

A BILL

FOR

AN ACT TO AMEND SOME SECTIONS OF THE POLICE ACT, CAP. 19, LAWS OF THE FEDERATION OF NIGERIA, 2004, TO, AMONGST OTHERS, PROVIDE FOR THE APPOINTMENT AND TENURE OF OFFICE FOR THE INSPECTOR-GENERAL OF POLICE AND OTHER MATTERS CONNECTED THERETO, 2017.

Sponsored by Senator Ahmed Salau Ogembe

[] Commencement

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

1 Section 5: There shall be an Inspector-General of the Nigeria
2 Police such number of Deputy Inspectors-General, Assistant Inspectors-
3 General as the Nigeria Police Council considers appropriate, a
4 Commissioner for each State of the Federation and such ranks as may, from
5 time to time, be appointed by the Nigeria Police Council.

6 Section 5 shall be now be amended to have the following sub-
7 sections:

8 (1) The President may, upon the advice of the Nigeria Police
9 Council and subject to confirmation by the National Assembly, appoint the
10 Inspector-General of Police from among serving members of the Nigeria
11 Police Force.

12 (2) The Inspector-General of Police shall, upon appointment and
13 confirmation, subject to retirement age in Police force, holds and maintain
14 that office for a single period of four (4) year only.

15 (3) The Inspector-General of Police shall seize to hold office, if:

16 (i) He resigns by Notice in writing under his hand addressed to the
17 President;

18 (ii) The President is satisfied that it is not in the public interest for
19 the person appointed to continue in office and notifies the National

1 Assembly and the Nigeria Police Council to that effect;

2 (iii) It appears to both Chambers of the National Assembly that the
3 Inspector-General of Police should be removed from office on the grounds of
4 misconduct or inability to perform the functions of his office and the National
5 Assembly makes a recommendation to the President for his removal, the
6 Inspector-General of Police shall then be removed from office by the President.

7 Section 9 (2) (c): in the principal act should be amended to insert after
8 the word "President" amongst other things, to seek confirmation from the
9 National Assembly on the appointment of the Inspector-General of Police.

10 Section 23, line 4, in the principal act may be amended to insert, after
11 the word "Nigeria" such police officers must be legal practitioners, may
12 conduct in person all prosecutions before any court whether or not the
13 information or complaint is laid in his name,

14 Section 24 (1) line 1,: in the principal act may be amended to insert
15 and replace section 10 of the Criminal Procedure Act with" section 18(1) and
16 (2) of the Administration of Criminal Justice Act, it shall be lawful for any
17 police officer and any person whom he may all to his assistance, to arrest
18 without warrant in the following cases:

19 Section 27, line 3, in the principal act may be amended to insert and
20 replace section 484 of the Criminal Procedure Act with "section 18 of the
21 Administration of Criminal Justice Act as soon as practicable after he is taken
22 into custody.

23 Section 39, line 4, of the principal act shall be amended to insert after
24 the word "magistrate" shall be liable to a penalty of fifty thousand naira
25 (50,000.00), or to imprisonment for a term of one year.

26 Section 40, line 4, of the principal act shall be amended to insert after
27 the word "magistrate" shall be liable to a penalty of fifty thousand naira
28 (50,000.00), or to imprisonment for a term of one year.

29 Section 41, line 6, of the principal act shall be amended to insert after
30 the word "magistrate" shall be liable to a penalty of ten thousand naira

1 (10,000.00), or to imprisonment for a term of six months.

2 Section 42, line 6, of the principal act shall be amended to insert
3 after the word "magistrate" shall be liable to a penalty of two hundred
4 thousand naira (200,000.00) or to imprisonment for a term of two years.

5 4. This Bill may be cited as the Police Act (Amendment) Bill, Citation
6. 2017.

EXPLANATORY NOTE

This Bill seeks to provide for the manner in which a new Inspector - General of Police is appointed when vacancy occurs and that the position shall be for a tenure of four years only. This is expected to enhance the organization and administration of the Nigeria Police Force as well as create stability and efficiency in the office of the Inspector General of Police from abuse. Also, the Criminal Procedure Act has been repealed and replaced with the Administration of Criminal Justice Act. The Police Act should be made to reflect this change where necessary. In conclusion, the punitive charges in the Police Act are no longer in tandem with the realities of the times and so should be brought at par as such.

