

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 27

Lagos — 20th May, 2013

Vol. 100

Government Notice No. 84

The following is published as Supplement to this *Gazette* :

<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
4	State of Emergency (Certain States of the Federation) Proclamation, 2013	B 43-44

Printed and Published by The Federal Government Printer, Lagos, Nigeria.

FGP 46/052013/1,200 (OL 31)

Annual Subscription from 1st January, 2013 is Local : ₦15,000.00 Overseas : ₦21,500.00 [Surface Mail] ₦24,500.00 [Second Class Air Mail]. Present issue ₦1,000.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

S. I. 4 of 2013

**CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA, 1999
STATE OF EMERGENCY (CERTAIN STATES OF THE
FEDERATION) PROCLAMATION, 2013**

[20th day of May, 2013]

Commence-
ment.

WHEREAS the Federal Republic of Nigeria has been experiencing serious crises, internal tension and civil disturbances which presently constitute grave threats to peace, order, good governance, security and safety of life and property ;

WHEREAS these crises, internal tension and civil disturbances are currently predominant in the North- East Geopolitical Zone of the country ;

WHEREAS these crises and disturbances transcend religious, political and ethnic divide with the perpetrators of the crises utilizing terrorist tactics, thereby occasioning serious breakdown of law and order ;

WHEREAS it is evident that the magnitude of the crises in the affected States and Local Government Areas has overwhelmed the response capacities of the concerned State Governments which have accordingly not been able to manage, curtail or eradicate the situation leading to the total breakdown of public order, public safety and security in the affected areas ;

WHEREAS extraordinary measures are required to restore peace, order and security in the affected States ;

NOW THEREFORE, in exercise of the powers conferred upon me by section 305(1), (3) (c), (d) and (f) of the Constitution of the Federal Republic of Nigeria, 1999 and all other powers enabling me in that behalf, I, DR. GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria hereby issue the following Proclamation :

1. As from the commencement of this Proclamation, a State of Emergency is declared in each of the States listed in the Schedule to this Proclamation.

Proclamation
of State of
Emergency.

2. Notwithstanding the provisions of this Proclamation, the Governor of each State listed in the Schedule to this Proclamation shall continue to administer the respective State subject to any order, instruction or regulation as may, from time to time, be issued by me.

Administra-
tion by a
State
Governor.

3. This Proclamation may be cited as the State of Emergency (Certain States of the Federation) Proclamation, 2013.

Citation.

SCHEDULE

States

Borno State

Yobe State

Adamawa State

ISSUED at Abuja this 20th day of May, 2013.

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria

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Government Notice No. 85

The following is published as Supplement to this *Gazette* :

<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
5	Emergency Powers (General) Regulations, 2013	B 47-49

Printed and Published by The Federal Government Printer, Lagos, Nigeria.

FGP 47/052013/1,200 (OL 32)

Annual Subscription from 1st January, 2013 is Local : ₦25,500.00 Overseas : ₦37,500.00 [Surface Mail] ₦49,500.00 [Second Class Air Mail]. Present issue ₦1,000.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

S. I. 5 of 2013

EMERGENCY POWERS ACT

EMERGENCY POWERS (GENERAL) REGULATIONS, 2013

[20th day of May, 2013]

Commence-
ment.

WHEREAS pursuant to the provisions of section 305(1), (3) (c), (d) and (f) of the Constitution of the Federal Republic of Nigeria 1999, the President of the Federal Republic of Nigeria has declared that a State of Emergency exists in the States listed in the Schedule to these Regulations :

NOW THEREFORE, in exercise of the powers conferred upon me by section 3 of the Emergency Powers Act, No. 1 of 1961 (as modified) and of other powers enabling me in that behalf, I, DR. GOODLUCK EBELE JONATHAN, President of the Federal Republic of Nigeria, hereby make the following Regulations—

1. In these Regulations unless the context otherwise requires—

Interpreta-
tion.

“*duly authorized person*” means any person designated or authorized to act on behalf of the President of the Federal Republic of Nigeria with respect to the administration of any emergency area ; and

“*emergency area*” means the States listed in the Schedule to these Regulations including the Local Government Areas of the States.

2.—(1) A State Governor in an emergency area shall continue with the general functions of administering the emergency area under the control of the President or any person designated or authorized to act on his behalf.

Administra-
tion of the
Emergency
Areas.

(2) A Local Government Chairman in an emergency area shall continue with the general functions of administering the emergency area under the control of the President or any person designated or authorized to act on his behalf.

(3) The President may give directions to a State Governor or Local Government Chairman directly or through his designate or a duly authorized person with respect to the administration of the emergency area and it shall be the duty of the State Governor or Local Government Chairman to comply with the directive.

3.—(1) The President may, make such Orders as appear to him to be necessary or expedient for the purpose of maintaining and securing peace, public order, public safety and good governance in the emergency area.

Power of
President to
make orders.

(2) Any Order made under sub-regulation (1) of this Regulation may in particular, if it appears to the President to be necessary or expedient for the purpose mentioned in the sub-regulation—

(a) make provision for the detention of any person either within the emergency area or elsewhere, removal and exclusion of any person from the emergency area ;

(b) authorize the taking of possession or control of any property or undertaking in the emergency area ;

- (c) authorize the entry and search of any premises ;
- (d) provide for the application of any law (with or without modification), in relation to that area ;
- (e) provide for the utilization of the funds of any State or Local Government in the emergency area ;
- (f) provide for the payment of compensation and remuneration to persons affected by the Order ;
- (g) provide for the apprehension, trials and punishment of persons offending against the Order ; and
- (h) provide for the maintenance of such supplies and services as the President considers essential to the lives of persons in the emergency area.

(3) Nothing in sub-regulation (2) of this regulation shall authorize the making of provisions for the trial of a person by military courts.

(4) An Order made under these Regulations may provide that the Order shall have effect for all purposes as if it were a law made by the House of Assembly of the State of the emergency area concerned.

(5) The President shall, as soon as reasonably practicable after an Order has been made under these Regulations, transmit a copy of the Order to each House of the Assembly for approval and if the National Assembly disallows the Order, it shall cease to have effect without prejudice to anything done thereunder.

Control of the Police in the Emergency Areas.

4. Subject to the provisions of subsection (3) of section 215 of the Constitution of the Federal Republic of Nigeria 1999 and of any direction given in pursuance of that subsection, a person designated or authorized by the President may give to the Commissioner of Police in the emergency area such directions with respect to the maintenance of security, public safety and order as the person considers expedient and it shall be the duty of the Commissioner of Police to comply with the directions.

Control of functions of certain authorities in the emergency Areas.

5. It shall be the duty of any person holding office—

- (a) as Governor in any of the emergency States ;
- (b) as Local Government Chairman in any of the Local Government Areas in the affected States ; or
- (c) in the public service of the State in the emergency area within the meaning of the Constitution of the Federal Republic of Nigeria 1999 ;

to exercise their functions in accordance with any directions given to them by the President, his designate or any authorized person.

Authentication of instruments.

6. Any instrument purported to be signed by the President, his designate or a person authorized by him shall until the contrary is proved, be deemed to be signed by the President, his designate or the authorized person.

Citation.

7. These Regulations may be cited as the Emergency Power (General) Regulations, 2013.

SCHEDULE

States

Borno State

Yobe State

Adamawa State

ISSUED at Abuja this 20th day of May, 2013.

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria

EXPLANATORY NOTE

*(This note does not form part of the above Regulations but is
intended to explain its purport)*

These Regulations make provisions for the general administration of the emergency areas.