

CHAPTER 131

PUBLIC ORDER LAW

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CHAPTER 130

PUBLIC ORDER LAW

A Law to provide for the Preservation of the Public Peace, maintenance of Public Order generally, and for payment of compensation for damages caused during riots

ANSI. Cap
114

[27th August, 1991]

Part I. —PRELIMINARY

1. This Law may be cited as the Public Order Law.

Short title

2. In this Part—

“air gun” includes any weapon which discharges a projectile by means of compressed air or any mechanical contrivance with sufficient force to endanger life;

interpretation

“ammunition” includes any power or other preparation used to produce explosion, any cap, rocket or cartridge-containing such powder or other preparation any projectile for discharge by such powder or other preparation, and any component parts of the same, and projectiles for air

guns and all other materials for loading arms;

“arms” includes arms of precision and any weapon discharging a projectile by explosion, or any part of such weapon, and also swords, cutlasses, spears, daggers, bows and arrows;

“arms of precision” includes magazine guns, rifles, breach loaders, cap guns. flint-locks with rifled barrels and air guns, or any part or parts thereof;

“proclaimed district” means an area declared by a proclamation under section 3 to be a proclaimed district.

“this Law” means this Part of this Public Order Law.

PART II. —PEACE PRESERVATION

3. (1) Whenever it shall appear to be necessary for the preservation of public peace in any area of the State, the Governor may declare by proclamation that such area is a proclaimed district for the purposes of this Law.

(2) The Governor may by such proclamation or by any subsequent proclamation prescribe the period within which all arms and ammunition in the possession of any person in the

Power to
declare a
proclaimed
district.

proclaimed district, other than persons in the service of the Government and such other persons or class of person¹, as may be specified in the proclamation (hereinafter referred to as excepted persons), shall be delivered up to such officer as may be specified in the proclamation.

(3) A proclamation under subsection (1) may at any time be cancelled by the Governor by notice in the Enugu State *Gazette* and on such cancellation the area shall cease to be a proclaimed district.

4. (1) Any person who is reasonably suspected by a Local Government Secretary of having been guilty—

(a) as principal or accessory of any offence under Chapter 8 or 9 of the Criminal Code; or

(b) of any offence punishable by law, being an act of violence or intimidation; or

(c) of inciting to an act of violence or intimidation tending to interfere with or disturb the maintenance of law and order in any proclaimed district after the same has been proclaimed.

may, on the warrant of a Local Government Secretary be arrested in any part of the State and detained during the continuance of the proclamation in a prison named in the warrant or in such other prison as may be directed by the Governor, without bail, and shall not be discharged or tried by any court without the direction of the Governor, and every such warrant shall, for the purposes of this Law, be conclusive evidence of all matters therein contained and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

(2) Every such warrant shall state the character of the offence of which the person to be arrested thereunder is suspected. A copy of the warrant shall be given to each person arrested on the occasion of his arrest.

(3) A Local Government Secretary who issues such warrant shall immediately send a copy thereof to the Governor.

(4) On the expiration of a period of 3 months after the arrest of each person detained under this section, and so from time to time on the expiration of each succeeding period of 3 months while such person is detained, the Governor shall consider the case of such person and decide thereon; and the decision of the Governor in that behalf shall be certified under his hand or under the hand of a secretary and forwarded to the officer in charge of the prison in which such person is detained, who shall record such decision by endorsement on the warrant filed in his office.

5. Any person who knowingly receives, relieves, comforts, assists or conceals any person against whom a warrant has been issued under section 4 shall be liable to imprisonment for 6 months or to a fine of N100.

Penalty for assisting suspect.

6. After the expiration of the period within which arms and ammunition are required by any proclamation to be delivered up, no person, other than excepted persons, shall have or carry arms or ammunition in a proclaimed district.

Prohibition on having arms or ammunitions in a proclaimed district.

Penalty: imprisonment for 3 months or a fine of N40 and the forfeiture of the arms and ammunition.

Suspects may be arrested on warrant.

7. Any person having or carrying or reasonably suspected of having or carrying any arms or ammunition in contravention of this Law may be arrested without warrant by any Magistrate or police officer and conveyed before a Magistrate to be dealt with according to law; and any arms or ammunition had or carried in contravention of this Law may be seized and forfeited.

Arrest of persons having arms

8. (1) A Magistrate may himself enter and search, or may by warrant direct any person named in such warrant to enter and search any house, building, vessel or place within a proclaimed district for any arms or ammunition or for any person against whom a warrant has been issued under section 4, suspected to be therein.

Search warrant.

(2) Such warrant shall be valid notwithstanding that the houses, vessels or places to be searched are not specified thereon further than being houses, buildings vessels or places in a specified area.

(3) A Magistrate or the person named in the warrant may call to their assistance any other person, and use such force as may be necessary.

Manner in which arms delivered up shall be dealt with.

9. (1) The officer to whom any arms and ammunition shall be delivered in accordance with the directions of a proclamation under section 3 shall keep a register of the arms and ammunition delivered to him and of the person by whom they have been delivered.

(2) Subject to the provisions of subsection (3) the arms and ammunition delivered as aforesaid shall be detained by the officer whilst the area continues to be a proclaimed district, and on the area ceasing to be a proclaimed district shall be returned to the person who shall have delivered the same or who shall appear to the officer to be entitled thereto.

(3) The Governor may—

(a) at any time order all or any of the arms or ammunition to be returned to the persons who shall have delivered the same or who may appear to be entitled thereto; or

(b) order that the arms or ammunition detained or any of them shall not be returned and shall be forfeited:

Provided that the Governor may in such case, if he thinks proper, direct that the persons otherwise entitled to the arms or ammunition shall be paid out of general revenue, the value of the same to be determined by such officer as the Governor may appoint.

Acts and omissions by chief or local government council in case of riot, etc, in a proclaimed district.

10. If a rebellion, civil commotion or riot resulting in harm to any person or loss of life or damage to property shall take place in a proclaimed district, any chief or local government council who takes part in, instigates or neglects to take proper measures to prevent or suppress, such rebellion, civil commotion or riot, or neglects to bring to justice or deliver up persons taking part in or accused or suspected of taking part in such rebellion, civil commotion or riot, shall be liable to a fine of N1000.

Cost of additional troops or police in a proclaimed district.

11. When additional troops or police have been sent to or stationed in a proclaimed district the Governor may order that all or any of the inhabitants of such proclaimed district shall be charged with the whole or any portion of the cost of such additional troops or police, and such charge shall be paid and levied in the like manner as if it were a fine imposed under the Collective Punishment Law.

Power of Magistrate in preventing disturbances.

12. In any proclaimed district any Magistrate or commissioned military or superior police officer, who has reasonable cause to believe dial a rebellion, civil commotion or riot is taking place or about to take place may do all things necessary for preventing the same, and may use all such force as is reasonably necessary for preventing the same or for overcoming any resistance which may be made and shall not be liable for having, by use of such force caused harm or death to any person, except in criminal proceedings at the instance of the Director of Public Prosecutions, or in civil proceedings with die Attorney-General's consent.

Officers and soldiers of the Nigerian Military Forces to have powers of arrest.

13. In any proclaimed district all officers and soldiers of the Nigerian Military Forces shall, in addition to any other powers of arrest conferred on them by any of the provisions of this Law, have all the powers of arrest of a police officer.

PART III. — RIOTS

14. This Part comes into effect on the 27th August 1991

Commencement date of this Part.

15. In this Part—
“Commissioner” means the Commissioner charged with responsibility for finance;
“council area” means the area of authority of a council;
“council” means a local government council established or deemed to have been established under the Local Government Law;
“riot area” means an area declared as such in accordance with section 4;
“assessed damage” means damage assessed by the Commissioner;
“State” means Enugu State of Nigeria.
“this Law” means this Part of this Public Order Law.

Interpretation

16. Where any house or other building has been damaged or destroyed, or any property or article has been damaged, stolen or destroyed, by any persons riotously or unlawfully assembled together, compensation shall be payable in such manner as is hereinafter provided by this Law, to any person who has sustained loss by such damage, stealing or destruction.

Compensation for damage caused by riots

17. Where a riot or unlawful assembly has occurred, either wholly or partly, within a council area. the Governor may by order declare that council area (or part of it) to be a riot area.

Riot area

18. (1) The Governor may by order direct the recovery from the person resident or owning property in a riot area of-
 (a) the amount of all assessed damage (or such proportion of it as he may deem fit) in that area; and
 (b) the expenditure incurred by the Government of the State in suppressing the riot or unlawful assembly by which the damage was caused.

(2) A certificate under the hand of the Commissioner shall be conclusive as to the amount of the expenditure referred to in paragraph (b) of subsection (1) of this section:
 Provided that the Governor may in any case by order direct that such expenditure shall he deemed to be such percentage of the total amount of the assessed damage as he may specify.

Powers of the Governor

19. (1) The Governor may, either generally with regard to any damage caused in a riot area, or particularly with regard to any special damage so caused, by order, give directions in respect of all or any of the matters following—

Further powers
of the
Governor.

- (a) the assessment of damages:
- (b) the apportionment of the amount recoverable in respect of damage among the persons resident or owning property in such area;
- (c) the classification of persons for the purpose of such apportionment:
- (d) the dates upon which the sums recoverable in respect of damage shall be paid and the installments, if any, in which they shall be paid
- (e) generally with respect to the exercise of the powers and the performance of the duties of the Commissioner under this Law.

(2) The Governor may exempt any class of powers from liability to pay compensation under this Law, or may direct that special terms shall be provided for any class of persons, or may exempt any specified part of a riot area from liability.

Liability in case
where damage is
caused by
inhabitants of
area other than
riot area.

20. (1) Where compensation is payable under the provisions of this Law in respect of damage caused by a riot or unlawful assembly and the Governor is satisfied that person taking part in such riot or unlawful assembly are resident in an area other than the area in which the riot or unlawful assembly occurred, he may declare the first mentioned area to be liable for the damage caused by the riot or unlawful assembly.

(2) The provisions of subsections (1) and (2) of section 18, sections 19, 22 and 25 to 32 shall apply to an area declared under subsection (1) of this section in the same manner as if such area were a riot area.

(3) A declaration in accordance with subsection (1) of this section shall be made by order and shall contain a description of the declared area.

Appointment of
Commissioners.

21. (1) For the purpose of assessing any damage caused by riot or unlawful assembly and of awarding compensation in respect thereof, the Governor may appoint an Assessor or Assessors (in this Law referred to as "the Assessor") with such powers and duties as are specified in this Law.

(2) Notwithstanding the provisions of this Law any person who has sustained loss by damage, stealing or destruction as specified in section 16 of this Law shall be at liberty to sue for damages in any court of competent jurisdiction and any insurance shall be deducted from compensation awarded under this Law.

Duties of the
commissioners

22. It shall be the duty of the Assessor—
(a) to ascertain by personal inquiry the amount of the damage in respect of which compensation is payable;
(b) to report the amount of damage to the Commissioner;
(c) to allot compensation to any person who has satisfied the Assessor as to the validity of his claim

Powers of the
Commissioner

23. (1) The Assessor shall have and exercise the following—
(a) all the powers of a Magistrate conferred by any Law of the State for the purpose of summoning witnesses and enforcing the attendance of persons, the production of

documents, the administration of oaths, the issue of search warrants and any other powers appertaining to a Magistrate under any such Law which may reasonably be required for the discharge of his duties;

(b) the power to call upon any persons to declare on oath the amount of any damage which he claims to have sustained;

(c) the power to call upon any person to furnish to him in such form as he may demand a full return in writing of all movable and immovable property which such person possesses, and his total annual income from all sources.

(2) Any person who, without reasonable excuse, the proof of which shall be upon him, within such time as may be fixed by the Assessor for the purpose refuses or neglects to furnish to the Assessor any return demanded by the Assessor under paragraph (c) of subsection (1) shall be guilty of an offence, and shall be liable on conviction to a fine of N60 or imprisonment for 3 months or to both such fine and imprisonment.

24. The Assessor shall not be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do, when acting in good faith, in pursuance of his duties and powers under this Law.

Protection of
the
Commissioner.

25. (1) Before assessing any damage, the Assessor shall give notice in such manner as may be prescribed by order made under section 19 of this Law. or in the absence of such order in such manner as he may deem appropriate either generally with reference to damage in the riot area or part thereof, or particularly with reference to any specified premises, stating-

Notice of
assessment.

(a) the time and place at which he proposes to hold his inquiry;

(b) the manner in which claims for compensation shall be presented to him;

(c) a date (being not less than one month from the date of the notice) beyond which no claims for compensation will be entertained.

(2) No claim for compensation which is presented after the date fixed in any notice given in the last preceding subsection shall be entertained by the Assessor unless, upon good cause being shown, he shall otherwise order.

(3) If any claimant is aggrieved by a refusal of the Assessor to make an order under the provision of subsection (2) of this section, he may petition the Commissioner who may direct that such an order shall be made by the Assessor.

26. In any case where the Assessor receives notice that 2 or more persons make conflicting claims to be entitled to compensation in respect of any damage which it is his duty to assess, he shall serve upon each of claimants a notice requiring him to take such steps as may be necessary to obtain a decision of the court on the matter at issue between them and shall, pending such decision, assess the damage in question subject thereto.

Conflicting
claims.

27. Any assessment of damage made by the Assessor in accordance with the provisions of this Law shall be conclusive as to the amount of such damage:

Assessment to
be conclusive

28. (1) In any case where a council area (or part thereof) has been declared a riot area the Assessor shall, upon completion of the assessment under section 27 of this Law, furnish particulars to the council concerned, specifying—

(a) the premises, property or article upon which the assessment is made;

(b) the amount of the assessment in each case;

(c) the person to whom compensation is due

Charge upon
revenue of a
council.

Council may
frame a
scheme.

Certain
provision of
Local
Government
Law trapply

Supplementary
scheme

(2) Any sum directed to be recovered under the provisions of section 19 of this Law from the person resident or owning property in a riot area in a council area shall be a charge upon the revenue of the council of such council area.

29. (1) A council may frame and submit to the Commissioner scheme for the liquidation of the charge imposed upon its revenue under section 28.

(2) Every such scheme shall be subject to the approval of the Commissioner and any scheme so approved shall be published in the Enugu State *Gazette* and shall have effect as is enacted in this Law.

(3) A scheme under this section may provide for the recovery of the amount charged upon the revenue of the council by means of —

- (a) the levying of a rate on any tenements within the riot area assessed in accordance with the Assessment Law of Part 13 of the Local Government Law; or
- (b) the levying of a rate upon the income of any of the inhabitants of the riot area; or
- (c) the levying of a rate upon any person of over the age of 16 within the riot area; or
- (d) any combination of any of the above methods, or
- (e) any other method approved by the Commissioner.

(4) A scheme under this section may provide tor all or any of the following matters—

- (a) the exemption of any area or class of persons from the operation of the scheme, and the grant of special terms to any class of persons;
- (b) the liquidation of the charge upon the revenue of the council by instalments, and
- (c) any other matter which in the opinion of the Commissioner may be necessary or desirable for the purpose of the scheme.

30. The provisions of the Local Government Law shall apply with respect top any rate levied under this Law.

31. A council may frame and submit to the Commissioner a supplementary scheme for the amendment of any scheme in force with respect to its area and all the provisions of sections 29 and 30 of this Law shall apply to such supplementary scheme

32. It shall not be lawful for any council on whose revenue any charge is imposed under this Part to raise a loan for the purpose of fulfilling its functions under this Law, anything in the Local Government Law notwithstanding.

Council not to
raise loan

33. In the case of any riot or unlawful assembly in respect of which this Law is applied there shall be established a fund, to be called the Riot Damages Fund and to be kept by the Accountant-General and there shall be paid into such fund—

Plot damages
fund

- (a) the amounts payable by council in accordance with section 28 of this Law; and
- (b) all fines or other sums collected in connexion with the said riot or unlawful assembly which the Commissioner may direct to be so credited.

34. (1) There shall be paid out of the Riot Damages Fund all sums payable in respect of compensation, and any other sums on account of expenses incurred in connexion with the said riot or unlawful assembly which the Governor may direct to be so paid.

Payment of
compensation
and expenses.

(2) Payments of compensation or instalments thereof shall be made by the Accountant-General upon the authority of the Assessor at such time, in such manner and in such instalments as the Assessor may determine.

(3) Before authorizing any payment of compensation the Commissioner may require any person claiming to be entitled to satisfy him that he is so entitled.

(4) In the case of conflicting claims payment shall be withheld until the matter at issue between the claimants has been finally determined by a court of competent jurisdiction.

35. No subsequent claim shall be entertained in respect of any damage, stealing or destruction, for which compensation has been paid by the Accountant-General upon the authority of the Assessor.

Subsequent
claim barred

PART IV— PUBLIC ORDER GENERALLY

36. This part shall come into force on the 27th August 1991

Date of
commencement

37. In this Law—

Interpretation

“Attorney-General” means the Attorney-General of Enugu State.

“Clan” includes a sub-clan;

“Commissioner” means the State Commissioner for the time being charged with the responsibility for Public Order.

“meeting” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of expression of views on such matter;

“Private premises” means premises let which the public have access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the premises.

“public meeting” includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise;

“public place” includes any highway, public park or garden any sea beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and also any open space to which, for the time being the public have or are permitted to have access whether on payment or otherwise;

“public procession” means procession in a public place;

“superior police officer” means any of the following officers acting in the case of a federal officer with the prior general or special consent of the President published in the Nigeria Official Gazette, namely-

(a) any police officer of or above the rank of cadet assistant superintendent;

(b) chief officer and deputy chief officer of a Police Fire Brigade; “tribe” includes a sub-tribe;

“uniform” does not include a badge or similar emblem or any form of customary dress;

Prohibition of
weapons
public
meetings and
processions

38. (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any weapon, otherwise than in pursuance of lawful authority, shall be guilty of an offence.

(2) For the purposes 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 servant of the State or as a special constable.

Prohibition of
quasi-military
organisation

39. (1) Subject as hereinafter provided, any person, who in any public place or at any public meeting wears uniform signifying his association with any political organisation or with the promotion of any political object, shall be guilty of an offence:

Provided that if a superior police officer is satisfied that the wearing of any such uniform as aforesaid in any ceremonial or other special occasion, will not be likely to involve risk of public disorder, he may by writing under his hand permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as may be specified.

(2) Where any person is charged before any court with an offence against this section; no further proceedings in respect thereof shall be taken against him without the consent of the Attorney-General except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure due appearance of the person charged, so, however, that if that person is remanded in custody he shall, after the expiration of a period of 21 days from the date on which he was first remanded, be entitled to be discharged from custody on entering into recognizance without sureties unless within that period the Attorney-General has consented to such further proceedings as aforesaid.

40. (1) If the members or adherents of any association of persons whether incorporated or not-

- (a) organized or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of Nigeria; or
- (b) organized or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organized, trained or equipped for the purpose.

Prohibition of
uniform in
connection
with political
objectives

then any person, who takes part in the control or management of the association or in so organizing or training or equipping as aforesaid any members or adherents thereof, shall be guilty of an offence:

Provided that in any proceedings against a person charged with the offence of taking part in the control or management of such an association as aforesaid, it shall be a defence to the charge to prove that he neither consented to nor connived at the organization, training or equipment of members or adherents of the organization, in contravention of the provisions of this section.

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

(3) If, upon application being made by the Attorney-General it appears to the High Court that any association is an association of which members or adherents are organized, trained or equipped 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 any property held by or for the association, and in accordance with rules of court (which the Chief Judge is hereby empowered to make) 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 such 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 cost incurred in connexion 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; is aforesaid shall be forfeited to the Government of Enugu State.

(4) In any criminal or civil proceedings under this section, proof of things done or of 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 organizing training, or equipping members or adherents of an association shall be admissible as evidence of the purposes for which, or the manner in which members or adherents of the association (whether those persons or others) were organized, or trained or equipped.

(5) If a Judge of the High Court or a Magistrate 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 places specified in the information he may, on an application made by a superior police officer, grant a search warrant authorizing 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 one month from the date of the warrant, if necessary by force, 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 or such an offence as aforesaid:

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

(6) Nothing in this section shall be construed as prohibiting the employment of a reasonable number of persons as stewards to assist in the preservation of order at any public meeting held upon private premises or the making or arrangements for that purpose or the instruction of the persons to be so employed in their lawful duties as such stewards or their being furnished with badges or other distinguishing signs.

Prohibition of
offensive
words and
conduct likely
to cause breach
of the peace

41. (1) Any person, who in any public or at any public meeting uses threatening, abusive or insulting words or behaviour, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.

(2) Any person, who in any public place or at any public meeting by act or speech or otherwise raises discontent or disaffection amongst inhabitants of any tribe or clan in Nigeria or promotes feelings of ill-will or hostility between different tribes, clans, religious groups or sects, shall be guilty of an offence.

(3) Any person, who at a public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called together, shall be guilty of an offence and shall be liable on conviction to a fine of N20 or to imprisonment of one month or to both such fine and imprisonment.

(4) Any person who incites others to commit an offence under this section shall be guilty of a

like offence.

Power of
require notice
of public
meetings and
processions

42. (1) If the Commissioner is of the opinion that it is expedient in the interests of good order in the State or any area within the State that notice should be given of public meetings or public procession intended to be held in the State or that area, he may by order published in the Enugu State *Gazette* direct that not less than twenty -four hours' notice in writing shall be given to such person or authority as may be specified in the order of every public meeting or public procession, or of any public meeting or public procession of such class as may be specified in the order which is

(2) The notice given in pursuance of an order made under this section shall be signed by the person, or one of the persons, organizing the public meeting of public procession to which the notice relates or, if the meeting or procession is organized by a body of persons having a president, chairman manager secretary or other Officer, by any such officer, and shall specify-

(a) the name and address of such person or body of persons;

(b) (i) in the case of public meeting, the time and place at which the meeting will be held;

(ii) in the case of a public procession, the route to be taken by the procession and the time and place at which the procession will start; and the person by whom the notice is given shall forthwith furnish such further particulars as the person or authority receiving the notice may reasonably deem necessary for the purpose of determining whether any exercise of the powers conferred by this section may be expedient,

(3) Any person who—

(a) knowingly organizes or assists in organizing any public meeting or public procession intended to be held without notice thereof being given as required by an order made under this section; or

(b) in any notice given in pursuance of an order made under this section; or in any particulars furnished to a person or authority receiving such notice, knowingly or recklessly makes any false statement; or

(c) refuses or neglects to furnish any particulars which he is required to furnish under the provisions of subsection (2) of this section,

shall be guilty of an offence.

(4) The Commissioner may delegate his power under this section to a public officer or a Local Government Council

43. (1) If a superior police officer, having regard to the time or place at which and the circumstances in which any public meeting or public procession is taking place or is intended to take place (and in the case of public procession to the route taken or proposed to be taken by the procession, has reasonable grounds for apprehending that the meeting or procession may occasion serious public disorder, he may give directions imposing upon the person organizing or taking part in the meeting or procession such of public order including (in the case of public procession) conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from entering any public place specified in the directions:

Powers for the
preservation of
public order in
respect of
public
meetings and
processions

Provided that no conditions restricting the display of flags, banners or emblems shall

be imposed under the provisions of this subsection except such as are reasonably necessary to prevent risk of a breach of peace.

(2) If at any time a superior police officer is of opinion that, by reason of particular circumstances existing in the area of a Local Government or any part thereof, the powers conferred upon him by subsection (1) of this section will not be sufficient to enable him to prevent serious public disorder, he shall apply to the council for an order prohibiting for such period not exceeding 3 months as may be specified in the application, the holding of all public processions or of any class of public processions so specified either in the area of the county or local council or in that part thereof, as the case may be, and upon receipt of the application, the council may make an order either in terms of the application or with such modifications as it thinks fit.

(3) Where—

(a) the council declines to make an order upon an application; or
(b) the council makes an order with modifications and a superior police officer is of the opinion that the order will not be sufficient to meet the circumstances existing, the superior police officer may himself make an order prohibiting for such period not exceeding 14 days the holding of all public processions or of any class of public processions so specified either in the area of that council or in that part thereof, as the case may be, and may apply to the Commissioner who may in his discretion make a similar order extending the period of prohibition up to 3 months.

(4) Where a superior police officer is of the opinion that it is necessary for the purpose of preventing an immediate danger of a breach of the peace he may, whether or not application has been made to the council, himself make an order prohibiting for such period not exceeding 14 days the holding of all public processions or any class of public procession so specified either in the area of that council or in that part thereof as the case may be, and may apply to the Commissioner who may in his discretion make a similar order extending the period of prohibition up to 3 months

(5) An order made under this section shall be published in the Enugu State *Gazette* or in such other manner as may be deemed sufficient

(6) An order made under this section shall have effect from the time when it is first published in any manner authorized by the provisions of this section or from such later time as may be specified in the order, and a certificate under the hand of the secretary of the council or the superior police officer (as the case may require) specifying the time of publication (other than a publication in the Enugu State Gazette) shall be conclusive evidence thereof in all legal proceedings.

(7) 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 meeting or public processions held or intended to be held in contravention of an order made under this section; or
(c) attends or takes part in, or incites any other person to attend or take part in, any such meeting or procession,
shall be guilty of an offence.

- Penalty 44. (1) Any person, who commits an offence under section 43 of this Law, shall be liable on summary conviction to imprisonment for 6 months or to a fine of N2000, or to both such imprisonment and fine, or, on conviction by the High Court, to imprisonment for 2 years or to a fine of one hundred naira or to both such imprisonment and fine.
- (2) Any person guilty of any other offence under this Law shall be liable to imprisonment for 3 months or to a fine of N100, or to both such imprisonment and fine.
- (3) A police officer may without warrant arrest any person reasonably suspected by him to be committing an offence under section 37,38,40,42 or 43.

PART V — MISCELLANEOUS

Commencement of this part. 45. This part shall come into force on 27th August 1991.

Interpretation 46. In this Part—
 “Governor” means the Governor of Enugu State,
 “private place” means a place to which the public have access (whether on payment or otherwise) only by permission of the owner, occupier or lessee of the place;
 “public institution” or “institution”, includes any hospital or training institution established by any community in the State out of funds or labour donated or provided through private and public charity to the institution or community.
 “public place” includes any highway, public part or garden, any sea beach and any public bridge, road, lane foot-way, square, court, alley or passage, whether a thoroughfare or not; and also any open space to which, for the time being, the public have or are permitted to have access whether on payment or otherwise;

Take - over of public institutions 47. (1) Subject to the provisions of this Law, where—
 (a) peace and public order is considered by the Governor to be threatened as a result of the activities of factions in or rival claimants to the management of a public institution;
 (b) in the view of the Governor it is necessary in the interest of peace, order and good government of the area in which the institution is situate to set up an enquiry into the dispute;
 (c) it is expedient for the purposes of the enquiry and for the restoration of peace and order in the said area for the Government to take over temporarily the management of the institution,
 the Governor may by order appoint a caretaker committee (hereinafter referred to as “Committee”) and by the same order vest the temporary possession and management of the institution in the said Committee.

(2) The Governor shall determine the composition of the Committee and the conditions of tenure of its members.

(3) (a) Without prejudice to the generality of subsection (1) the Committee shall, in particular, manage and administer the institution and ensure the effective maintenance of the services for which the institution was established.

(b) The Governor may give to the Committee such powers as he considers necessary for the effective discharge of its functions under this Law.

(4) The Governor may give directions of a general or specific nature to the Committee and the Committee shall be bound to carry out such directions.

(5) Any person who obstructs a member of the Committee or an agent of the Committee in the lawful discharge of his duties under this Law is guilty of an offence and shall on summary conviction be liable to a fine of N1000 or imprisonment for two years or to both such fine and imprisonment.

48. (1) Whenever the Governor is of the opinion—

(a) that the holding or continuance of any meeting in any part of the State is likely to endanger peace and public order in the State or in any part thereof, and

(b) that it is expedient in the interest of public safety, public order, public morality or public health, or for the purpose of protecting the rights and freedoms of other person that such meeting be not held or continued,

the Governor may, in his absolute discretion—

(i) prohibit the holding or continuance of such meeting, or

(ii) impose such conditions as he may deem fit for the holding or continuance of such meeting.

(2) The powers of the Governor under subsection (1) above may be exercised—

(a) by means of an order published in the Enugu State Gazette or any newspaper circulating in the area, or by any other means, or

(b) by the Governor directing the use of any means which he, in his absolute discretion considers reasonable under the circumstances to disperse the meeting,

(3) The Governor may delegate his powers under this Law to—

(a) an officer in the public service of the State, or

(b) a Local Government Council.

(4) Any person who contravenes an order made under this section shall be guilty of an offence and shall, on conviction, be liable to a fine of N200 or imprisonment for one year or to both such fine and imprisonment.

Power to
prohibit or
impose
conditions
on any
meeting