

A BILL

FOR

AN ACT TO ALTER CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO PROVIDE FOR THE ESTABLISHMENT OF STATE POLICE AND TO ENSURE EFFECTIVE COMMUNITY POLICING IN NIGERIA AND FOR MATTERS CONNECTED THERETO, 2015.

Sponsored by Hon. Awoleye, Abiodun Dada

[] Commencement

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

- 1 1. The Constitution of the Federal Republic of Nigeria, 1999, Alteration of the
2 (hereinafter referred to as "the Principal Act") is hereby altered as set out in 1999 Constitution
3 this Bill.
- 4 2. Section 214, Subsection (1) of the Principal Act is altered by Alteration of
5 deleting the word "Force" two and replacing thereto with the word 'Service' Section 214
6 and wherever appearing in the Principal Act.
7 Section 214, Subsection (1) of the Principal Act is further altered by deleting
8 the phrase "and, subject to the provisions of this section no other Police
9 Force shall be established for the Federation or any part thereof"
10 immediately after the word "Force".
- 11 3. The Principal Act is altered by inserting a new Section "217" to Insertion of New
12 establish a Police Service for each State of the Federation as follows: Section 217
13 (1) there shall be a Police Service for each State of the Federation, Establishment of
14 which shall be known as the State Police Service. State Police
15 (2) subject to the Provisions of the Principal Act: Service
16 (a) The State Police Service shall be organized and administered in
17 accordance with such laws as may be prescribe by the Law passed by the
18 State House of Assembly;
19 (b) The members of the State Police Service shall have such

1 powers and duties as may be conferred on them by such Law;

2 (c) the State House of Assembly may make provisions for branches of
3 a State Police Service forming part of a State Security Structures or for the
4 protection of communities and localities.

Insertion of New
Section 218

5 4. The Principal Act is altered by inserting a new Section'218' as
6 follows:

Appointment of
Inspector of
General of Police
of a State Police
Service

7 (1) There shall be:

8 (a) an Inspector-General of a State Police Service who, subject to
9 section 5 of this Bill be appointed by the Governor of the State on the advice of
10 the State Police Council from among serving members of the State Police
11 Service;

12 (b) a Local Commissioner of Police shall be Appointed for a Local
13 Government Area by the State Police Service Commission.

14 (2) Each State Police Service shall be under the Command of the
15 Inspector-General of the State Police Service and any Contingents of the State
16 Police Service stationed in any Local Government Area shall, subject to the
17 authority of the Inspector-General of the State Police Service be under the
18 Command of the Local Commissioner of Police for that Local Government.

19 (3) The Governor or such other Official to a State as he may authorize
20 in that behalf may give to the Inspector-General of the State Police Service
21 such directions with respect of the maintenance and securing of Public Safety,
22 public Order and Community Policing as he may consider necessary and the
23 Inspector-General of the State Police shall comply with those directions or
24 cause them to be complied with.

25 (4) Subject to the provisions of this section, the Chairman of Local
26 Government Area or such Official of the Local Government as he may
27 authorize in that behalf, may give to the Local Commissioner of the State
28 Police of that Local Government such lawful directions with respect to the
29 maintenance and securing of Public Safety, Community Policing and Public
30 Order within the Local Government Area as he may consider necessary, and the

1 Local Commissioner of the State Police Service shall comply with those
2 directions or cause them to be complied with:

3 Provided that before carrying out any such directions under the foregoing
4 provisions of this subsection the Local Commissioner of the State Police
5 Service may request that the matter be referred to the Governor or such
6 Official of the State Government as may be authorized in that behalf by the
7 Governor for his directions.

8 5. The Principal Act is altered by inserting a new Section '219' as
9 follows: Insertion of New
Section 219

10 (1) Subject to the provisions of the Principal Act, the State Police
11 Council may, with the approval of the Governor of the State and subject to
12 such conditions as it may think fit, delegate any of the powers conferred
13 upon it by the Principal Act to any of its members or to the Inspector-General
14 of the State Police Service or any other member of the State Police Service.
15 State Police Council. Delegation of
Power of a State
Police Council

16 6. The Principal Act is altered by inserting new items 'D' and 'E'
17 to Part II of the Third Schedule to the Principal Act as follows: Alteration of the
Third Schedule
to the Constitution

18 D - State Police Council.

19 7. The State Police Council shall comprise the following
20 members: State Police
Council

- 21 (a) the Governor who shall be the Chairman;
22 (b) the Chairman of each Local Government Area of the State;
23 (c) the Chairman of the State Police Service Commission; and
24 (d) the Inspector-General of the State Police Service.

25 8. The functions of the State Police Council shall include:

26 (a) the organization and administration of the State Police Service
27 and all other matters relating thereto (not being matters relating to the use
28 and operational control of the service or the appointment, disciplinary
29 control and dismissal of members of the Service);

30 (b) the general supervision of the state police service; and

	1	(c) advising the Governor on the appointment of the Inspector-
	2	General of the State Police Service:
	3	E - State Police Service Commission.
State Police Service Commission	4	9. The State Police Service Commission shall comprise the following
	5	members:
	6	(a) a Chairman; and
	7	(b) such number of other persons, not less than seven but not more
	8	than nine, as may be prescribed by a Law passed by the State House of
	9	Assembly.
Power of the Commission	10	10. The Commission shall have power to:
	11	(a) appoint persons to offices (other than the office of the Inspector-
	12	General of the State Police) in the State Police Service; and
	13	(b) dismiss and exercise disciplinary control over persons holding
	14	any office referred to in sub-paragraph (a) of this paragraph.
Short Title	15	11. This Bill may be cited as the Constitution of the Federal Republic
	16	of Nigeria, 1999 (Alteration) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of section 214 and to further insert new Sections 217, 218 and 219 and Sections D and E to Part II of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 to establish State Police for all States of the Federation and ensure effective Community Policing in Nigerian.