

PUBLIC ORDER ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

An Act to repeal all public order laws in the States of the Federation and to replace them with a Federal Act for the purpose of maintaining public order and to prohibit the formation of quasi-military organisations, regulate the use of uniforms and other matters ancillary thereto.

II979 No. 5.J

[16th February, 1979]

[Commencement.]

1. Power to regulate assemblies, meetings and processions

(1) For the purposes of the proper and peaceful conduct of public assemblies, meetings and processions and subject to section 11 of this Act, the Governor of each State is hereby empowered to direct the conduct of all assemblies, meetings and processions on the public roads or places of public resort in the State and prescribe the route by which and the times at which any procession may pass.

(2) Any person who is desirous of convening or collecting any assembly or meeting or of forming any procession in any public road or place of public resort shall, unless such assembly, meeting or procession is permitted by a general licence granted under subsection (3) of this section, first make application for a licence to the Governor not less than 48 hours thereto, and if such Governor is satisfied that the assembly, meeting or procession is not likely to cause a breach of the peace, he shall direct any superior police officer to issue a licence, not less than 24 hours thereto, specifying the name of the licensee and defining the conditions on which the assembly, meeting or procession is permitted to take place; and if he is not so satisfied, he shall convey his refusal in like manner to the applicant within the time hereinbefore stipulated.

(3) The Governor may authorise the issue of general licences by any superior police officer mentioned in subsection (4) of this section setting out the conditions under which and by whom and the place where any particular kind or description of assembly, meeting or procession may be convened, collected or formed.

(4) The Governor may delegate his powers under this section-

- (a) in relation to the whole State or part thereof, to the Commissioner of Police of the State or any superior police officer of a rank not below that or a Chief Superintendent of Police; and
- (b) in relation to any local government area or part thereof, but subject to any delegation made under paragraph (a) above, to any superior police officer or any police officer for the time being acting as the District Police Officer,

and references in this section to the Governor shall be construed accordingly.

(5) Any person-

- (a) aggrieved by any decision of the Commissioner of Police or any superior police officer under paragraph (a) of subsection (4) of this section, may within fifteen days of such decision appeal to the Governor;
- (b) aggrieved by any decision of any police officer mentioned in paragraph (b) of subsection (4) of this section, may within fifteen days of such decision appeal to the Commissioner of Police and shall have a right of further appeal from any decision of the Commissioner of Police under this paragraph to the Governor,

and the Governor or, as the case may require, the Commissioner of Police, shall give a decision on any appeal lodged pursuant to this section not later than fifteen days after the date of its receipt by him.

(6) The decision of the Governor under subsection (5) of this section shall be final and no further appeal shall lie therefrom.

2. Power to stop assemblies, meetings and processions

Any police officer of the rank of inspector or above may stop any assembly, meeting or procession for which no licence has been issued or which violates any conditions of the licence issued under section 1 of this Act, and may order any such assembly, meeting or procession which has been prohibited or which violates any such conditions as aforesaid to disperse immediately.

3. Unlawful assemblies

Any assembly, meeting or procession which-

- (a) takes place without a licence issued under section 1 of this Act; or
- (b) violates any condition of any licence granted under section 1 as aforementioned; or
- (c) neglects to obey any order given under section 2 of this Act,

shall be deemed to be an unlawful assembly, and all persons taking part in such assembly, meeting or procession, and in the case of an assembly, meeting or procession for which no licence has been issued, all persons taking part in the convening, collecting or directing of the assembly, meeting, or procession, shall be guilty of an offence and liable on conviction to a fine of NI ,000 or imprisonment for six months or to both such fine and imprisonment.

4. Power to issue proclamations, etc., for the preservation of public order

(1) Notwithstanding any licence granted under section 1 of this Act, if a superior police officer, having regard to the time or place at which and the circumstances in which any public assembly, meeting or procession is taking place or is intended to take place (and in the case of a public procession to the route taken or proposed to be taken by the procession), has reasonable grounds for apprehending that the assembly or meeting or procession may occasion serious disorder, he may give direction imposing upon persons organising or taking part in the assembly or meeting or procession such conditions as appear to him necessary for the preservation of public order including, in the case of a public procession, conditions prescribing the route to be taken by the procession or conditions prohibiting the procession from entering any public place specified in the directions:

Provided that no conditions restricting the display of symbols or emblems shall be imposed under the provisions of this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.

(2) Subject to any order made by the Commissioner of Police under subsection (3) of this section, if at any time a superior police officer (including any police officer for the time being acting as a District Police Officer) is of opinion that by reason of particular circumstances existing in a local government area or part thereof, the powers conferred upon him by subsection (1) of this section will not be sufficient to prevent serious public disorder being occasioned by the holding of public assemblies, meetings or processions in the area concerned, such police officer may issue a proclamation in the Form contained in the Schedule to this Act, copies of which shall be displayed in all local government offices and police stations and posts in that area and in such other places as may be determined by him, prohibiting the holding in such area of all public assemblies, meetings or processions specified in the proclamation, for such period, not exceeding seven days, as may be so specified.

[Schedule]

(3) If at any time the Commissioner of Police is of opinion that by reason of particular circumstances existing in the State or any part thereof, the powers conferred by subsections (1) and (2) of this section will not be sufficient to prevent serious public disorder being occasioned by the holding of public assemblies, meetings or processions in the

State or in any part thereof, the Commissioner may, after consultation with the Governor of the State, by order published in the State *Gazette* and in such other manner (including broadcasts by radio or television) as he may deem sufficient to bring the order to the knowledge of the general public in the State or in that part thereof to which it relates, prohibit the holding in the State or any such part of all public assemblies, meetings or processions specified in the order, for such period not exceeding fourteen days as may be so specified.

(4) An order made under subsection (3) of this section shall have effect from the time when it is first published or publicly notified in any manner authorised by that subsection or from such later time as may be specified in the order, and a certificate under the hand of the Commissioner of Police who made the order specifying the time of publication or notification (other than a publication in the *Gazelle* in respect of which the Evidence Act has made other provisions) shall be conclusive evidence thereof in all legal proceedings.

[Cap. EI4.]

(5) Any person who knowingly-

- (a) fails to comply with any directions given or conditions imposed under this section; or
- (b) organises or assists in organising any public assembly, meeting or procession held or intended to be held in contravention of a proclamation or an order made under this section; or
- (c) attempts to convene or takes part in, or incites any other person to convene or take part in, any such assembly, meeting or procession,

shall be guilty of an offence and liable on conviction to a fine of N5,000 or imprisonment for two years or to both such fine and imprisonment.

5. Penalty on endeavour to break up public assembly, meeting or procession

(1) Any person who at a public assembly, meeting or procession acts in a disorderly manner for the purpose of preventing the transaction of the business for which the assembly, meeting or procession was called or formed, shall be guilty of an offence.

(2) Any person who incites others to commit an offence under this section, shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on conviction on a first offence to a fine of N2,000 or imprisonment for twelve months or to both such fine and imprisonment; and for a second or any subsequent conviction, to imprisonment for twelve months without the option of a fine.

6. Prohibition of quasi-military organisations

(1) If any association (whether corporate or unincorporate)-

- (a) organises or trains or equips persons (whether or not members or adherents of any association) for the purpose of enabling any such person to be employed in usurping the functions of the Nigeria Police Force or of the armed forces of the Federation; or

- (b) organises and trains or equips persons (whether or not members or adherents of any such association) either for the purpose of enabling such person to be employed for the use or display of physical force in promoting any political objective, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose,

then any person who takes part in the control or management of the association or in so organising or training or equipping any such person as aforesaid, or who undertakes or is engaged to be so organised, trained or equipped, shall be guilty of an offence.

(2) No prosecution shall be instituted under this section without the consent of the Attorney-General of the State

(3) If, upon application made by a superior police officer, it appears to the High Court of that State that any association is an association which organises, trains or equips any person (whether or not members or adherents thereof) in contravention of the provisions of this section, the court may make such order as appears necessary to prevent any disposition, without the leave of the court, of property held by or for the association and, in accordance with the applicable rules of court, may direct any inquiry and report to be made as to any such property as aforesaid and as to the affairs of the association, and may make further orders as appear to the court to be just and equitable for the application of such property-

- (a) in or towards the discharge of the liabilities of the association lawfully incurred before the date of the application or since that date with the approval of the court;
- (b) in or towards the repayment of moneys to persons who became subscribers or contributors to the association in good faith and without knowledge of any such contravention as aforesaid;
- (c) in or towards any costs incurred in connection with any such inquiry and report as aforesaid or in winding up or dissolving the association,

and may order that any property which is not directed by the court to be so applied as aforesaid shall be forfeited to the State.

(4) In any criminal or civil proceedings under this section, proof of things done or words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organising, training or equipping persons (whether or not members or adherents thereof) shall be admissible as evidence of the purposes for which, or the manner in which, such persons (including, where applicable, members or adherents of the association) were organised, or trained or equipped.

(5) If a magistrate or Upper Area Court Judge is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this section has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by a superior police officer, grant a search warrant authorising any such officer named in the warrant together with any other persons specified in the warrant and any other police officers to enter the premises or place at any time within seven days from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize

anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid:

(6) Provided that no woman shall, in pursuance of a warrant issued under the provisions of this subsection, be searched except by a woman.

(7) Any person found guilty of an offence under this section shall on conviction-

- (a) in the case of a person who is proved to have taken part in the organisation or management of an association or in organising, training, or equipping any person referred to in paragraph (a) or (b) of subsection (1) of this section, be liable to a fine of ₦5,000 or imprisonment for two years or to both such fine and imprisonment; and
- (b) in the case of a person who is proved to have undertaken or been engaged in being organised, trained or equipped, be liable to a fine of ₦1,000 or imprisonment for six months or to both such fine and imprisonment.

7. Flags and uniforms

(1) Subject to section 6 of this Act and as hereinafter provided, members of an association may wear any uniform as defined under this section whether or not at a public assembly or meeting, or during a public procession:

Provided that if a Commissioner of Police is of the opinion that the wearing of any uniform is offensive or is likely to provoke a breach of the peace, he may prohibit the wearing of such uniform in the State.

(2) The powers conferred on the Commissioner of Police under subsection (1) of this section are hereby conferred upon and shall be exercisable in a local government area by any police officer to whom a delegation has been made pursuant to section 1 (4) of this Act.

(3) Every association registered as a political party pursuant to the Electoral Act, may display the approved party flag at the Federal headquarters of that party and at each branch office in the State and at each branch office in local government areas and any such party may display party flags at public assemblies and meetings:

[2002 No. 4.]

Provided that nothing in this subsection shall be construed as authorising the display of flags by any individual or association on any vehicle or carriage or at any place or on any building or otherwise howsoever except to the extent authorised herein and under the Flags and Coats of Arms Act and the Flags of Nigerian Ships Act.

[Cap. F30. Cap. F31.]

(4) Any person who-

- (a) wears any uniform otherwise than in compliance with the provisions of this section; or
- (b) displays any flag otherwise than as provided in this section,

shall be guilty of an offence.

(5) Any person found guilty of an offence under this section shall upon conviction-

- (a) in the case of an individual, be liable to a fine of ₦1,000 or imprisonment for six months or to both such fine and imprisonment;
- (b) in the case of an association (whether corporate or unincorporate), be liable to a fine of ₦ 2,000; and in addition, every individual who takes part in the control or management of such association shall be severally liable to the penalties prescribed in paragraph (a) of this subsection.

(6) Any person aggrieved by any decision of the Commissioner of Police or of any other police officer referred to in this section, shall have a right of appeal from such decision and the provisions of subsections (5) and (6) of section 1 of this Act shall apply *mutatis mutandis* to any such appeal.

(7) For the purposes of this section "uniform" means any special dress or wear (whether made or unmade and whether or not with the inscription of the association concerned) worn by members of a particular association but does not include any uniform which resembles, or partakes of the design or character of, the uniform of any member of Nigeria Police Force or the armed forces of the Federation or of any other corps established by or pursuant to any law or of any other association.

8. Offensive weapons, etc., prohibited at meetings and processions

(1) Any person who, while present at any public assembly or meeting or on the occasion of any public procession, has with him an offensive weapon or missiles, otherwise than in pursuance of lawful authority, shall be guilty of an offence and liable on conviction to imprisonment for twelve months without the option of a fine.

(2) For the purpose of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a police officer or as a member of the armed forces of the Federation or as a member of any corps recognised by law or as member of a fire brigade established by law.

(3) In this section, "**offensive weapon or missiles**" includes any cannon, gun, rifle, carbine, machine gun, cap-gun, flint-lock gun, revolver, pistol, air gun, air pistol or other firearms (whether whole or in detached pieces) bow and arrow, spear, cutlass, mace, knife, dagger, axe, cudgel, horsewhip or any piece of wood, metal or other material, or stone capable of being used as an offensive weapon or missile and includes tear gas, corrosives, inflammable substances or any other thing that is capable or being used to inflict or cause injury.

9. Arrest without warrant

Except where otherwise specified, a police officer may without warrant arrest any person reasonably suspected by him to be committing an offence in contravention of any provision of this Act.

10. Forms

The Governor may prescribe additional forms to be used for the purposes of this Act by order published in the State *Gazette*.

11. Power to make regulations and issue guidelines

(1) The President, on the advice of the Council of State, may make regulations generally for the purpose of carrying into effect the objects of this Act.

(2) Subject to subsection (1) of this section, the President may from time to time issue to the Nigeria Police Force such general or special guidelines as it considers expedient for the better and uniform administration throughout Nigeria of the provisions of this Act.

12. Interpretation

(1) In this Act, unless the context otherwise requires-

"assembly" means a meeting of five or more persons;

"association" means any body of persons who agree to act together for any common purpose and includes any political party as defined in section 151 of the Electoral Act; [2002 No. 4.]

"place of public resort" means any highway, public park or garden and any sea-beach, and any public bridge, road, lane, foot-way or pathway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space or any building or other structure to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise;

"police officer" includes an officer of an equivalent rank in other security agencies;

"public meeting" includes any assembly in a place of public resort and any assembly which the public or any section thereof is permitted to attend, whether on payment or otherwise, including any assembly in a place of public resort for the propagation of any religion or belief whatsoever of a religious or anti-religious nature but, notwithstanding any other provision of this Act, does not include-

- (a) any regular religious service conducted in a mosque, church or any building or other structure customarily used for lawful worship of any description;
- (b) any charitable, social or sporting gatherings;
- (c) any meeting convened by a department of any government in the Federation or any other body established by law for its own purposes; or
- (d) any lawful public entertainment;

"public procession" means a procession in a place of public resort.

(2) In this Act, the following expressions have the meanings respectively assigned thereto by the Police Act, that is to say "Commissioner of Police"; "superior police officer"; "**District Police Officer**" and "police officer".

[Cap. PI9.]

13. Short title

This Act may be cited as the Public Order Act.

SCHEDULE

[Section 4 (2).]

Proclamation prohibiting public assemblies, meetings or public processions

IN THE STATE OF NIGERIA

IN THE LOCAL GOVERNMENT

IN THE AREA/DISTRICT*

I,

(*Full names of Superior/*District Police Officer*)

.....
(*Rank*)

of

(*Designation of Police District* Division*)

BEING OF OPINION that the holding of any further public assemblies*, meetings* and public processions* in this Local Government Area/ District* would lead to a breakdown in the maintenance of public order;

AND THAT it is therefore expedient to prohibit the holding of any further public assemblies* meetings *and public processions*;

ACCORDINGLY, in exercise of the powers conferred by section 4 (2) of the Public Order Act and of all other powers enabling me in that behalf,

I HEREBY ISSUE THE FOLLOWING PROCLAMATION:—

The holding of any further public assemblies*, meetings* and public processions* in this Local Government Area/District* is hereby prohibited for a period of days with effect from 20

DATED this day of 20

.....
(*Signature*)

(Official Stamp)

*Omit whichever is inapplicable.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation