

POLICE (AMENDMENT) BILL, 2015

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of Cap. P19, LFN 2004.
2. Insertion of paragraph "e".
3. Substitution for section 23.
4. Citation.

A BILL

FOR

AN ACT TO AMEND THE POLICE ACT, CAP. P19 , LAWS OF THE
FEDERATION OF NIGERIA, 2004 BY TRANSFERRING THE PROSECUTORIAL
RIGHT OF THE POLICE OFFICERS TO THE MINISTRY OF JUSTICE AND; FOR
RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic
of Nigeria as follows-

- 1 1. The Police Act (in this Bill referred to as “the principal Act”) is
2 amended as set out below. Amendment of
Cap. P19
LFN , 2004
- 3 2. Section 9 (1) of the Principal Act is amended by inserting a new
4 paragraph (e) immediately after the existing paragraph (d): Insertion of
paragraph “e”
5 “(e) the Attorney-General and Minister of justice.”
- 6 3. Substitution for section 23 of the principal Act, a new section 23: Substitution for
Section 23
7 “(1) Subject to the provisions of section 174 and 211 of the
8 Constitution of the Federal Republic of Nigeria 1999 (which relate to the
9 powers of the Attorney-General of the Federation and of a State to institute
10 undertake, takeover and continue, or discontinue criminal proceedings
11 against any person before any court of law in Nigeria), only qualified police
12 officers pursuant to the Legal practitioners Act may conduct in person all
13 prosecution before any court whether or not the information or complaint is
14 in his name”.
- 15 (2) Pursuant to and without prejudice to subsection (1), there shall
16 be designated to every Police Division, a Divisional Attorney who shall be
17 seconded from the Ministry of Justice and maintain an office at the Police
18 Division for conduct of prosecution generally”.
- 19 4. This Bill may be cited as the Police Act (Amendment) Bill, 2015. Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Police Act, Cap P19, Laws of the Federation of Nigeria, 2004 by appointing a Divisional Attorney for every Divisional Police Office for efficient criminal prosecution.

This Bill also seeks to restrict criminal prosecution to qualified legal practitioners.