

A BILL

FOR

AN ACT TO ALTER THE 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, 2020

Sponsored by Senator Surajudeen Ajibola Basiru

[] Commencement

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

1 **1.** The 1999 Constitution of the Federal Republic of Nigeria, 1999
2 (hereinafter referred to as "the Principal Act") is hereby altered as set out in
3 this Bill. Alteration of the
1999 Constitution

4 **2.** Section 214, subsection (1) of the Principal Act is altered by
5 deleting the word "Force" and replacing thereto with the word "Service" and
6 wherever appearing in the Principal Act; Alteration of
section 214

7 Section 214, Subsection (1) of the Principal Act is further altered
8 by deleting the phrase "and, subject to the provisions of this section no other
9 Police 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 "214(3)" Insertion of new
Section 214(3)
(Establishment
of State Police)
12 to establish a Police Service for each State of the Federation as follows:

13 (3) There shall be a Police Service for each State of the Federation,
14 which shall be known as the State Police Service. Subject to the Provisions
15 of the Principal Act:

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
3 of a State Police Service forming part of a State Security Structures or for the
4 protection of communities and localities.

Insertion of new
Section 214(4)
(Appointment
of Commissioner
of Police of a
State Police
Service)

5 **4.** The Principal Act is altered by inserting a new Section '214(4)' as
6 follows:

7 (i) There shall be:

8 (a) A Commissioner of a State Police Service who, subject to Section
9 3 of this Bill be appointed by the Governor of the State on the advice of the
10 State Police Council from among serving members of the State Police Service;

11 (b) A Head of Police shall be appointed for a Local Government Area
12 by the State Police Service Commission.

13 (ii) Each State Police shall be under the Command of the
14 Commissioner of the State Police Service.

15 (iii) The Governor or such other official to a State as he may authorize
16 in that behalf may give to the Commissioner of the State Police Service such
17 directions with respect of the maintenance and securing of Public Safety,
18 Public Order and Community Policing as he may consider necessary and the
19 Commissioner of the State Police shall comply with those directions or cause
20 them to be complied with.

21 **5.** Principal Act is hereby amended by deleting item 45 from the
22 Exclusive Legislative List in part 1 of the second schedule of the Constitution.

23 **6.** The entire items on the Exclusive Legislative List in part 1 of the
24 second schedule of the Constitution is hereby rearranged and renumbered as
25 items 1 - 67 with the exclusion of the deleted item under this Bill.

26 **7.** The Principal Act is hereby amended by creating new section 21 in
27 part 2 of the second schedule of the Constitution as follows

Section 21 - Police
and other
Government
Security Agencies

28 **8.-(1)** The National Assembly may make laws for the federation or
29 any part thereof with respect to:

30 (a) Police Force and other government security services in respect of

1 anything pertaining to internal security and the maintenance of law and
2 order in Nigeria;

3 (b) Regulation of ownership and control of Federal Police and
4 other government security services.

5 (2) A House of Assembly of a state may make laws with respect to:

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

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

12 **9.** The Principal Act is hereby amended by renumbering the
13 existing sections 21 to 30 of part 2 of the second schedule of the constitution
14 as numbers 22 to 31.

15 **10.** State Police Council - Alternation of the Third Schedule to the
16 Constitution.

17 *State Police Council:*

18 The Principal Act is altered by inserting new items 'D' and 'E' to
19 Part II of the Third Schedule to the Principal Act as follows:

20 D - State Police Council:

21 1. The State Police Council shall comprise the following
22 members:

23 (a) The Governor who shall be the Chairman;

24 (b) The Chairman of each Local Government Area of the State;

25 (c) The Chairman of the State Police Service Commission;

26 (d) The Commissioner of the State Police Service;

27 (e) Representative of the Council of Chiefs;

28 (f) Representative of the Nigerian Bar Association; and

29 (g) Representative of the Council of Women Organizations

30 2. The functions of the State Police Council shall include:

1 (a) The organization and administration of the State Police Service
2 and all other matters relating thereto (not being matters relating to the use and
3 operational control of the service or the appointment, disciplinary control and
4 dismissal of members of the Service);

5 (b) The general supervision of the State Police Service; and

6 (c) Advising the Governor on the appointment of the Commissioner
7 of the State Police Service:

8 E-State Police Service Commission:

9 1. The State Police Service Commission shall comprise the following
10 members:

11 (a) A Chairman; and

12 (b) Such number of other persons, not less than four but not more than
13 six, as may be prescribed by a Law passed by the State House of Assembly

14 2. The Commission shall have power to:

15 (a) Appoint persons to offices (other than the office of the
16 Commissioner of the State Police) in the State Police Service; and

17 (b) Dismiss and exercise disciplinary control over persons holding
18 any office referred to in sub-paragraph (a) of this paragraph.

Citation

19 **11.** This Bill may be cited as the Constitution of the Federal Republic
20 on Nigeria (Alteration) Bill, 2020.

EXPLANATORY NOTES

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 Cap. 23, Laws of the Federation of Nigeria, 2004 to delete item 45 from the Exclusive Legislative List and to make Police a concurrent matter, thereby granting the National Assembly and State Houses of Assembly the power to make laws with respect to the creation, formation and control of Police and ensure effective community policing in Nigeria.