 9 of this Bill, as provided in subsections (4) and (5) of this section.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 14 do stand part of the Bill, put and agreed to.*



**Clause 15: Judicial Review.**

An educator or a student shall be entitled to apply to a High Court for judicial review of the final decision of the Independent Sexual Harassment Investigative Committee, if the educator or student is dissatisfied with that decision or part thereof, an application for judicial review under this section may be consolidated with any civil proceedings commenced on behalf of the affected student, pursuant to the provisions of this Bill.

**Committee's Recommendation:**

That the provision in Clause 15 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 15 do stand part of the Bill, put and agreed to.*

**Clause 16: Criminal Liability of Administrative Head.**

Where before the commencement of criminal proceedings for sexual harassment under this Bill, a student or his or her representative makes a sexual harassment complaint to the administrative head of an institution against an educator, it shall be an offence, if the administrative head wilfully fails or neglects to refer the complaint to the institution's Independent Sexual Harassment Investigative Committee within Fourteen (14) working days of receiving the complaint from the student.

**Committee's Recommendation:**

That the provision in Clause 16 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 16 do stand part of the Bill, put and agreed to.*

**Clause 17: Penalty for Failure of Administration Head to Set up Independent Sexual Harassment Investigative Committee.**

An administrative head who commits the offence under Section 16 of this Bill shall, upon conviction, be liable to pay a fine of N5,000,000.00.

**Committee's Recommendation:**

That the provision in Clause 17 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 17 do stand part of the Bill, put and agreed to.*

**Clause 18: Liability for False Complaint.**

Where at the completion of an investigation into a Sexual Harassment Complaint, an Independent Sexual Harassment Investigative Committee finds or determines in its final decision that the complaint is false and malicious, the Committee shall, recommend sanctions to the administrative head against the student who made the complaint, which may include suspension or expulsion of the Student.

**Committee's Recommendation:**

That the provision in Clause 18 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 18 do stand part of the Bill, put and agreed to.*

**Clause 19: Implementation of Recommendation of Independent Sexual Harassment Investigation Committee.**

An administrative head shall implement every recommendation made by the Independent Sexual Harassment Investigative Committee within 7 working days of the Committee's final decision.

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 19 do stand part of the Bill, put and agreed to.*

**Clause 20: Remedy on grounds of False Allegation.**

Where criminal proceedings and appeals are commenced and concluded under the provisions of this Bill and the educator is discharged and acquitted of the charge on the ground that the allegation was false, a disciplinary action may be taken against the student by the administrative head in line with the internal disciplinary procedure of the Institution, which may include but not restricted to expulsion from the institution.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 20 do stand part of the Bill, put and agreed to.*

**Clause 21: Protection of Students from Victimization.**

The administrative head of an institution shall ensure that a student who makes a sexual harassment complaint pursuant to this Bill is adequately protected and not subjected to any form of victimization by the educator who is complained against or any other educator or person within the institution or in another institution.

***Committee's Recommendation:***

That the provision in Clause 21 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 21 do stand part of the Bill, put and agreed to.*

**Clause 22: Penalty for Victimization of Students in Respect of Complaint.**

Any educator or person in an institution where sexual harassment is alleged or in another institution or any place whatsoever, who victimizes a student or any person in respect of a sexual harassment complaint under this Bill, shall be liable to the same criminal sanctions, disciplinary punishment or damages as the educator whom the student originally complained against.

***Committee's Recommendation:***

That the provision in Clause 22 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 22 do stand part of the Bill, put and agreed to.*

**Clause 23: Public Officers Protection Laws not Applicable in the Commencement of Proceedings for Breach of Fiduciary Duty of Care.**

For the purpose of commencing any civil proceedings in court for breach of fiduciary duty of care or any criminal proceedings against an educator under this Bill, the limitation period for commencing actions against a public officer stipulated in the Public Officers Protection laws or any other law limiting the time of commencement of proceedings against a public officer in force in Nigeria or any part thereof, shall not be applicable.

***Committee's Recommendation:***

That the provision in Clause 23 be retained (*Senator Michael O. Bamidele — Ekiti Central*) —  
*Agreed to.*

*Question that Clause 23 do stand part of the Bill, put and agreed to.*

**Clause 24: Interpretation**

In this Bill:—

"administrative head" means a vice chancellor of a university, a rector of a Polytechnic/Monotechnic, a provost of a college of education or any officer who is the chief executive officer of any tertiary academic institution or any other person acting in that capacity.

"attorney-general" means Attorney-General of the Federation or Attorney General of a State.

"committee" means Independent Sexual Harassment Investigative Committee

"court" means a Magistrate Court, High Court of a State or of the Federal Capital Territory and the Federal High Court.

"educator" means every employee of a tertiary educational institution including academic and non-academic staff, or a faculty or non-faculty member of a tertiary educational institution including a professor, lecturer, graduate assistant, post-doctoral fellow or associate serving as a full-time or part-time instructor or a teaching fellow in similar institutional roles who teaches, educates or trains students or who provides professional educational services; or a staff or member of any tertiary educational institution who may have authority over or a mentoring relationship with any student and also includes, coaches, supervisors of student employees, advisors and directors of student organizations, students' residential fellows, and persons who advise, mentor, or evaluate students or any person who oversees any aspect of any student's academic work.

"fiduciary duty" means an inviolable duty of care founded on honourable human behaviour, obligation of good faith, honesty, and respect for human dignity and rights owed to a student by an educator on the basis of a unique relationship of authority, dependency and trust by which an educator exercises direct supervisory responsibilities or superiority over a student.

"institution" means any public or private tertiary or post-secondary educational institution in Nigeria and this includes any university, polytechnic, monotechnic, or college of education.

"relationship of authority, dependency and trust" means a relationship between an educator and a student where the educator exercises or is reasonably expected to exercise direct or indirect supervisory responsibilities over the student; a relationship that forbids all forms of sexual coercion or sexual consensus, including amorous relationships that jeopardizes or likely to jeopardize the integrity of the educational process or impairs the learning environment through conflict of interest.

"Sexual harassment" includes:—

- (a) any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student;
- (b) any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated;
- (c) any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand;
- (d) any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand;
- (e) a single incident of sexual harassment defined in paragraphs (a) to (d) above, constitutes harassment.

"sexual intercourse" means penetration of a sexual nature of the vagina or anus or mouth of the student by the penis or mouth or finger of the educator or any instrument or toy by the educator and for this purpose, a male student can be sexually harassed by a female or male educator;

"student" refers to all persons enrolled in any or all educational and training programmes of a tertiary educational institution or post-secondary institution, and this includes persons seeking admission to study in any tertiary educational institution or post-secondary institution;

"Supervision" means course teaching, training, examining, grading, advising, counselling, and includes any other form of guidance of a student on any academic or non-academic matter.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 24 do stand part of the Bill, put and agreed to.*

**Clause 25: Citation.**

This Bill may be cited as the Sexual Harassment of Students in Tertiary Educational Institutions (Prohibition) Bill, 2020.

**Committee's Recommendation:**

That the provision in Clause 25 be retained (*Senator Michael O. Bamidele — Ekiti Central*) — Agreed to.

*Question that Clause 25 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the Sexual Harassment Bill, 2020 and approved as follows:

Clauses 1-25 — As Recommended

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

*Motion made:* That the Bill be now Read the Third Time (*Senate Leader*).

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**17. Committee on Police Affairs:**

**Report on the Police Act CAP P19 LFN 2004 (Repeal & Re-enactment) Bill, 2020 (SB. 181):**

*Motion made:* That the Senate do consider the Report of the Committee on Police Affairs on the Police Act CAP P19 LFN 2004 (Repeal & Re-enactment) Bill, 2020 (*Senator Dauda H. Jika — Bauchi Central*).

*Question put and agreed to.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE POLICE ACT CAP P19 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT NIGERIA POLICE BILL, 2020 TO PROVIDE FOR THE FRAMEWORK FOR THE POLICE FORCE AND ENSURE COOPERATION AND PARTNERSHIP BETWEEN THE POLICE AND HOST COMMUNITIES IN MAINTAINING PEACE, PROTECTING LIBERTIES, LIFE AND PROPERTY; AND FOR RELATED MATTERS, 2020.

**Clause 1: General Objectives:**

The Objective of this Bill is to provide for a more efficient and effective police force that is based on the principles of:

- (a) accountability and transparency; and
- (b) protection of human rights and fundamental freedoms.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 2: Specific Objectives:**

The Specific objectives of this Bill are to:

- (a) provide for a Police Force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity;
- (b) reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations;
- (c) bring about a positive change in the public perception of the Police Force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public;
- (d) empower the Police Force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria;
- (e) strengthen the Police Force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria;
- (f) ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively prevent, reduce or eradicate crimes;
- (g) develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance; and
- (h) respect for rights of victims of crime and an understanding of their needs.

***Committee's Recommendation:***

That the provision in Clause 2 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 2 do stand part of the Bill, put and agreed to.*

PART II - ESTABLISHMENT, COMPOSITION AND DUTIES OF THE  
NIGERIA POLICE FORCE

**Clause 3: Establishment, composition and duties of the Nigeria Police Force.**

- (1) There is established for Nigeria the Nigeria Police Force (in this Bill referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria:
  - (a) be organised and administered in accordance with the provisions of this Bill; and
  - (b) have such powers and duties and carry out such responsibilities as are conferred on it under this Bill or any other law.
- (2) The Police Force shall consist of:
  - (a) all persons who immediately before the commencement of this Bill were members;

- (b) the Inspector-General of Police;
  - (c) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Bill; and
  - (d) Special Constables appointed under this Bill.
- (3) The hierarchy of the Police Force is as specified in the Schedule to this Bill.

***Committee's Recommendation:***

That the provision in Clause 3 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 3 do stand part of the Bill, put and agreed to.*

**Clause 4: Primary Functions of the Police Force.**

The Police Force shall:

- (a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples' Right, and any other law;
- (b) maintain public safety, law and order;
- (c) protect the lives and property of all persons in Nigeria;
- (d) enforce all laws and regulations without prejudice to the enabling Acts of other security agencies;
- (e) discharge such duties within and outside Nigeria as may be required of it under this Bill or any other law;
- (f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;
- (g) facilitate the free passage and movement on highways, roads and streets open to the public; and
- (h) adopt community partnership in the discharge of its responsibilities under this Bill or under any other law.

***Committee's Recommendation:***

That the provision in Clause 4 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Duty of Police Force to Enforce Certain Constitutional Provisions, Etc.**

- (1) The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution.

- (2) For the purpose of subsection (1) of this section, the Police Force shall collaborate with and maintain close working relationships with any Government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.
- (3) In addition to the provisions of subsections (1) and (2) of this section, the Police Force is also charged with the responsibility for promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on Human Rights to which Nigeria is a signatory.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6: Establishment and Functions of the Nigeria Police Council.**

- (1) There is established for the Federation the Nigeria Police Council (in this Bill referred to as "the Police Council") which is the highest policy making body in matters relating to the Police Force.
- (2) The Police Council consists of:
  - (a) the President, who is the Chairman;
  - (b) the Governor of each State of the Federation;
  - (c) the Chairman of the Police Service Commission; and
  - (d) the Inspector-General of Police.
- (3) The functions of the Police Council include:
  - (a) the organisation and administration of the Police Force and all other matters relating to the Police Force (not being matters relating to the use and operational control of the Police, or the appointment, disciplinary control and dismissal of members of the Police Force);
  - (b) the general supervision of the Police Force;
  - (c) advising the President on the appointment of the Inspector-General of Police; and
  - (d) receiving and deliberating on reports and advising the President or Inspector-General of Police on actions to be taken:
    - (i) pertaining to policing matters from the States of the Federation and the Federal Capital Territory, Abuja on any crucial decision of their Security Committee meetings held during the three months preceding a quarterly meeting of the Police Council, and



- (ii) on security concerns relating to policing from the States and the Federal Capital Territory, Abuja, and taking such action as it may consider appropriate.
- (4) The Police Council shall meet at least once every three months and may hold emergency meetings when necessary.
- (5) The Secretary to the Government of the Federation shall serve as secretary to the Police Council and his office shall provide the necessary secretarial support for the work of the Police Council.
- (6) Subject to the provision of this section, the Police Council shall regulate its own proceedings.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

PART III- APPOINTMENT, REMOVAL, FUNCTIONS AND POWERS, ETC.  
OF INSPECTOR-GENERAL OF POLICE

**Clause 7: Appointment, Tenure, Removal, etc. Inspector-General of Police.**

- (1) There shall be, as provided for under section 215 of the Constitution, an Inspector-General of Police (in this Bill referred to as "the Inspector-General") who shall be appointed by the President on the advice of the Police Council from among serving members of the Police Force.
- (2) The Inspector General of Police shall hold office for a single term of four years.
- (3) The Inspector-General shall only be removed from office by the President on the advice of the Police Council.

***Committee's Recommendation:***

That the provision in Clause 7 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 7 do stand part of the Bill, put and agreed to.*

**Clause 8: Functions and Powers of the Inspector-general of Police.**

- (1) The powers and functions of the Inspector-General shall include:
  - (a) the development of an overall national policing plan with inputs from the Police Force Headquarters and all the various police formations nationwide before the end of each financial year, setting out the priorities, objectives, cost implications and expected outcomes of policing for the next succeeding financial year;
  - (b) taking into cognisance the security situation across the country and its population, determine the manpower distribution of the Police based on its numerical strength after due consultation with the Police Service Commission;

- (c) administer and organise the Police Force into various components, units or groups for overall optimal performance and effectiveness;
  - (d) ensuring regular training and re-training of police officers and other staff and personnel of the Police Force and, for this purpose, establish and maintain training institutions or centres for the training of members of the Police Force; and
  - (e) ensuring the physical, mental and psychological wellbeing of all police personnel;
  - (f) seeing to the welfare and conditions of service of Police personnel;
  - (g) making Standing Orders relating to operational control of the Police Force which shall be:
    - (i) binding on all police officers, and
    - (ii) published in the Federal Government Gazette; and
  - (h) performing such other functions or exercising such powers as may be conferred on him under this Bill or any other law.
- (2) The Inspector-General shall, in addition to his functions under this section, ensure the discharge by the Police Force of the responsibilities referred to under section 5 of this Bill, and for this purpose, the Inspector-General shall:
- (a) facilitate access to legal support for suspects, accused persons or detainees in police custody;
  - (b) ensure that police officers assigned to work under the relevant scheme provide necessary assistance as may be required by legal counsel; and
  - (c) for the purposes of performing the functions under this section, submit to the Attorney-General of the Federation and National Assembly an annual report on how those responsibilities referred to under section 5(2) of this Bill are discharged.
- (3) The Attorney-General of the Federation shall, after a review of the annual report received, send his findings and recommendations to the President and publish same in his official website
- (4) The Inspector-General shall, by order published in the Federal Government Gazette, make detailed provisions and specifications for the establishment and proper working of the schemes or mechanisms under section 5 of this Bill
- (5) The Inspector-General shall, in performing his functions under this Bill, obtain inputs, from the Deputy Inspectors-General and Assistant Inspectors-General of the Zonal Commands, on the priority areas of policing for the Zones and incorporate submissions from Commissioners of Police of the States to be included in the overall national strategic plan for the next succeeding financial year.

- (6) The Inspector-General may:
  - (a) re-engage a retired police officer for a period of two years; and
  - (b) upon application by the retired police officer, re-engage him for another period of two years.

**Committee's Recommendation:**

That the provision in Clause 8 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9: Delegation of Powers.**

- (1) The Inspector-General may delegate any of his powers under this Bill to any police officer, as may be appropriate and such powers may be exercised with respect to the matters or class of matters specified or defined in the instrument of delegation.
- (2) For efficiency, effectiveness and ease of delegation of powers under subsection (1) of this section, and to ensure quick response to priority, safety and security needs, the Inspector-General shall assign powers to Zonal, State, Area and Divisional Commands of the Police Force, as may be appropriate.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

PART IV - APPOINTMENTS AND FUNCTIONS, ETC. OF DEPUTY INSPECTOR-GENERAL,  
ASSISTANT INSPECTORS-GENERAL, COMMISSIONERS OF POLICE  
AND OTHER PERSONS INTO THE NIGERIA POLICE FORCE

**Clause 10: Appointment and Duties of the Deputy Inspectors-General and Assistant Inspectors-General.**

- (1) The Police Service Commission on the recommendation of the Inspector General of Police, shall appoint for the Police Force such numbers of Deputy Inspectors-General and Assistant Inspectors-General as are required for the efficient performance of the functions of the Police Force.
- (2) A person appointed under subsection (1) shall:
  - (a) hold office until promotion, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office after following due process; and
  - (b) perform such functions and responsibilities and exercise such powers as are assigned to him by the Inspector-General.
- (3) The most senior Deputy Inspector-General of Police shall, in the absence from office of the Inspector-General, act on behalf of the Inspector-General in performing any of the functions and discharging the duties of the Inspector-General under this Act or under any law or in respect of any function as may be delegated by the Inspector-General.

- (4) On resumption of duty by the Inspector-General, the said Deputy Inspector-General shall furnish reports, in such form or details as the Inspector-General may specify, of all matters dealt with by the Deputy Inspector-General in the absence of the Inspector-General from office.

***Committee's Recommendation:***

That the provision in Clause 10 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 10 do stand part of the Bill, put and agreed to.*

**Clause 11: Appointment of Commissioners of Police.**

- (1) The Police Service Commission shall appoint such numbers of Commissioners of Police as are required for the efficient performance of the functions of the Police Force.
- (2) The Police Service Commission shall, from among the Commissioners of Police appointed under subsection (1) of this section, assign a Commissioner of Police to a State or to the Federal Capital Territory.
- (3) The Commissioners of Police not assigned under subsection (2) of this section may be deployed by the Inspector-General of the Police to head Departments and such other operational units of the Police Force.
- (4) The Police Service Commission or Inspector-General of Police, in assigning or deploying, as the case may be, the Commissioners of Police under this section to State commands, departments or units, shall reflect the principle of Federal character as provided in the Constitution and under the relevant Act.
- (5) A person appointed under subsection (1) of this section shall hold office until promotion, redeployment, retirement or removal by the Police Service Commission on account of gross misconduct or incapacity to perform the functions of his office, as the case may be.

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 11 do stand part of the Bill, put and agreed to.*

**Clause 12: Functions of Commissioners of Police for States.**

Subject to the provisions of this Bill, the Commissioner of Police of a State or the Federal Capital Territory shall:

- (a) have command and control over the Police in the State he is assigned to; and
- (b) exercise powers and perform the functions necessary to give effect to sections 4 of this Bill; and
- (c) perform any duty delegated to him by the Inspector-General.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 12 do stand part of the Bill, put and agreed to.*

**Clause 13: Appointment of Other Persons.**

The Police Service Commission shall appoint such other persons to offices in the Police Force as are required for the effective and efficient performance of the functions of the Police Force on such terms and conditions as may be prescribed by the Police Service Commission.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

**Clause 14: Pensions and Gratuities.**

- (1) Persons appointed to offices under this Part, are entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act.
- (2) Nothing in this Bill prevents the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

***Committee's Recommendation:***

That the provision in Clause 14 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 14 do stand part of the Bill, put and agreed to.*

**Clause 15: Standing Orders.**

- (1) The Police Service Commission may, subject to the provisions of this Bill, make Standing Orders relating to:
  - (a) the appointment, promotion and disciplinary control, including dismissal of persons appointed by it into the Police Force; and
  - (b) appeals by persons appointed by it into the Police Force against dismissal or other disciplinary measures.
- (2) The Standing Orders made under subsection (1) is binding on all persons appointed by the Police Service Commission and shall be published in the Federal Government Gazette.

***Committee's Recommendation:***

That the provision in Clause 15 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 15 do stand part of the Bill, put and agreed to.*

PART V - GENERAL ADMINISTRATION

**Clause 16: Oath to be Taken by Officers on Appointment.**

A person appointed as a member of the Police Force shall, prior to the commencement of duties, subscribe to the official oath, the police oath and the oath of allegiance under the Oaths Act

**Committee's Recommendation:**

That the provision in Clause 16 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 16 do stand part of the Bill, put and agreed to.*

**Clause 17: Recruitment, Appointment and Service.**

- (1) The responsibility for the recruitment of recruit constables into the Nigeria Police Force and recruit cadets into the Nigeria Police Academy shall be the duty of the Inspector-General of Police.
- (2) For the purpose of subsection (1), there shall be the Nigeria Police Recruitment Board (in this Bill referred to as "the Police Recruitment Board").
- (3) The Police Recruitment Board is responsible for the recruitment of recruit constables into the Nigeria Police Force.
- (4) The Police Recruitment Board shall consist of:
  - (a) the Inspector-General of Police as Chairman;
  - (b) all the serving Deputy Inspectors-General of Police;
  - (c) the Force Secretary;
  - (d) Commandants of Staff College Jos;
  - (e) Police Academy Wudil, Kano;
  - (f) a representative of the Police Colleges; and
  - (g) the Officer in-charge of the Legal Section of the Nigeria Police Force.
- (5) The recruitment of recruit constables into the Nigeria Police Force shall be of national spread across each State of the Federation.
- (6) The members of the Police Recruitment Board shall have power to delegate officers, not below the rank of Chief Superintendent of Police, to represent them at any meeting or recruitment exercise.
- (7) The decision of the Police Recruitment Board is final on any matter concerning the recruitment of recruit constables into the Nigeria Police Force.
- (8) Every police officer shall, on recruitment or appointment, serve in the Nigeria Police Force for a period of 35 years or until he attains the age of 60 years, whichever is earlier.
- (9) Professionals from the relevant fields, including engineering, medicine, pathology, aviation, law, psychology, accountancy and forensic science, shall:
  - (a) be appointed into the Nigeria Police Force as specialists; and
  - (b) practise their professions and use their expertise in the advancement of the objectives of the Police Force.

- (10) All candidates wishing to be recruited or appointed into the Nigeria Police Force shall undergo psychological and other medical evaluations as may be required as part of the recruitment or appointment process to ascertain their character and suitability for the job.
- (11) Within the period of recruitment or appointment, every police officer shall undergo specialised training in any professional field relevant to policing and law enforcement.

***Committee's Recommendation:***

That the provision in Clause 17 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 17 do stand part of the Bill, put and agreed to.*

**Clause 18: Extension of Term of Enlistment in Special Duties.**

- (1) Subject to section 18 of this Bill, the Police Service Commission may extend the service of constables whose service is needed beyond general duties for a period of six years
- (2) Subject to subsection (i) of this section, a Constable that serves an extension may be considered for a re-engagement into the Police Force provided he applies for it.

***Committee's Recommendation:***

*Leave out the provision in Clause 18 (Senator Dauda H. Jika — Bauchi Central) — Agreed to.*

**Clause 19: Delegation**

A Non-Commissioned Officer; Constable or Recruit Constable on fresh enlistment, or re-engaged for a further period of service, shall make and subscribe to the Police declaration prescribed by the Oaths Act.

***Committee's Recommendation:***

*Leave out the provision in Clause 19 (Senator Dauda H. Jika — Bauchi Central) — Agreed to.*

**Clause 20: Re-engagement.**

- (1) Upon approval by the appropriate authority, a Non-Commissioned Officer or Constable of good character may be re-engaged to serve for second period of six years as well as third period of six years or until the officer reaches 35 years of service or age of 60 years, whichever is earlier
- (2) Upon completion of such third period of six years, or if the officer has re-engaged until reaching the age of 60 years, the Non-Commissioned Officer or Constable may be discharged or may claim a discharge provided a six months' notice is given to or by him.
- (3) The prescribed approval referred to in subsections (1) and (2) of this section shall be that of the Chairman of the Police Service Commission or as delegated to the Inspector General of Police by the Commission.
- (4) Where a Non-Commissioned Officer or Constable Offers to re-engage within six months after having received his discharge, he shall on re-engagement be entitled to the rank which he was holding at the time of his discharge provided there is a vacancy in the establishment of that rank at the time he re-engages.

- (5) The service of a Non-Commissioned Officer or Constable who has re-engaged under this section shall be deemed to be continuous for the purposes of the pension or annual allowance or gratuities, as the case may be, and the Non-Commissioned Officer or Constable regarded as being on leave without pay during the period between discharge and re-engagement.
- (6) A Non-Commissioned Officer or Constable may not be re-engaged after a period of six months has elapsed since his discharge, except his offer of service is accepted.
- (7) The question of reinstatement of a re-enlisted Non-Commissioned Officer or Constable to the rank he held prior to his discharge shall be decided by a superior Police Officer.
- (8) A Non-Commissioned Officer or Constable whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Police Service Commission may direct.
- (9) Subject to the provision of section 7 (1) of the Pension Act and to the provisions of subsection (2) of this section, no Police Officer other than a superior police officer shall be at liberty to resign or withdraw himself from his duties without the approval of the Police Service Commission or any Police Officer authorized in writing by the Police Service Commission.

***Committee's Recommendation:***

*Leave out the provision in Clause 20 (Senator Dauda H. Jika — Bauchi Central) — Agreed to.*

**Clause 21: Training Programmes.**

- (1) The Inspector-General shall ensure that all police officers undergo regular training and re-training in:
  - (a) basic policing, ethics, code of conduct and standard operating procedures;
  - (b) crime detection and law enforcement;
  - (c) investigation and gathering of evidence;
  - (d) effective nationwide citizen engagement;
  - (e) human rights, gender issues, public relations and other emerging issues;
  - (f) democratic policing and emotional intelligence
  - (g) prosecution and defence.
- (2) The Inspector-General, in consultation with the Ministry and the Police Service Commission, is responsible for the revision of the training, duration and content of the training of police officers, at least once in every five years.



- (3) The Inspector-General shall ensure that training programmes are made available to all police officers, irrespective of gender and for all other staff or employees charged with responsibilities for discharging the duties and responsibilities of the Police Force.

**Committee's Recommendation:**

That the provision in Clause 21 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 21 do stand part of the Bill, put and agreed to.*

**Clause 22: Appointment of Supernumerary Police Officers to Protect Property.**

- (1) Any private organisation or government department who desires to avail itself of the services of supernumerary police for the protection of property owned or controlled by it may make application to the Inspector-General:
- (a) stating the nature and situation of the property in question; and
  - (b) giving such other particulars as the Inspector-General may require.
- (2) On an application under subsection (1), the Inspector-General may, with the approval of the Police Service Commission, direct the appropriate authority to appoint, as supernumerary police officers in the Police Force, such number of persons as the Inspector-General thinks appropriate for the protection of the property to which the application relates.
- (3) Every supernumerary police officer appointed under this section-
- (a) is appointed in respect of the area of the Police Zonal, State or Area Commands in which the personnel and property which he is to protect are located;
  - (b) is employed exclusively on duties connected with the protection of that property;
  - (c) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer; and
  - (d) shall be:
    - (i) a member of the Police Force for all purposes, and
    - (ii) subject to the provisions of this Bill, particularly the provisions relating to discipline.
- (4) Where any supernumerary police officer is appointed under this section, the private or government department availing itself of the services of that officer shall pay:
- (a) all entitlements, including salary and allowances to the officer monthly;
  - (b) on the enlistment of the officer, the full cost of the officer's uniform and accoutrements, including ceremonial dresses, which:

- (i) is the same as the Police general duty, and
  - (ii) shall be paid to the Police in a designated account approved by the Inspector-General
- (5) Where the private or government department availing itself of the services of any supernumerary police officer desires the services of that officer to be discontinued, the private or government department shall give at least two months' notice in writing to that effect to the Inspector-General who shall give approval to such request for implementation, and all benefits of the officer shall be paid within one month of his release.
- (6) All uniforms shall be supplied by the Police Force quarter master.
- (7) The supernumerary police shall be a unit of the Police Force.

**Committee's Recommendation:**

That the provision in Clause 22 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 22 do stand part of the Bill, put and agreed to.*

**Clause 23: Appointment of Supernumerary Police Officers for Employment on Administrative Duties on Police Premises**

- (1) The appropriate authority may, at the request of any senior police officer, appoint any person as a supernumerary police officer at an appropriate level in the Police Force for the administration or maintenance of premises occupied or used for the purposes of the Police Force, but shall not do so in any particular case unless he is satisfied that it is necessary in the interest of security or discipline that the persons discharging the duties in question are subject to the provisions of this Bill relating to discipline.
- (2) Every supernumerary police officer:
- (a) is appointed in respect of the area of the police area command or, where there is no police area command, the police division in which the premises, in connection with whose administration or maintenance he is to be employed, are situated;
  - (b) is employed exclusively on duties connected with the administration or maintenance of those premises;
  - (c) shall, in the police area in respect of which he is appointed, have the powers, privileges and immunities of a police officer;
  - (d) shall be a member of the Police Force for all purposes; and
  - (e) is subject to the provisions of this Bill, particularly the provisions relating to discipline.

**Committee's Recommendation:**

That the provision in Clause 23 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 23 do stand part of the Bill, put and agreed to.*

**Clause 24: Appointment of Supernumerary Police Officers Where Necessary in the Public Interest.**

- (1) If, at any time, the Inspector-General with the consent of the Police Service Commission, is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Police Force in accordance with the authorisation.
- (2) Every authorisation under this section shall be in writing and shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.
- (3) Every supernumerary police officer appointed under an authorisation given under this section shall:
  - (a) be appointed in respect of the police area to which the authorisation relates;
  - (b) in the police area in respect of which he is appointed and in any police area adjacent thereto, have the powers, privileges and immunities of a police officer;
  - (c) be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Bill, particularly to the provisions relating to discipline;
  - (d) not bear arms; and
  - (e) not be covered by the provision relating to pensions as stipulated in section 13 under this Bill.

***Committee's Recommendation:***

That the provision in Clause 24 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 24 do stand part of the Bill, put and agreed to.*

**Clause 25: Appointment of supernumerary police officers for attachment as orderlies.**

- (1) The appropriate authority may, at the request of the Inspector-General, appoint any person as a supernumerary police officer in the Police Force for attachment as an orderly to:
  - (a) a Minister;
  - (b) a Commissioner of the Government of a State; or
  - (c) a police officer of or above the rank of Assistant Commissioner.
- (2) Every supernumerary police officer appointed under this section:
  - (a) is employed exclusively on duties connected with the activities of the person to whom he is attached;
  - (b) shall, while so employed, have, throughout Nigeria, the powers, privileges and immunities of a police officer;

- (c) may be trained to bear fire arms with the approval of the Inspector-General;
- (d) shall be a member of the Police Force for all purposes; and
- (e) shall be subject to the provisions of this Bill, particularly the provisions relating to discipline.

***Committee's Recommendation:***

That the provision in Clause 25 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 25 do stand part of the Bill, put and agreed to.*

**Clause 26: Provisions supplementary to sections 22 to 25**

- (1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment by giving one month's notice in that behalf to his employer and senior police officer in charge of the police area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on one month's notice in that behalf or on payment of one month's pay instead of such notice.
- (2) The ranks to which supernumerary police officers may be appointed shall be prescribed by Inspector-General with the consent of the Police Service Commission, but shall not exceed the rank of Commissioner of Police throughout his life time.
- (3) There shall only be one supernumerary Commissioner of Police at a time in the Federation.
- (4) The badges of ranks of the supernumerary police shall be the same as that worn by general duty or regular police.

***Committee's Recommendation:***

That the provision in Clause 26 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 26 do stand part of the Bill, put and agreed to.*

PART VI- FINANCIAL PROVISIONS

**Clause 27: Funding of the Police Force.**

- (1) There is established and maintained for the Police Force a fund (in this Bill referred to as "the General Fund") into which shall be paid-
  - (a) budgetary allocations for capital and recurrent expenditure, for members of the Police Force and the Traffic Warden Service established under this Bill and the other staff of the Police Force; as may be appropriated by an Act of the National Assembly for the Police Force;
  - (b) such contributions as may be made available to the Police Force for the purposes of this Bill by the State Governments and the Federal Capital Territory, Abuja;

- (c) aid and assistance from international bilateral and multilateral organisations if the purpose for the aid or assistance does not conflict with the objectives of this Bill;
  - (d) all sums of money accruing to the Police Force by way of grants-in-aid, gifts, testamentary dispositions, endowments and contributions from any other source;
  - (e) all money generated by the Police Force in the course of its operations, including:
    - (i) two-thirds of fees paid by members of the public in respect of extracts from police reports,
    - (ii) two-thirds of fees paid in accordance with Standing Orders for services of police officers who would otherwise be off duty, andany other financial resource that may be vested in or accrue to the Police Force in the course of performing its functions under this Bill or any other law.
- (2) A State Government or the Federal Capital Territory, Abuja, as the case may be, shall:
- (a) keep records of all contributions made; and
  - (b) specify the purpose for which a contribution is made, under subsection (1) (b) of this section.

***Committee's Recommendation:***

That the provision in Clause 27 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 27 do stand part of the Bill, put and agreed to.*

**Clause 28: Expenditure by the Police Force.**

- (1) The Police Force shall, from time to time, apply the money accruing in the General Fund to:
- (a) the cost of administration and operations of the Police Force;
  - (b) for the payment of salaries, allowances, expenses and other benefits of the members of the Police Force and the Warden Service established under this Bill and the other staff of the Police Force;
  - (c) the payment of pensions and other retirement benefits under any law;
  - (d) costs of acquisition and upkeep of premises belonging to the Police Force and any other capital expenditure of the Police Force;
  - (e) all costs connected with or incidental to the operations of the Community Police Forums and Boards established under Part XIII of this Bill;

- (f) the investments, maintenance of utilities, training, research and similar activities; and
- (g) any other payment for anything incidental to the provisions of this section or any other function of the Police Force under this Bill.

- (2) Any contribution made by a State Government or the Federal Capital Territory under section 27 (1) (b) of this Bill or any other contribution in respect of which a purpose was specified shall be used by the Police Force for the purpose specified.

***Committee's Recommendation:***

That the provision in Clause 28 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 28 do stand part of the Bill, put and agreed to.*

**Clause 29: Estimates.**

- (1) The Police Force shall, not later than 30th September of each year, submit to the National Assembly through the Minister estimates of its income and expenditure for the next succeeding financial year.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Police Force may, where necessary due to unforeseen circumstances, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for submission to the National Assembly.
- (3) The Police Force shall, in preparing its estimates under this section, obtain inputs from the Force Headquarters, Zonal Headquarters, State Commands, Area Commands and Divisional Commands on their budgetary needs based on the annual policing plans for the various policing formations to be included in the overall estimates for the Police Force for the next succeeding financial year.

***Committee's Recommendation:***

That the provision in Clause 29 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 29 do stand part of the Bill, put and agreed to.*

**Clause 30: Accounts, Records and Audit.**

- (1) The Police Force shall:
  - (a) keep proper records and accounts of the income and expenditures of the Police Force; and
  - (b) prepare a statement of account in respect of each financial year.
- (2) The Police Force shall, within the first four months of each financial year, submit for auditing, the accounts of the Police Force to auditors appointed by the Police Force from the list and in accordance with guidelines approved by the Auditor-General of the Federation.
- (3) The audited accounts of the Police Force and the Auditor-General's report on the accounts shall be forwarded to the National Assembly by the Auditor-General annually.

**Committee's Recommendation:**

That the provision in Clause 30 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 30 do stand part of the Bill, put and agreed to.*

**Clause 31: Annual Report.**

- (1) The Police Force shall, not later than 30th June of each financial year, submit to the Minister, in respect of the preceding financial year, an annual report on the activities of the Police Force in such form as the Minister may direct.
- (2) The report under subsection (1) of this section shall include:
  - (a) detailed information with regards to the activities and expenditures of the Police Force utilized in the carrying out of its policing plan;
  - (b) a copy of the audited accounts of the Police Force for that year together with the Auditor-General's report on the accounts;
  - (c) information and description of all contributions made to the Police Force under section 27 (1)(b) of this Bill, including contributions other than cash; and
  - (d) such other information as the Minister may request.
- (3) The Police Force shall, from time to time, provide the Police Council, Police Service Commission and Minister with such information relating to the affairs of the Police Force as they may request.

**Committee's Recommendation:**

That the provision in Clause 31 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 31 do stand part of the Bill, put and agreed to.*

**PART VII - POWERS OF POLICE OFFICERS****Clause 32: Accountability.****Committee's Recommendation:**

*Leave out* the provision in Clause 32 (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

**A. Investigation and Arrest****Clause 33: Investigation of an Allegation by the Police.**

Where an alleged offence is reported to the Police, or a person is brought to the police station on the allegation of committing an offence, the Police shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation or of a State, as the case may be, for legal advice.

**Committee's Recommendation:**

That the provision in Clause 33 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 33 do stand part of the Bill, put and agreed to.*

**Clause 34: Arrest Generally.**

- (1) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated, tried or dealt with according to the provisions of this Bill, except otherwise provided under this Bill.
- (2) A person shall not be arrested merely on a civil wrong or breach of contract.
- (3) A suspect shall be brought before the court as prescribed by this Bill or any other written law or otherwise released conditionally or unconditionally.

***Committee's Recommendation:***

That the provision in Clause 34 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 34 do stand part of the Bill, put and agreed to.*

**Clause 35: Mode of Arrest.**

In making an arrest, the police officer or other person making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

***Committee's Recommendation:***

That the provision in Clause 35 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 35 do stand part of the Bill, put and agreed to.*

**Clause 36: No Unnecessary Restraint.**

A suspect or defendant may not be handcuffed, bound or subjected to restraint except:

- (a) there is reasonable apprehension of violence or an attempt to escape;
- (b) the restraint is considered necessary for the safety of the suspect or defendant; or
- (c) by order of a court.

***Committee's Recommendation:***

That the provision in Clause 36 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 36 do stand part of the Bill, put and agreed to.*

**Clause 37: Notification of Cause of Arrest and Rights of Suspect.**

- (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other person making the arrest shall inform the suspect immediately of the reason for the arrest.



- (2) The police officer, the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:
  - (a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;
  - (b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and
  - (c) free legal representation by the Legal Aid Council of Nigeria or other organisations, where applicable.
- (3) The authority having custody of the suspect shall notify the next of kin or relative of the suspect of the arrest at no cost to the suspect.

***Committee's Recommendation:***

That the provision in Clause 37 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 37 do stand part of the Bill, put and agreed to.*

**Clause 38: Arrest in Lieu Prohibited.**

A person shall not be arrested in place of a suspect.

***Committee's Recommendation:***

That the provision in Clause 38 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 38 do stand part of the Bill, put and agreed to.*

**Clause 39: Humane Treatment of Arrested Suspect.**

A suspect shall:

- (a) be accorded humane treatment, having regard to his right to the dignity of his person; and
- (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.

***Committee's Recommendation:***

That the provision in Clause 39 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 39 do stand part of the Bill, put and agreed to.*

**Clause 40: Arrest by police officer without warrant.**

- (1) A police officer may, without an order of a court and without a warrant, arrest a suspect:
  - (a) whom he suspects on reasonable grounds of having committed an offence against a law in Nigeria or against the law of any other country, unless the law creating the offence provides that the suspect cannot be arrested without a warrant;
  - (b) who commits any offence in his presence;

- (c) who obstructs a police officer while in the discharge of his duty, or who has escaped or attempts to escape from lawful custody;
- (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to the thing;
- (e) whom he suspects on reasonable grounds of being a deserter from any of the armed forces and police in Nigeria;
- (f) whom he suspects on reasonable grounds of having been involved in an act committed at a place outside Nigeria which, if committed in Nigeria, would have been punished as an offence, and for which he is, under a law in force in Nigeria, liable to be apprehended and detained in Nigeria;
- (g) having in his possession without lawful excuse, the burden of proving which excuse shall lie on the person, any implement of housebreaking, car theft, firearm or any offensive or dangerous weapon;
- (h) whom he has reasonable cause to believe a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria;
- (i) found in Nigeria taking precautions to conceal his presence in circumstances, which afford reason to believe that he is taking such precautions with a view to committing an offence;
- (j) whom he is directed to arrest by a judge or magistrate.
- (k) whom he reasonably suspects to be planning to commit an offence for which the police officer may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented;
- (l) required to appear by a public summons issued under this Bill or any other Act.
- (m) to protect a child or other vulnerable person from the suspect in question; and,
- (n) to prevent the suspect in question from:
  - (i) causing physical injury to himself or any other person;
  - (ii) suffering physical injury;
  - (iii) causing loss of or damage to property;
  - (iv) committing an offence against public decency where members of the public going about their normal business cannot reasonably be expected to avoid the person in question, or
  - (v) causing an unlawful obstruction of the highway;

- (2) No person shall be arrested without a warrant except as provided in subsection (1)e.
- (3) The authority given to a police officer to arrest a suspect who commits an offence in his presence is exercisable in respect of offences committed in the officer's presence notwithstanding that the Act creating the offence provides that the suspect cannot be arrested without a warrant.

***Committee's Recommendation:***

That the provision in Clause 40 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 40 do stand part of the Bill, put and agreed to.*

**Clause 41: Arrest Without Warrant by Private Person.**

A private person may arrest a suspect in Nigeria who in his presence commits an offence, or whom he reasonably suspects of having committed an offence for which the police is entitled to arrest without a warrant.

***Committee's Recommendation:***

That the provision in Clause 41 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 41 do stand part of the Bill, put and agreed to.*

**Clause 42: Handing over of an Arrested Suspect by Private Person.**

- (1) A private person who arrests a suspect shall immediately hand over the suspect so arrested to a police officer or, in the absence of a police officer, shall take the suspect to the nearest police station, and the police officer shall make a note of the name, address and other particulars of the private person making the arrest.
- (2) Where there is reason to believe that the arrested suspect comes under the provisions of section 40 (1), a police officer shall re-arrest him, but if there is no sufficient reason to believe that the suspect has committed an offence, he shall be released immediately.
- (3) Where there is reason to believe that the suspect has committed an offence, and he refuses, on the demand of a police officer, to give his name and address, or gives a name or address which the police officer reasonably believes to be false, the provisions of section 63 of this Bill shall apply.
- (4) Where a suspect so arrested by a private person is handed over to a police officer or an official of an agency authorised by law to make arrests, the police officer or official shall take note of the name, residential address and other particulars of the private person making the arrest, and the date, time and other circumstances of the arrest, and where the arrested suspect is taken to the police station or to the agency, the officer shall make the entries in the crime diary.
- (5) The police officer or official to whom the arrested suspect is handed over by the private person shall obtain from the private person who made the arrest a formal witness statement setting out the facts and circumstances of the arrest.

- (6) The provisions of section 46 do not apply to this section unless the suspect arrested and handed over has been re-arrested in accordance with subsection (2).

***Committee's Recommendation:***

That the provision in Clause 42 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 42 do stand part of the Bill, put and agreed to.*

**Clause 43: Arrest for Offence Committed in Presence of Judge or Magistrate.**

A judge or magistrate may arrest or direct the arrest of a suspect committing an offence in his presence and shall thereupon hand him over to a police officer who shall proceed to take necessary action.

***Committee's Recommendation:***

That the provision in Clause 43 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: When Public Is Bound to Assist in Arrest.**

A person is bound to assist a judge, magistrate or police officer or other person reasonably demanding his aid in arresting or preventing the escape of a suspect whom the judge, magistrate, police officer or other person is authorised to arrest.

***Committee's Recommendation:***

That the provision in Clause 44 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

**Clause 45: Arrested suspect to be taken immediately to police station.**

(1) A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands.

(2) A person who has the custody of an arrested suspect shall give the suspect reasonable facilities for obtaining legal advice, access to communication for taking steps to furnish bail, and otherwise making arrangements for his defence or release.

(3) Notwithstanding the provision of subsection (2), any communication or legal advice shall be done is given in the presence of an officer who has custody of the arrested suspect.

***Committee's Recommendation:***

That the provision in Clause 45 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 45 do stand part of the Bill, put and agreed to.*

**Clause 46: Recording of Arrests.**

- (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:
  - (a) the alleged offence;
  - (b) the date and circumstances of his arrest;
  - (c) his full name, occupation and residential address; and
  - (d) for the purpose of identification:
    - (i) his height,
    - (ii) his photograph,
    - (iii) his full fingerprint impressions, or
    - (iv) such other means of his identification.
- (2) The process of recording in subsection (1) shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.
- (3) Any further action in respect of the suspect arrested under subsection (1) shall be entered in the record of arrests.
- (4) Where a suspect who is arrested, with or without a warrant, volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video or audio visual means.
- (5) Notwithstanding the provision of subsection (4), an oral confession of arrested suspect is admissible in evidence.

***Committee's Recommendation:***

That the provision in Clause 46 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 46 do stand part of the Bill, put and agreed to.*

**Clause 47: Power to Break out of a House or Place for the Purpose of Liberation.**

A police officer or any other person authorised to make an arrest may break out of a house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained in the house or place.

***Committee's Recommendation:***

That the provision in Clause 47 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 47 do stand part of the Bill, put and agreed to.*

**Clause 48: Inventory of Property of Arrested Suspect.**

- (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.
- (2) An inventory recorded under subsection (1) shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory does not invalidate it.
- (3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.
- (4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.
- (5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4), the police officer shall immediately make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.
- (6) The court to which a report is made under subsection (5), may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.
- (7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of an offence.

***Committee's Recommendation:***

That the provision in Clause 48 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 48 do stand part of the Bill, put and agreed to.*

**Clause 49: Quarterly Report of Arrests to the Attorney-general.**

- (1) The Inspector-General and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.
- (2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.
- (3) The report shall contain the full particulars of arrested suspects as prescribed under section 46 of this Bill.

- (4) A register of arrests containing the particulars prescribed under section 46 of this Bill shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.
- (5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

**Committee's Recommendation:**

That the provision in Clause 49 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 49 do stand part of the Bill, put and agreed to.*

**B. Search**

**Clause 50: Power to Search.**

- (1) A police officer may seize and retain anything for which a search has been authorised.
- (2) In every case in which property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken, if other than the person on whose premises it was, may be summoned or arrested and brought before a court to account for his possession of the property, and the court shall make such order on the disposal of the property and may award costs as the justice of the case may require.
- (3) An authority under subsection (2) may only be given when the premises to be searched are, or within the preceding 12 months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.
- (4) While searching the premises, a police officer shall not violate the human rights of persons found in the premises that is being searched.

**Committee's Recommendation:**

That the provision in Clause 50 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 50 do stand part of the Bill, put and agreed to.*

**Clause 51: Power to Stop and Search.**

- (1) A police officer may exercise the power to stop and search in any:
  - (a) place the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
  - (b) other place to which the public has ready access at the time when he proposes to exercise the power but which is not a private residence.

- (2) A Police officer may detain and search any person or vehicle where:
- (a) reasonable grounds for suspicion exist that the person being suspected is having in his possession; or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained;
  - (b) reasonable grounds for suspicion exist that such person or vehicle is carrying an unlawful article;
  - (c) reasonable grounds for suspicion that incidents involving serious violence may take place within a locality;
  - (d) information has been received as to a description of an article being carried or of a suspected offender; and
  - (e) a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently.
- (3) If, in the course of a search, a police officer discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, he may seize it.
- (4) An article is prohibited for the purposes of this Part of this Bill if it is:
- (a) an offensive weapon; or
  - (b) an article:
    - (i) made or adapted for use in the course of or in connection with an offence to which this section refers; or
    - (ii) intended by the person having it with him for such use by him or by some other person.
- (5) The offences to which subsection (4) (b) (i) applies are:
- (a) burglary;
  - (b) theft; and
  - (c) offences related to receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty.
- (6) In this Part of this Bill "offensive weapon" means any article:
- (a) made or adapted for use for causing injury to persons; or
  - (b) intended by the person having it with him for such use by him or by some other person.

**Committee's Recommendation:**

That the provision in Clause 51 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 51 do stand part of the Bill, put and agreed to.*



**Clause 52: Action Before a Search Takes Place.**

- (1) Where a police officer is exercising the powers under section 51 of this Bill, he shall, before carrying out the search, question the person about his behaviour or his presence in circumstances which gave rise to the suspicion.
- (2) If the person to be searched has a satisfactory explanation which makes a search unnecessary or other circumstances come to the attention of the police officer that make the search unnecessary, no search may take place.
- (3) Before any search of a detained person or vehicle may take place, the officer shall give the person to be searched or in charge of the vehicle:
  - (a) his name and the name of the police station to which he is attached;
  - (b) the object of the search; and
  - (c) his grounds or authorisation for undertaking the search.
- (4) For any police officer to exercise the power to stop and search, he shall be in uniform or wear visibly a valid Police Identity Card.

***Committee's Recommendation:***

That the provision in Clause 52 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 52 do stand part of the Bill, put and agreed to.*

**Clause 53: General Conduct of the Search.**

- (1) Reasonable effort shall be taken to minimise the embarrassment that a person or the person whose property is being searched may experience.
- (2) The co-operation of the person to be searched shall be sought in every case.
- (3) A forcible search may be used as a last resort only if it has been established that the person being searched is unwilling to co-operate or resists.
- (4) The length of time for which a person or vehicle may be detained for a search depends on the circumstances, but this shall be within a reasonable time.
- (5) Searches in public shall be restricted to superficial examination of outer clothing.
- (6) Where it is considered necessary to conduct a more thorough search that requires a person to take off his cloth or headgear, it:
  - (a) shall be done out of public view and by an officer of the same sex with the person being searched; and
  - (b) may not be made in the presence of anyone of the opposite sex unless the person being searched requests it.

**Committee's Recommendation:**

That the provision in Clause 53 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 53 do stand part of the Bill, put and agreed to.*

**Clause 54: Search of Arrested Suspect.**

- (1) Where a suspect is arrested by a police officer or a private person, the police officer making the arrest or to whom the private person hands over the suspect may search the suspect if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (2) A police officer shall also have the power in any such case to search the arrested person for anything:
  - (a) which he might use to assist him to escape from lawful custody; or
  - (b) which might be evidence relating to an offence.
- (3) Where an arrested suspect is admitted to bail and bail is furnished, he shall not be searched unless there are reasonable grounds for believing that he has on his person any:
  - (a) stolen article;
  - (b) instrument of violence or poisonous substance;
  - (c) tools connected with the kind of offence which he is alleged to have committed; or
  - (d) other articles which may furnish evidence against him in regard to the offence, which he is alleged to have committed.
- (4) The power to search conferred under subsection (2) is only a power to search to the extent that is reasonably required for the purpose of discovering anything or evidence.
- (5) The powers conferred under this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.
- (6) A police officer may not search premises in the exercise of the power conferred under subsection (2) (b) unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.
- (7) A police officer shall place in safe custody all articles other than necessary wearing apparel found on the suspect.

**Committee's Recommendation:**

That the provision in Clause 54 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 54 do stand part of the Bill, put and agreed to.*

**Clause 55: Examination of Arrested Suspect.**

- (1) Subject to the provision of this section, an intimate search of a suspect may be carried out, if a police officer of at least the rank of Assistant Superintendent of Police has reasonable grounds for believing that the suspect in lawful custody:
  - (a) may have concealed on him anything which:
    - (i) could be used to cause physical injury to himself or others, and
    - (ii) might so use while he is in police detention or in the custody of a court; or
  - (b) that evidence of the offence alleged to have been committed can only be gotten from examination of the suspect.
- (2) An authorisation under subsection (1) may be given orally or in writing, and where an oral authorisation has been given, it shall be confirmed in writing as soon as practicable specifying the grounds for the intimate search.
- (3) A police officer carrying out the intimate search shall inform the person who is to be subjected to the search of the:
  - (a) purpose for the search; and
  - (b) authorisation and grounds for the search.
- (4) An intimate search shall be by way of examination by a suitably qualified person.
- (5) Where an officer of the rank of at least an Assistant Superintendent of Police considers it impracticable for an intimate search to be by way of examination by a suitably qualified person, the intimate search may be carried out by a police officer at the rank of Sergeant.
- (6) An intimate search shall be carried out by a suitably qualified person or Sergeant of the same sex as the suspect.
- (7) No intimate search may be carried out except:
  - (a) at a police station;
  - (b) at a hospital; or
  - (c) at some other place used for medical purposes.
- (8) If an intimate search of a person is carried out, the custody record relating to him shall state:
  - (a) the authorisation by virtue of which the search was carried out;
  - (b) the grounds for giving the authorisation;
  - (c) the fact that the appropriate consent was given;
  - (d) which parts of his body were searched; and
  - (e) why they were searched.

- (9) The information required to be recorded by subsection (8) of this section shall be recorded as soon as practicable after the completion of the search.
- (10) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained if he:
- (a) believes that the person from whom it is seized may use it to:
    - (i) cause physical injury to himself or any other person,
    - (ii) damage property,
    - (iii) interfere with evidence, or
    - (iv) assist him to escape;
  - (b) if he has reasonable grounds for believing that it may be evidence relating to an offence.
- (11) Where anything is seized under this section, the suspect from whom it is seized shall be told the reason for the seizure unless he is:
- (a) violent or likely to become violent; or
  - (b) incapable of understanding what is said to him.
- (12) Where the appropriate consent for an intimate search of any suspect was refused without good cause, in any proceeding against that suspect for the offence for which the search was required, the court, judge, magistrate or presiding judicial officer may draw such inferences from the refusal as it is considered proper.
- (13) Every quarterly report submitted to the Attorney-General pursuant to section 49 of this Bill shall contain information about searches under this section which have been carried out during the period to which it relates.
- (14) The report on the searches referred to under subsection 12 of this section shall include-
- (a) the total number of searches;
  - (b) the number of searches conducted by way of examination by a suitably qualified person;
  - (c) the number of searches not conducted by a suitably qualified person, but conducted in the presence of such a person; and
  - (d) the result of the searches carried out.
- (15) In this section "suitably qualified person" means a registered:
- (a) medical practitioner; or
  - (b) nurse.

**Committee's Recommendation:**

That the provision in Clause 55 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 55 do stand part of the Bill, put and agreed to.*

**Clause 56: Where Reasonable Suspicion Never Exist.**

The following shall not be grounds for reasonable suspicions;

- (a) personal attributes, including a person's colour, age, hairstyle or manner of dress;
- (b) previous conviction for possession of an unlawful article; or
- (c) stereotyped images of certain persons or groups as more likely to be committing offences.

**Committee's Recommendation:**

That the provision in Clause 56 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 56 do stand part of the Bill, put and agreed to.*

**Clause 57: Search of Place Entered by Suspect Sought to Be Arrested.**

- (1) Where a person or police officer acting under a warrant of arrest or otherwise having authority to arrest, has reason to believe that the suspect to be arrested has entered into or is within any house or place, the person residing in or being in charge of the house or place shall, on demand by the police officer or person acting for the police officer, allow him free access to the house or place and afford all reasonable facilities to search the house or place for the suspect sought to be arrested.
- (2) Where access to a house or place cannot be obtained under subsection (1) of this section, the person or police officer may enter the house or place and search it for the suspect to be arrested, and in order to effect an entrance into the house or place, may break open any outer or inner door or window of any house or place, whether that of the suspect to be arrested or of any other person or otherwise effect entry into such house or place, if after notification of his authority and purpose, and demand of admittance duly made, he cannot obtain admittance.
- (3) Where the suspect to be arrested enters a house or place in the actual occupancy of another person being a woman who by custom or religious practice does not appear in public, the person making the arrest shall:
  - (a) before entering the house or place, give notice to the woman that she is at liberty to withdraw; and
  - (b) afford her every reasonable opportunity and facility for withdrawing, and may then enter the house or place, but the notice shall not be necessary where the person making the arrest is a woman.

**Committee's Recommendation:**

That the provision in Clause 57 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 57 do stand part of the Bill, put and agreed to.*

**Clause 58: Action after Search Is Carried Out.**

- (1) An officer who has carried out a search shall make a written record unless it is not practicable to do so, including situations where the number of persons to be searched is large or in situations involving public disorder.
- (2) The records shall be completed and signed by the officer and person being searched on the spot and a copy to be given to the person being searched or the vehicle driver if it is a vehicle.
- (3) Subject to subsection (2), in case the search record is not available on the spot, the officer that carried out the search shall advise the person searched or the driver of the vehicle searched, of the police station the person may pick up the search record.
- (4) A searched person may refuse to collect a search record that his signature is not appended on.
- (5) Where the person to be searched is unwilling to provide detailed information about himself, the officer may not detain him; he shall be allowed to go unless unlawful items are found in his possession or in the vehicle searched.

**Committee's Recommendation:**

That the provision in Clause 58 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 58 do stand part of the Bill, put and agreed to.*

**Clause 59: Search Record.**

- (1) A search record shall be prepared in the prescribed Form to be known as a National search Record Form.
- (2) The following information must always be included in the National Search Record:
  - (a) the name of the person searched or if, he withholds it, description of the person;
  - (b) the date of birth of the person searched;
  - (c) a note of the person's ethnic origin;
  - (d) when a vehicle is searched, a description of the vehicle, including the registration number;
  - (e) the object of the search;
  - (f) the ground for making the search;

- (g) the date and time the search was made;
- (h) the place where the search was made;
- (i) the result of the search;
- (j) a note of any injury or damage to property resulting from the search; and
- (k) the identity of the officer making the search.

***Committee's Recommendation:***

That the provision in Clause 59 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 59 do stand part of the Bill, put and agreed to.*

**Clause 60:** Search warrant safeguards.

- (1) A search warrant is unlawful unless it complies with this section.
- (2) Where a police officer applies for any search warrant, it shall be his duty to state:
  - (a) the ground on which he makes the application;
  - (b) the law under which the warrant would be issued;
  - (c) the premises to be searched; and
  - (d) possibly the article or person to be searched.
- (3) An application for a warrant shall be made in writing under oath and supported by necessary information.
- (4) A warrant shall authorise an entry on one occasion only.
- (5) A warrant shall:
  - (a) specify:
    - (i) the name of the person who applies for it,
    - (ii) the date on which it is issued,
    - (iii) the law under which it is issued, and
    - (iv) the premises to be searched;
  - (b) a warrant shall identify, as practicable as possible, the article or person to be searched.
- (6) Two copies of a warrant shall be made.
- (7) The two copies shall be clearly certified as copies.

**Committee's Recommendation:**

That the provision in Clause 60 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 60 do stand part of the Bill, put and agreed to.*

**Clause 61: Execution of Search Warrant.**

- (1) A warrant to enter and search premises may be executed by any police officer.
- (2) Such a warrant may authorise a person to accompany any police officer who is executing it.
- (3) A search warrant may be issued and executed at any time on any day, including a Sunday or public holiday.
- (4) Where the occupier of premises which is to be searched is present at the time when a police officer seeks to execute a warrant to enter and search, the police officer shall:
  - (a) identify himself to the occupier and, if not in uniform, shall produce to the occupier, his official identity card;
  - (b) produce the warrant to the occupier; and
  - (c) supply the occupier with a copy.
- (5) Where the occupier is not present, but some other person who appears to the police officer to be in charge of the premises is present, subsection (4) of this section shall take effect as if the occupier is present.
- (6) Upon the execution of a warrant, a police officer shall make an endorsement on it stating whether:
  - (a) the articles or persons sought were found; and
  - (b) any other articles were seized, other than articles which were sought.

**Committee's Recommendation:**

That the provision in Clause 61 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 61 do stand part of the Bill, put and agreed to.*

**C. Statements.****Clause 62: Recording of statement of suspect.**

- (1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.
- (2) The statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official



of a Civil Society Organization or a Justice of the Peace or any other person of his choice, provided that the legal practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his duty as a legal practitioner.

- (3) Where a suspect does not understand or speak or write in the English language, an interpreter shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him, and the interpreter shall attest to the making of the statement.
- (4) The interpreter shall endorse his name, address, occupation, designation or other particulars on the statement.
- (5) The suspect referred to in subsection (1) shall also endorse the statement with his full particulars.

***Committee's Recommendation:***

That the provision in Clause 62 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 62 do stand part of the Bill, put and agreed to.*

**Clause 63: Refusal to Give Name and Residence.**

- (1) Where a suspect who, in the presence of a police officer, has committed or has been accused of committing an offence triable summarily, refuses, on demand of the police officer, to give his name and residential address, or gives a name or residential address which the officer has reason to believe to be false, he may be arrested by the officer in order that his name or residential address may be ascertained.
- (2) Where the true name and residential address of the suspect have been ascertained, he shall be released on his entering a recognizance with or without sureties to appear before a magistrate if so required, but if the person is not resident in Nigeria, a surety or sureties resident in Nigeria shall secure the recognizance.
- (3) Where the true name and address of the suspect cannot be ascertained within 48 hours from the time of arrest, or if he fails to execute a recognizance, or, where so required, to furnish sufficient sureties, he shall immediately be brought before the nearest magistrate having jurisdiction.
- (4) Where the suspect on being brought before the court still refuses, the court may deal with him as it will deal with an uncooperative witness under this Bill.

***Committee's Recommendation:***

That the provision in Clause 63 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 63 do stand part of the Bill, put and agreed to.*

**D. Release of Arrested Suspect****Clause 64: Release on Bail of a Suspect Arrested Without Warrant.**

- (1) Where a suspect has been taken into police custody without a warrant for an offence other than an offence punishable with death, an officer in charge of a police station shall inquire into the case and release the suspect arrested on bail subject to subsection (2) of this section, and where it will not be practicable to bring the suspect before a court having jurisdiction with respect to the offence alleged, within 24 hours after the arrest.
- (2) The police officer in charge of a police station shall release the suspect on bail on his entering into a recognizance with or without sureties for a reasonable amount of money to appear before the court or at the police station at the time and place named in the recognizance.
- (3) Where a suspect is taken into custody and it appears to the police officer in charge of the station that the offence is of a capital nature, the arrested suspect shall be detained in custody, and the police officer may refer the matter to the Attorney-General of the Federation or of a State, as the case may, for legal advice and cause the suspect to be taken before a court having jurisdiction with respect to the offence within a reasonable time.

***Committee's Recommendation:***

That the provision in Clause 64 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 64 do stand part of the Bill, put and agreed to.*

**Clause 65: Power to Release on Bail Before Charge Is Accepted.**

- (1) Where a suspect is taken into custody, and it appears to the police officer that the inquiry into the case cannot be completed immediately, he may discharge the suspect on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at the police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the police officer in charge of that police station that his attendance is not required.
- (2) A recognizance under subsection (1) of this section may be enforced as if it were a recognizance conditional for the appearance of the said suspect before a magistrate's court or the place in which the police station named in the recognizance is situate.

***Committee's Recommendation:***

That the provision in Clause 65 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 65 do stand part of the Bill, put and agreed to.*

**Clause 66: Remedy of Suspect Detained in Custody.**

- (1) Where a suspect taken into custody in respect of a non-capital offence is not released on bail after 24 hours, a court having jurisdiction with respect to the offence may be notified by application on behalf of the suspect.

- (2) The court shall order the production of the suspect detained and inquire into the circumstances constituting the grounds of the detention and where it deems fit, admit the suspect detained to bail.
- (3) An application for bail under this section may be made orally or in writing.

***Committee's Recommendation:***

That the provision in Clause 66 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 66 do stand part of the Bill, put and agreed to.*

**E. Miscellaneous**

**Clause 67: Summons.**

Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight, which is between 6am to 6pm.

***Committee's Recommendation:***

That the provision in Clause 67 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 67 do stand part of the Bill, put and agreed to.*

**Clause 68: Powers to Prosecute.**

- (1) Subject to the provisions of section 174 and 211 of the Constitution and section 106 of the Administration of the Criminal Justice Act which relates to the powers of the Attorney-General of the Federation and of a State to institute, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria, a police officer who is a legal practitioner, may prosecute in person before any court whether or not the information or complaint is laid in his name.
- (2) A police officer may, subject to the provisions of the relevant criminal procedure laws in force at the Federal or State level, prosecute before the courts those offences which non-qualified legal practitioners can prosecute.
- (3) There shall be assigned to every Police Division at least one police officer:
  - (a) who is qualified to practise as legal practitioner in accordance with the Legal Practitioners Act; and
  - (b) whose responsibility is to promote human rights compliance by officers of the Division.

***Committee's Recommendation:***

That the provision in Clause 68 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 68 do stand part of the Bill, put and agreed to.*

**Clause 69: Central Criminal Records Registry.**

- (1) There shall be established at the Nigeria Police, a Central Criminal Records Registry.
- (2) For the purposes of subsection (1) of this section, there shall be established at every State Police Command a Criminal Records Registry which shall keep and transmit all records to the Central Criminal Records Registry.
- (3) The State or Federal Capital Territory Police Command, Abuja shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgement.

**Committee's Recommendation:**

That the provision in Clause 69 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 69 do stand part of the Bill, put and agreed to.*

**Clause 70: Power to take Fingerprints.**

- (1) A police officer shall take and record for the purposes of identification the measurements, photographs and fingerprint impression of all persons who may be in lawful custody.
- (2) Where a person who has not previously been convicted of any criminal offence is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions including the document of acquittal or discharge shall be stored in a retrievable form and handed over to such person upon request.
- (3) A police officer shall apply to a court to compel any person in lawful custody, who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions, to submit himself.
- (4) Subject to subsection (3) of this section, the court may authorise a police officer to take the measurements, photographs and finger-print impressions of such person.

**Committee's Recommendation:**

That the provision in Clause 70 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 70 do stand part of the Bill, put and agreed to.*

**Clause 71: Police to Report to Supervising Magistrates.**

- (1) An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.
- (2) The report shall contain the particulars of the suspects arrested as prescribed under section 46 of this Bill.

- (3) The magistrate shall, on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters.
- (4) The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a non-governmental organisation, make the report available to them.
- (5) Where no report is made in accordance with subsection (1) of this section, the magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action.
- (6) With respect to the Federal Capital Territory, Abuja, the report referred to in subsection (5) of this section shall be forwarded to the Chief Judge of the Federal Capital Territory, Abuja and the Attorney-General of the Federation for remedial action.

***Committee's Recommendation:***

That the provision in Clause 71 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 71 do stand part of the Bill, put and agreed to.*

**Clause 72: Chief Magistrate to Visit Police Stations Every Month.**

- (1) The Chief Magistrate, or where there is no Chief Magistrate within the police division, any magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.
- (2) During a visit, the magistrate may:
  - (a) call for, and inspect, the record of arrests;
  - (b) direct the arraignment of a suspect;
  - (c) where bail has been refused, grant bail to any suspect, where appropriate, if the offence for which the suspect is held is within the jurisdiction of the magistrate.
- (3) An officer in charge of a police station or an official in charge of an agency authorised to make an arrest shall make available to the visiting Chief Magistrate or designated magistrate exercising his powers under subsection (1) of this section:
  - (a) the full record of arrest and record of bail;
  - (b) applications and decisions on bail made within the period; and
  - (c) any other facility the magistrate requires to exercise his powers under that subsection.

- (4) With respect to other Federal Government agencies authorised to make arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.
- (5) Where there is default by an officer in charge of a police station or an official in charge of an agency authorised to make arrest to comply with the provisions of subsection (3) of this section, the default shall be treated as a misconduct and shall be dealt with in accordance with the relevant police regulations under this Bill, or under any other disciplinary procedure prescribed by any provision regulating the conduct of the officer or official of the agency.

***Committee's Recommendation:***

That the provision in Clause 72 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 72 do stand part of the Bill, put and agreed to.*

PART VIII - WARRANTS

**Clause 73: General Authority to Issue Warrant.**

Where under a law, there is power to arrest a suspect without warrant, a warrant for his arrest may be issued by the court.

***Committee's Recommendation:***

That the provision in Clause 73 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 73 do stand part of the Bill, put and agreed to.*

**Clause 74: Form and Requisites of Warrant of Arrest.**

- (1) A warrant of arrest issued under this Bill, unless the contrary is provided under any other law, shall:
  - (a) bear the date of issue;
  - (b) contain all necessary particulars; and
  - (c) be signed by the issuing judge or magistrate.
- (2) A warrant shall:
  - (a) state the offence or matter for which it is issued;
  - (b) name and describe the suspect to be arrested; and
  - (c) order the person to whom it is directed to arrest the suspect and bring him before the court.

***Committee's Recommendation:***

That the provision in Clause 74 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 74 do stand part of the Bill, put and agreed to.*

**Clause 75: Warrant to Be Issued on Complaint Only If on Oath.**

A warrant of arrest shall not be issued in the first instance in respect of any complaint or statement unless the complaint or statement is on oath either by the complainant himself or by a material witness.

**Committee's Recommendation:**

That the provision in Clause 75 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 75 do stand part of the Bill, put and agreed to.*

**Clause 76: Warrant may be issued on any day.**

A warrant of arrest may be issued on any day, including a Sunday or public holiday.

**Committee's Recommendation:**

That the provision in Clause 76 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 76 do stand part of the Bill, put and agreed to.*

**Clause 77: Warrant, to Whom Directed and Duration.**

- (1) A warrant of arrest may be directed to a police officer by name or to all police officers.
- (2) It is not necessary to make a warrant of arrest returnable at any particular time and a warrant shall remain in force until it is executed or until a Judge or a Magistrate cancels it.
- (3) Where a warrant of arrest has been executed and the suspect arrested has been released, the warrant shall no longer be valid authority for re-arresting the suspect.

**Committee's Recommendation:**

That the provision in Clause 77 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 77 do stand part of the Bill, put and agreed to.*

**Clause 78: Warrant of Arrest May in Exceptional Cases Be Directed to Other Persons.**

- (1) A court issuing a warrant of arrest may, where its immediate execution is necessary and no police officer is immediately available, direct it to some other person or persons and the person or persons shall execute the warrant.
- (2) A person, when executing a warrant of arrest directed to him, shall have all the powers, rights, privileges and protection given to or afforded by law to a police officer executing a warrant of arrest and shall conform with the requirement imposed by law on a police officer.

**Committee's Recommendation:**

That the provision in Clause 78 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 78 do stand part of the Bill, put and agreed to.*

**Clause 79: Execution of Warrant and Procedure.**

- (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.
- (2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.
- (3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.
- (4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution, sections 80 and 81 of this Bill, be brought before the court that issued the warrant of arrest.

**Committee's Recommendation:**

That the provision in Clause 79 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 79 do stand part of the Bill, put and agreed to.*

**Clause 80: Power to Arrest on Warrant but Without the Warrant.**

A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him as soon as practicable after his arrest (*Senator Dauda H. Jika — Bauchi Central*).

**Amendment Proposed**

*Leave out* the provision in Clause 80 and *insert* the following instead thereof:  
"Power to arrest without having warrant possession.

Any warrant lawfully issued by a court for apprehending a person charged with any offence may be executed by a Police Officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, be shown to the person apprehended not later than 24 hours after his arrest" (*Senator Aliyu S. Abdullahi — Niger North*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 80 as amended do stand part of the Bill, put and agreed to.*

**Clause 81: Court May Direct Particulars of Security to Be Taken on Execution of Warrant.**

- (1) A court, on issuing a warrant for the arrest of a suspect in respect of a matter other than an offence punishable with death, may, if it deems fit by endorsement on the warrant, direct that the suspect named in the warrant be released on bail on his entering into such a recognizance for his appearance as may be required in the endorsement.
- (2) The endorsement shall specify:
  - (a) the number of sureties, if any;



- (b) the amount in which they and the suspect named in the warrant are, respectively, to be bound, or are to provide as cash security on the request of the surety or suspect;
  - (c) the court before which the arrested suspect is to attend; and
  - (d) the time at which the suspect is to attend, including an undertaking to appear at a subsequent time as may be directed by any court before which he may appear.
- (3) Where an endorsement is made, the officer in charge of a police station to which on arrest the suspect named in the warrant is brought, shall discharge him on his entering into a recognizance, with or without sureties approved by that officer, in accordance with the endorsement, condition for his appearance before the court and at the time and place named in the recognizance.
- (4) Where security is taken under this section, the officer who takes the recognizance shall cause it to be forwarded to the court before which the suspect named in the recognizance is bound to appear.

***Committee's Recommendation:***

That the provision in Clause 81 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 81 do stand part of the Bill, put and agreed to.*

**Clause 82: Warrant issued by the Federal High Court.**

- (1) A warrant of arrest issued by a Federal High Court sitting anywhere in Nigeria may be executed in any part of Nigeria.
- (2) A warrant issued under this section may be executed in accordance with section 79 of this Bill.

***Committee's Recommendation:***

That the provision in Clause 82 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 82 do stand part of the Bill, put and agreed to.*

**Clause 83: Re-arrest of Suspect Escaping.**

Where a suspect in lawful custody escapes or is rescued, the person from whose custody he escaped or is rescued or any other person may pursue and re-arrest him in any place in Nigeria.

***Committee's Recommendation:***

That the provision in Clause 83 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 83 do stand part of the Bill, put and agreed to.*

**Clause 84:** Provisions of sections 47 and 57 to apply to arrests under sections 78 and 83.

The provisions of sections 47 and 57 of this Bill shall apply to arrests under sections 78 and 83 of this Bill, although the person making such arrest is not acting under a warrant and is not a police officer having authority to arrest.

***Committee's Recommendation:***

That the provision in Clause 84 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 84 do stand part of the Bill, put and agreed to.*

**Clause 85:** Public Safety and Public Order.

- (1) The Police Force is responsible for maintaining and securing public safety and public order.
- (2) The Police Force shall, in carrying out its responsibilities under subsection (1) of this section:
  - (a) uphold the provisions of the Constitution and other laws;
  - (b) uphold and protect the fundamental rights of all persons in Nigeria; and
  - (c) be fair to all persons in Nigeria notwithstanding their economic status or religious, ethnic or political beliefs and affiliations.
- (3) Subject to the provisions of subsection (1) of this section, the Commissioner of Police of a State is responsible for maintaining security, public safety and public order within the State.
- (4) Where a person or organisation notifies the police of his or its intention to hold a public meeting, rally or procession on a public highway, or such meetings in a place where the public has access to, the police officer responsible for the area where the meeting, rally or procession will take place, shall mobilise personnel to provide security cover for the meeting, rally or procession.

***Committee's Recommendation:***

That the provision in Clause 85 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 85 do stand part of the Bill, put and agreed to.*

PART IX - PREVENTION OF OFFENCES AND SECURITY FOR GOOD BEHAVIOUR

**Clause 86:** Police to Prevent Offences and Injury to Public Property

- (1) A police officer may intervene for the purpose of preventing, and shall, to the best of his ability, prevent the commission of an offence.
- (2) A police officer may of his authority intervene to prevent an injury attempted to be committed in his presence to any public property, whether movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

**Committee's Recommendation:**

That the provision in Clause 86 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 86 do stand part of the Bill, put and agreed to.*

**Clause 87: Information of Plan to Commit Offence.**

A police officer receiving information of a plan to commit any offence shall communicate the information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of the offence.

**Committee's Recommendation:**

That the provision in Clause 87 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 87 do stand part of the Bill, put and agreed to.*

**Clause 88: Arrest by Police to Prevent Offences.**

Notwithstanding the provisions of this Bill or any other law relating to arrest, a police officer on a reasonable suspicion of a plan to commit an offence, may arrest, without orders from a magistrate and without warrant, the suspect where it appears to the officer that the commission of the offence cannot otherwise be prevented.

**Committee's Recommendation:**

That the provision in Clause 88 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 88 do stand part of the Bill, put and agreed to.*

**Clause 89: Prevention by Other Public Officers of Offences and Injury to Public Property.**

- (1) A judge, magistrate, or any other public officer charged with responsibility for maintaining law and order may intervene to prevent the commission of an offence or any damage to any public property, movable or immovable.
- (2) A person is bound to assist a Judge or Magistrate or police officer or any other public officer reasonably demanding his aid:
  - (a) in preventing the commission of an offence or any damage to any public property, movable or immovable;
  - (b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or
  - (c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

**Committee's Recommendation:**

That the provision in Clause 89 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 89 do stand part of the Bill, put and agreed to.*

## PART X- PROPERTY FOUND AND UNCLAIMED, ETC.

**Clause 90: Found and Unclaimed Property**

- (1) Where a police officer or any other person finds a lost property, the police officer or person who finds the property shall take it to the nearest police station within 24 hours after it is found.
- (2) A police officer on duty shall collect the property which was found and make a record of it.
- (3) A register shall be kept at a police station for the purpose of making entries of the property found and brought to the station which shall contain:
  - (a) the type of property found;
  - (b) the description of the property stating the general particulars and state and condition of the property when it was brought to the police station and any other relevant information relating to the property;
  - (c) the date and time it was found and brought;
  - (d) the name, address and telephone number, if any, of the person who found and brought the property to the station;
  - (e) the name and rank of the police officer who collected the property; and
  - (f) the signatures of the police officer and the person who found and brought the property to the station.
- (4) A police officer who collects the lost and found property shall enter the details in the register referred to in subsection (3) of this section and prepare two forms acknowledging the receipt of the lost and found property and give a duly signed copy to the person who found and brought the property to the police station.
- (5) The police officer in charge of the police station in possession of the property found shall make a public announcement at least on three consecutive times in the print and electronic media about the property in the custody of the police station for the rightful owner to claim the property with authentic proof of ownership within a period of six months.
- (6) The police officer in charge of the station in possession of the property shall release the property upon satisfactory proof of ownership.
- (7) Where the property remains unclaimed after the expiration of six months, the police officer in charge of that police station shall bring the property before a magistrate court for auction and the proceeds shall be paid into the Police Reward Fund established under section 93 of this Bill.

- (8) Where a property in Police custody is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, and the proceeds of sale shall be paid into the Police Reward Fund established under section 93 of this Bill.
- (9) There shall be deducted from the proceeds of a sale under subsections (7) and (8) of this section, before being paid into the Police Reward Fund the cost, if any, of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the police.

***Committee's Recommendation:***

That the provision in Clause 90 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 90 do stand part of the Bill, put and agreed to.*

**Clause 91: Documentation of Arrest, Witnesses and Death in Police Station.**

- (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorized by the officer-in-charge of the police station shall enter in the official record book:
  - (a) the name of the person and his national identity number, if any;
  - (b) the date of birth of the person;
  - (c) the reason for the person's visits;
  - (d) the name and address of the person's next-of-kin;
  - (e) the exact time the person comes to the station and leaves, for everyday he visits; and
  - (f) any ailment or medical condition which the person has.
- (2) The particulars mentioned in subsection (1) of this section shall be updated each day the person remains in custody in the police station.
- (3) Where, in the discharge of the police duty, a person is shot, wounded or killed, the officer commanding the operation shall record:
  - (a) the number of those wounded or killed, the names of the victims or their description as much as possible; and
  - (b) efforts made to ensure hospitalisation of the wounded or proper preservation of the dead.
- (4) A police officer who fails to keep appropriate records referred to in subsections (1), (2) and (3) of this section commits a serious misconduct, which shall attract a disciplinary measure.
- (5) The Inspector-General shall give a quarterly report to the Police Service Commission itemising the number and identity of persons who:
  - (a) were detained in all police formations across Nigeria;

- (b) were charged and prosecuted in the courts in Nigeria and the outcome of their cases;
- (c) were killed or wounded during police operations across Nigeria; and
- (d) died in police custody.

**Committee's Recommendation:**

That the provision in Clause 91 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 91 do stand part of the Bill, put and agreed to.*

**Clause 92: Missing Persons.**

- (1) A person who is aware that a person under his employment or control is missing shall, within 24 hours, report to the police:
  - (a) the identity of the missing person; and
  - (b) circumstances in which that person got missing.
- (2) When a report is made to the police under subsection (1) of this section, the duty officer or such other designated staff shall immediately record the name and address of the missing person and the person who made the report.

**Committee's Recommendation:**

That the provision in Clause 92 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 92 do stand part of the Bill, put and agreed to.*

PART XI - ESTABLISHMENT OF THE POLICE REWARD  
FUND, ETC. AND OTHER PROVISIONS RELATING TO  
THE POLICE FORCE

**Clause 93: Establishment, etc. of the Police Reward Fund.**

- (1) There is established for the Nigeria Police the Police Reward Fund (in this Bill referred to as "the Reward Fund" into which shall be paid:
  - (a) all money levied by order of a senior officer on members of the police for offences against discipline;
  - (b) all fines levied for assaults on members of the police;
  - (c) one-third of fees paid by members of the public in respect of extracts from reports made by the police;
  - (d) one-third of fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty; and
  - (e) all sums ordered to be paid into the Fund under section 90 (7) of this Bill.

- (2) Subject to the rules for the time being in force under section 23 of the Finance Control and Management Act, the Reward Fund shall be applied and disbursed at the direction of the Inspector-General, based on criteria laid by the Police Service Commission:
- (a) to reward members of the police for exemplary services
  - (b) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the force;
  - (c) for making ex gratia payments towards the funeral expenses of any member of the police who dies in the service of the police: and
  - (d) for such other purpose as may be determined, by the Nigeria Police Council.

***Committee's Recommendation:***

That the provision in Clause 93 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 93 do stand part of the Bill, put and agreed to.*

**Clause 94: Recognition and Commendation for Gallantry, and Exemplary Service.**

Police officers who have distinguished themselves with their outstanding performance in the discharge of their duties shall be duly honoured and recognised for their gallant and exemplary service by the Police Force:

- (a) by recommendation for national honours, attention being paid to deserving officers inclusive;
- (b) through public presentation of awards and certificates of exemplary service from communities and civil society; or
- (c) by the police setting aside a day or week in every year to celebrate outstanding performance by its officers and to remember their fallen heroes.

***Committee's Recommendation:***

That the provision in Clause 94 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 94 do stand part of the Bill, put and agreed to.*

**Clause 95: Police Officer and Indebtedness.**

- (1) A police officer shall not get himself involved in indebtedness of any kind while still in service, and where he does, he shall be disciplined and the debt or liability shall be recovered from his remuneration if the creditor can prove the indebtedness by withholding from the police officer's remuneration an amount not exceeding one-third of his monthly remuneration until the amount of the debt or liability is made good.
- (2) Where the recovery of the debt or liability is by a court order, the court making the order shall give due notice to the senior police officer in charge of the command to which the indebted officer belongs, and the amount ordered shall be withheld or deducted from the indebted officer's remuneration until the amount of the debt is made good.

**Committee's Recommendation:**

That the provision in Clause 95 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 95 do stand part of the Bill, put and agreed to.*

**Clause 96: Debt recovery: exception.**

The remuneration of a police officer shall not be withheld on account of any debt or liability, which he may have incurred before being appointed to the police.

**Committee's Recommendation:**

That the provision in Clause 96 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 96 do stand part of the Bill, put and agreed to.*

**Clause 97: Private Business and Conflict of Interest.**

A police officer shall not, while in service, be directly involved in managing and running any private business or trade except farming.

**Committee's Recommendation:**

That the provision in Clause 97 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 97 do stand part of the Bill, put and agreed to.*

## PART XII - OFFENCES

**Clause 98: Offences by Police Officer.**

- (1) A police officer who:
  - (a) begins, raises, abets, countenances, or excites mutiny;
  - (b) causes or joins in any sedition or disturbance of any nature whatsoever;
  - (c) being at an assembly tending to riot, does not use his utmost endeavour to suppress the assembly;
  - (d) coming to the knowledge of any mutiny, or intended mutiny, does not immediately give information of the mutiny to his superior officer;
  - (e) strikes or offers any violence to his senior officer while in the discharge of his duty;
  - (f) deserts or aids or abets the desertion of an officer from the Nigeria Police;
  - (g) on enlistment, falsely states that he:
    - (i) has not been convicted or imprisoned for a criminal offence, or
    - (ii) was never employed by the Government of the Federation or of a State;



- (h) fails to come to the aid or assist any person in need of assistance at the time of distress;
- shall be:
- (i) subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms, and
- (ii) if found liable, recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.
- (2) A police officer shall not, in discharging his duty:
- (a) discriminate against any person in Nigeria, based on the person's:
- (i) place of origin,
- (ii) gender,
- (iii) socio-economic status,
- (iv) ethnic, political or religious affiliation, or
- (v) any form of disability, and
- (b) use a language or act in such a way that suggests a bias towards a particular group.
- (3) A police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and may be guilty, either of desertion or of absence without leave.
- (4) A police officer shall not be convicted as a deserter or of attempting to desert unless the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force or to escape some particular important service.

***Committee's Recommendation:***

That the provision in Clause 98 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 98 do stand part of the Bill, put and agreed to.*

**Clause 99: Apprehension of Deserters.**

On reasonable suspicion that a person is a deserter, a police officer or any other person may apprehend him and bring him immediately before a court having jurisdiction in the place where he was found, which may deal with the suspected deserter or refer him to a court having jurisdiction in the place in which he has deserted.

***Committee's Recommendation:***

That the provision in Clause 99 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 99 do stand part of the Bill, put and agreed to.*

**Clause 100: Assault on Police Officer.**

A person who assaults, obstructs or resists a police officer in the discharge of his duty, or aids or incites any other person to assault, obstruct or resist a police officer or other person aiding or assisting the police officer in the discharge of his duty, commits an offence and is liable on conviction to a fine of ₦500,000 or imprisonment for six months or both.

**Committee's Recommendation:**

That the provision in Clause 100 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 100 do stand part of the Bill, put and agreed to.*

**Clause 101: Refusing to Aid Police Officer Assaulted.**

Where a person is called upon to aid and assist a police officer who is, while in the discharge of his duty, assaulted or resisted or in danger of being assaulted or resisted, and the person refuses or neglects to aid and assist, the person commits an offence and is liable on conviction to a fine of N100,000 or imprisonment for three months or both.

**Committee's Recommendation:**

That the provision in Clause 101 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 101 do stand part of the Bill, put and agreed to.*

**Clause 102: Taking of Intoxicating Liquor or Use of Psychotropic Substances and Stimulants While on Duty.**

(1) A police officer shall not, while on duty, take any intoxicating liquor, psychotropic substances or stimulants and if he contravenes, he shall be punished in accordance with the police disciplinary procedures.

(2) A person who:

(a) knowingly:

(i) harbours or entertains, or either directly or indirectly, sells or gives any intoxicating liquor, psychotropic substances or stimulants to a police officer while on duty, or

(ii) permits a police officer to stay or remain in his house unlawfully, except in cases of extreme urgency, or

(b) by threats or offer of money, gift, spirits, liquors, psychotropic substances or stimulants, induces or attempts to induce any police officer to commit a breach of his duty as a police officer or omit any part of the duty,

commits an offence and is liable on conviction to a fine of N20,000 or imprisonment for three months or both.

**Committee's Recommendation:**

That the provision in Clause 102 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 102 do stand part of the Bill, put and agreed to.*

**Clause 103: Impersonation of Police Officer.**

A person, not being a police officer who:

- (a) puts on or assumes, either in whole or in part, the apparel, name, designation, or description of a police officer or resembling and intended to resemble the apparel, name or designation of a police officer, or
- (b) in any way, pretends to be a police officer for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority,

commits an offence and is liable on conviction to a fine of N300,000 or imprisonment for three years or both (*Senator Dauda H. Jika — Bauchi Central*).

**Amendment Proposed:**

*Leave out* the Proviso and *insert* the following instead thereof:

“commits an offence and is liable on conviction to imprisonment for three years with no option of fine” (*Senator Yahaya A. Abdullahi — Kebbi North*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 103 as amended do stand part of the Bill, put and agreed to.*

**Clause 104: Obtaining Admission into Police Force with Forged or False Certificate.**

(1) A person who:

- (a) knowingly uses or attempts to pass off any forged or false character certificate, letter or any other document for the purpose of obtaining admission into the Police Force; or
- (b) on applying for enlistment, makes a false statement,

commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for six months or both.

**Amendment Proposed:**

*Leave out* the Proviso and *insert* the following instead thereof:

“commits an offence and is liable on conviction to imprisonment for six months with no option of fine” (*Senator Yahaya A. Abdullahi — Kebbi North*).

*Question that the amendment be made, put and agreed to.*

- (2) A police officer may arrest, without a warrant, a person whom he reasonably believes has committed an offence under this section (*Senator Dauda H. Jika — Bauchi Central*).

*Question that Clause 104 as amended do stand part of the Bill, put and agreed to.*

**Clause 105: Ordinary course of law not to be interfered with.**

Nothing in this Bill is construed to exempt a police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.

**Committee's Recommendation:**

That the provision in Clause 105 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 105 do stand part of the Bill, put and agreed to.*

**Clause 106: Persons acquitted by the court not to be tried for the same offence under this Bill.**

- (1) A person who has been acquitted by a court of any offence shall not be tried on the same charge or suffer any punishment under this Bill.
- (2) Where a police officer has been convicted by a court for an offence, he is not liable to be punished for the same offence under this Bill, but may have his rank or grade reduced or be dismissed from the Police Force.

**Committee's Recommendation:**

That the provision in Clause 106 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 106 do stand part of the Bill, put and agreed to.*

#### PART XIII - SPECIAL CONSTABLES

**Clause 107: The Special Constabulary.**

- (1) The Special Constabulary is hereby established under this Bill.
- (2) The special constabulary is deemed Part of the Nigeria Police Force, and accordingly references in this Bill to the Police Force shall, subject to the provisions of this Bill, include, and be deemed always to have included, references to the special constabulary.
- (3) The special constabulary shall consist of-
  - (a) special constables appointed in normal circumstances under section 68 of this Bill; and
  - (b) such emergency special constables as may be appointed from time to time under section 70 of this Bill.
- (4) If any enactment requires police officers to perform military duties or confers power (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to members of the special constabulary.

**Committee's Recommendation:**

That the provision in Clause 107 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 107 do stand part of the Bill, put and agreed to.*

**Clause 108: Appointment of Special Constables.**

- (1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person who:
  - (a) has attained the age of 21 years but has not attained the age of 50 years;
  - (b) is of good character and physically fit; and
  - (c) has signified willingness to serve as a special constable.

- (2) The Inspector-General of Police shall, from time to time by notice published in the Force Administrative Instructions, fix the maximum number of persons who may hold appointments under this section, and a person shall not be appointed as a special constable under this section if his appointment would cause the number, for the time being so fixed, to be exceeded.
- (3) Subject to subsection (2), the Inspector-General of Police may:
- (a) review the maximum number of persons who may hold appointments under this section in any territory; and
  - (b) fix the maximum number of persons appointed under this section who may hold any particular rank in the special constabulary in any territory;
  - (c) in either case, fix different numbers with respect to different territories, and every competent authority shall ensure that the numbers fixed under this subsection are not exceeded.
- (4) Every special constable appointed under this section-
- (a) shall be appointed to serve as a special constable for one year or such longer period as may be agreed between him and the authority by whom he is appointed, and shall, on appointment, sign an engagement in the prescribed form to serve as a special constable for that period;
  - (b) shall be appointed in respect of the Police Area Command or, where there is no Police Area Command, the Police Division in which he resides or is employed;
  - (c) shall, within the territory in which the police area in respect of which he is appointed is situated, but not elsewhere, have the powers, privileges and immunities of a special constable; and
  - (d) subject to the provisions of this Bill, shall be a member of the Special Constable for all purposes:
- Provided that a special constable appointed in respect of a police area within the Federal Capital Territory, Abuja shall have the powers, privileges and immunities of a special constable not only within the Federal Capital Territory, Abuja but also within any police area adjacent to the Federal Capital Territory, Abuja.
- (5) A special constable shall have such rank as may be assigned to him by the competent authority, and the assigning authority shall cause notice thereof to be published in the Force Administrative Instructions:
- (6) A special constable may be, within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engaged to serve for a further period of one year or such longer period as may be agreed between him and the authority and, if he does so, his appointment under this section is deemed to have been extended accordingly.

- (7) Without prejudice to the right of the competent authority to refuse permission in any case, a person is not permitted to re-engage under this subsection (6) unless he would, if not already a special constable, be qualified for appointment as such under this section.
- (8) Every special constable shall, on appointment, be issued with a certificate of appointment in the prescribed form, and, on the determination of his appointment (whether by the passage of time or under section 68 of this Bill) shall be issued with a certificate of discharge in the prescribed form.

***Committee's Recommendation:***

That the provision in Clause 108 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 108 do stand part of the Bill, put and agreed to.*

**Clause 109: Resignation, Suspension and Dismissal of Special Constables Appointed under Section 68**

- (1) A special constable appointed under section 68 of this Bill may, at any time, give to the senior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than 30 days later than the date on which the notice is given) mentioned in the notice.
- (2) On receipt of a notice under subsection (1), the senior police officer in question shall refer it to the competent authority, and if the competent authority consents to the notice, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given its consent under this subsection, whichever is the later.
- (3) The competent authority may, at any time for reasons appearing to it to be sufficient by notice in writing, immediately suspend or determine the appointment of any special constable appointed under section 68 of this Bill and may, if it deems fit, do so without informing the special constable of the reasons for his action, but shall in every case immediately report its action and the reasons thereof to the Inspector-General of Police.
- (4) A special constable whose appointment is suspended or determined under subsection (3) otherwise than by the Inspector-General of Police, may appeal against the suspension or determination to the competent authority; and any such appeal shall be heard and determined by the competent authority to whom it is made.
- (5) Any delegation of the powers of the Inspector-General of Police under subsections (3) and (4) shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) is a police officer of higher rank than the police officer against whose action the appeal is brought.

***Committee's Recommendation:***

That the provision in Clause 109 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 109 do stand part of the Bill, put and agreed to.*

**Clause 110: Appointment of Emergency Special Constables.**

- (1) If at any time the Commissioner of Police for a State or Federal Capital Territory is satisfied, as regards any police area in that State, that an unlawful assembly or riot or breach of the peace has taken place or may reasonably be expected to take place in that area, or that by reason of other special circumstances it is necessary in the public interest for emergency special constables to be appointed in respect of that area, he may authorise the Senior Police Officer in charge of that area or any Chief Superintendent of Police to appoint persons resident or employed in that area (whether male or female) as emergency special constables.
- (2) An authorization under this section need not be in writing, but shall specify the maximum number of emergency special constables who may be appointed under that authorisation.
- (3) Where a Senior Police Officer proposes to appoint any person as an emergency special constable under an authorisation given under this section, he shall cause to be served on that person a notice in the prescribed form requiring him to present himself at a time and place specified in the notice for appointment as an emergency special constable.
- (4) Every person on whom a notice is served under subsection (3) shall present himself at the time and place specified in the notice and shall, on being required to do so by the Senior Police Officer proposing to appoint him, make and sign a promise in the prescribed form to serve as an emergency special constable until such time as his appointment is determined under this section, and immediately after he has made and signed that promise, the Senior Police Officer shall hand to him a document in the prescribed form appointing him as an emergency special constable in respect of the police area to which the authorisation under which he is being appointed relates.
- (5) Every emergency special constable-
  - (a) shall, in the police area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a special constable; and
  - (b) subject to the provisions of this Bill, shall be a member of the special constabulary for all purposes.
- (6) The Senior Police Officer in charge of the police area in respect of which an emergency special constable is appointed may at any time, and shall, if so directed by the Commissioner of Police for the State in which that police area is situated, by notice in writing forthwith, or with effect from a future date specified in the notice, determine the emergency special constable's appointment, and, on the determination of his appointment under this section, an emergency special constable shall be issued with a certificate of discharge in the prescribed form.
- (7) Any person who, without reasonable excuse (proof of which shall lie on him)-
  - (a) refuses or fails to comply with the requirements of a notice served on him under subsection (3); or

- (b) refuses to make and sign a promise to serve on being required to do so under subsection (4), is liable on summary conviction to a fine not exceeding ₦10,000.00.
- (8) The provisions of this section shall apply in relation to the Federal Capital Territory, Abuja as they apply in relation to a State, subject to the modification that, in relation to the Federal Capital Territory, Abuja any reference to the Commissioner of Police shall be construed as a reference to the Inspector-General of Police.
- (9) The provisions of this section shall have effect subject to section 68 (2) and (3) of this Bill.

**Committee's Recommendation:**

That the provision in Clause 110 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 110 do stand part of the Bill, put and agreed to.*

**Clause 111: Provisions Supplementary to Section 68**

- (1) The Commissioner of Police for a State or Federal Capital Territory or the Inspector-General of Police;
- (a) on giving an authorisation under section 70 of this Bill, shall forthwith inform the President of his action and of the circumstances which led him to take it, and shall as soon as possible cause notice of the giving of the authorisation to be published in the Force Administrative Instructions; and
- (b) as soon as possible after all emergency special constables appointed under that authorisation have been discharged, shall cause notice of that fact to be published in the Force Administrative Instructions.
- (2) The Inspector-General of Police may, by order published in the Force Administrative Instructions, declare persons of any class or description specified in the order to be exempted from appointment as emergency special constables under section 70 of this Bill, and the power to appoint persons as emergency special constables under that section shall not extend to persons of any class or description for the time being so specified.
- (3) Any power to make or determine appointments under or by virtue of section 70 of this Bill shall be exercisable only while there is in force the necessary delegation of that power by the Inspector-General of Police.

**Committee's Recommendation:**

That the provision in Clause 111 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 111 do stand part of the Bill, put and agreed to.*

**Clause 112: Equipment.**

- (1) The Inspector-General of Police may provide for use by special constables such as batons, clothing and other equipment as he considers necessary for the proper discharge of their duties.



- (2) Any expenses incurred by the Inspector-General of Police under this section shall be defrayed out of money provided by the Federal Government.

***Committee's Recommendation:***

That the provision in Clause 112 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 112 do stand part of the Bill, put and agreed to.*

**Clause 113: Instructions of Special Constables.**

- (1) Regulations made under section 139 (1) (a) of this Bill with respect to the organisation and administration of the Force shall not require special constables to attend for instruction on more than four days in any one month or for periods amounting in the aggregate to more than 24 hours in any one month.
- (2) Any person responsible for giving instruction to special constables under the regulations shall have regard as far as possible to the convenience of special constables who are to attend for instruction and also, where applicable, to that of the employers of such special constables.

***Committee's Recommendation:***

That the provision in Clause 113 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 113 do stand part of the Bill, put and agreed to.*

**Clause 114: Allowances, Pensions, etc.**

- (1) Except as expressly provided by this section or by regulations made by virtue of subsection (3), a person's service as a special constable shall render him for a stipend as may be determined by the Inspector-General of Police as approved by Police Council.
- (2) A special constable shall:
  - (a) have no claim on the Police Reward Fund; and
  - (b) not as such be entitled to occupy living accommodation provided at the public expense.
- (3) Regulations made under section 139 (1) (a) of this Bill may provide for stipends to be paid to special constables-
  - (a) in respect of expenses incurred by them in connection with their attendance at periods of instruction;
  - (b) as compensation for loss of earnings during periods of full-time duty; and
  - (c) in respect of the use by special constables or of this subsection the rank of Inspector of their own vehicles while on full-time duty, but shall not provide for the payment of any other stipends to special constables; and the amount of any such stipends as is mentioned in paragraph (a) or (b) of this subsection shall be fixed by the regulations, and shall not be calculated by reference to the actual expenses or loss of earnings of the person to whom it is payable.

- (4) Without prejudice to the generality of section 58 of this Bill, the regulations may make provision for enabling any such stipend as is mentioned in subsection (3) of this section to be withheld by a senior police officer if, in his opinion, there are good reasons for withholding it.
- (5) Subject to subsection (7), section 6 of the Pensions Reform Act (which contains corresponding provisions applicable to police officers above the rank of Constable) shall not apply to special constables as they apply to regular police officers.
- (6) Subject to subsection (7), Regulation 24 (1) and (2) of the repealed Pensions Regulations (which make provision for the payment of pensions to officers in respect of permanent injuries received while on duty) may apply to special constables as they apply to regular police officers.
- (7) For the purposes of subsection (6), references to a retirement shall be construed as references to a retirement from employment other than employment as a special constable.
- (8) If a special constable is killed or sustains injuries at a time when he holds some other office in the Public Service of the Federation or of a State, his duty as a special constable is, for the purpose of the Pensions Reform Act, deemed to form part of his duty as the holder of that other office, and subsections (5) and (6) of this section shall not apply in this case.
- (9) Any pension granted under subsection (5) or (6) shall be subject to the provisions of the Act under which it is granted and shall cease or be dealt with accordingly.
- (10) In this section, "regular police officer" means a police officer who is neither a special constable nor a supernumerary police officer.

***Committee's Recommendation:***

That the provision in Clause 114 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 114 do stand part of the Bill, put and agreed to.*

**PART XIV - COMMUNITY POLICING COMMITTEE**

**Clause 115: Establishment of Community Policing Committee.**

- (1) For the effective and efficient policing of communities in a State or Federal Capital Territory, the Commissioner of Police of a State shall establish Community Police Committee (in this Bill referred to as "the Committee") that shall consist of representatives of the Police Force and the local community in the State.
- (2) A Commissioner of Police of a State shall establish Community Sub-Committee (in this Bill referred to as "the Sub-Committee") at all Divisional Police Headquarters in the State or Federal Capital Territory.

- (3) Subject to section 116 (1) and (2) of this Bill, the Commissioner of Police and members designated by him from time to time for that purpose, shall be members of the Committee and Sub-Committee established at various police formations.

***Committee's Recommendation:***

That the provision in Clause 115 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 115 do stand part of the Bill, put and agreed to.*

**Clause 116: Establishment of Divisional Community Police Committee.**

- (1) A Commissioner of Police of a State or Federal Capital Territory shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Committee (in this Bill referred to as "Divisional Committee") in all Police Divisions within the State.
- (2) A Divisional Committee shall, in collaboration with the relevant stakeholders in the community, establish Divisional Community Police Committee in all police formations in the Division.
- (3) Subject to section 116 (1) and (2) of this Bill, the Divisional Police Officer and the members designated by him, from time to time for that purpose, shall be members of the Divisional Committee concerned.

***Committee's Recommendation:***

That the provision in Clause 116 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 116 do stand part of the Bill, put and agreed to.*

**Clause 117: Establishment of State Community Police Committee**

- (1) A Commissioner of Police of a State shall, in collaboration with the State Executive Council, establish a State Community Police Committee.
- (2) A State Community Police Committee shall, subject to subsection (3) of this section, consist of representatives of Divisional Community Police Committee designated for that purpose by the Divisional Community Police Committee of a State concerned.
- (3) Subject to section 116 (1) and (2) of this Bill, Commissioner of Police in a State and the members designated by him, from time to time for that purpose, shall be members of the State Community Police Committee concerned.

***Committee's Recommendation:***

That the provision in Clause 117 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 117 do stand part of the Bill, put and agreed to.*

**Clause 118: Objectives of Community Police Committee**

- (1) The objectives of the Committee are to:
  - (a) maintain a partnership between the community and the Police Force;
  - (b) promote communication between the Police Force and the community;
  - (c) promote co-operation between the Police and the community in fulfilling the needs of the community regarding policing;
  - (d) improve the police service to the community; and
  - (e) improve transparency and accountability in the provision of police services to the community.
- (2) This section does not prevent police liaison with the community by means other than Committee, Sub-Committee and Divisional Committees.

***Committee's Recommendation:***

That the provision in Clause 118 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 118 do stand part of the Bill, put and agreed to.*

**Clause 119: Functions of Community Police Committee.**

A Committee, Sub-Committee and Divisional Committee shall perform the functions they considers necessary and appropriate to achieve the objectives stated in section 118 of this Bill.

***Committee's Recommendation:***

That the provision in Clause 119 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 119 do stand part of the Bill, put and agreed to.*

**Clause 120: Procedural Matters.**

- (1) A Committee, Sub-Committee and Divisional Committee shall:
  - (a) elect, from amongst their members, a Chairman, Vice-Chairman and Secretary who shall be police officers;
  - (b) determine the number of members to be assigned by the State Commissioner or Divisional Police Officer to serve as members of the Committee or Sub-Committee concerned;
  - (c) each determine its own procedure and cause minutes to be kept of its proceedings; and
  - (d) whenever each considers necessary, co-opt other members, experts or community leaders to the Committee, Sub-Committee and Divisional Committee in an advisory capacity.

- (2) Members of the Committee, Sub-Committee and Divisional Committee shall render their services on a voluntary basis and shall have no claim to any remuneration solely for services rendered to the Committee, Sub-Committee or Divisional Committee.
- (3) The majority of the members of the Committee, Sub-Committee or Divisional Committee shall constitute a quorum at any of its meetings.
- (4) In the absence of the Chairman of a Committee, Sub-Committee or Divisional Committee at a meeting, the Vice-Chairman shall preside over the meeting, and if both the Chairman and Vice-Chairman are absent, the members present shall elect one of them present to preside over the meeting.

***Committee's Recommendation:***

That the provision in Clause 120 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 120 do stand part of the Bill, put and agreed to.*

PART XV- TRAFFIC WARDEN SERVICE

**Clause 121: Establishment of Traffic Warden Service.**

- (1) There is established a Traffic Warden Service (in this Bill referred to as "the Warden Service").
- (2) The Warden Service shall consist of traffic wardens appointed from time to time under this Bill.
- (3) The Warden Service shall be a part of the Police Force and accordingly, references to the Police Force shall, subject to the provisions of this Bill, include references to the Warden Service.
- (4) Notwithstanding subsection (3) of this section where any Act requires police officers to discharge military duties, or confers any power on any person, whether expressly or in general terms, to require police officers to discharge those duties, that Act shall not, in the absence of express provision to the contrary, extend to traffic wardens.
- (5) Traffic wardens shall be employed to perform functions normally undertaken by police officers in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall, in that connection, act under the direction of the Police Force.
- (6) Without prejudice to the provisions of subsections (1)- (5) of this section, a traffic warden shall deal primarily with:
  - (a) the general control and direction of motor traffic on the highway;
  - (b) assisting pedestrians to cross the road; and
  - (c) controlling vehicles stopping or parking in unauthorised places.

***Committee's Recommendation:***

That the provision in Clause 121 be retained (*Senator Dauda H. Jika — Bauchi Central*) —  
*Agreed to.*

*Question that Clause 121 do stand part of the Bill, put and agreed to.*

**Clause 122: Recruitment of Traffic Wardens.**

- (1) Notwithstanding anything to the contrary in any law, the Inspector-General has power to recruit, promote, transfer, dismiss or exercise disciplinary control over traffic wardens.
- (2) Subject to the provisions of this Bill, a person may be recruited a traffic warden if he:
  - (a) is at least 19 and not more than 21 years of age;
  - (b) is in possession of a minimum educational qualification of Senior Secondary School Certificate;
  - (c) at least 167.64 centimeters and 162.56 centimeters tall respectively for the men and women;
  - (d) in the case of men, has at least 86.36 centimeters chest measurement when fully expanded;
  - (e) is of good character and physically fit; and
  - (f) has signified his willingness to serve as a traffic warden.
- (3) The Police Service Commission shall, from time to time by notice published in the Federal Government Gazette, fix the maximum number of persons who may, at any time hold appointments under this section and a person shall not be appointed as a traffic warden if his appointment would cause the number fixed for that period of time to be exceeded.
- (4) The Inspector-General may:
  - (a) from time to time with the approval of the Police Service Commission, fix the maximum number of traffic wardens who may, at any time hold appointments in any State;
  - (b) at his own discretion, fix the maximum number of traffic wardens who may, at any time, hold any particular rank in the Warden Service in any State; and
  - (c) in either case, fix different numbers with respect to different States.

***Committee's Recommendation:***

That the provision in Clause 122 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 122 do stand part of the Bill, put and agreed to.*

**Clause 123: Declarations by Traffic Wardens.**

- (1) A traffic warden on appointment, or if re-appointed for a further term, shall make and subscribe to the police declaration prescribed by the Oaths Act as modified under subsection (2) of this section.
- (2) The police declaration prescribed by the Oaths Act is modified by substituting for the words:

- (a) "police officer", wherever it occurs, the words "traffic warden"; and
- (b) "for the preservation of peace" to the end of the declaration, the words, "to discharge all duties of my office according to law".

**Committee's Recommendation:**

That the provision in Clause 123 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 123 do stand part of the Bill, put and agreed to.*

**Clause 124: Tenure of Office of Traffic Wardens.**

- (1) A traffic warden appointed under this Bill shall be:
  - (a) appointed to serve as a traffic warden for 35 years or 60 years of age, whichever comes first; and
  - (b) pensionable and only in the Police State Command in which he resides.
- (2) A traffic warden may, subject to satisfactory conduct and service, be re-appointed for another three years until the expiration of the 10th year of his appointment in the Warden Service, when he may elect to determine his appointment or elect that his service be allowed to continue until he is 55 years of age.

**Committee's Recommendation:**

That the provision in Clause 124 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 124 do stand part of the Bill, put and agreed to.*

**Clause 125: Powers, Etc. of Traffic Wardens.**

A traffic warden shall, when on duty:

- (a) have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic; and
- (b) be in uniform and within the State Command in which he is appointed to serve, but not elsewhere.

**Committee's Recommendation:**

That the provision in Clause 125 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 125 do stand part of the Bill, put and agreed to.*

**Clause 126: Certificate of Appointment and Discharge.**

A traffic warden:

- (a) on first appointment, shall be issued with a Certificate of Appointment in a form approved by the Inspector-General; and
- (b) on the determination of first or any subsequent appointment, whether by effluxion of time or under section 105 of this Bill, shall, in like manner, be issued with a Certificate of Discharge.

**Committee's Recommendation:**

That the provision in Clause 126 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 126 do stand part of the Bill, put and agreed to.*

**Clause 127: Ranks of Traffic Wardens.**

A traffic warden shall have such rank as may be assigned to him by the Inspector-General beyond the following grades:

- (a) Traffic Warden Grade III;
- (b) Traffic Warden Grade II;
- (c) Traffic Warden Grade I;
- (d) Senior Traffic Warden II;
- (e) Senior Traffic Warden I;
- (f) Assistant Superintendent of Traffic II;
- (g) Assistant Superintendent of Traffic I; and
- (h) Deputy Superintendent of Traffic.

**Committee's Recommendation:**

That the provision in Clause 127 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 127 do stand part of the Bill, put and agreed to.*

**Clause 128: Resignation.**

- (1) A traffic warden may, at any time, give, to any senior police officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice not being less than 28 days later than the date on which the notice is given.
- (2) On receipt by the senior police officer of the notice referred to in subsection (1), the senior police officer shall immediately refer the notice to the Commissioner and traffic warden having control over him, and if the Commissioner consents to the notice, the appointment of the traffic warden is terminated.

**Committee's Recommendation:**

That the provision in Clause 128 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 128 do stand part of the Bill, put and agreed to.*

**Clause 129: Discipline.**

- (1) Subject to the provisions of this Bill, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline.



- (2) In the application to traffic wardens of the provisions of Police Regulations relating to the power to award punishments and to whom they may be awarded, references to Constables, Corporals, Sergeants and Inspectors shall include, respectively, references to Traffic Wardens Grade I and Senior Traffic Wardens.

**Committee's Recommendation:**

That the provision in Clause 129 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 129 do stand part of the Bill, put and agreed to.*

**Clause 130: Provision of Equipment.**

- (1) The Inspector-General of Police may provide, for use by the traffic wardens, such equipment as he considers necessary for the proper discharge of their duties under this Bill.
- (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of the General Fund of the Police Force.

**Committee's Recommendation:**

That the provision in Clause 130 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 130 do stand part of the Bill, put and agreed to.*

**Clause 131: Delegation of power by Inspector-General.**

The Inspector-General may delegate any of his powers under this Part to the Commissioner of a State or the Commandant of a Police College (except his power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined by the instrument of delegation.

**Committee's Recommendation:**

That the provision in Clause 131 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 131 do stand part of the Bill, put and agreed to.*

**Clause 132: Instruction of Traffic Warden, etc.**

- (1) A traffic warden is required to undergo a course of training at the Traffic Training School of a Police College for 12 weeks or such other or further period as the Inspector-General may determine.
- (2) A traffic warden shall, on appointment, be allocated a service number with the letters, "TW" and the service numbers of all traffic wardens shall appear on the register kept for that purpose by the Inspector-General.
- (3) A traffic warden to whom a service number has been allocated under subsection (2) shall wear his service number on the shoulder flaps of his uniform whenever he is on duty.

**Committee's Recommendation:**

That the provision in Clause 132 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 132 do stand part of the Bill, put and agreed to.*

PART XVI - POLICE PUBLIC COMPLAINTS AND DISCIPLINE

**Clause 133: Establishment of a Police Complaints Response Unit.**

- (1) The Inspector-General of Police shall establish a Police Complaints Response Unit (in this Bill referred to as "the Unit") in the Force Headquarters, and each of the Police Commands in all the States of the Federation and Federal Capital Territory.
- (2) The Unit established under subsection (1) shall be under the Public Relations Section.

***Committee's Recommendation:***

That the provision in Clause 133 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 133 do stand part of the Bill, put and agreed to.*

**Clause 134: Composition of the Unit.**

- (1) The Unit shall consist of representatives of the Federal or State Intelligence Bureau, Police Provost Marshal and any other unit of the Police Force as the Inspector-General considers fit.
- (2) The Unit shall be headed by an officer not below the rank of a Chief Superintendent of Police.

***Committee's Recommendation:***

That the provision in Clause 134 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 134 do stand part of the Bill, put and agreed to.*

**Clause 135: Functions of the Unit.**

- (1) The Unit shall receive complaints:
  - (a) or information of police officers' misconduct from the public;
  - (b) of police officers' misconduct from other police officers or authority.
  - (c) alleging that the conduct complained of resulted in the death or serious injury or other gross human rights violation; and
  - (d) showing that a police officer is involved in an act constituting professional misconduct.
- (2) The Unit shall monitor the investigations initiated by the Unit.
- (3) While conducting investigation into any complaint by a member of the public against a police officer, the Unit shall afford the person against whom the complaint has been made opportunity to defend himself.
- (4) On the conclusion of an investigation, the appropriate investigative unit of the Unit shall make available a copy of its findings or investigation report to the Unit within 21 days from the day the complaint was made.

**Committee's Recommendation:**

That the provision in Clause 135 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 135 do stand part of the Bill, put and agreed to.*

**Clause 136: Steps to be taken after investigation.**

After investigation, the head of the Unit through the Force Public Relations Officer or Public Relations Officer of a State or Federal Capital Territory shall forward the report and its recommendations to the Inspector-General or Commissioner of Police of the State or Federal Capital Territory who shall:

- (a) send a copy of the investigation report and recommendations to the appropriate Police or oversight authority for proper disciplinary action if the investigations reveal that the offence committed is against discipline as specified in this Bill and in the Police Regulations made under this Bill; and
- (b) where it is discovered after investigations that the complainant knowingly gave false information against the police officer or should have reasonably known that the information is false, the complainant shall be tried according to relevant laws for the time being in force.

**Committee's Recommendation:**

That the provision in Clause 136 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 136 do stand part of the Bill, put and agreed to.*

## PART XVII - MISCELLANEOUS PROVISIONS

**Clause 137: Prohibition Against Gender Discrimination.**

The Police Force or other persons shall not, in the performance of their functions under this Bill, Regulations or Standing Orders made under this Bill, discriminate against any person on the basis of gender as provided under section 42 of the Constitution.

**Committee's Recommendation:**

That the provision in Clause 137 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 137 do stand part of the Bill, put and agreed to.*

**Clause 138: Disobeying Unlawful Orders.**

- (1) A police officer who, on reasonable grounds, believes that an order given to him by a senior officer is unlawful, he:
  - (a) is not bound to comply with the order; and
  - (b) shall immediately make a report in such form as it is provided by the Police Service Commission for that purpose.
- (2) On the receipt of the report referred to in subsection (1), the Police Service Commission shall immediately inquire into the matter and may, where the inquiry reveals that the order was:
  - (a) lawful, take appropriate disciplinary action against the police officer for disobeying a lawful order; and

- (b) unlawful, take appropriate disciplinary action against the senior police officer for giving an unlawful order.

**Committee's Recommendation:**

That the provision in Clause 138 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 138 do stand part of the Bill, put and agreed to.*

**Clause 139: Power to make regulations.**

- (1) The Minister may make regulations on the recommendation of:
- (a) the Inspector-General of Police, with respect to the policy, organisation and administration of the Police Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Reform Act; and
- (b) the Police Service Commission, with respect to appointments, promotions and disciplinary control of police officers as specified in the Constitution.
- (2) The Minister shall regularly review the police regulations.

**Committee's Recommendation:**

That the provision in Clause 139 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 139 do stand part of the Bill, put and agreed to.*

**Clause 140: Repeal.**

- (1) The Police Act Cap P19 Laws of the Federation of Nigeria, 2004 is repealed
- (2) Subject to section 6 of the Interpretation Act (relating to the repeal of enactments), the repeal of the Act referred to under subsection (1) of this section does not affect anything done or purported to have been done under it.

**Committee's Recommendation:**

That the provision in Clause 140 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 140 do stand part of the Bill, put and agreed to.*

**Clause 141: Savings and Transitional Provisions.**

- (1) There are vested in the Police Force established under this Bill, all assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Bill were vested in the Police Force existing immediately before the commencement of this Bill.
- (2) All rights, interests, obligations and liabilities of the Police Force existing immediately before the commencement of this Bill under any contract or instrument, or in law or in equity, are, by virtue of this Bill, assigned to, and vested in, the Police Force established under this Bill.

- (3) Any contract or instrument referred to in subsection (2) has the same effect against or in favour of the Police Force established under this Bill and shall be enforced as fully and effectively as if, instead of the Police Force existing immediately before the commencement of this Bill, the Police Force established under this Bill had been named in it or had been a party to it.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill in respect of any right, interest, obligation or liability of the Police Force existing immediately before the commencement of this Bill may be continued, or as the case may require, be commenced, and the determination of a court or tribunal or other authority or person may be enforced by or against the Police Force established under this Bill to the same extent that the cause of action or determination might have been continued or commenced or enforced by or against the Police Force existing immediately before the commencement of this Bill as if this Bill had not been enacted.
- (5) Subject to the provisions of this Bill and to such directions as may be issued by the Police Service Commission, a person who immediately before the commencement of this Bill held office in the Police Force existing before the commencement of this Bill is deemed to have been transferred to the Police Force established under this Bill on terms and conditions not less favourable than those obtaining immediately before the commencement of this Bill, and employment in the Police Force existing immediately before the commencement of this Bill is deemed to be service in the Police Force established under this Bill for the purpose of pension.
- (6) Any regulation, order, notice made or issued by or for the purpose of the Police Force existing immediately before the commencement of this Bill are deemed, if not inconsistent with this Bill, to have been made or issued by or for the purposes of the Police Force established under this Bill, and shall continue in force until revoked or amended, subject to such modifications as may be applicable to the Police Force established under this Bill.
- (7) The Minister may, if he thinks fit, within 12 months after the commencement of this Bill, by notice published in the Federal Government Gazette, make additional transitional provisions for the better realisation of the objectives of this section.

***Committee's Recommendation:***

That the provision in Clause 141 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 141 do stand part of the Bill, put and agreed to.*

**Clause 142: Interpretation.**

In this Bill:

"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;

"Constable" means any police officer below the rank of Corporal;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 (as altered);

"court" means any court established by any law in force in Nigeria,

"Criminal justice monitoring committee" refers to the Administration of Criminal Justice Monitoring Committee set up under section 469 of the Administration of Criminal Justice Act to ensure effective and efficient application of the Act, speedy dispensation of criminal matters and for related matters;

"functions" includes duties;

"Inspector" includes a Chief Inspector and an Inspector of Police;

"Minister" means the Minister charged with responsibility of police affairs;

"Non-Commissioned Officer" means a Police Sergeant-Major, a Police Sergeant or a Police Corporal as the case may be;

"Police" means the Police Force;

"Police Force" means the Police Force established under section 3 of this Bill;

"police officer" means a member of the Nigerian Police;

"prosecuting officer" means any person appointed by the Attorney-General of the Federation or of the State to prosecute crimes on their behalf and for the Nigeria Police;

"senior police officer" means any police officer above the rank of a Cadet Assistant Superintendent of Police; and

"Superintendent of Police" includes a Chief Superintendent of Police, Superintendent of Police, a Deputy Superintendent of Police, and an Assistant Superintendent of Police.

***Committee's Recommendation:***

That the provision in Clause 142 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 142 do stand part of the Bill, put and agreed to.*

**Clause 143: Citation.**

This Bill may be cited as the Nigeria Police Bill, 2020.

***Committee's Recommendation:***

That the provision in Clause 143 be retained (*Senator Dauda H. Jika — Bauchi Central*) — Agreed to.

*Question that Clause 143 do stand part of the Bill, put and agreed to.*

## SCHEDULE

(Section 3 (3))

## HIERARCHY OF THE POLICE

Pursuant to Section 215 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the hierarchy of the Police shall consist of the following:

- (i) The Inspector-General of Police;
- (ii) Deputy Inspectors-General of Police;
- (iii) Assistant Inspectors-General of Police;
- (iv) Commissioners of Police;
- (v) Deputy Commissioners of Police;
- (vi) Assistant Commissioners of Police;
- (vii) Chief Superintendents of Police;
- (viii) Superintendents of Police;
- (ix) Deputy Superintendents of Police;
- (x) Assistant Superintendents of Police I
- (xi) Assistant Superintendents of Police II;
- (xii) Cadet Assistant Superintendents of Police;
- (xiii) Chief Inspectors of Police;
- (xiv) Deputy Chief Inspectors of Police;
- (xv) Assistant Chief Inspectors of Police;
- (xvi) Principal Inspectors of Police;
- (xvii) Senior Inspectors of Police;
- (xviii) Inspectors of Police I (Confirmed);
- (xix) Inspectors of Police II (Unconfirmed);
- (xx) Cadet Inspectors of Police;
- (xxi) Sergeant Majors;
- (xxii) Sergeants;
- (xxiii) Corporals
- (xxiv) Constables I
- (xxv) Constables II;

(xxvi) Recruits and

(xxvii) Such other Officers as the Nigeria Police Council may, from time to time consider necessary for effective discharge of the functions of the Police.

*Question that the provision of the Schedule stand part of the Bill — Agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Police Affairs on the Police Act CAP P19 LFN 2004 (Repeal & Re-Enactment) Bill, 2020 and approved as follows:

Clauses 1 - 79	—	As Recommended
Clause 80	—	As Amended
Clauses 81- 102	—	As Recommended
Clauses 103 & 104	—	As Amended
Clauses 105 - 143	—	As Recommended
Schedule	—	As Recommended

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

*Motion made:* That the Bill be now Read the Third Time (*Senate Leader*).

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**18. Committee on Agriculture and Rural Development:  
Report on the Policies and Programmes for the Diversification of the Nigerian Economy through the Agricultural Sector:**

*Consideration of Report deferred to another Legislative Day.*

**19. Motions:**

(a) ***Urgent Need to Resuscitate and Re-Activate the Rehabilitation and Concession of the Eastern Rail Line Project:***

*Consideration of Motion deferred to another Legislative Day.*

(b) ***The Need for the Establishment of a Military Unit in Jigawa State:***

*Consideration of Motion deferred to another Legislative Day.*

(c) ***Urgent Need for Government Intervention to Curb the Menace of Erosion in Communities in Imo West Senatorial Zone, Imo State:***

*Consideration of Motion deferred to another Legislative Day.*



**20. Adjournment:**

*Motion made:* That the Senate do now adjourn till Wednesday, 8th July, 2020 at 10.00 a.m.  
(*Senate Leader*).

*Adjourned accordingly at 1:57 p.m.*

**Ahmad Ibrahim Lawan, Ph.D, CON**  
*President,*  
*Senate of the Federal Republic of Nigeria.*

