

**ARMED FORCES AND POLICE (SPECIAL POWERS)
DECREE 1967**



Decree No. 24

[1st June 1967]

Commence-
ment.

WHEREAS a state of emergency exists in Nigeria and it is expedient to confer special powers during its continuance, anything to the contrary as respects punishment prescribed in the Criminal Code notwithstanding :

THE FEDERAL MILITARY GOVERNMENT THEREFORE decrees as follows :—

1. Any police officer or member of the armed forces may during the continuance of the emergency and without a warrant arrest—

Power to
arrest
without
warrant.

(a) any person who in his presence commits any offence, or

(b) any person whom he suspects upon reasonable grounds of having committed any offence.

2.—(1) Any police officer of or above the rank of inspector, or any member of the armed forces who by virtue of this Decree has the powers of an inspector of police, may during the continuance of the emergency and without a warrant at any time enter and search any premises in which he has reasonable cause to believe that there is, or is likely to be—

Powers of
entry,
search and
seizure.

(a) a person who has committed, or is suspected of having committed, any offence, or

(b) any explosive, ammunition, firearm (or any component part thereof) owned, possessed or kept contrary to law, or any offensive weapon,

and where any such person or thing is found, may arrest the person or seize the thing, as the case may be.

(2) In this section, "premises" include a dwelling house, vehicle, shop or any place of any other description whatsoever.

3.—(1) If the Inspector-General of Police or, as the case may be, the Chief of Staff of the Armed Forces is satisfied that any person is or recently has been concerned in acts prejudicial to public order, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may by order in writing direct that that person be detained in a civil prison or a police station; and it shall be the duty of the superintendent or other person in charge of any civil prison, or the police officer in charge of any police station, as the case may be, if an order made in respect of any person under this section is delivered to him, to keep that person in custody until the order is revoked.

Power to
order
detention of
trouble-
makers.

(2) An order made under subsection (1) above shall be full authority for any police officer or member of the armed forces to arrest the person to whom the order relates and to remove him to a civil prison or police station.

4. Every member—

(a) of the armed forces shall by virtue of this section have the powers and immunities of a police officer,

(b) of the Nigerian Army above the rank of sergeant, and every member of the Nigerian Navy or Air Force above the corresponding rank, shall by virtue of this section have the powers of an inspector of police,

(c) of the armed forces who holds a commission shall by virtue of this section have the powers of a superior police officer.

5. In this Decree—

“ammunition” includes all materials for loading firearms, percussion caps, and gunpowder of every kind ;

“the armed forces” means the Nigerian Army, Navy and Air Force, or any of them ;

“civil prison” means a prison in Nigeria in which a person sentenced by a civil court to imprisonment can for the time being be confined ;

“explosive” includes gunpowder of every kind, nitroglycerine, dynamite, gun-cotton, blasting powder, detonators, fulminate of mercury or other metals, and every other explosive substance being any compound of, or having any ingredients in common with, any of the foregoing, and also includes rockets and fireworks of any kind ;

“firearm” includes any cannon, gun, rifle, carbine, machine-gun, cap-gun, flint-lock gun, revolver, pistol or other firearm, whether whole or in detached pieces ;

“offensive weapon” does not include a firearm, but does include an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel, or any piece of wood, metal or stone capable of being used as an offensive weapon ;

“vehicle” includes any means of conveyance of any description provided with wheels or runners and used for the carriage of persons or goods or capable of being adapted for any such use.

6.—(1) This Decree may be cited as the Armed Forces and Police (Special Powers) Decree 1967 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 1st June 1967.

MADE at Lagos this 21st day of June 1967.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

Members of armed forces to have powers of police officers.

Interpretation.

Citation, extent and commencement.