

A BILL

FOR

AN ACT TO ESTABLISH THE STATE POLICE SERVICE COMMISSION, WHICH SHALL BE CHARGED WITH DISCIPLINE OF ALL OFFICERS IN THE STATE POLICE SERVICE AND TO DISMISS AND EXERCISE DISCIPLINARY CONTROL OVER ANY PERSON HOLDING OFFICE IN THE STATE POLICE FORCE (OTHER THAN THE COMMISSIONER OF POLICE) AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Bello El-Rufai

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

PART I - ESTABLISHMENT, ETC OF THE STATE POLICE SERVICE COMMISSION

1 1.-(1) There is hereby established a body to be known as the State Establishment
2 Police Service Commission (in this Act referred to as "the Commission").

3 (2) The Commission-

4 (a) shall be a body corporate with perpetual succession and a
5 common Seal; and

6 (b) may sue or be sued in its corporate name

7 (3) The headquarters of the Commission shall be at the capital of a
8 state.

9 2.-(1) The management of the Commission shall vest in the Management of
10 following members, whose appointment shall be in line with the Federal the Commission
11 Character provision of the Constitution-

12 (a) a Chairman who shall be the Chief Executive of the
13 Commission;

14 (b) a retired Justice of the Supreme Court or Court of Appeal or
15 High Court;

1 (c) a retired Police Officer not below the rank of Commissioner of
2 Police;

3 (d) one representative each of-

4 (i) women interest;

5 (ii) the Nigerian Press;

6 (iii) Non-Governmental human rights organisations in Nigeria

7 (iv) organized Private Sector;

8 (v) the Secretary to the Commission.

9 (vi) the Youth (not younger than 18 years of age or older than 35 years
10 of age);

11 (2) The Chairman and other members of the Commission shall-

12 (a) be appointed by the Governor subject to the confirmation by the
13 House of Assembly;

14 (b) be persons of proven integrity and ability.

15 (3) The members of the Commission referred to in paragraph (d) of
16 Subsection (1) of this section shall be part-time members.

17 (4) The supplementary provisions set out in the Schedule to this Act
18 shall have effect with respect to the proceedings of the Commission and the
19 other matters contained therein.

Tenure of Office

20 **3.-(1)** Subject to the provisions of Section 4 of this Act, a member of
21 the Commission, other than ex-officio members shall each hold office-

22 (a) for a term of four years and no more and

23 (b) on such terms as to remuneration; salaries and allowances as may
24 be prescribed by the State House of Assembly but not exceeding the amount as
25 shall have been determined by the Revenue Mobilization Allocation and Fiscal
26 Commission.

Cessation of
Office

27 **4.-(1)** Notwithstanding the provisions of section 3 of this Act, a
28 person shall cease to hold office as member of the Commission if-

29 (a) he becomes bankrupt, suspends payment or compounds with his
30 creditors; or

1 (b) he is convicted of a felony or any offence involving dishonesty
2 or fraud or

3 (c) he becomes of unsound mind, or is incapable of carrying out his
4 duties; or

5 (d) he is guilty of serious misconduct in relation to his duties; or

6 (e) in the case of a person possessed of professional qualifications
7 he is disqualified or suspended, other than at his own request, from
8 practicing his profession in any part of the world by an order of a competent
9 authority made in respect of that member.

10 (2) A member of the Commission may be removed by the Governor
11 if he is satisfied that it is not in the interest of the Commission or the interest
12 of the public that the member should continue in office.

13 (3) Where a vacancy occurs in the membership of the Commission,
14 it shall be filled by the appointment of a successor to hold office for the
15 remainder of the term of office of his predecessor, so however, that the
16 successor shall represent the same interest and shall be appointed by the
17 Governor subject to confirmation by the House of Assembly.

18 **5.-(1)** Notwithstanding the provisions of Section 4 of this Act, the
19 Chairman and any other member, may at any time be removed from that
20 office by the Governor acting on an address supported by two- thirds
21 majority of the House of Assembly praying that he be removed for inability
22 to discharge the functions of the office (whether arising from infirmity of
23 mind or body or any other cause or for misconduct).

Removal from
Office

24 (2) A member may resign his appointment by a notice in writing
25 under his hand, addressed to the Governor and that member shall on the date
26 of the receipt of the notice by the Governor cease to be a member of the
27 Commission.

28 (3) The Chairman and other members of the Commission shall-

29 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

30 **6.-(1)** The Commission shall-

Functions of the
Commission

1 (a) be responsible for the appointment and promotion of persons to
2 offices (other than the office of the Commissioner of Police) in the State Police
3 Force;

4 (b) dismiss and exercise disciplinary control over Persons (other than
5 the Commissioner of Police) in the State Police Force;

6 (c) formulate policies and guidelines for the appointment, promotion,
7 discipline and dismissal of officers of the State Police Force;

8 (d) identify factors inhibiting or undermining discipline in the State
9 Police Force;

10 (e) formulate and implement policies aimed at the efficiency and
11 discipline to the State Police Force;

12 (f) perform such other functions which in the opinion of the
13 Commission are required to ensure the optimal efficiency of the State Police
14 Force; and

15 (g) carry out such other functions as the Governor may, from time to
16 time, direct.

17 (2) The Commission shall not be subject to the direction, control or
18 supervision of any other authority or person in the performance of its functions
19 other than as is prescribed in this Act.

Powers of the
Commission

20 **7.** The Commission shall have power to-

21 (a) pay the staff of the Commission such remuneration and
22 allowances as are payable to persons of equivalent grades in the Civil Service
23 of the state;

24 (b) enter into such contracts as may be necessary or expedient for the
25 discharge of its functions and ensure the efficient performance of the functions
26 of the Commission; and

27 (c) do such other things as are necessary and expedient for the
28 efficient performance of the functions of the Commission.

Delegation of
Power

29 **8.** The Commission may, subject to such conditions as it may think fit,
30 delegate any of its powers under this Act-

- 1 (a) to any officer in the service of the State Police Force; or
 2 (b) to a committee consisting of such number of persons, one of
 3 whom shall be named as Chairman, as may be prescribed by the
 4 Commission.

5 PART III - STRUCTURE OF THE COMMISSION

6 **9.**-(1) There shall be established in the headquarters of the Departments
 7 Commission the following Departments-

- 8 (a) the Department of Administration and Personnel Management;
 9 (b) the Department of Investigation;
 10 (c) the Department of Finance and Supply;
 11 (d) the Department of Planning, Research and Statistics; and
 12 (e) the Department of Legal Services.

13 (2) The Commission may, with the approval of the Governor,
 14 increase the number of Departments as it may deem necessary and expedient
 15 to facilitate the realization of the objectives of the Commission.

16 PART IV - STAFF

17 **10.**-(1) There shall be for the Commission, a Secretary to the Secretary of the
 18 Commission who shall- Commission

- 19 (a) be an officer in the Civil Service of the State not below the rank
 20 of a Permanent Secretary;
 21 (b) have such qualification and experience as are appropriate for a
 22 person required to perform the functions of that office under this Act;
 23 (c) be accounting officer of the Commission;
 24 (d) be appointed by the Governor subject to the confirmation by the
 25 Senate; and
 26 (e) hold office on such terms and conditions as to emolument,
 27 conditions of service as are applicable to the Civil Service of the State.

28 (2) The Secretary shall subject to the general direction of the
 29 Commission through the Chairman be responsible-

- 30 (a) for the day to day administration of the Commission;

1 (b) for keeping the books and proper records of the proceedings of the
2 Commission; and

3 (c) for-

4 (i) the administration of the secretariat of the Commission; and

5 (ii) the general direction and control of all other employees of the
6 Commission subject to the directives of the Commission.

7 (3) The Commission shall have power to-

8 (a) employ either directly or on secondment from any civil or public
9 service in the State such number of employees as may, in the opinion of the
10 Commission, be required to assist the Commission in the discharge of any of its
11 functions under this Act; and

12 (b) pay to persons so employed such remuneration (including
13 allowances) as are applicable to other officers of equivalent rank in the Civil
14 Service of the State.

Pensions

15 **11.**-(1) Service in the Commission shall be approved service for the
16 purposes of the Pensions Act.

17 (2) The officers and other persons employed in the Commission shall
18 be entitled to pensions, gratuities and other retirement benefits as are enjoyed
19 by persons holding equivalent grades in the Civil Service of the state.

20 (3) Nothing in Subsections (1) and (2) of this section shall prevent the
21 appointment of a person to any office on terms which preclude the grant of
22 pension and gratuity in respect of that office.

23 (4) For the purposes of the application of the provisions of the
24 Pensions Act, any power exercisable there under by the Commissioner or other
25 authority of the Government of the state, other than the power to make
26 regulations under Section 23 thereof, is hereby vested it' and shall be
27 exercisable by the Commission and not by any other person or authority.

28 PART V - FINANCIAL PROVISIONS

Establishment
of Fund

29 **12.**-(1) The Commission shall establish and maintain a fund from
30 which shall be defrayed all expenditure incurred by the Commission.

1 (2) There shall be paid and credited to the fund established
2 pursuant to Subsection (1) of this section-

3 (a) such monies as may, from time to time, be granted or lent to or
4 deposited with the Commission by State Government or any other body or
5 institution whether local or foreign;

6 (b) all monies raised for the purposes of the Commission by way of
7 gifts, loan, grants-in-aid, testamentary dispositions or otherwise; and

8 (c) proceeds from all other assets that may, from time to time,
9 accrue to the Commission.

10 (3) The fund shall be managed in accordance with the rules made
11 by the Commission, and without prejudice to the generality of the power to
12 make rules under this subsection, the rules shall in particular contain
13 provisions-

14 (a) specifying the manner in which the assets or the fund of the
15 Commission are to be held, and regulating the making of payments into and
16 out of the Fund; and

17 (b) requiring the keeping of proper accounts and records for the
18 purpose of the Fund in such form as may be specified in the rules.

19 **13.** The Commission shall apply the proceeds of the Fund
20 established pursuant to Section 12 of this Act

Procedure of the
Fund

21 (a) the cost of administration of the Commission;

22 (b) the payment of salaries, allowances and benefits of members of
23 the Commission or any Committee of the Commission;

24 (c) the payment of salaries, remuneration, allowances, benefits,
25 pensions and gratuities payable to officers and employees of the
26 Commission;

27 (d) the payment for all contracts, including mobilization,
28 fluctuations, variations, legal fees and cost on contract administration;

29 (e) the payment for all purchases; and

30 (f) undertake such other activities as are connected with all or any

	1	of the functions of the Commission under this Act.
Power to accept gifts	2	14. -(1) The Commission may accept gifts of land, money or other
	3	property on such terms and conditions, if any, as may be specified by the person
	4	or organization making the gift.
	5	(2) The Commission shall not accept any gift if the conditions
	6	attached thereto are inconsistent with the functions of the Commission under
	7	this act.
Annual Estimates	8	15. -(1) The Commission shall, not later than 30th September in each
	9	year, Estimates submit to the Governor an estimate of the expenditure and
	10	income of the Commission during the next succeeding year.
	11	(2) The Commission shall cause to be kept proper accounts of the
	12	Commission in respect of each year and proper records in relation thereto and
	13	shall cause the accounts to be audited not later than 6 months after the end of
	14	each year by auditors appointed from the list and in accordance with the
	15	guidelines supplied by the Governor for the state.
Quarterly Report	16	16. The Commission shall, at the end of every quarter in each year
	17	submit to the Governor a report on the activities and administration of the
	18	Commission.
Annual Report	19	17. -(1) The Commission shall prepare and submit to the Governor,
	20	not later than 30th June in each year, a report in such form as the Governor may
	21	direct on the activities of the Commission during the immediately preceding
	22	year, and shall include in the report a copy of the audited accounts of the
	23	Commission for that year and the auditor's report thereon.
	24	(2) The Governor, Upon receipt of the report referred to in Subsection
	25	(1) of this section, cause a copy of the report and the audited accounts of the
	26	Commission and the auditor's report thereon to be submitted to each State
	27	House of Assembly.
	28	PART VI - MISCELLANEOUS
Offices and Premises	29	18. -(1) For the Purposes of providing offices and premises necessary
	30	for the performance of its functions under this Act, the Commission may,

1 subject to the Land Use Act-

2 (a) purchase, or take on lease any interest in land, or other property;

3 and

4 (b) construe offices and premises and equip and maintain same.

5 (2) The Commission may, subject to the Land Use Act, sell or lease
6 out any office or premises held by it, which office or premises is no longer
7 required for the performance of its functions under this Act.

8 **19.** Subject to the provisions of this Act, the Governor, may give to Directions
9 the Commission directives of a general nature or relating generally to
10 matters of policy with regard to the performance by the Commission of its
11 functions and it shall be the duty of the Commission to comply with the
12 directives.

13 **20.**-(1) Subject to the provisions of this Act, the provisions of the Application of
Public Officers
Protection Act
14 Public Officers Protection Act shall apply in relation to any suit instituted
15 against any officer or employee of the Commission.

16 (2) Notwithstanding anything contained in any other law or
17 enactment, no suit shall lie against any member of the Commission, the
18 secretary or any other officer or employee of the Commission for any act
19 done in pursuance or execution of this Act or any other law or enactment, or
20 of any public duty or authority or in upon of any alleged neglect or default in
21 the execution of this Act or such law or enactment, duty or authority, shall lie
22 or be instituted in any Court unless-

23 (a) it is commenced within three months next after the Act neglect
24 or default complained of; or

25 (b) in the case of a continuation of damage or injury, within six
26 months next after the ceasing thereof.

27 (3) No suit shall be commenced against a member of the
28 Commission, the Secretary, officer or employee of the Commission before
29 the expiration of a period of one month after written notice of intention to
30 commence the suit shall have been served upon the Commission by the

	1	intending plaintiff or his agent
	2	(4) The notice referred to in Subsection (3) of this section shall clearly
	3	and explicitly state the cause of action, the particulars of the claim, the name
	4	and place of abode of the intending plaintiff and the relief, which he claims.
Notice	5	21. A notice, summons or other document required or authorized to be
	6	served upon the Commission under the provisions of this Act or any other law
	7	or enactment may be served by delivering it to the Secretary or by sending it by
	8	registered post and addressed to the Secretary at the principal office of the
	9	Commission.
Limitation of suits against the Commission	10	22. -(1) In any action or suit against the Commission, no execution or
	11	attachment of process in the nature thereof shall be issued against the
	12	Commission.
	13	(2) Any sum of money which may by the judgment of any court be
	14	awarded against the Commission shall, subject to any direction given by court
	15	where notice of appeal of the said judgment has been given, be paid from the
	16	general reserve fund of the Commission.
Indemnity of Officer	17	23. A member of the Commission, the Secretary, any officer or
	18	employee of the Commission shall be indemnified out of the assets of the
	19	Commission against any proceeding, whether civil or criminal, in which
	20	judgment is given in his favour, or in which is acquitted, if any such proceeding
	21	is brought against him in his capacity as a member of the Commission, the
	22	Secretary, officer or employee of the Commission.
	23	24. Any person who, immediately before the coming into force of this
	24	Act is the holder of any office in the State Police Force shall on the
	25	commencement of this Act continue in office and be deemed to have been
	26	appointed to his office by the Commission under this Act.
Regulations	27	25. The Commission may, with the approval of the Governor make
	28	regulations, generally for the purposes of giving full effect to this Act.
Interpretation	29	26. In this Act, unless the context otherwise require-
	30	"Commission" means the State Police Service Commission established by

1 Section 1 of this Act;

2 "member" means a member of the Commission and includes the Chairman.

3 "Governor" means the Governor, Chief Security Officer of the State ..

4 "Secretary" means Secretary to the Commission appointed pursuant to
5 Section 10 of this Act

6 **27.** This Bill may be cited as the State Police Service Commission Citation
7 (Establishment etc.) Bill, 2025.

8 SCHEDULE

9 *Section 2(4)*

10 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC

11 *Proceedings of the Commission*

12 1.-(1) Subject to this Act and Section 27 of the Interpretation Act,
13 the Commission may make standing orders regulating its proceedings or
14 those of any of its Committees.

15 (2) The quorum of the Commission shall be the Chairman or the
16 person presiding at the meeting and 4 other members of the Commission,
17 and the quorum of any Committee of the Commission shall be as determined
18 by the Commission.

19 2.-(1) The Commission shall meet whenever it is summoned by the
20 Chairman and if the Chairman is required to do so by notice given to him by
21 not less than 4 other Members, he shall summon a meeting of the
22 Commission to be held within 14 days from the date on which the notice is
23 given.

24 (2) At any meeting of the Commission, the Chairman shall preside
25 but if he is absent, the members present at the meeting shall appoint one of
26 their number to preside at the meeting.

27 (3) when the Commission desires to obtain the advice of any
28 person on a particular matter, the Commission may co-opt him to the
29 Commission for such period as it deems fit, but a person who is in attendance
30 by virtue of this sub-paragraph shall not be entitled to vote at any meeting of

1 the Commission and shall not count towards a quorum.

2 *Committees*

3 3.-(1) The Commission may appoint one or more Committees to carry
4 out, on behalf of the Commission, such functions as the Commission may
5 determine.

6 (2) A Committee appointed under this paragraph shall consist of such
7 number of persons as may be determined by the Commission and a person shall
8 hold office on the Committee in accordance with the terms of his appointment

9 (3) A decision of a Committee of the Commission shall be of no effect
10 until it is confirmed by the Commission.

11 *Miscellaneous*

12 4.-(1) The fixing of the seal of the Commission shall be authenticated
13 by the signatures of the Chairman or any other member of the Commission
14 generally or specifically authorized by the Commission to act for that purpose
15 and the Secretary.

16 (2) Any contract or instrument which, if made or executed by a person
17 not being a body corporate, would not be required to be under seal may be made
18 or executed on behalf of the Commission by the Secretary or any person
19 generally or specifically authorized by the Commission to act for that purpose.

20 (3) A document purporting to be duly executed under the seal of the
21 Commission shall be received in evidence and shall, unless and until the
22 contrary is proved, be presumed to be so executed.

23 5. The validity of any proceedings of the Commission or of a
24 Committee shall not be adversely affected by-

25 (a) a vacancy in the membership of the Commission or Committee; or

26 (b) a defect in the appointment of a member of the Commission or
27 Committee; or

28 (c) reason that a Person not entitled to do so took part in the
29 proceedings of the Commission or Committee.

30

EXPLANATORY MEMORANDUM

This Bill seeks to enact the State Police Service Commission (Est. Etc) Bill to amongst other provisions establish a Commission which shall be charged with discipline of all officers except in state police force and to dismiss and exercise disciplinary control over any person holding office in the State Police Force (other than the Commissioner of Police).