

**POLICE ACT (AUTHORITY TO REPRINT) DECREE 1967****Decree No. 41**

[ 10th October 1967 ]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Without prejudice to section 21 of the Interpretation Act 1964 (which authorises the printing of enactments with textual amendments) the Police Act, (hereafter referred to as "the Act") as amended and modified to the extent set out in the Schedule of this Decree shall, so soon after the commencement of this Decree as may be practicable, be reprinted by the Federal Government Printer without further authority than this Decree.

Authority  
to reprint  
Police Act.  
1964 No. 1.  
Cap. 154.

(2) The power to reprint conferred by subsection (1) above shall include the power to make such other amendments necessary to reflect changes in status in the organisation of the police and in the power to prosecute.

(3) For the purposes of citation, it shall not be necessary to refer to this Decree; and accordingly references to the Act on and after the commencement of this Decree in any enactment (other than in this Decree) or by any person or authority shall be construed as references to the Act as reprinted with amendments and modifications, inclusive of those made on 27th May 1967, (being the appointed day for the purposes of the States (Creation and Transitional Provisions) Decree 1967).

1967 No. 14.

2. This Decree may be cited as the Police Act (Authority to Reprint) Decree 1967 and shall have effect throughout the Federation.

Citation  
and extent.

## Section 1(1)

**SCHEDULE****POLICE ACT**

(Cap. 154)

Reprinted to show the law as at 27th May 1967 under the authority of the Police Act (Authority to Reprint) Decree 1967.

**NOTE :** The Police Act as printed below is amended down to 27th May 1967 and takes account of the Police (Amendment) Decree 1967 and all consequential amendments necessary to give effect to the States (Creation and Transitional Provisions) Decree 1967. Words inserted by amending enactments are printed within square brackets, and omissions not otherwise indicated, are denoted by dots. The source of each amendment is given in a footnote.

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## CHAPTER 154

## POLICE

## (Federation)

AN ACT TO MAKE PROVISION FOR THE ORGANISATION, DISCIPLINE,  
POWERS AND DUTIES OF THE POLICE

[1st April 1943]

## PART I.—SHORT TITLE AND INTERPRETATION

1. This Act may be cited as the Police <sup>1</sup>[Act].

Short title.

2. Definitions :—

Interpreta-  
tion.

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

"court" means any court established by any law in force in Nigeria ;

"Inspector-General", "Commissioner" and "Deputy Commissioner" mean respectively the Inspector-General of Police, a Commissioner of Police and a Deputy Commissioner of Police ;

"inspector" includes a chief inspector and senior inspector and an assistant chief officer of a police fire brigade ;

"non-commissioned officer" means any police *sergeant or police corporal, as the case may be*, and includes members of a police fire brigade of or above the rank of headman but not above the rank of senior station keeper ;

"superintendent of police" includes a chief superintendent of police, a superintendent of police, a deputy superintendent of police and an assistant superintendent of police ;

"superior police officer" means any police officer of or above the rank of cadet assistant superintendent and includes a chief officer and a deputy chief officer of a police fire brigade.....<sup>2</sup>

<sup>3</sup>"supernumerary police officer" means a police officer appointed under section 14, 14A or 14C of this Act or under an authorisation given under section 14B of this Act ;]

"police" or "the police" means a member or members of the police force established under this Act ;

"police officer" means any member of the Force ;

"the Force" means the police force established under this Act.

## PART II.—CONSTITUTION AND EMPLOYMENT OF THE FORCE

3. There shall be established <sup>4</sup>[for] Nigeria a police force to be known as the Nigeria Police Force.

Establish-  
ment of  
police force.

<sup>1</sup> Substituted throughout by 1961 No. 57.

<sup>2</sup> Repealed (by implication) by L.N. 22 of 1960.

<sup>3</sup> Inserted by 1965 No. 19.

<sup>4</sup> Substituted by L.N. 47 of 1961.

General  
duties of  
the police.

4. The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or without Nigeria as may be required of them by, or under the authority of, <sup>1</sup>[this or any other Act].

Constitu-  
tion of  
the Force.

<sup>1</sup>[5.] There shall be an Inspector-General of the Nigeria Police, and a Commissioner for each state, and such other officers of such ranks as may from time to time be appointed by the Police Service Commission of the Federation.

Command  
of the  
Force.

<sup>1</sup>[6.] The Nigeria Police Force shall be under the command of the Inspector-General, and contingents of the Force stationed in a state shall, subject to the authority of the Inspector-General, be under the command of the Commissioner of that state.

Public  
safety and  
public  
order.

<sup>2</sup>[7.]—(1) The Head of the Federal Military Government may give to the Inspector-General such directions with respect to the maintaining and securing of public safety and public order as it may consider necessary, and the Inspector-General shall comply with those directions or cause them to be complied with.

(2) Subject to the provisions of subsection (1) of this section, the Commissioner of a state shall comply with the directions of the Military Governor of the state with respect to the maintaining and securing of public safety and public order within the state, or cause them to be complied with :

Provided that before carrying out any such direction the Commissioner may request that the matter should be referred to the Head of the Federal Military Government for his directions.

Delegation  
by  
Inspector-  
General.

8. The Inspector-General may, with the consent of the <sup>3</sup>[Head of the Federal Military Government], by writing under his hand delegate any of his powers under this Act (except this 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 in the instrument of delegation.

Command of  
police in  
case of active  
service

9. When required to perform military duties in accordance with the provisions of section 4 such duties entailing service with <sup>4</sup>[the armed forces of Nigeria or any force for the time being attached thereto or acting therewith], the police shall be under the command and subject to the orders of the officer in command of the forces in Nigeria, but for the purposes of interior economy shall remain under the control of a superior police officer.

### PART III.—GENERAL ADMINISTRATION

#### *Oaths for Officers*

<sup>4</sup>[10.] On the appointment or promotion of any person as a member of the Force to or above the rank of cadet sub-inspector, the provisions of the Oaths Act 1963 shall apply ; and such person shall forthwith take and subscribe the official oath, the police oath and, in proper case, the oath of allegiance.

<sup>1</sup>Substituted by L.N. 47 of 1961 and modified by 1967 No. 14.

<sup>2</sup>Substituted by L.N. 47 of 1961 and modified by 1967 No. 27 s. 2.

<sup>3</sup>Substituted by L.N. 112 of 1964.

<sup>4</sup>Substituted by schedule 3 of 1963 No. 23.

Oaths to be  
taken by  
officers on  
appoint-  
ment.  
1963 No. 23.

*Enlistment and Service*

11. Every constable, shall, on appointment, be enlisted to serve in the Force for three years, or for such other period as may be fixed by the <sup>1</sup>[Police Service Commission], to be reckoned in all cases from the day on which he has been approved for service and taken on to the strength. . . . .<sup>2</sup>

Enlistment.

<sup>3</sup>[12]. Every non-commissioned officer, constable or recruit constable on enlistment, and every such police officer if re-engaged for a further period of service, shall make and subscribe the police declaration prescribed by the Oaths Act 1963.

Declarations.

1963 No. 23

13.—(1) Any non-commissioned officer or constable of good character may, within six months before completion of his first period of enlistment and with the prescribed approval, re-engage to serve for a further period of six years, and may similarly re-engage for a second period of six years, and may thereafter similarly re-engage either to serve until the expiration of a third period of six years or until he reaches the age of forty-five years (which-ever is earlier).

Re-engage-  
ment.

(2) Upon completion of such third period of six years, or if he has re-engaged until reaching the age of forty-five years then upon reaching such age, the non-commissioned officer or constable may if he so desires and with the prescribed approval continue in the Force in the same manner in all respects as if his term of service were still unexpired, except that he may be discharged or may claim a discharge upon six months prescribed notice thereof being given to or by him.

(3) The prescribed approval referred to in subsections (1) and (2) shall be that of the <sup>1</sup>[Police Service Commission] or of a superior police officer to whom the <sup>1</sup>[Police Service Commission] has duly delegated the power to give such approval, and the prescribed notice referred to in subsection (2) shall be given by or to the <sup>1</sup>[Police Service Commission] or by or to a superior police officer to whom the <sup>1</sup>[Police Service Commission] has duly delegated the power of giving or receiving such notice.

(4) If a non-commissioned officer or constable offers to re-engage within six months after having received his discharge he will, if his offer of service is accepted, 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 pension or annual allowance or gratuities, as the case may be, the non-commissioned officer or constable being regarded as on leave without pay during the period between discharge and re-engagement.

(6) No non-commissioned officer or constable may re-engage after a period of six months has elapsed since his discharge, but a non-commissioned officer or constable may be permitted to re-enlist subsequent to that period if his offer of service is accepted.

(7) The question of the 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.

<sup>1</sup> Substituted by L.N. 47 of 1961.

<sup>2</sup> Proviso deleted pursuant to L.N. 47 of 1961.

<sup>3</sup> Substituted by schedule 3 of 1963 No. 23.



(8) Any 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 <sup>1</sup>[Police Service Commission] may direct.

Cap. 147.

(9) Subject to the provisions of section 7 (1) of the Pensions 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 <sup>1</sup>[without the approval of the Police Service Commission or any police officer authorised in writing by the Police Service Commission.]

### *Supernumerary police officers*

Appoint-  
ment of  
supernu-  
merary  
police  
officers to  
protect  
property.

<sup>1</sup>[14].—(1) Any person (including any government department) who desires to avail himself of the services of one or more police officers for the protection of property owned or controlled by him may make application therefor to the Inspector-General, stating the nature and situation of the property in question and giving such other particulars as the Inspector-General may require.

(2) On an application under the foregoing subsection the Inspector-General may, with the approval of the <sup>2</sup>[Head of the Federal Military Government], direct the appropriate authority to appoint as supernumerary police officers in the Force such number of persons as the Inspector-General thinks requisite for the protection of the property to which the application relates.

(3) Every supernumerary police officer appointed under this section—

(a) shall be appointed in respect of the area of the police province or, where there is no police province, the police district or police division in which the property which he is to protect is situated;

(b) shall be 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, but not elsewhere, have the powers, privileges and immunities of a police officer; and

(d) subject to the restrictions imposed by paragraphs (b) and (c) above and to the provisions of section 14b of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.

(4) Where any supernumerary police officer is appointed under this section, the person availing himself of the services of that officer shall pay to the Accountant-General—

(a) on the enlistment of the officer, the full cost of the officer's uniform; and

(b) quarterly in advance, a sum equal to the aggregate of the amount of the officer's pay for the quarter in question and such additional amounts as the Inspector-General may direct to be paid in respect of the maintenance of the officer during that quarter;

and any sum payable to the Accountant-General under this subsection which is not duly paid may be recovered in a summary manner before a magistrate on the complaint of any superior police officer:

<sup>1</sup>Substituted by L.N. 47 of 1961.

<sup>2</sup>Substituted by 1965 No. 19.

<sup>3</sup>Modified by 1967 No. 27 s. 2.

Provided that this subsection shall not apply in the case of an appointment made on the application of a department of the Government of the Federation.

(5) Where the person availing himself of the services of any supernumerary police officer appointed under this section desires the services of that officer to be discontinued, he must give not less than two months' notice in writing to that effect, in the case of an officer appointed in respect of a police area within that part of Lagos state formerly known as the Federal territory, to the Inspector-General or, in the case of an officer appointed in respect of a police area within a state, to the Commissioner of Police of that state; and on the expiration of such notice the services of the supernumerary police officer in question shall be withdrawn.

(6) Where the services of a supernumerary police officer are withdrawn in pursuance of subsection (5) above in the course of a quarter for which the sum mentioned in subsection (4) (b) above has been paid to the Accountant-General, the Accountant-General shall pay to the person by whom that sum was paid a sum which bears to that sum the same proportion as the unexpired portion of that quarter bears to the whole of that quarter.

(7) In this section "the Accountant-General" means the Accountant-General of the Federation, "government department" means any department of the Government of the Federation or of the Government of a state, and "quarter" means any period of three months; and any reference in this section to the person availing himself of the services of a supernumerary police officer appointed under this section is a reference to the person on whose application the officer was appointed or, if that person has been succeeded by some other person as the person owning or controlling the property for the protection of which the officer in question was appointed, that other person.

<sup>1</sup>[14A.]—(1) The appropriate authority may, at the request of any superior police officer, appoint any person as a supernumerary police officer in the Force with a view to that person's employment on duties connected with the administration or maintenance of premises occupied or used for the purposes of the Force, but shall not do so in any particular case unless satisfied that it is necessary in the interests of security or discipline that persons performing the duties in question should be subject to the provisions of this Act relating to discipline.

Appointment of supernumerary police officers for employment on administrative duties on police premises.

(2) Every supernumerary police officer appointed under this section—

(a) shall be appointed in respect of the area of the police province or where there is no police province, the police district or police division in which the premises in connection with whose administration or maintenance he is to be employed are situated;

(b) shall be 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, but not elsewhere, have the powers, privileges and immunities of a police officer; and

(d) subject to the restrictions imposed by paragraphs (b) and (c) above and to the provisions of section 14D of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.

Appointment of supernumerary police officers where necessary in the public interest.

<sup>1</sup>[14b.](1) If at any time the <sup>2</sup>[Head of the Federal Military Government] 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 Force under and 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—

(a) shall be appointed in respect of the police area to which the authorisation relates;

(b) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, but not elsewhere, have the powers, privileges and immunities of a police officer; and

(c) subject to the restriction imposed by paragraph (b) above and to the provisions of section 14d of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular to the provisions thereof relating to discipline.

Appointment of supernumerary police officers for attachment as orderlies.

<sup>1</sup>[14c.](1) The appropriate authority may at the request of the Inspector-General or of the Commissioner of Police of a state appoint any person as a supernumerary police officer in the Force with a view to that person's attachment as an orderly to—

(a) <sup>2</sup>[a Commissioner of the Government of the Federation]; or

(b) <sup>2</sup>[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) shall be 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; and

(c) subject to the restriction imposed by paragraph (a) above and to the provisions of section 14d of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.

Provisions supplementary to ss. 14 to 14c.

<sup>1</sup>[14d.](1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Force from month to month, and accordingly a supernumerary police officer may at any time resign his appointment by giving one month's notice in that behalf to the superior 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 regulations made by the <sup>2</sup>[Head of the Federal Military Government] under section 47 of this Act on the recommendation of the Nigeria Police Council. . . . .<sup>3</sup>

<sup>1</sup> Substituted by 1965 No. 19.

<sup>2</sup> Modified by 1967 No. 27 s. 2.

<sup>3</sup> Words repealed by 1967 No. 4.



(3) A supernumerary police officer shall have no claim on the Police Reward Fund; and, without prejudice to any liability under the Workmen's Compensation Act to pay compensation to or in respect of any person by virtue of his employment as a supernumerary police officer, a person's service as such an officer shall not render him or any other person eligible for any pension, gratuity or annual allowance under this Act or the Pensions Act.

Cap. 222.

Cap. 147.

\*(5) In sections 14 to 14c of this Act and this section—

"the appropriate authority", in relation to any power to appoint or determine the appointment of supernumerary police officers, means the Police Service Commission or any superior police officer to whom that power has been delegated in accordance with section 110(1) of the Constitution of the Federation;

1963 No. 20.

"police area" means any police province, police district or police division;

"police province", "police district" and "police division" mean respectively a police province, police district or police division established under the provisions of Standing Orders made under section 48 of this Act.

<sup>1</sup>15 to 18. Omitted.

#### PART V.—POWERS OF POLICE OFFICERS

19. Subject to the provisions of section 104 of the Constitution of the Federation (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law) any police officer may conduct in person all prosecutions before any court whether or not the information or complaint is laid in his name.

Conduct of prosecutions.

<sup>2</sup>[20].—(1) In addition to the powers of arrest without warrant conferred upon a police officer by section 10 of the Criminal Procedure Act it shall be lawful for any police officer and any person whom he may call to his assistance, to arrest without warrant in the following cases:—

Power to arrest without warrant. Cap. 43.

(a) any person whom he finds committing any felony, misdemeanour or simple offence, or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanour or breach of the peace;

(b) any person whom any other person charges with having committed a felony or misdemeanour;

(c) any person whom any other person—

(i) suspects of having committed a felony or misdemeanour, or

(ii) charges with having committed a simple offence,

if such other person is willing to accompany the police officer to the police station and to enter into a recognizance to prosecute such charge.

(2) The provisions of this section shall not apply to any offence with respect to which it is provided that any offender may not be arrested without warrant.

Cap. 42.

(3) For the purposes of this section the expressions felony, misdemeanour and simple offence shall have the same meanings as they have in the Criminal Code.

\*This figure (5) appears to be a misprint in Acts of 1965 No. 19 for the figure (4).

<sup>1</sup>Part IV (ss. 15 to 18) repealed by 1966 No. 60.

<sup>2</sup>Adapted, as regards Northern Nigeria, by 1960 No. 22, s. 2 and Sch.

Power to arrest without having warrant in possession.

21. Any warrant lawfully issued by a court for apprehending any person charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

Summonses.

22. Any summons lawfully issued by a court may be served by any police officer at any time during the hours of daylight.

Bail of person arrested without warrant. Cap. 43.

23. When a person is arrested without a warrant, he shall be taken before a magistrate who has jurisdiction with respect to the offence with which he is charged or is empowered to deal with him under section 484 of the Criminal Procedure Act as soon as practicable after he is taken into custody: Provided that any police officer for the time being in charge of a police station may inquire into the case and—

(a) except when the case appears to such officer to be of a serious nature, may release such person upon his entering into a recognizance, with or without sureties, for a reasonable amount to appear before a magistrate at the day, time and place mentioned in the recognizance; or

(b) if it appears to such officer that such inquiry cannot be completed forthwith, may release such person on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at such police station and at such times as are named in the recognizance, unless he previously receives notice in writing from the superior police officer in charge of that police station that his attendance is not required, and any such bond may be enforced as if it were a recognizance conditional for the appearance of the said person before a magistrate.

Power to search.

24.—(1) A superior police officer may by authority under his hand authorise any police officer to enter any house, shop, warehouse, or other premises in search of stolen property, and search therein and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorised to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

(2) In every case in which any property is seized in pursuance of 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, unless previously charged with receiving the same knowing it to have been stolen, be summoned or arrested and brought before a magistrate to account for his possession of such property, and such magistrate shall make such order respecting the disposal of such property and may award such costs as the justice of the case may require.

(3) Such authority as aforesaid may only be given when the premises to be searched are, or within the preceding twelve 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) It shall not be necessary on giving such authority to specify any particular property, provided that the officer granting the authority has reason to believe generally that such premises are being made a receptacle for stolen goods.

25. A police officer may detain and search any person whom he reasonably suspects of having in his possession or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained.

Power to detain and search suspected persons.

26.—(1) It shall be lawful for any police officer to take and record for the purposes of identification the measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody: <sup>1</sup>Provided that if such measurements, photographs and fingerprint impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions shall be forthwith destroyed or handed over to such person.

Power to take fingerprints.

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or fingerprint impressions shall be taken before a magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorising a police officer to take the measurements, photographs and fingerprint impressions of such person.

<sup>2</sup>27 to 30. Omitted.

#### PART VI.—PROPERTY UNCLAIMED, FOUND OR OTHERWISE

31.—(1) Where any property has come into the possession of the police as unclaimed property or property found or otherwise, a court of summary jurisdiction may, on application either of a member of the police force or by a claimant of the property, either order the delivery of the property to the person appearing to the court to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as to the court may seem meet.

Court may make orders with respect to property in possession of police.

<sup>3</sup>[(1A)] Without prejudice to the generality of subsection (1) of this section and subject to the provisions of subsection (2) of this section and of section 32, an order made under the said subsection (1) with respect to any property the owner of which cannot be ascertained may direct—

(a) in the case of property that has not previously been sold in pursuance of section 32, that the property be sold; and

(b) in any case, that the proceeds of sale be paid into the Police Reward Fund, after deduction of 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.

(2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of the property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

32. Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for six months. In any other case the property shall not be sold until it has remained in the possession of the police for six months.

Perishable articles.

<sup>4</sup>33. Omitted.

<sup>1</sup>See 1965 No. 7 s.1 for modification in certain circumstances.

<sup>2</sup>Sections 27 to 30 repealed as regards Lagos by Cap. 169 s.8; as regards Northern Nigeria by Act No. 10 of 1965; and as regards Western (and Mid-Western) Nigeria by Act No. 29 of 1957. In Eastern Nigeria they are superseded by E.N. Cap. 107 ss. 8 to 10, and are accordingly omitted from this reprint.

<sup>3</sup>Inserted by 1967 No. 4.

<sup>4</sup>Section 33 repealed by 1967 No. 4.

## PART VII.—MISCELLANEOUS PROVISIONS

The Police  
Reward  
Fund.

<sup>1</sup>[34].—(1) There shall be established a fund to be called "the Police Reward Fund" (in this section referred to as "the Fund") into which shall be paid the following—

(a) all pay forfeited by order of a superior officer on members of the Force for offences against discipline ;

(b) all fines levied for assaults on members of the Force ;

(c) one-third of any fees paid by members of the public in respect of extracts from reports of accidents made by the police ;

(d) one-third of any fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty ;

(e) all sums ordered to be paid into the Fund under section 31 (1A).

1958 No. 33.

(2) Subject to the rules for the time being in force under section 23 of the Finance (Control and Management) Act 1958 with respect to disbursements from the Fund, the Fund shall be applied at the discretion of the Inspector-General for any of the following purposes, that is to say—

(a) to reward members of the Force for extra or special services ;

(b) for procuring comforts, conveniences or advantages for members of the Force which are not authorised to be paid for out of moneys provided by the Federal Military Government ;

(c) for payment of ex gratia compassionate gratuities to widows or children of deceased members of the Force ;

(d) for making ex gratia payments towards the funeral expenses of any member of the Force who dies in the service of the Force.

Crying down  
credit.

35. A superior police officer shall, upon first arrival at any place where police are to be stationed, cause public proclamation to be made that if the inhabitants suffer constables to contract debts, such debts are not recoverable from their due or accruing pay and will not be discharged by the officers.

Pay of  
constables  
not to be  
withheld for  
debt :  
exception.

36. The pay of any constable shall not be withheld upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the Force, and for such debt or liability when constituted by decree his pay may be withheld to an extent not exceeding one-half of any monthly payment thereof. When an order for payment of such debt or satisfaction of such liability is made, the court making the order shall give due notice thereof to the superior police officer in charge of the detachment to which the judgment debtor belongs, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good : Provided that no amount shall be withheld on an order made by a native tribunal.

Police  
officers not  
to engage in  
any private  
business.

37. No member of the Force shall, while he holds such appointment, engage in any private business or trade, without the <sup>2</sup>[written consent of the Nigeria Police Council or any person to whom such power is delegated].

<sup>1</sup>Substituted by schedule of 1967 No. 4.

<sup>2</sup>Substituted by L.N. 47 of 1961.



## PART VIII.—OFFENCES

38.—(1) Any police officer other than a superior police officer who—

Offences.

(a) begins, raises, abets, countenances, or excites mutiny;

(b) causes or joins in any sedition or disturbance whatsoever;

(c) being at any assemblage tending to riot, does not use his utmost endeavour to suppress such assemblage;

(d) coming to the knowledge of any mutiny, or intended mutiny or sedition, does not without delay give information thereof to his superior officer;

(e) strikes or offers any violence to his superior officer, such officer being in the execution of his duty;

(f) deserts or aids or abets the desertion of any constable from the Force; or

(g) on enlistment falsely states that he has not been convicted or imprisoned for a criminal offence or that he was never employed by the Government <sup>1</sup>[of the Federation or Government of any state;]

shall be liable to imprisonment for two years.

(2) Any police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and thereupon may be found guilty, either of desertion or of absence without leave: Provided that a police officer shall not be convicted as a deserter or of attempting to desert unless the court shall be satisfied that there was an intention on the part of such officer either not to return to the Force, or to escape some particular important service.

39. Upon reasonable suspicion that any person is a deserter any constable or other person may apprehend him and forthwith bring him before a court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or remand him to a court having jurisdiction in the place in which he has deserted.

Apprehension of deserters.

40. Every person who assaults, obstructs or resists any police officer in the execution of his duty, or aids or incites any other person so to assault, obstruct or resist any police officer or any person aiding or assisting such police officer in the execution of his duty, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of twenty-five pounds or to imprisonment for a term of six months.

Assault on police officer.

41. If any person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of twenty-five pounds or to imprisonment for a term of six months.

Refusing to aid police officer assaulted.

42. Every person who knowingly harbours or entertains, or, either directly or indirectly, sells or gives any intoxicating liquor to, any constable when on duty, or permits any such constable to abide or remain in his house (except in case of extreme urgency); and any person who, by threats or by offer of money, gift, spirituous liquors, or any other thing, induces or endeavours to induce any constable to commit a breach of his duty as constable or to omit any part of such duty, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of five pounds or to be imprisoned for a term of one month.

Harbouring constable.

<sup>1</sup>Added by L.N. 47 of 1961 and modified by 1967 No. 14.

Personation  
of police  
officer.

43. Every person not being a police officer who puts on or assumes either in whole or in part, the dress, name, designation, or description of any police officer or any dress, name, or designation, resembling and intended to resemble the dress, name or designation of any police officer, or 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, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of one hundred pounds or to imprisonment for a term of one year.

Obtaining  
admission  
into Force  
by fraud.

44.—(1) Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter, or other document for the purpose of obtaining admission into the Force, or who, on applying for enlistment, shall make any false answer to any question which shall be put to him by a police officer, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to imprisonment for a term of six months.

(2) Any police officer may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

Ordinary  
course of  
law not to be  
interfered  
with.

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

Persons  
acquitted by  
court not  
punishable  
on same  
charge  
under this  
Act nor, if  
convicted,  
except by  
reduction.

46.—(1) No person who has been acquitted by a court of any crime or offence shall be tried on the same charge or suffer any punishment on account thereof under this Act.

(2) If any member of the Force has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Act, otherwise than by reduction in rank or grade or by dismissal from the Force.

#### PART IX.—REGULATIONS AND STANDING ORDERS

Power to  
make regu-  
lations.

<sup>1</sup>[47]. The Head of the Federal Military Government may make regulations on the recommendations of—

(a) the Nigeria Police Council with respect to the organisation and administration of the Force,

(b) the Police Service Commission with respect to appointments to offices in the Force, promotion, transfer, dismissal and disciplinary control of officers.

Standing  
Orders.

<sup>1</sup>[48].—(1) The Head of the Federal Military Government may make Standing Orders for the good order, discipline and welfare of the Force after consultation with—

(a) the Nigeria Police Council with respect to any matter relating to organisation and administration of the Force, or

(b) the Police Service Commission with respect to any matter relating to appointments to offices in the Force, promotion, transfer, dismissal and discipline of members of the Force.

<sup>1</sup> Substituted by L.N. 47 of 1961 and modified by 1967 No. 27 s. 2.

(2) The Nigeria Police Council with the approval of the Head of the Federal Military Government may make such Standing Orders as they may think fit and proper with respect to any matter relating to the duties and operational control of the Force.

(3) Such Standing Orders shall be binding upon all police officers but need not be published in the Gazette.

#### PART X.—APPLICATION

49. All the provisions of this Act shall extend to all persons who, at the commencement of this Act shall be serving in a police force established under an Ordinance repealed by this Act as if such persons had been appointed under this Act, and service under any such repealed Ordinance shall, for the purposes of gratuities and pension, be deemed to be service under this Act.

Application  
of Act to  
persons  
already  
serving.

<sup>1</sup>[50]. *Omitted.*

MADE at Lagos this 10th day of October, 1967.

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

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<sup>1</sup> Section 50 deleted pursuant to L.N. 47 of 1961.