

**THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS
ACT, 2003**

EXPLANATORY MEMORANDUM

This Act provides a statutory backing to the Nigeria Security and Civil Defence Corps, which has functions, amongst others, of assisting in the maintenance of peace and order and of protecting and rescuing the civilian population during a period of emergency.

**THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS
ACT, 2003**

ARRANGEMENT OF SECTIONS

SECTION:

**PART I – ESTABLISHMENT AND GOVERNING BOARD OF THE
NIGERIA SECURITY AND CIVIL DEFENCE CORPS**

- 1. Establishment of the Nigeria Security and Civil Defence Corps.
- 2. Governing Board, No.14 of 1986.

PART II – FUNCTIONS OF THE CORPS

- 3. Functions of the Corps and its affiliation with international organisation.
- 4. Powers of the Board.

PART III – MEMBERSHIP AND ZONAL COMMANDS OF THE CORPS

- 5. Membership of the Corps.
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Schedule.

THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS ACT, 2003

A BILL

FOR

An Act to establish the Nigeria Security and Civil Defence Corps; and for related purposes.

[] **Commencement.**

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

PART I – ESTABLISHMENT AND GOVERNING BOARD OF THE CORPS

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| <p>Establishment of
the Nigeria
Security and Civil
Defence Corps.</p> | <p>1. (1) There is established the Nigeria Security and Civil Defence Corps (in this Act referred to as “the Corps”), which shall consist of such number of volunteers and regular members as may, from time to time, be recruited under the provisions of this Act.</p> <p>(2) The Corps-</p> <p>(a) shall be a body corporate with perpetual succession and a common seal;</p> <p>(b) may sue and be sued in its corporate name; and</p> <p>(c) shall have its headquarters in the Federal Capital Territory, Abuja.</p> |
| <p>Governing
Board
No.141986.</p> | <p>2. (1) The Immigration and Prisons Services Board established under the Immigration and Prisons Services Board Act 1986, as amended, shall be the Governing Board of the Corps and shall, subject to this Act, have general control of the Corps.</p> |
| <p>Schedule</p> | <p>(2) The supplementary provisions set out in the Schedule to this Act shall, in addition to the provisions contained in the Immigration and Prisons Services Board Act 1986, have effect with respect to the proceedings of the Board under this Act and the other matters contained therein.</p> |

PART II -- FUNCTIONS OF THE CORPS ETC

Functions of
the Corps and
its affiliation
with international
organisation.

3. (1) The Corps shall-
- (a) assist in the maintenance of peace and order and also in the protection and rescuing of the civil population during the period of emergency;
 - (b) recommend to the Minister the registration of private guard companies;
 - (c) inspect the premises of private guard companies, their training facilities and appliances designed for their use;
 - (d) supervise and monitor the activities of all private guard command and keep a register for that purpose;
 - (e) maintain twenty-four hours surveillance over infrastructures, sites and projects for the Federal, States and Local Governments;
 - (f) have power to arrest, investigate and handover to the Nigeria Police for further investigation and prosecution of any person who is involved in any-
 - (i) criminal activity;
 - (ii) chemical poisoning and oil spillage;
 - (iii) industrial espionage or fraud;
 - (iv) activity aimed at frustrating any government programme or policy;
 - (v) riot, civil disorder, revolt, strike or religious unrest; or
 - (vi) power transmission lines and oil pipelines vandalism;
 - (g) monitor the activities of trade associations;
 - (h) monitor and report any planned-
 - (i) criminal activity aimed at depriving citizens of their properties or lives; or

- (ii) syndicate activity aimed at defrauding the Federal, State or Local Government;
- (i) provide necessary warning for the civilian population in times of danger;
- (j) evacuate the civilian population from danger areas;
- (k) provide and manage shelters for civilians during any period of emergency;
- (l) assist in decontamination and in the taking of precautionary measures during any period of emergency;
- (m) carry out rescue operations and control blatant occasions;
- (n) assist in the provisions of emergency medical services, including first aid, during any period of emergency;
- (o) detect and demarcate any danger area;
- (p) assist the Federal and State Fire Services in fire-fighting operations;
- (q) assist in the distribution of emergency supplies;
- (r) provide assistance to restore and maintain order in distressed areas in any period of emergency;
- (s) assist in repairing indispensable public utilities during any period of emergency;
- (u) assist in crowd and traffic control during any period of emergency;
- (v) provide intelligence information to the Ministry on any matter relating to-
 - (i) crime control generally;
 - (ii) riot, disorder, revolt, strike or religious unrest;
 - (iii) subversive activity by members of the public aimed at frustrating any government programme or policy;



(iv) industrial action and strike aimed at paralysing Government activities; and

(v) any other matter as may be directed by the Minister.

(2) The Corps shall change from present observer's status in the International Civil Defence Organisation (I.C.D.O.) to full member immediately after the commencement of this Act by fulfilling all conditions including payment of membership dues.

Powers of the Board.

4. (1) The Board shall be responsible for-
- (a) providing the general policies and guidelines relating to major expansion programmes of the Corps;
 - (b) the overall management and general administration of the Corps;
 - (c) recruiting volunteers and regular members of the Corps;
 - (d) organising basic development and refresher courses for members of the Corps; and
 - (e) fixing, with the approval of the Minister, the terms and conditions of service of members and employees of the Corps, including their remuneration.
- (2) The Board shall have power to do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Corps.

PART III – MEMBERSHIP AND ZONAL COMMANDS OF THE CORPS

Membership of the Corps.

5. (1) The Corps shall consist of such number of volunteers and regular members as may, from time to time, be recruited by the Board to meet the requirements of the Corps.
- (2) Members of the Corps shall be made up of such officers and other ranks as the Board may, from time to time, determine.

Zones and Zonal Commands of the Corps.

- 6. (1) The Board shall-
 - (a) divide Nigeria into such number of zones as it may, from time to time, determine for the effective organisation of the Corps; and
 - (b) establish, in each zone, a Zonal Command.
- (2) The Zonal Command shall, subject to the direction and overall command of the Corps, be responsible for co-ordinating the activities of the Corps in the zone.

State Command.

- 7. (1) The Corps shall have a State Command in each state of the Federation and the Federal Capital Territory, Abuja.
- (2) The State Command shall, subject to the direction and overall command of the Corps and Zonal Command, be responsible for carrying out the functions of the Corps in the State and the Federal Capital Territory, Abuja.

PART IV – STAFF OF THE CORPS

Commandant-General of the Corps.

- 8. (1) There shall be for the Corps a Commandant-General who shall be appointed by the President, on the recommendation of the Minister.
- (2) The Commandant-General shall hold office-
 - (a) for a term of five years in the first instance and may be re-appointed for a further term of five years and no more; and
 - (b) on such terms and conditions as may be specified in his letter of appointment.

Deputy-Commandants-General, etc. and other employees of the Corps

- 9. (1) The Board shall appoint for the Corps such number of Deputy Commandants-General, Assistant Commandants-General, Commandants and such officers and other ranks and employees as it may, from time to time, deem necessary for the purposes of the Corps.
- (2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of regular members and employees of the Corps shall be as determined by the

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Board using same criteria as Immigration and Prisons Services with the approval of the Minister.

(3) The volunteers of the Corps shall, for any period they are on duty for the Corps, be paid such allowances and other benefits as may be approved by the Minister.

Pensions,
Cap.346
L.F.N. 1990

10. (1) The service in the Corps shall be approved service for the purposes of the Pensions Act and, accordingly, regular members and employees of the Corps shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Federal Government, other than the power to make regulations under section 23 of the Act, is hereby vested in and shall be exercisable by the Corps and not by any other person or authority.

PART V – FINANCIAL PROVISIONS

Funds of
the Corps.

11. The Corps shall establish and maintain a fund into which shall be paid and credited-

(a) all subventions and budgetary allocation from the Federal Government; and

(b) all the sums accruing to the Corps, from time to time.

Expenditure
of the Corps.

12. The Commission may, from time to time, apply the proceeds of the Fund established in section 11 of this Act-

(a) to the cost of administration of the Corps;

(b) to the payment of salaries, fees, or other remuneration or allowances, gratuities payable to the officers and other employees of the Corps, so that no payment of any kind

under this paragraph (except such as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Federal or State Government;

(c) for the maintenance of any property vested in the Corps; and

(d) for and in connection with all or any of its functions under this Act.

Annual estimates and accounts.

13. (1) The Corps shall, not later than 31st October in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Corps Fund) during the next succeeding year.

(2) The Corps shall keep proper accounts in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Annual report.

14. The Corps shall prepare and submit to the Federal Executive Council through the Minister, not later than six months after the end of each year, a report in such form as he may direct on the activities of the Corps during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Corps for that year and the auditor's report on the accounts.

Power to accept gift.

15. (1) The Corps may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Corps shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions of the Corps.

Power to borrow.

16. (1) The Corps may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Corps shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.

(3) Notwithstanding subsection(1) of this section, where the sum to be borrowed is in foreign currency, the Corps shall not borrow the sum without the prior approval of the Minister.

Investment.
Cap. 449 LFN. 17. The Corps may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister.

Exemption
from tax. 18. (1) The Corps shall be exempted from the payment of any income tax on any income accruing from investments made by the Board for the Corps.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Corps or the Board.

PART VI-DISCIPLINE

Discipline of
Corps members. 19. A Corps member who-

- (a) performs his duties in contravention of the objects of the Corps,
- (b) takes part in any subversive activity, including mutiny and disturbance of public peace;
- (c) abets, incites, conceals or condones the commission of any offence,
- (d) takes part in an illegal assembly of persons with intention to breach public peace, destroy property or assault any person or group of persons,
- (e) having knowledge that an offence or any illegal act is about to be committed, fails to inform his superior officer;
- (f) takes part in a strike, and
- (g) offers violent assault on his superior officer,

commits an offence and is liable on conviction to imprisonment for a term of not less than one year.

PART VII-LEGAL PROCEEDINGS

Limitation of
suits against
Corps etc.
Cap. 379. LFN. 20 (1) Subject to the provisions of this Bill, the provisions of the Public officers Protection Act shall apply in relation to any suit instituted the against any officer or employee of the Corps.

(2) Notwithstanding anything contained in any other enactment, no suit against any member of the Board or the Commandant-General or any other officer or employee of the Corps for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced-

- (a) within three months after the act, neglect or default complained of; or
- (b) in the case of a continuation of damage or injury, within six months after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board or the Commander-General or any other officer or employee of the Corps before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Corps by the intending plaintiff or his agent.

(4) The notice referred to in subsection(3) of this section shall clearly and explicitly state-

- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which the plaintiff claims.

Service of documents. 21. A notice, summons or other document required or authorized to be served on the Corps under the provisions of this Act or any other enactment or law may be served by delivering it to the Commandant-General or by sending it by registered post and addressed to the Commandant-General at the principal office of the Corps.

Restriction on execution against property of the Corps. 22. (1) In any action or suit against the Corps, no execution or attachment of process in the nature thereof shall be issued against the Corps unless a notice of not less than 3 months of the intention to execute or attach has been given to the Corps.

(2) Any sum of money, which may, by the judgement of any Court, be awarded against the Corps shall, subject to any directions given by the court where notice of appeal against the judgement has been given, be paid from the general reserve fund of the Corps.

Indemnity of officers. 23 A member of the Board or the Commandant-General or any officer or employee of the Corps shall be indemnified out of the assets of the Corps against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Commandant-General, officer or other employee of the Corps.

Secrecy. 24. (1) A member of the Board or the Commandant-General or any other officer or employee of the Corps shall-

- (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board as the Commandant-general, officer or employee of the Corps;
- (b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act; or
- (c) not disclose any information referred to under paragraph(b) of this subsection except when required to do so by any court or in such other circumstances as may be prescribed by the Board, from time to time.

(2) A person who contravenes the provisions of subsection(1) of this section commits an offence and is liable on conviction to a fine of not less than N20,000 or imprisonment for a term not exceeding two years.

Power to obtain information. 25 (1) For the purpose of carrying out the functions conferred on the Corps under this Act, the Commandant-General or any other officer or employee of the Corps authorised in that behalf-

- (a) shall have a right of access to all the records of any person or authority affected by this Act for the specific purpose of discharging his duties under this Act; and
- (b) may by notice in writing served on any person or premises, require that person or authority to furnish information on such matters as may be specified in notice.

(2) The person or authority served with the notice under subsection (1) shall furnish information as required under subsection(1) of this section and comply with the notice within a reasonable time.

Dissolution of
the existing
Security and
Civil Defence
Corps and savings.

26. (1) The body known as the Security Civil Defence Corps (in this section referred to as the "Dissolved Corps") existing before the commencement of this Bill is dissolved.

(2) Accordingly, there shall be vested in the Corps immediately at the commencement of this Act and without further assurance, all assets funds, resources and other movable or immovable property which immediately before the commencement of this Act were in the Dissolved Corps.

(3) As from the commencement of this Act-

(a) all rights, interests, obligations and liabilities of the Dissolved Corps existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity, shall by virtue of this Act be assigned to and vested in the Corps;

(b) Any contract or instrument as mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Corps and shall be enforceable as fully and effectively as if, instead of the Dissolved corps, the corps had been named therein or had been a party thereto; and

(c) the Corps shall be subject to all obligations and liabilities to which the Dissolved Corps was subject immediately before the commencement of this Act, and all other persons shall, as from the commencement of this Act have the same rights, power and remedies against the Corps as they had against the Dissolved Corps immediately before the commencement of this Act.

(4) A proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Dissolved Corps in respect of any right, interest, obligations or liability of the Dissolved Corps may be commenced, continued or enforced by or against the Corps as if this Act has not been made.

(5) Notwithstanding the provisions of this Act, but subject to such directions as may be issued by the Corps, a person who immediately before the commencement of this Act was a volunteer or regular member of or held office in the Dissolved Corps shall be

deemed to have been transferred to the Corps on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act, and service in the Dissolved Corps shall be deemed to be service in the Corps for purposes of pension.

(6) All regular officers of the Corps before dissolution shall retain their ranks and positions immediately this Act takes effect.

Directives by
the Minister etc.

27. (1) The Minister may give to the Corps or the Commandant-General such directives-
- (a) of a general nature or relating generally to matters of policy with regard to the exercise of its functions; or
 - (b) with respect to the maintenance and securing of public safety and order, as he may consider necessary, and the Corps or the Commandant-General shall comply with the directives or cause them to be complied with.

(2) Subject to the provisions of subsection(1) of this section, a Governor of a state may give to a state commandant such directives with respect to the maintenance and securing of public safety and order in the state as he may consider necessary and it shall be the duty of the state commandant shall comply with the directives or cause them to be complied with.

Regulations.

28. The Corps may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effects to the provisions of this Act and for the due administration of its provisions.

Interpretation.

29. In this Act-
- “Board” means the Immigration and Prisons Service Board 1986 No.14 established under the Immigration and Prison Services Board Act 1986;
- “Corps” means the Nigeria Security and Civil Defence Corps established under section 1 of this Act;
- “Minister” means the Minister charged with responsibility for matters relating to internal affairs;
- “Period of emergency” includes any period of disorder or unrest and environmental or structural disaster.

Citation.

30. This Act may be cited as the Nigeria Security and Civil Defence Corps Act, 2003

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SCHEDULE

Section 2(2)

ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

PROCEEDINGS

1. (1) The Board shall, for the purpose of this Act, meet not less than three times in each year.

(2) The board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the board for such period as it thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

COMMITTEES

2. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, its functions under this Act as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office in the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

MISCELLANEOUS

3. (1) The fixing of the seal of the Corps shall be authenticated by the signature of the Chairman or any other person authorised generally or specifically to act for that purpose by the Board and the Commandant-General.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Commandant-General or any person generally or specially authorised to act for the purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

**I CERTIFY, IN ACCORDANCE WITH SECTION 2(1)
OF THE ACTS AUTHENTICATION ACT, CAP. 4,
LAWS OF THE FEDERATION OF NIGERIA 1990,
THAT THIS IS A TRUE COPY OF THE BILL PASSED
BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.**



IBRAHIM SALIM, CON


CLERK TO THE NATIONAL ASSEMBLY

20th DAY OF JUNE, 2003

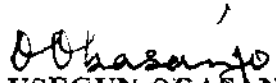
SCHEDULE TO THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS BILL, 2003

(1) SHORT TITLE OF THE BILL	(2) LONG TITLE OF THE BILL	(3) SUMMARY OF THE CONTENTS OF THE BILL	(4) DATE PASSED BY SENATE	(5) DATE PASSED BY HOUSE OF REPRESENTATIVES
The Nigeria Security and Civil Defence Corps Bill, 2003.	An Act to establish the Nigeria Security and Civil Defence Corps; and for related purposes.	This Bill seeks to provide a statutory backing to the Nigeria Security and Civil Defence Corps, which has functions, amongst others, of assisting in the maintenance of peace and order and of protecting and rescuing the civilian population during a period of emergency.	21 st May, 2003	28 th May, 2003

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

 ^{WA}
 20/6/2003
IBRAHIM SALIM, CON
 Clerk to the National Assembly
 20th Day of June, 2003

I ASSENT.


CHIEF OLUSEGUN OBASANJO, GCFR
 President of the Federal Republic of Nigeria
 25th Day of June, 2003