

# A BILL

## FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA CAP. C23 LAWS OF THE FEDERATION OF NIGERIA 2004 TO DELETE ITEM 45 FROM THE EXCLUSIVE LEGISLATIVE LIST TO CONCURRENT LEGISLATIVE LIST AND FOR RELATED MATTERS

*Sponsored by Hon. Femi Gbajabiamila*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

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| <p>1                    1. The Constitution of the Federal Republic of Nigeria Cap. C23</p> <p>2                    Laws of the Federation of Nigeria 2004 (in this Bill referred to as "The</p> <p>3                    Principal Act") is hereby altered as set out hereunder.</p>  | <p>Alteration of the<br/>Principal Act</p> |
| <p>4                    2. Section 214 sub section 1 of the Principal Act is hereby</p> <p>5                    amended in line 2 deleting the phrase "and subject to the provisions of this</p> <p>6                    section no other police force shall be established for the Federation or any</p> <p>7                    part thereof" immediately after the word "force".</p>   | <p>Amendment of<br/>Section 214(1)</p>     |
| <p>8                    3. The Principal Act is hereby amended in section by creating new</p> <p>9                    sections 215 and 216 as follows:</p> <p>10                    217. (1) "There shall be a police force in each state of the</p> <p>11                    Federation.</p> <p>12                    (2) Subject to the provisions of this Constitution:</p> <p>13                    (a) a state Police Force shall be organized and administered in</p> <p>14                    accordance with such provisions as may be prescribed by an act of the State</p> <p>15                    House of Assembly;</p> <p>16                    (b) members of state Police shall have such powers and duties as</p> <p>17                    maybe conferred upon them by law";</p> <p>18                    218. (1) "There shall be:</p> <p>19                    (a) a Commissioner of Police who shall be appointed by the</p> |  |

1 Governor on the advice of the State Police Council from among serving  
2 members of the State Police Force;

3 (b) a Head of Police for each state of the Local Government Area of  
4 the State to be appointed by the State Police Service Commission.

5 (2) The State Police Force shall be under the command of the State  
6 Commissioner of Police.

7 (3) The Governor or such other Commissioner of the Government of  
8 the State as he may authorize in that behalf may give to the Commissioner of  
9 Police such lawful directions with respect to the maintenance and securing of  
10 public safety and public order as he may consider necessary, and the  
11 Commissioner of Police shall comply with those direction or cause them to be  
12 compiled with".

13 219. (1) "Subject to the provisions of this constitution, the State  
14 House of Assembly may make laws for the further regulation and control of the  
15 State Police"

16 4. The Principal Act is hereby amended by rearranging the existing  
17 sections 217 to 320 as sections 220 to 323.

18 5. The Principal Act is hereby amended by deleting item 45 from the  
19 exclusive Legislative list in part 1 of the second schedule of the Constitution.

20 6. That the entire items on the Exclusive Legislative List in part 1 of  
21 the second schedule of the Constitution is hereby rearranged and renumbered  
22 as items 1 to 67 with the exclusion of the deleted item under this Bill.

23 7. The Principal Act is hereby amended by creating new sections 21  
24 in part 2 of the second schedule as follows:

25 Section 21 - POLICE AND OTHER GOVERNMENT SECURITY SERVICES

26 (1) The National Assembly may make laws for the Federation or any  
27 part thereof with respect to:

28 (a) Police force and other government security services in respect of  
29 anything pertaining to internal security and the maintenance of law and order in  
30 Nigeria;

1 (b) Regulation of ownership and control of Federal Police and  
2 other Government security services.

3 (2) A House of Assembly of a State may make laws with respect to:

4 (a) The creation, formation or/and establishment of Police Force  
5 and other security services in respect of any matter pertaining to internal  
6 security and the maintenance of law and order within that state and with  
7 regard to the enforcement of any law validly made by the House of  
8 Assembly of that state;

9 (b) Regulation of ownership and control of State Police and other  
10 State Government security services.

11 8. The Principal Act is hereby amended by renumbering the  
12 existing section 21 to 30 of part 2 of the second schedule of the constitution  
13 as numbers 22 to 31.

14 9. This Bill may be cited as the Constitution of the Federal Citation  
15 Republic of Nigeria 1999 (Alteration) Bill, 2018.

#### EXPLANATORY NOTES

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria Cap. 23, Laws of the Federation of Nigeria 2004 to delete item 45 from the exclusive legislative list, grant the National Assembly and State Houses of Assembly the power to make laws with respect to the creation, formation and control of Police and other Government security Services in Nigeria.

